



CITY COUNCIL MEETING MINUTES of February 8, 2016

**PRESENT: MAYOR WALKER, COUNCILORS-AT-LARGE LAPOINTE & STEARNS
WARD COUNCILORS DUFOUR, GABRION, LINDLEY, CIRCO, & HARVEY-MCPHERSON**

Mayor Walker called the Council Meeting to order.

3. COMMENTS / QUESTIONS FROM THE PUBLIC CONCERNING MATTERS NOT RELATED TO ITEMS ON THE AGENDA: None

4. ADJUSTMENTS TO AGENDA:

Lapointe – Circo – Motion to move Fire Services Committee Report to 7A and add Stevens School Update to 7B. Unanimously approved

5. OTHER BUSINESS: LIQUOR LICENSE APPLICATION - Café De Bangkok

To approve the liquor license new application of Café de Bangkok as presented.

Stearns – Lapointe – Move to approve the application. Unanimously approved

6. CONSENT AGENDA (Items 6):

a. City Council Minutes for the January 11, 2016.

b. Roll of Accounts for February 8, 2016.

c. Department/Office Reports: Treasurer, Public Works, Police, Code Enforcement, Fire

Lapointe – Gabrion - Move acceptance of the consent agenda as presented.

Unanimously approved

7. ORDINANCE CHANGE REQUEST FOR FARMERS MARKET (Item 7):

Ben Marcus, Hallowell Farmer's Market Manager told the Council that they are interested in moving the Farmers Market to Saturdays from 9 a.m. to 1 p.m. at Vaughan Field Park in between the parking lot and the playground as a more attractive venue. After five years of mixed results at the riverfront parking lot (Granite City Park), they thought this park would be a better location because it would have more spaces for vendors and growth for the market. There is an ongoing parking/market conflict at the GCP. Also there are existing facilities at Vaughan Field Park like toilet, water and electricity.

Some residents living in the area were present and asked for this to be tabled to allow the community to reply on this issue to express their concerns as they felt more conversation is needed.

The market usually opens the first week in June. It was asked if the Farmers Market was moved to Saturdays at the current location, would that help. Discussion followed.

Lindley – Lapointe – Motion to refer any proposed changes in the Farmers Market Ordinance to the Ordinance Re-write Committee for review and report back to the Council.

Yea – Lapointe, Dufour, Circo, Gabrion, Lindley, Stearns

Nay – Harvey-McPherson

The Mayor asked the committee to meet before the March Council Meeting and report back. Councilor Dufour suggested making an amendment to allow the Ordinance Re-write Committee to change the date and time for this year and direct the committee to find the best location for 2017. Councilor Lindley suggested taking the date, time and place out of the ordinance. It was recommended that the market needed help with the parking issue at the GCP regardless.

Harvey-McPherson – Lapointe - Move to direct the Ordinance Re-write Committee to remove the date and time from the ordinance.

Yea – Lapointe, Dufour, Harvey-McPherson, Circo, Gabrion, Stearns
Nay - Lindley

7A. FIRE SERVICES COMMITTEE REPORT

Chair Bob Duplessie reported the committee met and they discussed public safety issues. One being their concern about safety issues at Stevens School. They recommended the Council send a letter to the State of Maine asking them if the streets at Stevens School should be plowed, as Fire Chief Grant reported to them that the sprinkler systems have been shut off in the buildings. Stearns – Lapointe - Move to direct the City Manager to send a letter to BPS reflecting the previous conversation asking if the streets should be plowed subject to his discretion.

Discussion followed about the sprinkler systems being turned back on as part of the letter.

Stearns – Lapointe – Motion to amend to include reference to all other fire safety issues including reference to the sprinkler systems.

Motion as amended Unanimously approved

7B. STEVENS SCHOOL UPDATE:

Mayor Walker told the Council that the Stevens School sale has fallen through. The State has decided to list the property with a commercial broker. They have assured the City that this is on the fast tract.

8. EXECUTIVE SESSION WITH LEGAL COUNSEL

Lapointe – Gabrion - Move to enter executive session pursuant to 1 M.R.S.A § 405, 6.E. for consultation with legal counsel regarding pending litigation, with the City Manager invited to attend.

Unanimously approved

Lapointe – Gabrion – Move to come out of executive session.

Unanimously approved

9. EXECUTIVE SESSION FOR PROPERTY NEGOTIATIONS

Stearns – Lindley - Move to enter executive session pursuant to 1 M.R.S.A § 405, 6.C. for discussion of acquisition of real property for City parking, with the City Manager invited to attend.

Unanimously approved

Stearns – Lindley – Move to come out of executive session.

Unanimously approved

Dangerous Building Public Hearing was not on the agenda

City Solicitor Eric M. Stumpf, Esq. explained to the Council why he advised not to have the planned dangerous building public hearing on the agenda now that the property owners has filed for bankruptcy. Under Securities Investor Protection Act of 1970, Section 362 (a) of the Federal Bankruptcy Code operates as a stay, applicable to all entities of commencement or continuation proceeding against the debtor. (3) Any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate. Therefore the most immediate way for moving ahead with the dangerous building would be to file a motion for relief from the automatic stay with the bankruptcy court. Otherwise the City’s dangerous building hearing will need to be placed on hold until the bankruptcy petition is dismissed; closed; or the bankruptcy trustee abandons the property concerned as an asset of the bankruptcy estate. The City has little or no control over these. The City Solicitor will monitor and report back.

10. COUNCIL COMMITTEE REPORTS (Item 10):

- Personnel & Policy Committee

Councilor Dufour, Committee Chair, stated the committee met and discussed five items.

Councilor Lapointe updated the Council on Item 1 Code of Conduct. The PPC discussed and reviewed the comments he integrated from the documents submitted by Councilor Stearns and City staff into a final draft for Council approval.

Lapointe – Dufour – Move to provisionally adopt the Code of Conduct Policy pending the review by legal counsel. Unanimously approved

Item 2 Council Policy regarding communications with City Attorney – PPC recommended developing a separate protocol guiding Council interaction with legal counsel.

Stearns – Lapointe – Move to adopt the Hallowell City Council Policy Regarding Interaction with City Solicitor. Unanimously approved

Item 3 Requests for proposals for auditing and legal services – City Manager Pakulski provided the PPC with several proposals for both auditing and legal services. PPC recommended directing the City Manager to engage in the RFP process and present recommendations for auditing and legal services to the Council for approval that will ensure a firm is available to complete the FY 2016 audit and the current City Solicitor is able to complete work on active city matters. The City manager is further directed to use his discretion in implementing the process necessary to procure auditing services by July 1, 2016 and legal services by January 1, 2017. Discussion followed.

Harvey-McPherson – Lapointe – Move PPC recommendation. Unanimously approved

Item 4 Proposed City Manager Evaluation Process – March 15th marks the City Manager’s six month anniversary and will serve as the date for future annual reviews. PPC recommended a two-tiered review process. First step implements the so-called “360 Degree Review” which involves getting feedback from other interested parties regarding the City Manager’s performance. Second step requires the PPC, using the information obtained from the 360 process, to formally assess his performance. PPC felt probably the process will not be completed by March 15th this year but should be in place for a more timely review in subsequent years. For this year PPC will finalize step one in February and step two in March. Discussion followed.

Item 5 Update on Contract with City Clerk – The current contract with the City Clerk expires February 6th and the PPC directed the City Manager to work with the City Clerk for a new contract, but as this is a Mayor’s appointment the City Clerk will work with the Mayor. They have met and talked about a projects contract with the possibility of adding to it but the current contract will be extended to the end of this fiscal year (June 30, 2016).

Remaining items on the committee’s “to-do” list – Review current Council committee tasks/charges; Develop recommendation for committee redesign, if necessary, in efforts to more equitably distribute workload among councilors; and Implement process and timeline for developing committee mission statements.

- Property Committee

Committee Chair Councilor Harvey-McPherson stated the committee met and reviewed the list of City properties. The CEO pointed out the property on Outer Central Street by the overpass is titled to Hallowell but it is also titled to Hallowell Industry Development Council, which was linked to the Augusta Chamber in the 70s. So there is not a clean title to the City. The CEO is going to call the Kennebec Registry of Deeds to see what is on record and she will report back. There was also discussion on properties owned by the City because of taxes overdue and the City Manager will be contacting each of them to see if they want the properties back by paying the taxes. The Pleasant Street property was discussed but because they have been paying a little on the overdue taxes not much

more has been done on this. The committee is preparing a template for Sale of Non-tax Acquired Property. They also talked about other properties.

Sandy Stubbs and Jane Radcliffe requested the City have some appraisals done of some of the artifacts at the Fire Station and the Council referred this to the Property Committee.

- Finance Committee – budget process update
Chair Councilor Lapointe stated the committee met and they are setting up a schedule around the City Manager submitting a budget in March and then meeting with the department heads and having a final budget for the Council in June. They also talked about a long term plan for borrowing that is tied into the Capital Budget.
- Fire Services Committee – Jan 26th minutes moved to 7A.

11. COUNCIL COMMITTEE MEETINGS TO BE HELD PRIOR TO MARCH MEETING:

Highway Committee – Feb 22nd

Other committee meetings will be held during the month.

The City Manager told the Council that each committee chair should email the City Clerk's office with meeting dates, so they can reserve city hall.

12. CITY MANAGER'S REPORT (Item 12):

City Manager Pakulski presented his written report. No questions were asked. He gave the Council a few dates that he would like to take as vacation time.

13. MAYOR'S APPOINTMENTS/REPORT: (He will finish up with appointments in March)

Tree Board – Weston Davis Chair, Jen Paisley, Margaret Newton, Ellen Gibson, Karen Allen, Jane Moore

Recreation Commission - Councilor Lapointe Chair, Dan Davis & Margaret Newton
Lapointe – Gabrion - Move to approve the Mayor's appointments. Unanimously approved

Dummer House Committee - Mayor Walker told the Council that Steven Hayes Attorney for Linda Bean Jones has asked for this committee: The charge for the DHC would be a planning committee that would make sure that each side meets their obligations upon a sale agreeable to both sides. Linda Bean Jones has asked to be on this committee and she would like two members from the Row House and two representatives from the City, which would be the Mayor and one other. Discussion followed –

The Council felt that the City should structure a purchase settlement first and then if the Council does that, the committee can be formed. It was decided the Mayor should take the Council's suggestions to Attorney Steven Hayes and bring this back to the Council.

Linda offered Row House the Dummer House, but they did not want it until it has been refurbished.

City Manager Pakulski told the Council that the sander came out of the back of the truck on Central Street and was destroyed. To replace it would be about \$5,600. A claim has been turned into MMA. He is still working on the details of how this happened.

Harvey-McPherson – Lapointe – Move Hallowell's Spirit of America recipient is Rick Morrow of the Hallowell Food Bank.

Meeting adjourned.

Deanna Mosher Hallett,
City Clerk

