

City Council Minutes
Tuesday, August 10, 2021

Regular Meeting
City Hall Council Chambers

Tuesday, August 10, 2021
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 was 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, Jenn Morin, Soubanh Phanthay, and Michele Daniels; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a regular meeting of the City Council of the City of Brewer will be held on Tuesday, August 10, 2021 at 6:00 p.m., 80 North Main Street, 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
Joseph L. Ferris	B. Lunt	Off.	08/06/21	17:40
Jerry Goss	S. Jones	Off.	08/06/21	16:30
Jenn Morin	S. Jones	Off.	08/06/21	16:20
Soubanh Phanthay	M. Parady	Off.	08/06/21	15:33
Michele Daniels	V. Migliore	CC.	08/06/21	14:56

CITY COUNCIL REGULAR MEETING
Tuesday, August 10, 2021 6:00 P.M.
Brewer City Hall Council Chambers

- 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 June 28, 2021 Special Meeting, and Minutes of July 13, 2021 Regular Meeting** (Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. (2021-B021) RESOLVE Commend Officer Stewart for her outstanding performance training at the Maine Criminal Justice Academy. (Councilor Goss)
 - 2. Public Comments
- C. Consent Calendar**
 - 1. (2021-A081) ORDER Authorize purchase and installation of replacement Police server and related work. (Councilor Ferris)
 - 2. (2021-A082) ORDER Authorize purchase and installation of replacement City server and related work. (Councilor Morin)
 - 3. (2021-A083) ORDER Authorize issuance of the City’s General Obligation Bonds to finance the Fiscal Year 2022 Capital Improvement Plan and a Tax Levy therefore. (Councilor Phanthay)
 - 4. (2021-A084) ORDER Tax Release Deed, Map 43, Lot 30, 30 Longmeadow Drive. (Councilor Goss)
 - 5. (2021-A085) ORDER Accept grant from Fiscal Year 2021 Homeland Security Grant Program. (Councilor Ferris)
 - 6. (2021-A086) ORDER Accept grant from Assistance to Firefighters Grant Program. (Councilor Morin)
 - 7. (2021-A087) ORDER Authorize the purchase of replacement vehicle for the Brewer Police Department. (Councilor Phanthay)
 - 8. (2021-A088) ORDER Authorize purchase of replacement pick-up truck for Water Department (Councilor Goss)
 - 9. (2021-A089) ORDER Accept Easement for water main. (Councilor Ferris)
 - 10. (2021-A090) ORDER Tax Release Deed, Map 21, Lot 48A, land and out building on Mill Street. (Councilor Morin and Councilor Phanthay)
 - 11. (2021-B022) RESOLVE Ratify the Brewer Water Pollution Control Facility collective bargaining contract. (Councilor Phanthay and Councilor Goss)
- D. Monthly Reports** (Councilor Ferris)
- E. Nominations, Appointments, Elections**
 - 1. (2021-B023) RESOLVE Confirm City Clerk’s appointment of a Deputy City Clerk. (Councilor Morin)
- F. Unfinished Business**
 - 1. (2021-C004) ORDER Amend Chapter 31, entitled “Sewer and Pre-Treatment” Ordinance” of the Charter, Codes and Ordinances of the

City Council Minutes
Tuesday, August 10, 2021

2. (2021-C005) ORDER City of Brewer, Article 12 “Schedule of Sewer Rates”, Section 1200. (Councilor Phanthay)
Amend Chapter 24, entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 6 “Site Review Plan”, Subsections 607.3 and 607.4. (Councilor Goss)

G. New Business

1. (2021-C006) ORDER Amend Chapter 19, entitled “Traffic Code” of the Charter, Codes and Ordinances of the City of Brewer, Section 315 “Parking Limited and Prohibited”. (Councilor Ferris)
2. (2021-C007) ORDER Amend Chapter 19, entitled “Traffic Code” of the Charter, Codes and Ordinances of the City of Brewer, Section 315, Schedule C (No Parking), Wilson Street, Line Items 2 and 7. (Councilor Morin)
3. (2021-C008) ORDER Amend Chapter 19, entitled “Traffic Code” of the Charter, Codes and Ordinances of the City of Brewer, Article 1, Section 101 and Article 2. (Councilor Phanthay and Councilor Goss)
4. (2021-C009) ORDER Amend Chapter 24, entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances: Article 3, Zoning Districts, Section 306; Article 4, Performance Standards, Section 424 and 438; Article 6, Site Plan Review, Section 607; and Article 14, Definitions. (Councilor Goss and Councilor Ferris)
5. (2021-C010) ORDER Amend Chapter 20, entitled “Licensing and Permits” of the City of Brewer Charter, Codes and Ordinances, Article 8-B. (Councilor Morin and Councilor Phanthay)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of June 28, 2021 Special Meeting, and Minutes of July 13, 2021 Regular Meeting

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

B. Awards, Petitions and Public Comments

Mayor Daniels stated that Resolve 2021-B021 “Commend Officer Stewart for her outstanding performance training at the Maine Criminal Justice Academy.” would be taken up later in the meeting.

Public Comments

There were none.

City Council Minutes
Tuesday, August 10, 2021

C. Consent Calendar

2021-A081

August 10, 2021

TITLE: ORDER, AUTHORIZE PURCHASE AND INSTALLATION OF
REPLACEMENT POLICE SERVER AND RELATED WORK.

Filed July 26, 2021
By Joseph L. Ferris

WHEREAS, the Fiscal Year 2021 Capital Improvement Project (CIP) approved by Council included funding to purchase a new Police Primary/Exchange Server; and

WHEREAS, the server received an operating system software upgrade in the Fiscal Year 2020 CIP; and

WHEREAS, HCP Inc. provides monthly, quarterly and annual support for the server; and

WHEREAS, it is anticipated that server hardware will cost approximately \$11,900 and server setups will cost approximately \$5,000.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager or his designee to enter into a contract not to exceed \$16,900 with HCP Inc. to purchase and set up a replacement Police server; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510132-551209 (Police Computer Servers); and

BE IT FURTHER ORDERED, that the City Council of herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of supplies and services for this project.

Statement of Fact: This order authorizes the City to enter into a contract not to exceed \$16,900 with HCP Computers to purchase and install a replacement server for the Police Primary/Exchange Server as approved as part of the FY2021 CIP.

2021-A082

August 10, 2021

TITLE: ORDER, AUTHORIZE PURCHASE AND INSTALLATION OF
REPLACEMENT CITY SERVER AND RELATED WORK.

Filed July 26, 2021
By Jenn M. Morin

City Council Minutes
Tuesday, August 10, 2021

WHEREAS, the Fiscal Year 2022 Capital Improvement Project (CIP) approved by Council included funding to purchase a new City Primary/Exchange Server; and

WHEREAS, the server will receive an operating system software upgrade; and

WHEREAS, HCP Inc. provides monthly, quarterly and annual support for the server; and

WHEREAS, it is anticipated that server hardware will cost approximately \$14,000, various required software will cost about \$11,000 and server setups will cost approximately \$9,000.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager or his designee to enter into a contract not to exceed \$34,000 with HCP Inc. to purchase and set up a replacement City server and related software, and set up the servers; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510130-551004 (Computer Hardware & Software); and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of supplies and services for this project.

Statement of Fact: This order authorizes the City to enter into a contract not to exceed \$34,000 with HCP to purchase and install a replacement server for the City Primary/Exchange Server as approved as part of the FY2022 CIP.

2021-A083

August 10, 2021

TITLE: ORDER, AUTHORIZE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE FISCAL YEAR 2022 CAPITAL IMPROVEMENT PLAN AND LEVY A TAX THEREFORE.

Filed August 2, 2021
By Soubanh Phanthay

BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT the City Treasurer/ Finance Director be and hereby is authorized, in the name of and on behalf of the City of Brewer, to borrow up to One Million Two Hundred Forty Thousand Dollars (\$1,240,000) to finance costs related to the City's Fiscal Year 2022 Capital Improvement Plan as more specifically listed on Attachment A hereto (the "Projects"); and

City Council Minutes
Tuesday, August 10, 2021

THAT pursuant to Title 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City's general obligation bonds at one time and from time to time in an amount not to exceed One Million Two Hundred Forty Thousand Dollars (\$1,240,000) aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects; and

THAT pursuant to 30-A M.R.S.A. §5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue; and

THAT said bonds and notes shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk; and

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing; and

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. §5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director; and

THAT the City Treasurer/ Finance Director shall determine the form, date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds and notes, including the timing and provision for their sale and award, that approval to be conclusively evidenced by the execution thereof; and

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year; and

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing; and

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such

City Council Minutes
Tuesday, August 10, 2021

signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof; and

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same; and

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds or notes for and participate in the Depository Trust Company Book-Entry Only System; and

THAT the City Treasurer/ Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"); and

THAT the City Treasurer/ Finance Director be and hereby is authorized to covenant and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation; and

THAT the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director; and

THAT the City Treasurer/ Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2

City Council Minutes
Tuesday, August 10, 2021

12 of the Securities and Exchange Commission, if applicable, are met; and

THAT the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction; and

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds and notes (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/ Finance Director:

1. To any costs of the Projects listed on Attachment A;
2. If the bonds or notes are issued on a tax-exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City’s General Fund;
3. To pay debt service on the bonds or notes.

THAT if the actual cost of any Project differs from the estimated cost listed on Attachment A, whether due to completion, delay or abandonment of the Project, or for any other reason, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the bonds or notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan; and

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be and hereby are authorized and empowered in in the name of and on behalf of the City to do or cause to be done all such acts and things to carry out the provisions of this Order, and the City Treasurer/ Finance Director and Chair of the City Council be and hereby are each individually further authorized and empowered in the name of and on behalf of the City to approve, execute and deliver such contracts, agreements, investment agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds or notes are underwritten in a public sale, a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds or notes are issued to or through the Maine Municipal Bond Bank, in connection with the financing of the Projects and the issuance delivery by the City of the bonds and notes, and the investment of the proceeds thereof (the “ Bond Documents”), which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing,

City Council Minutes
Tuesday, August 10, 2021

and such other details as she shall approve, her approval to be conclusively evidenced by her execution thereof; and

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or notes or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act; and

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed in the name of and on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official; and

THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the Projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect; and

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

Attachment A

FY2022 Capital Improvement Program	
POLICE ADMIN VEHICLES	\$50,500

City Council Minutes
Tuesday, August 10, 2021

#425 1T DUMP/PLOW/SANDER	55,000
#402 FORD F-150	26,000
#426 FORD F-450 W/ PLOW	70,000
WESTERN STAR 4700 WHEELER #422	140,000
TRAFFIC SIGNAL BATTERY BACKUPS	20,000
PARKS AND RECREATION VAN	32,000
TENNIS COURT REPAIRS	105,000
AUDITORIUM PLAYGROUND REHAB	157,000
CAPRI STREET PARK RENOVATION	67,000
LIBR WINDOWS/ENTRYWAYS	20,000
PAVING	130,000
LAMBERT RD/EATON BROOK BRIDGE REHAB	65,500
North Main St (Wilson to State MDOT 50-50 MPI WIN 24317.03)	175,000
Storm Drain - City Wide Evaluation	25,000
STORMWATER DRAINAGE - Sherwood Forest	95,000
CIP BOND FINANCING COST	7,000
Total	\$1,240,000

Statement of Fact: This order provides the authorization needed for the City to issue \$1,240,000 in debt to finance a portion of the costs associated with the FY2022 Capital Improvement Program as approved by the City Council on June 8, 2021.

2021-A084

August 10, 2021

TITLE: ORDER, TAX RELEASE DEED, MAP 43, LOT 30, 30 LONGMEADOW DRIVE.

Filed August 2, 2021
By Jerry Goss

BE IT ORDERED, that a municipal Release Deed be issued to Heirs of Elizabeth H. Beal of Brewer, County of Penobscot, releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

BE IT FURTHER ORDERED, that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact: This order authorizes the release of the interest in 30 Longmeadow Drive, which the City acquired by virtue of a foreclosed tax lien, which has now been paid in full. A total of \$15,461.79 was collected: \$13,856.61 in taxes and sewer, along with \$1,355.56 in interest and \$249.62 in costs.

RELEASE DEED
Beal Elizabeth H heirs of

City Council Minutes
Tuesday, August 10, 2021

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to** Heirs of Elizabeth H. Beal **against whom taxes were assessed**, of Brewer, County of PENOBSOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 43, Lot 30 of the Assessor's Tax Maps of the
City of Brewer, Maine.

Excepting and reserving all public easements or other public interests in the
above-described parcel for roads, sewers, or other purposes

The purpose of this deed is to release any interest the
City of Brewer has in and to the above described
Property by virtue of the following Liens:

<u>Volume</u>	<u>Page</u>
15192	317
15569	85
16081	64
15710	275
15975	44

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Stephen Bost, its City Manager, duly authorized this 17 day of August AD 2021

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSOT, ss

DATE August 17, 2021

Personally appeared the above named Stephen Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

Samantha L. Miller, Notary Public
My Commission expires December 13, 2023

2021-A085

August 10, 2021

TITLE: ORDER, ACCEPT GRANT FROM FISCAL YEAR 2021 HOMELAND
SECURITY GRANT PROGRAM.

Filed August 2, 2021
By Joseph L. Ferris

WHEREAS, the City of Brewer Police Department has received a grant from the Fiscal Year 2021 Homeland Security Grant Program, administered by the Penobscot County Emergency Management Agency; and

City Council Minutes
Tuesday, August 10, 2021

WHEREAS, the grant provides \$12,114 to purchase a remote surveillance camera; and

WHEREAS, this portable camera will provide the Police Department the ability to monitor special events and conduct criminal investigations; and

WHEREAS, this grant is fully funded and no City match is needed.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, hereby accepts this grant award and directs that these funds be deposited into account 0600058-360000-58053 FY21 HSGP – Security Camera Grant Revenue and, further, that the City Council authorizes the appropriation and expenditure of the funds from account 0600058-560000-58053 FY21 HSGP – Security Camera Grant Expense.

Statement of Fact: The City of Brewer Police Department received a \$12,114.00 grant from the FY 2021 Homeland Security Grant Program to purchase a remote surveillance camera. No matching funds are required.

2021-A086

August 10, 2021

TITLE: ORDER, ACCEPT GRANT FROM ASSISTANCE TO FIREFIGHTERS
GRANT PROGRAM.

Filed August 2, 2021
By Jenn M. Morin

WHEREAS, the City of Brewer Fire Department has been awarded \$69,142.86 from the U.S. Department of Homeland Security Federal Emergency Management Agency Assistance to Firefighters Grant (AFG) program for the purchase of an air compressor to fill SCBA tanks; and

WHEREAS, the grant requires the City provide \$3,457.14 in matching funds; and

WHEREAS, this air compressor replaces a failing, obsolete model that is crucial to maintaining firefighter safety.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, hereby accepts this grant award and directs that these funds be deposited into account 0600059-360000-59035 FY20 AFG AIR COMPRSR GRANT REVENUE and, further, that the City Council authorizes the appropriation and expenditure of the funds from account 0600059-560000-59035 FY20 AFG AIR COMPRSR GRANT EXPENSE.

BE IT FURTHER ORDERED, that funding for the City's required match shall come from 0115911-550200 Fire City Share – Misc Grants.

City Council Minutes
Tuesday, August 10, 2021

Statement of Fact: The City of Brewer Fire Department received a \$69,142.86 grant from the Assistance to Firefighters (AFG) grant program to purchase an air compressor to fill SCBA air tanks. The City will provide matching funds of \$3,457.14.

2021-A087

August 10, 2021

TITLE: ORDER, AUTHORIZE THE PURCHASE OF REPLACEMENT VEHICLE
FOR THE BREWER POLICE DEPARTMENT.

Filed August 2, 2021
By Soubanh Phanthay

WHEREAS, the Fiscal Year 2022 approved Capital Improvement Program included \$52,000 in funding for replacement of an unmarked police vehicle for agency use; and

WHEREAS, Downeast Toyota in Brewer submitted a bid consisting of one 2021 Toyota Tundra 4WD (VIN 5TFHY5F11MX033675) at a cost of \$40,000, which is net of a \$10,000 trade in allowance and \$2,206 in discounts; and

WHEREAS, the department wishes to trade in its 2010 GMC Yukon (VIN 1GKUKAE00AR174176), which has exceeded its useful life, to help offset the purchase price; and

WHEREAS, the department estimates the cost to equip the vehicle will be \$12,000.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to sign a purchase order with Downeast Toyota of Brewer for the amount of its bid price and authorizes the appropriation and expenditure of this amount from capital account 0510132-511205 (Police Unmarked Admin Vehicle) to fund the purchase of the vehicle described above; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$12,000 from CIP account 0510132-511205 (Police Unmarked Admin Vehicle) to cover the cost of equipping the vehicle; and

BE IT FURTHER ORDERED, the City Council hereby declares the Police Department's 2010 GMC Yukon (VIN 1GKUKAE00AR174176) surplus and authorizes the City Manager or his designee to dispose of the vehicle by allowing for trade in to offset the purchase price of the unmarked Police vehicle; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of goods and supplies for this project.

City Council Minutes
Tuesday, August 10, 2021

Statement of Fact: The order authorizes the purchase of an unmarked police vehicle as authorized in the FY22 CIP. A 2010 vehicle from the current Police Department fleet will be used for trade-in to offset the purchase price of this vehicle.

2021-A088

August 10, 2021

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT PICKUP TRUCK FOR WATER DEPARTMENT.

Filed August 3, 2021
By Jerry Goss

WHEREAS, bids were solicited, received and evaluated for the purchase of a pickup truck to replace Water Department Unit #754 a 2007 Ford ½-ton regular cab; and

WHEREAS, Quirk Ford, of Augusta, Maine provided the City with the lowest of the three (3) bids received in the amount of \$44,526; and

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Quirk Ford in the amount of \$44,526 for the purchase of a 2022, 3/4-ton Ford pickup truck, \$42,531 for the truck and \$1,995 for the extended warranty; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the account # 0571003-573005 titled "Unit 754"; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of the 2007 ½-ton Ford Unit #754 by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale or disposal of the above-mentioned items be receipted to the Water Department Sale of Asset account (0700006-300410) and used to augment the Water Department's general capital reserve account (0700000-110805); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the transfer of \$44,526 from the Water Department's Capital Reserve account to 0571003-573005 Unit 754 Replacement to fund this purchase.

Statement of Fact: The replacement of truck #754 is due to the fact the truck will not pass inspection due to body panel rust, floor pan rust and frame rot. Replacement is recommended. This order also allows us to sell the current truck and place any proceeds into the capital account.

2021-A089

August 10, 2021

City Council Minutes
Tuesday, August 10, 2021

TITLE: ORDER, ACCEPT EASEMENT FOR WATER MAIN.

Filed August 3, 2021
By Joseph L. Ferris

WHEREAS, the city has water piping on private land and it is important to have access to this piping, mainline valves and curb stops for maintenance and repair; and

WHEREAS, this line has existed since 1999 outside of the current right of ways and easements; and

WHEREAS, by PUC definition in Chapter 65 this line serves multiple properties and was installed post May 7th, 1986 therefore is a public main line; and

WHEREAS, the property owner has given the City of Brewer a signed permanent easement to access the existing line; and

WHEREAS, these easements have been reviewed and approved by the City Solicitor.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts permanent easements from the following property owner; and

BE IT FURTHER ORDEREED, the City Council ratifies all actions taken in regards to the permanent easement and acceptance of the main line located in Holden feeding route 1A from Eastern Ave.

- | | |
|---|---|
| 1. Town of Holden
Compensation = \$0 | Debeck Business Park, Holden
Shown on Map file 2001-42 |
|---|---|

Statement of Fact: This order accepts an easement for the line from Eastern Ave to Route 1A. The portion of the line in Debeck Business Park in Holden, though depicted on the recorded plan, was not in an actual recorded easement. This order and the recording of the deed will rectify this oversight. This line by PUC definition was a public line, this easement gives the City of Brewer the right to access and maintain the line.

2021-A090

August 10, 2021

TITLE: ORDER, TAX RELEASE DEED, MAP 21, LOT 48A, LAND AND OUT BUILDING ON MILL STREET.

Filed August 4, 2021
By Jenn M. Morin and

City Council Minutes
Tuesday, August 10, 2021

Soubanh Phanthay

BE IT ORDERED THAT, a municipal Release Deed be issued to Michael R. and Cindy L. Hewes of Brewer, County of Penobscot, releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

BE IT FURTHER ORDERED, that the City Manager of the City of Brewer be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact: The liens listed were paid after the automatic foreclosure date and a release deed should have been recorded.

RELEASE DEED
Michael R. & Cindy L. Hewes

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to Michael R. and Cindy L. Hewes against whom taxes were assessed**, of Brewer, County of PENOBSOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine as follows:

Map 21, Lot 48A of the Assessor’s Tax Maps of the
City of Brewer, Maine.

Excepting and reserving all public easements or other public interests in the
above-described parcel for roads, sewers, or other purposes

The purpose of this deed is to release any interest the
City of Brewer has in and to the above described
Property by virtue of the following Liens:

	<u>Volume</u>	<u>Page</u>
11856	20	
12169	36	
12847	313	

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Stephen Bost, its City Manager, duly authorized this 17 day of August AD 2021

WITNESS:

CITY OF BREWER

Stephen Bost
City Manager
Duly authorized

STATE OF MAINE

PENOBSOT, ss

DATE August 17, 2021

Personally appeared the above named Stephen Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

Samantha L. Miller, Notary Public

City Council Minutes
Tuesday, August 10, 2021

My Commission expires December 13, 2023

2021-B022

August 10, 2021

TITLE: RESOLVE, RATIFY THE BREWER WATER POLLUTION CONTROL FACILITY COLLECTIVE BARGAINING CONTRACT.

Filed August 5, 2021
By Soubanh Phanthay and
Jerry Goss

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that this order become effective immediately upon its passage to allow terms of the contract to commence without delay; and

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the Water Pollution Control Facility has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this agreement be ratified by their representative parties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

BE IT FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

City Council Minutes
Tuesday, August 10, 2021



Sarah E. Newell
Direct Dial 207-992-4838
snewell@eatonpeabody.com

80 Exchange Street, P.O. Box 1210
Bangor, Maine 04402-1210
Phone 207-947-0111 Fax 207-942-3040
www.eatonpeabody.com

July 22, 2021

Via Email

Stephen M. Bost, City Manager
City of Brewer
80 North Main Street
Brewer, Maine 04412

Re: Water Pollution Control Facility Agreement

Dear Steve:

I am providing you with a summary of the tentative agreement made between the City of Brewer and AFSCME which represents employees at the Water Pollution Control Facility ("WPCF"). The WPCF contract expired June 30, 2020 and the parties entered into a one-year extension of the prior agreement, which expired on June 30, 2021.

The parties agreed to a three year agreement that includes wage increases of 5% in year one; 3% in year two; and 3% in year three. The agreement will expire June 30, 2024. The wage increase in year one will take place retroactive to July 1, 2021.

The parties also agreed to the following:

- The clothing allowance, which also covers boots, will increase by \$50.00 for each employee.
- The contract will be amended in multiple places to reflect the current positions covered by the Agreement (Operator II, Operator II (nights), Operator II (days), Operator Laborer, and Mechanic).
- The contract will be amended to reflect current reality, which allows employees to take the MEDEP WWTP Operator's exam at any time- rather than twice a year when it was previously offered.
- The contract will be amended to remove the restriction on using sick leave bonus time on Thursdays, Fridays and Saturdays, which is no longer operationally necessary and to allow the Superintendent to authorize use of sick leave bonus time in increments of less than one-half a shift.

City Council Minutes
Tuesday, August 10, 2021

Stephen M. Bost, City Manager
July 22, 2021
Page 2 of 2

- The contract will be amended to give the Superintendent the sole discretion to determine whether employees must have and maintain a Class B (CDL) license, which was previously a condition of employment but now is not operationally necessary for all employees.
- The contract will be amended to allow employees to complete any Wastewater Treatment training program approved by the Superintendent and accepted by MDEP.

Please do not hesitate to contact me with any questions regarding this Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Newell".

Sarah E. Newell

City Council Minutes
Tuesday, August 10, 2021

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

D. Monthly Reports

ACTION: Councilor Ferris moved that the monthly reports from department heads be accepted and placed on file. Councilor Goss seconded the motion. No action was taken on the motion.

At this time, Acting City Solicitor Andy Hamilton joined the meeting.

E. Nominations, Appointments, Elections

2021-B023

August 10, 2021

TITLE: RESOLVE, CONFIRM CITY CLERK'S APPOINTMENT OF A DEPUTY CITY CLERK.

Filed August 2, 2021
By Jenn M. Morin

BE IT RESOLVED, that the Brewer City Council herewith confirms the City Clerk's appointment of Rhonda L. Ackerson of Bangor, as a Deputy City Clerk of the City of Brewer effective July 1, 2021.

Statement of Fact: This is a housekeeping measure. Rhonda Ackerson was sworn-in as a Deputy City Clerk on October 5, 2020. With the advent of Fiscal Year 2022, Rhonda has been added as a permanent part-time support for the City Clerk's Office.

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

F. Unfinished Business

2021-C004

July 13, 2021

TITLE: ORDER, AMEND CHAPTER 31, ENTITLED "SEWER AND PRE-TREATMENT ORDINANCE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 12 "SCHEDULE OF SEWER RATES", SECTION 1200.

Filed July 6, 2021
By Soubanh Phanthay

City Council Minutes
Tuesday, August 10, 2021

BE IT ORDAINED, by the Brewer City Council assembled that Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer entitled "City of Brewer Sewer and Pre-Treatment Ordinance" shall be amended by changing Article 12, Section 1200 to read as follows:

ARTICLE 12 - SCHEDULE OF SEWER RATES

SECTION 1200. METER RATES

Rates based on water meter readings for the use of and for the services furnished, or to be furnished by the municipal sewer facility on property having water metered service, not including meters used exclusively for water not draining into sewers:

QUARTERLY

Effective beginning with and retroactive, the period covered by the September, ~~2020~~ 2021 billing, the following rates shall apply:

For the first 1,000 cu. ft. per quarter: ~~\$94.20~~ \$96.70 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1,200 cu. ft. per quarter: ~~\$113.04~~ \$116.04 minimum charge for all other users not otherwise classified as a Residential customer.

Effective beginning with the period covered by the September, ~~2020~~ 2021 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$9.42~~ \$9.67 per 100 cu. ft.

Statement of Fact: The Fiscal Year 2022 budget the Brewer City Council approved includes an increase in the sewer rate of \$0.25 per 100 cubic feet, or about \$3.34 per quarter for the average residential sewer user. This order amends City Ordinance to reflect this change.

ACTION: Councilor Phanthay moved that the amendment be enacted. Councilor Morin seconded the motion. The motion passed with a unanimous vote.

2021-C005

July 13, 2021

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 6 "SITE REVIEW PLAN", SUBSECTIONS 607.3 AND 607.4.

Filed July 7, 2021
By Jerry Goss

City Council Minutes
Tuesday, August 10, 2021

BE IT ORDAINED, by the Brewer City Council that Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” shall be amended by changing Article 6, Sections 607.3 and 607.4 to read as follows:

ARTICLE 6 - SITE PLAN REVIEW

607. STANDARDS GOVERNING SITE PLAN REVIEW

607.3. EROSION (#44)

Adequate provisions must be made for minimizing erosion and controlling sedimentation.

1. For all projects, ~~Performance~~ Performance Standards set forth in Article 4, Section 440 Erosion Control of this Land Use Code shall be met.
2. Whenever State or Federal permits are required for a proposed site plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

607.4 STORM WATER (#44)

Adequate provision must be made for the collection and disposal of stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. For all projects, Performance Standards set forth in Article 4, Section 439 Stormwater Management of this Land Use Code shall be met.
2. Unless the discharge is directly to the Penobscot River, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the pre-development rate.
3. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required.
4. Site designs shall include Low Impact Development (LID) techniques as feasible. The use of dry ponds, rain gardens, and stormwater management chamber systems are encouraged in lieu of traditional wet ponds. If space is limited, other stormwater treatment systems, such as tree boxes, should be considered. LID techniques mimic natural processes by promoting the use of relatively small scale treatment measures to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as

City Council Minutes
Tuesday, August 10, 2021

possible. These measures include, but are not limited to bioretention filters, grass swales and channels, vegetated filter strips, permeable pavements, and rain gardens.

5. Whenever State or Federal permits are required for a proposed site plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

Statement of Fact: This amendment requires site plan applicants to consider using Low Impact Development stormwater techniques whenever possible on their site design. This language was suggested by Maine DEP to better meet stormwater regulations. The Planning Board held a public hearing and made recommendation at their June 7th meeting. The Board unanimously voted to recommend the proposed amendment be adopted.

ACTION: Councilor Goss moved that the amendment be enacted. Councilor Ferris seconded the motion. The motion passed with a unanimous vote.

G. New Business

2021-C006

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 315 "PARKING LIMITED AND PROHIBITED".

Filed July 26, 2021
By Joseph L. Ferris

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" shall be amended by adding to Section 315 "Parking Limited and Prohibited" as follows:

SCHEDULE I

No person in charge of a vehicle shall allow the vehicle to stand, be parked, or left in the following named streets, highways or spaces during the hours of 12:00 A.M. and 6:00 A.M., on any day of the week.

GENERAL

- (1) In the public parking space at the corner of South Main Street and Maple Street.

Statement of Fact: This addition will prohibit overnight parking in the public parking lot at the old police station lot on the corner of South Main Street and Maple Street.

City Council Minutes
Tuesday, August 10, 2021

ACTION: Councilor Ferris moved that the amendment be certified and filed with the City Clerk for posting. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

2021-C007

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 315, SCHEDULE C (NO PARKING), WILSON STREET, LINE ITEMS 2 AND 7.

Filed July 26, 2021

By Jenn M. Morin

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" shall be amended by changing Section 315, Schedule C, Wilson Street, Line Items 2 and 7 to read as follows:

Schedule C

WILSON STREET

~~(2) On the westerly side of Wilson Street from the center of the intersection of North Main-South Main-Wilson Street southeasterly to Fling Street.~~

(2) On both sides of Wilson Street from the center of the intersection of North Main-South Main and Wilson to the Maine Central Railroad Tracks.

~~(7) On the easterly side of Wilson Street from the center of the intersection of North Main-South Main-Wilson Street to a point two hundred twenty five (225') feet southeasterly from the center of the intersection of Summer Street and Wilson Street.~~

Statement of Fact: These changes to the Traffic Code prohibit parking along Wilson Street in an area that is heavily congested. Vehicles parked in this section of roadway make it very difficult for bikes to travel along Wilson. Due to the width of the existing shoulder, bikes are forced to enter the travel way in a heavily congested area whenever a vehicle is parked on the road.

ACTION: Councilor Morin moved that the amendment be certified and filed with the City Clerk for posting. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

2021-C008

August 10, 2021

City Council Minutes
Tuesday, August 10, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ARTICLE 1, SECTION 101, AND ARTICLE 2.

Filed August 4, 2021
By Soubanh Phanthay and
Jerry Goss

BE IT ORDAINED, by the Brewer City Council that Chapter 19 of the Charter, Codes and Ordinances of the City of Brewer entitled "Traffic Code" shall be amended by adding to Article, 1 Section 101, and Article 2, Section 202 as follows:

Article 1; Section 101

(p) Special events - means parades, road race, pedestrian gatherings or any other event whereas the street or highway or section of street or highway is obstructed making unauthorize vehicular traffic unsafe.

Article 2

Section 202.2. The Chief of Police or his/her designee may order the closure of a street or highway or section of street or highway to common vehicular traffic within the City of Brewer for the purpose of a scheduled or non-scheduled "Special event" as described in Article 1; Section 101; (p), of this Chapter.

Statement of Fact: This amendment gives the Chief of Police authority to close roads per state guidance.

ACTION: Councilor Phanthay moved that the amendment be certified and filed with the City Clerk for posting. Councilor Morin seconded the motion. The motion passed with a unanimous vote.

2021-C009

August 10, 2021

TITLE: ORDER, AMEND THE FOLLOWING ARTICLES OF CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES: ARTICLE 3, ZONING DISTRICTS, SECTION 306; ARTICLE 4, PERFORMANCE STANDARDS, SECTION 424 and 438; ARTICLE 6, SITE PLAN REVIEW, SECTION 607; AND ARTICLE 14, DEFINITIONS.

Filed August 4, 2021
By Jerry Goss and
Joseph L. Ferris

City Council Minutes
Tuesday, August 10, 2021

BE IT ORDAINED, by the Brewer City Council 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, Article 6, and Article 14:

ARTICLE 3 ZONING DISTRICTS

306 SCHEDULE OF USES

306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES

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 permitted by this Land Use Code);

- Adult use marijuana cultivation facilities; and
- Adult use marijuana products manufacturing facilities;
- ~~Adult use marijuana testing facilities; and~~
- ~~Adult use marijuana stores;~~

306.5 SCHEDULE OF USES

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
COMMERCIAL USES													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>Adult-Use Marijuana Store</u>								<u>S-68</u>				<u>S-68</u>	
<u>Adult-Use Marijuana Testing Facility</u>								<u>S-68</u>	<u>S-68</u>				

Footnotes to Schedule of Land Uses

11. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below.

- a. Five hundred (500) feet of a preexisting public or private school,

City Council Minutes
Tuesday, August 10, 2021

- b. Five hundred (500) feet of a preexisting licensed daycare facility,
- c. Five hundred (500) feet of a preexisting methadone clinic,
- d. One hundred (100) feet of a preexisting private residence,
- e. Five hundred (500) feet of a preexisting adult-use marijuana establishment,
- f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.

~~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~~
- ~~d. Preexisting methadone clinic.~~

68. No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):

- a. Five hundred (500) feet of a preexisting public or private school,
- b. Five hundred (500) feet of a preexisting licensed daycare facility,
- c. Five hundred (500) feet of a preexisting methadone clinic,
- d. One hundred (100) feet of a preexisting private residence,
- e. Five hundred (500) feet of a preexisting Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
- f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.

- g. Five hundred (500) feet of a preexisting Adult-Use Marijuana Establishment.

ARTICLE 4 PERFORMANCE STANDARDS

438 ~~MEDICAL~~ MARIJUANA (#16)(#52)

No person may establish, operate, or maintain a Medical Marijuana Registered Dispensary, Medical Marijuana Dispensary Cultivation Facility, and/or an Adult-Use Marijuana Establishment without first obtaining a license from the City.

438-A MEDICAL MARIJUANA

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 CMR Chapter 2), 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 the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below.
 - a. Five hundred (500) feet of a preexisting public or private school,
 - b. Five hundred (500) feet of a preexisting licensed daycare facility,
 - c. Five hundred (500) feet of a preexisting methadone clinic,
 - d. One hundred (100) feet of a preexisting private residence,
 - e. Five hundred (500) feet of a preexisting adult-use marijuana establishment,

City Council Minutes
Tuesday, August 10, 2021

- f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.

~~No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within 1,000' 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 500' 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:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, (7) seven (7) days a week to monitor all entrances, along with the interior and exterior of the

City Council Minutes
Tuesday, August 10, 2021

- 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:
 - 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.

City Council Minutes
Tuesday, August 10, 2021

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.
- 5) An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises. City enforcement actions will be taken if marijuana odors are detected outside of the building.

If the CEO detects marijuana odors outside of the building and/or the operator indicates that the odor management provisions required for the facility are not being followed, the CEO shall provide a written warning to the operator and/or landowner with instructions to comply with the standards within 10 business days, and to inform the CEO of efforts or completion within that time. The CEO may use electronic meters or devices to measure and quantify the issue for comparative and/or enforcement purposes.

If odors persist and/or the issues are not resolved after the ten-day period described above, the CEO shall provide a written notice of violation with the requirement that the odors and/or issues be brought into compliance within 10 business days.

If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter to the City Solicitor for prosecution. In addition to penalties and costs recoverable under this Ordinance for violations, the City may suspend or revoke other approvals including, without limitation, any licenses or Certificate of Occupancies, and pursue any other remedies available to the City.

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

City Council Minutes
Tuesday, August 10, 2021

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.

438-B ADULT-USE MARIJUANA

1. An adult-use marijuana establishment shall be any adult-use marijuana testing facility or adult-use marijuana store. Each of the adult-use marijuana categories stated herein shall only be permitted for their specific use (ie. A store cannot test and a testing facility cannot sell). Adult-use marijuana may not be considered an accessory or ancillary use and shall not be allowed as a home occupation. Adult-use marijuana may not be sold, used, stored, or distributed in any location except as expressly allowed in this Ordinance.
2. Adult-use marijuana establishments shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Adult-Use Marijuana Program (Title 28-B), 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.
3. The property for an adult-use marijuana establishment shall be adequate to accommodate sufficient interior space so as not to have customers queuing on sidewalks, parking area, and other areas outside of the building (s).
4. An adult-use marijuana establishment shall be the sole use on a single piece of property.
5. No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):
 - a. Five hundred (500) feet of a pre-existing public or private school,
 - b. Five hundred (500) feet of a pre-existing licensed daycare facility,

City Council Minutes
Tuesday, August 10, 2021

- c. Five hundred (500) feet of a pre-existing methadone clinic,
 - d. One hundred (100) feet of a pre-existing private residence,
 - e. Five hundred (500) feet of a pre-existing Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
 - f. Five hundred (500) feet of a pre-existing Medical Marijuana Cultivation and Processing Facility.
 - g. Five hundred (500) feet of a pre-existing Adult-Use Marijuana Establishment.
6. Adult-use marijuana establishments shall be located only inside a permanent structure and not within any mobile facility. Adult-use marijuana stores are prohibited from providing home delivery services.
 7. Adult-use marijuana stores shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
 8. An adult-use marijuana establishment shall conform to the City of Brewer’s Sign Ordinance. In addition, signage may use an image or images of the marijuana plant as long as they do not exceed 20 % of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana. There shall be no signage in any window and or door, except for the hours of operation.
 9. Security measures at an adult-use marijuana establishment shall include the following at a very minimum:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, (7) seven days a week to monitor all entrances, along with the interior and exterior of the Establishment, 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 Establishment;
 - d. Exterior lighting that illuminates all exterior walls of the licensed Establishment and
 - e. Deadbolt locks on all exterior doors and locks or bars on any other access point.

City Council Minutes
Tuesday, August 10, 2021

All security recordings shall be preserved for thirty (30) days by the management of the licensed Establishment.

10. The use of marijuana or any marijuana product is not permitted within the building or outside of the building on the parcel of land.
11. There shall be posted in a conspicuous location inside each adult-use marijuana establishment, at least one legible sign containing the following information:

“Adult use of or on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person’s ability to drive a car or operate machinery; No one under the age of twenty-one (21) allowed; Loitering prohibited.”

12. The outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.
13. Visibility of activities; control of emissions; disposal plan for an adult-use marijuana establishment shall be as follows:
 - a. All activities of adult-use marijuana establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.
 - b. No marijuana or paraphernalia shall be displayed so as to be visible from outside the building (s).
 - c. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting an Establishment 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.
 - d. All adult-use marijuana establishments shall have in place an operation plan for proper disposal of marijuana related byproducts.
 - e. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises. City enforcement actions will be taken if marijuana odors are detected outside of the building.

If the CEO detects marijuana odors outside of the building and/or the operator indicates that the odor management provisions required for the facility are not being followed, the CEO shall provide a written warning to the operator and/or landowner with instructions to comply

City Council Minutes
Tuesday, August 10, 2021

with the standards within 10 business days, and to inform the CEO of efforts or completion within that time. The CEO may use electronic meters or devices to measure and quantify the issue for comparative and/or enforcement purposes.

If odors persist and/or the issues are not resolved after the ten-day period described above, the CEO shall provide a written notice of violation with the requirement that the odors and/or issues be brought into compliance within 10 business days.

If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter to the City Solicitor for prosecution. In addition to penalties and costs recoverable under this Ordinance for violations, the City may suspend or revoke other approvals including, without limitation, any licenses or Certificate of Occupancies, and pursue any other remedies available to the City.

14. Right of Access, Safety, and Inspections:

Every adult-use marijuana establishment shall allow Brewer Code Enforcement Officers and Brewer Police Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and local ordinances.

15. No food products shall be sold, prepared, produced or assembled by an adult-use marijuana establishment 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.

16. An adult-use marijuana establishment 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.

424 PARKING AND LOADING

424.2 GENERAL PARKING REQUIREMENTS

3. In DD, GB and PB zones all parking spaces shall be paved striped surfaces and screened from abutting properties. In all other zones parking areas with more than (7) seven (7) parking spaces shall be on paved striped surfaces and screened from abutting properties. The Code Enforcement Officer may waive the screening requirement in the General Business, Industrial, Industrial-2, HDR and HDR-2 Districts if the proposed project does not abut a Residential District. If screening is waived, tree planting may be less than required in section 424.2.4 but shall not be less than a rate of one tree per fifty feet of parking perimeter for screening. The Code Enforcement Officer may waive the paving and striping requirement for Residential housing and in circumstances proven by the landowner/applicant to be better for the environment.

City Council Minutes
Tuesday, August 10, 2021

- 3a. Notwithstanding the above, all Adult Use Establishment parking areas must be screened to be twice the standard as identified in 424.2.4. No waiver will be granted for the reduction in screening.
- 3b. All narcotic Treatment Facility parking areas must be screened to the standard as identified in 424.2.4 for the side and rear yards. Front yard screening shall consist of tree planting at a rate of one tree per fifty feet of parking perimeter with no additional screening that would obstruct view of parking and building.
- 3c. Medical Marijuana Registered Dispensary, ~~and/or~~ Medical Marijuana Cultivation Facility, and/or Adult-Use Marijuana Establishment parking areas must be screened to the standard as identified in Section 424.2.4 of this Article for the side and rear yards. Front yard screening shall consist of tree planting at a rate of one tree per fifty feet of parking perimeter with no additional screening that would obstruct view of parking and of the building(s). (#16)

424.3 NUMBER OF SPACES REQUIRED

SE	PARKING SPACES REQUIRED
Medical Marijuana Registered Dispensary (#16) Medical Marijuana <u>Dispensary</u> Cultivation Facility (#16) <u>Adult-Use Marijuana Establishment</u>	1 space per 350 sq. ft. of gross floor area of office, sales, or display area (minimum of four spaces) plus 1 space per 5,000 sq. ft. of growing or storage area

ARTICLE 6 SITE PLAN REVIEW

607 STANDARDS GOVERNING SITE PLAN REVIEW

607.7 LANDSCAPING AND PLANTING

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site and create a pleasing site character. The landscaping should define

City Council Minutes
Tuesday, August 10, 2021

street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

1. Areas with (4) four (4) or more parking spaces are screened from view of abutting properties. Front yard screening for Narcotic Treatment Facilities shall meet the requirement of Section 424.2. (#11)
2. Parking areas larger than 12,000 square feet shall have interior landscaping equivalent to seven percent of the total parking; except in the industrial zone where the requirement is five per cent. Each separate interior landscaped area contains a minimum of (50) fifty square feet and have a minimum dimension of (5) five feet. Interior landscaped areas shall be planted with trees, shrubs, ground cover or other acceptable landscaping material which shall not exceed three feet in height where necessary for site distances. Such interior landscaping is located as an aid to traffic and pedestrian safety and circulation and shall include raised landscaped islands at the end of parking rows and raised parking row dividers with landscaping for every other row of double parking.
3. Additional plantings of shrubs and trees beyond that specifically required elsewhere in this Land Use Code are included to break up extensive building facades, front, side or rear yards of more than (50) fifty feet in length; or open space areas not used for active recreation of more than (500) five-hundred square feet in area.
4. Landscaping materials are specified as number 1 grade as determined by the American Association of Nurserymen. Landscape materials will be maintained and dead plant material replaced within one year or by the next planting season, whichever occurs first.
5. A Medical Marijuana Registered Dispensary, ~~and/or~~ Medical Marijuana Cultivation Facility, and/or Adult-Use Marijuana Establishment shall meet the requirements of Article 4, Section 424.2.3.c. of this Ordinance. (#16)

NOTE: The Planning Board may waive the requirement for screening of more than (5) five parking spaces in the General Business District, the Industrial District and the Industrial-two District, upon written request provided that the proposed project does not abut a Residential District. If the proposed project does abut Residential District screening of parking from the Residential District is required. If screening is waived, tree planting, at a rate of one tree per (50) fifty feet of parking perimeter, shall be substituted for screening.

6. The minimum plant sizes, unless specifically indicated otherwise by the Planning Board, shall meet the following minimum standards:

City Council Minutes
Tuesday, August 10, 2021

- A. Shade trees: high crowned species with ascending or lateral branching habit indigenous to the area, tolerant to existing soils and urbanized conditions, caliper measured six inches up from the base 1 1/2 inches to two inches
- B. Flowering and evergreen trees will be a minimum of (5) five to (6) six foot size.
- C. Shrubs, deciduous will be a minimum of (2) two to (3) three foot size.
- D. Shrubs, evergreen will be a minimum of (36) thirty-six to (42) forty-two inch size (for those specified by height); (18) eighteen to (24) twenty-four inches for those specified by spread.

ARTICLE 14 DEFINITIONS

Adult-Use Marijuana Cultivation Facility: A facility licensed by the State of Maine to cultivate, prepare, and package adult use marijuana and to sell adult use marijuana to marijuana establishments, or any cultivation or any cultivation area used or occupied by one or more medical marijuana registered caregivers or a registered dispensary.

Adult-Use Marijuana Establishment: Any adult-use marijuana store or adult-use testing facility. This term does not include any other adult-use marijuana facilities, such as adult-use marijuana cultivation or products manufacturing facilities.

Adult-Use Marijuana Products Manufacturing Facility: A facility licensed by the State of Maine to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package marijuana and marijuana products; and to sell marijuana and marijuana products to marijuana stores and to other products manufacturing facilities.

Adult-Use Marijuana Testing Facility: A facility licensed by the State of Maine to develop, research, and test marijuana, marijuana products and other substances.

Adult-Use Marijuana Store: Any adult use store licensed by the State of Maine to sell adult use marijuana products to consumers.

Artisan Manufacturing Studio: An establishment to include the production of goods by the use of hand tools or small-scale, light mechanical equipment to be sold primarily on-site. Said goods may include food, beverage, art or craft production. Said goods shall not be transported in bulk off-site for sale at other locations. (#39). **Artisan Manufacturing Studio shall specifically not include marijuana, marijuana products, and/or marijuana paraphernalia.**

Statement of Fact: These ordinance amendments are proposed in order to update local regulations pertaining to medical and adult use marijuana. The Brewer Planning Board held a public hearing on August 2, 2021 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written.

City Council Minutes
Tuesday, August 10, 2021

ACTION: Councilor Goss moved that the amendment be certified and filed with the City Clerk for posting. Councilor Ferris seconded the motion. Mayor Daniels thanked the City Manager and City staff for their work in preparing this ordinance amendment, and the City Councilors. The motion passed with a unanimous vote.

Mayor Daniels stated that the Council would take up Resolve 2021-B021 “Commend Officer Stewart for her outstanding performance training at the Maine Criminal Justice Academy.” at this time.

2021-B021

August 10, 2021

TITLE: RESOLVE, COMMEND OFFICER STEWART FOR HER OUTSTANDING PERFORMANCE TRAINING AT THE MAINE CRIMINAL JUSTICE ACADEMY.

Filed July 22, 2021
By Jerry Goss

WHEREAS, Officer Quinci Stewart graduated from the Basic Law Enforcement Training Program at the Maine Criminal Justice Academy, an intense 18-week live-in training academy that all full-time law enforcement officers in Maine are required to attend; and

WHEREAS, Officer Stewart distinguished herself among her classmates by receiving the James L. Hanley Valedictorian Award, which is a combined score of 50% academics and 50% non-academic skills; and

WHEREAS, Officer Stewart also received the Combined Skills Proficiency Award, which is granted to the officer with the highest combined average in Professional Values, Firearms, Mechanics of Arrest, Emergency Vehicle Operations and Physical Fitness; and

WHEREAS, Officer Stewart competed with the largest class ever assembled at the Maine Criminal Justice Academy, totaling 67 officers; and

WHEREAS, Officer Stewart earned the respect and admiration of her peers, the citizens she serves and sets a high bar for others to follow.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, Maine, herewith commends Officer Quinci Stewart for her outstanding performance training at the Maine Criminal Justice Academy.

FURTHER RESOLVED, that this resolution be spread upon the records of the City of Brewer in testimony of the appreciation held for Officer Quinci Stewart by the citizens and officials of the City of Brewer, Maine.

City Council Minutes
Tuesday, August 10, 2021

ACTION: Councilor Goss moved that the resolve be adopted. Councilor Ferris seconded the motion. Councilor Goss praised Officer Stewart and said the City is blessed to have her on the Brewer Police Department. Councilor Ferris, Councilor Phanthay, and Councilor Morin congratulated Officer Stewart and wished her well. The Public Safety Director called Officer Stewart a stellar performer, and said the Police Department is proud of her. Mayor Daniels offered congratulations to Officer Stewart. The motion passed with a unanimous vote.

Mayor Daniels stated that the Council would resume in taking up New Business at this time.

2021-C010

August 10, 2021

TITLE: ORDER, AMEND CHAPTER 20, ENTITLED “LICENSING AND PERMITS” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 8-B.

Filed August 4, 2021
By Jenn M. Morin and
Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled “Licensing and Permits” shall be amended by revising the following subsections to Article 8-B:

ARTICLE 8-B MEDICAL MARIJUANA REGISTERED DISPENSARY and MEDICAL MARIJUANA CULTIVATION FACILITY AND ADULT-USE MARIJUANA LICENSES

Section 801-B.

All medical marijuana and/or adult-use marijuana businesses/uses (except for Medical Marijuana Home Production) Medical Marijuana Registered Dispensary, and/or Medical Marijuana Cultivation Facility shall obtain an annual license on or before January 1 of each year.

Section 802-B.

In applying for the annual license the applicant shall file an application on a form provided by the City Clerk and provide the following information:

1. Copies of all state licenses or other governmental approvals and their supporting documentation necessary to operate a marijuana business/use Medical Marijuana Registered Dispensary and/or a Medical Marijuana Cultivation Facility.
2. Evidence the marijuana business/use Dispensary and/or Facility complies with all requirements of the Life Safety Code and all land use approvals including, but not limited

City Council Minutes
Tuesday, August 10, 2021

to, site plan approval, building permit, and certificate of occupancy.

3. Evidence ~~on~~ of the on-site security which meets or exceeds that required by local ordinances and other laws and regulations.
4. Evidence of adequate interior capacity to provide for its Patients and/or customers without queuing on sidewalks and parking areas or similar areas.

Section 803-B.

No mobile and/or internet-sales medical marijuana or adult-use marijuana business/use Medical Marijuana Registered Dispensary or Medical Marijuana Cultivation Facility shall be licensed or permitted within the City of Brewer.

Section 804-B.

A medical marijuana or adult-use marijuana business/use Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility shall be inspected by City Departments to determine if the facilities is or are in compliance with all applicable City Codes and Ordinances.

Without limiting any other provision of this Chapter, a condition of any annual license for marijuana business/use shall be compliance with all applicable permits, licenses, or other governmental approvals as well as all applicable laws and regulations.

Section 805-B

The cost for the annual license is listed in the City of Brewer Schedule of Fees ~~shall be \$500.00.~~

Statement of Fact: This ordinance amendment is being made in conjunction with amendments to Chapter 24, proposed in order to update local regulations pertaining to medical and adult use marijuana.

ACTION: Councilor Morin moved that the amendment be certified and filed with the City Clerk for posting. Councilor Phanthay seconded the motion. The motion passed with a unanimous vote.

H. New Items with Leave of Council

ACTION: Mayor Daniels introduced Order 2021-C011 “Amend Chapter 20, entitled “Licenses and Permits” of the Charter, Codes and Ordinances of the City of Brewer, Section 210.3 “Yard Sales”, Sections 210.3.3, 210.3.4, 210.3.9, and 210.3.11.” under suspension of the rules. Mayor Daniels asked the City Clerk to poll the Council to see if there is unanimous consent to take up this order. The Council members voted 5 to 0 unanimous consent to take up Order 2021-C011 under suspension of the rules.

2021-C011

August 10, 2021

City Council Minutes
Tuesday, August 10, 2021

TITLE: ORDER, AMEND CHAPTER 20, ENTITLED "LICENSES AND PERMITS" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, SECTION 210.3 "YARD SALES", SECTIONS 210.3.3, 210.3.4, 210.3.9, AND 210.3.11.

Filed August 10, 2021
By Michele Daniels and
Soubanh Phanthay

BE IT ORDAINED, by the Brewer in City Council that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled "Licenses and Permits" shall be amended by changing Sections 210.3.3, 210.3.4, 210.3.8, and 210.3.11, to read as follows:

SECTION 210.3.3. a permit shall be required for all "yard sales", conducted in the City. The term "yard sale" shall include private sales, advertised in local media or otherwise, as garage, yard, household or barn sales, moving sales and private sales of all, or a part of the household goods located at the seller's place of residence. The ~~City Clerk Tax Office~~ shall issue a permit to any resident to conduct a "yard sale". The fee for such permit shall be in accordance with Article 4 of this Chapter. The application for such permit shall contain the name of the person selling his or her household goods, his or her agent, if any, and the days that such sale shall be conducted. Applications for "yard sale" permits shall not be subject to the public notice and hearing provisions of Article 1, § 103.4 of this Chapter. A permit shall allow the holder thereof to operate a yard sale for a period not to exceed (3) three ~~(3)~~ consecutive days. If a person wishes to conduct a second yard sale or a third yard sale during any calendar year, ~~as provided under the terms of paragraph 400.1 (B) of this Article,~~ he or she must purchase a separate permit.

SECTION 210.3.4. No such yard sale shall be operated longer than (3) three ~~(3)~~ consecutive days and no more than ~~two (2)~~ (3) three such sales shall be conducted by any (1) one ~~(1)~~ person or from any (1) one ~~(1)~~ location in any calendar year. No third yard sale shall be conducted within (45) forty-five days of any second yard sale by any (1) one person or from any (1) one location in any calendar year. In the event a hardship situation develops which causes the cancellation of a sale, the ~~City Clerk~~ Tax Office may issue another permit upon application from the person conducting the sale, setting forth the reason for such cancellation.

SECTION 210.3.9. No prepared food shall be sold at any yard sale.

SECTION 210.3.11. A yard sale permit shall be required for "rummage"

City Council Minutes
Tuesday, August 10, 2021

sales, so called; however, a permit shall not be required for rummage sales conducted by organized charitable or religious groups and held on the organization's premises, provided all of the proceeds from the sale accrue to the organization. Wearing apparel shall be the only items of personal property sold at rummage sales.

Wearing apparel shall be defined as clothes, linens and items incidental to clothing, and shall include shoes, hats, blankets, ~~afghans~~, towels, sheets, bedspreads, pillows, pillow covers, umbrellas, pocketbooks, belts, skates and jewelry.

Statement of Fact: This change to the Licenses and Permits ordinance raises the maximum number of yard sales in a calendar year from (2) two to (3) three. To address safety and other concerns with increased yard sales, this change adds a (45) forty-five day waiting period between a second yard sale and a third yard sale. This change also formally moves the issuance of yard sale permits to the Tax Office.

ACTION: Councilor Phanthay moved that the amendment be certified and filed with the City Clerk for posting. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed by a unanimous vote. The meeting was adjourned at 6:19pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine