



REGULAR COUNCIL MEETING – OCTOBER 6, 2014

Council convened October 6, 2014 at the Old Town City Council Chambers on 265 Main Street.

Councilors present: Carol May, Linda McLeod, John Nuttall, Eric Roach, Stan Peterson and Lori Smart. President David Mahan absent.

Administration present: Bill Mayo, Erik Stumpfel, Patty Brochu, Miles Greenacre, Ron Harriman and David Russell.

Others present: one citizen in the audience and news media.

Due to the absence of Council President Mahan, City Clerk Patty Brochu called the meeting to order at 7:00 p.m.

Clerk Brochu asked for a motion to elect a Council President Pro-Tem. Councilor McLeod, seconded by Councilor May, moved to elect Councilor Stan Peterson as President Pro-Tem. **Motion approved all in favor, 6-0.**

Councilor Smart, seconded by Councilor Nuttall, moved to approve the Minutes of the September 18, 2014 Special Council Meeting. **Approved all in favor, 6-0.**

REPORTS

Councilor May thanked everyone on behalf of the Riverfest Committee who helped put it all together. She was especially pleased with Public Works and the park condition; 2) she also showed a picture of 25 Leonard Lane property with trash problems that she received and asked how these matters were addressed. Code Officer Russell said he had left a card and corresponded by email with the tenants and they agreed to clean it up; 3) Mrs. May also asked if the Councilors had seen the letter to the Editor in the Penobscot Times from Chris Avila regarding the Stillwater Bridge. She agrees it is in bad shape and wants to know if the City has any recourse with the State. Manager Mayo replied that it has been inspected by the State and they say it's safe but they have moved the bridge project up six years which puts it around 2017 before they work on it. Councilor Nuttall is concerned with the safety of railings that are full of rust.

Councilor Smart asked when the Gilman Falls bridge work would be done. Manager Mayo said they found a lot more problems with it so it's taking longer to fix.

Councilor McLeod questioned the carry forwards. Miles explained this is an annual procedure for those accounts that are for certain projects.

Manager Mayo: 1) The Boiler is down at the pool and it's being worked on but it will be down for a week; 2) Traffic lights on Stillwater estimate went from \$9,000 to \$22,600; 3)

Working with CES on the Transfer Station; 4) Working on winterizing the Jefferson Street school. Councilors asked that the traffic lights item be on the next agenda.

CONSENT AGENDA

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, 3, 4, 5 & 7 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby approves an application for a Major Event Permit for the Old Town Rotary Club to hold the Annual Hunters Breakfast to be held in the Municipal Parking lot on Main Street on November 1, 2014 and to allow set up on October 31, 2014 starting at 2:00 p.m. and to further waive the permit fee.

Item #2: Resolved, the Old Town City Council hereby approves issuance of Municipal Warrants for the November 4, 2014 Regular Municipal Election.

Item #3: Resolved, the Old Town City Council hereby approves the Registrar of Voters hours for the November 4, 2014 State General & Regular Municipal Election, pursuant to Title 21A, M.R.S.A. §101(6) as presented in attachment #1 and recommended by the City Clerk.

Item #4: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous & Spirituous Liquor License and a Special Amusement Permit for the Old Town Knights of Columbus, 5 Gilman Falls Avenue.

Item #5: Resolved, the Old Town City Council hereby approves a renewal application for a Malt, Vinous & Spirituous Liquor License and a Special Amusement Permit for the Old Town Lodge of Elks #1287, 37 Fourth Street.

Item #7: Resolved, the Old Town City Council hereby approves issuance of a Municipal Quit-Claim deed to release and clear title to Joshua L. and Sarah A. Brissette-Hatch for property located at 54 Spring Street, Tax Map 16, Lot 24. The City Council further authorizes the City Manager to execute said Deed.

Consent Agenda Items approved all in favor, 6-0.

PUBLIC HEARINGS

The City Council conducted a Public Hearing on a new application for a Victualer's License for Hogan's of Maine LLC, d/b/a McDonald's, 933 Stillwater Avenue.

There being no comments, the President Pro Temp closed the hearing.

The City Council considered approval of a new application for a Victualer's License for Hogan's of Maine LLC, d/b/a McDonald's.

Councilor Nuttall, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves a new application for a Victualer's License for Hogan's of Maine LLC, d/b/a McDonald's, 933 Stillwater Avenue. **Approved all in favor, 6-0.**

The City Council conducted a Public Hearing on a proposal to add "Medical Marijuana Registered Dispensaries and Medical Marijuana Cultivation Facilities" to the Old Town Zoning Ordinance, and amend Sections 102 Definitions (Exhibit #1), 104.11 Off Street Parking (20) (Exhibit #2) and 111.6 Highway Commercial (5) (3) (Exhibit #3) pertaining to the same.

Resident Richard Polk, 643 Kirkland Rd. asked for an explanation. Code Officer Russell explained there were a couple of growing places downtown and the city didn't feel that was an appropriate business in the downtown area. This Ordinance will only allow one in the city and it will have to be on Stillwater Avenue. It also cannot be located near schools, churches, day cares, etc. Mr. Polk just wanted to caution the city of what happened in Bangor with the Methadone Clinics.

Councilor Nuttall asked if city was required to have an ordinance or if they can just be banned. City Attorney Stumpfel responded that there is a state law in place to allow it so he cautioned about banning. By creating an ordinance, it would help the city to be able to regulate them. Councilor Nuttall also asked about Methadone clinics and if the City had anything that prohibited those. Attorney Stumpfel answered no because of the strength of State Statute.

There being no further comments, the hearing closed at 7:34 p.m.

The City Council considered scheduling a Second Reading for final approval on a proposal to add "Medical Marijuana Registered Dispensaries and Medical Marijuana Cultivation Facilities" to the Old Town Zoning Ordinance.

Councilor McLeod, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves scheduling a Second Reading for final approval on October 16, 2014 on a proposal to add "Medical Marijuana Registered Dispensaries and Medical Marijuana Cultivation Facilities" to the Old Town Zoning Ordinance, and amend Sections 102 Definitions (Exhibit #1), 104.11 Off Street Parking (20) (Exhibit #2) and 111.6 Highway Commercial (5) (3) (Exhibit #3) pertaining to the same. **Approved all in favor, 6-0.**

NEW BUSINESS

The City Council considered authorizing the Finance Director to carry forward the following balances in the Municipal General Fund accounts and Pollution Control accounts. This is an annual year-end accounting authorization.

Councilor May, seconded by Councilor Roach, Resolved, the Old Town City Council hereby approves authorizing the Finance Director to carry forward funds in the

Municipal General Fund accounts and Pollution Control accounts as listed in Attachment #2.

Councilor McLeod wanted to make sure that the funds were staying in the same accounts. Councilor Peterson asked why the compost account was being carried forward. Manager Mayo said they needed money for monitoring so they were leaving it there.

Motion approved all in favor, 6-0.

The City Council considered accepting a bid from Wright-Pierce in an amount not to exceed \$25,000 for a Revitalization Plan for the Downtown area.

Councilor Roach, seconded by councilor May, Resolved, the Old Town City Council hereby accepts a bid from Wright-Pierce in an amount not to exceed \$25,000 for a Revitalization Plan for the Downtown area. Funds are to come from the Old Town Development LLC Reserve Account #03450. **Approved all in favor, 6-0.**

The City Council considered authorizing the City Manager to take all necessary steps to complete the transfer of the Jefferson Street School Building from RSU #34 to the City.

Councilor Nuttall, seconded by Councilor May, Resolved, the Old Town City Council hereby authorizes the City Manager to take all necessary steps to complete the transfer of the Jefferson Street School Building from the RSU #34 to the City of Old Town and to execute all necessary documents to complete the transfer. **Approved all in favor, 6-0.**

The City Council considered going into Executive Session for the purpose of discussing the Old Town Fuel & Fiber Mill closure.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, M.R.S.A. §405 (6) (C) for the purpose of discussing the Old Town Fuel & Fiber Mill closure. **Approved all in favor, 6-0.**

Councilor Smart, seconded by Councilor Nuttall, moved to come out of Executive Session at 8:15 p.m. **Approved all in favor, 6-0.**

Councilor Nuttall, seconded by Councilor Roach, moved to adjourn at 8:15 p.m. **Approved all in favor, 6-0.**

Adjourned,

Patricia A. Brochu, CMC
City Clerk-Old Town, ME