

City Council Minutes
Tuesday, December 8, 2020

Regular Meeting
Via zoom

Tuesday, December 8, 2020
6:00 p.m.

The regular meeting was called to order by Mayor Michele Daniels. The city clerk called the roll:

Councilor Goss-present
Councilor Morin-present
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

Mayor Daniels declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Mayor Daniels led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Mayor Daniels read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Michele Daniels, Soubanh Phanthay and Jenn Morin MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, December 8, 2020 at 6:00 p.m. virtually, via zoom to consider and act on the items on the attached agenda.

s/Michele Daniels
Mayor and Chairman of the City Council
Or _____
Majority of the City Council

a true copy, attest: s/Vincent P. Migliore
City Clerk

OFFICER'S RETURN

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
Michele Daniels	V. Migliore	CC.	12/04/20	14:02
Soubanh Phanthay	Sewall	Off.	12/04/20	16:40
Jerry Goss	Sewall	Off.	12/04/20	16:30
Joseph L. Ferris	S. Jones	Off.	12/04/20	18:00
Jenn Morin	V. Migliore	CC.	12/04/20	14:22

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With the shift to remote meetings, we have modified how we receive public comments. At this time, the Brewer City Council is accepting written public comments in place of in-person participation. Written public comments must be e-mailed to City Clerk Vincent Migliore at vmigliore@brewermaine.gov or mailed to Public Comments, City Hall, 80 North Main Street, Brewer ME 04412. Public Comments must be received in writing by 4:00 PM on the date of the Council meeting in order to be provided to the City Council in advance of the meeting. Any public comments received will become part of the permanent record of the meeting. If e-mailing, please note "Public Comment" and the meeting date in the subject field.

CITY COUNCIL REGULAR MEETING
Tuesday, December 08, 2020 6:00 P.M.

Virtual Meeting via Zoom due to the ongoing COVID-19 pandemic
Physical attendance by the public at City Hall is not permitted
General Public Link:

https://us02web.zoom.us/webinar/register/WN_T7Rwn2SdSXanlfv7trRv3w

- I. Call to Order** (Mayor Daniels)
- II. Roll Call** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America** (Mayor Daniels)
- A. Minutes of November 17, 2020 Regular Meeting and Annual Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments**
- IV. Recess for Public Hearing**
 - 1. MKBG LLC, d/b/a Mad Kat & Company Bar & Grill, 393 North Main Street, Brewer, Maine for a State of Maine Class I, II, III and IV (malt liquor, wine & spirits) liquor license.
- C. Consent Calendar**
 - 1. (2020-A127) ORDER Authorize the purchase of parts for the septage receiving plant at the Brewer water pollution control facility. (Councilor Ferris)
 - 2. (2020-A128) ORDER Authorize Tax Release Deed, Map 33, Lot 22, 45 Holyoke Street, Brewer, Maine. (Councilor Morin)
 - 3. (2020-B036) RESOLVE Approve State of Maine Restaurant (Class I, II, III, IV) Liquor License to Mad Kat & Company Bar & Grill, 393 North Main Street. (Councilor Phanthay)
 - 4. (2020-A129) ORDER Accept Grant from the Stephen and Tabitha King Foundation to the Brewer Public Library. (Councilor Goss)
 - 5. (2020-A130) ORDER Commit Water Assessment to Treasurer for collection. (Councilor Ferris)
 - 6. (2020-A131) ORDER Commit Sewer Assessment to Treasurer for collection. (Councilor Morin)
 - 7. (2020-A132) ORDER Authorize the purchase of a new compact loader for sidewalk plowing and other uses. (Councilor Phanthay)
 - 8. (2020-A133) ORDER Authorize purchase of a replacement loader for Public Works. (Councilor Goss)

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- 9. (2020-A134) ORDER Accept donation to the Brewer Parks and Recreation Department. (Councilor Ferris)
- 10. (2020-A135) ORDER Authorize the purchase of two impellers for pumps at Hardy Street Pump Station. (Councilor Morin)

D. Monthly Reports (Councilor Phanthay)

E. Nominations, Appointments, Elections

- 1. (2020-A136) ORDER Appoint Animal Control Officer. (Councilor Morin)

F. Unfinished Business

- 1. (2020-C009) ORDER Amend Chapter 24, entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 3, Zoning Districts, to amend Section 306; Article 4, Performance Standards, to amend Section 438; and Article 14 Definitions. (Councilor Ferris)

G. New Business

- 1. (2020-C010) ORDER Amend Chapter 19, entitled "Traffic Code" of the City of Brewer Charter, Codes and Ordinances, Article 3, Stopping, Standing and Parking, to amend Section 315, Schedule A and Schedule C, and Section 320, Line Item #5. (Councilor Goss)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of November 17, 2020 Regular Meeting and Annual Meeting

ACTION: Councilor Goss moved that the minutes be accepted and placed on file. Councilor Ferris seconded. The motion passed with a unanimous vote.

B. Awards, Petitions and Public Comments

ACTION: Mayor Daniels offered congratulations to Ralph Cammack on his retirement. Councilor Goss, Councilor Ferris, and Councilor Morin offered further congratulations. Mayor Daniels asked if any communications had been received from the public, there were none.

IV. Recess for Public Hearing

Mayor Daniels said that the City Council would recess for a public hearing and after the public hearing would return to the regular meeting and take up the rest of the items on the agenda.

The public hearing was called to order by Mayor Daniels. The City Clerk called the roll:

Councilor Goss-present
Councilor Morin-present
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

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Mayor Daniels declared all members were present.

Mayor Daniels read the notice for the public hearing.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a virtual public hearing on Tuesday, the 8th day of December, 2020 at 6:00 p.m. via Zoom to consider the application of:

1. MKBG LLC, d/b/a Mad Kat & Company Bar & Grill, 393 North Main Street, Brewer, Maine for a State of Maine Class I, II, III and IV (malt liquor, wine & spirits) liquor license and City of Brewer victualers license.

These applications are available for public inspection by contacting the Brewer City Clerk (989-7050) and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this virtual public hearing. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412 or emailed to vmigliore@brewermaine.gov.

Vincent P. Migliore
City Clerk

Published November 28th, 30th & December 1st
in the Bangor Daily News

Mayor Daniels asked if any comments had been received from the public for the public hearing, there were none. Mayor Daniels asked if the City Departments had any comments, the city clerk advised that there were no objections. Mayor Daniels asked if the Councilors had any comments, there were none. Mayor Daniels closed the public hearing.

C. Consent Calendar

2020-A127

December 08, 2020

TITLE: ORDER, AUTHORIZE THE PURCHASE OF PARTS FOR THE SEPTAGE RECEIVING PLANT AT THE BREWER WATER POLLUTION CONTROL FACILITY.

Filed November 24, 2020
By Joseph L. Ferris

WHEREAS, the Raptor Screen Basket Assembly on the septage receiving plant has failed due to metal fatigue, and

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Filed November 30, 2020
By Soubanh Phanthay

WHEREAS, Mad Kat & Company Bar & Grill, 393 North Main Street, Brewer, Maine has applied to the State of Maine, Bureau of Liquor Enforcement, for a Restaurant Class I, II, III, IV, liquor license; and

WHEREAS, the Brewer City officials have reviewed this application and conducted background checks on the applicant and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicants have not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;
3. There is no record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
4. There is no record of repeated incidents of record of breaches of peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and
5. There is no record of the applicants having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws).
6. A determination by the municipal officers or county commissioners that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Mad Kat & Company Bar & Grill, 393 North Main Street, Brewer, Maine, for a State of Maine, Bureau of Liquor Enforcement, Restaurant Class I, II, III, IV liquor license.

2020-A129

December 08, 2020

TITLE: ORDER, ACCEPT GRANT FROM THE STEPHEN AND TABITHA KING FOUNDATION TO THE BREWER PUBLIC LIBRARY.

Filed December 01, 2020
By Jerry Goss

WHEREAS, the City of Brewer Public Library has received a Stephen and Tabitha King Foundation grant of \$4,000.00; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to renovate the library's Cayford Meeting Room; and

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Filed December 02, 2020
By Soubanh Phanthay

WHEREAS, Bids were solicited, received and evaluated for the purchase of a new compact loader with numerous attachments; and

WHEREAS, Central Equipment Company of Stillwater, Maine provided the City with the only bid, in the amount of \$127,214.00; and

WHEREAS, this cost will exceed the amount remaining in the Sidewalk Plow account approved as part of the FY21 CIP by \$25,214; and

WHEREAS, Unit #420, the 2011 trackless sidewalk plow with attachments that the City Council declared surplus in October order 2020-A109, will soon be placed for sale and is expected to sell for more than \$25,000, which will be used to help fund the purchase of this compact loader;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Central Equipment Company up to the amount of \$127,214.00 for the purchase of a 2020/21 Wacker Neuson WL32 compact Loader with attachments and extended warranty; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the FY21 CIP account #0510133-551636 titled "Sidewalk Plow", approved in the FY21 CIP; and

FURTHER ORDERED, that the proceeds from the sale of Unit #420 be receipted to the City's CIP Sale of Assets revenue account (0500100-300410) and be used, at least in part, to make up the \$25,214 difference this compact loader purchase will make in the Sidewalk Plow account (0510133-551636).

Statement of Fact: Acquiring the compact loader will allow the Public Works Department to evaluate effectiveness a conceptual reconfiguration of sidewalk plowing equipment. This machine will be one of our primary sidewalk plowing machines, but it will also be used for many other tasks as it will be equipped not only as a snow blower and plow, but also as a regular loading bucket, flail mower and brush grapple. With the purchase of this compact loader and the used tracked sidewalk plow approved in October, we will exceed funds provided in the FY21 CIP for these sidewalk plow purchases by approximately \$25,000. However, we expect the sale of one of our trackless machines with attachments to make up the difference.

2020-A133

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TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT
LOADER FOR PUBLIC WORKS.

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Filed December 02, 2020
By Jerry Goss

WHEREAS, Bids were solicited, received and evaluated for the purchase of a loader to replace Public Works unit #435 a 2011 Hyundai HL757-9 loader; and

WHEREAS, Central Equipment Company of Stillwater, Maine has provided the City of Brewer with lowest bid of the 7 bids received;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Central Equipment Company in the amount of \$130,492.00 for the purchase of a 2021 Doosan DL280-5 loader; and

BE IT FURTHER ORDERED, that Public Works unit #435, the 2011 Hyundai loader, as part of the bid package, be release and transferred ownership to Central Equipment Company for trade-in once the replacement loader has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the FY21 CIP account 0510133-551386, titled "JCB Loader #435 Replacement".

Statement of Fact: This represents a scheduled replacement of a 9-year-old loader in the department. \$140,000 was included and approved in the City's FY2021 CIP budget for this purchase.

Summary of Bids	
Vendor	Loader Bid Price (Including Trade-In)
Central Equipment	\$ 130,492
Milton Cat	\$ 143,000
Frank Martin & Sons	\$ 156,500
Beauregard	\$ 157,197
TB Equipment	\$ 163,000
Anderson Equipment	\$ 164,058
Anderson Equipment	\$ 198,768

2020-A134

December 08, 2020

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT.

Filed December 02, 2020
By Joseph L. Ferris

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WHEREAS, the City of Brewer Parks and Recreation Department has received a very generous contribution of \$1,000 from an anonymous donor to use for upkeep and enhancement of the Joseph L. Ferris Community Center;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the \$1,000 donation and orders its receipt to 0500100-300490 (CIP Miscellaneous Revenue).

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of the donation to enhance and improve the Ferris Community Center from 0510124-551427 (Auditorium Infrastructure Improvements).

FURTHER ORDERED, that the Council offers its sincere gratitude to the donor for their generosity and giving spirit in support of Brewer's community center facility.

Statement of Fact: This order accepts an anonymous \$1,000 donation to the Parks & Recreation Department to enhance and improve the Ferris Community Center.

2020-A135

December 08, 2020

TITLE: ORDER, AUTHORIZE THE PURCHASE OF TWO IMPELLERS FOR
PUMPS AT HARDY STREET PUMP STATION.

Filed December 02, 2020
By Jenn M. Morin

WHEREAS, PACO, the company that supplied the pumps for the Hardy Street pump station upgrade in 1997 went out of business, and

WHEREAS, we are no longer able to purchase replacement parts for the pumps, and

WHEREAS, the pump impellers are worn out which reduces the pump output and efficiency by 40% which is causing surcharging issues in the sewer systems during heavy rain events, and

WHEREAS, we solicited bids, and received two quotes from companies that can reverse engineer and fabricate new impellers that will match the performance of the original impellers,

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee, is authorized to sign a purchase order to Industrial Pump Sales and Service in Tiverton, RI in the amount of \$30,270.00 for the purchase of two impellers, and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0817702-503200, Reserve Machinery and Equipment.

Statement of Facts: We received two quotes to reverse engineer and fabricate two impellers for the pumps at Hardy Street pump station and they are as follows:

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SIMS impellers- \$30,370
ABBA impellers- \$39,850

ACTION: Councilor Ferris moved that the resolves on the consent calendar be adopted and the orders have passage. Councilor Phanthay seconded the motion. The motion passed by a unanimous vote.

D. Monthly Reports

ACTION: Councilor Phanthay moved that the monthly reports from department heads be accepted and placed on file. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

E. Nominations, Appointments, Elections

2020-A136

December 08, 2020

TITLE: ORDER, APPOINT ANIMAL CONTROL OFFICER.

Filed December 04, 2020

By Jenn M. Morin

WHEREAS, Brewer Animal Control Officer Daniel Joy resigned his position in May of 2020, and

WHEREAS, the Animal Control Officer is a position of great importance to the ongoing health and safety of our community,

BE IT ORDERED, that Officer Michael Parady of the Brewer Police Department is herewith appointed as the City of Brewer's primary Animal Control Officer for a term commencing December 14, 2020 and expiring June 30, 2021.

Statement of Fact: Dan Joy resigned as Brewer ACO in May 2020. Since that time the Brewer Police Department's Patrol Division has handled ACO calls as an interim solution. Fiscal Note: ACO Joy's stipend \$550/month; Officer Parady's stipend: \$160/month plus call out pay pursuant to collective bargaining agreement for cases that require ACO response after hours.

ACTION: Councilor Morin moved that the order have passage. Councilor Ferris seconded the motion. The motion passed by a unanimous vote.

F. Unfinished Business

2020-C009

October 13, 2020

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TITLE: ORDER, AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 3, ZONING DISTRICTS, TO AMEND SECTION 306; ARTICLE 4, PERFORMANCE STANDARDS, TO AMEND SECTION 438; AND ARTICLE 14, DEFINITIONS.

filed October 07, 2020
by Joseph L. Ferris

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 revising the following subsections to Article 3, Article 4 and Article 14:

ARTICLE 3 ZONING DISTRICTS

306 SCHEDULE OF USES

306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES (#41)(#45)

3. PROHIBITED USES

Uses substantially similar to a prohibited use in the Schedule of Uses, as determined by the Code Enforcement Officer, are prohibited.

The following recreational marijuana uses, as defined by State Statute, are prohibited (this does not prohibit the cultivation and sale of medical marijuana as ~~currently~~ permitted by this Land Use Code):

~~Adult use Retail~~ marijuana cultivation facilities;
~~Adult use Retail~~ marijuana products manufacturing facilities;
~~Adult Use Retail~~ marijuana testing facilities; and
~~Adult Use Retail~~ marijuana stores; ~~and~~
~~Social clubs where product can be sold and used.~~

The following medical marijuana uses, as defined by State Statute and this Ordinance, are prohibited:

Medical marijuana caregiver retail stores;
Medical marijuana cultivation and processing facilities;
Medical marijuana registered dispensaries and medical marijuana dispensary cultivation facilities (except as expressly allowed in this Ordinance);
Medical marijuana testing facilities; and

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Medical marijuana manufacturing facilities.

306.5 SCHEDULE OF USES (#31)(#46)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
RESIDENTIAL USES													
<u>Medical Marijuana Home Production</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>	<u>Y-66, 67</u>
INSTITUTIONAL USES													
Medical Marijuana Registered Dispensary(#16)												S-11	
<u>Medical Marijuana Dispensary Cultivation Facility (#16)</u>												S-11	

Footnotes to Schedule of Land Uses

11. The following Chapters, Articles and Sections shall apply: Chapter 24, Land Use Code, Article 4, Sections 424.2, 424.3 & 438, and Article 6, Section 607.7.1. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000 feet of any property line upon which the Dispensary or Facility is or are located and the nearest property line of a preexisting public or private school. Additionally, no medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 500 feet of any property line upon which the Dispensary and/or Facility is or are located and the nearest property line of any of the following, which is or are in existence when an application for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility is made:
- a. Preexisting church or other facility for religious worship;
 - b. Preexisting private residence,
 - c. Preexisting license daycare facility, or

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d. Preexisting methadone clinic. (#16)

65. Medical marijuana home production, as defined herein, shall be considered an accessory residential use that does not require land use permitting. As an accessory use, medical marijuana home production shall be allowed in any qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence in every zoning district, without any requirement for land use permitting. Medical marijuana Home Production does not include a medical marijuana cultivation and processing facility. For the purposes of the Schedule of Uses, a “medical marijuana cultivation and processing facility” is a facility used for cultivating, processing, testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient’s primary year-round residence. Multiple caregivers may operate on a single parcel if that parcel constitutes the medical marijuana caregiver’s primary year-round residence. For the purpose of this use, marijuana shall have the same definition as set forth in 18-691, Ch 2 of the Code of Maine Rules, as amended, and caregiver shall have the same definition as set forth in the Maine Medical Use of Marijuana Act, as amended.

66. Medical Marijuana Home Production as an accessory use does not authorize any residential uses that are otherwise prohibited according to the Schedule of Uses. Medical Marijuana Home Production as an accessory use is allowed in conjunction with any lawfully existing nonconforming residential use, provided all applicable ordinance, statutes, regulations, and other laws are complied with.

Applicability: Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

ARTICLE 4 PERFORMANCE STANDARDS

438 MEDICAL MARIJUANA REGISTERED DISPENSARIES and MEDICAL MARIJUANA CULTIVATION FACILITIES (#16)

1. The property for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facilities shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking area, and other areas outside of the building (s). A letter of compliance from the Brewer Code Officer shall be submitted to the Planning Board as part of the site plan application. The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity (registered patients and the registered primary caregiver of each registered patient). Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (18-691 10-144 CMR Chapter 2

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~~122~~), as the same may be amended from time to time and to Chapter 20 Licenses and Permits, Article 8-B, of the City of Brewer Charter, Codes and Ordinances, as the same may be amended from time to time.

2. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000² feet of the property line upon which the Dispensary and/or Facility is or are located and the property line of a preexisting public or private school. Additionally, no Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 500² feet of the property line upon which the Dispensary and/or Facility is or are located and the nearest property line of any of the following, which is or are in existence when an application for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility is made:
 - a. Preexisting public or private school,
 - b. Preexisting church or other facility for religious worship,
 - c. Preexisting private residence,
 - d. Preexisting licensed daycare facility, or
 - e. Preexisting methadone clinic.
3. No more than one (1) Medical Marijuana Registered Facility and/or one (1) Medical Marijuana Dispensary Cultivation Facility shall be located in the City of Brewer. The Medical Marijuana Registered Dispensary and Medical Marijuana Dispensary Cultivation Facility shall be located on the same property that shall be under common ownership.
4. A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
5. Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall conform to the City of Brewer's Sign Ordinance. In addition thereto, any freestanding or sign attached to building(s) in which the Dispensary and/or Facility is located in shall clearly state that it is a Medical Marijuana Dispensary and/or Medical Marijuana Dispensary Cultivation Facility. There shall be no signage in any window and or door, except for the hours of operation.
6. Security measures at a Medical Marijuana Registered Dispensary and /or Medical Marijuana Dispensary Cultivation Facility shall include the following at a very minimum:

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- a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the Dispensary and/or Facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;
- b. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;
- c. A safe affixed to the building in which it is located that is suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the Dispensary and/or Facility;
- d. Exterior lighting that illuminates all exterior walls of the licensed Dispensary and/or Facility and
- e. Deadbolt locks on all exterior doors and locks or bars on any other access point.

All security recordings shall be preserved for thirty (30) days by the management of the licensed Dispensary and/or Facility.

7. Employees of a Medical Marijuana Registered Dispensary may assist registered patients as that term is defined in 22 M.R.S.A. § 2422(12), as the same may be amended from time to time, with the use of medical marijuana inside the building(s) on the licensed property. An employee of a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility, who is also a registered patient, may use medical marijuana inside the building(s) on the licensed property. Any such use of medical marijuana must not be visible from the street or from outside the building(s). Any Medical Marijuana Facility where use of medical marijuana takes place shall have in place protocols and policies to educate registered patients and registered patients who are employees about the dangers of driving a vehicle while medicated and, when possible, to discourage or prevent driving while medicated. (#22)
8. Visibility of activities; control of emissions; disposal plan for a Medical Marijuana Registered Facility and/or Medical Marijuana Dispensary Cultivation Facility shall be as follows:

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- 1) All activities of Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.
- 2) No marijuana or paraphernalia shall be displayed or kept in a Dispensary or Facility so as to be visible from outside the building (s).
- 3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Dispensary and/or Facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.
- 4) All Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facility shall have in place an operation plan for proper disposal of marijuana related byproducts.
9. No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Registered Dispensary except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.
10. A Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation.
11. Medical marijuana Home Production activities shall be conducted wholly inside a building, and otherwise be in compliance with applicable laws and regulations governing caregivers and patients under the Maine Medical Use of Marijuana Act or other applicable laws. Further, medical marijuana home production shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that normally experienced in an average residential dwelling in the district in which located. Furthermore, with respect to odors, any medical marijuana home production which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonable with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

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Applicability: Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

ARTICLE 14 DEFINITIONS

Agriculture: The cultivation of the soil for either food crops or forage and/or the raising and/or breeding of livestock for either personal use or profit. The term does not include garden as defined. **Agriculture shall specifically not include the cultivation of marijuana for any purpose.**

Farm Stand: Sale of agricultural products raised or grown on said premises with a sales area of not more than 400 square feet. **Marijuana plants, marijuana products, and hemp products as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D, shall not be sold or dispersed at farm stands.**

Garden: A plot of cultivated ground adjacent to a dwelling and devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for household use. **A garden shall specifically not include marijuana plants.**

Marijuana plant: A plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants. “Marijuana plant” does not include hemp as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D.

Marijuana product: A product composed of harvested marijuana and other ingredients that is intended for medical use. “Marijuana product” includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. “Marijuana product” does not include marijuana concentrate or a product containing hemp as defined in Title 7 of the Maine Revised Statutes, section 2231, subsection 1-A, paragraph D.

Medical Marijuana Caregiver Retail Store: A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants, harvested marijuana, or marijuana products for sale to qualifying patients.

Medical Marijuana Registered Dispensary: Medical Marijuana Registered Dispensary means ~~a not-for-profit entity as defined under Title 22 M.R.S.A., Section 2422 and registered pursuant to Title 22 M.R.S.A., Section 2428 and to Section 6 of the State of Maine Rule Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 22) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the Dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients~~ an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to

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qualifying patients and the caregivers of those patients. ~~Alt~~ A Medical Marijuana Registered Dispensary shall be further defined in, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter ~~2 122~~), as the same may be amended from time to time. (#16)

Medical Marijuana ~~Dispensary~~ Cultivation Facility: ~~Medical Marijuana ~~Dispensary~~ Cultivation Facility means a not for profit entity registered pursuant to the laws of the State of Maine and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that is a~~ Medical Marijuana Registered Dispensary's permitted additional location for the cultivation of marijuana. A Medical ~~Alt~~ Marijuana ~~Dispensary~~ Cultivation ~~Facility~~ ~~Facilities~~ shall be further defined in, and shall adhere to, the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (~~18-691 10-144~~ CMR Chapter ~~2 122~~), as the same may be amended from time to time. (#16)

Medical Marijuana Home Production: Cultivating, processing, and/or storing of medical marijuana plants and medical marijuana products by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use. As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zoning district, without any requirement for land use permitting.

Medical Marijuana Cultivation and Processing Facility: A facility used for cultivating, processing testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient's primary year-round residence.

Nurseries & Greenhouses: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other plants. A nursery or greenhouse may include a retail business whose primary activity is the selling of plants grown on the same site. A nursery or greenhouse shall specifically not include marijuana plants and/or marijuana products.

Applicability: Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, these ordinance amendments shall apply to any pending proceeding for a building permit, certificate of occupancy, site plan, or any other required approval from the City of Brewer.

Statement of Fact

These ordinance amendments are proposed in order to update local regulations pertaining to medical and adult use marijuana. The Planning Board held a public hearing on October 5, 2020 and unanimously made the recommendation to adopt these amendments as written.

ACTION: Councilor Ferris moved that the amendment be certified and filed with the clerk for posting. Councilor Goss seconded the motion. Councilor Ferris expressed concern that "adult use" language was being added to the medical marijuana ordinance, and it was not clear why. City Solicitor Jon Pottle explained that the amendment, while making other substantive changes, updated the language to reflect changes in state marijuana law, making clear that what had been previously called "retail" is

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not allowed simply because the terminology had changed to “adult use”. Mayor Daniels called for a vote. The motion passed by a unanimous vote.

G. New Business

2020-C010

December 08, 2020

TITLE: ORDER AMEND CHAPTER 19, ENTITLED “TRAFFIC CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 3, STOPPING, STANDING AND PARKING, TO AMEND SECTION 315, SCHEDULE A AND SCHEDULE C, AND SECTION 320, LINE ITEM #5.

Filed November 23, 2020
By Jerry Goss

BE IT ORDAINED, by the City of Brewer in City Council assembled that Chapter 19, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Traffic Code” shall be amended by revising the following:

Section 315. Parking Limited and Prohibited

Schedule A

~~PARKER STREET~~

~~(1) On the easterly side of Parker Street between Howard Street and North Main Street.~~

Schedule C

~~PARKER STREET~~

~~(4) On the southwesterly side of Parker Street from the intersection of the northerly side of East Summer Street with the southwesterly side of Parker Street for a distance of fifty seven (57) feet in a northwesterly direction.~~

And replace with new item (4)

(4) On both sides of Parker Street from East Summer Street to North Main Street.

And Section 320 Line Item #5. Add the following text that is in red

5. On a crosswalk, **or within 20' on either side of a crosswalk.**

Statement of Fact: These changes to the Traffic Code are necessary because of work Public Works has completed and other work they plan to do in that section of Parker Street. They have added curb on both sides of the road. This section of roadway has a significant amount of through traffic and with the

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addition of raised curb it will not be safe to park in this area moving forward. The surrounding properties are believed to have sufficient parking for their current uses. This addition in section 320 will prohibit parking within 20' of a crosswalk. This change to the Traffic Code brings the City in compliance with current FHWA and Maine DOT standards.

ACTION: Councilor Goss moved that the amendment be certified and filed with the clerk for posting. Councilor Ferris seconded the motion. No additional action was taken.

H. New Items with Leave of Council

There was none

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The meeting was adjourned at 6:15pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine