



**NOVEMBER 5, 2018
7:00 P.M.**

**AGENDA
REGULAR COUNCIL MEETING
City Council Chambers, 2nd Floor
265 Main Street-Old Town, Maine**

- I. CALL TO ORDER (Please turn off or silent cell phones)**
- II. FLAG SALUTE**
- III. ROLL CALL**
- IV. Approval of the Minutes of the October 1, 2018 Regular Council Meeting.**
- V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**
- VI. REPORTS**
 - A. Council President**
 - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)**
 - C. City Councilors**
 - D. City Attorney**
 - E. Special Committees**
 - F. City Manager**
- VII. CONSENT AGENDA (New Business items 1 & 2)**

Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1 & 2 as presented.
(Councilor Brissette)
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**
 - PUBLIC HEARINGS**
 - 1. The City Council will conduct a Public Hearing on a proposal to amend Chapter 18, Subdivisions to exempt 40 acre or larger parcels from the Subdivision Review process as recommended by the Planning Board.

- 1a. The City Council will consider scheduling a Second Reading for final approval on a proposal to amend Chapter 18, Subdivisions.

Suggested motion: Resolved, the Old Town City Council hereby schedules a Second Reading for final approval on December 3, 2018 on a proposal to amend Chapter 18, Subdivisions to exempt 40 acre or larger parcels from the Subdivision Review process.

(Councilor Peterson)

2. The City Council will conduct a Public Hearing on a request for a Contract Zone Change from C-1 Commercial Business to R-2 General Residence located at 149 Center Street as recommended by the Planning Board.

- 2a. The City Council will consider scheduling a Second Reading for final approval on a request for a Contract Zone Change.

Suggested motion: Resolved, the Old Town City Council hereby schedules a Second Reading for final approval on December 3, 2018 for a request for a Contract Zone Change from C-1 Commercial Business to R-2 General Residence located at 149 Center Street as recommended by the Planning Board.

(Councilor Ketchen)

SECOND READINGS

1. The City Council will conduct a Second Reading on a proposal to amend Chapter 21, titled Welfare, Appendices A, B, & C (Food, Housing & Heat Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2018 through September 30, 2019. This amendment is a requirement of the Department of Human Services in compliance with Title 22, M.R.S.A. §4305(4).

- 1a. The City Council will consider final approval on a proposal to amend Chapter 21, Titled Welfare, Appendices A, B & C of the General Assistance Maximum Amounts.

Suggested motion: Resolved, the Old Town City Council hereby approves a proposal to amend Chapter 21, titled Welfare, Appendices A, B & C (Food, Housing & Heating Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2018 through September 30, 2019 as presented in Attachment #1.

(Councilor Nuttall)

(Roll Call Vote)

IX. OLD BUSINESS

X. NEW BUSINESS

1. The City Council will consider approval of a renewal application for a Malt & Vinous Liquor License for Governor's Restaurant, 963 Stillwater Avenue.

Suggested motion: Resolved, the Old Town City Council hereby approves a renewal application for a Malt & Vinous Liquor License for Randal Wadleigh, d/b/a Governor's Restaurant, 963 Stillwater Avenue.

2. The City Council will consider a request from the VFW for an Extension of their Liquor License to serve alcohol outside of their building in an enclosed fenced in area for Veterans Day Celebrations.

Suggested motion: Resolved, the Old Town City Council hereby approves a request from the VFW for an Extension of their Liquor License to serve alcohol outside of their building in an enclosed fenced in area for Veterans Day Celebrations. This extension is only valid for November 11, 2018 from Noon until Midnight.

3. The City Council will consider going into Executive Session for the purpose of discussing Economic Development matters.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title I MRSA Section 405, §(6) (C) for the purpose of discussing Economic Development matters.

(Councilor Nuttall)

4. The City Council will consider going into Executive Session for the purpose of discussing a Personnel matter.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter.

(Councilor May)

5. The City Council will consider going into Executive Session for the purpose of discussing the City Manager's annual performance evaluation.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to Title 1, M.R.S.A., §405(6)(A) for the purpose of discussing the City Manager's annual performance evaluation.

(Councilor Klitch)

XI. ADJOURNMENT



REGULAR COUNCIL MEETING – OCTOBER 1, 2018

Council convened October 1, 2018 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Shirley Brissette, Donna Ketchen, Janet Klitch, Carol May, John Nuttall and Stan Peterson.

Administration present: Bill Mayo, Patty Brochu, Danielle Berube, Michaelle Lachance and Scott Wilcox.

Others present: five citizens in the audience.

Council President Mahan called the meeting to order at 7:00 p.m.

Councilor Klitch, seconded by Councilor Brissette, moved to approve the Minutes of the September 4, 2018 Regular Council Meeting and the September 17, 2018 Special Council Meeting. *Approved all in favor, 7-0.*

PETITIONS, COMMUNICATIONS AND CITIZENS REQUESTS

Residents Ed Spencer and Chuck Leithiser discussed their appeals to the JRL expansion.

Resident Linda Milbury complained about the roadway around the Marsh Island residence area. She said that it was difficult for handicapped people to cross the street and a lot of people don't stop for the crosswalks.

Manager Mayo responded that the city has received an MPI Grant and that there are plans to take care of the issues next year.

REPORTS

President Mahan thanked everyone for a great job on making Riverfest happen successfully.

Manager Mayo reported the MSW appeal on the Juniper Ridge Landfill is scheduled for Thursday at 9 a.m. and also reminded the Council of training at the Black Bear Inn.

CONSENT AGENDA

Councilor Peterson, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby approves the Suggested motions under New Business Items 1, 2, 3 & 4 as presented and as follows:

Item #1: Resolved, the Old Town City Council hereby approves issuance of Municipal Warrants for the November 6, 2018 Regular Municipal Election.

Item #2: Resolved, the Old Town City Council hereby approves the Registrar of Voters hours for the November 6, 2018 State General & Regular Municipal Election, pursuant to Title 21A, M.R.S.A. §101(6) as presented in attachment #2 and recommended by the City Clerk.

Item #3: 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 #4: 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 October 27, 2018 and to allow set up on October 26, 2018 starting at 1:00 p.m. and to further waive the permit fee.

Consent Agenda items unanimously approved, 7-0.

PUBLIC HEARINGS

The City Council conducted a Public Hearing on a proposal to amend Chapter 21, titled Welfare, Appendices A, B & C (Food, Housing & Heat Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2018 through September 30, 2019. This amendment is a requirement of the Department of Human Services in compliance with Title 22, M.R.S.A. §4305(4).

President Mahan opened the hearing. The City Clerk explained this is the annual adjustments set by the State. President Mahan closed the hearing at 7:18 p.m.

The City Council considered scheduling a Second Reading for final approval on a proposal to amend Chapter 21, Titled Welfare, Appendices A, B, C & D of the General Assistance Maximum Amounts.

Councilor Klitch, seconded by Councilor May, Resolved, the Old Town City Council hereby approves scheduling a Second Reading for final approval on November 5, 2018 on a proposal to amend Chapter 21, titled Welfare, Appendices A, B & C (Food, Housing & Heating Assistance Limits) of the General Assistance Maximum Amounts for the period October 1, 2018 through September 30, 2019 as presented in Attachment #1.
Approved all in favor, 7-0.

NEW BUSINESS

The City Council considered going into Executive Session for the purpose of discussing a Personnel matter.

Councilor May, seconded by Councilor Ketchen moved to postpone this item until the next meeting. *Approved all in favor, 7-0.*

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 7:20 p.m. *Approved all in favor, 7-0.*

Adjourned,

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

City of Old Town Planning Board

265 Main Street
Old Town, Maine 04468

207-827-3965

On October 16, 2018 the City of Old Town's Planning Board voted to approve and recommend to the City Council the following amendment to the Subdivision Ordinance.

Subdivision Exemption- A lot of 40 or more acres is exempt from subdivision review, when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

These changes to the Subdivision Ordinance of the City of Old Town were approved and are to be recommended to the Old Town City Council for approval and adoption.

CHAIR

Theodore W. [Signature]
Debra A. Dunn, J.
Sandra Russell
[Signature]
[Signature]
[Signature]

DATE:

10/16/18

Public Notice

The Old Town Planning Board will meet on Tuesday September 11, 2018, in the City Hall Council Chambers at 6:00 PM to hear the following cases:

Site Plan Application for Sullivan's Automotive Service Inc. located at 84 Airport Road. Tax Map 5, Lots 3 & 4 of the Airport Business Park. Case #1534.

Subdivision Ordinance Amendment to exempt 40 acre or larger parcels from subdivision review. Case # 1535.

City of Old Town Planning Board

265 Main Street
Old Town, Maine 04468

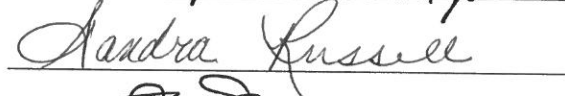
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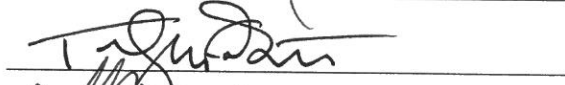
Whereas the property owned by Tim McClary, d.b.a. Three Gen Enterprises LLC, located at 149 Center Street, as shown on Tax Map 26, Lot 116, is located within the C-1 Commercial Business District, and as Mr. McClary has purchased this property at auction as it was unable to be sold as a single-family dwelling, due to its size and as Mr. McClary has requested that the dwelling be allowed to be reconfigured into six, one bedroom units with associated parking, it is necessary to change the zoning designation from C-1, Commercial Business to a Limited R-2, General Residential under Section 104.24 (1) Contract Zoning, of the Zoning Ordinance for the property. A review of the request was held at the October 16, 2018, Planning Board meeting and a contract, to be recorded in the Penobscot Registry of Deed, has been reviewed;

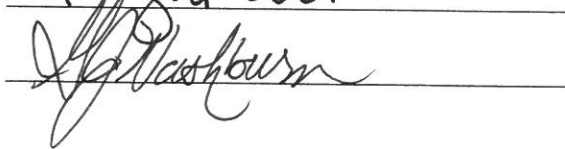
This change to the Official Zoning Map of the City of Old Town was approved by Old Planning Board and is recommended for adoption by the City of Old Town's City Council.

 _____ Chairman.

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 _____

DATE: 10/16/18

CONTRACT ZONE AGREEMENT

Relating to

Lands now or formerly owned by Three Gen Enterprises LLC recorded in book 14902, page 270.

This agreement made on October 16, 2018, between the City of Old Town, Maine, hereinafter referred to as the CITY, and Three Gen Enterprises LLC, having a principal business in the City of Old Town, County of Penobscot, State of Maine, its successors and assigns, hereinafter referred to as the OWNER.

WHEREAS:

1. The OWNER has fee ownership in the property at 149 CENTER STREET, Old Town, Maine as recorded in the Penobscot Registry of Deeds in Book 14902, Page 270 (Currently shown as Assessor's Map 26, Lot 116), hereinafter referred to as the PROPERTY;
2. The PROPERTY consists of approximately .48 acres, (20,908.8 sq. ft.) with a single-family, two story structure of approximately 3,628 square feet located on the property. The structure now a single-family dwelling;
3. The OWNER has recently purchased the property and would like to convert the structure into six, one bedroom apartments with associated parking;
4. The PROPERTY lies within the C-1, Commercial Business district;
5. The OWNER wishes to use the said PROPERTY for the purposes of residential units on both first and second floors which is not allowed under present zoning;
6. The OWNER entered into a Contract Zone Agreement with the City of Old Town dated _____, 2018, to change the zoning of the PROPERTY to Limited R-2, General Residential. Said contract is recorded in Book _____, Page _____ of the Penobscot Registry of Deeds;

NOW, THEREFORE, the parties agree as follows:

1. The OWNER will operate the property as stated within the minutes of the October 16, 2018, Planning Board meeting and supplemental information presented at the October 16, 2018, Planning Board meeting and through the written Planning Board Order for this project as determined at the October 16, 2018 Planning Board meeting;
2. The OWNER agrees to promptly pay any costs incurred by the CITY to correct any deficiencies in compliance with the site plan and/or conditions of approval, including but not limited to corrective action, court costs, Sheriff's fees and reasonable attorney's fees.

3. The PROPERTY at 149 CENTER STREET is changed from C-1, COMMERCIAL BUSINESS to Limited R-2, GENERAL RESIDENCE with the following conditions;
 - a. The OWNER shall maintain the structure, grounds and associated parking areas at all times.
 - b. The PROPERTY under this contract zone change may be used only for the purposes of six, one bedroom residential living units with associated parking as allowed by Ordinance.
 - c. This contract for the PROPERTY is for the entirety of the structure.
4. The conditions, terms and duties and obligations of this contract shall run with the land. All future real estate conveyances by deed shall contain a reference to this contract;
5. This contract shall insure to the benefit of the owners, its successors and assigns;
6. This contract may only be amended in writing by the CITY and the OWNERS of the PROPERTY as determined by the ownership as of the date of the amendment;
7. This contract shall be recorded in the Penobscot Registry of Deeds by the property owners on or before December 31, 2018, at the OWNER'S expense with proof being provided to the CITY before occupancy may commence.
8. The OWNER has the right to assign this contract.



**NOVEMBER 7, 2018
WEDNESDAY
4:30 P.M.**

**AGENDA
SPECIAL COUNCIL MEETING
City Council Chambers, 2nd Floor
265 Main Street-Old Town, Maine**

- I. CALL TO ORDER (Please turn off or silence cell phones)**
- II. FLAG SALUTE**
- III. ROLL CALL**
- IV. Approval of the Minutes.**
- V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**
- VI. REPORTS**
 - A. Council President**
 - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)**
 - C. City Councilors**
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 - F. City Manager**
- VII. CONSENT AGENDA**
- VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**
- IX. OLD BUSINESS**

X. NEW BUSINESS

1. The City Council will consider accepting the Return of the Votes cast of the November 6, 2018 Regular Municipal Election.

Suggested motion: Resolved, the Old Town City Council hereby accepts the Return of the Votes cast of the November 6, 2018 Regular Municipal Election as presented.

(Councilor Klitch)

XI. ADJOURNMENT