

City Council Minutes
February 13, 2018

Regular Meeting
City Hall Council Chambers

Tuesday, February 13, 2018
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss. The City Clerk called the roll:

Councilor Vachon-present
Councilor O’Connell-present
Councilor Ferris-present

Councilor Uhlenhake-present
Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Bost was also present.

Chairman Goss led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O’Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, February 13, 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Ronda J. Hogan
City Clerk

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	D.Martin	Off.	2/9/18	15:47
Matthew Vachon	A.Treadwell	Admin. Asst.	2/9/18	4:15 pm
Beverly Uhlenhake	D.Martin	Off.	2/9/18	15:40
Jerry Goss	R.Hogan	C.C.	2/9/18	9:00 am
Kevin O’Connell	D.Martin	Off.	2/9/18	15:43

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CITY COUNCIL REGULAR MEETING
Tuesday, February 13, 2018 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Goss)
- A. Minutes of January 23, 2018 Regular Meeting** (Councilor O’Connell)
- B. Awards, Petitions and Public Comments.**
- C. Consent Calendar.**
 - 1. (2018-A011) ORDER Authorize a Municipal Partnership Agreement with the MDOT for the Resurfacing of a Portion of Eastern Avenue. (Councilor Vachon)
 - 2. (2018-A012) ORDER Accept State Forfeiture Funds (Councilor O’Connell)
 - 3. (2018-A013) ORDER Accept State Forfeiture Funds (Councilor Uhlenhake)
 - 4. (2018-A014) ORDER Authorize Purchase of a Replacement Truck/Plow for Public Works (Councilor Ferris)
 - 5. (2018-A015) ORDER Authorize Supplemental Appropriation to Cover Extraordinary Winter Maintenance Expenses (Councilor Vachon)
 - 6. (2018-A016) ORDER Authorize Use of Insurance Reserves to Cover Deductible Expense (Councilor O’Connell)
 - 7. (2018-A017) ORDER Accept Wellness Funds from Maine Municipal Employess Health Trust (Councilor Uhlenhake)
 - 8. (2018-A018) ORDER Accept Donation to the Brewer Public Library for Books (Councilor Ferris)
- D. Monthly Reports.** (Councilor O’Connell)
- E. Nominations, Appointments, Elections.**
- F. Unfinished Business.**
 - 1. (2018-C001) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, Section 424 Parking and Loading, Subsection 424.2 General Parking Requirements. (Councilor O’Connell)
 - 2. (2018-C002) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, to Nullify an Existing Contract Zone Agreement Between the City of Brewer and Franklin G. Hinkley, Jr. Pertaining to Land at 396 North Main Street (Tax Map 34 Lot 84) and to Change a Portion of Medium Density Residential -1 (MDR-1) Zoning District to Convenience Business (CB) Zoning District for the Entire Properties Located on North Main Street and Gilmore Street Identified as Tax Map 34 Lots 83 and 84. (Councilor Uhlenhake)
- G. New Business.**
- H. New Items with Leave of Council.**
- I. ADJOURN.**

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A. Minutes of January 23, 2018 Regular Meeting

ACTION: Councilor O’Connell moved that the minutes be accepted and placed on file. The motion was seconded and passed with unanimous vote.

B. Awards, Petitions and Public Comments.

ACTION: Assistant City Manager James Smith introduced the City’s newest employee, Rhonda Ackerson. She is taking on the role of General Assistance Administrator.

C. Consent Calendar

ACTION: Councilor Uhlenhake removed order 2018-A014.

Councilor Vachon moved that the remaining orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

2018-A011

February 13, 2018

TITLE: ORDER, AUTHORIZE A MUNICIPAL PARTNERSHIP AGREEMENT WITH THE MDOT FOR THE RESURFACING OF A PORTION OF EASTERN AVENUE.

Filed January 30, 2018
By Matthew Vachon

WHEREAS, the portion of Eastern Avenue between State Street and Oak Grove Drive will require resurfacing in the next 1-2 years; and

WHEREAS, this is a “State-Aid” road which is eligible for State and Federal funding participation; and

WHEREAS, a previous request for funding of this project through BACTS was unsuccessful and indicated that this project would be unlikely to receive BACTS funding in the next few years due to its relative low regional priority and low traffic volumes; and

WHEREAS, the Engineering Department, on behalf of the City, applied for and was awarded \$300,000 in funding on a 50/50 basis for the construction year 2019 through the MDOT’s Municipal Partnership Initiative for the purpose of resurfacing this portion of Eastern Avenue;

NOW, THEREFORE, be it ordered that the City Manager, or his designee, is authorized to execute a Municipal Partnership Agreement with the MDOT in the amount of \$300,000 for the resurfacing of Eastern Avenue from State Street to Oak Grove Drive; and

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BE IT FURTHER ORDERED, that the Finance Director shall include \$300,000 in the FY 2019 or 2020 CIP for the Resurfacing of Eastern Avenue with \$150,000 coming from the City and \$150,000 from the State of Maine under the terms of the MDOT’s Municipal Partnership Initiative.

Statement of Fact:

This order authorizes a Municipal Partnership Agreement with the MDOT for Re-surfacing a portion of Eastern Avenue in 2019 on a 50/50 cost sharing basis (\$150,000 each).

2018-A012

February 13, 2018

TITLE: ORDER, ACCEPT STATE FORFEITURE FUNDS

Filed February 5, 2018
By Kevin O’Connell

WEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS; this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department’s valuable assistance in the successful completion of the investigation; and

WHEREAS; under Maine Law, Title 15 M.R.S.A., §5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW THEREFORE BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Docket Number	Assets
CR-17-2090	\$3,987.25 in U.S. Currency

AND FURTHER BE IT ORDERED, that the City Manager or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

AND FURTHER BE IT ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

Statement of Fact

The City of Brewer Police Department received \$3,987.35 in asset forfeiture funds as the result of a successful drug investigation. These assets have been ordered by the court to be turned over to the Brewer Police Department.

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2018-A013

February 13, 2018

TITLE: ORDER ASSET FORFEITURE (STATE)

Filed January 31, 2018
By Beverly Uhlenhake

WEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS; this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS; under Maine Law, title 15 M.R.S.A., §5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW THEREFORE BE IT ORDERED, that the City of Brewer, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Docket Number	Assets
CR-17-1081	\$1,914.20 in US Currency

AND FURTHER ORDERED, that the City Manager or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

AND FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

Statement of Fact

The City of Brewer Police Department received \$1,914.20 in asset forfeiture funds as the result of a successful drug investigation. These assets have been ordered by the court to be turned over to the Brewer Police Department.

2018-A014

February 13, 2018

TITLE: ORDER AUTHORIZE PURCHASE OF A
REPLACEMENT TRUCK/PLOW FOR PUBLIC
WORKS

Filed February 6, 2018
By Joseph L. Ferris

WHEREAS, Bids were solicited, received and evaluated for the purchase of a dump truck/snowplow to replace Public Works unit #439 a 2009 Sterling plow truck, whose replacement was included in the approved FY18 CIP ; and

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WHEREAS, _____ provided the City with the lowest bid of the _____ bids received in the amount of \$_____, which includes the trade-in deduction of \$_____ allotted for the Public Works unit #439; and

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to _____ in the amount of \$_____ for the purchase of a _____ dump truck with plow, wing and sander body; and

BE IF FURTHER ORDERED, that the current Public Works unit numbered 439, the 2009 Sterling dump truck, with a plow and wing, be release and transferred ownership to _____ once the replacement truck has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-_____, titled “” Sterling Plow/Sander #439”.

Statement of Fact

The bids for this replacement truck/plow for Public Works will be opened Friday, February 9, 2018, the final numbers to fill in the above blanks will be provided for Council consideration as soon as possible, before the meeting on February 13th.

2018-A015

February 13, 2018

TITLE: ORDER, AUTHORIZE SUPPLEMENTAL APPROPRIATION TO COVER EXTRAORDINARY WINTER MAINTENANCE EXPENSES

Filed February 8, 2018
By Matthew Vachon

WHEREAS, storms during this winter season have required Public Works to use more materials due to extended durations, time of day, temperature swings, and variety of precipitation; and

WHEREAS, the long-range forecast is calling for similar conditions to persist throughout the remainder of the winter season; and

WHEREAS, it is anticipated that the remaining rock salt budget will not be able to cover the needs of the department through the remainder of this season; and

WHEREAS, the City received more Business Equipment Tax Exemption (BETE) reimbursement from the State than it anticipated when the FY18 budget was approved;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of an additional \$30,000 from Public Works account 0116671-502530 “Rock Salt” to cover the cost of the unanticipated overages for winter maintenance materials; and

BE IT FURTHER ORDERED, that the funding for this unanticipated expense come from unanticipated BETE Reimbursement revenues received (0106902-300205).

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Statement of Fact

Unusual weather conditions during this winter season have put a strain on the City's rock salt budget. If conditions persist as anticipated, Public Works will not have enough rock salt to properly combat storms through the remainder of the season therefore, we are requesting an additional \$30,000 in funds to ensure we have the needed materials to keep the roadway safe. Funding for this cost will come from unanticipated Business Equipment Tax Exemption reimbursement revenue received from the State.

2018-A016

February 13, 2018

ORDER: TITLE, AUTHORIZE USE OF INSURANCE RESERVES TO COVER
DEDUCTIBLE EXPENSE

Filed February 8, 2018
By Kevin O'Connell

WHEREAS, in the course of paving Chamberlain Street a roller Public Works had rented to assist with the job was damaged; and

WHEREAS; the City was responsible for covering the \$10,000 deductible, and the City's insurer paid the remainder of the cost to repair the equipment; and

WHEREAS; the City maintains a reserve to help cover unanticipated deductible expenses;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does authorize the use of \$10,000 in Insurance Deductible Reserve funds (account 0200000-520000-62001) to cover this deductible expense;

AND, FURTHER ORDERED, that the \$10,000 be moved to and authorized for appropriation and expenditure from account 0116200-501290 (Insurance Deductive – Property Damage) to help pay for the deductible cost of the equipment repairs.

Statement of Fact

This order appropriates \$10,000 from the City's insurance deductible reserve account to cover the insurance deductible required on repairs to a roller damaged during the paving of Chamberlain Street.

2018-A017

February 13, 2018

TITLE: ORDER, ACCEPT WELLNESS FUNDS FROM MAINE MUNICIPAL
EMPLOYEES HEALTH TRUST

Filed February 8, 2018
By Beverly Uhlenhake

WHEREAS, the City is eligible to receive \$3,400 from the Maine Municipal Employees Health

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Trust to support wellness initiatives and expenses in CY2018; and

WHEREAS, the City's Wellness Committee has wellness programs planned for this coming year;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$3,400 in wellness funds and directs that they be deposited into the City's CY2018 Wellness Grant Revenue account (0600501-360000-53017);

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the wellness funds from the CY2018 Wellness Expense account (0600501-560000-53017) to promote the health and wellness of City employees.

Statement of Fact

This order accepts \$3,400 from the Maine Municipal Employees Health Trust to be used in calendar year 2018 to support City health and wellness initiatives and expenses.

2018-A018

February 13, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC LIBRARY FOR BOOKS.

Filed February 7, 2018

By Joseph L. Ferris

WHEREAS, the Brewer Public Library has received a contribution totaling \$50.00 from Roberta J. Lynch to supplement and support the purchase of new books for the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that this donation be appropriated and expended as requested by the donor;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$50.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books).

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the Library.

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support the purchase of new books.

ACTION: Councilor Ferris moved that order 2018-A014 have passage. The motion was seconded.

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Councilor Ferris moved that the order be tabled until the next Council meeting. The motion was seconded and passed by unanimous vote.

D. Monthly Reports

ACTION: Councilor O'Connell moved that the monthly reports from the City Department heads be accepted and placed on file. The motion was seconded and passed by unanimous vote.

E. Nominations, Appointments, Elections

There were no items.

F. Unfinished Business

2018-C001

January 23, 2018-posted

ORDER AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, SECTION 424 PARKING AND LOADING, SUBSECTION 424.2 GENERAL PARKING REQUIREMENTS.

Filed January 16, 2018

By Kevin O'Connell

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code" shall be amended by adding the following subsection to Article 4:

ARTICLE 4 PERFORMANCE STANDARDS

410 PARKING AND LOADING, SECTION 424.2 GENERAL PARKING REQUIREMENTS

- 5a.** The Code Enforcement Officer may reduce the side and rear parking setback requirements in the Convenience Business, Office Residential, and Downtown Development Districts for commercial uses utilizing existing buildings. In no case shall the side and rear parking setbacks be less than one (1) foot. In determining the appropriate side and rear parking setbacks, the Code Enforcement Officer shall consider specific on-site conditions and shall have the owner/applicant sign an agreement indicating that 1) the parking spaces are located on their property, 2) snow plowing and/or snow piles will be kept on their property unless agreed to with abutter, 3) any changes to stormwater flows meet ordinances regulations, and 4) they will comply with any additional conditions or restrictions imposed by the Code Enforcement Officer.

STATEMENT OF FACT

This ordinance amendment is proposed in order to allow the Brewer Code Officer to reduce the side and rear parking setback in the CB, OR, and DD zoning districts under specific circumstances.

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The Planning Board held a public hearing on January 8, 2018 and unanimously made the recommendation to adopt these amendments.

ACTION: Councilor O’Connell moved that the proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

2018-C002

January 23, 2018-posted

ORDER TITLE: AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, TO NULLIFY AN EXISTING CONTRACT ZONE AGREEMENT BETWEEN THE CITY OF BREWER AND FRANKLIN G. HINKLEY, JR. PERTAINING TO LAND AT 396 NORTH MAIN STREET (TAX MAP 34 LOT 84) AND TO CHANGE A PORTION OF MEDIUM DENSITY RESIDENTIAL -1 (MDR-1) ZONING DISTRICT TO CONVENIENCE BUSINESS (CB) ZONING DISTRICT FOR THE ENTIRE PROPERTIES LOCATED ON NORTH MAIN STREET AND GILMORE STREET, AND RIVERVIEW TERRACE IDENTIFIED AS TAX MAP 34 LOTS 82, 83 AND 84, 85, 86, 87, AND 103.

Filed January 16, 2018
By Beverly Uhlenhake

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code” be amended to nullify an existing contract zone agreement between The City of Brewer and Franklin G. Hinkley, Jr. pertaining to land at 396 North Main Street (Tax Map 34 Lot 84) and to change a portion of Medium Density Residential -1 (MDR-1) zoning district to Convenience Business (CB) zoning district for the entire properties located on North Main Street and Gilmore Street, and Riverview Terrace identified as Tax Map 34 Lots 82, 83 and 84, 85, 86, 87, and 103 with the zone line to follow the centerline of the road right-of-way as appropriate.

STATEMENT OF FACT

This Order eliminates the existing contract zone agreement for Tax Map 34 Lot 84 and rezones Tax Map 34 Lots 83 and 84 into the CB district.

The original proposed zoning amendment, which went to the Planning Board and public hearing, included the elimination of the existing contract zone agreement and changing the zoning of Tax Map 34 Lots 82, 83, 84, 85, 86, 87, and 103 to CB. This ordinance zoning amendment was proposed in order to eliminate the existing contract zone agreement for the existing convenience store/gas station lot and make it an allowed use in the zoning district, to make the four existing 2- and multi-family residential buildings conforming uses in the district, and to allow commercial uses at the vacant old Decker garage.

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The Planning Board held a public hearing on January 8, 2018 and made the recommendation, at a vote of 5-2, to nullify the existing contract zone agreement and to change the zone line so that the parcel located at 396 North Main Street (tax map 34 lot 84) is entirely within the Convenience Business (CB) district.

ACTION: Councilor Uhlenhake moved that order 2018-C002 be enacted. The motion was seconded and passed by unanimous vote.

G. New Business

There were no items.

H. New Items with Leave of Council

There were no items.

Chairman Goss said he would accept a motion for adjournment.

ACTION: Councilor Uhlenhake moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:10 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine