

CITY COUNCIL REGULAR MEETING
Tuesday, October 11, 2022, 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 the September 13, 2022 Regular Meeting and Minutes of the October 5, 2022 Special Meeting** (Councilor Ferris)
- B. Awards, Petitions and Public Comments**
 - 1. Public Comments
- IV. Recess for Public Hearings**
 - 1. Public hearing for proposed second amendment to the Economic Development Tax Increment Financing (TIF) and Development Program to add Indian Trail Park and two adjacent properties to this existing TIF district, designate an arts district area, and update the City's TIF Development Program associated with this TIF District.
 - 2. To determine the building, or portion thereof, located at 978 Wilson Street (Tax Map 3, Lot 32) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, et seq.
 - 3. To determine the building, or portion thereof, located at 77 South Main Street (Tax Map 29, Lot 111) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, et seq.
- V. Adjourn Public Hearings and Continue Regular Meeting**
- C. Consent Calendar**
 - 1. (2022-A168) ORDER Amend Schedule of Fees.
(Councilor Phanthay)
 - 2. (2022-A169) ORDER Accept donation from Unique Lures to Brewer Parks & Recreation Department for Fall Program.
(Councilor Goss)
 - 3. (2022-A170) ORDER Accept donation from the Brewer Center for Health and Rehabilitation to Brewer Parks & Recreation Department for Fall Program. (Councilor Ferris)
 - 4. (2022-A171) ORDER Accept donation from The Loft Hair Studio to Brewer Parks & Recreation Department for Fall Program.
(Councilor Phanthay)
 - 5. (2022-A172) ORDER Accept donation from Twin City Tire and Service to the City of Brewer for pet waste station. (Councilor Goss)
 - 6. (2022-A173) ORDER Accept asset forfeiture funds.
(Councilor Ferris)
 - 7. (2022-A174) ORDER Award contract for Phase IV of storm drain system evaluation. (Councilor Phanthay)

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8. (2022-A175) ORDER Approve second amendment to the City of Brewer Economic Development Tax Increment Financing District and Development Program. (Councilor Goss)
9. (2022-A176) ORDER Approve the carry forward encumbrance of appropriated, but not expended, Fiscal Year 2022 funds for approved projects. (Councilor Ferris)
10. (2022-A177) ORDER Accept additional donation from the family of Bob DeBeck to Brewer Parks and Recreation Department for fall after-school program. (Councilor Phanthay)
11. (2022-A178) ORDER Amend contract award for 2022 street line painting. (Councilor Goss)

D. Monthly Reports (Councilor Goss)

E. Nominations, Appointments, Elections

1. (2022-B31) RESOLVE Confirm City Clerk's appointment of Deputy City Clerk. (Councilor Ferris)

F. Unfinished Business

1. (2022-C010) ORDER Amend the General Assistance Ordinance to incorporate changes in maximum benefits. (Councilor Phanthay)

G. New Business

1. (2022-C011) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", Article 2, "Administration and Enforcement", Section 202; Article 3, "Zoning Districts", Section 306 and Section 307; Article 4, "Performance Standards", Section 429, and Section 442; Article 6, "Site Plan Review"; Article 7, "Subdivision Review"; and Article 14, "Definitions". (Councilor Goss)
2. (2022-A179) ORDER Convene in executive session pursuant to Title 1, M.R.S.A., §405(6)(E) on a procedural matter. (Councilor Ferris and Mayor Daniels)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the September 13, 2022 Regular Meeting and Minutes of the October 5, 2022 Special Meeting

ACTION: Councilor Ferris moved that the minutes to the September 13, 2022 regular meeting and the October 5, 2022 special meeting be accepted and placed on file. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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B. Awards, Petitions and Public Comments

Public Comments

Judy Street of South Brewer said that she had reached out to City Hall in search of information about the candidates running for office in the upcoming election and said that City Hall had referred her elsewhere. Ms. Street said that many people are voting “in the dark”, and that it is poor service to the community. Mayor Daniels noted it would be unwise for the City to get involved in elections and that there may be legal implications as well. Councilor Goss said that, in the past, the Bangor Daily News had published an article in advance of each election providing information about each race and candidate. Councilor Goss recommended that Ms. Street should reach out to the Bangor Daily News to inquire when the article would be published for the upcoming election.

IV. Recess for Public Hearings

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

The public hearings were called to order by Mayor Daniels.

The city clerk called the roll:

Councilor Goss-present

Councilor Morin-connected electronically

Mayor Daniels-present

Councilor Ferris-present

Councilor Phanthay-present

Mayor Daniels declared that a quorum was present. City Solicitor Johnathan Pottle was also present.

Mayor Daniels read the public notice for the first public hearing:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the City Council of the City of Brewer will hold a public hearing on Tuesday, October 11, 2022 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 North Main Street, Brewer, Maine. The purpose of this hearing will be to receive public comments on the Second Amendment to the City of Brewer’s previously designated and adopted Economic Development Tax Increment Financing (TIF) District and Development Program pursuant to the provisions of Title 30-A M.R.S.A. §5221, *et seq.*

The Second Amendment to the Economic Development TIF and Development Program proposes to add Indian Trail Park and two adjacent properties to this existing TIF district, designate an arts district area, and update the City’s TIF Development Program associated with this TIF District. (See Second Amendment Application for further details.)

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Copies of the proposed Second Amendment Application will be on file at the office of the Brewer City Clerk before the public hearing and may be reviewed at the office of the Brewer City Clerk during normal business hours.

All interested persons are invited to attend the public hearing and will be given the opportunity to be heard at that time. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412

Vincent P. Migliore
City Clerk

published October 1
in the Bangor Daily News

Mayor Daniels asked if there had been any written comments received from the public. The city clerk said there were none.

Mayor Daniels invited the City of Brewer Economic Development Director, D'arcy Main-Boyington to speak. The Economic Development Director described Tax Increment Financing (TIF) as a program which shields a small portion of growth from state and county taxes, and uses the gains to invest in economic development. The Economic Development Director said that the City of Brewer TIF District was created in 2008, and was amended in 2010, but that TIF law had changed significantly since then, and new projects had been envisioned. The Economic Development Director noted that the amendment would (1) add new projects and broaden the scope of the development plan, (2) add Indian Trail Park to the TIF District and, (3) designate Indian Trail Park as an arts district so that TIF funds could be used for development of the arts there. The Economic Development Director said that the amendment would improve the economic development and wellbeing of the City of Brewer.

City Solicitor Jonathan Pottle noted that in the order considering the amendment (which would come before the Council later in the meeting), it had been found the proposed benefits of the amendment outweighed any potential adverse effects to any existing business. The City Solicitor said that the lack of comments as to any potentially negative effect of the amendment was telling.

Mayor Daniels asked if there were any comments from the public present at the hearing. There were none.

Mayor Daniels closed the public hearing.

Mayor Daniels read the public notice for the second public hearing:

CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold a public hearing on October 11 at 6:00 p.m. in the Council Chambers at Brewer City Hall to determine if any building or portions thereof, at the following addresses, may be structurally unsafe, unstable, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, *et seq.*

- 978 Wilson Street, Tax Map 3, Lot 32
- 77 South Main Street, Tax Map 29, Lot 111

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

Vincent P. Migliore
City Clerk

published October 4
in the Bangor Daily News

Mayor Daniels asked if there had been any written comments received from the public. The city clerk introduced an email he had received from Assistant City Manager James Smith describing a phone conversation with a representative from Camden National Bank. The city clerk read a portion of the email for the reference of the Council.

ACTION: Councilor Ferris moved that the written communication be accepted into the record. Councilor Goss seconded the motion. The motion passed with a unanimous vote.

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Vincent Migliore

From: James Smith
Sent: Friday, September 30, 2022 8:28 AM
To: Vincent Migliore
Cc: abutler@camdenational.bank
Subject: 978 Wilson Street

Vincent,

I received a call from Al Butler, Senior Vice President at Camden National Bank regarding the Public Hearing Notice for 978 Wilson Street.

Al is the Director of Special Assets and wanted to let us know that the bank has completed a registry search on this property and they do not have any property interests in 978 Wilson Street. At this time the bank does not plan to attend the public hearing. However, they wanted to let us know they had received our notice.

You should plan to print this email and provide it to the City Council under "communication received".

Thanks,

James L. Smith
Assistant City Manager
Brewer, ME 04412
207-989-7500 (office)
207-989-8425 (fax)

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Mayor Daniels invited the City of Brewer Code Enforcement Officer Kristie Rines to speak.

The Code Enforcement Officer said that notices were sent to the property owner of 978 Wilson Street Mr. Blackmer in regards to code violations. The Code Enforcement Officer said that notice was sent on August 3, 2021. The notice provided the property owner 30 days to remedy the code violations in the building or provide the Code Enforcement Office documentation for a contractor regarding repairs to the building. The Code Enforcement Office did not receive anything with regard to the notice. The Code Enforcement Office sent another notice on February 15, 2022 advising the property owner that if the violations were not remedied or if the property owner did not provide documentation regarding repairs, the Code Enforcement Office would move forward with dangerous building proceedings. The Code Enforcement Officer said that, to date, there had been no renovations to the building, that the building was dilapidated, that there were holes in the roof, and that she questioned the structural safety of the building.

Mayor Daniels asked if there were any comments from the public present at the hearing. Judy Street of South Brewer asked if anyone was living at the property, the Code Enforcement Officer advised that the property is a vacant commercial property.

The property owner, Bruce Blackmer of Dedham, Maine, said that, a little over a year ago, his attorney and the City's attorney agreed to enter into discussions over some of the issues between himself and the City, but that after a first meeting the City did not continue the discussions, and then his attorney retired. Mr. Blackmer said that the dangerous building proceedings should be tabled (including the proceedings for 77 South Main Street), until he and the City could have some private discussions. Mr. Blackmer said that he had multiple potential buyers for these buildings (978 Wilson Street and 77 South Main Street). Mr. Blackmer said he was willing to work with the Economic Development Director in the best interests of the City. Mr. Blackmer noted that in the past year he had returned to bus-driving due to the bus-driver shortage, and that had put additional demands on his time. Mr. Blackmer said that he had discussed the matter with the Code Enforcement Office in March of 2022, and they had agreed that getting the kids to school was more important than whether his roof leaked. Mr. Blackmer again stated that the matter should be tabled so that it could be discussed privately.

Councilor Ferris asked if Mr. Blackmer had replaced his retired lawyer, Mr. Blackmer said he would prefer to speak for himself, though he may hire a lawyer.

City Solicitor Jonathan Pottle asked for clarification on whether Mr. Blackmer took the position that the buildings (978 Wilson Street and 77 South Main Street) were not dangerous, or if he simply wanted to pursue discussion in another forum. Mr. Blackmer said that the buildings (978 Wilson Street and 77 South Main Street) were for sale, and that one potential buyer would like to renovate. Mr. Blackmer said that the building at 77 South Main Street was sound. Mr. Blackmer said that one of his potential buyers had an engineer look at 77 South Main Street recently, and the potential buyer would like to put a restaurant on the second floor. Mr. Blackmer admitted that the building at 978 Wilson Street had a hole in the roof, but said the main part of the building was sound. Mr. Blackmer said that he had a potential buyer for 978 Wilson Street that would like to tear it down, and that if he had to make repairs, he would have to raise the price which could endanger the sale.

Mayor Daniels noted dangerous building proceedings would not prevent Mr. Blackmer from selling his property or taking action to repair or tear down the building. Mr. Blackmer said that if the building was

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condemned, the addition to the building could be removed for \$10,000 to \$20,000, but that the additional cost could endanger the sale.

Councilor Goss said the building at 978 Wilson Street was an eyesore and a dangerous property, and it was unlikely anyone would be willing to invest in renovating the property. Councilor Goss recommended that Mr. Blackmer demolish the building, or sell it to allow new owners to demolish it.

Councilor Phanthay asked Mr. Blackmer if he wanted to sell the property. Mr. Blackmer said the property was for sale and that he had several potential buyers for it.

The City Solicitor asked how long the property had been offered for sale. Mr. Blackmer said about 6 years. The City Solicitor asked what reasonable expectation Mr. Blackmer had that the property could be sold in the next 30 to 60 days. Mr. Blackmer said with current interest rates it would be unlikely.

Councilor Morin asked Mr. Blackmer what his asking price for the property at 978 Wilson Street was. Mr. Blackmer said \$410,000 for all 16 acres, and noted that there is 700 feet of frontage. Mr. Blackmer said that he had recently sold a property in Holden for \$50,000/acre and sold it within 30 days. Councilor Morin asked Mr. Blackmer when was the last time his real estate agent had offered him a comparative market analysis on similar properties. Mr. Blackmer said he does not employ a real estate agent.

Councilor Goss suggested that the Council could make a determination that the property at 978 Wilson Street is a dangerous building, and then could consider a decision order at the next regular meeting, but that in the meantime Mr. Blackmer could meet with City Staff for private discussion.

The City Solicitor asked for the sentiments of the Council in order to prepare a decision order for the Council's future consideration. The City Solicitor asked if any Council Members felt that the building at 978 Wilson Street was not dangerous; no Councilors agreed with that sentiment. The City Solicitor noted that in cases where a building is found to be dangerous, while it can be handled in many ways, often the property owner is given a time-frame to fix the problem or demolish the building before the municipality steps in. Councilor Goss said that he would like to see this matter resolved in 90 days; 30 days until the next meeting when a decision order can be approved, and then 60 days after that.

Mayor Daniels asked that the City Solicitor to draft a decision order for the Council's consideration at the next regular meeting under the terms that Councilor Goss had described. Mayor Daniels invited Mr. Blackmer to speak with City Staff in the meantime to affect the best possible outcome.

Mayor Daniels closed the public hearing.

Mayor Daniels read the public notice for the third public hearing:

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CITY OF BREWER PUBLIC NOTICE

Notice is hereby given that the Brewer City Council will hold a public hearing on October 11 at 6:00 p.m. in the Council Chambers at Brewer City Hall to determine if any building or portions thereof, at the following addresses, may be structurally unsafe, unstable, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, *et seq.*

- 978 Wilson Street, Tax Map 3, Lot 32
- 77 South Main Street, Tax Map 29, Lot 111

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

Vincent P. Migliore
City Clerk

published October 4
in the Bangor Daily News

Mayor Daniels asked if there had been any written comments received from the public. The city clerk said there were none.

Mayor Daniels invited the City of Brewer Code Enforcement Officer Kristie Rines to speak.

The Code Enforcement Officer said that a notice of code violation for an unsafe building was sent regarding the property at 77 South Main Street in July of 2018. The Code Enforcement Officer said a demolition permit was then pulled for that building. After no progress was observed, the Code Enforcement Office requested an inspection of the building in July of 2019, and sent another notice of violation in August of 2019. At that time the Code Enforcement Office placarded the building as a dangerous building condemning it. The Code Enforcement Officer said that after the building was condemned, Mr. Blackmer's attorney contacted the Code Enforcement Office in a letter stating that Mr. Blackmer was working on a plan to fix the problems. The letter indicated that Mr. Blackmer was working with Ouellette's Construction and that he was working on scheduling structural and roof repairs and at that time requested an extension. There was no further follow up between the Code Enforcement Office and Mr. Blackmer after than communication. In September of 2021, the Code Enforcement Office sent a notice of violation letter for an unsafe building in regards to the large holes in roof. The Code Enforcement Office sent another notice in February of 2022 advising the property owner that if the violations were not remedied or if the property owner did not provide a written contract for the repairs, the Code Enforcement Office would move forward with dangerous building proceedings. The Code Enforcement Officer said that she spoke with Mr. Blackmer in March of 2022, and that he asked for an extension until the end of June. The Code Enforcement Officer said that, to date, there had been no repairs to the building.

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Councilor Goss asked for clarification on what part of the property was being discussed, the Code Enforcement Officer said the “back part” of the property. Councilor Goss noted that the main building was fine, but that the building on the “back part” of the property was much like the building that had been discussed in the previous hearing for 978 Wilson Street. Councilor Goss suggested that the Council could treat 77 South Main Street in a similar manner as had been done in the previous hearing, by considering a decision order at the next regular meeting giving Mr. Blackmer 60 days to fix the issues or demolish the building.

Mayor Daniels made note that there are two separate buildings on the property, the building on the “back part” of the property is the building under consideration, 77 South Main Street.

Mayor Daniels asked if there were any comments from the public present at the hearing. The property owner, Bruce Blackmer of Dedham, Maine, said that some time ago a professional mason had done an inspection of the building and found it to be sound other than the roof. Mr. Blackmer said that the best resolution would be to remove the building at 77 South Main Street, but it is a historic building and the historic society would give him half a million dollars to restore it in place. Mr. Blackmer asked how the City of Brewer would feel about having that building there forever, and then said he would need at least 6 months to market it.

Councilor Morin agreed with Councilor Goss’s sentiments, and added that it might be worthwhile to look into the historic society’s interest, but as it stands the Council should move forward with the same time-frame as the previous property (978 Wilson Street).

Councilor Phanthay said there was a lot of potential in the property, but that the dangerous building issue must be taken care of, and that setting a deadline will help move things along.

City Solicitor Jonathan Pottle asked if the property was listed with the historical society. Mr. Blackmer said he had refused to do so because it would limit what could be done with the property. The City Solicitor noted that a demolition permit had at one time been pulled for the property, and asked Mr. Blackmer if the permit was for demolition to repair the roof, or was it to demolish the entire structure. Mr. Blackmer said that he had planned to demolish the entire building when he thought it might be structurally unsound, but he now feels it is not unsafe. Mr. Blackmer noted that the building has beams that are 16” square. Mayor Daniels noted that with holes in the roof the sound structure will quickly deteriorate.

The City Solicitor asked if the building was deemed dangerous, and the property owner failed to comply in the time-frame, would the Council intend to demolish the entire building, or the roof only. The Code Enforcement Officer said that the City of Brewer adopted the BOCA (Building Officials and Code Administrators) Property Maintenance Code which requires a structurally safe roof on a building; if the property owner did not comply, the entire building would need to be demolished.

Mayor Daniels asked that the City Solicitor draft a decision order for the Council’s consideration at the next regular meeting similar to the decision order that would be done for 978 Wilson Street.

Mayor Daniels closed the public hearing.

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

Councilor Goss-present

Councilor Morin-connected electronically

Mayor Daniels-present

Councilor Ferris-present

Councilor Phanthay-present

Mayor Daniels declared that a quorum was present. City Solicitor Johnathan Pottle was also present.

C. Consent Calendar

2022-A168

October 11, 2022

TITLE: ORDER, AMEND SCHEDULE OF FEES.

Filed September 14, 2022

By Soubanh Phanthay

WHEREAS, 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 as follows:

SCHEDULE OF FEES

CODE ENFORCEMENT

Application Fee: There shall be a \$20 Application fee for all required permits, appeals, licenses, and other documents required to be processed and issued by the Code Enforcement Department. This fee covers the staff time required to review the application for accuracy and completeness in order to determine the validity of the proposed project and ensuring the project as proposed meets all Federal, State, and Local requirements.

Application Resubmittal Fee: If the application is found incomplete, there shall be a minimum \$10.00 fee for each subsequent review required by the Code Enforcement Department in order to receive and process a completed application and issue the subsequent permit. In the sole discretion of the Code Enforcement Officer, the resubmittal fee may be waived.

These fees are in addition to, and not in lieu of, any other applicable fees.

Statement of Fact: The application fee and application resubmittal fee are intended to address staff time and costs for the review and processing of applications. The application approval process is distinct and separate from permit fees which cover only staff time and costs associated with required inspections.

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2022-A169

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TITLE: ORDER, ACCEPT DONATION FROM UNIQUE LURES TO BREWER PARKS
AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed September 15, 2022
By Jerry Goss

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from Unique Lures for support of the Fall Program; 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 Fall Program.

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/League expense account (0117121-506130).

Statement of Fact: This order accepts a contribution of \$150 from Unique Lures to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Program.

2022-A170

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TITLE: ORDER, ACCEPT DONATION FROM BREWER CENTER FOR HEALTH AND
REHABILITATION TO BREWER PARKS AND RECREATION
DEPARTMENT FOR FALL PROGRAM.

Filed September 21, 2022
By Joseph L. Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from the Brewer Center for Health and Rehabilitation for support of the Fall Program; 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 Fall Program.

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

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

Statement of Fact: This order accepts a contribution of \$150 from the Brewer Center for Health and Rehabilitation to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Program.

2022-A171

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TITLE: ORDER, ACCEPT DONATION FROM THE LOFT HAIR STUDIO TO BREWER PARKS AND RECREATION DEPARTMENT FOR FALL PROGRAM.

Filed September 21, 2022
By Soubanh Phanthay

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$150 from The Loft Hair Studio for support of the Fall Program; 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 Fall Program.

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/League expense account (0117121-506130).

Statement of Fact: This order accepts a contribution of \$150 from The Loft Hair Studio to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Program.

2022-A172

October 11, 2022

TITLE: ORDER, ACCEPT DONATION FROM TWIN CITY TIRE AND SERVICE TO THE CITY OF BREWER FOR PET WASTE STATION.

Filed September 28, 2022
By Jerry Goss

WHEREAS, the City of Brewer Economic Development Department has determined that another pet waste station along the new extension of the Riverwalk would be beneficial to continue to encourage the public to use the Riverwalk with their pets, while also keeping the Riverwalk clean; and

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WHEREAS, the City of Brewer Economic Development Department worked with Twin City Tire and Service on collaborating by donating a pet waste station.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its city council herewith accepts the aforementioned donation; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the acceptance of the pet waste station to be placed along the new section of the Brewer Riverwalk.

Statement of Fact: The City of Brewer Economic Development Office received a donation of a pet waste station from Twin City Tire and Service to be used by the public on the Riverwalk.

2022-A173

October 11, 2022

TITLE: ORDER, ACCEPT ASSET FORFEITURE FUNDS.

Filed October 3, 2022
By Joseph L. Ferris

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

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

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

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

Penobscot Unified Court Docket Number
21-81

Assets
\$2,454 US Currency

; and

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

Statement of Fact: The Brewer Police Department was awarded \$2,454 in asset forfeiture funds as a result of a successful criminal drug prosecution. These assets have been ordered by the court to be turned over to the Brewer Police Department.

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2022-A174

October 11, 2022

TITLE: ORDER, AWARD CONTRACT FOR PHASE IV OF STORM DRAIN SYSTEM
EVALUATION.

Filed October 4, 2022
By Soubanh Phanthay

WHEREAS, in 2020, the City of Brewer began evaluating its storm drain system to create a phased plan for future maintenance prior to repaving of streets; and

WHEREAS, the City is looking at potential roadway projects on two sections of State-Aid roads in the coming years including outer South Main Street to the Orrington Line, and the Pierce Road; and

WHEREAS, the Fiscal Year 2023 (FY23) Capital Improvement Program (CIP) budget included a line-item Phase IV Storm Drain Evaluation; and

WHEREAS, Olver Associates of Winterport, Maine, successfully completed Phase I and II of the evaluation and is currently completing Phase III and have an intricate knowledge of the City's storm drain system.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Olver Associates in the amount not to exceed \$25,000 to complete the Phase IV Storm Drain Evaluation project on various State-Aid roads around the City and the adjacent City streets; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these specialty services; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to 0510113-551346-66511 (Storm Drain Evaluation – Phase IV).

Statement of Fact: This order authorizes a contract with Olver Associates to complete Phase IV of the City-wide storm drain evaluation project. This phase will focus on two sections of State-Aid roads that are planned to be repaved in the next few years and the nearby local streets adjacent to these sections of roadway.

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2022-A175

October 11, 2022

TITLE: ORDER, APPROVE SECOND AMENDMENT TO THE CITY OF BREWER
ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING
DISTRICT AND DEVELOPMENT PROGRAM.

Filed October 5, 2022
By Jerry Goss

WHEREAS, the City of Brewer (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate tax increment financing districts and adopt development programs for such tax increment financing districts within the City, including subsequent amendments thereof; and

WHEREAS, previously in July 2008 the City of Brewer established a municipal tax incrementing financing district and development program known as the City of Brewer Economic Development Tax Increment Financing District and Development Program, as approved by the Maine Department of Economic and Community Development ("DECD") on July 23, 2008 (the "Original Brewer Economic Development TIF District and Development Program"); and

WHEREAS, the Original Brewer Economic Development TIF District and Development Program has been previously amended, as approved by DECD on June 21, 2010 (the "First Amendment to the Brewer Economic Development TIF District and Development Program"); and

WHEREAS, in the judgment of the Brewer City Council, since the last aforementioned amendment, the economic development needs and programs of the City of Brewer have evolved and necessitate further amendments to the City of Brewer Economic Development Tax Increment Financing District and Development Program; and

WHEREAS, there remains a continued need for economic development in the City of Brewer;
and

WHEREAS, there remains a continued need to provide additional employment opportunities for the citizens of the City of Brewer and the surrounding region to improve and broaden the tax base of the City of Brewer, and to improve the general economy of the City of Brewer and the surrounding region;
and

WHEREAS, in light of the foregoing, the City of Brewer has developed such further amendments all as described in a certain application entitled "Second Amendment to the Brewer Economic Development TIF District and Development Program", as on file and made available at City Hall; and

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WHEREAS, the City of Brewer has conducted a public hearing on the Second Amendment to the Brewer Economic Development TIF District and Development Program, with the required newspaper publication being published at least ten (10) days in advance of said public hearing in a newspaper of general circulation in the City all in accordance with the requirements of 30-A M.R.S. §§ 5223 and 5226; and

WHEREAS, in the judgement of the Brewer City Council, adoption and implementation of these new amendments as described in the Second Amendment to the Brewer Economic Development TIF District and Development Program will help continue the pursuit of the above-mentioned goals in the City and the region; and

WHEREAS, it is expected that approval will be obtained from DECD, approving the aforescribed further amendments.

NOW, THEREFORE, BE IT ORDERED, as follows:

Section 1. The City of Brewer hereby finds and determines that

- a) At least twenty-five percent (25%), by area, of the real property within the Brewer Economic Development TIF District as proposed to be amended, as hereinafter designated, is suitable for commercial/industrial sites or arts district uses as defined in 30-A M.R.S. § 5223; and
- b) The total area of the Brewer Economic Development TIF District as proposed to be amended does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the Brewer Economic Development TIF District as proposed to be amended) does not exceed five percent (5%) of the total acreage of the City; and
- c) The original assessed value of the Brewer Economic Development TIF District as proposed to be amended plus the original value of all existing tax increment financing districts within the City of Brewer does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2022; and
- d) The Second Amendment to the Brewer Economic Development TIF District and Development Program will provide economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base, and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. The City of Brewer hereby approves the Second Amendment to the Brewer Economic Development TIF District and Development Program, such approval, designations, and adoptions to be pursuant to all the findings, terms, and provisions of this Order.

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Section 3. The City Council hereby finds and determines that the Second Amendment to the Brewer Economic Development TIF District and Development Program will make a contribution to the economic growth and well-being of the City of Brewer and the surrounding region, and will contribute to a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 4. Pursuant to the provisions of Title 30-A M.R.S. §§ 5224 and 5227, the percentage of increased assessed value to be retained as captured assessed value is hereby established to be in accordance with the Development Program as described in the Second Amendment to the Brewer Economic Development TIF District and Development Program.

Section 5. The City Council hereby designates Indian Trail Park (Tax Map 37, Lot 1) as an Arts district pursuant to 30-A M.R.S. § 5222 et al., as more specifically described and depicted in the Second Amendment to the Brewer Economic Development TIF District and Development Program, for the purpose of providing employment and cultural opportunities through the development of arts opportunities, including, but not limited to, museums, galleries, arts education, art studios, performing arts venues and associated businesses (to be known as the “Indian Trail Park Arts District”).

Section 6. The City Council has considered all evidence, if any, presented to it with respect to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Second Amendment to the Brewer Economic Development TIF District and Development Program.

Section 7. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the Second Amendment to the Brewer Economic Development TIF District and Development Program to DECD for review and approval pursuant to the requirements of Title 30-A M.R.S. § 5226.

Section 8. The foregoing Second Amendment to the Brewer Economic Development TIF District and Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval by DECD, without requirements of further action by the City, the City Council, or any other party.

Section 9. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Second Amendment to the Brewer Economic Development TIF District and Development Program as the City Manager, or his duly appointed representative, deem reasonably necessary or convenient in order to facilitate the process for review by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Second Amendment to the Brewer Economic Development TIF District and Development Program.

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Statement of Fact: This order adds Indian Trail Park and two adjacent properties to the existing Economic Development TIF district, designates an arts district area, and updates the City’s TIF Development Program associated with this TIF District.

2022-A176

October 11, 2022

TITLE: ORDER, APPROVE THE CARRY FORWARD ENCUMBRANCE OF APPROPRIATED, BUT NOT EXPENDED, FISCAL YEAR 2022 FUNDS FOR APPROVED PROJECTS.

Filed October 5, 2022
By Joseph L. Ferris

BE IT ORDERED, that the Brewer City Council herewith authorizes and approves the carry forward of funds in the following account from the end of Fiscal Year 2022 to Fiscal Year 2023 as follows:

Account #	Description	Carry Forward
0116001-501040	Code – Contracted Services	\$11,300.00

Statement of Fact: This order authorizes the carry forward to Fiscal Year 2023 of funds appropriated for the remediation and demolition of 225 Wilson St in Fiscal Year 2022 but not fully expended to be used to address driveway and sewer line issues.

2022-A177

October 11, 2022

TITLE: ORDER, ACCEPT ADDITIONAL DONATION FROM THE FAMILY OF BOB DEBECK TO BREWER PARKS AND RECREATION DEPARTMENT FOR FALL AFTER-SCHOOL PROGRAM.

Filed October 4, 2022
By Soubanh Phanthay

WHEREAS, the family of Bob DeBeck previously made a donation of \$880 for support of the Brewer Parks & Recreation Department Fall After-School Program in Bob’s memory; and

WHEREAS, the Brewer Parks & Recreation Department has now received an additional donation of \$350 from the family of Bob DeBeck for support of the Fall After-School Program; 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 Fall Program.

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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 received to the Fall After-School revenue account (0107123-300324); and

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

Statement of Fact: This order accepts a contribution of \$350 from the family of Bob DeBeck to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall After-School Program. This donation is in addition to a previous donation of \$880.

2022-A178

October 11, 2022

TITLE: ORDER, AMEND CONTRACT AWARD FOR 2022 STREET LINE PAINTING.

Filed October 5, 2022
By Jerry Goss

WHEREAS, in May 2022, the City Council awarded the contract for 2022 street line painting to K5 Corporation of Rockland, Massachusetts (Order 2022-A080); and

WHEREAS, K5 Corporation has not performed the work and has not provided a schedule for when it can do so; and

WHEREAS, the second lowest bidder for the work, On-The-Line, Inc. of Bangor, Maine, is able to complete the contract and has agreed to do so at its original bid price, which was only \$250 higher than the low bid.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager or his designee to cancel the 2022 street line painting contract with K5 Corporation and to award the contact to On-The-Line, Inc.

Statement of Fact: This order revokes the 2022 street line painting contract from the original awardee, who has not provided a schedule for completing the work, and awards the contract to On-The-Line, Inc. of Bangor, Maine, which is able to do the work and was the second lowest bid received at only \$250 more than the low bid.

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

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D. Monthly Reports

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

E. Nominations, Appointments, Elections

2022-B031

October 11, 2022

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

Filed September 21, 2022
By Joseph L. Ferris

BE IT RESOLVED, that the Brewer City Council herewith confirms the City Clerk’s appointment of Amber Cooper of Bangor, Maine, as Deputy City Clerk of the City of Brewer.

Statement of Fact: Amber Cooper was sworn-in as the City of Brewer Deputy City Clerk on September 21, 2022.

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

F. Unfinished Business

2022-C010

September 13, 2022

TITLE: ORDER, AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE CHANGES IN MAXIMUM BENEFITS.

Filed September 7, 2022
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 11GA of the Charter, Codes and Ordinances of the City of Brewer entitled “General Assistance Ordinance”, be amended by adding the following:

ARTICLE X

Appendices

The following Appendixes are here by adopted by reference and are available for public review and inspection in the General Assistance Office:

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Appendix A: GA Overall Maximums as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.

Appendix B: Food Maximums as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.

Appendix C: GA Housing Maximums as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.

Appendix D: Utilities as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.

Appendix G: Mileage Rate as published by the State of Maine DHHS 2022-2023 effective October 1, 2022.

Appendix A: GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5 — 6*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	783	909	1,163	1,447	—1,979—2,054
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	503	504	606	763	930
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales Durham, Leeds, Livermore, Livermore Falls, Minot	407	510	636	795	897
Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South	—411	—510	—654	—817	—916
	667	792	1026	1294	1386

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Portland, Standish, Westbrook, Windham, Yarmouth					
Buxton, Hollis, Limington, Old Orchard Beach	667	792	1026	1294	1386
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	864	869	1042	1517	1653
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	584	627	809	1076	1238
Brunswick	-587	-699	-904	-1146	-1375

***Note: Add \$75.00 for each additional person.**

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	634	642	793	1055	1317
York County HMFA: Aetons, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	579	601	765	945	1058
Biddeford, Saco, Sanford	-643	-717	-903	-1146	-1355

***Note: Add \$75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	398	473	600	763	879
Franklin County	477	515	627	763	972
Hancock County	521	601	700	985	1014
Kennebec County	415	519	622	840	898
Knox County	472	624	712	964	1112
Lincoln County	570	612	738	913	1076

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Oxford County	398	528	608	811	1016
Piscataquis County	495	564	699	887	948
Somerset County	418	491	600	822	902
Waldo County	554	595	717	856	935
Washington County	477	515	615	763	879

~~* Please Note: Add \$75 for each additional person.~~

~~Appendix B: Food Maximums~~

~~Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2007, those amounts are:~~

Number in Household	Weekly Maximum	Monthly Maximum
1	\$58.14	\$250
2	\$106.74	\$459
3	\$153.02	\$658
4	\$194.19	\$835
5	\$230.70	\$992
6	\$276.74	\$1,190
7	\$306.05	\$1,316
8	\$349.77	\$1,504

~~Note: For each additional person, add \$188 per month~~

~~Appendix C: GA Housing Maximums~~ ~~(Heated & Unheated Rents)~~

~~**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should ONLY consider adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)~~

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Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 59 — 253	— 69 — 301
1	— 67 — 289	— 81 — 371
2	— 84 — 363	— 103 — 445
3	— 108 — 465	— 132 — 580
4	— 121 — 521	— 150 — 624
<u>Franklin County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 80 — 342	— 91 — 390
1	— 82 — 351	— 96 — 413
2	— 96 — 412	— 116 — 499
3	— 113 — 485	— 138 — 595
4	— 149 — 642	— 180 — 775
<u>Hancock County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 88 — 380	— 98 — 423
1	— 99 — 425	— 112 — 482
2	— 110 — 474	— 129 — 553
3	— 162 — 695	— 185 — 794
4	— 162 — 695	— 185 — 794
<u>Kennebec County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 68 — 292	— 77 — 330
1	— 80 — 345	— 92 — 395
2	— 97 — 419	— 114 — 489
3	— 137 — 589	— 158 — 678
4	— 140 — 600	— 164 — 707

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<u>Non-Metropolitan FMR Areas</u>						
<u>Knox County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	80	344	89	382	118	508
1	107	459	133	572	182	784
2	117	503	208	896		
3	162	697				
4	184	790				
<u>Lincoln County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	101	433	109	471	116	497
1	104	448	139	596	167	719
2	122	527	167	720		
3	147	632				
4	147	632				
<u>Oxford County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	65	278	74	316	99	425
1	87	375	112	482	151	651
2	96	412	189	815		
3	131	562				
4	165	708				
<u>Piscataquis County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	80	345	92	394	103	442
1	88	377	127	545	162	695
2	106	454	168	723		
3	135	581				
4	136	585				
<u>Somerset County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	62	268	73	316	91	391
1	77	329	107	458	154	661
2	86	371	159	683		
3	128	551				
4	128	551				
<u>Non-Metropolitan FMR Areas</u>						

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<u>Waldo County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 97 — 419	— 106 — 457
1	— 101 — 433	— 112 — 482
2	— 118 — 508	— 134 — 577
3	— 144 — 620	— 164 — 707
4	— 146 — 630	— 171 — 735
<u>Washington County</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 79 — 340	— 89 — 383
1	— 81 — 347	— 94 — 404
2	— 92 — 397	— 111 — 476
3	— 115 — 493	— 138 — 592
4	— 118 — 507	— 146 — 627
<u>Metropolitan FMR Areas Bangor HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 147 — 630	— 170 — 730
1	— 166 — 714	— 197 — 847
2	— 213 — 917	— 254 — 1,091
3	— 267 — 1,150	— 317 — 1,363
4	— 375 — 1,612	— 436 — 1,876
<u>Penobscot County HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 80 — 345	— 92 — 394
1	— 80 — 345	— 88 — 379
2	— 84 — 360	— 105 — 450
3	— 105 — 452	— 132 — 566
4	— 128 — 552	— 160 — 690
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 67 — 287	— 76 — 325
1	— 83 — 359	— 95 — 409
2	— 99 — 426	— 115 — 496
3	— 126 — 543	— 147 — 632
4	— 135 — 580	— 160 — 687

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<u>Metropolitan FMR Areas Bangor HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 147 — 630	— 170 — 730
1	— 166 — 714	— 197 — 847
2	— 213 — 917	— 254 — 1,091
3	— 267 — 1,150	— 317 — 1,363
4	— 375 — 1,612	— 436 — 1,876
<u>Penobscot County HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 80 — 345	— 92 — 394
1	— 80 — 345	— 88 — 379
2	— 84 — 360	— 105 — 450
3	— 105 — 452	— 132 — 566
4	— 128 — 552	— 160 — 690
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 67 — 287	— 76 — 325
1	— 83 — 359	— 95 — 409
2	— 99 — 426	— 115 — 496
3	— 126 — 543	— 147 — 632
4	— 135 — 580	— 160 — 687
<u>Metropolitan FMR Areas</u>		
<u>Portland HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 121 — 521	— 130 — 559
1	— 142 — 612	— 154 — 661
2	— 183 — 789	— 199 — 858
3	— 232 — 997	— 252 — 1084
4	— 242 — 1040	— 266 — 1145
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>	<u>Heated</u>
Bedrooms	— Weekly — Monthly	— Weekly — Monthly
0	— 161 — 693	— 171 — 733
1	— 161 — 693	— 170 — 733
2	— 184 — 792	— 201 — 866
3	— 276 — 1187	— 298 — 1280
4	— 294 — 1265	— 320 — 1378

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<u>Cumberland County HMFA</u> Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	91	393	100	431
1	107	462	119	511
2	137	591	153	660
3	163	699	183	786
4	210	904	235	1010
<u>Sagadahoc County HMFA</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	114	491	123	528
1	114	491	143	616
2	127	546	173	742
3	152	655	265	1140
4	227	977	252	1082
<u>York County HMFA</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	101	434	110	474
1	101	434	112	483
2	126	540	143	614
3	149	639	170	732
4	156	670	182	783

Appendix D: Utilities

Electric

Note: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without electric hot water:** The maximum amounts allowed for utilities, for lights, cooking, and other electric uses, *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month

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~~2) Electricity Maximums for Households With Electrically Heated Hot Water:~~

~~The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:~~

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$ 89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

~~NOTE: For each additional person add \$10.00 per month~~

~~NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.~~

~~In accordance with the following conditions, the administrator may allow as a budgetable expense the amount of an applicant's summer loaded special payment arrangement (SPA) or budget payment arrangement (BPA), as calculated by the electric utility and entered into by the applicant, even when the arranged payment amount exceeds the above maximums or actual usage.~~

- ~~1) The SPA or BPA, when annualized, does not exceed the above monthly maximums, when annualized, for non-electrically heated dwelling units.~~
- ~~2) The SPA or BPA, when annualized, does not exceed the above monthly maximums and the fuel assistance maximums, when annualized, for electrically heated dwelling units.~~
- ~~3) The administrator determines, in consultation with the utility, that the payment arrangement does not include in any part the installment payment of past debt unless the municipality guaranteed to the utility the allowance of such an arrangement as a condition of averting a disconnection.~~

~~Pursuant to the use of income requirements in section 6.6 of this ordinance, whenever the administrator budgets for SPA's or BPA's under this section, the recipient will be required to pay the SPA or BPA him or herself to the extent of the income capacity of the household.~~

Heating Fuel

~~When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:~~

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<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	February	225
October	100	March	125
November	200	April	125
December	200	May	50
January	225		

—When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

—When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. However, no eligible applicant shall be considered to need more than:

- 7 tons of coal per year
- 8 cords of wood per year
- 126,000 cubic feet of natural gas per year, or
- 1000 gallons of propane.

Household & Personal Items

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

Note: For each additional person add \$1.25 per week or \$5.00 per month.

Child Under 5 Allowance

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00

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2	\$17.40	\$ 75.00
3	\$23.30	\$ 100.00
4	\$27.90	\$ 120.00

Appendix G: Mileage Rate

~~This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 45 cents (45¢) per mile.~~

~~Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>~~

Statement of Fact: Statement of Fact: This Order “cleans up” the GA Ordinance by adopting the State of Maine annual updates to the Appendixes by reference, rather than making numerous changes annually to the appendixes within the Ordinance.

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

G. New Business

2022-C011

October 11, 2022

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, ARTICLE 2, “ADMINISTRATION AND ENFORCEMENT”, SECTION 202; ARTICLE 3, “ZONING DISTRICTS”, SECTION 306, AND SECTION 307; ARTICLE 4, “PERFORMANCE STANDARDS”, SECTION 429, AND SECTION 442; ARTICLE 6, “SITE PLAN REVIEW”; ARTICLE 7, “SUBDIVISION REVIEW”; AND ARTICLE 14, “DEFINITIONS”.

Filed October 4, 2022

By Jerry Goss

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 as follows:

ARTICLE 2 ADMINISTRATION AND ENFORCEMENT

202 CODE ENFORCEMENT OFFICER PERMIT REQUIRED

202.3 CHANGE OF USE

The change of any premises from one category of land use to any other land use. Additional approvals may be required per this Land Use Code under Article 3, Section 306.5 Schedule of Uses.

202.4 ACTIVITIES LISTED IN THE SCHEDULE OF LAND USES

Any activity listed in Article 3 Section 306.5 of this Land Use Code as requiring a permit from the Code Enforcement Officer. No permit may be issued under this provision for an activity which is part of a site or project requiring Planning Board or City staff approval until such approval has been granted ~~Site Plan Review Approval until such approval has been granted by the Planning Board.~~

202.5 SITE PLAN REVIEW ACTIVITIES

Any activity approved by the Planning Board under the Site Plan Review provisions of Article 6 of this Land Use Code and/or any approval from the City Planner pursuant to Site Plan Amendments under Article 6, Section 610 of this Land Use Code.

202.6 ADDITIONAL USES IN PREVIOUSLY APPROVED SITE PLANS

Any addition of uses inside a building having previously received Site Plan Review Approval from the Planning Board, not requiring an additional Planning Board or City staff approval.

202.7 DEPARTMENTAL REVIEW ACTIVITIES MINOR EXPANSIONS OF PREVIOUSLY APPROVED SITE PLANS

Any activity approved by City departments under the Departmental Review provisions of Article 3, Section 306.5 of this Land Use Code.

~~Construction or expansion of accessory structures or uses, addition of an accessory uses, expansion of a primary building or structure, or expansion of an un-vegetated area on a site or project which has received Site Plan Review Approval from the Planning Board or approval from the City Planner pursuant to Article 6, Section 610 of this Land Use Code.~~

205 APPLICANT RESPONSIBILITY

205.2 COMMENCEMENT AND COMPLETION OF WORK (#2)(#14)

Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be substantially completed within twelve (12) months of that date. Activities which are not commenced or substantially completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered

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void. Activities may be extended, one or more times for additional periods of 90 days each, by the Code Enforcement Officer, if an application for an extension is submitted not later than thirty (30) days prior to expiration of the prior permit.

In their sole discretion, the Code Enforcement Officer may require a performance bond or other financial assurance where completion of a project is precluded by winter conditions or other factors prior to issuing a permanent or temporary Certificate of Occupancy, provided the following:

1. Public safety is assured at the project's current state of completion, including, but not limited to, meeting various building, life safety, electrical, and sewer codes. The Code Enforcement Officer shall also consider traffic access, drainage, and potential degradation to use of the land based on temporary use at the current stage of project completion.
2. A bond or other financial assurance, posted by the applicant and acceptable in form to the Code Enforcement Officer and/or City Solicitor, for completion of required improvements as estimated by the applicant using standard cost estimating methods and including a contingency figure. Said estimate shall be acceptable to the Code Enforcement Officer with input from the City Engineer. Said bond shall establish a date by which the balance of the improvements shall be completed. The applicant shall name the City of Brewer to access said money, if needed, and shall keep the bond active and current until the required improvements are completed.

ARTICLE 3 ZONING DISTRICTS

306 SCHEDULE OF USES

306.1 SYMBOLS USED IN SCHEDULE OF USES AND THEIR PROCESSES

3. PERMIT PROCESS

For parcels with existing approved site plans, a change of use to a use not requiring site plan approval can be approved through the Code Office review and approval (P) process provided the site meets the required Performance Standards contained in Article 4 of this Land Use Code for the new use and the site is in compliance with the existing approved site plan except for this change of use.

306.5 SCHEDULE OF USES

[NOTE: The paragraph below is currently included in section 306.5 at the bottom of each page in this section. This amendment would place the wording in this location and delete from the other pages to simplify the matrix.]

Any non-residential uses allowed with or without a permit which creates 5,000 square feet of new gross floor area, or creates 5,000 square feet or greater of new un-vegetated area in the development, separately or collectively, shall be subject to Site Plan Review. Any proposed non-residential uses allowed, with or without a permit, exceed the 5,000 square foot area for

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new gross floor area or new un-vegetated area, or any proposed combination of the two activities, within a two (2) year period shall be considered cumulative activity and shall require site plan review. (#17)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
COMMERCIAL USES													
<u>Self-Service Storage Facility</u>								<u>S-18</u>	<u>S</u>				

Footnotes to Schedule of Land Uses

** Permits are not required when a Utility Permit or Street Opening Permit has been issued. Permits are not required when the utility is located entirely upon the premises of the customer requesting service or for the purpose of maintenance except when a Utility Permit or Street Opening Permit is required. All utilities, both public and private, must be installed underground when located within the right-of-way and/or 150 feet from the right-of-way property line of any accepted City street within the Professional Business (PB) District and along the entirety of Dirigo Drive. This requirement does not apply to Parkway South Wilson Street, and Greenpoint Road except for those areas within or 150 feet from Dirigo Drive as described prior. (#10)

18. All buildings for this use shall have a three hundred (300) foot setback from Wilson Street.

307 DIMENSIONAL REQUIREMENTS (#31)

307.1 SCHEDULE OF DIMENSIONAL REQUIREMENTS

All parcels of land, structures and uses shall meet or exceed the following minimum dimensional requirements. Non-conforming parcels of land cannot be created unless otherwise indicated in this ordinance. Letters adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

ARTICLE 4 PERFORMANCE STANDARDS

429 SHIPPING CONTAINERS ~~AS STORAGE BUILDINGS PROHIBITED~~

429.1 It is the intent of the City of Brewer to prohibit, except in strictly regulated circumstances as shown in 429.2 below, the placement and use of any shipping container as ~~a an accessory~~ structure or storage building within the city limits.

429.2 No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory structure, storage building or living unit within the City limits except as noted below: that licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction for a period not to exceed one year where a building permit has been approved until such time as a Certificate of Occupancy is issued.

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1. Licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction for a period not to exceed one year where a building permit has been approved until such time as a Certificate of Occupancy is issued.
2. The Code Enforcement Officer and/or the Planning Board can approve the use of a shipping container for temporary storage until enough product is gathered to be moved off-site.
3. Shipping containers may not be used for human occupation as residential and/or commercial space.
4. Within the Industrial (IND) zone as an accessory use only if meets all of the following standards:
 - a. A building permit and Certificate of Occupancy shall be required for all shipping containers by the Code Enforcement Officer.
 - b. The use, in combination with the primary use and accessory uses on the same lot, does not exceed maximum lot coverage requirements as set forth in this ordinance.
 - c. The shipping containers shall comply with all minimum building setbacks as set forth in this ordinance.
 - d. Shipping containers may be stacked but cannot exceed the maximum building height per this ordinance.
 - e. The shipping container and associated maneuvering areas shall not displace any parking spaces utilized to meet parking standards of Section 424 of this ordinance.
 - f. Shipping containers shall not be placed in any location where it will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.
 - g. Shipping containers shall not be placed over or in any location where it could interfere with City infrastructure such as catch basins and sewer manholes.
 - h. Shipping containers may contain hazardous materials only if a list of such materials, along with containment method, is supplied to the Code Officer for approval and it also meets all State and/or Federal regulations.
 - i. The exterior of shipping containers shall contain no signs or advertising material visible from any public way or abutting property. Container manufacturer markings are exempt.
 - j. All shipping containers shall be structurally sound. Their exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects which could endanger health or safety.
 - k. All shipping containers must be empty or used for storage purposes only.
 - l. All shipping containers must be used by the on-site business or owner of the property and cannot be leased to others. Shipping containers cannot be used for self-storage units.

442. SOLAR ENERGY SYSTEMS

442.2 Permitting and Allowed Locations.

442.2.2 Large-scale ground- or pole-mounted solar energy systems are allowed in all zoning districts subject to dimensional standards and performance standards contained in this section as

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well as the dimension standards in Article 3, section 307 and the performance standards in this Article. All such systems must receive major site plan approval from the Brewer Planning Board plus obtain building permits and all other required permits from the Brewer Code Enforcement Office. A license through the Brewer City Clerk's Office may be required per Chapter 20 of the City of Brewer Charter, Codes, and Ordinance. The applicant shall submit documentation that demonstrates the project satisfies the requirements of the utility, electrical and structural plans that have been stamped by a Maine licensed engineer, and any required approvals from the Maine Department of Environmental Protection. Site plan technical review escrow money from the applicant may be used by the City to retain expert evaluation, evaluate additional project requirements, and information submitted or conduct studies that it finds necessary in order to determine whether requirements are met.

442.7.6 Access – Access drives shall be constructed and maintained to allow for maintenance and emergency vehicles at all times including winter conditions. Said access drives shall remain clear of brush and trees that would affect emergency vehicles access. All roadways shall have a minimum width of twelve (12) feet and a minimum radius length of forty-five (45) feet. Access drives shall be constructed of a minimum of eighteen (18) inches of gravel and shall be maintained as necessary. Should undergrowth develop in the roadway, the owner will be responsible for the removal of this growth. The owner will be required to grade the surface when passage becomes difficult.

442.7.9 Environmental – Negative environmental impacts, including, but not limited to, wetland disturbance, rare or endangered plant species disturbance, and sensitive wildlife habitat impacts, shall be minimized to the maximum extent possible. All disturbed areas must be graded and seeded/landscaped with native vegetation. The owner or operator shall prepare a vegetation management plan associated with the operation of the system. The plan shall identify measures it will use to effectively manage vegetation, including methods such as, but not limited to, vegetating the solar array area in a pollinator-friendly manner for bees, butterflies, and allowing the area for the grazing of farm animals.

Fenced enclosures around the solar arrays shall utilize wildlife permeable fencing to accommodate smaller animals. Options for wildlife-permeable fencing include the use of larger mesh fencing with large (12-in x 12-in) holes along the bottom of the fence, spaced evenly along the entire perimeter of the fence line every 20-25 feet.

The applicant shall clearly show all wetland impacts on the site plan. A note on the plan shall include a list and amount of all direct and indirect impacts. Direct impacts would include items such as roads, slabs, foundations, poles, and posts. Indirect impacts would include items such as the areas under the panels.

442.7.12 Decommissioning Plan – The applicant shall submit a plan for decommissioning the solar energy system. Decommissioning shall consist of:

- a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

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c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-ground foundations in order to minimize erosion and disruption to vegetation.

The decommissioning plan, prepared by a Maine licensed Professional Engineer, shall outline in detail the methods for decommissioning and following information, including, but not limited to:

a) The anticipated life of the project.
b) The anticipated present value cost of decommissioning. Decommissioning, salvage value, and land restoration costs shall be included in the decommissioning cost calculation. The plan shall specifically include a breakdown of each task, including but not limited to, the following:

- Project management.
- Removal of solar modules, panels, trackers, and other components.
- Removal of tracker and panel foundations.
- Removal of electrical collection systems (including wires, lines, poles).
- Removal of fences.
- Site and road restoration.

c) An explanation of the calculation of the cost of decommissioning, including project management, labor, equipment, and transportation costs.

d) The physical plan for decommissioning.

e) A surety to cover the cost of decommissioning.

ARTICLE 6 SITE PLAN REVIEW

603 APPLICATION PROCEDURE

603.1 SUBMISSION TO CITY PLANNER (#2) (#6) (#37)

Persons seeking site plan review shall submit four (4) copies of the site plans and accompanying written information including the application form, meeting the specifications of Section 606 with the Planning Department City Planner along with a non-refundable application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer four weeks prior to the Planning Board meeting.

Upon receipt of these materials, the City Planner or designee shall review the application to determine whether all the information requested in Section 606 has been provided. The applicant shall be notified of any deficiencies within five business days and given the opportunity to correct them.

603.2 TECHNICAL REVIEW

After it has been determined that the application and site plan conform to the requirements for submission, the ~~applicant shall file four copies of the plan and supporting information, including a written request for waivers of any item(s) specified therein with the City Planner four weeks prior to the Planning Board meeting.~~ The City Planner or designee shall conduct a technical

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review of the materials to determine compliance with the provisions of this Land Use Code. During this process, the City Planner or designee shall consult with the City Engineer, Police Chief, Fire Chief, Water Department Superintendent, Treatment Plant Superintendent, Code Enforcement Officer, and any other individuals or agencies, as deemed necessary. (#4)(#6)

Within ten working days after the application has been deemed complete, the City Planner or designee shall notify the applicant in writing of any technical deficiencies in the application or site plan, and recommend modifications. The applicant may then revise the plan addressing the staff recommendations or request Planning Board review without amendment. The City Planner or designee shall submit written recommendation(s) to the Planning Board and provide a copy of such to the applicant.

603.3 FILING OF APPLICATION AND SITE PLAN FOR PUBLIC HEARING (#2) (#4)

The applicant shall submit ~~two mylar site plans and fifteen~~ fourteen (14) copies of the site plan submission ~~plus the applicable fee~~ to the ~~Planning Department City Planner~~ at least fifteen days prior to a scheduled Planning Board meeting or as indicated in the tech review letter. The City Planner or designee shall give one copy of the application ~~and site plan~~ to the Code Enforcement Officer and to the City Engineer. The applicant shall also submit two rolled plans of the site plan drawing for Planning Board signatures.

606 REQUIRED INFORMATION (#2)

606.1 INFORMATION FOR ALL SUBMISSIONS

6. Location, height in stories, ground floor area and first floor elevation of existing and proposed buildings and other structures, including use and proposed use thereof. The number of floors, square footage for each floor, and use for each floor included on site plan and in narratives.
10. Location and arrangement of proposed off-street parking loading areas and their appurtenant drives and maneuvering areas. Calculations determining the minimum required amount of parking spaces shall be included. The distance from the parking spaces to the nearest property line shall be labeled.
11. Specifications for landscaping/screening including species, spacing and height at time of planting of trees or shrubs are used; where earthen ~~beams~~ berms are used, slope, base dimensions and vegetation cover used; where fencing is employed, height, type and material of fencing.
19. All existing and proposed contours of the entire site with spot elevations at critical areas. No more than two foot contour intervals shall be used, unless the City Engineer determines that large contour intervals are adequate to evaluate the effect on adjacent property and site conditions. All plans showing contour lines and/or elevations shall include a note stating the basis of elevation and who/how the contours were determined. On plans with proposed improvements, a temporary benchmark shall be included.

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21. All existing and proposed ~~set~~ setback dimensions.

606.3 OTHER INFORMATION

1. When a development has a use with specific Performance Standards included in Article 4 of this Land Use Code, the application shall include sufficient information to show said Performance Standards are met. Such uses include, but are not limited to, narcotic treatment facilities, marijuana uses, and solar energy systems.
2. ~~1.~~ In cases where construction or operation of the proposed project may adversely affect such things as light, noise, public safety or cause electromagnetic effects, the applicant may be required to provide expert outside testimony at the applicant's expense.
3. ~~2.~~ Such additional information as requested in writing by the City Planner to insure compliance with the terms of this Land Use Code.

607 STANDARDS GOVERNING SITE PLAN REVIEW

607.5 ACCESS (#4) AND PARKING

10. The site has adequate maneuvering areas, loading zones, and parking to meet the minimum ordinance requirements and the project needs. Parking shall also meet minimum ADA requirements.

608 SCREENING MAINTENANCE REQUIREMENTS

As a condition of any site plan review approval, the applicant shall furnish the City of Brewer an irrevocable letter of credit, performance bond, cash, or other form of security approved by the Code Enforcement Office Planning Board and accepted by the City Council, equal to at least 15% of all planting required for screening, buffering, and/or internal parking area. The dollar amount shall be proposed by the applicant and found acceptable by the Code Enforcement Office. The bond shall be binding for a minimum of two years commencing on the final approval of the Code Enforcement Office and the issuance of the permanent Certificate of Occupancy, and shall be subject to the condition that such plantings be maintained in accordance with the terms of the site plan approval and in a good and healthy condition.

~~**609 TEMPORARY CERTIFICATE OF OCCUPANCY**~~

~~**609.1**—Where completion of a project is precluded by winter conditions and the structure meets building, electrical and sewer codes, as ascertained by the Code Enforcement Officer, a temporary Certificate of Occupancy may be issued upon a finding of the Board that:~~

- ~~1. Public safety is assured at the project's state of completion, including—but not limited to—meeting the various building, life safety, electrical and sewer codes. The Board shall also consider: Traffic access, drainage and potential degradation to use of land based on temporary use at the existing stage of project completion.~~

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- ~~2. A bond, or other financial assurance, acceptable in form to the City Solicitor, for completion of required improvements as estimated by the City Engineer using standard cost estimating methods and including a contingency figure, will be posted by the applicant.~~
- ~~3. Delay of project completion is solely due to conditions beyond the control of the project, and an economic hardship (rather than inconvenience) would result from not granting a *temporary use of the structure.~~
 - ~~❖ Such temporary certificate of occupancy shall have a time limit of six (6) months from the Board's decision in writing.~~

~~609.2 The Code Enforcement Officer may issue a temporary Certificate of Occupancy for other than winter conditions if:~~

- ~~1. The improvements shown on the approved site plan have been substantially completed;~~
- ~~2. Applicant has posted a bond or other financial assurance accepted by the City Council to assure completion, and~~
- ~~3. Establishment of a date by which the balance of the improvements shown on the approved site plan shall be completed.~~

610 609 CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy shall be issued by the Code Enforcement Officer unless the applicant shall certify under oath in writing all improvements shown on the approved site plan or as amended, including screening, planting, and landscaping, have been completed. The Code Enforcement Officer may also require a Certificate of Compliance stamped by a registered professional engineer or a registered land surveyor be provided by the applicant at the applicant's expense if the Code Enforcement Officer deems it necessary prior to the issuing of the Certificate of Occupancy.

Prior to issuance of a Certificate of Occupancy, the City Planner shall provide to the Code Enforcement Officer written verification that the landscaping and/or plantings have been completed to the specifications of the site plan approval by the Planning Board.

If the Planning Board requires the applicant to submit an "as built" site plan, the Code Enforcement Officer shall not issue the Certificate of Occupancy until the "as built" site plan is received.

~~The applicant may request, or the Code Enforcement Office may require, a performance bond or other financial assurance where completion of a project is precluded by winter conditions or other factors as per Article 2 of this Land Use Code.~~

610 SITE PLAN AMENDMENTS

~~For the purposes of this Section, an approved Site Plan can be modified as follows:~~

Minor revisions to an approved site plan may be permitted by the City Planner, subject to the following conditions:

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- 610.1** A narrative and revised plan showing the revision is submitted (in three copies) to the Planning Department City Planner.
- 610.2** The City Engineer and Code Enforcement Officer agrees that the proposed change is a "minor revision" and that the proposed change does not violate this Land Use Code or materially change a plan approved by the Planning Board.
- 610.3** If the City Engineer or Code Enforcement Officer requests it, the proposed plan revision will be placed on the agenda of the next Planning Board Meeting for the Board's review.
- 610.4** Minor revisions to the Site Plan may be approved by the City Planner, provided that such "minor revision" will not materially alter the layout or scale of the development nor its impact on its surroundings, nor will it specifically:
1. Expand the size of a project by increasing the number of lots or dwelling units; or by increasing the gross floor area of a primary use structure; or by adding a primary use structure or an accessory use structure containing more than two hundred (200) square feet of gross floor area to the site;
 2. Violate the provisions of any City Code or Ordinance;
 3. Delete landscaping, screening or buffer yard elements;
 4. Change the number of vehicular access points to the public street system or significantly alter the location of such access drives; and
 5. Reduce the number of parking spaces below the number required by this ordinance or significantly alter on-site vehicular circulation.
- 610.5** Major revisions to an approved site plan require review and approval as if a new project.

705 MINOR SUBDIVISION REVIEW PROCESS

705.2 PROCEDURE

705.2.9 SIGNATURES. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign ~~two (2) reproducible copies (mylars) and two (2)~~ paper copies of the approved subdivision plan.

705.2.11 FILING OF APPROVED FINAL PLAN. After the City Council has approved any contracts and bonds and they have been filed with the City Clerk, the City shall record the subdivision plans and documents in the Registry of Deeds at the expense of the applicant using the escrowed technical review/recording fee funds as provided by the Article. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date which the plan is approved and signed by the Planning Board or ninety (90) days after City Council approval on any contracts or bonds, whichever is later, shall become null and void.

The City Planner, or designee, shall scan said signed plan and make available to the City Assessor and Code Enforcement Office. ~~-shall forward the second mylar to the City Assessor.~~

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~~One paper signed paper copy shall be forwarded to the Code Office and one copy retained by the City Planner.~~

705.3 SUBMISSIONS

2. FINAL PLAN. The subdivision plan for a Minor Subdivision shall contain information as specified in Section 707 and consist of two ~~rolled paper site plan sheets-reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office,~~ and fifteen copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The ~~plans reproducible transparencies~~ shall be signed and embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches shall be submitted.

706 MAJOR SUBDIVISION REVIEW PROCEDURES

706.1 PROCEDURE

706.1.7 PLANNING BOARD DECISION ON PRELIMINARY PLAN. Within thirty days from the public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

The specific changes which it will require in the final plan;
The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received. No ~~mylars~~ ~~or~~ signatures on the Preliminary Plan shall be required.

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706.1.15 SIGNATURES. Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign ~~two (2) reproducible copies (mylars) and~~ two (2) paper copies of the approved subdivision plan.

706.1.17 FILING OF APPROVED FINAL PLAN. After the City Council has approved any contracts and bonds and they have been filed with the City Clerk, the City shall record the subdivision plans and documents in the Registry of Deeds at the expense of the applicant using the escrowed technical review/recording fee funds as provided by the Article. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date which the plan is approved and signed by the Planning Board or within ninety (90) days of City Council approval on any contracts or bonds, whichever is later, shall become null and void.

The City Planner, or designee, shall scan said signed plan and make available to the City Assessor and Code Enforcement Office shall forward the second mylar to the City Assessor. ~~One signed paper copy shall be forwarded to the Code Office and one copy retained by the City Planner.~~

706.2 SUBMISSIONS

2. PLAN. The subdivision plan for a Major Subdivision shall contain information as specified in Section 707 and consist of two rolled paper site plan sheets reproducible, stable based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and fifteen copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The plans reproducible transparencies shall be signed and embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches shall be submitted.

ARTICLE 14 DEFINITIONS

Self-Service Storage Facility: A building, group of buildings, or portion of building consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Statement of Fact: This ordinance amendment is proposed to clarify items, update procedures, and better address uses. The Planning Board held a public hearing on September 12, 2022 and voted unanimously to recommend that these amendments to Chapter 24, "Land Use Code" be adopted as written.

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

City Council Minutes
Tuesday, October 11, 2022

2022-A179

October 11, 2022

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1,
M.R.S.A., §405(6)(E) ON A PROCEDURAL MATTER.

Filed October 6, 2022
By Joseph L. Ferris and
Michele Daniels

BE IT ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(E) on a procedural matter.

ACTION: Councilor Ferris moved that the order have passage. Councilor Goss seconded the motion. The motion passed with a unanimous vote. Mayor Daniels said that the Council would recess to go into executive session and then reconvene to consider one more item.

The regular meeting was called back to order at 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 that a quorum was present. City Solicitor Johnathan Pottle was also present.

ACTION: Councilor Goss motioned that the notice of the decision for the abatement application pursuant to Title 36 M.R.S., § 841(2), Case Number 2022-1 be adopted. Councilor Ferris seconded the motion. The motion passed with a vote of 4 to 0.

H. New Items with Leave of Council

There were no new items with leave of council.

City Council Minutes
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I. ADJOURN

ACTION: Councilor Goss moved that the meeting be adjourned. Councilor Ferris seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 7:49 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine