

City Council Minutes
Tuesday, December 14, 2021

Regular Meeting
City Hall Council Chambers

Tuesday, December 14, 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-absent
Mayor Daniels-present

Councilor Ferris-present
Councilor Phanthay-present

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

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

Mayor Daniels read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, 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, December 14, 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	Freeman	Off.	12/10/21	15:35
Jerry Goss	Freeman	Off.	12/10/21	15:53
Jenn Morin	Freeman	Off.	12/10/21	15:59
Soubanh Phanthay	Freeman	Off.	12/10/21	15:55
Michele Daniels	V. Migliore	CC.	12/10/21	11:42

CITY COUNCIL REGULAR MEETING
Tuesday, December 14, 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 November 16, 2021 Regular Meeting and 2021 Annual Meeting**
(Councilor Phanthay)
- B. Awards, Petitions and Public Comments**
 - 1. Public Comments
- C. Consent Calendar**
 - 1. (2021-A126) ORDER Accept donation to the Brewer Parks and Recreation Department for Youth Dodgeball League.
(Councilor Goss)
 - 2. (2021-A127) ORDER Accept donation to the Brewer Parks and Recreation Department for Youth Little Sluggers' Baseball League.
(Councilor Ferris)
 - 3. (2021-A128) ORDER Accept insurance proceeds and appropriate for expenditure to replace Welcome to Brewer Wall. (Councilor Morin)
 - 4. (2021-A129) ORDER Declare breathing air compressor surplus and authorize its disposal. (Councilor Phanthay)
 - 5. (2021-A130) ORDER Authorize purchase of a Toyota SUV for Code Enforcement. (Councilor Goss)
 - 6. (2021-A131) ORDER Accept grant funds from Walmart.
(Councilor Ferris)
 - 7. (2021-A132) ORDER Accept grant from Stephen and Tabitha King Foundation.
(Councilor Morin)
 - 8. (2021-A133) ORDER Accept donations to Brewer programs from Dusty and Ellen Fisher. (Councilor Phanthay)
 - 9. (2021-A134) ORDER Appropriate tax increment financing funds to acquire easement for Phase III of the Riverwalk Trail.
(Councilor Goss)
- D. Monthly Reports** (Councilor Ferris)
- E. Nominations, Appointments, Elections**
 - 1. (2021-B038) RESOLVE, Designate two representatives to serve on advisory committee for Regional Planning Commission.
(Councilor Morin)
- F. Unfinished Business**
 - 1. (2021-C014) ORDER Amend Chapter 19, Entitled "Traffic Code" of the Charter, Codes and Ordinances of the City of Brewer, Article 5, Section 506, Schedule 3. (Councilor Morin)
 - 2. (2021-C015) ORDER Amend Chapter 24, entitled "Land Use Code" of the Charter, Codes and Ordinances of the City of Brewer, Article 4 "Performance Standards", Section 438-B.
(Councilor Phanthay)

City Council Minutes
Tuesday, December 14, 2021

3. (2021-C016) ORDER Amend Chapter 24, entitled “Land Use Code” of the Charter, Codes and Ordinances of the City of Brewer, to change a portion of Convenience Business (CB) Zoning District to Industrial (IND) Zoning District on South Main Street (Tax Map 51, Lots 1 and 1C). (Councilor Goss)

G. New Business

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of November 16, 2021 Regular Meeting and 2021 Annual Meeting

ACTION: Councilor Phanthay moved that the minutes be accepted and placed on file. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

B. Awards, Petitions and Public Comments

Public Comments

Cokie Giles asked the Council to consider a resolution to support the creation of an equitable health care plan for all Maine residents. Cokie said she had previously presented the resolution to the Council at September’s meeting, and asked again that the resolution be considered. Mayor Daniels asked if there is a related bill before the Maine Legislature that a resolution could support. Cokie said that there had been bills put forward, but that right now they are trying to prove interest to the Legislature. Mayor Daniels asked the Councilors if they would like to see this resolution put before the Council. Councilor Ferris said that he would sponsor such a bill. Mayor Daniels asked the City Manager to add the resolution to next month’s agenda. Councilor Ferris said that the Council might change a word or two and make it “ours”. Councilor Goss said that he would like to see the resolution on the agenda, and that he thought residents would look positively on the Council making a stand that “...we believe that everybody should be taken care of.”

C. Consent Calendar

2021-A126

December 14, 2021

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR YOUTH DODGEBALL LEAGUE.

Filed November 17, 2021

By Jerry Goss

City Council Minutes
Tuesday, December 14, 2021

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$400.00 from Bangor Tire Company, Inc. for support of the Youth Dodgeball League; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Youth Dodgeball League.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Fall Program/League revenue account (0107123-300328); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Fall Program expense account (0117121-506130).

Statement of Fact: This order accepts a contribution to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Youth Dodgeball League. Although the 2021 Youth Dodgeball League season has been cancelled, these funds will be used to support the League's expected return in 2022.

2021-A127

December 14, 2021

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR YOUTH LITTLE SLUGGERS' BASEBALL LEAGUE.

Filed November 24, 2021
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150.00 from Walker's Garage, LLC for support of the Youth Little Sluggers Baseball League; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Youth Little Sluggers' Baseball League.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to the Spring Program/League revenue account (0107123-300326); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Spring Program/League Expense account (0117121-506110).

Statement of Fact: This order accepts a contribution to the City of Brewer Parks & Recreation

City Council Minutes
Tuesday, December 14, 2021

Department and authorizes the expenditure of this contribution to support the Youth Little Sluggers' Baseball League.

2021-A128

December 14, 2021

TITLE: ORDER, ACCEPT INSURANCE PROCEEDS AND APPROPRIATE FOR EXPENDITURE TO REPLACE WELCOME TO BREWER WALL.

Filed December 6, 2021
By Jenn M. Morin

WHEREAS, on December 10, 2020, a vehicle crashed into the Welcome to Brewer wall in front of Tiller & Rye at the corner of Wilson Street and Main Street; and

WHEREAS, the resulting damage required that the wall be completely rebuilt, which took place in the summer of 2021 and cost \$39,220; and

WHEREAS, the City's insurer recouped a total of \$35,989.70 from the driver's insurance company.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the \$35,989.70 in insurance proceeds, authorizes their deposit into CIP revenue account 0500100-300405 and appropriates them for expenditure from CIP expense account 0510120-551108 to pay for the wall rebuild; and

BE IT FURTHER ORDERED, that the Council hereby authorizes the use of \$3,230.30 in CIP Unallocated Fund Balance from 0510140-551090 to cover the additional cost of the rebuild, which totaled \$39,220.

Statement of Fact: This order authorizes acceptance and expenditure of \$35,989.70 in insurance proceeds to rebuild the Welcome to Brewer wall in front of Tiller & Rye damaged last year. It also appropriates \$3,230 in CIP fund balance to cover the additional cost of the rebuild.

2021-A129

December 14, 2021

TITLE: ORDER, DECLARE BREATHING AIR COMPRESSOR SURPLUS AND AUTHORIZE ITS DISPOSAL.

Filed December 6, 2021
By Soubanh Phanthay

WHEREAS, the Brewer Fire Department has ordered a replacement breathing air compressor, to be paid for with a \$69,142.86 award from the U.S. Department of Homeland Security Federal

City Council Minutes
Tuesday, December 14, 2021

Emergency Management Agency Assistance to Firefighters Grant (AFG) program; and

WHEREAS, the department will have no use for the current air compressor once the new air compressor arrives and is installed; and

WHEREAS, the department wishes to donate the old compressor to the Penobscot Fire Chief's Association in support of the Penobscot County Fire Academy.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby declares the Fire Department's current breathing air compressor surplus and authorizes its donation to the Penobscot Fire Chief's Association for use by the Penobscot County Fire Academy once Brewer's new air compressor is installed and operational.

Statement of Fact: This order declares the City's old breathing air compressor surplus and authorizes its donation to support the Penobscot County Fire Academy.

2021-A130

December 14, 2021

TITLE: ORDER, AUTHORIZE PURCHASE OF A TOYOTA SUV FOR CODE ENFORCEMENT.

Filed December 7, 2021
By Jerry Goss

WHEREAS, Brewer Code Enforcement is in need of a smaller vehicle for business use; and

WHEREAS Code Enforcement's 2015 Ford F150 pickup truck (VIN 1FTFX1EF6FFA60475) is in good repair and could be used by Public Works to replace its oldest pickup truck, thus freeing up \$26,000 budgeted in the Fiscal Year 2022 (FY22) Capital Improvement Program (CIP) for its replacement; and

WHEREAS, Down East Toyota has quoted the City a price of \$40,797 for a 2022 Toyota Highlander (Model:6948; VIN 5TDBZRBH0NS172409), which is due to arrive in mid-December.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order with Down East Toyota for a Toyota Highlander in the amount of \$40,797 and set aside another \$1,703 to install a radio, lights and backup alarm; and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$26,000 from CIP account 0510133-551641 (#402 Pickup Truck) to CIP account 0510132-551202 (Code Enforcement Vehicle); and

BE IT FURTHER ORDERED, that the Council authorizes the appropriation and expenditure of \$16,500 from CIP account 0510140-551090 (Unallocated Fund Balance) to 0510132-551202 (Code

City Council Minutes
Tuesday, December 14, 2021

Enforcement Vehicle) to cover the remaining cost to purchase and outfit the vehicle; and

BE IT FURTHER ORDERED, that Code Enforcement's 2015 F150 pickup be transferred to Public Works and that Public Works vehicle (VIN 1FTEX1CMOBKE19107) be declared surplus and disposed of as would be in the best interest of the citizens of the City of Brewer with proceeds, if any, going to the CIP Sale of Assets revenue account 0500100-300410 to support further capital expenditures; 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 this vehicle.

Statement of Fact: This order authorizes the purchase of a Toyota SUV for Code Enforcement and transfers the current Code vehicle to Public Works to replace its oldest pickup truck.

2021-A131

December 14, 2021

TITLE: ORDER, ACCEPT GRANT FUNDS FROM WALMART.

Filed December 7, 2021
By Joseph L. Ferris

WHEREAS, the Brewer Police Department has received a grant for \$1,875.00 through the Walmart Community Grant Program; and

WHEREAS, these funds are designated for training costs and equipment purchases.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and deposit of these funds into account 0600058-360000-58055 (FY21 Walmart Community Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the expenditure of these funds from account 0600058-560000-58055 (Walmart Community Grant Expense).

Statement of Fact: The City of Brewer Police Departments received \$1,875.00 in grant funds from the Fiscal Year 2021 Walmart Community Grant Program for the purpose of training and equipment costs.

2021-A132

December 14, 2021

TITLE: ORDER, ACCEPT GRANT FROM STEPHEN AND TABITHA KING FOUNDATION.

Filed December 8, 2021
By Jenn M. Morin

City Council Minutes
Tuesday, December 14, 2021

WHEREAS, the Brewer Fire Department has received a grant for \$5,000.00 though the Stephen and Tabitha King Foundation; and

WHEREAS, these funds are designated to purchase technical rope rescue equipment.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and deposit of these funds into account 0600059-360000-59040 (King Foundation Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600059-560000-59040 (King Foundation Grant Expense).

Statement of Fact: The City of Brewer Fire Departments received \$5,000.00 in grant funds from the Stephen and Tabitha King Foundation to replace their aged rope rescue equipment starting with rope and updated hardware.

2021-A133

December 14, 2021

TITLE: ORDER, ACCEPT DONATIONS TO BREWER PROGRAMS FROM DUSTY AND ELLEN FISHER.

Filed December 8, 2021
By Soubanh Phanthay

WHEREAS, the City of Brewer has received from Dusty and Ellen Fisher donations of \$100 to each of the Parks and Recreation, Library, Fire, and Police Departments to support their programs.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts these funds and authorizes their receipt to and appropriation and expenditure from the following accounts in support of community outreach and recreation programs:

	<u>Department</u>	<u>Receipt To</u>	<u>Expend From</u>
\$100	Parks & Rec	0107123-300324	0117121-506100
\$100	Library	0107204-300420	0117201-506150
\$100	Police	0105804-300490	0115801-501550
\$100	Fire	0105904-300490	0115911-502810; and

BE IT FURTHER ORDERED, that the Council thanks the Fishers for their generous donations in support of youth programs in Brewer and directs the Clerk to send a letter of appreciation to the Fishers for their contribution to the City of Brewer.

Statement of Fact: This order accepts a total of \$400 in donations from Dusty and Ellen Fisher to

City Council Minutes
Tuesday, December 14, 2021

support programs at the City's Parks & Recreation, Library, Police and Fire Departments and appropriates these funds for expenditure.

2021-A134

December 14, 2021

TITLE: ORDER, APPROPRIATE TAX INCREMENT FINANCING FUNDS TO ACQUIRE EASEMENT FOR PHASE III OF THE RIVERWALK TRAIL.

Filed December 8, 2021

By Jerry Goss

WHEREAS, the City of Brewer has completed negotiations with the property owner regarding the easement needed for Phase III of the Riverwalk Trail as authorized by Order 2021-A118; and

WHEREAS, the owner has agreed to accept the minimum just compensation amount of \$55,000 calculated by an independent appraiser; and

WHEREAS, costs associated with the Riverwalk Trail are eligible uses of tax increment financing (TIF) funds.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$55,000 in TIF Special Project Funds from account 0510121-551102-57021 (Waterfront Trail – Phase III) to secure easement rights for the next phase of the trail.

Statement of Fact: This order appropriates \$55,000 in tax increment financing monies to acquire easement rights for Phase III of the Riverwalk Trail.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage. Councilor Phanthay seconded the motion. The motion passed with a 4-0 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. The motion passed by a 4-0 vote.

E. Nominations, Appointments, Elections

2021-B038

December 14, 2021

TITLE: RESOLVE, DESIGNATE TWO REPRESENTATIVES TO SERVE ON THE

City Council Minutes
Tuesday, December 14, 2021

ADVISORY COMMITTEE FOR REGIONAL PLANNING
COMMISSION.

Filed December 8, 2021
By Jenn M. Morin

WHEREAS, Eastern Maine Development Corporation (EMDC) is moving to be designated by the State of Maine as a Regional Planning Commission (RPC) in Penobscot and Piscataquis counties; and

WHEREAS, EMDC is creating an advisory committee of municipal members to represent Penobscot County and Piscataquis County in the RPC; and

WHEREAS, the City of Brewer has been invited to participate on the advisory committee for a two-year term; and

WHEREAS, the City of Brewer must designate two representatives to serve on the advisory committee in order to participate.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council hereby designates D'arcy Main-Boyington and Linda Johns to serve as representatives on the advisory committee to the Regional Planning Commission for Penobscot County and Piscataquis County.

ACTION: Councilor Ferris moved that the resolve be adopted. Councilor Phanthay seconded the motion. The motion passed with a 4-0 vote.

F. Unfinished Business

2021-C014

November 16, 2021

TITLE: ORDER, AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ARTICLE 5, SECTION 506, SCHEDULE 3.

Filed October 18, 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 adding Item (60) to Article 5, Section 506, Schedule 3 as follows:

(60) The intersection of Alan-a-Dale Road and Little John Lane, with vehicular traffic stopping on Alan-A-Dale Road.

City Council Minutes
Tuesday, December 14, 2021

Statement of Fact: This item will add a stop sign at the intersection of Alan-a-Dale Road and Little John Lane. Safety concerns in the area were brought to the City’s attention by a resident. The addition of this stop sign should help to address these issues and improve safety.

ACTION: Councilor Phanthay moved that the amendment be enacted. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

2021-C015

November 16, 2021

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ARTICLE 4 “PERFORMANCE STANDARDS, SECTION 438-B.

Filed November 8, 2021
By Soubanh Phanthay

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 4:

ARTICLE 4 PERFORMANCE STANDARDS

438 MARIJUANA (#16)(#52)(#55)

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-B ADULT-USE MARIJUANA (#55)

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.

City Council Minutes
Tuesday, December 14, 2021

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.~~
4. ~~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,
 - 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.
5. ~~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.
6. ~~7.~~ Adult-use marijuana stores shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.
7. ~~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.
8. ~~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;

City Council Minutes
Tuesday, December 14, 2021

- 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.

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

9. ~~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.

10. ~~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.”

11. ~~12.~~ The outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.

12. ~~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 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.

City Council Minutes
Tuesday, December 14, 2021

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.

13. ~~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.
14. ~~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.
15. ~~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.

Statement of Fact: This ordinance amendment was requested by the City Council to eliminate the requirement of adult-use marijuana establishments being the sole use on a piece of property. The Planning Board held a public hearing on November 1, 2021 and unanimously made the recommendation to adopt this amendment to Chapter 24 Land Use Code as written.

ACTION: Councilor Phanthay moved that the amendment be enacted. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

2021-C016

November 16, 2021

TITLE: ORDER, AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CHARTER, CODES AND ORDINANCES, TO CHANGE A PORTION OF CONVENIENCE BUSINESS (CB) ZONING DISTRICT TO INDUSTRIAL (IND) ZONING DISTRICT ON SOUTH MAIN STREET (TAX MAP 51, LOTS 1 AND 1C).

Filed November 8, 2021
By Jerry Goss

City Council Minutes
Tuesday, December 14, 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 to change a portion of Convenience Business (CB) zoning district to Industrial (IND) zoning district for the entire properties located on South Main Street currently identified as tax map 51, lots 1 and 1C by moving the zone line with said zone line to follow the centerline of the road right-of-way as appropriate.

Statement of Fact: These two parcels were previously part of the IND zone and were changed to CB in order to assist with funding during the redevelopment of the site. The IND zoning district better reflects the current use by Cianbro. The Planning Board held a public hearing on November 1, 2021 and unanimously made the recommendation to move the zone line so that the land described above is within the Industrial (IND) zoning district.

ACTION: Councilor Goss moved that the amendment be enacted. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote.

G. New Business
There was none

H. New Items with Leave of Council

ACTION: Mayor Daniels introduced Resolve 2021-B039 “Confirm City Manager’s appointment of Kristie Rines as Code Enforcement Officer, Plumbing Inspector, Inspector of Buildings and Electrical Inspector of the City of Brewer.” under suspension of the rules. Mayor Daniels asked the City Clerk to poll the Council to see if there was unanimous consent to take up the resolve. The Council members voted 4 to 0 unanimous consent to take up Resolve 2021-B039 under suspension of the rules.

2021-B039

December 14, 2021

TITLE: ORDER, CONFIRM CITY MANAGER’S APPOINTMENT OF KRISTIE RINES AS CODE ENFORCEMENT OFFICER, PLUMBING INSPECTOR, INSPECTOR OF BUILDINGS AND ELECTRICAL INSPECTOR OF THE CITY OF BREWER.

Filed December 14, 2021
By Joseph L. Ferris and
Michele Daniels

EMERGENCY PREAMBLE

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

City Council Minutes
Tuesday, December 14, 2021

WHEREAS, it is imperative that resolve become effective immediately upon its passage so that the appointee may proceed with her duties without interruption; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes and Ordinances of the City of Brewer and require that the following resolution become effective immediately upon its adoption to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, the previous Code Enforcement Officer tendered his resignation on October 28, 2021; and

WHEREAS, the Brewer City Council confirms the appointment by the City Manager of Kristie Rines as Code Enforcement Officer for the City of Brewer.

NOW, THERFORE, BE IT RESOLVED, that Kristie Rines is herewith confirmed as Code Enforcement Officer, Plumbing Inspector, Inspector of Buildings and Electrical Inspector of the City of Brewer; and

BE IT FURTHER ORDERED, that this resolve shall become effective upon its adoption.

Statement of Fact: This resolution confirms the City Manager’s appointment of Kristie Rines as Code Enforcement Officer, Plumbing Inspector, Inspector of Buildings and Electrical Inspector of the City of Brewer. The previous Code Enforcement Officer submitted his resignation on October 28, 2021.

ACTION: Councilor Ferris moved that the resolve be adopted. Councilor Goss seconded the motion. The motion passed with a 4-0 vote.

ACTION: Mayor Daniels introduced Order 2021-A136 “Appoint Kristie Rines as Health Officer of the City of Brewer.” under suspension of the rules. Mayor Daniels asked the City Clerk to poll the Council to see if there was unanimous consent to take up the order. The Council members voted 4 to 0 unanimous consent to take up Order 2021-A136 under suspension of the rules.

2021-A136

December 14, 2021

TITLE: ORDER, APPOINT KRISTIE RINES AS HEALTH OFFICER OF THE CITY OF BREWER.

Filed December 14, 2021
By Jerry Goss and
Michele Daniels

City Council Minutes
Tuesday, December 14, 2021

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 order become effective immediately upon its passage so that the appointee may proceed with her duties without interruption; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, Title 22, M.R.S.A., Chapter 153, §451 states, “Every municipality in the State shall employ a local health officer who is appointed by the municipal officers of that municipality.”; and

WHEREAS, Chapter 11, of the Charter, Codes and Ordinances of the City of Brewer, Article 1, Section 101 states, “There shall be a Health Officer of the City appointed by the City Council for a period of three (3) years...”; and

WHEREAS, the previous Health Officer tendered his resignation on October 28, 2021.

NOW, THEREFORE, BE IT ORDERED, that Kristie Rines is herewith appointed to the position of Local Health Officer of the City of Brewer; and

BE IT FURTHER ORDERED, that Ms. Rines’ terms begin immediately, and will expire on June 30, 2024.

Statement of Fact: This order appoints Kristie Rines as the Health Officer of the City of Brewer. The previous Health Officer submitted his resignation on October 28, 2021.

ACTION: Councilor Goss moved that the order have passage. Councilor Ferris seconded the motion. Councilor Goss noted his great pleasure that the City of Brewer had added a quality person to head one of its departments. Councilor Phanthay said that as a business owner, he looked forward to working with Kristie. Mayor Daniels expressed her appreciation for the work and training Kristie had done. The City Manager noted that the time Kristie had spent getting the Code Office up to speed, getting her requisite certifications, and making contacts in the community was very impressive. The City Manager said that Kristie’s nine-plus-years with the Brewer Police Department was a unique qualification and that she will be a great addition. The City Manager also recognized Assistant City Manager James Smith for picking up the Code Enforcement Department in the absence of Kristie’s predecessor. Councilor Ferris congratulated Kristie. The motion passed with a 4-0 vote.

City Council Minutes
Tuesday, December 14, 2021

I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed with a 4-0 vote. The meeting was adjourned at 6:16pm.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine