

BRUNSWICK TOWN COUNCIL

Agenda

March 18, 2019

Executive Session – 6:00 P.M.

Meeting – 6:30 P.M.

Executive Session after meeting

Council Chambers

Town Hall

85 Union Street

Roll Call of Members/Acknowledgement Notice

Executive Session: Acquisition of real property per [1 M.R.S.A. §405(6)(C)]

Pledge of Allegiance

Adjustments to Agenda

Public Comments/Announcements (for items not on the agenda)

TOWN MANAGER’S REPORT

a) Financial update

PUBLIC HEARING

30. The Town Council will hear public comments on an application for an alcohol license, and will take any appropriate action. (Town Manager)

Full-Time Vinous & Malt

Xin Yuan, Inc.
D/B/A: China Rose
42 Bath Road

Ci Tong Wei

HEARING/ACTION

31. The Town Council will hear public comments on applications for special amusement licenses, and will take any appropriate action. (Town Manager Eldridge)

Special Amusement

Flight Deck Brewing, LLC
D/B/A: Flight Deck Brewing
11 Atlantic Avenue

Nate Wildes & Jared Entwistle

Byrnes Irish Pub, LLC
D/B/A: Byrnes Irish Pub
16 Station Avenue

Patrick Byrnes

O’Donoghue Corp.

Patrick & Diarmaid O’Donoghue

D/B/A: O'Donoghue's
103 Pleasant Street

HEARING/ACTION

TABLED

12. The Town Council will consider the reacquisition of property known as Map 17 Lots 66 and 67 in the Brunswick Industrial Park, and will take any appropriate action. (Town Manager Eldridge)

ACTION

NEW BUSINESS

32. The Town Council will consider recommendations of potential performance standards related to the regulation of homeless shelters and consider setting a public hearing for April 16, 2019, and will take any appropriate action. (Town Manager Eldridge)
Council is not expected to take public comments at this meeting

DISCUSSION

33. The Town Council will take action on the "Second Extension of the Emergency Moratorium Ordinance on the Location of Shelters" to be enacted on a regular and emergency basis, and will take any appropriate action. (Town Manager Eldridge)

ACTION

34. The Town Council will consider setting a public hearing for April 1, 2019, on amendments to the Town of Brunswick Code of Ordinances, Chapter 10, Section 10-26 Marijuana Licensing Ordinance, and the Zoning Ordinance regarding marijuana definitions, on an emergency and regular basis, and made retroactive to March 4, 2019, and will take any appropriate action. (Town Manager Eldridge)

35. The Town Council will consider setting two (2) public hearings for April 1, 2019, regarding bonds to fund construction for the new fire station, and will take any appropriate action. (Town Manager Eldridge)

ACTION

36. The Town Council will consider a request for a Sellers of Prepared Food on Public Ways license for the Farmers' Market on the Brunswick Mall, and will take any appropriate action. (Town Manager Eldridge)

ACTION

CORRESPONDENCE/COMMITTEE REPORTS

Councilors will provide brief updates of recent committee meetings.

CONSENT AGENDA

- a) Approval of the minutes of March 4, 2019
- b) Approval of a Quitclaim Deed for real estate depicted as Map 051 Lot 003 Sub 000 Typ 046
- c) Approval of a Quitclaim Deed for real estate depicted as Map 051 Lot 001 Sub 000 Typ 047

Executive Session: Union Negotiations per 1 M.R.S.A. §405(6)(D)

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE
COMMUNICATION SHOULD CONTACT
THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)**

To email Town Council: towncouncil@brunswickme.org

**Brunswick Town
Council Agenda
March 18, 2019
Council Notes and Suggested Motions**

Executive Session: Acquisition of real property per [1 M.R.S.A. §405(6)(C)]

TOWN MANAGER’S REPORT

- a) **Financial update:** Town Manager Eldridge will update the Council on the Town’s financial picture. Copies of financial reports will be included in your packet.

PUBLIC HEARING

30. **Notes:** This is the required public hearing on an initial alcoholic beverage license for new owners of China Rose, 42 Bath Road. A copy of their application is included in the packet.

Suggested motion:

Motion to approve an initial alcoholic beverage license for China Rose, 42 Bath Road.

31. **Notes:** This is the required public hearing for the renewal of special amusement licenses for Flight Deck Brewing, 11 Atlantic Avenue, Byrnes Irish Pub, 16 Station Avenue, and O’Donoghue’s, 103 Pleasant Street. Flight Deck would like to have live, mostly acoustic, music in the tasting room from 6:30 pm until 8:00 pm. Byrnes would like to host small bands in the main dining room between 6:00 am and midnight. O’Donoghue’s would like open mic, bands, dancing, DJ, juke box, video games and pool from 3:00 pm – 7:00 pm on Sundays, 7:00 pm – 9:00 pm on Tuesdays, and 8:00 pm – 12:00 am on Thursdays and Saturdays. Copies of the public hearing notice and their applications with plans for special amusements are included in your packet.

Suggested Motion:

Motion to approve the renewal special amusement licenses for Flight Deck Brewing, 11 Atlantic Avenue, Byrnes Irish Pub, 16 Station Avenue, and O’Donoghue’s, 103 Pleasant Street.

TABLED

12. **Notes:** The Town Council will consider the option to repurchase property known as Map 17 Lots 66 and 67 in the Brunswick Industrial Park from Allied Composites, LLC. This item was tabled at the February 4, 2019, and the February 19, 2019 meetings.

Suggested Motion:

Motion to authorize the execution and recording of a waiver of the Town’s option to repurchase property known as Map 17 Lots 66 and 67, in the Brunswick Industrial Park, as allowed under the conveyance from the Town to Allied Composites, LLC.

NEW BUSINESS

32. **Notes:** The Town Council is asked to set a public hearing for April 16, 2019 regarding performance standards related to the regulation of homeless shelters. The concept of incorporating performance standards into zoning regulations pertaining to homeless shelters was introduced to the Shelter Task Force on June 13, 2018. Staff has prepared a list of potential performance standards, and would like the Town Council to review these and make recommendations as to which standards should be implemented in the regulation of homeless shelters, and if each recommended standard belongs in the Brunswick Zoning Ordinance or a separate licensing ordinance. Performance standards reviewed were based on research of existing local standards and the American Planning Association (APA). The Town Council may also establish their own performance standards. A copy of a memo from Matt Panfil, Director of Planning and Development, the Maine Communities Homeless Shelter Regulations, Communities Outside of Maine Homeless Shelter Regulations, and Communities with Homeless Shelter Licensing reports are included in the packet. ***Council is not expected to take public comments at this meeting***

Suggested Motion:

Motion to set a public hearing for April 16, 2019, regarding performance standards related to the regulation of shelters.

33. **Notes:** The charter-required public hearing was held on March 4, 2019, on a second extension of the Shelter Moratorium to be enacted on an emergency and a regular basis. The current moratorium on shelters will expire on March 24, 2019, and staff expects to present suggestions for requested additional performance standards at a March workshop. It does not appear likely that the performance standards and remaining zoning issues will be resolved in time to be enacted and effective by the 24th of March, so the attached ordinance would extend the moratorium through July 1, 2019. A copy of a memo from Town Manager Eldridge and the moratorium are included in the packet.

Suggested Motion:

Motion to adopt a “Second Extension of the Emergency Moratorium Ordinance on the Location of Shelters” to be enacted an emergency and regular basis.

34. **Notes:** On October 15, 2018, the Town Council approved amendments to the Brunswick Zoning Ordinance, including medical marijuana and adult-use marijuana, and on November 5, 2018, adopted a licensing ordinance for these uses. There was public confusion in regards to the rights of a registered marijuana caregiver as defined by 22 M.R.S. § 2422 (11), so the term was further defined and regulated for purposes of clarity. The Council is being asked to approve these text amendments on an emergency and regular basis, and to be retroactive to March 4, 2019, “to meet an emergency affecting life, health, property or the public peace”. A copy of a memo from Matt Panfil, Director of Planning and Development, and Fran Smith, Town Clerk, along with the ordinance, the proposed zoning ordinance amendments and proposed license amendments, are included in the packet.

Suggested Motion:

Motion to set a public hearing for April 1, 2019, for proposed amendments to the Brunswick Zoning Ordinance regarding Marijuana Licensing, on an emergency and regular basis, and retroactive to March 4, 2019.

35. **Notes:** Bond counsel advised the Town that the advertised amount and the adopted amount of the ordinance needed to be the same, so we determined that it was best to advertise and hold two (2) public hearings; one for a funding ordinance of \$15,000,000 and the second for a funding ordinance of \$13,500,000, which were the two amounts discussed at the March 4, 2019 meeting. Bond counsel has also asked that the Council vote to approve the public hearing notice, which includes the two bond amounts and invites the public to comment on whether the ordinance should be submitted to voters at a referendum or approved by the Council without a referendum. A copy of a memo from Town Manager Eldridge, the public hearing notice, and the funding ordinances for two different amounts are included in the packet.

Suggested Motion:

Motion to set public hearings for April 1, 2019 on both the \$15,000,000 and the \$13,500,000 bonds, and to approve the public hearing notice regarding the bonds to fund construction of the new fire station.

36. **Notes:** This is the annual approval of a Sellers of Prepared Food on Public Ways licenses on the Brunswick Mall for the Farmers' Market. A copy of the application is included in the packet.

Suggested Motion:

Motion to approve a Sellers of Prepared Food on Public Ways license on the Brunswick Mall for the Farmer's Market.

CONSENT AGENDA

- a) **Approval of the minutes of March 4, 2019:** A copy of the minutes is included in the packet.
- b) **Approval of a quitclaim deed for a mobile home on land depicted as Map 051 Lot 003 Sub 000 Typ 046:** The town will deed this property back to the owner, who has paid owed taxes. A copy of the deed is included in your packet.
- c) **Approval of a quitclaim deed for a mobile home on land depicted as Map 051 Lot 001 Sub 000 Typ 047:** The town will deed this property back to the owner, who has paid owed taxes. A copy of the deed is included in your packet.

The Council has the option to remove any item from the Consent Agenda to be considered separately.

Suggested motion:

Motion to approve the Consent Agenda.

Executive Session: Union Negotiations per 1 M.R.S.A. §405(6)(D)

Suggested motion:

Motion to go into executive session to discuss Union Negotiations per1 M.R.S.A. §405(6)(D)

Suggested Motion:

Motion to adjourn the meeting.