

City Council Minutes
May 8, 2018

Regular Meeting
City Hall Council Chambers

Tuesday, May 8, 2018
6:00 p.m.

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

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

Councilor Uhlenhake-present
Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O’Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, May 8, 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

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

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

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Freeman	Officer	5/4/18	16:35
Matthew Vachon	R. Hogan	C.C.	5/4/18	4:00 pm
Beverly Uhlenhake	Freeman	Officer	5/4/18	16:40
Jerry Goss	Freeman	Officer	5/4/18	16:20
Kevin O’Connell	R. Hogan	C.C.	5/4/18	3:45 pm

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CITY COUNCIL REGULAR MEETING
Tuesday, May 8, 2018 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Goss)
- A. Minutes of March 27, 2018 Regular Meeting.** (Councilor Uhlenhake)
- B. Awards, Petitions and Public Comments.**
 - 1. (2018-B008) RESOLVE Recognize Lucas D. Beal for Earning the Rank of Eagle Scout. (Councilor Goss)
 - 2. (2018-B009) RESOLVE Recognize Eric Blanchard for Achieving Maine Warden of the Year. (Councilor Goss)
 - 3. Public Comments
- C. Consent Calendar.**
 - 1. (2018-A074) ORDER Accept Donations to the Brewer Public Library for Books (Councilor Vachon)
 - 2. (2018-A075) ORDER Accept Donation to the Brewer Public Library from the Kiwanis Club of Brewer (Councilor O'Connell)
 - 3. (2018-A076) ORDER Declare City Property Surplus and Authorize Sale or Disposal of Surplus Property (Councilor Uhlenhake)
 - 4. (2018-A077) ORDER Authorize a Modification to the Local Project Agreement with the MDOT for the Acquisition of Property Rights Necessary for the Riverwalk Trail Phase 2 Project. (Councilor Ferris)
 - 5. (2018-A078) ORDER Accept Proceeds from Sale of Scrap Metal and Appropriate for Use (Councilor Vachon)
 - 6. (2018-A079) ORDER Authorize the City Manager to Accept and Use Funds for the 2018 Stream Cleanup Program (Councilor O'Connell)
 - 7. (2018-A080) ORDER Authorize the City Manager to Execute an Agreement with the City of Bangor for Traffic Signal and Street Light Maintenance Services. (Councilor Uhlenhake)
 - 8. (2018-A081) ORDER Accept Donations to the Brewer Public Library (Councilor Ferris)
 - 9. (2018-A082) ORDER Accept Donations to the Brewer Public Library for Programming (Councilor Vachon)
 - 10. (2018-A083) ORDER Accept Adjustment of Fees and Lot Purchase Prices at Woodlawn Cemetery (Councilor O'Connell)
 - 11. (2018-A084) ORDER Accept Grant Funds from USDA Forest Service (Councilor Uhlenhake)
 - 12. (2018-A085) ORDER Accept Grant Funds from Maine Bureau of Highway Safety for Pedestrian Safety (Councilor Ferris)
 - 13. (2018-A086) ORDER Accept Grant Funds from Maine Bureau of Highway Safety for Seatbelt Safety (Councilor Vachon)

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14. (2018-A087) ORDER Declare City Property Surplus and Authorize Sale or Disposal of Surplus Property (Councilor O'Connell)
15. (2018-A088) ORDER Accept Donation to the Brewer Police Department (Councilor Uhlenhake)
16. (2018-A089) ORDER Accept Donation to the Brewer Parks & Recreation Department (Councilor Ferris)
17. (2018-A090) ORDER Declare the Property Situated at 62 Parker Street to be Surplus and Authorize Its Disposal (Councilor Vachon)
18. (2018-A091) ORDER Declare the Property Situated at Pleasant Street to be Surplus and Authorize Its Disposal (Councilor O'Connell)
19. (2018-A092) ORDER Certify Affordable Housing Information (Councilor Uhlenhake)
20. (2018-A093) ORDER Tax Release Deed, Map 035, Lot 99, 7 Madison Ave. (Councilor Ferris)
21. (2018-A094) ORDER Amend the City of Brewer Schedule of Fees (Councilor Vachon)
22. (2018-A095) ORDER Appoint Member to the Brewer Planning Board (Councilor O'Connell)
23. (2018-B010) RESOLVE Prescribe Registrar of Voters Hourly Schedule for the June 12, 2018 City of Brewer School Budget Approval Election and State of Maine Referendum Election. (Councilor O'Connell)
24. (2018-B011) RESOLVE Accept Report from Brewer Police Department and Direct City Manager to Implement Security Plan (Councilor Goss)
25. (2018-B012) RESOLVE Amend the Schedule of the City Council Regular Meetings to Change the June 2018 Regular Meeting Date (Councilor Uhlenhake)

D. Monthly Reports. (Councilor O'Connell)

E. Nominations, Appointments, Elections.

F. Unfinished Business.

1. (2018-C003) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, to Add Section 441 Mobile Food Businesses, and Article 14, Definitions (Councilor O'Connell)

G. New Business.

1. (2018-C004) Amend Chapter 19, Entitled "Traffic Code" of the City of Brewer Charter, Codes and Ordinances, Article 3, Section 315 (Councilor Ferris)
2. (2018-C005) Amend Chapter 20, Entitled "Licenses and Permits" of the City of Brewer Charter Codes and Ordinances, Article 2, Licenses (Councilor Vachon)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of March 27, 2018 Regular Meeting

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ACTION: Councilor Uhlenhake moved that the minutes be accepted and placed on file. The motion was seconded and passed unanimously.

B. Awards, Petitions, Public Comments.

2018-B008

May 8, 2018

TITLE: RESOLVE, RECOGNIZE LUCAS D. BEAL FOR EARNING
THE RANK OF EAGLE SCOUT

Filed April 29, 2018
By Jerry Goss

WHEREAS, Lucas D. Beal a member of Boy Scout Troop 41, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

WHEREAS, at a Boy Scouts of America Court of Honor held on Sunday, April 29, 2018, Lucas D. Beal was officially awarded the rank of Eagle Scout; and

WHEREAS, as part of the required Service Project for the Eagle Scout Award, Lucas chose to have his project benefit the Brewer Parks and Recreation Department and his community by spreading two dump truck loads of woodchips onto Sherwood Forest Walking Trail in Brewer to cover roots, rocks, mud, and fixed two foot bridges as well as the construction of two picnic tables and a wooden planter; and

WHEREAS, it is the sense of the Brewer City Council that earning the rank of Eagle Scout is a great achievement;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Lucas D. Beal for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve and presented Lucas Beal with the plaque. Councilor Vachon stated that earning the Eagle Scout rank is a tremendous honor and Lucas should be so proud and it is something that he can be proud of for the rest of his life.

Mark Beal, Lucas' Dad thanked the Council.

The resolve was adopted by a unanimous vote.

2018-B009

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TITLE: RESOLVE, RECOGNIZE ERIC BLANCHARD FOR ACHIEVING
MAINE WARDEN OF THE YEAR.

Filed March 30, 2018
By Jerry Goss

WHEREAS, Eric Blanchard grew up in Brewer, attended Brewer schools and is a graduate of Brewer High School. He also is a 1993 graduate of Eastern Kentucky University; and

WHEREAS, Eric began his law enforcement as a police officer in Concord N.H. and spent four years there before becoming a warden in 1999. He has worked in three York County districts since becoming a warden; and

WHEREAS, Eric's projects include helping to ensure the success of the Maine Department of Inland Fisheries and Wildlife's piping plover law enforcement program since 2007, writing and managing Maine Warden Service Outdoor Heritage Fund Grants, and managing the service's forensic mapping team; and

WHEREAS, Eric is also working toward a degree in mechanical engineering while working full time; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates, commends and also expresses their extreme pride of Eric Blanchard's success of being named Maine Warden of the Year for 2018.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve and presented it to Eric's father who was present to represent his son because his son could not attend due to the fact he was working a shift. Chairman Goss also presented Eric's father with a Brewer challenge coin to pass on to his son and issued a challenge of just continuing to be the excellent person that Eric is.

The resolve was adopted by a unanimous vote.

PUBLIC COMMENTS.

Del Merritt, owner of Cap's Tavern on South Main Street in Brewer, thanked the Council for the nice plaque and ceremony he received when he reopened his business. He stated that he was not sure if he was following proper procedure or not but he would like to donate \$1,000.00 to the Brewer Fire Department that his employees and customers had raised for them.

Chairman Goss requested that the Public Safety Director, Jason Moffitt and Fire Chief, Ralph Cammack come forward to accept Mr. Merritt's donation.

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Chairman Goss thanked Mr. Merritt and said that it was nice to see the new building up and running and cars in the parking lot.

Chairman Goss requested that there be an order entertained to accept the donation. Councilor Ferris moved that the donation be accepted, the motion was seconded and passed unanimously.

Chairman Goss read a letter he had received from Senator Collins:

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SUSAN M. COLLINS
MAINE

413 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1904
(202) 224-2523
(202) 224-2693 (FAX)

COPY

United States Senate

WASHINGTON, DC 20510-1904

COMMITTEES:
SPECIAL COMMITTEE
ON AGING,
CHAIRMAN
APPROPRIATIONS
HEALTH, EDUCATION,
LABOR, AND PENSIONS
SELECT COMMITTEE
ON INTELLIGENCE

April 10, 2018

The Hon. Jerry Goss
41 Cove Street
Brewer, ME 04412-2537

Dear Jerry,

Thank you for contacting me to express your support for stronger gun control measures following the horrific shooting in Parkland, Florida. I appreciate your taking the time to share your perspective with Carol Woodcock from my Bangor office. There are several sensible reforms that I have led, supported, and cosponsored to improve gun safety while protecting the constitutional rights of law-abiding Americans.

One concrete step we could take right away is to improve the quality and completeness of background checks. That is why I have repeatedly voted for a proposal sponsored by Senators Joe Manchin (D-WV) and Pat Toomey (R-PA) to require background checks for all commercial transactions – including those at gun shows and online. We can further improve the background checks system by making sure information about people who are prohibited from owning guns is accurate and available to law enforcement. For example, I cosponsored the bipartisan *Fix NICS Act*, which was signed into law in March 2018 as part of the *Consolidated Appropriations Act*. This bill, introduced after the tragic shooting at a church in Sutherland Spring, Texas, strengthens the National Instant Criminal Background Check System (NICS) by ensuring that federal and state agencies are complying with the current law and uploading complete and accurate records. I have also joined Senator Toomey as a cosponsor of the *NICS Denial Notification Act*, which would require federal officials to notify state law enforcement within 24 hours of when a person prohibited from buying a gun tries to do so and fails the background check.

Another important step we can take is to give law enforcement the tools they need to investigate and prosecute illegal gun transfers, known as straw purchases, which put guns in the hands of criminals who cannot legally obtain a firearm. I have introduced a bill with Senator Leahy (D-VT), the *Stop Illegal Trafficking in Firearms Act*, to help law enforcement end this practice, a major contributor to the violence across the southern border, gang violence in our cities, and the heroin epidemic in our communities.

Remarkably, current law does not prohibit a person known or suspected of engaging in terrorism from buying a firearm. Following the Orlando shooting at the Pulse Night Club by a gunman with purported terrorist ties, I introduced the *Terrorist Firearms Prevention Act*, which would prevent individuals who are on the No Fly or Selectee Lists from purchasing firearms. In my view, if our government has determined that an individual is too dangerous to fly on an airplane, that person should not be able to purchase a gun.

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As a nation, we must also examine the common thread that connects many acts of gun violence: untreated or under-treated serious mental illness. I supported a bill called the *21st Century Cures Act*, which became law in 2016, which improves coordination among mental health services and increases resources for them. While mental health is just one facet of the problem of mass shootings in our country, it is a significant one. I am a cosponsor of the bipartisan *Federal Extreme Risk Protection Order Act*, which would provide a way for family members and law enforcement officers to prevent people who pose a danger to themselves and others from temporarily purchasing or possessing guns. Several states have “red flag” laws like this to keep dangerous people from harming themselves and others, while adhering to important due process protections.

I am also very concerned about devices, like bump stocks, that are designed to turn semi-automatic rifles into what are essentially machine guns. A bump stock was used by the Las Vegas shooter, resulting in the deaths of 58 victims. I am a cosponsor of the *Banning Unlawful Machinegun Parts (BUMP) Act*, which would ban the sale of bump stocks and similar devices.

Finally, it is essential that we take steps to secure our schools to ensure that they are a safe learning environment. I cosponsored the *Student, Teachers, and Officers Preventing (STOP) School Violence Act*, which became law in March 2018 as part of the *Consolidated Appropriations Act*. This law will enhance school safety by helping local communities fund new training, reporting systems, and security infrastructure. I have also cosponsored the *School Safety & Mental Health Service Improvement Act*, which would assist communities seeking to upgrade school safety infrastructure and technology. It would invest in mental health programs so that students have access to the services they need, including through school counselors and mental health professionals, and create a Presidential Task Force to coordinate federal resources.

You may be interested to know that the Sandy Hook Promise organization and the Maine Citizens Against Handgun Violence, now known as the Maine Gun Safety Coalition, have honored me for my efforts to address gun violence.

Again, thank you for writing to me about this important issue. I always appreciate hearing from you.

Sincerely,



Susan M. Collins
United States Senator

Chairman Goss officially welcomed our new City Attorney, Jon Pottle to “the horseshoe”.

Jonathan Pottle thanked Chairman Goss and said he was looking forward to working with the City of Brewer.

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C. Consent Calendar

ACTION: Councilor Vachon removed order 2018-A094 from the consent calendar.
Councilor Uhlenhake removed resolve 2018-B011 from the consent calendar.
Councilor Ferris removed order 2018-A093 from the consent calendar.
Councilor O'Connell removed orders 2018-A079, 2018-A090, 2018-A092 from the consent calendar.
Councilor Vachon moved that the remaining orders on the consent calendar have passage and the resolves be adopted.
The motion was seconded and passed by unanimous vote.

2018-A074

May 8, 2018

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

Filed May 3, 2018
By Matthew Vachon

WHEREAS, the Brewer Public Library has received a contribution of \$25.00 from the the Brewer Bird and Garden Club, in memory of Mrs. Beth Beal; and

WHEREAS, the Brewer Public Library has received a contribution of \$100.00 from Sharon J. Kobritz and a contribution of \$20.00 from an anonymous donor; and

WHEREAS, the above donors indicated that these donations were intended to supplement and support the purchase of new books for the City of Brewer Public Library, and it is the recommendation and request of the Library Director that these donations be appropriated and expended as requested by the donors;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$145.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books).

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library and authorizes the expenditure of these contributions to support the purchase of new books.

2018-A075

May 8, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC LIBRARY FROM THE KIWANIS CLUB OF BREWER.

Filed May 2, 2018
By Kevin O'Connell

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WHEREAS, the City of Brewer Public Library has received a contribution of \$500.00 from the Kiwanis Club of Brewer; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to for children's programs and projects; and

WHEREAS, Kiwanis has faithfully supported children's reading and literacy efforts at the Brewer Public Library for many years, in particular the annual Summer Reading Program;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$500.00 from the Kiwanis Club of Brewer and authorizes its deposit in account 060072-360000-72011 (Kiwanis Grant Revenue) and expenditure from account 0600072-560000-72011 (Kiwanis Grant Expenses).

STATEMENT OF FACT

This order accepts a donation from the Kiwanis Club of Brewer to support children's programs and projects at the City of Brewer Public Library.

2018-A076

May 8, 2018

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND
AUTHORIZE SALE OR DISPOSAL OF SURPLUS PROPERTY

Filed April 14, 2018
By Beverly Uhlenhake

WHEREAS, property belonging to the City of Brewer has been identified as being no longer useful to the City,

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Water Department equipment as surplus; PLC components removed from service during our SCADA upgrade.

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all equipment 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).

Statement of Fact

This order allows the sale or disposal of equipment which is no longer used or needed and allocates the proceeds to future capital replacement.

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2018-A077

May 8, 2018

TITLE: ORDER, AUTHORIZE A MODIFICATION TO THE LOCAL PROJECT AGREEMENT WITH THE MDOT FOR THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE RIVERWALK TRAIL PHASE 2 PROJECT

Filed April 17, 2018
By Joseph L. Ferris

WHEREAS, In February 2018 the City Manager polled the City Council in accordance with the City's Purchasing Ordinance and then executed a local project agreement with the MDOT for the acquisition of property rights associated with the Riverwalk Trail Phase 2 Project obligating the City to a 20% share of the estimated budget of \$75,000 or a maximum of \$15,000; and

WHEREAS, Negotiations with affected property owners has resulted in compensation payments that exceeded those originally estimated necessitating an increase in the budget for the Acquisition of property Rights; and

WHEREAS, Commitments for expenditures in excess of \$15,000 require City Council approval by majority vote at a formally convened public meeting;

NOW, THEREFORE, BE IT ORDERED that the City Manager, or his designee, is authorized to execute a Modification to the existing Local Project Agreement with the MDOT for the acquisition of property rights for the Riverwalk Trail Phase 2 Project increasing the City's 20% share to a maximum of \$20,000 from the currently authorized \$15,000; and

BE IT FURTHER ORDERED that costs associated with this project and agreement shall be charged to account 0510121-551102-57019.

Statement of Fact

This Order Authorizes a Modification to the Local Project Agreement with the MDOT for the Acquisition of Property Rights Necessary for the Riverwalk Trail Phase 2 Project.

2018-A078

May 8, 2018

TITLE: ORDER, ACCEPT PROCEEDS FROM SALE OF SCRAP METAL AND APPROPRIATE FOR USE

Filed April 3, 2018
By Matthew Vachon

WHEREAS, Public Works has received check in the amount of \$622.75 from Corey Recycling for the sale of scrap metal generated from its vehicle repair shop; and

WHEREAS, from time to time over the remainder of the fiscal year, Public Works may have additional scrap metal it will dispose of for money; and

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WHEREAS, Public Works desires to use these unanticipated proceeds to supplement its vehicle maintenance and repair budget;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith orders the \$622.75 proceeds from the sale of this scrap metal and any similar additional surplus materials during the 2018 fiscal year be deposited into 0106604-300490 (Public Works – Misc. Revenue) and appropriated for expenditure from 0116641-504200 (PW Vehicle Maintenance and Repair).

Statement of Fact

All of the scrap metal is generated here at the Public Works facility from discarded parts including but not limited to brake pads, disk and drums; exhaust parts; damaged wheels; plow cutting edges and shoes; along with other miscellaneous items. Cost to replace these items comes out of the vehicle maintenance budget hence we request these funds be rolled back into the vehicle maintenance budget.

2018-A079

May 8, 2018

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO ACCEPT AND USE FUNDS
FOR THE 2018 STREAM CLEANUP PROGRAM

Filed May 1, 2018
By Kevin O’Connell

WHEREAS, the City of Brewer held its 14th Annual Stream Cleanup Event on May 5, 2018, and

WHEREAS, a number of private companies and individuals have or will donate monies, materials and supplies for this event in order to make it more successful for the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer authorizes the City Manager and the Finance Director to accept donations in support of the City’s Annual Stream Cleanup event held on May 5, 2018; and

FURTHER ORDERED, that any donations of funds be deposited in account number 0200000-320000-20001.

FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

Statement of Fact

This is the 14th Stream Cleanup Event and every year the entire cost of the event is funded from donations.

ACTION: Councilor O’Connell moved that the order have passage. The motion was seconded.

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Chairman Goss explained that the additional copy that the Council has of this order was a corrected copy, the title had a mistake and no further action is necessary.
The order was passed with a unanimous vote.

2018-A080

May 8, 2018

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF BANGOR FOR TRAFFIC SIGNAL AND STREET LIGHT MAINTENANCE SERVICES

Filed May 2, 2018
By Beverly Uhlenhake

WHEREAS, the Electrical Division of the Public Works Department of the City of Bangor has for years provided the City of Brewer with maintenance services for traffic signal equipment on an as needed basis; and

WHEREAS, the two cities wish to add maintenance services for street lights, owned by the City of Brewer, to this mutually beneficial service arrangement; and

WHEREAS, no formal agreement has previously existed defining the terms and conditions for the provision of these services; and

WHEREAS, a formal Traffic Signal and Street Light Maintenance Agreement has been drafted and reviewed by Administrative, Departmental and Legal representatives of both cities;

NOW, THEREFORE, BE IT ORDERED, that the City Manager or his designee is authorized to execute a Traffic Signal and Street Light Maintenance Agreement with the City of Bangor under such terms and conditions as he determines to be in the best interest of the citizens of Brewer.

Statement of Fact

This order authorizes the City Manager to execute an agreement with the City of Bangor for traffic signal and street light maintenance services.

2018-A081

May 8, 2018

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PUBLIC LIBRARY.

Filed May 3, 2018
By Joseph L. Ferris

WHEREAS, the City of Brewer Public Library received a donation of several new books, a state parks vehicle lending pass, and a new digital camera from the Brewer Library Association; and

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WHEREAS, the books are primarily large print items to supplement that section of the Library collection; and

WHEREAS, the state parks vehicle pass is valued at \$150.00 and is available for borrowing by all patrons with a valid Library card; and

WHEREAS, the digital camera is valued at approximately \$323, and will be used by Library staff to document special events and update websites and social media accounts for publicity purposes; and

WHEREAS, it is the recommendation and request of the Library Director that these items be accepted for immediate use;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts the donation of these books, the state parks vehicle lending pass, and the digital camera for use to support the mission and tasks of the Library.

STATEMENT OF FACT

This order accepts the donation of several new books, a state parks vehicle lending pass, and a new digital camera from the Brewer Library Association to the City of Brewer Public Library and authorizes the use of these items.

2018-A082

May 8, 2018

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

Filed May 2, 2018
By Matthew Vachon

WHEREAS, the Brewer Public Library has received contributions of \$50.00 from Sharon J. Kobritz, \$40.00 from Wendy Argleben, and \$100.00 from the Cabibi family to supplement and support the programming budget at the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that these donations be appropriated and expended as requested by the donors;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$190.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-506150 (Library Special Events).

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library and authorizes the expenditure of these contributions to support programming at the Library.

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2018-A083

May 8, 2018

TITLE: ORDER, ADJUST INTERMENT FEES AND LOT PURCHASE PRICES
AT WOODLAWN CEMETERY.

Filed May 3, 2018
By Kevin O'Connell

WHEREAS, the Brewer Cemetery Board meets periodically to review changes to rules and regulations as proposed by the Parks & Recreation Director; and

WHEREAS, the current cemetery interment and lot rates were last increased in May of 2014; and

WHEREAS, the Brewer Cemetery Board met on March 12, 2018 and recommended approval of the following rate increases (pages 5 & 6 of the Rules and Regulations of the Brewer Municipal Cemeteries): and

WHEREAS, the rate increases will not go into effect until July 1, 2018 in order for area funeral homes to have adequate time to make adjustments;

NOW THEREFORE BE IT ORDERED, that the City Council approves the rate increases recommended by the Brewer Cemetery Board.

FEES, CHARGES, AND PAYMENTS

The payment of all fees and charges shall be made at the office of the Parks & Recreation Department or to the Superintendent and receipts will be issued for all amounts paid. Checks are to be made payable to the City of Brewer.

The following schedule of fees and charges is in effect and applicable to all portions of the Brewer Municipal Cemeteries, with the exception of the new section in Woodlawn. These fees and charges are subject to change without notice at such time as the City may deem necessary. New lots are available only at Woodlawn Cemetery.

Lot price per single grave (General Fund)	Perpetual Care	Total Cost
\$245.00 \$280.00	\$105.00 \$120.00	\$350.00 \$400.00
Lot price in New Section of Woodlawn	Perpetual Care	Total Cost
\$630.00 (2 graves, 1 lot) \$700.00	\$270.00 \$300.00	\$900.00 \$1,000.00

Interments

The following fixed charges will be made by the City for opening all graves, which charges includes the opening of the grave, removal of excess material, refilling and sodding.

Burial on Weekdays

Burial on Saturdays Only

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Earth burials	\$400.00	\$450.00	\$600.00	\$650.00
Burial of cremains	-175.00	200.00	-275.00	300.00
Burial of 2 cremains (one opening)	250.00	275.00	350.00	375.00

Sunday or Holiday Burials: There will be no burials on Sunday or City holidays.
After 3 PM: Any weekday service that is scheduled after 3 PM, the Saturday rates will apply.

Disinterment: Charges for opening graves to permit removal will be made in accordance with the difficulty of the work and are payable in advance. A minimum charge of \$550.00 will be made for full grave disinterment.
Disinterment of cremains: \$175.00.

**** WOODLAWN MEMORIAL PARK**

URN GARDEN

An Urn Garden has been established at Woodlawn Memorial Park and has lots available for the burials of cremains.

The price of these lots is ~~\$200.00~~ \$250.00 per lot, ~~\$140.00~~ \$175.00 to be credited to the General Fund and ~~\$60.00~~ \$75.00 to be credited to the Perpetual Care Account. The size of these lots is 24" x 24".

Markers for these lots may be of bronze or granite. If bronze, they must be attached to either a 4" thick granite or a 4" thick cement slab, matching dimensions of the marker installed. If granite, it must be 4" thick.

All other rules and regulations pertaining to the City of Brewer cemeteries will prevail.

Chapter 14, Section 104.1 of the City of Brewer Charter, Codes, and Ordinances.

Notwithstanding any of the foregoing or any rules and regulations adopted by the Board of Cemetery Trustees, in ground seasonal flowers may be planted within 8 inches of any grave marker in the Woodlawn Cemetery. The city reserves the right to disturb said flowers as necessary for burials and for cemetery maintenance. The City shall not be responsible for replacement of flowers so disturbed. Any flowers that become unsightly may also be removed.

STATEMENT OF FACT

Due to rising minimal hourly wage costs of seasonal employees, the costs of maintaining all three cemeteries are increasing and rates need to be adjusted in an effort to offset those costs.

2018-A084

May 8, 2018

TITLE: ORDER, ACCEPT GRANT FUNDS FROM USDA FOREST SERVICE.

Filed May 3, 2018
By Beverly Uhlenhake

WHEREAS, the City of Brewer Fire Department has been awarded \$1,807.75 in grant funding from the USDA Forest Service administered by the Maine Fire Chief's Forestry Committee; and

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The City of Brewer Police Department has been awarded \$2,952.00 in grant funding by the Maine Bureau of Highway Safety to conduct pedestrian/motor vehicle enforcement details. The match amount of \$739.00 will be satisfied by providing in-kind oversight duties and mileage.

2018-A086

May 8, 2018

TITLE: ORDER, ACCEPT GRANT FUNDS FROM MAINE BUREAU OF
HIGHWAY SAFETY FOR SEATBELT SAFETY.

Filed May 3, 2018
By Matthew Vachon

WHEREAS, the City of Brewer Police Department has been awarded \$3,321.00 in grant funding from the Maine Bureau of Highway Safety to conducted seatbelt enforcement details in high crash areas; and

WHEREAS, the match amount of \$832.75 will be satisfied by providing in-kind oversight and administrative duties; and

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in 0105802-300232 (Police Federal/State Grant Reimbursements);

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds from 0105810-500203 (Police Outside Activities).

Statement of Fact

The City of Brewer Police Department has been awarded \$3,321.00 in grant funding by the Maine Bureau of Highway Safety to conduct seatbelt enforcement details in high crash areas. The match amount of \$832.75 will be satisfied by providing in-kind oversight and administrative duties.

2018-A087

May 8, 2018

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE
SALE OR DISPOSAL OF SURPLUS PROPERTY

Filed April 26, 2018
By Kevin O'Connell

WHEREAS, property belonging to the City of Brewer has been identified as being no longer useful to the City,

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following General Assistance Department equipment as surplus; one desk and a wooden bookshelf removed from service.

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BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all equipment 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 Sale of Assets Revenue account (0106904-300410).

Statement of Fact

This order allows the sale or disposal of equipment which is no longer used or needed.

2018-A088

May 8, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER POLICE
DEPARTMENT

Filed May 4, 2018
By Beverly Uhlenhake

WHEREAS, the Brewer Professional Firefighters Local 2162 has donated \$900.00 for the acquisition of a rowing machine for the Public Safety Building's fitness room; and

WHEREAS, it is the recommendation and request of the Public Safety Director that this donation be appropriated and expended to purchase a Concept rowing machine from Rogue Fitness and that the balance of the purchase price be paid out of the Police Department's State Asset Forfeiture account;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts this contribution totaling \$900.00 and authorizes its deposit into account 0105804-300490 (Police Miscellaneous Revenue);

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of those funds along with the City's share from state asset forfeiture funds from account 0115811-503000 (Police Minor Equipment).

STATEMENT OF FACT

This order accepts a \$900 donation from the Local Firefighters union toward purchase of a Rogue Fitness Concept Rowers for the Public Safety Building fitness room.

2018-A089

May 8, 2018

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PARKS AND
RECREATION DEPARTMENT FOR SPECIAL EVENTS.

Filed May 3, 2018
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a contribution of \$200.00 from

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the Kiwanis Club of Brewer to supplement and support the special event budget at the City of Brewer Parks & Recreation Department; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director that these donations be appropriated and expended as requested by the donors;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$200.00 and authorizes their deposit into account 0100000-110790 and expenditure from account 0107123-300325 (Parks & Recreation Special Events).

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Parks & Recreation Department and authorizes the expenditure of these contributions to support special events at the Rec. Department.

2018-A090

MAY 8, 2018

TITLE: ORDER: DECLARE THE PROPERTY SITUATED AT 62 PARKER STREET, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS, IN BOOK 6881 PAGE 306, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL

Filed March 27, 2018
By Matthew Vachon

WHEREAS, a tax lien against the property situated at 62 Parker Street, Brewer, Maine, (Tax Assessor's Map 30, Lot 37) and more specifically described in the Penobscot County Registry of Deeds in Book 6881, Page 306 (herein after referred to as the "Property") has automatically foreclosed, and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and has recommended to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated at 62 Parker Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property as would be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale or transfer of said Property.

Statement of Fact

The City obtained ownership of this property formerly owned by Jeffrey Hamadey through the

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automatic foreclosure of a 2016 tax lien. The City attempted multiple communications with Mr. Hamadey to arrange payment, but received no response. This order declares the property, located at 62 Parker Street, surplus and authorizes the City Manager to sell it.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded.

Councilor O’Connell expressed concern that he had driven by this property and there was a sale pending sign on the property.

Karen Fussell, City of Brewer Finance Director addressed the Council and stated that yes, the former owner had put the property up for sale and there was a closing scheduled. If the closing goes through, part of the closing paperwork is that the City be paid in full. Currently the City is not sure on the status of the closing.

The order was passed by a unanimous vote.

2018-A091

May 8, 2018

TITLE: ORDER: DECLARE THE PROPERTY SITUATED AT PLEASANT STREET, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS, IN BOOK 3302 PAGE 24, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL

Filed: March 27, 2018
By Kevin O’Connell

WHEREAS, a tax lien against the undeveloped property situated at Pleasant Street, Brewer, Maine, (Tax Assessor’s Map 24, Lot 58) and more specifically described in the Penobscot County Registry of Deeds in Book 3302, Page 24 (herein after referred to as the “Property”) has automatically foreclosed, and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and has recommended to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City’s staff recommendation, hereby declares the Property situated at Pleasant Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property as would be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale or transfer of said Property.

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Statement of Fact

The City obtained ownership of this 0.14-acre undeveloped, landlocked piece of land formerly owned by Shawn MacDougall through the automatic foreclosure of a 2016 tax lien. The City attempted multiple communications with Mr. MacDougall to arrange payment but received no response. This order declares the property, located at Pleasant Street, surplus and authorizes the City Manager to sell it.

2018-A092

May 8, 2018

TITLE: ORDER, CERTIFY AFFORDABLE HOUSING INFORMATION

Filed May 2, 2018

By Beverly Uhlenhake

WHEREAS, as required by the City's Certificate of Approval for the Highland Community Affordable Housing Development District (District) issued by the Maine State Housing Authority and the provisions of 30-A M.R.S.A Chapter 206 Section 5250-E, the City Council must certify annually that the City continues to meet the public purpose of the District and that the rental units within the District have remained affordable as well as account for any sale of property within the District; and

WHEREAS, both affordable housing facilities within the District—Somerset Place Senior Housing and Village Centre Apartments—have attested to the City that their rental units remain affordable and no sale of property has occurred; and

WHEREAS, the District continues to serve its public purpose by having expanded affordable housing within the City;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith certifies the public purpose of the Highland Community Affordable Housing Development District and the affordability of the rental units within it and authorizes the City Manager or his designee to submit the required annual report to the Maine State Housing Authority.

Statement of Fact

This order fulfills a requirement of the City's affordable housing district approval and certifies that the district (consisting of Somerset Place and Village Centre) continues to meet its affordability requirements and to serve a public purpose.

ACTION: Councilor Uhlenhake moved that the order have passage. The motion was seconded.

Councilor O'Connell stated that he would be abstaining from this vote.

The order passed with a 4-0-1 vote.

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2018-A093

May 8, 2018

TITLE: ORDER, TAX RELEASE DEED, MAP 035, LOT 99, 7 MADISON AVE.

Filed May 2, 2018
By Joseph L. Ferris

ORDERED, that a municipal Release Deed be issued to Christine D. Willette, Personal Representative for Estate of Marie L. McDonough releasing to her all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

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

Statement of Fact:

A total of \$13,400.00 was collected, \$12,237.44 in principal, along with \$414.71 in interest and \$747.85 in costs.

ACTION: Councilor Uhlenhake moved that the order have passage. The motion was seconded.

Councilor Ferris stated that he would be abstaining from the vote.

The order passed with a 4-0-1 vote.

2018-A094

May 8, 2018

TITLE: ORDER, AMEND THE CITY OF BREWER SCHEDULE OF FEES.

Filed May 1, 2018
By Matthew Vachon

ORDERED, that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, Article 4 Licensing and Permit Fee Schedule, requires the City Council to establish fees for City licenses and permits;

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees shall be amended by adding the following:

SCHEDULE OF FEES

CITY CLERK

- MOBILE FOOD BUSINESS
 - MOBILE FOOD TRUCK OR TRAILER

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- for operation exclusively on PRIVATE property \$200.00 ANNUALLY
- MOBILE FOOD TRUCK OR TRAILER
for operation on PUBLIC and/or PRIVATE property \$500.00 ANNUALLY
- MOBILE ICE CREAM VENDOR \$50.00 ANNUALLY
- MOBILE ICE CREAM DONATION TRUCK NO CHARGE
- MOBILE FOOD PUSHCART \$50.00 ANNUALLY

STATEMENT OF FACT

This Schedule of Fees amendment is proposed in order to correspond with the proposed amendments to the Brewer Land Use Code and Chapter 20. This amendment allows mobile food businesses to operate within the City of Brewer under specific regulations and licensing requirements.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded.

Councilor Vachon moved that the order be amended by complete substitution. The motion was seconded.

The order amended by complete substitution passed by a unanimous vote.

2018-A095

May 8, 2018

TITLE ORDER APPOINT MEMBER TO THE BREWER
PLANNING BOARD

Filed May 1, 2018
By Kevin O'Connell

ORDERED, that Jane Hinckley, 5 Woodridge Road, is herewith appointed to the Brewer Planning Board as a full-time member to fill a current vacancy; and

BE IT FURTHER ORDERED, that Ms. Hinckley's term will commence June 1, 2018 and expire on March 31, 2020.

STATEMENT OF FACT

This is an order to move an Associate member of the Planning Board to a full-time member to fill a current vacancy.

2018-B010

May 8, 2018

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TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY
SCHEDULE FOR THE JUNE 12, 2018 CITY OF BREWER
SCHOOL BUDGET APPROVAL ELECTION AND STATE
OF MAINE REFERENDUM ELECTION.

Filed May 3, 2018
By Kevin O'Connell

WHEREAS, the City of Brewer School Budget Approval Election and State of Maine Referendum Election will be held on Tuesday, June 12, 2018; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 4:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters;

NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days next prior to the City and State elections to be held on June 12, 2018.

Statement of Fact

This is an annual housekeeping resolve to comply with state statues regarding elections.

2018-B011

May 8, 2018

TITLE: RESOLVE, ACCEPT REPORT FROM BREWER POLICE DEPARTMENT
AND DIRECT CITY MANAGER TO IMPLEMENT SECURITY PLAN

Filed May 4, 2018
By Jerry Goss

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May 8, 2018

WHEREAS, the Brewer Police Department has conducted a comprehensive analysis of safety and security needs for the City of Brewer and Brewer Public Schools; and

WHEREAS, the Brewer Police Department has submitted these findings and recommendations to the City Manager and City Council for review and consideration; and

WHEREAS, the City Council is committed to the safety and security for the City of Brewer and the Brewer School Department;

NOW, THEREFOR BE IT RESOLVED, that the City Council accepts this report and recommendations made and authorizes the City Manager to immediately begin the process of implementing these recommendations for improved safety and security;

STATEMENT OF FACT

This order authorizes the City Manager to direct the Police Department to implement recommendations for improved safety and security for the City of Brewer and the Brewer School Department.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded.

Chairman Goss asked the Director of Public Safety, Jason Moffitt, to address the Council. Chief Moffitt gave a brief overview of the position paper he was asked by the Council to compile. Councilor Uhlenhake asked for clarification on the name of the technology being referenced. Chief Moffitt stated that it is the same company, they have just undergone a name change through a merger. Councilor Uhlenhake asked if the School Committee had seen the position paper and Chief Moffitt answered that they had not as of this meeting. Councilor Uhlenhake suggested that the Council entered a “joint resolution” with the School Committee. The City Solicitor guided the Council in several different ways they could act. Chairman Goss stated he would like to step up and make a public statement for the citizens of Brewer. Councilor Uhlenhake stated that she would really like to wait a couple of weeks and bring the school committee along with the decisions on this resolve. The City Manager thanked the Public Safety Director, Deputy Chief Martin and everyone else who worked on this paper for their efforts in doing exactly what the Council had asked them to do. Councilor Ferris said he does not have a problem accepting the resolve but would like to hear from the school committee on implementing this issue. Superintendent Towle stated that the school committee is aware of the report and stated that many of the items addressed in the report the school committee is currently aware of and working on. She thinks the school committee would appreciate seeing the compiled report and being able to act on it as opposed to being told what to do from the Council. Chairman Goss stated that as Mayor he does not want to tell the school committee what to do, he just wants to accept the resolve and then be able to proceed to the next level of implementing it jointly with the school. Councilor O’Connell thanked the Public Safety Director for all the efforts in doing exactly what the Council asked, he suggested tabling the resolve until the end of the month when the Council could meet with the school committee. Chairman Goss would like to accept the resolve because it is exactly what the Council asked to be put together and he would further like to include the school on the implementation of the resolve. Councilor

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Uhlenhake asked if she could amend the resolve to say that the Council will consult with the school department and police department on the implementation of the resolve. The City Solicitor guided the Council in saying that accepting the report does not make it a directive to the school department, that in fact you can do both, accept it and work with the school. The City Manager stated that when this paper was put together, at no point did the members that worked on this attempt to exclude the school committee, rather it was a known fact that the school committee would be included in the implementation of the plan, this paper was just a starting point. The City Solicitor clarified that accepting this resolve could be done and then the directive would be to work with the school committee, if the was the pleasure of the Council. Council Ferris stated that he has no problem accepting the report but because the paper presented deals directly with policy of the school, he would like the input from the school as far as implementing the document. The City Manager suggested the Council consider withdrawing the document before them and waiting until the City and the School had a chance to forge a mutual document.

Councilor Ferris moved that the resolve be tabled. The motion was seconded.

The motion passed by unanimous vote.

Chairman Goss thanked the Public Safety Director for his efforts in preparing exactly what the Council had asked for.

2018-B012

May 8, 2018

TITLE: RESOLVE, AMEND THE SCHEDULE OF THE CITY COUNCIL
REGULAR MEETINGS TO CHANGE THE JUNE 2018 REGULAR
MEETING DATE.

Filed May 1, 2018

By Beverly Uhlenhake

WHEREAS, the City Council, at its annual meeting held on November 21, 2017, adopted Resolve 2017-B020 establishing dates of its regular monthly meeting for 2018; and

WHEREAS, Tuesday, June 12, 2018 was established as the date for the June 2018 regular Council meeting; and

WHEREAS, this date conflicts with the State Primary and Referendum Election and the City Budget Approval Election;

NOW, THEREFORE, BE IT RESOLVED, that Council Resolve 2017-B020, be amended by changing the date of the regular meeting for the month of June from Tuesday, June 12, 2018 to Tuesday, June 5, 2018 at 6:00 p.m.

STATEMENT OF FACT

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Due to conflicting schedule of the State & City Election and the needed approval of the budget beforehand, the June regular council meeting will be rescheduled so that all deadlines can be met.

D. Monthly Reports

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

E. Nominations, Appointments, Elections

There were no nominations, appointments or elections.

F. Unfinished Business

2018-C003

March 27, 2018

TITLE AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, TO ADD SECTION 441 MOBILE FOOD BUSINESSES, AND ARTICLE 14, DEFINITIONS.

BE IT ORDAINED by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code" shall be amended by adding the following subsection to Article 4 and adding the following definitions to Article 14:

ARTICLE 4 PERFORMANCE STANDARDS

441. MOBILE FOOD BUSINESSES

Mobile food businesses shall include mobile food trailers, mobile food trucks, mobile ice cream vendors, and mobile food pushcarts. See Article 14 of this Land Use Code for definitions.

411.1 All entities desiring to operate a mobile food business within the City shall meet the following requirements:

1. Obtain a license from the City of Brewer. Said license shall include the type of mobile food business, number of mobile units, location and hours of operation. Such license shall be issued by the City Clerk upon certification of the Health Officer, Code Enforcement Officer, Police Chief, and the Fire Chief, or their designees. The fee for said license shall be in accordance with the City of Brewer Schedule of Fees.
2. Must meet local inspections.
3. All food truck owners/drivers must consent to and pass a background check conducted by the Brewer Police Department and demonstrate proof of vehicle insurance. General liability insurance is required when operating on City property.

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4. Must have all necessary licenses and permits from the State of Maine.
5. Must meet NFPA adopted standards.
6. Must supply a written traffic management plan approved by the Brewer Police Chief or his/her designee. This does not apply to mobile ice cream vendors and mobile food pushcarts.
7. The business must be used by foot traffic and not as a vehicle drive-thru.
8. Must be located in allowed locations. See 441.2 of this Brewer Land Use Code.
9. Cannot exceed operating more than 4 hours during any 24 hour period per location without City approval.
10. The business infrastructure shall not be permanently affixed to the ground.
11. If located on private property, must have written landowner permission.
12. Must provide own recycling and trash disposal for the business and patrons.
13. Outdoor furniture (such as tables and chairs) is permitted with approval and cannot cause safety hazards. Items must also be removed when business is not in operation. Approval of the outdoor furniture shall be by the Code Office when on private land and by the Parks & Recreation Department when on public land.
14. The area around the business must be maintained in a clean and attractive condition.
15. All signs shall be physically attached to the unit.
16. No horns, amplified systems, or other sound-producing devices or music systems which can be heard outside of the truck may be used. This does not apply to mobile ice cream vendors.
17. No alcohol, tobacco, marijuana, or controlled substances may be sold or given.
18. No third party advertising may be displayed on any mobile food business.

The above items are required for each license renewal and shall meet the ordinance and/or standards in place at the time of renewal.

441.2 Mobile food businesses are allowed to operate either on public or private land as follows:

1. If located on private property, must be located in the Convenience Business (CB), Downtown Development (DD), or the Office Residential (OR) zoning districts. All equipment, tables, chairs, recycling and trash containers must not be located within the public right-of-way of any road or sidewalk.
2. Mobile food trucks and mobile food trailers are not allowed to operate in the public right-of-way of any accepted City Street with the exception of that portion of Betton Street which is used as a public parking lot. Mobile Ice Cream vendors are allowed to operate in the public right-of-way of City streets.
3. Mobile food businesses are allowed to operate on specific public locations after receiving local license and permit. After receiving a mobile food business license from the City Clerk's Office, the applicant may proceed to the Brewer Parks and Recreation Department to request a permit to operate on City property. The Brewer Parks and Recreation Department shall set specific locations along with allowed dates/times and maximum number of mobile food businesses for each site. Permits/approvals to operate on school property shall be obtained through the Brewer School Department.
4. Mobile food trucks and mobile food trailers shall not operate:

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- a. At a location where space for pedestrian passage will be reduced to less than four (4) feet;
- b. At a location which obstructs access to any entrance to any building of a facility used by the public, including but not limited to doors and emergency exits;
- c. Within ten (10) feet of any handicap access ramp, pedestrian crosswalk or fire hydrant;
- d. Within two hundred (200) feet walking distance of a business selling food and/or beverages for on-site consumption without the business's written agreement;
- e. Within any landscaped areas.

ARTICLE 14 DEFINITIONS

Mobile Food Business. A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location.

Mobile Food Court. A parcel of land where two (2) or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business, vending cart and seasonal farm stand, located on the same parcel of land shall be considered a mobile food court.

Mobile Food Trailer. A mobile food business that serves food or beverages from a non-motorized vehicle that is normally pulled behind a motorized vehicle. The term "mobile food trailer" shall not include vending carts, mobile food trucks, or mobile ice cream vendors.

Mobile Food Truck. A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts, mobile food trailers, or mobile ice cream vendors.

Mobile Ice Cream Vendors. Individuals selling pre-packaged novelty ice cream from a non-stationary vehicle or mobile pushcart. Open food handling such as, but not limited to, flavored grinding ice and pretzels are not allowed.

Mobile Food Pushcart. A portable vending device, pushcart, or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Transportation, used for the displaying, storing, or transporting of food offered for sale by a vendor. Said cart may be up to four (4) feet in width, six (6) feet in length, excluding auxiliary items such as handles or fenders, or otherwise the cart shall not occupy space greater than a total of twenty-four (24) square feet.

Statement of Fact

These ordinance amendments are proposed in order to allow mobile food businesses to operate within the City of Brewer under specific regulations.

The Planning Board held a public hearing on March 5, 2018 and unanimously made the recommendation to adopt these amendments.

ACTION: Councilor O'Connell made a motion that the ordinance amendment be enacted. The motion was seconded.

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Councilor Uhlenhake thanked who was involved with this ordinance amendment, she stated that it has been 4 or 5 years in the making and she is happy to see it happen.

The ordinance amendment passed by unanimous vote.

G. New Business

2018-C004

May 8, 2018

TITLE: AMEND CHAPTER 19 (TRAFFIC CODE) ARTICLE 3, SECTION 315

Filed April 2, 2018
By Joseph L. Ferris

BE IT ORDAINED by the Brewer City Council that the Brewer City Traffic Code shall be amended by changing Chapter 19, Article 3, Section 315, Schedule A (90 Minute Parking), deleting Item (2) under the North Main Street heading in its entirety:

~~(2) On the southerly side of North Main Street from Center Street southwesterly to Church Street.~~

BE IT FURTHER ORDAINED by the Brewer City Council that the Brewer City Traffic Code, Chapter 19, Article 3, Section 315, Schedule C (No Parking Anytime) shall be amended by adding the following items 5 & 6 under the North Main Street heading,

(5) On either side of North Main Street from State Street to Betton/Parker Streets.

(6) On the easterly side of North Main Street between Parker Street and Church Street.

Statement of Fact

This ordinance amendment deletes parking on the east side of North Main Street from Church to Center Streets to accommodate lane modifications by MDOT associated with improvements to the North Main Street/Betton Street traffic signals which will be completed by the end of June.

ACTION: Councilor Ferris moved that the proposed amendment be certified and filed with the city clerk for posting. The motion was seconded and passed by unanimous vote.

2018-C005

May 8, 2018

TITLE: AMEND CHAPTER 20, ENTITLED "LICENSES AND PERMITS" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 2, LICENSES.

Filed May 2, 2018
By Matthew Vachon

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BE IT ORDAINED by the City of Brewer in City Council assembled that Chapter 20, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Licenses and Permits", Article 2 shall be amended as follows:

ARTICLE 2. LICENSES

SECTION 215.2 MOBILE FOOD BUSINESS FOOD TRUCK. ~~Persons, partnerships, corporations or other legal entities desiring to operate food trucks on the public streets of the City, shall first make an application and receive a license therefore, from the City. Said license shall include the hours at which the food truck may operate within the public ways of the City. Must have all State of Maine Licenses that pertain to food trucks and the sale of food therein. Such license shall be issued upon certification of the Health Officer, Deputy Fire Chief and the Deputy Police Chief. The fee for said license shall be in accordance with Article 4 of this Chapter. (#12)(#13)~~

Any persons, partnership, corporation or other legal entity desiring to operate a mobile food business within the City shall obtain a license. Said mobile food businesses are categorized as either a mobile food trailer, mobile food truck, mobile ice cream vendor, or mobile food pushcart as defined in Article 14 of Chapter 24, Land Use Code of the City of Brewer. Such license shall be issued by the City Clerk upon submission of proof of insurance and certification of the Health Officer, Code Enforcement Officer, Police Chief, and the Fire Chief, or their designees. Operation of a mobile food business shall meet the performance standards set forth in Article 4, section 441 of said Land Use Code. The fee for said license shall be in accordance with Article 4 of this Chapter. In addition to the annual license requirement, mobile food businesses, except mobile ice cream vendors, which wish to operate on public properties must obtain a permit as detailed in said Land Use Code, Article 4, section 441.

SECTION 215.3 Any mobile food business ~~food truck~~ to be a permanent fixture on private property will have to comply with Chapter 24, Land Use Code of the City of Brewer and all ordinances and codes of the City of Brewer. (#12)(#13)

STATEMENT OF FACT

This ordinance amendment is proposed in order to correspond with the proposed amendments to the Brewer Land Use Code for definition constancy as a ministerial matter. These amendments allow mobile food businesses to operate within the City of Brewer under specific regulations and licensing requirements.

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

H. New Items with Leave of Council

There were no new items.

I. Adjourn

City Council Minutes
May 8, 2018

Chairman Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting was adjourned at 7:15 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine
