



## Presque Isle City Council Meeting

Monday, February 4, 2013  
5:00 PM  
Presque Isle Council Chambers

Present: Chairperson Emily Smith, Vice-chairperson Randy Smith, Councilors Micah Desmond, Richard Engels, Craig Green, Peter Hallowell and Bruce Sargent

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

Chairperson Emily Smith called the meeting to order at 5:00 PM and led those present in the Pledge of Allegiance.

### Executive Session

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Randy Smith to enter into Executive Session at 5:03 PM pursuant to 1 M.R.S.A. §405 (6)(c) to discuss The Crow's Nest Restaurant & Event Center, LLC. **Vote 7-0.**

This was a joint meeting held with the Presque Isle Development Fund Board of Trustees.

Due to a potential conflict of interest, Councilor Engels did not participate in any discussions.

Councilors came out of Executive Session at 6:01 PM with no action taken.

### Public Hearings

**13-25 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) (Second Hearing)**

The public hearing portion of the meeting was opened at 6:04 PM. Hearing no comments from the public, the public hearing was closed at 6:04 PM.

**BE IT RESOLVED** by Councilor Randy Smith, seconded by Councilor Green to approve amendments to 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). **Vote 7-0.**

**13-26 Approve Special Permit for Music, Dancing and Entertainment for Presque Isle Elks Lodge #1954, with a location of 508 Main Street, Presque Isle (Single Hearing)**

The public hearing portion of the meeting was opened at 6:05 PM. Hearing no comments from the public, the public hearing was closed at 6:05 PM.

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Engels to approve a Special Permit for Music, Dancing and Entertainment for Presque Isle Elks Lodge #1954, with a location of 508 Main Street, Presque Isle. **Vote 7-0.**

**13-27 Approve a Malt Liquor License for Capital Pizza Huts, Inc d/b/a Pizza Hut, with a location of 814 Main Street, Presque Isle (Single Hearing)**

The public hearing portion of the meeting was opened at 6:06 PM. Hearing no comments from the public, the public hearing was closed at 6:06 PM.

**BE IT RESOLVED** by Councilor Randy Smith, seconded by Councilor Green to approve a Malt Liquor License for Capital Pizza Huts, Inc d/b/a Pizza Hut, with a location of 814 Main Street, Presque Isle. **Vote 7-0.**

**13-28 Approve a Special Permit for Music, Dancing and Entertainment for ARAMARK Educational Services, LLC, with a location of 181 Main Street, Presque Isle (Single Hearing)**

The public hearing portion of the meeting was opened at 6:07 PM. Hearing no comments from the public, the public hearing was closed at 6:07 PM.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Randy Smith to approve a Special Permit for Music, Dancing and Entertainment for ARAMARK Educational Services, LLC, with a location of 181 Main Street, Presque Isle. **Vote 7-0.**

**13-29 Approve a Malt, Spirituous and Vinous Liquor License for ARAMARK Educational Services, LLC, with a location of 181 Main Street, Presque Isle (Single Hearing)**

The public hearing portion of the meeting was opened at 6:08 PM. Hearing no comments from the public, the public hearing was closed at 6:08 PM.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Green to approve a Malt, Spirituous and Vinous Liquor License for ARAMARK Educational Services, LLC, with a location of 181 Main Street, Presque Isle. **Vote 7-0.**

**13-30 Approve a Special Permit for Music, Dancing and Entertainment for PieNana, Inc d/b/a Irish Setter Pub, with a location of 710 Main Street, Presque Isle (Single Hearing)**

The public hearing portion of the meeting was opened at 6:09 PM. Hearing no comments from the public, the public hearing was closed at 6:09 PM.

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Sargent to approve a Special Permit for Music, Dancing and Entertainment for PieNana, Inc d/b/a Irish Setter Pub, with a location of 710 Main Street, Presque Isle. **Vote 7-0.**

**13-31 Approve a Malt, Spirituous and Vinous Liquor License for PieNana, Inc d/b/a Irish Setter Pub, with a location of 710 Main Street, Presque Isle (single Hearing)**

The public hearing portion of the meeting was opened at 6:10 PM. Hearing no comments from the public, the public hearing was closed at 6:10 PM.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Randy Smith to approve a Malt, Spirituous and Vinous Liquor License for PieNana, Inc d/b/a Irish Setter Pub, with a location of 710 Main Street, Presque Isle. **Vote 7-0.**

**13-32 Receive citizen comments regarding Star City ATV request to use City roads**

The public hearing portion of the meeting was opened at 6:11 PM.

Christine Robinson, who resides at 97 Ashby Road, expressed her opposition to allowing Star City ATV Club to use City roads. Robinson owns approximately 40 acres on both sides of the road, and also operates a business on this road. Robinson is concerned about the lack of respect for personal property that she has seen from those who operate ATVs. Robinson moved to this location because it was a peaceful neighborhood and would like for it to stay that way.

Ed and Nancy Escobar, who reside at 75 Johnson Road, expressed their vehement opposition to this request. Escobar stated there are dangerous curves that pose blind spots. These curves combined with farm equipment, could create a risk. Escobar also cited the increase in noise and trash from such activity. Escobar also commented that the Johnson Road is chip sealed and tires on ATVs are designed for rough terrain. The Ashby Road is gravel, so the roads in this area could be "chewed up" very quickly.

Edith Greiner, who resides at 57 Johnson Road since 1977, asked the Council to deny this request. Greiner stated that this area is peaceful and quiet and would like it to stay that way.

Richard Howlett, president of the Star City ATV Club, stated that he is trying to help another club by obtaining access to Fort Fairfield through Presque Isle. He has spoken with the farmers in that area, but they are unwilling to grant access across their farms. In regards to excess trash and noise, Howlett stated that there will always be renegades that do not respect someone else's property, but he teaches safety on trails. He also noted that the trails are used by people with horses, so they are not just ATV trails. September 15<sup>th</sup> of every year, the Club has a trash pick-up day, most of which, is not generated from the ATV Club. Howlett asked if the Council would consider approving the request for a year and see how it works.

Greg Staples, who resides on the Parkhurst Siding Road, stated that even if 80-90% of the ATVers obey the rules, there is still that 10-20% who do not. The Johnson Road is heavily travelled by farmers and if an individual meets a farmer travelling his harrow, it could be fatal.

The public hearing was closed at 6:32 PM.

Several Councilors expressed their concern over allowing ATVs on City roads and noted that there are trails currently available. The potential degradation of roads and ditches combined with the travelling of farm equipment and a dangerous curve on the Johnson Road convinced the Councilors that this request should not be approved.

**BE IT RESOLVED** by Councilor Emily Smith, seconded by Councilor Hallowell to deny the request by Star City ATV Club to use the Johnson Road, Ashby Road and Ginn Road for an ATV trail. **Vote 7-0.**

#### **Citizen Comments**

There were no citizen comments.

#### **Consent Agenda**

- 13-33 Approve City Council minutes for the regular meeting held on January 7, 2013 and January 23, 2013, minutes for Presque Isle Industrial Council Annual Membership meeting minutes on January 7, 2013, and workshop meeting minutes of November 19, 2012**
- 13-34 Approve 2012 Warrants #49-#50, totaling \$466,713.48 and 2013 Warrants #1-#3 totaling \$1,361,217.28**

**BE IT RESOLVED** by Councilor Randy Smith, seconded by Councilor Sargent to approve the Consent Agenda as presented. **Vote 7-0.**

## Old Business

### **12-291 TABLED: Approval of Nude Entertainment License for Presque Isle Inn & Convention Center**

City Manager Bennett stated that an amended draft of Chapter 52 was sent out to the Council on Friday. If the Council is agreeable to the changes, two public hearings are required to amend the ordinance. Bennett walked through the proposed changes, which include adding definitions and clarify language.

Councilors stated that their concern regarding signage was for signs depicting images, not letter signs. Councilors asked Bennett to revise the signage section, and schedule two public hearings as required.

### **12-301 The Crow's Nest Restaurant & Event Center, LLC**

City Manager Bennett stated that the difference between the original motion passed in late 2011 and the proposed motion is instead of the pledge agreement against the investments the City would have those investments transferred to the City and held in escrow with an escrow agent.

**BE IT RESOLVED** by Councilor Sargent, seconded by Councilor Randy Smith to authorize the City Manager to execute the swap of collateral with syndicated investments being transferred to the City and held in escrow.

**Vote 5-1-1, Councilor Engels abstaining, and Councilor Hallowell opposed.**

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

**BE IT RESOLVED** by Councilor Emily Smith, seconded by Councilor Green to appoint Eugene Cronin IV to the Presque Isle Sewer District Board. **Vote 7-0.**

## New Business

### **13-35 Presque Isle Development Fund loan for former Cunningham School Lot**

City Manager Bennett stated that if the City Council chose to not act on this item this evening, the "gap" created from the Presque Isle Development loan and the net proceeds from the sale of the property would be funded from taxes that would be generated from the property. Bennett noted that it would take several decades to repay the loan, so if the Council wanted to pay it off faster, they would need to let him know so other arrangements could be made. Bennett also presented the option of the current Council overturning the original motion made in 2007. Bennett stated that the Council has three options: (1) do nothing; (2) repay the loan faster; or (3) overturn the 2007 motion.

Councilors felt the best course of action would be to not take any action at this time. The developers of the property do have a plan that would increase the property taxes on this piece of property.

Bennett stated that the 2014 budget will reflect an expense line to the development loan.

### **13-36 Appointments to Boards and Committees**

Councilor Hallowell thanked all the citizens who applied to serve on the City's Boards and Committees.

- **Airport Advisory Board (Three Seats - Four Year Term - Expires 12-31-2016)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Randy Smith to appoint Nathan Grass and James Quinn for a four year term to the Airport Advisory Board, term to expire on December 31, 2016. **Vote 7-0.**

- **Audit Committee (One Seat - One Year Term - Expires 12-31-2013)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Sargent to appoint Curt Paterson for a one year term to the Audit Committee, term to expire on December 31, 2013. **Vote 7-0.**

- **Board of Assessment Review (Three Seats - Three Year Term - Expires 12-31-2015, and One Alternate Seat - One Year Term - expires 12-31-2013)**

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Sargent to appoint Stewart Libby, Jeffrey Pangburn and James Park for a three year term to the Board of Assessment Review, term to expire on December 31, 2015.

**Vote 6-1-0, with Councilor Hallowell abstaining.**

- **Downtown Revitalization Committee (Two Seats - Four Year Term - Expires 12-31-2016)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Sargent to appoint Patty LeBlanc and Scott Violette for a four year term to the Downtown Revitalization Committee, term to expire on December 31, 2016.

**Vote 7-0.**

- **Library Board of Trustees (Three Seats - Three Year Term - Expires 12-31-2015)**

Councilors tabled any appointment to this Board until the next meeting.

- **Planning Board (Two Seats - Four Year Term - Expires 12-31-2015)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Green to appoint Karin Petrin for a four year term to the Planning Board, term to expire on December 31, 2016. **Vote 7-0.**

Councilors tabled the second seat appointment to this Board until the next meeting.

- **Presque Isle Development Fund Board of Trustees (Three Seats - Three Year Term - Expires - 12-31-2015)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Sargent to appoint Michael Cyr, Floyd Rockholt and Bruce Roope for a three year term to the Presque Isle Development Fund Board of Trustees, term to expire on December 31, 2015. **Vote 7-0.**

- **Recreation & Parks Advisory Committee (One Seat - Four Year Term Representing the Northern Maine Fair Association- Expires 12-31-2016)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Sargent to appoint AJ Cloukey to the Recreation & Parks Advisory Board as the Northern Maine Fair Association representative, term to expire on December 31, 2016. **Vote 7-0.**

- **Recreation & Parks Advisory Committee (One Seat - Unexpired Term - Expires 12-31-2014)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Sargent to appoint Michael Chasse to the Recreation & Parks Advisory Board to fill the unexpired term of AJ Cloukey, term to expire on December 31, 2014. **Vote 7-0.**

- **Zoning Board of Appeals (Three Seats - Three Year Term - Expires 12-31-2015)**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Randy Smith to appoint Pam Palm, David Perry and Larry Perry for a three year term to the Zoning Board of Appeals, term to expire on December 31, 2015. **Vote 7-0.**

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Randy Smith to appoint Hank King as an alternate for a one year term to the Zoning Board of Appeals, term to expire on December 31, 2013. **Vote 7-0.**

**13-37 Letter to representatives regarding State budget**

City Manager Bennett stated that a draft of the letter had been sent to the Council on Friday. A few grammatical changes have been made since then.

There was some discussion regarding the stated impacts to Presque Isle if the Governor's budget is passed as presented. If the real impact to Presque Isle is 10%, and the letter states 30%, than the legislators may discredit Presque Isle's letter. It was agreed that the letter would be changed to state, "based on what we should have received."

Bennett reported that an analysis on the impacts of the commercial excise tax has been completed, and Presque Isle would not experience as harsh a blow to the budget as first thought. There are still some questions regarding the business reimbursement programs, but overall, it would not be as devastating as initially thought.

**BE IT RESOLVED** by Councilor Hallowell, seconded by Councilor Engels to send the letter as presented, subject to the changes discussed at the meeting tonight. **Vote 7-0.**

**13-38 Appointment to Presque Isle Sewer District Board**

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Hallowell to appoint Ward Gerow for a three year term on the Presque Isle Sewer District Board of Trustees, term to expire March of 2016. **Vote 7-0.**

**13-39 Amendment of City Manager's Employment Contract**

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Randy Smith to approve amendments to the City Manager's contract as presented. **Vote 7-0.**

**13-40 Authorize the amendment of the Deputy City Manager's Employment Contract**

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Randy Smith to authorize amendments to the deputy city manager's contract as presented.

**Vote 6-1-0, with Councilor Engels abstaining.**

**13-41 Re-allocation of capital reserve funds for The Forum**

City Manager Bennett stated this agenda item is being removed from the agenda because another alternative has been presented, which will allow the project to be completed for \$2,000.



## Manager's Report

City Manager Bennett stated the first few passes for scheduling the Council retreat have resulted in no suitable dates being found. Bennett distributed a calendar and asked the Councilors to choose a date that most could attend. It was decided that February 26, 2013 at 4:30 PM would work for the retreat.

City Manager Bennett informed the Council that the State regularly needs to pass a supplemental budget because expenses usually go beyond what the State had budgeted. Part of the supplemental budget includes a general assistance piece. There is a proposed change to the general assistance program from the State that reads once the original budget allotment has been spent, and then no additional funds will be allocated for general assistance. The City currently receives a 50% reimbursement of general assistance given, so in May or June of this year, the City could possibly no longer receive the 50% reimbursement.

Bennett feels the City has a couple of options: (1) provide no general assistance once the funds have run out, (2) those who are eligible would receive only 50% (the City's portion) of their benefit, or (3) fund these benefits 100% with City funds. Bennett does not think this proposal will pass, but the City will need to amend Chapter 48 - General Assistance Ordinance if the State makes any changes.

February 25, 2013, there will be a workshop that would include the Freedom of Information and Right to Know information required for all new Councilors. Bennett stated that because so many new citizens have been appointed to the City's boards and committees, the workshop will be open to all members of the City's boards and committees.

City Manager Bennett stated the Town of Washburn, Perham and Wade have withdrawn from the Pay As You Throw (PAYT) program, and that their withdrawal has no overall impact to the City's budget.

### Announcements

Councilor Sargent read several announcements.

### Adjournment

**BE IT RESOLVED** by Councilor Randy Smith, seconded by Councilor Green to adjourn the meeting at 7:37 PM. **Vote 7-0.**

Attested by: \_\_\_\_\_  
Beverly A. Labbe, City Clerk