



Presque Isle City Council Meeting

Wednesday, January 23, 2013

6:00 PM

Presque Isle Council Chambers

Present: Chairperson Emily Smith, Vice-Chairperson Randy Smith, Councilors Richard Engels, Craig Green and Peter Hallowell

City Manager James A. Bennett and Beverly A. Labbe were also present.

Chairperson Emily Smith called the meeting to order at 6:00 PM and led those present in the Pledge of Allegiance.

Public Hearings

13-18 Amend Chapter 16 - Land Use and Development Code Section XXII - Residential Office Zone (ROZ) - (B) Permitted Uses and (D) Standards and to rezone portions of Academy Street from Suburban Residential Zone (SRZ) to Residential Office Zone (ROZ) (First Hearing)

The public hearing portion of the meeting was opened at 6:01 PM.

Kenneth Arndt, Planning & Development Director, addressed the Council regarding the recommended changes. The request includes rezoning two parcels on Academy Street from Suburban Residential Zone to Residential Office Zone. One of the parcels is the former gas station and the other property is owned by the City. A request had been made recently to develop this area but because of zoning restrictions have prohibited most development. The Planning Board placed additional restrictions to the Residential Office Zone, so development could take place, but still has oversight of any development that would happen.

City Manager Bennett stated that the property has sat for quite some time. The Planning Board had initially looked at rezoning Academy Street all the way to the hospital, but when they had their public hearing, the neighborhood clearly stated that they did not want to see commercial businesses along Academy Street.

The public hearing portion of the meeting was closed at 6:06 PM.

The second public hearing is scheduled for February 4, 2013.

Citizen Comments

There were no citizen comments.

Old Business

12-303 TABLED: Appointment to Sewer District Board of Trustees

BE IT RESOLVED by Councilor Randy Smith, seconded by Councilor Engels to table appointment to the Sewer District Board of Trustees until February 4, 2013.

Vote 5-0.

13-10 Review Chapter 28 – Hawkers, Peddlers, Itinerant Venders & Transient Sellers of Consumer Merchandise

City Manager Bennett stated that to his knowledge, there has never been a license issued. In his opinion, either the ordinance should be enforced or removed from the City ordinances. The ordinance was developed to protect residents from scammers. Back in 1970 – 1980's when there were people who sold products such as encyclopedias, residents could call the City to ensure they were legitimate because they secured a license.

Councilors agreed that this ordinance does not serve the needs of Presque Isle and would like to remove this ordinance.

BE IT RESOLVED by Councilor Hallowell, seconded by Councilor Randy Smith to remove Chapter 28 – Hawkers, Peddlers, Itinerant Venders & Transient Sellers of Consumer Merchandise Ordinance.

Vote 5-0.

New Business

13-19 Request by Star City ATV to connect to the Fort Fairfield route

Richard Howlett, President of the Star City ATV Club asked the Council to allow the Star City ATV Club to use City roads. Howlett has approached farmers in that area to ask for permission, but they are not willing to grant access. The request includes the Johnson Road, Ashby Road and the Ginn Road.

Councilor Emily Smith expressed her concern about ATVs using the Johnson Road specifically because of the deep bend in the road. Smith feels that people's lives could be in jeopardy to have ATVs riding on City roads for extended lengths.

City Manager Bennett agreed that the request is asking ATVs to run long lengths of City roads. Bennett has spoken with Dana Fowler, Director of Public Services, and Larry DeMerchant, deputy director of public works, and they are worried about the potential damage to City roads. Bennett recommended the City Council hold a public hearing at their next meeting to solicit comments from residents.

Howlett stated that using roads is the last option but because farmers do not want to grant access, this is the only option the Club feels they have. If the Council approves this request, the Club will still need to get approval from Maine Department of Transportation.

The City Council will hold a public hearing at their February 4, 2013 meeting.

13-20 Star City ATV grant

Richard Howlett asked the Council to support the application of a municipal grant by Star City ATV Club. The grant is a 70%/30%, with the first paid by the Department of Conservation, and the remainder paid for by the Star City ATV Club. Star City ATV has previously applied for federal grants but this is the first time they have applied for a municipal grant. The funds will be used for maintenance to some trails and to re-route a part of the CP trail.

BE IT RESOLVED by Councilor Engels, seconded by Councilor Randy Smith to approve supporting the Star City ATV Club in their application of a municipal grant. **Vote 5-0.**

13-21 Request to display paintings at the Mark & Emily Memorial Library

Councilor Engels stated that when the next phase of renovations at the Library is completed, there will be a perfect area to display the paintings that are hanging on the third floor of City Hall.

Nicole Cote, Chair of the Library Board of Trustees, stated that these paintings have historical value. They were commissioned during the rebuilding of Northern National Bank after the devastating fire in January 1945.

BE IT RESOLVED by Councilor Engels, seconded by Councilor Randy Smith to authorize the movement of the paintings on the third floor of City Hall to the Mark & Emily Memorial Library. **Vote 5-0.**

13-22 Departmental overspent budgets

City Manager Bennett informed the Council that there were a few departments who overspent their 2012 budgets, but overall the City is in the black. Each over expenditure has a legitimate reason for happening.

BE IT RESOLVED by Councilor Hallowell, seconded by Councilor Green that the City authorize the following departmental over-expenditures for 2012. Airport Fund \$183,888; Finance Department \$3,073, Fire Department \$38,848, Facilities \$21,646, Library \$4,314, Employee Benefits \$32,210, Debt Service \$1,694, Echo Lake \$169, Outside Requests \$1,050 and Information Technology \$3,600.

Vote 5-0.

13-23 Minutes of the December Audit Committee Meeting

As a result of the last Audit Committee meeting, City Manager Bennett said that the Committee is recommending that Section 4 of the Audit Policy be revised, and to authorize the Audit Committee to research or negotiate with Maine State Retirement regarding the possibility of joining the consolidated plan.

Bennett stated that he would like to send out a "Request for Qualifications", which would receive approval from the Audit Committee, to review Maine State Retirement and the possibility of the City entering into the consolidated plan.

BE IT RESOLVED by Councilor Engels, seconded by Councilor Hallowell that the City Council amend Section 4 of the Audit Policy as follows: The Audit Committee shall: Review the performance of the City Employee's 401(a) and 457 Plans annually with a representative the current service provider. **Vote 5-0.**

BE IT RESOLVED by Councilor Engels, seconded by Councilor Hallowell to authorize the Audit committee to act for the City in any research or negotiations regarding Maine State Retirement and the possibility of the City's rejoining MainePers under a consolidated plan. **Vote 5-0.**

BE IT RESOLVED by Councilor Engels, seconded by Councilor Hallowell to approve the Audit Committee meeting minutes of December 13, 2012. **Vote 5-0.**

12-24 Preliminary assessment of impact on tax rate by proposed state budget

City Manager Bennett informed the City Council of Governor LePage's proposed budget, which is currently in the hands of the Legislature. More will be known by the end of February, the beginning of March. The State's budget year runs from July 1st to June 30th, so the effects of the budget would affect Presque Isle's budget the last half of 2013.

As the proposal stands now, LePage would like for all commercial excise tax to be redirected back to the State. He is also proposing that municipal revenue sharing be suspended for two years; the elimination of the Homestead exemption for all taxpayers except seniors and veterans, and elimination of the BETR Reimbursement. If the proposed budget is passed, the impact to a resident who has a median home of \$80,000 would see an increase of \$552.00 in taxes for 2013 and \$566.44 in 2014.

Bennett suggested not looking for ways at this time to remediate any damage, because nothing is final. To make up for the potential deficit in revenue, the City could eliminate entire departments and still not make up the potential million dollar shortfall in revenue sharing. Bennett recommended communicating with local officials and providing information on how these changes would affect Presque Isle.

City Manager Bennett also stated there are proposed changes to the school budgets as well. The major change is to shift 50% of teacher's retirements from the State to the school. Bennett stated that even though their retirement is probably in the consolidated plan, a 50% transfer would mean a substantial amount of funds needed.

It was the consensus of the Councilors to have a letter drafted to Robert Saucier and Roger Sherman for approval at the February 4, 2013 to communicate what the proposed budget would mean for Presque Isle.

Manager's Report

The "Request for Proposal" for the Community Center Fundraising Committee is due on January 31, 2013.

The Fire Department has been servicing the City's extinguishers, and found that at least twenty-three extinguishers should have been replaced.

In replying to the article in the Star Herald regarding Channel 16, the camera man has not been showing up to City Council meetings and that is why the meetings have not been broadcasted.

Three dates for the Council Retreat have not worked, so a few more will be selected until a date can be found.

In the past few years, a workshop has been scheduled for Councilors on the "Right to Know" laws. Since there will be several new individuals appointed to the different boards and committees, Bennett recommended opening the training up to all who serve on those boards as well as any Councilors who would like to attend. Councilors agreed this would be a good idea.

Executive Session

BE IT RESOLVED by Councilor Randy Smith, seconded by Councilor Hallowell to enter into Executive Session pursuant to 1 M.R.S.A §405 (6)(a) to discuss the City Manager's contract. **Vote 5-0.**

BE IT RESOLVED by Councilor Green, seconded by Councilor Engels to come out of Executive Session at 7:37 PM with no action taken. **Vote 5-0.**

Adjournment

BE IT RESOLVED by Councilor Green, seconded by Councilor Engels to adjourn the meeting at 7:38 PM. **Vote 5-0.**

Attested by: _____
Beverly A Labbe, City Clerk