

City Council Minutes

Tuesday, April 9, 2024

Regular Meeting
City Hall Council Chambers

Tuesday, April 9, 2024
6:00 p.m.

The regular meeting was called to order by Deputy Mayor Soubanh Phanthay. The city clerk called the roll:

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-absent

Councilor O’Halloran-present
Deputy Mayor Phanthay-present

Deputy Mayor Phanthay declared that a quorum was present. City Manager Stephen Bost and City Solicitor Johnathan Pottle were also present.

Deputy Mayor Phanthay led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Deputy Mayor Phanthay read the notice for the regular meeting.

TO: Michele Daniels, Dani O’Halloran, William Kimball, Soubanh Phanthay, and Jenn Morin; MEMBERS OF THE BREWER CITY COUNCIL. You are hereby notified that a **regular meeting** of the City Council of the City of Brewer will be held on **Tuesday, April 9, 2024 beginning at 6:00 p.m.**, at 80 North Main Street, to consider and act on the items on the attached agenda.

s/ Jenn M. Morin

Mayor and Chairman of the City Council
Or _____
Majority of the City Council

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

City Clerk

OFFICER’S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Michele Daniels	Cummings	CPL.	04/05/2024	17:08
Dani O’Halloran	Cummings	CPL.	04/05/2024	18:30
William Kimball	Cummings	CPL.	04/05/2024	18:13
Soubanh Phanthay	Cummings	CPL.	04/05/2024	18:15
Jenn Morin	V. Migliore	CC.	04/05/2024	16:25

CITY COUNCIL REGULAR MEETING

Tuesday, April 9, 2024 6:00 P.M.

Brewer City Hall Council Chambers

I. Call to Order (Deputy Mayor Phanthay)

II. Roll Call (City Clerk)

III. Pledge of Allegiance to the Flag of the United States of America (Deputy Mayor Phanthay)

A. Minutes of the March 19, 2024 Regular Meeting (Councilor Daniels)

B. Awards, Petitions and Public Comments

1. Swearing-In Ceremony Brewer Police Patrol Officer,
Jasmine Sallies
2. (2024-B013) RESOLVE Recognize Lauren Vanidestine for winning Class-A Girls'
Indoor Track Championship in the Triple Jump.
(Councilor O'Halloran)
3. (2024-B014) RESOLVE Recognize Rhyannon Price for winning the Class-A Girls'
State Championship in the 100 Meter Butterfly.
(Councilor O'Halloran)
4. Public Comments

IV. Recess for Public Hearing

1. To determine the building, or portion thereof, located at 499 Wilson Street (Tax Map
13, Lot 19) 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 Hearing

C. Consent Calendar

1. (2024-A047) ORDER Accept donation from Twin City Tire to the Brewer Parks
and Recreation Department for Spring Program.
(Councilor Daniels)
2. (2024-A048) ORDER Accept donation from Brewster's Fine Food and Drink to
the Brewer Parks and Recreation Department for Spring
Program. (Councilor O'Halloran)
3. (2024-A049) ORDER Accept donation from Gold Star Cleaners to the Brewer
Parks and Recreation Department for Spring Program.
(Councilor Kimball)
4. (2024-A050) ORDER Accept donation from Harvest Moon Deli to the Brewer
Parks and Recreation Department for Spring Program.
(Councilor Daniels)
5. (2024-A051) ORDER Accept donation from Mad Kat & Company Bar & Grill to
the Brewer Parks and Recreation Department for Spring
Program. (Councilor O'Halloran)
6. (2024-A052) ORDER Accept donation from Walker's Garage to the Brewer Parks
and Recreation Department for Spring Program.
(Councilor Kimball)

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7. (2024-A053) ORDER Accept donation from Kiwanis Club to the Brewer Parks and Recreation Department for special event. (Councilor Daniels)
8. (2024-A054) ORDER Accept donation from Walker's Garage to the Brewer Parks and Recreation Department for special event. (Councilor O'Halloran)
9. (2024-A055) ORDER Authorize purchase of backup generator. (Councilor Kimball)
10. (2024-A056) ORDER Declare City property surplus and authorize sale or disposal of surplus property. (Councilor Daniels)
11. (2024-A057) ORDER Award contract for Parker Street Phase III. (Councilor O'Halloran)
12. (2024-A058) ORDER Accept donation to City of Brewer for pet waste station. (Councilor Kimball)
13. (2024-A059) ORDER Certify affordable housing information. (Councilor Daniels)
14. (2024-A060) ORDER Award contract and accept grant funds for Oak Grove Area Sanitary Sewer Remediation Project. (Councilor O'Halloran)
15. (2024-A061) ORDER Appropriate funds to the Flags in Brewer reserve. (Councilor Kimball)
16. (2024-B015) ORDER Amend Schedule of City Council Regular Meetings to change June 2024 meeting date. (Councilor Daniels)
17. (2024-A062) ORDER Award contract for Fiscal Year 2024 City Street Paving. (Councilor O'Halloran)

D. Monthly Reports (Councilor Kimball)

E. Nominations, Appointments, Elections

1. (2024-B016) RESOLVE Confirm City Clerk's appointment of Deputy City Clerk. (Councilor O'Halloran)

F. Unfinished Business

Consent Calendar

1. (2024-C002) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", to amend Article 3, "Zoning Districts", Section 306, and Article 4, "Performance Standards", Section 438. (Councilor Daniels)
2. (2024-C003) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", to amend Article 4, "Performance Standards", Section 413. (Councilor O'Halloran)
3. (2024-C004) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", to amend Article 4, "Performance Standards", Section 440. (Councilor Kimball)

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4. (2024-C005) ORDER Amend Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code", to amend Article 6, "Site Plan Review". (Councilor Phanthay)
5. (2024-C006) ORDER Amend Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Environmental Ordinance", to amend Article 12, Section 1208. (Councilor Daniels)
6. (2024-C007) ORDER Amend Chapter 15 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Parks and Recreation", to amend Articles 1, 2, 3, 4, 5, and 7. (Councilor O'Halloran and Councilor Kimball)

G. New Business

Consent Calendar

1. (2024-C008) ORDER Amend Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Licenses and Permits", to amend Article 3, Section 307 "Utility Location Permits". (Councilor O'Halloran)
2. (2024-C009) ORDER Amend Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Licenses and Permits", to add Section 222 "Short-Term Rentals". (Councilor Daniels)
3. (2024-C010) ORDER Amend Chapter 9 of the Charter, Codes and Ordinances of the City of Brewer, entitled "Fire Prevention", Article 7, Section 703. (Councilor Kimball)

H. New Items with Leave of Council

I. ADJOURN

A. Minutes of the March 19, 2024 Regular Meeting

ACTION: Councilor Daniels moved that the minutes to the March 19, 2024 Regular Meeting be accepted and placed on file. Councilor O'Halloran seconded the motion. The motion passed with a vote of 4 to 0.

B. Awards, Petitions and Public Comments

1. Swearing-In Ceremony Brewer Police Patrol Officer, Jasmine Sallies

The city clerk swore in Jasmine Sallies as a Brewer Police Patrol Officer. Councilor Kimball presented Officer Sallies with a Brewer Challenge Coin.

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2024-B013

April 9, 2024

TITLE: RESOLVE, RECOGNIZE LAUREN VANIDESTINE FOR WINNING THE CLASS-A GIRLS' INDOOR TRACK CHAMPIONSHIP IN THE TRIPLE JUMP.

Filed March 8, 2024
By Dani O'Halloran

WHEREAS, Lauren Vanidestine has distinguished herself as an outstanding competitor for the Brewer High School Girls' Indoor Track team; and

WHEREAS, at the Eastern Maine Indoor Track League (EMITL) Championship Meet, held on February 8, 2024, Lauren won three events: the 200 Meter Dash, the 55 Meter Dash, and the Triple Jump; and

WHEREAS, at the EMITL Championship Meet Lauren also earned the "Performer of the Meet" Award and the Anne Norton Clerk Sportsmanship Award, the first time in the over forty-year history of EMITL that a single competitor won both awards; and

WHEREAS, at the Maine Principals Association (MPA) State Championship Meet, held on February 19, 2024, Lauren won Third-Place in the 200 Meter Dash, Second-Place in the 55 Meter Dash, and won the State Championship in Triple Jump; and

WHEREAS, Lauren was named to the Portland Press Herald's "All-State" Team for Girls' Indoor Track; and

WHEREAS, Lauren currently holds the Brewer High School Girls' Indoor Track record in the Triple Jump with a jump of 36' 9.75"; and

WHEREAS, Lauren is an honors student at Brewer High School.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes and congratulates Lauren Vanidestine, Brewer High School junior student athlete for her hard work and dedication to earn the State of Maine Class-A Girls' Indoor Track Championship in the Triple Jump and for carrying on the tradition of Brewer excellence.

ACTION: Councilor O'Halloran moved that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

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2024-B014

April 9, 2024

TITLE: RESOLVE, RECOGNIZE RHYANNON PRICE FOR WINNING THE CLASS-A GIRLS' STATE CHAMPIONSHIP IN THE 100 METER BUTTERFLY.

Filed April 3, 2024
By Dani O'Halloran

WHEREAS, Rhyannon Price has distinguished herself as an outstanding competitor for the Brewer High School Girls' Swim team; and

WHEREAS, Rhyannon competed in Maine Principals' Association (MPA) State Championship Swim Meet on February 20, 2024; and

WHEREAS, at the MPA Championship Meet, Rhyannon was a member of the 400 Meter Freestyle relay team that earned Third-Place, and she was a member of the 200 Meter Freestyle relay team that earned Second-Place, and Rhyannon earned Third-Place in the 200 Meter Individual Medley; and

WHEREAS, at the MPA Championship Meet, Rhyannon won the State Championship in the 100 Meter Butterfly, narrowly defeating her sister, Second-Place winner Eden Price; and

WHEREAS, in her sophomore year, Rhyannon was named "Performer of the Meet" for the 2022 Penobscot Valley Conference (PVC) Championship Meet; and

WHEREAS, Rhyannon was named by the Maine Interscholastic Swim League (MISL) as the 2024 PVC Swimmer of the Year, and she was also named to the MISL All-State Team, the MISL All-Academic Team, and the PVC All-Conference Team this season; and

WHEREAS, Rhyannon is also a PVC Joe Paul Scholar Athlete, and a Kennebec Valley Athletic Conference (KVAC) Leroy Blood Scholar Athlete; and

WHEREAS, the National Interscholastic Swim Coaches Association (NISCA) honored Rhyannon as Academic All-American this year for her academic and athletic accomplishments; and

WHEREAS, Rhyannon currently holds four Brewer High School swim records: two in individual events, and as a part of two relay teams.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer, Maine, herewith recognizes and congratulates Rhyannon Price, Brewer High School senior student athlete for her hard work and dedication to earn the State of Maine Class-A Girls' 100 Meter Butterfly Championship and for carrying on the tradition of Brewer excellence.

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ACTION: Councilor O'Halloran presented Brewer Challenge Coins to Lauren Vanidestine and Rhyannon Price. Councilor O'Halloran said to Lauren and Rhyannon, "You are shining stars to your school and the City, and we're all proud of you." Councilor O'Halloran also presented a Brewer Challenge Coin to Eden Price, the sister of Rhyannon Price, who was also in attendance, with the challenge to set her own records in the future. Councilor O'Halloran moved that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

Public Comments

The city clerk introduced to the City Council a recent addition to city staff, Deputy City Clerk and General Assistance Director Katherine Waite. Deputy Mayor Phanthay presented Ms. Waite with a Brewer Challenge Coin.

IV. Recess for Public Hearing

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

The public hearing was called to order by Deputy Mayor Phanthay.

The city clerk called the roll:

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-absent

Councilor O'Halloran-present
Deputy Mayor Phanthay-present

Deputy Mayor Phanthay declared that a quorum was present. City Manager Stephen Bost and City Solicitor Johnathan Pottle were also present.

Deputy Mayor Phanthay read the public notice for the hearing:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on April 9 at 6:00 p.m. in the Council Chambers at Brewer City Hall to determine if any building or portions thereof, at the following address, 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.*

- 499 Wilson Street, Tax Map 13, Lot 19

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 March 29
in the BDN

Brewer Code Enforcement Officer Kristie Rines made a presentation on the state of the building at 499 Wilson Street in Brewer. The Code Enforcement Officer said that this was a City tax-acquired property, and that the tenant had been served a notice of violation. The Code Enforcement Officer said that 499 Wilson Street was a health and safety hazard, and that the inside was full of trash and human and animal waste. The Code Enforcement Officer noted that the tenant was receiving home health care, but the condition of the building was so bad that no one would provide service. The Code Enforcement Officer said that Fire and EMS would only enter the building while wearing full protective gear. The Code Enforcement Officer noted that the tenant now resided at Brewer Rehab. Deputy Mayor Phanthay asked the city clerk if there had been any written comments received from the public, there were none. There were no public comments. Councilor Daniels moved to continue the hearing to the May Council Meeting. Deputy Mayor Phanthay seconded the motion. The motion passed with a vote of 4 to 0.

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V. Adjourn Public Hearing

Deputy Mayor Phanthay adjourned the public hearing.

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

Councilor Daniels-present
Councilor Kimball-present
Mayor Morin-absent

Councilor O'Halloran-present
Deputy Mayor Phanthay-present

Deputy Mayor Phanthay declared that a quorum was present. City Manager Stephen Bost and City Solicitor Johnathan Pottle were also present.

C. Consent Calendar

2024-A047

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM TWIN CITY TIRE TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed February 29, 2024
By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Twin City Tire for support of the Spring 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 Spring Program.

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

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

Statement of Fact: This order accepts a contribution of \$100 from Twin City Tire to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program/T-Ball.

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2024-A048

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM BREWSTER'S FINE FOOD AND DRINK TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed March 4, 2024
By Dani O'Halloran

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$200 from Brewster's Fine Food & Drink for support of the Spring 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 Spring Program.

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

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

Statement of Fact: This order accepts a contribution of \$200 from Brewster's Fine Food & Drink to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program/T-Ball.

2024-A049

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM GOLD STAR CLEANERS TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed March 4, 2024
By William Kimball

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Gold Star Cleaners, Inc., for support of the Spring 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 Spring Program.

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

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

Statement of Fact: This order accepts a contribution of \$100 from Brewster’s Fine Food & Drink to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program/T-Ball.

2024-A050

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM HARVEST MOON DELI TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed March 4, 2024
By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Harvest Moon Holdings, LLC. d/b/a Harvest Moon Deli for support of the Spring 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 Spring Program.

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

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

Statement of Fact: This order accepts a contribution of \$100 from Harvest Moon Deli to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program/T-Ball.

2024-A051

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM MAD KAT & COMPANY BAR & GRILL TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed March 8, 2024
By Dani O’Halloran

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WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from MKBG, LLC. d/b/a Mad Kat & Company Bar & Grill for support of the Spring 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 Spring Program.

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

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

Statement of Fact: This order accepts a contribution of \$100 from Mad Kat & Company Bar & Grill to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program/T-Ball.

2024-A052

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM WALKER'S GARAGE TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPRING PROGRAM.

Filed March 11, 2024

By William Kimball

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Walker's Garage, LLC. d/b/a Walker's Garage for support of the Spring 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 Spring Program.

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

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

Statement of Fact: This order accepts a contribution of \$100 from Walker's Garage to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Spring Program/T-Ball.

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2024-A053

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM BREWER KIWANIS CLUB TO
BREWER PARKS & RECREATION DEPARTMENT FOR SPECIAL
EVENT.

Filed March 14, 2024
By Michele Daniels

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$500 from Kiwanis Club of Brewer for support of the Egg Hunt; and

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

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 Special Events Revenue account (0107123-300325); and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Special Events Expense account (0117121-506150).

Statement of Fact: This order accepts a \$500 contribution from Brewer Kiwanis Club to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Egg Hunt.

2024-A054

April 9, 2024

TITLE: ORDER, ACCEPT DONATION FROM WALKER'S GARAGE TO THE
BREWER PARKS & RECREATION DEPARTMENT FOR SPECIAL
EVENT.

Filed March 14, 2024
By Dani O'Halloran

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100 from Walker's Garage, LLC. d/b/a Walker's Garage for support of the Egg Hunt; and

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

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 Special Events Revenue account (0107123-300325); and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from the Special Events Expense account (0117121-506150).

Statement of Fact: This order accepts a \$100 contribution from Walker’s Garage to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Egg Hunt.

2024-A055

April 9, 2024

TITLE: ORDER, AUTHORIZE PURCHASE OF BACKUP GENERATOR.

Filed March 26, 2024
By William Kimball

WHEREAS, bids were solicited, received and evaluated for the purchase of a backup power generator at our interconnection facility; and

WHEREAS, Milton Cat provided the lowest bid of \$51,935; and

WHEREAS, this project will be 90% reimbursed by a Federal Emergency Management Agency (FEMA) grant awarded to the Brewer Water Department and funding for the City’s 10% share was approved as part of the Fiscal Year 2024 (FY24) Water Department Capital Improvement Program (CIP).

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to sign a purchase order to MILTON CAT in the total amount of \$53,085 for the purchase of an 89-kW propane generator (\$51,935) and the 1-year maintenance plan (\$1,150); and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the account # 0571003-573041 titled Generator – Interconnection approved in the Fiscal Year 2024 Capital Improvement Program.

Statement of Fact: Acquiring standby power for the interconnection facility has been a goal of the Water Department for some time. FEMA funding has made this an affordable project for the Water Department.

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	Milton CAT	BlueStar (Power Products)	Cummins
Fuel	Propane/Nat Gas	Propane	Propane/Nat Gas
kW Rating	89	130	100
Voltage	277/480V, 3 Phase, 60 Hz	277/480V, 3 Phase, 60Hz	277/480V 3 Phase 60Hz
Warranty	2 Years	2 year/2000 hour limited	2 years
Automatic Transfer Switch	200A, 3P, 3 ph, open transition, NEMA 12 Enclosure	200A, 3P, 480V, 3ph, NEMA 1 Enclosure	200A. 3P. 480V 3 ph, open transition, NEMA 12 Enclosure
Enclosure	White painted steel, 73db @ 23 ft	White painted steel, 73db @ 23 ft	Green painted aluminum, 75 db @ 23 ft
Battery Charger	10 amp	6 amp	6 amp
Optional 1-Year Maintenance Plan¹	\$1,150	N/A	N/A
Cost	\$51,935.00	\$59,900.00	\$52,000.00

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2024-A056

April 9, 2024

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

Filed March 26, 2024
By Michele Daniels

WHEREAS, the Brewer Water Department's equipment trailer recently suffered a broken axle;
and

WHEREAS, due to the age of the trailer and the cost of the repair, it has been deemed not worth repairing.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Water Department items as surplus:

- 1- Damaged equipment trailer ; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all equipment by means that would be in the best interest of the City of Brewer;
and

BE IT FURTHER ORDERED, that any funds received from the sale of the above-mentioned item be receipted to the Water Departments Wellness account (0670001-300410) and be authorized for expenditure from Water Wellness Expense account (0670001-500844).

Statement of Fact: The equipment trailer used to haul the Water Department trench box and other odd jobs recently broke an axle. The Public Works mechanic looked this unit over and found that due to age and frame rot it unwise to repair this trailer for the long-term use. This order will allow the damaged trailer to be sold for salvage or scrap metal.

2024-A057

April 9, 2024

TITLE: ORDER, AWARD CONTRACT FOR PARKER STREET PHASE III.

Filed March 27, 2024
By Dani O'Halloran

WHEREAS, in the past three years, the first two phases of reconstruction of Parker Street in Brewer have been completed; and

WHEREAS, one phase remains to complete the reconstruction of Parker Street; and

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WHEREAS, funding in the amount of \$200,000 was approved in the Fiscal Year 2024 (FY24) Capital Improvement Program (CIP) for the final phase of Parker Street work; and

WHEREAS, the Brewer Engineering Department has prepared specifications and bid documents for this section of resurfacing and sidewalk work; and

WHEREAS, the Engineering Department requested bids for this work and the bids have been received and reviewed (see attached Bid Summary); and

WHEREAS, the unallocated CIP account has the funds available to cover the additional amount needed for this contract.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with Hopkins Paving of Hermon, Maine in the amount of \$210,000 (bid amount plus contingency) for the Parker Street Resurfacing Project; and

BE IT FURTHER ORDERED, that the cost of this project shall be charged to CIP account 0510113-551647 (Upper Parker St Reconstruction); and

BE IT FURTHER ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of up to \$10,000 in available unallocated CIP fund balance from account 0510140-551090 (CIP Unallocated Reserve) to 0510113-551647 (Upper Parker St Reconstruction) to supplement the \$200,000 appropriated in the FY24 CIP for this project.

Statement of Fact: This order authorizes the construction contract with Hopkins Paving for the Parker Street Resurfacing Project for \$210,000 (bid amount plus contingency). This is the final phase of the Parker Street reconstruction.

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2024-A058

April 9, 2024

TITLE: ORDER, ACCEPT DONATION TO CITY OF BREWER FOR PET WASTE STATION.

Filed March 29, 2024
By William Kimball

WHEREAS, the City of Brewer Economic Development Department has determined that an additional pet waste station would be beneficial along Chamberlain Street as this area is used by many people who like to walk their dogs; and

WHEREAS, the City of Brewer Economic Development Department has worked with Nichols Plumbing & Drain Cleaning 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 donation of \$634.85 for the purpose of purchasing a pet waste station; and

BE IT FURTHER ORDERED, that these funds shall be deposited into Public Works Miscellaneous Revenue account (0106604-300490) and appropriated for expenditure from Public Works Stormwater Materials and Supplies expense account (0116631-502700) to purchase a pet waste station for Chamberlain Street.

Statement of Fact: The City of Brewer Economic Development Department received a donation of \$634.85 for the purchase of a pet waste station from Nichols Plumbing & Drain Cleaning to be used by the public on Chamberlain Street. This order accepts the funds and appropriates them for expenditure for this purpose. The Economic Development Department has sent a note of thanks to Nichols Plumbing on behalf of the City Council.

2024-A059

April 9, 2024

TITLE: ORDER, CERTIFY AFFORDABLE HOUSING INFORMATION.

Filed April 1, 2024
By Michele Daniels

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

WHEREAS, both affordable housing facilities within the District—Somerset Place Senior Housing and Village Centre Apartments—have attested to the City that their rental units remain

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affordable and no sale of property has occurred; and

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

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

Type of Housing Unit	# of Affordable Units
Rental (Family) – Village Centre	48
Rental (Senior) – Somerset Place	28

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

2024-A061

April 9, 2024

TITLE: ORDER, APRPROPRIATE FUNDS TO THE FLAGS IN BREWER RESERVE.

Filed April 2, 2024
By William Kimball

WHEREAS, the U.S. flags that the City of Brewer installs along Wilson Street, North Main Street, and South Main Street each spring are in poor condition, as is the hardware; and

WHEREAS, the cost to replace seventy-five flags and associated hardware is about \$6,500; and

WHEREAS, given the increase in the number and severity of storms the City has been experiencing, it would be prudent to set aside additional funds to ensure the ability to replace flags and/or hardware when needed to keep the flags in proper, respectful condition; and

WHEREAS, the City has unanticipated revenue in its Interest Earnings account that could be used to capitalize the Flags in Brewer reserve.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$10,000 in unanticipated revenue from Interest Earnings (0105504-300400) to the Flags in Brewer Reserve (0200000-320000-50001) to allow for the purchase of new flags and hardware for the three main thoroughfares in Brewer.

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Statement of Fact: This order appropriates \$10,000 in unanticipated interest earnings revenue to the Flags in Brewer reserve account to be used to replace and maintain the flags and hardware that line Wilson Street, North Main Street, and South Main Street.

Statement of Fact: This resolve amends the regular meeting schedule to change the date of the June 2024 meeting to June 4, 2024.

2024-A062

April 9, 2024

TITLE: ORDER, AWARD CONTRACT FOR FISCAL YEAR 2024 CITY STREET PAVING.

Filed April 2, 2024
By Dani O'Halloran

WHEREAS, bids were publicly solicited and four bids were received and reviewed for the City of Brewer's Fiscal Year 2024 Paving Contract; and

WHEREAS, funds currently available for this project are \$377,250; and

WHEREAS, the City has the ability to change the scope of this work to reduce costs and meet budgetary restraints.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Manager, or his designee, is authorized to execute a contract with the lowest acceptable bidder, in an amount not to exceed \$377,250 for the annual paving of City streets; and

BE IT FURTHER ORDERED, that expenses associated with this contract be charged to CIP account 0510113-551311 (Paving).

Statement of Fact: This order awards the annual contract for paving City streets. The bid tabulation for the project is attached.

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PY City Street Paving										
Bid Tabulation										
Bids Opened on 3/27/2024										
City of Brewer										
Bid Items:	Quantity	Unit	Bidder:	Street's Landscape	Bidder:	Hopkins	Bidder:	Northwest Paving	Bidder:	B&B Paving
			Bid Price	Total	Bid Price	Total	Bid Price	Total	Bid Price	Total
1. Bit Pavement (9.5 mm) Overlay	2600	Tons	\$101.00	\$262,600.00	\$99.00	\$257,400.00	\$335.00	\$870,500.00	\$106.00	\$275,600.00
2. Bit Pavement (12.5 mm) Overlay	0	Tons	\$100.00	\$0.00	\$0.00	\$0.00	\$300.00	\$0.00	\$106.00	\$0.00
3. Bit Pavement (19.0 mm) Binder	850	Tons	\$88.25	\$83,012.50	\$86.00	\$81,600.00	\$179.00	\$152,150.00	\$106.00	\$90,100.00
4. Bit Pavement (19mm or 9.5mm)(Hand Placed)	0	Tons	\$126.00	\$0.00	\$0.00	\$0.00	\$350.00	\$0.00	\$300.00	\$0.00
5. Slurr 9.5mm (Fina)	0	Tons	\$101.00	\$0.00	\$0.00	\$0.00	\$300.00	\$0.00	\$106.00	\$0.00
6. Grinding Various Depths	28800	Sy	\$3.00	\$77,400.00	\$3.65	\$94,170.00	\$7.00	\$180,600.00	\$2.50	\$64,500.00
7. Full Depth Milling	0	Lf	\$5.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$3.50	\$0.00
				\$423,937.50		\$433,170.00		\$735,750.00		\$430,200.00

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ACTION: Councilor O'Halloran asked that 2024-A060 and 2024-B015 be removed from the consent calendar. Councilor Daniels moved that the remaining orders on the consent calendar have passage. Councilor O'Halloran seconded the motion. The motion passed with a vote of 4 to 0.

2024-A060

April 9, 2024

TITLE: ORDER, AWARD CONTRACT AND ACCEPT GRANT FUNDS FOR OAK GROVE AREA SANITARY SEWER REMEDIATION PROJECT.

Filed April 2, 2024
By Dani O'Halloran

WHEREAS, the City of Brewer owns and maintains the sewer and stormwater systems in the area of Oak Grove; and

WHEREAS, past investigations including visual inspections, camera investigations, and smoke testing have shown weakened or damaged sewer pipes in need of rehabilitation and possible cross-connections or trench travel of sewer and stormwater into the other systems; and

WHEREAS, the City of Brewer has worked exceedingly hard at separating sewer and stormwater, and this area of the City is thought to be the last large area in need of correction to reduce the effects of the older combined sewer system; and

WHEREAS, the Maine Department of Environmental Protection and the City see this remediation as a priority and vital to the continued success of the City's Combined Sewer Overflow Master Plan; and

WHEREAS, in 2022, the City applied for Congressionally Directed Spending funds to support this project estimated to cost \$2,085,000 and was awarded \$1,103,000 in United States (U.S.) Environmental Protection Agency (E.P.A.) Community Grant Program funding; and

WHEREAS, in 2023, the City applied to the Maine Department of Environmental Protection for Clean Water State Revolving Fund (CWSRF) funding to finance the remaining \$982,000 in costs for this project as authorized by Council Order 2023-A013 passed by the Council in March of 2023; and

WHEREAS, the Oak Grove project made it onto the CWSRF Priority Project List, receiving approval for low interest loan financing and 39% loan forgiveness, totaling \$379,936; and

WHEREAS, the City of Brewer Environmental Services Department solicited, received and evaluated multiple bids for construction of this project; and

WHEREAS, [Maine Earth](#) of [Hampden, Maine](#), provided the City with the lowest of the two bids

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received in the amount of \$1,675,945.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, authorizes the City Manager, or his designee, to sign a contract with Maine Earth in an amount not to exceed \$1,675,945, plus up to \$165,000 in contingency, to perform the work required to separate sewer and stormwater systems and rehabilitate the sewer system in the Oak Grove area; and

BE IT FURTHER ORDERED, that the City Council hereby accepts the \$1,103,000 in U.S. E.P.A. Community Grant Funds, and \$379,936 in CWSRF Affordability Principal Forgiveness grant funds and authorizes their expenditure on this project, along with the \$602,064 in low interest CWSRF loan funds; and

BE IT FURTHER ORDERED, that costs associated with this project be charged to 0581001-581009 (Oak Grove Sewer Remediation).

<u>Oak Grove Area Sanitary Sewer Remediation Project Bids</u>	
<u>Vendor</u>	<u>Bid Amount</u>
<u>Maine Earth</u>	<u>\$ 1,675,945</u>
<u>Vaughn Thibodeau</u>	<u>\$ 2,337,000</u>

Statement of Fact: This order awards a contract to Maine Earth to rebuild or rehabilitate both sewer and stormwater systems in the Oak Grove portion of Brewer, reducing or eliminating possible combined sewer issues, improving the sewer system and extending its lifespan, and moving the City closer to compliance with the Maine Department of Environmental Protection and U.S. E.P.A. goal of zero combined sewer overflows in Brewer. This portion is the last big piece of the City’s system to be corrected. The order also accepts \$1,103,000 in grant funds from the U.S. E.P.A. and \$379,936 in loan forgiveness grant from the Maine Department of Environmental Protection Clean Water State Revolving Fund program to help fund the estimated \$2,085,000 total cost of the project.

ACTION: Councilor O’Halloran moved that the order have passage as amended. Councilor Daniels seconded the motion. The amended order was passed with a vote of 4 to 0.

2024-B015

April 9, 2024

TITLE: RESOLVE, AMEND SCHEDULE OF CITY COUNCIL REGULAR MEETINGS TO CHANGE JUNE 2024 MEETING DATE.

Filed March 28, 2024

By Michele Daniels

WHEREAS, the Brewer City Council, at its annual meeting held in November 2023, adopted Resolve 2023-B036 establishing dates of its regular monthly meetings for the 2023-2024 term; and

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WHEREAS, to account for the State Primary Election being held on the second Tuesday in June, the June 2024 meeting was established as Tuesday, June 18; and

WHEREAS, it is the custom of the City of Brewer that when an election conflicts with the June regular meeting to move the meeting to the first Tuesday in June in order to avoid negatively impacting the timeline of the annual budget.

NOW, THEREFORE, BE IT RESOLVED, that Brewer City Council Resolve 2023-B036, be amended by changing the date of the regular meeting for the month of June from Tuesday, June 18, 2024 to Tuesday, June 4, 2024.

Statement of Fact: This resolve amends the regular meeting schedule to change the date of the June 2024 meeting to June 4, 2024.

ACTION: Councilor O'Halloran asked why the date for the June meeting was being changed. The City Manager said that June 4 would serve as a better date for the meeting in consideration of the forthcoming budget and the upcoming election. Councilor O'Halloran moved that the order have passage. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0.

D. Monthly Reports

ACTION: Councilor Kimball moved that the monthly reports from department heads be accepted and placed on file. Councilor O'Halloran seconded the motion. The motion passed with a vote of 4 to 0.

E. Nominations, Appointments, Elections

2024-B016

April 9, 2024

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

Filed April 1, 2024
By Dani O'Halloran

BE IT RESOLVED, that the Brewer City Council herewith confirms the City Clerk's appointment of Katherine Waite of Kenduskeag, Maine, as Deputy City Clerk of the City of Brewer.

Statement of Fact: Katherine Waite was sworn-in as the City of Brewer Deputy City Clerk on April 1, 2024.

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ACTION: Councilor O'Halloran moved that the resolve be adopted. Councilor Daniels seconded the motion. The motion passed with a vote of 4 to 0. The city clerk swore in Katherine Waite as City of Brewer Deputy City Clerk. Deputy Mayor Phanthay presented a Brewer Challenge Coin to Ms. Waite.

F. Unfinished Business Consent Calendar

2024-C002

March 19, 2024

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

Filed March 13, 2024
By Michele Daniels

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 3 Zoning Districts

306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES (#41)(#45)(#52)

1. USES ALLOWED WITH OR WITHOUT A PERMIT

Uses substantially similar to those allowed with or without a permit, but which are not listed in the Schedule of Uses, may be permitted upon a ruling of the Code Enforcement Officer that such unlisted use is substantially similar to such allowed uses.

2. USES REQUIRING SITE PLAN APPROVAL

Uses substantially similar to those requiring Site Plan approval under this Ordinance, as determined by the Code Enforcement Officer, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

3. PROHIBITED USES (#55)

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

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

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Adult use marijuana cultivation facilities; and
Adult use marijuana products manufacturing facilities;

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

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

306.4 COMPLIANCE WITH PERFORMANCE STANDARDS

All uses which are permitted must occur and be maintained in compliance with the applicable requirements of Article 4, Performance Standards.

306.5 SCHEDULE OF USES (#31) (#46) (#52) (#57) (#63)

306.5 SCHEDULE OF USES (#31)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
INSTITUTIONAL USES													
Medical Marijuana Registered Dispensary(#16)												S-11	
Medical Marijuana Dispensary Cultivation Facility (#16) (#52)												S-11	

306.5 SCHEDULE OF USES (#31) (#55) (#57)

Footnotes to Schedule of Land Uses

- ~~11. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below.~~
- ~~a. Five hundred (500) feet of a preexisting public or private school;~~
 - ~~b. Five hundred (500) feet of a preexisting licensed daycare facility;~~
 - ~~c. Five hundred (500) feet of a preexisting methadone clinic;~~
 - ~~d. One hundred (100) feet of a preexisting private residence;~~
 - ~~e. Five hundred (500) feet of a preexisting adult-use marijuana establishment;~~

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

Article 4 Performance Standards

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

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

438-A MEDICAL MARIJUANA

~~1 Medical marijuana caregiver retail stores, medical marijuana cultivation and processing facilities, medical marijuana registered dispensaries and medical marijuana dispensary cultivation facilities, medical marijuana testing facilities, and medical marijuana manufacturing facilities, all as defined by State Statute and this Ordinance, are prohibited.~~

- ~~1.—The property for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facilities shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking area, and other areas outside of the building (s). A letter of compliance from the Brewer Code Officer shall be submitted to the Planning Board as part of the site plan application. The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity (registered patients and the registered primary caregiver of each registered patient). Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (18-691 CMR Chapter 2), as the same may be amended from time to time and to Chapter 20 Licenses and Permits, Article 8-B, of the City of Brewer Charter, Codes and Ordinances, as the same may be amended from time to time.~~
- ~~2.—No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below:
 - ~~a.—Five hundred (500) feet of a preexisting public or private school,~~
 - ~~b.—Five hundred (500) feet of a preexisting licensed daycare facility,~~
 - ~~c.—Five hundred (500) feet of a preexisting methadone clinic,~~
 - ~~d.—One hundred (100) feet of a preexisting private residence,~~
 - ~~e.—Five hundred (500) feet of a preexisting adult use marijuana establishment,~~
 - ~~f.—Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility.~~~~
- ~~3.—No more than one (1) Medical Marijuana Registered Facility and/or one (1) Medical Marijuana Dispensary Cultivation Facility shall be located in the City of Brewer. The~~

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~~Medical Marijuana Registered Dispensary and Medical Marijuana Dispensary Cultivation Facility shall be located on the same property that shall be under common ownership.~~

- ~~4. A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.~~
- ~~5. Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall conform to the City of Brewer's Sign Ordinance. In addition thereto, any freestanding or sign attached to building(s) in which the Dispensary and/or Facility is located in shall clearly state that it is a Medical Marijuana Dispensary and/or Medical Marijuana Dispensary Cultivation Facility. There shall be no signage in any window and or door, except for the hours of operation.~~
- ~~6. Security measures at a Medical Marijuana Registered Dispensary and /or Medical Marijuana Dispensary Cultivation Facility shall include the following at a very minimum:
 - ~~a. Security surveillance cameras installed and operating twenty-four (24) hours a day, (7) seven days a week to monitor all entrances, along with the interior and exterior of the Dispensary and/or Facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;~~
 - ~~b. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;~~
 - ~~c. A safe affixed to the building in which it is located that is suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the Dispensary and/or Facility;~~
 - ~~d. Exterior lighting that illuminates all exterior walls of the licensed Dispensary and/or Facility and~~
 - ~~e. Deadbolt locks on all exterior doors and locks or bars on any other access point.~~~~

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

- ~~7. Employees of a Medical Marijuana Registered Dispensary may assist registered patients as that term is defined in 22 M.R.S.A. § 2422(12), as the same may be amended from time to time, with the use of medical marijuana inside the building(s) on the licensed property. An employee of a Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility, who is also a registered patient, may use medical marijuana inside the building(s) on the licensed property. Any such use of medical marijuana must not be visible from the street or from outside the building(s). Any Medical Marijuana Facility where use of medical marijuana takes place shall have in place protocols and policies to educate registered patients and registered patients who are employees about the dangers of~~

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~~driving a vehicle while medicated and, when possible, to discourage or prevent driving while medicated. (#22)~~

~~8. Visibility of activities; control of emissions; disposal plan for a Medical Marijuana Registered Facility and/or Medical Marijuana Dispensary Cultivation Facility shall be as follows:~~

~~1) All activities of Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors.~~

~~2) No marijuana or paraphernalia shall be displayed or kept in a Dispensary or Facility so as to be visible from outside the building (s).~~

~~3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Dispensary and/or Facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.~~

~~4) All Medical Marijuana Registered Dispensaries and/or Medical Marijuana Dispensary Cultivation Facility shall have in place an operation plan for proper disposal of marijuana related byproducts.~~

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

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

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

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

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~~9. No food products shall be sold, prepared, produced or assembled by a Medical Marijuana Registered Dispensary except in compliance with all operation and other requirements of state and local law and regulation, including without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.~~

~~10. A Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation.~~

~~11.~~ 2. Medical marijuana Home Production activities shall be conducted wholly inside a building, and otherwise be in compliance with applicable laws and regulations governing caregivers and patients under the Maine Medical Use of Marijuana Act or other applicable laws. Further, medical marijuana home production shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that normally experienced in an average residential dwelling in the district in which located. Furthermore, with respect to odors, any medical marijuana home production which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonable with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

Statement of Fact: These ordinance amendments are proposed in order to prohibit Medical Marijuana Registered Dispensaries and Medical Marijuana Dispensary Cultivation Facilities. The Planning Board held a public hearing on March 4, 2024 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written. There were no public comments.

2024-C003

March 19, 2024

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, TO AMEND ARTICLE 4, “PERFORMANCE STANDARDS”, SECTION 413.

Filed March 13, 2024
By Dani O’Halloran

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”, Article 4 “Performance Standards”, shall be amended as follows:

Article 4 Performance Standards

413.4 BLASTING

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The purpose of this Section is to minimize the effects of noise, dust, and vibrations associated with blasting and for the protection of geologic, hydrogeologic, and ecological resources through the establishment of standards and notice requirements of blasting operations and to ensure full and complete compliance with all Federal, State and Local regulations and laws.

413.4.1 This Section shall apply to blasting activities/operations incidental to construction groundwork related to improvements on or the development of real estate within the City of Brewer.

413.4.2 The following definitions shall have the following meanings under this Section: Applicant – The person, company or corporation responsible for managing and conducting blasting operations.

Blast/Blasting – Any activity involving the use of explosives to break up or otherwise aid in the extraction or removal of stone, non-metallic mineral rock matter, or non-metalloid element.

Blast site – The area where explosive material is handled during the loading of drilled blastholes and blasting operations are being conducted, including the perimeter formed by the loaded and 50 feet in all directions from loaded blastholes.

Blaster – A person fully knowledgeable and competent in the handling and use of each type of blasting method used and who is qualified and authorized to use, be in charge of, or responsible for the loading and firing of a blast.

Blasting – The use of explosives to break up or otherwise aid in the extraction or removal of rock, non-metallic mineral matter, or non-metalloid element.

Explosive – Any chemical compound or other chemical substance that contains oxidizing or combustible materials used for the purpose of producing an explosion intended to break rock, earth or other non-metallic/non-metalloid materials, unless such compound, mixture or device is otherwise specifically classified by the U.S. Department of Transportation.

Rock – A hard, nonmetallic material or non-metalloid element that requires cutting, blasting or similar methods of forced extraction.

413.4.3 No blasting activities/operations shall occur within the boundaries of the City of Brewer without first having obtained a permit from the Code Enforcement Officer. The applicant shall comply with all Federal, State and Local permit conditions, standards and regulations.

Whenever City, State or Federal permits are required whichever standard between City, State, or Federal permit conditions and standards is stricter shall govern.

413.4.4 All applicable permit fees for this Section are found in the City Council’s adopted Fee Schedule, as amended from time to time, and kept on file in the City Clerk’s office.

413.4.5 Blasting shall only be performed by fully qualified blasters experienced in blasting principles and procedures and knowledgeable in all applicable blasting regulations. All blasting activities shall have oversight by a properly certified blaster as defined by State of Maine and Federal requirements, and copies of certifications shall be provided to the City of Brewer Code Office when applying for a blasting permit.

413.4.6 The applicant, blaster and their agents shall comply with all Federal, State, and Local ordinances, rules, laws and regulations. Whenever a conflict between rules, laws, and regulations exists between said authorities, the stricter provision shall apply.

Statement of Fact: These ordinance amendments are proposed in order to include regulations on blasting. The Planning Board held a public hearing on March 4, 2024 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written. There were no public comments.

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2024-C004

March 19, 2024

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "LAND USE CODE", TO AMEND ARTICLE 4, "PERFORMANCE STANDARDS", SECTION 440.

Filed March 13, 2024
By William Kimball

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", Article 4 "Performance Standards", shall be amended as follows:

Article 4 Performance Standards

440 EROSION CONTROL (#44)

1. The proposed site plan shall have a soil erosion and sediment control plan that will effectively prevent soil erosion from leaving the site and entering the City stormwater system, water bodies of Maine, wetlands, and adjacent properties.
2. All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling; excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites should be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
3. Soil erosion and sedimentation of water courses and water bodies will be minimized by an active program meeting the requirements of Appendix C, Erosion and Sedimentation Control, Inspections, Maintenance and Housekeeping, of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4), published by the Maine Department of Environmental Protection, Bureau of Water Quality, Dated October 15, 2020 ~~the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016 published by the Maine Department of Environmental Protection.~~
4. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

Statement of Fact: These ordinance amendments are proposed in order to meet State requirements. The Planning Board held a public hearing on March 4, 2024 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written. There were no public comments.

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2024-C005

March 19, 2024

TITLE: ORDER, AMEND CHAPTER 24 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LAND USE CODE”, TO AMEND ARTICLE 6, “SITE PLAN REVIEW”.

Filed March 13, 2024
By Soubanh Phanthay

BE IT ORDAINED, by the Brewer City Council that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code”, Article 6 “Site Plan Review”, shall be amended as follows:

Article 6 Site Plan Review

602 PRE-APPLICATION (#2)

The Code Enforcement Officer shall review an applicant’s proposed use to determine if the proposed use is allowed and, if so, whether the project requires site plan approval. If site plan review is required, the applicant shall determine whether the project is a major or minor site plan and submit the application accordingly. Upon receiving the application, the Planning Department shall determine if the applicant’s classification of major or minor site plan is acceptable. If not acceptable, the applicant shall begin the process again with the submission of a new application.

~~Upon receipt of a request or application for development, including use change, the Code Enforcement Officer shall decide if site plan review is necessary and shall inform the applicant of the project classification and the application process set forth in this Article.~~

605.1 EXPIRATION OF PLANNING BOARD APPROVAL (#2) (#61)

The ability and procedure of a major site plan to be approved and constructed in phases shall be determined on a case-by-case basis by the Planning Board. If permitted, details of such phasing shall be outlined on the site plan and written Planning Board Order. Previously approved site plans may be eligible for phasing if brought before the Planning Board for an amended site plan review within eighteen months of approval.

Fill and Grade or Site plan approval granted by the Planning Board shall expire if on-site construction and alteration activities associated with the approved plan are work or use involved ~~is~~ not commenced within one year of the date which the Planning Board approval is granted, or if the work is not substantially completed within eighteen months of the site plan approval date. For projects approved for completion in phases, site plan approval shall expire if the work does not meet the phasing conditions approved for the project.

Expiration of the applicable dates prior to commencement or substantial completion shall void the site plan approval unless the Code Enforcement Officer has granted an extension for a period not to exceed ninety days based on the Code Enforcement Officer's written finding of a

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reasonable cause. If additional extensions are required, the Planning Board may grant such additional extensions based on a written finding of reasonable cause.

Requests for the Planning Board to grant an extension shall include a letter stating the status of the project, reason for the extension request, proposed extension date, and the non-refundable fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer. Three (3) copies of the above information and the check shall be submitted to the Planning Department four weeks prior to the Planning Board meeting.

In the event that any Fill and Grade or Site Plan Planning Board approved use(s) conducted in a structure or otherwise, ceases, for whatever reason, for a period of one (1) year or more such use(s) shall not be resumed without first having obtained Planning Board approval, as determined by the Code Enforcement Officer.

606 REQUIRED INFORMATION (#2) (#61)

Application for the establishment of uses and/or site improvements requiring site plan review shall be accompanied by 24" x 36" plans (one inch equals twenty feet is preferred) drawn to scale, and accompanying written materials bound either in a punch and bind or 3-ring binder. Site plans shall be based on field measurements and current on-site data prepared, signed, and stamped by a State of Maine licensed professional land surveyor, engineer, or landscape architect. For purposes of site plan review, the "site" consists of the entire parcel of land and not just the portion developed. The required submission containing at a minimum the following information:

606.1 INFORMATION FOR ALL SUBMISSIONS (#2) (#4)

1. A brief narrative describing the overall goals and objectives of the project, the nature of the operations of the site use, along with the expected schedule of operation and number of employees. Also included shall be the reason for the applicant's determination of the project as either a major or minor site plan.
10. Location and arrangement of proposed off-street parking loading areas and their appurtenant drives and maneuvering areas, including ADA requirements for parking and visitor parking as needed. 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. (#57)
18. Location and type of existing and proposed landscaping, fences, hedges and trees ~~of~~ fourteen inches in diameter ten-inch caliper and over, measured at a point 4.5 feet above ground level. Existing trees and landscaping to remain and be preserved shall be labeled. Existing specimen trees fourteen inches in diameter and over and unique stands of trees shall be shown and labeled.
21. All existing and proposed setback dimensions. (#57) Distances from proposed buildings to nearest property line shall be shown and labeled on the site plan.
25. The location of all wetlands over 4,000 sq. ft. cumulatively on the site, prepared by a State Certified Soil Scientist or Geologist registered in the State of Maine or other qualified

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professional showing expertise in wetland delineation, and based on an on-site investigation. Said submission shall include a narrative describing method of delineation and location and description of such wetland features including functions and values. All plans showing wetlands and/or vernal pools shall include a note stating who, how, and when the delineation and locations were determined.

34. For projects involving residential uses, the applicant shall include information on the number of potential students added to the school system estimated by using the most recent available published regional numbers. The applicant shall also include a written statement from the Superintendent of Schools indicating any concerns with the additional students and bus stop locations.

~~35-34~~. Written request for waivers of any item(s) specified.

607.5 ACCESS AND PARKING (#4) (#57)

4. Curb cuts are located so as to allow a minimum clearance as prescribed in 906.4 of this Land Use Ordinance from unsignalized unsignaled intersections of streets. The minimum clearance distance at signalized intersections shall be 150 feet. Clearance distances are to be measured from the point of tangency (pt.) for the corner to the pt. for the access drive.

607.11 SUFFICIENT WATER (#4)

2. Hydrants shall also be placed such that one (or more if required by the Authority Having Jurisdiction (AHJ)) shall be located within five hundred (500) feet of all structures. The hydrants are to be standard hydrants as approved by the AHJ. Said hydrants to supply seven hundred fifty (750) gpm or more each with a residual pressure of 20 psi. Further, for selected developments, subject to the AHJ, more hydrants and larger fire flows may be required for greater than normal hazards or large structures.

Statement of Fact: These ordinance amendments are proposed in order to update and clarify items pertaining to site plan reviews. The Planning Board held a public hearing on March 4, 2024 and unanimously made the recommendation to adopt these amendments to Chapter 24 Land Use Code as written. There were no public comments.

2024-C006

March 19, 2024

TITLE: ORDER, AMEND CHAPTER 31 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "ENVIRONMENTAL ORDINANCE", TO AMEND ARTICLE 12, SECTION 1208.

Filed March 13, 2024
By Michele Daniels

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Tuesday, April 9, 2024

BE IT ORDAINED, by the Brewer City Council that Chapter 31, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Environmental Ordinance”, Article 12, shall be amended as follows:

SECTION 1208 ABATEMENTS (#25)

~~Effective January 1, 2015, the following abatement policy shall apply:~~

A. Outside use of water - residential submeter program

~~Due to the increasing impacts of water runoff and the costs associated with the City’s stormwater compliance efforts, the residential submeter program will sunset on December 31, 2024. Participants in the program have until November 1, 2024 to submit their final abatement credit requests, which will be reflected on December 2024 sewer bills. Residential customers shall not be granted abatements for water used for watering lawns or gardens, filling swimming pools or other outside water uses without first installing, at the customer’s expense, a secondary water submeter. The submeter shall measure only the volume of water used for outside water uses and/or for purposes of filling indoor swimming pools. To receive credit, before using, the submeter must be inspected and registered by the City of Brewer Water Department. Customers are required to report the submeter reading to the Water Department on or before October 1 each year to receive credit. Residential submeter program rules and requirements are available on the City’s website and from the Brewer Water Department.~~

B. Abatement due to mechanical failure

A partial abatement for high consumption due to mechanical failure is available once in a five-year period that the customer has had sewer service if certain conditions are met, including, but not limited to, the following:

- Consumption must cause a customer’s bill to be greater than 150% of the average bill in the previous four quarters.
- The excess use must have been accidental, unpreventable, or reasonably undetectable.
- Customer must have responded timely to all customer service notifications in previous four quarters.
- Customer must submit a written Abatement Application and provide documentation that the problem has been corrected (e.g. receipts, pictures, etc.)
- Water and sewer accounts may not have a past due balance.

Abatement applications are available at the Brewer Water Department, the Brewer City Hall Tax Office and the City’s website.

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C. Commercial and industrial operations

Commercial, and manufacturing ratepayers that use water that does not reach the City's sewer system and does not contribute directly or indirectly to runoff may ~~not~~ apply for an abatement of the sewer ~~which does not reach the City's sewer system unless~~ as long as they meet the following requirements:

- (1) All commercial, and manufacturing sewer user ratepayers must first file an application and receive written permission from the ~~BWPCF Superintendent~~ Director of Environmental Services and the City's Pretreatment Coordinator prior to engaging in any activity that will remove water from the sewer.
- (2) ~~If a~~ The commercial, or manufacturing ratepayer ~~has received permission to remove water from the City sewer and can~~ must be able to document the volume they wish abated with a meter reading or other verifiable method that has been approved by the Director of Environmental Services ~~they may apply for a sewer abatement request to the Superintendent.~~
- (3) The Director of Environmental Services, Superintendent after consultation with the City Manager, ~~and the City Pretreatment Coordinator~~ shall make the final decision as to whether the abatement shall or shall not be granted.
- (4) No more than one (1) sewer abatement shall be given to any manufacturing, or commercial business in any 12-month period.

Statement of Fact: The purpose of this ordinance amendment is to sunset the outside water use sewer abatement program effective December 31, 2024. Only a small percentage of households use the program, and even fewer businesses, yet the over \$25,000 per year cost is borne by all customers through sewer rates. The original rationale for the program—that water drained into the ground does not cost the City any money—no longer applies given the ever-increasing infrastructure and regulatory burdens being placed on the City with regard to stormwater.

2024-C007

March 19, 2024

TITLE: ORDER, AMEND CHAPTER 15 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "PARKS AND RECREATION", TO AMEND ARTICLES 1, 2, 3, 4, 5, AND 7.

Filed March 14, 2024
By Dani O'Halloran and
William Kimball

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BE IT ORDAINED, by the Brewer City Council that Chapter 15, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Parks and Recreation", shall be amended as follows:

ARTICLE 1 GENERAL

SECTION 103 DUTIES

The Director of Parks and Recreation shall:

SECTION 103.6 Account for all public moneys received ~~by him~~, in such manner as the ~~e~~City ~~†~~Treasurer may prescribe.

ARTICLE 2 PARK AND RECREATIONAL ADVISORY COMMISSION

SECTION 203 CHAIRMAN AND SECRETARY

The Commission shall elect its own chair~~man~~ from among its members who shall serve for one (1) year, and any vacancy during the term of said chair~~man~~ shall be filled by the Commissioners to serve the unexpired period of the term.

SECTION 203.1 The Commission shall also elect from among its own members, a secretary whose duties shall be to keep a permanent record of all its meetings and activities and of all order, resolutions and recommendations made at such meetings, and such other duties as may be delegated ~~to him or her~~ by the Commission.

SECTION 203.2 When a member is unable to act because of a conflict of interest, physical incapacity, absence or any other reason satisfactory to the chair~~man~~, the chair~~man~~ shall designate an associate member to sit as a regular member during such inability to act. In the case when the chair is unable to act for the aforescribed reasons, the remaining members shall elect a temporary chair, who may then designate an associate member to sit as a regular member during this temporary inability in his or her stead.

ARTICLE 3 MUNICIPAL AUDITORIUM - ~~Joseph L. Ferris Community Center~~

SECTION 303 RENTALS

The Director of Parks and Recreation is hereby authorized to rent or lease the facilities of the municipal auditorium to private or public groups or organizations.

SECTION 303.1 ~~He or she~~The Director shall maintain ~~in his or her office~~, a schedule of all authorized future rentals ~~and this schedule shall be open to public inspection during regular~~

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~~office hours.~~

SECTION 303.2 The primary use of the municipal auditorium shall be for City of Brewer recreational purposes. Rental dates shall be considered for those dates not already reserved and scheduled for Brewer Recreation Department programs.

SECTION 303.3 The Director of Parks and Recreation or ~~his or her~~ designee shall be authorized to restrict or refuse any rental deemed not to be in the best interest of the City of Brewer, the building, or the public. City staff, law enforcement officials, and firefighters shall have the right to expel and/or arrest any person, corporation, legal entity or their agents for any criminal, destructive, or unhealthy activity.

SECTION 303.4 All dates in a month shall be rented on a first come, first served basis; except that the Director of Parks and Recreation shall take into consideration renters with a history of the same time period or holiday rental in the previous calendar year. The Director of Parks and Recreation is hereby authorized to refuse or restrict rentals that directly conflict with a previously scheduled rental. ~~He or she~~ The Director may require a minimum of six (6) days separation between such direct rental conflicts. A rental date may be up to five (5) consecutive days. A renter must pay a non-refundable fee of one hundred (\$100.00) dollars to confirm a date.

SECTION 304 RENTAL RATES

Except as otherwise provided in this Article, the amounts set forth in the following schedules shall be the minimum charged for the use of the municipal auditorium. (#3)

SCHEDULE I

Commercial Use	\$360.00 per day
General Use	\$300.00 per day
Charitable Use	<u>\$250.00</u> 240.00 per day (Brewer groups only)
Set-up Charge	<u>\$75.00</u> 60.00 for events requiring set-up on day prior to event
Table Charge	\$2.00 per table per day
Speaker Charge	<u>\$20.00</u> 15.00 per day
Marquee Charge	<u>\$25.00</u> 20.00 per day when used beyond actual rental dates if available.

Service charges, if required, for all events, shall be at the rates set forth in Section 304.1 of the Article.

The above rental rates shall include heat, electricity, use of the signs on rental day, parking, use of the main floor, stage, and

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toilet facilities and chairs and other available facilities. For the purposes of this Ordinance, the term "Charitable Groups" shall be defined as any bona-fide, non-profit organization which is charitable, educational, political, civic, recreational, fraternal, patriotic and or religious or any auxiliary thereof, and any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State of Maine and within the City of Brewer.

SECTION 304.1 SERVICE CHARGES Service charges, if required, for all events, shall be the actual city payroll costs plus twenty-three seventeen (23% 17%) percent fringe benefit costs.

SECTION 304.2 KENNETH HANSCOM COMMUNITY ROOM The amounts set forth in the following schedule shall be the minimum charge for the use of that portion of the municipal auditorium now or formerly used as the American Legion Quarters: (#3)

SCHEDULE II

General Use	\$ <u>150.00</u> 90.00 per day
Charitable Groups, Brewer	\$ <u>100.00</u> 75.00 per day

Service charges, if required, for all events, shall be at the rates set forth in Section 304.1 of this Article.

SECTION 304.3 CONFERENCE ROOMS Rental rates for mezzanine level conference room & lower level conference room shall be Forty Fifteen Dollars (\$40.00 15.00) per hour not to exceed One Hundred Fifty Dollars (\$100.00 50.00) per day. Service charges, if required, for all activities, shall be at the rates set forth in Section 304.1 of this Article.

SECTION 305 CONCESSION OPERATION

The City of Brewer Recreation Department shall operate and maintain the concession areas in the Municipal Auditorium. All revenue received from the operation of concession areas shall be deposited with the City Treasurer in such manner as ~~he or she~~ the City Treasurer may prescribe.

SECTION 307 AUDITORIUM GROUNDS USE

The Director of Parks and Recreation or ~~his or her~~ designee is hereby authorized to rent, lease or grant written permission to individuals, private or public groups or organizations to occupy those portions of the municipal auditorium parking lot or grounds, including but not limited to the front walkways that are not immediately necessary for the Parks & Recreation Department's ongoing programs. (#6)

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Any policy implemented by the Director of Parks and Recreation under this section shall be approved by the City Manager first and a copy thereof shall be filed in the City Clerk's office for public inspection.

SECTION 308 WAIVER OF RENTAL AND USER FEES

The Director of Parks and Recreation, or ~~his or her~~ designee, may waive the rental fee and all or some of the other charges set forth in this article for any Brewer non-profit charitable group requesting such waiver in writing and providing that:

- (1) all income from the event shall be returned to the Brewer community through the sponsoring groups. (#2)

ARTICLE 4 MUNICIPAL ATHLETIC FIELD

SECTION 402 CARE AND SUPERINTENDENCE The general care and superintendence of Doyle Field shall be under the control of the Recreation Department, which shall be responsible for the following:

1. The control and responsibility of the bleachers, all buildings and fences and the scoreboard.
2. The control, maintenance and responsibility of the night lighting system.
3. The Director of Parks and Recreation shall have final approval of all scheduled events on the field. Any scheduled activity shall be carried out in a manner which is not damaging to the facility. Whenever, in the judgment of the Director of Parks and Recreation, weather or other circumstances beyond the control of the Parks and Recreation Department and/or the participants in any scheduled event, might result in damage to the facility, the Director of Parks and Recreation, or ~~his or her~~ duly authorized agent, may cancel, terminate, postpone or reschedule (if appropriate) any scheduled event.

ARTICLE 5 PARKS

SECTION 501 DEFINITIONS For the purpose of this Article, the following words shall have the meaning ascribed to them in this section:

1. "Major Park" is any of the following named, or unnamed, Public Parks:

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- a. Indian Trail Park
- b. Eastern ~~Ball~~ Park
- c. Fling Park
- d. Sunset Memorial Park
- e. Brewer Community Playground (a/k/a/ Brewer Creative Playground) and the Brewer Swimming Pool, being designated as Parcel 12 on Map 50, according to the tax assessing maps ~~prepared by James W. Sewall Company,~~ placed on file in the City Tax Assessor's office and may be amended from time to time
- f. Maple Street Park
- g. Dougherty Recreational Complex
- h. Capri Street Park
- i. Brewer Riverwalk

2. "Minor Park" is any public park or public land not listed as a major park with the exception of Doyle Field and lands owned by the Brewer High School District Trustees.

SECTION 504 TRESPASSING Whoever enters upon any major park between the hours that such park is closed and opened, shall be in violation of this Ordinance and shall also be subject to trespass and similar laws of the State ~~guilty of trespass~~. The City Council shall be primarily responsible for establishing the opening and closing times for all major parks; however, the Recreation Director shall have the authority to alter and amend the opening and closing times of said major parks to accommodate the recreational programs and needs of his or her department. The Recreation Director shall be responsible for posting at least two (2) signs at each major park listing the current opening and closing hours of said park. ~~The sign shall be no smaller than two (2) feet by two (2) feet and shall be lettered with no smaller than one hundred twenty (120) point letters.~~

~~**SECTION 504.1 PENALTY FOR TRESPASSING** Whoever trespasses upon any park shall be punished by a fine of not more than Twenty Dollars (\$20.00).~~

ARTICLE 7 SAFE ZONES (#4) (#7)

SECTION 701 ESTABLISHMENT In order to promote the health and

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safety of the citizens of Brewer in general, and the minor children which frequent areas within the City of Brewer, there is hereby established Safe Zones within the City of Brewer in accordance with Title 30-A M.R.S.A. §3253.

SECTION 702 SAFE ZONES The locations of the Safe Zones which are established under this Article are as follows: (All Tax Assessor map information is as shown on the Brewer tax map dated April 2023 and as amended, and on file at the City Clerk's Office.)

- a. Joseph L. Ferris Community Center, athletic field, playground and swimming pool complex, which are generally described as follows:
 - (1) ~~on the Tax Assessor's maps, dated April 2003, as amended as~~ Map 31, Lot 21, ~~on file in the City Clerk's office~~ and ~~are~~ more fully described in a deed and recorded in the Penobscot County Registry of Deeds in Volume 1087, Page 375.
 - (2) Tax Assessor's Map 50 lot 12 and more fully described in a deed and recorded in the Penobscot County Registry of Deeds in Volume 699, Page 56
 - (3) Tax Assessor's Map 31 lot 14 and more fully described in a deed and recorded in the Penobscot County Registry of Deeds in Volume 1491, Page 242.
- b. Fling Street Park, which is generally described as ~~on the Tax Assessor's maps, dated April 2003, as amended as~~ Map 29, Lot 31, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2189, Page 207.
- c. Maple Street Park, which is generally described as ~~on the Tax Assessor's maps, dated April 2003, as amended as~~ Map 28, Lot 1, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in Penobscot County Registry of Deeds in Volume 4759 age 74, Volume 6151, Page 273, Volume 6151, Page 276 and Volume 6160, Page 239.
- d. Eastern Park, which is generally described as ~~on the Tax Assessor's maps, dated April 2003, as amended as~~ Map 26, Lot 27, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2133, Page 839.

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- e. Sunset Memorial Park and parking lot, which are is generally described as follows:
- (1) ~~on the~~ Tax Assessor's ~~maps, dated April 2003, as amended as~~ Map 42, Lot 155, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 1559, Page 67.
 - (2) Tax Assessor's Map 42, Lot 155-1, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 14849, Page 26.
- f. Indian Trail Park, which is generally described as ~~on the~~ Tax Assessor's ~~maps, dated April 2003, as amended as~~ Map 37, Lot 1, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 287, Page 353.
- g. Penobscot Landing Children's Garden, which is generally described as ~~on the~~ Tax Assessor's ~~maps, dated April 2003, as amended as~~ Map 28, Lot 189, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 8444, Page 82.
- h. Brewer Public Library and School Street Playground, which are is generally described as ~~on the~~ Tax Assessor's ~~maps, dated April 2003, as amended as~~ Map 28, Lot 14, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 581, Page 499.
- i. Housing Authority of the City of Brewer Family Projects (Me-21-5, Me-21-7, Me-21-8, and Me-21-9) located on Rinfret Drive and Lyford Drive, Map 14, Lot 21 and Map 14, Lot 31, which is more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 5001, Page 152.
- j. The Brewer Riverwalk Trail, and any improvements which lie within the following areas:

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- (1) The property owned by the City of Brewer by virtue of the Deed from Hiram H. Fogg recorded in the Penobscot County Registry of Deeds in Volume 641, Page 275.
- (2) The easements to the City of Brewer from Dead River Company, d/b/a Dead River Petroleum Company, recorded in the Penobscot County Registry of Deeds in Volume 8320, Page 205, and Volume 9558, Page 304.
- (3) The easement to the City of Brewer from G. H. Doane recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 4.
- (4) The easement to the City of Brewer from Maxwood Services, Inc. recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 10.
- (5) The easement to the City of Brewer from Bruce R. Blackmer recorded in the Penobscot County Registry of Deeds in Volume 8544, Page 296.
- (6) The easement to the City of Brewer from Dorks R Us recorded in the Penobscot County Registry of Deeds in Volume 8371, Page 236.
- (7) The portion of the State of Maine property adjacent to the so-called Joshua Chamberlain Bridge.
- (8) The property owned by the City of Brewer by virtue of Deed from Creative Arts Center, LLC recorded in the PCROD in Volume 15226, Book 338(#9)
- (9) The Easement to the City of Brewer from Getchell Bros. Co. recorded in the PCROD Volume 14971, Page 34 (#9)
- (10) The Easement to the City of Brewer from Bonton Towers recorded in the PCROD Volume 14779, Page 241

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(#9)

(11) The Easement to the City of Brewer from EWT, LLC12 recorded in the PCROD Volume 14779, Page 233 (#9)

(12) The Easement to the City of Brewer from Mona Memorial, LLC recorded in the PCROD Volume 16361, Page 267.

- k. The Dougherty Recreation Complex, which is generally described ~~as on the~~ Tax Assessor's ~~maps, dated April 2016, as amended as~~ Map 34, Lot 56, ~~on file in the City Clerk's Office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Book 13905, Page 218. (#8)
- l. The Capri Street Field, which is generally described ~~as on the~~ Tax Assessor's ~~maps, dated April, 2016, as amended as~~ Map 44, Lot 13, ~~on file in the City Clerk's office~~ and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Book 13905, Page 215. (#8)
- m. The Sherwood Forest Park, which is generally described as Tax Assessor's as Map 48, Lot 74, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2449, Page 64.
- n. The Fisherman's Park/Scenic Turnouts, which is generally described as follows:
- (1) Tax Assessor's Map 27, Lot 1, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 6129, Page 245.
 - (2) Tax Assessor's Map 27, Lot 3, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 3894, Page 1.
 - (3) Tax Assessor's Map 27, Lot 4, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 5846, Page 183.
 - (4) Tax Assessor's Map 27, Lot 6, and more fully described in a deed recorded in the Penobscot County

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Registry of Deeds in Volume 3886, Page 197.

- (5) Tax Assessor's Map 27, Lot 7, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 3914, Page 65.

- o. The Veteran's Park, which is located at the corner of State Street and Penobscot Street and is generally described as Tax Assessor's Map 30, Lot 106.

- p. The Chamberlain Park (aka Freedom Park), which is located at the corner of State Street and North Main Street and is generally described as Tax Assessor's Map 33, Lot 158.

- q. The Centennial Monument parcel, which is generally described as Tax Assessor's Map 27, Lot 17, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 1486, Page 386.

- r. The City of Brewer public boat launch parcel, which is generally described as Tax Assessor's Map 18, Lot 12, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2140, Page 545.

- s. The Caldwell Ice Rink parcel, which is generally described as Tax Assessor's Map 13, Lot 40, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 6151, Page 270.

- t. The Brewer Land Trust parcel, which is generally described as Tax Assessor's Map 16, Lot 28, and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 11341, Page 11.

Statement of Fact: These ordinance amendments are proposed in order to update various items throughout the ordinance and include additional parcels designated under Safe Zones.

ACTION: Councilor Daniels moved that the amendments on the consent calendar be enacted. Councilor O'Halloran seconded the motion. The motion passed with a vote of 4 to 0.

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**G. New Business
Consent Calendar**

2024-C008

April 9, 2024

TITLE: ORDER, AMEND CHAPTER 20 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LICENSES AND PERMITS”, ARTICLE 3, SECTION 307 “UTILITY PERMITS”.

Filed March 29, 2024
By Dani O’Halloran

BE IT ORDAINED, by the Brewer City Council that Chapter 20, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, Article 3, Section 307 “Utility Permits” shall be amended as follows:

SECTION 307 UTILITY LOCATION PERMITS

Any person, partnership, corporation or other legal entity engaged in the business of transmission of intelligence, heat, light or power by electricity, applying for a permit to construct facilities upon and along highways and public roads of the City, shall submit such application for a main extension or large-scale maintenance project to the City Manager Clerk. The Clerk will then issue the application to the appropriate City Departments for their review.

SECTION 307.1 SUBMISSION REQUIREMENTS

The application shall include a plan showing the proposed work and a brief narrative explaining streets to be affected, timeline for construction, and proposed traffic management plan, if necessary.

The plan shall show the location of existing City owned utilities (water, storm drain, and sanitary sewer). The applicant will be responsible for coordinating with City Departments to have the utilities located in the field prior to submitting the application. The applicant will then be responsible for collecting the information and depicting it accurately on the submitted plan.

The City Manager is hereby designated by the City Council to accept applications for utility location permits in their behalf after review by appropriate City Departments. Any decision made by the City Manager under this authority shall be filed with the City Clerk within one (1) week from the date thereof. Within two (2) weeks from the filing, any person aggrieved may appeal such decision as provided under Title 35-A M.R.S.A.

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SECTION 307.2 CONSTRUCTION STANDARDS

All construction requirements included in Sections 304 and 305 of this Ordinance are applicable for work done under Utility Location Permits.

All work completed within the City right of way or on City property is subject to a three-year workmanship warranty. Within the warranty period the applicant, once notified by the City of a workmanship issue, shall make the needed repairs to the requirements set forth by City staff within a three-week period. Should the area pose a risk to the public the applicant shall immediately mitigate the risk even if final repairs cannot be made at that time. Should the applicant not start making the required repairs within the three weeks period after being notified by the City, the City shall complete the repairs and shall seek reimbursement through the terms set forth in Section 304.11 of this Ordinance.

Applicant shall meet all construction specifications set forth by the Water and Environmental Services Departments in their Construction Standards documents, respectively. Required separation distances shall be met, or if unable to be met, shall be approved by the affected Department during review. Locations that do not meet standards for separation shall be noted on submitted plan.

SECTION 307.3 FEES

At the time of submission of the utility location permit, an application fee shall be required as set forth in the Fee Schedule of the Code of Ordinances for the City of Brewer. The application fee will be assessed on a per street basis where work is proposed to occur basis. This application fee covers review of the application up to 5 hours of total City staff time.

Should the application require more time to review because of the complexity of the project, City staff will notify the applicant prior to beginning review and an additional review fee, up to \$5000.00, may be assessed. The City will provide an estimated fee of their projected time to complete the review. The applicant can choose to remove their submission for consideration should they choose to not want to pay the additional review fee. This review fee will include time for utility location.

Statement of Fact: This Order completes a revision of the Utility Location portion of the Licenses and Permits Ordinance. After review and discussion by several City staff members, it was determined that the Utility Location Permit process should be revised to clarify several issues that have occurred in the past and provide more detail to utility companies looking to install infrastructure within the City right-of-way. The updated process will begin with the applications being submitted to the City Clerk rather than the City Manager, so that an application fee can be collected at that time.

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2024-C009

April 9, 2024

TITLE: ORDER, AMEND CHAPTER 20 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED “LICENSES AND PERMITS”, TO ADD SECTION 222 “SHORT-TERM RENTALS”.

Filed April 2, 2024
By Michele Daniels

BE IT ORDAINED, by the Brewer City Council that Chapter 20, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Licenses and Permits”, be amended by adding Section 222 “Short-Term Rentals” as follows:

Section 222 Short-term Rentals

No person shall operate a short-term rental without first obtaining a license pursuant to the requirements of this Article.

All short-term rental owners shall obtain an annual license on or before January 1 of each year. Such license shall be posted in a visible location inside the main entrance of the unit along with the E-911 address and contact information for the property owner/operator such as the property owner and/or operator’s name, phone number and email address. It shall be the responsibility of the property owner to maintain books and records of short-term rental guest(s) renting on premises, periods and dates of stay, and the number of persons occupying the short-term rental in each individual stay.

Section 222.1

Any owner or operator of a pre-existing short-term rental in operation prior to the effective date of this Section may submit an annual license application to the City Clerk from April 1, 2024 until July 1, 2024, which must also include documented evidence of the location of the short-term rental unit, a description of the unit, how long the unit has been rented/leased/contracted and whether the unit has been hosted or non-hosted per definition under Chapter 24 Article 4. Applications received after July 1, 2024, shall be processed as first-time applications.

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Section 222.1.1

The property owner shall provide the following information when applying for the annual license:

1. Proof of residency
2. Proof of property ownership
3. Evidence the short-term rental unit complies with all requirements of the Life Safety Code, Brewer City Ordinances, and all land use approvals including but not limited to, site plan approval, departmental review, building permit, and certificate of occupancy.
4. Proof that all property tax bills, assessments, and other charges affecting the property are paid to date.

Section 222.1.2

No more than two (2) overnight short-term rental guests shall be allowed per legal bedroom identified on the property's Certificate of Occupancy. Occupancy levels may be further limited based on septic system design and off-lot connection and capacity.

Section 222.1.3

Licenses shall only be issued to the property owner of record and a property owner shall be limited to and issued only one (1) short-term rental license for one (1) dwelling unit on a legal lot of record to be used as a short-term rental.

Section 222.1.4

Licensing, registration, and inspection approvals shall not transfer with any change of ownership or transfer to a different short-term rental either on premises or to another location.

Section 222.1.5

It shall be the responsibility of the license holder to provide current information to the City Clerk's office at such time that any information in the license application changes.

Section 222.1.6

Prior to the issuance of a license, the unit to be used as a short-term rental must pass an inspection to be conducted by the Code Enforcement Officer to determine if the rental complies with all applicable City Codes and Ordinances.

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Section 222.1.7

Violations including but not limited to three (3) or more substantiated complaints in connection with the short-term rental, substantiated Land Use Code complaints or violations, and/or operation of a short-term rental without a license shall be grounds for suspension, revocation or non-issuance of an annual license in accordance with this Chapter.

Section 222.1.8

E-911 address numbering must be posted on the outside of the dwelling in accordance with E-911 Ordinance standards of Chapter 50.

Section 222.1.9

Issuance of a license pursuant to this Article is subject to payment by the applicant of an application and license fee. The fee for said license shall be in accordance with Article 4 of this Chapter.

Statement of Fact: This amendment to Chapter 20 is proposed to align with the recently adopted amendments to Chapter 24 Land Use Code, Article 4, Section 444, to include regulations on short-term rentals.

2024-C010

April 9, 2024

TITLE: ORDER, AMEND CHAPTER 9 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER, ENTITLED "FIRE PREVENTION", ARTICLE 7, SECTION 703.

Filed April 2, 2024
By William Kimball

BE IT ORDAINED, by the Brewer City Council that Chapter 9, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Fire Prevention", Article 7, Section 703, be amended as follows:

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SECTION 703

No person, partnership, corporation or other legal entity shall blast within the limits of the City of Brewer without issuance of a blasting permit from the ~~providing the City Clerk~~ Code Enforcement Officer in accordance with Brewer City Ordinances, Chapter 24 Land Use Code, Article 4, Section 413.4 at his or her office, during normal business hours, and providing written proof of a license to blast issued by the State of Maine and proof of liability insurance covering the blasting at least forty-eight (48) hours before the blasting is to take place. The City Clerk Code Enforcement Office shall provide the Fire Chief with copies of the license and proof of liability insurance filed with the City Clerk's Code Enforcement office prior to blasting, detonation or display. The Fire Chief or Officer in Charge can order a temporary halt to any blasting, detonation or display for the purpose of securing the safety of persons or property.

Statement of Fact: This ordinance amendment to Chapter 9 is proposed to align with the recently proposed amendments to Chapter 24 “Land Use Code”, Article 4, Section 413.4, to include regulations on blasting. The Planning Board held a public hearing on March 4, 2024 and unanimously made the recommendation to adopt the amendments to Chapter 24 “Land Use Code”, Article 4, Section 413.4 as written. There were no public comments.

ACTION: Councilor O’Halloran moved that the amendments on the consent calendar be certified and filed with the city clerk for posting. Councilor Daniels 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.

I. ADJOURN

ACTION: Councilor Daniels moved to adjourn. Councilor O’Halloran seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 6:59 P.M.

ADJOURNED, ATTEST: _____ Vincent P. Migliore
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine