

**RECORD OF REGULAR MEETING
ELLSWORTH CITY COUNCIL
Teleconference only via Zoom Conferencing technology**

DATE: MAY 18, 2020

TIME: 7:00 PM

PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS

**CITY COUNCIL PRESENT: BLANCHETTE, GRINDLE, HAMILTON,
KAPLAN, MILLER, MOORE, AND PHILLIPS.**

CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
REGGIE WINSLOW, JENNIFER MERCHANT, LISA SEKULICH, KERRI
TAYLOR, MICHAEL HARRIS, JANNA RICHARDS, LORI ROBERTS, AND
HEIDI GRINDLE.**

In accordance with An Act To implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec G-1 1 MRSA §403-A Public proceedings through remote access during declaration of State of Emergency due to COVID-19, the meeting will be held through a ZOOM Meeting (teleconference for City Councilors and City Staff with panelists by webinar for citizens). The meeting will be broadcast live on the City of Ellsworth, Maine Facebook page and YouTube Page. The meeting will be recorded and made available live on Spectrum Channel 1303. A link for Public Access via Zoom Webinar will be posted to ellsworthmaine.gov and shared to City of Ellsworth, Maine Facebook page the morning of May 18, 2020

Call to Order.

Chair Hamilton called the regular meeting of the Ellsworth City Council to order at 7:00 PM.

Pledge of Allegiance.

All stood for the pledge of allegiance.

Rules of Order.

The meeting was conducted under Robert's Rules of Order and other rules adopted at the November 13, 2019 Annual Organizational Meeting of the Ellsworth City Council. After being recognized by the Chairman, a person may speak not more than three (3) minutes on any one item on the agenda. In addition, the person may speak not more than two (2) minutes in rebuttal.

Chair Hamilton explained under the circumstances the public is viewing this meeting via Facebook or Spectrum, and can filter questions through the Q & A function of the Zoom webinar site. Questions may be received throughout the meeting; they can also be emailed to Chair Hamilton directly at dhamilton@ellsworthmaine.gov. He will be monitoring those in an effort to receive public feedback. The Council is aware of the delay and will slow the meeting down at times when public comment is specifically being considered

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(mandatory public hearing items). If members of the public wish to make a comment on a particular topic they are welcome to send that in as soon as possible and when that item is being heard the Council will address your comment or question. Hamilton explained in addition to asking for a vote, he will ask specifically if anyone is objecting to the motion or abstaining from the vote.

Adoption of minutes from the following meeting (s) of the Ellsworth City Council:

-  April 20, 2020 Regular Meeting.
-  May 4, 2020 Emergency Meeting.

On a motion by Blanchette, seconded by Miller, it was unanimously

RESOLVED to approve the adoption of minutes from the April 20, 2020 Regular meeting and the May 4, 2020 Emergency meeting minutes.

City Manager's Report.

David Cole, City Manager noted the first budget workshop meeting has been held. There are additional budget meetings scheduled for May 21, May 28, June 1, June 8, and June 11. Those can be watched on YouTube and Facebook; questions and comments can be emailed directly to Chair Hamilton at dhamilton@ellsworthmaine.gov. Cole explained City Hall is in the process of reopening under the new guidelines. Offices are now open by appointment only on Tuesdays and Fridays. The goal is to be fully reopened by June 1 limited by the guidance of the State of Maine and using the best practices as described by the CDC. Employees that have been working from home will be returning to the office and a number of precautions have been implemented. Plexiglas has been installed where needed, employees are being spread out into different areas of the building in the cases where there were two employees in an office before, and meetings will be limited to 10 people until June 1. Although, even after June 1 when the number is proposed to increase to 50 the social distancing of 6' must be considered; this may restrict the Council Chambers to approximately 20 people. The Harbor Park will open on June 1; the final details are dependent on guidance from the State in terms of recreational activities. The City is working with the YMCA and other groups to determine what types of recreational opportunities can be accommodated this

Approved - Adoption of minutes from the April 20, 2020 Regular meeting and the May 4, 2020 Emergency meeting minutes.

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summer while adhering to the State guidelines. Cole said goodbye to Tammy Mote who has been the City's Deputy City Manager for the past 5 years. He congratulated Mote on her new position with Rudman and Winchell and wished her good luck.

Committee Reports.

Public Safety Committee. Councilor Phillips stated Councilors Kaplan and Miller as well as himself attended the Public Safety Committee meeting. There was a very interesting discussion on the topic. At the end of the meeting it was determined the Council will need to discuss this based on the additional information they gained from the meeting. They could ultimately decide to proceed with either relinquishing the license, request a limited license, or move toward the full license responsibilities. That decision must be made by the entire Council based on the additional information that has been gained recently. At some point the Council needs to schedule a meeting as a group and decide on what direction to move in. There was a discussion concerning holding a Council workshop with the rest of the Committee members; however, before that point it would make sense to have the Council discuss the options. It would be helpful to see what the seven Councilor's consensus is on moving forward and the members who attended the Committee meeting have some ideas on this topic. City Manager Cole had some good ideas on how to proceed from this point. The license can be limited, rescinded, or expanded and the City would need to figure out how they will serve the public while protecting the firefighters. This would need to be a full Council discussion. Chair Hamilton suggested placing this item on the June agenda and Phillips agreed it would make sense for a public discussion.

Citizens' Comments.

Dale Hamilton, as a citizen of Ellsworth, commented from the City perspective this has been a very difficult time and he has been very impressed with the level of dialog in the Community and the responsiveness of the business to find the balance of opening the economy as well as the City while also maintaining safety. Hamilton also wanted to extend appreciation to Principal Clifford and his team at the High School. He is the father of a senior graduating this year as well as Mike

Committee Reports.

Citizens' Comments.

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Harris has a son that is graduating from Ellsworth High School. Hamilton really appreciates the effort that is being made to provide those seniors with the best opportunities for the experience that they deserve. He extended some comments directly to the senior class in terms of how well this class has been managing the current situation. This has been very difficult for them and they have really held it together well.

Nadine Lewis, Ellsworth resident sent in a question through the Q & A section of the webinar. She reported there is a rodent problem where she lives as well as standing water. Her question was, does the City have any control over this? Hamilton could not give a definitive response without knowing the full circumstances. David Cole, City Manager recommended contacting the Code Enforcement Officer Dwight Tilton. Cole stated it sounded like this concern might be on private property; he will discuss this situation with Tilton tomorrow. He further noted if there is a root cause where the Public Works Director or other Management staff can weigh in on the concern he will let her know.

Presentation of Awards.

Tammy Mote, for 20 years of service with the City of Ellsworth in various capacities.

Tammy Mote was present on the zoom teleconference to virtually accept her service award from Chair Hamilton on behalf of the Ellsworth citizens. Chair Hamilton noted Mote will be leaving the City; he expressed his gratitude for her level of knowledge, commitment, as well as other attributes she brings to the City has been unmatched and will be a loss for the City. He extended his appreciate to Mote for everything she has done for the City. Hamilton noted if the citizens could see the amount of work and dedication she has put into her career they would see just what an asset she is to the City of Ellsworth. Councilor Phillips stated he has worked with Mote probably longer than the other Councilors and she has always been spot on, a good friend, and a great asset to the City. He is sad to see her move on and wished her luck in her new endeavors; hopefully it will not be as stressful as this job. Mote thanked everyone including the City Council and staff for a great 20 years.

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Tammy Mote – 20
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Lori Roberts, for 20 years of service with the City of Ellsworth in various capacities.

Lori Roberts was present on the zoom teleconference to virtually accept her service award from Chair Hamilton on behalf of the Ellsworth citizens. It was noted 20 years is a significant amount of time.

Dwight Tilton, for 15 years of service as the Code Enforcement Officer.

Dwight Tilton was not present on the zoom teleconference to accept his service award from Chair Hamilton on behalf of the Ellsworth citizens. His award will be given to him at a later date. Hamilton noted 15 years is a lot of service and knowledge dedicated to the profession.

Kerri Taylor, for 5 years of service with the City of Ellsworth in various capacities.

Kerri Taylor was present on the zoom teleconference to virtually accept her service award from Chair Hamilton on behalf of the Ellsworth citizens.

UNFINISHED BUSINESS

There was no unfinished business this month.

CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk () are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

Council Order #052002, Request of the City Manager to hold a Special Municipal School Budget Validation Referendum Election on July 14, 2020, for the purpose of validating the school budget in conjunction with the State of Maine Primary

Lori Roberts – 20 years of service with the City of Ellsworth.

Dwight Tilton – 15 years of service as the Code Enforcement Officer.

Kerri Taylor – 5 years of service to the City of Ellsworth.

Unfinished Business.

Consent Agenda.

Approved - Consent agenda items as presented this evening.

Approved – Council Order #052002, calling the Special Municipal School

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*Election. **

See attachment #1 for the complete request.

*Council Order #052003, Request of the City Clerk for appointment of Wardens and Ward Clerks for the four voting districts within the City of Ellsworth for the July 14, 2020 City of Ellsworth School Budget Validation Special Municipal Referendum Election. **

See attachment #2 for the complete request.

*Council Order #052004, Request of the City Clerk for approval on setting the polling places opening time as 8 AM for the July 14, 2020 City of Ellsworth School Budget Validation Special Municipal Referendum Election. **

See attachment #3 for the complete request.

On a motion by Phillips, seconded by Kaplan, it was unanimously

RESOLVED to approve the consent agenda items as presented this evening.

NEW BUSINESS

Public hearing and action on the applications for issuance for the following licenses:

Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses.

Public hearing was opened.

**Budget Validation
Referendum Election
on July 14, 2020.**

**Approved – Council
Order #052003,
appointment of
Wardens and Ward
Clerks for the 4
voting districts.**

**Approved – Council
Order #052004,
setting the time for
polls to open as 8 AM
on July 14, 2020.**

New Business.

**Approved -
Shinbashi Inc. d/b/a
Shinbashi
Restaurant, 139 High
Street, for renewal of
a City Class C
License (Victualer
and Liquor) and
renewal of a State
Restaurant (Class I,**

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There was a question on the Q & A from Nadine Lewis inquiring if citizens were allowed to speak. Chair Hamilton addressed this question while the Council was waiting to see if anyone has a response to the public hearing that is currently open. He noted if anyone would like to weigh in on any of the public hearings please feel free to send the comments now. Hamilton stated in response to the question it is very unfortunate that the City Council cannot allow real live interaction with the public citizens of the City and taxpayers during this meeting; however, it is being conducted in accordance with the City Charter. He wanted to let the public know the Council is trying to provide the opportunity for input to the best of their ability given the circumstances that the World is under. Hamilton did not read the entire statement at the beginning of the agenda which can be located on the City's website; however, this meeting is being held in accordance with the rules and statues that exists which allow for this kind of structure given the pandemic situation. This is certainly not the preferred way of operating; however, it is the only way the City has at the moment. Hamilton encouraged the public to feel free to submit any comment and he will read those as well as your name into the record. Comments can be emailed to dhamilton@ellsworthmaine.gov and that is the best way this can be handled until the Council can reconvene in person which is being discussed and will be the direction the Council is moving as soon as possible. Hamilton returned to the public hearing that was open for Shinbashi Restaurant.

**II, III, IV) Malt,
Spirituos and
Vinous Liquor
License.**

There were no comments for this public hearing specifically.

Public hearing was closed.

On a motion by Phillips, seconded by Miller, it was unanimously

RESOLVED to approve the request of Shinbashi Inc. d/b/a Shinbashi Restaurant, 139 High Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III, IV) Malt, Spirituous and Vinous Liquor License.

Charles B. & Ariela L. Zucker d/b/a Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License.

**Approved - Charles
B. & Ariela L.
Zucker d/b/a Twilite
Motel, 147 Bucksport**

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HEIDI GRINDLE.**

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

On a motion by Kaplan, seconded by Moore, it was unanimously

***RESOLVED to approve the request of Charles B. & Ariela L. Zucker d/b/a
Twilite Motel, 147 Bucksport Road, for renewal of a City Lodging License.***

Manny's Greek Grill, LLC, 248 State Street Suite N for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

On a motion by Miller, seconded by Kaplan, it was unanimously

RESOLVED to approve the request of Manny's Greek Grill, LLC, 248 State Street Suite N for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

Presentation by Kevin Bunker of Developers Collaborative regarding requested Tax Increment Financing (TIF) assistance for proposed 29 unit Senior Housing Project off Foster Street.

Road, for renewal of a City Lodging License.

Approved - Manny's Greek Grill, LLC, 248 State Street Suite N for renewal of a City Class C License (Liquor and Victualer) and renewal of a State Restaurant (Class III & IV) Malt and Vinous Liquor License.

Presentation and Discussion only this month, no formal

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David Cole, City Manager introduced Kevin Bunker from Developers Collaborative. Bunker presented approximately 3 years ago regarding the Oriole Way project, this project is located off from Washington Street. Bunker has been promoting approximately 51 new units to be located behind the Shaw's Plaza on the Foster Street side. This will include senior housing as well as market workforce housing. During this process a Tax Increment Financing (TIF) arrangement has been discussed. This would be consistent with other projects the City has been involved in for example Leonard Lake Housing. Cole believes this will be a favorable deal for the City. The request this evening does not require action by the Council; this would just be an opportunity for Bunker to review with the City Council what his company is proposing and how the project would work, including the economics of the project which appear to be positive for the City. Bunker explained the project being discussed tonight is actually a second phase to a project he has already been working on within the City of Ellsworth. He showed a screenshot of the map depicting where the project will be located within the City of Ellsworth. Bunker started working with the owners of the Reny's/Shaw's Plaza approximately three years ago to turn some excess land that was part of their property however was not really being used by them in a productive way into some housing units. Oriole Way is the first phase of this project which is the upper part and bisects the land from Washington to Foster Street. This phase includes 50 apartments along the upper section. At that time a second phase was discussed for market rate housing. Bunker was first introduced to Ellsworth when Senator King asked him to speak on workforce housing in particularly the need for seasonal workforce housing as well as housing for other demographics. Then the opportunity for Oriole Way presented itself and it seemed to fit with some other initiatives that were happening at the time. The plan was always to offer some market rate housing as well. The second piece that ties into this was the senior housing bond that was passed by the voters several years ago and was signed into law this past January. That action freed up additional funds for senior affordable housing. At that point, the decision was made to work on fitting both on the same site. The additional land remaining is currently under contract with the owners of the Reny's/Shaw's Plaza; it is an irregularly shaped polygon piece of property. There are 3 buildings being proposed on this site, one is the senior housing being discussed tonight and will be a 29 unit apartment building. There will also be two 12 unit market rate apartment buildings. They are proposing a new lot line so that

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the senior affordable housing would be within one 3 acre lot +- and the market rate housing would be within the second lot. This would be a phased project. The piece that is ready to move forward now is the affordable housing portion. At this point, Bunker would like to discuss with the Council the possibility of creating a tax increment financing district. It has not been decided yet if this will be its own district or just an extension of the Oriole Way district; however, it will be on similar terms. A TIF is not being proposed for the market rate housing that would be outside of the TIF district and would stand on its own. Councilor Kaplan had a couple of questions at this point in the presentation. She asked Bunker to define market rate housing. Market rate housing in general means everything that does not have some sort of rent restriction on it, it is determined by the open market. Market rate housing could be anything from a luxury condo all the way down to an unassisted workforce unit. In this case market rate housing means rents at around \$1,300 a month for a two-bedroom unit. Kaplan's second question was in regards to previous issues with overflow and water/sewer issues because of the number of apartments that were being built in that area; she inquired if that has been resolved. Bunker noted it has been resolved and it was not so much due to the number of apartments; it was a result of the site work and the timing of it being completed at the wrong time of year when it was too late for the grass to grow. They did struggle with the builders a little bit but they have authorized extra funds to fix those problems. Bunker felt they were doing a pretty good job on completing and resolving those concerns. The City has been working together with Bunker's team to get those concerns resolved. This is a challenging site; therefore, a lot of time has been spent on this phase of the project as well as the last phase thinking about how to deal with the ravines located on the other side of the property, as well as the shopping center has a lot of impervious surfaces. There is a lot of drainage and pipes that extend under their buildings from the shopping center as well as under the site, the outlet is on the other side of the property which places water onto the other buildings that have been built at the bottom of the ravines. This is a challenging situation and when Bunker's project was under construction it became worse for a time before they were able to improve it. A lot of time has been spent on this project to go above and beyond the ordinance, spend additional funds, as well as extra planning to keep stormwater off the neighboring properties. Kaplan inquired if this project would be more of a 50/50 split between market rate and senior housing or is it mostly TIF housing and some market rate. Bunker explained it is about 50/50; 29 senior units and 24 market rate units. The market rate units are

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bigger because they all have two bedrooms which means 48 bedrooms within the market rate project and only 29 bedrooms within the senior housing units. The senior units are all one bedroom units and some are studio apartments. Kaplan questioned whether the market rate units would be taxed at the regular rate whereas the senior housing would receive a tax break. Bunker stated yes, the senior housing would receive a TIF so essentially what Kaplan stated was correct. This would be discussed in more detail later in the presentation. Cole noted in regards to the drainage issue; the first project Oriole Way drained in the direction of Washington Street which did pose some issues; however, they were addressed. Bunker personally came to Ellsworth to see they were addressed adequately. The projects designed for Foster Street will be draining in that direction and the proposal would involve an upgrade to the existing storm line down Foster Street. This will be an improvement for the City as well as an accommodation for the units. Kaplan inquired who would be paying for the increased amount of drainage; she was concerned the tax payer would be responsible for that expense. Bunker indicated he would be paying for those improvements. Cole felt this would be a positive arrangement for the City. He also noted in regards to the senior housing, the City Council commissioned a study in 2015 to review the need for senior housing within the area and it was quite acute. The survey results were made up of approximately 700-800 responses; generally a response from 200-300 people is considered great on the topic of housing needs. That was a great level of interest demonstrating a strong desire for this kind of housing within the area. Cole believes that is why the Maine State Housing Authority chose to support this project out of the only 7 projects they awarded. This project was awarded for this site only; if it does not work at this site the money from the Maine State Housing Authority will be taken away and be given to a different community. This project is in line with the goals set by the City over the past five years in regards to housing needs. Cole noted the City is lucky to have a developer of Bunker's caliber to handle this project. Chair Hamilton read a comment that was received through email into the record. He read: "Mr. Chairman this partnership was right and a benefit for Ellsworth initially, and still a great deal for Ellsworth. Shields the value of the project from State evaluation regarding educational support, revenue sharing, County taxation as well as any program with the evaluation in the formula and improves the housing stock for elderly and workers in our area. Thank you Kevin for believing in our City. Gary Fortier has been". Cole noted based on the TIF numbers Bunker will be presenting it will become clear that this project is a win-win for the City and the

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Developer. Bunker explained they are at the point in the project where they have received the notice to proceed from the Maine Housing Authority. Based on that they have commissioned detailed architectural designs and gone to the Planning Board. At this point close to \$200,000 has been invested in cash within the project. They are hoping the closing will take place in August; there are a lot of phases and work to be completed to make that happen. The idea of a TIF has been discussed throughout the project; however, they have reached the point where they would like to formally ask for it, to support the operating budget. They have developed a structure that they believe will work very well. Generally, when there is a development coming into an area the City will see an increase in the taxable value but then offsetting that extra dollar of tax revenue or dollar of assessed value, there are negative impacts. This is due to losing State aid to education based on the City's valuation. The County taxes are increased and revenue sharing is lost. For every dollar the City makes in increased taxes the City loses typically .40 to .60 cents within those impacts. A TIF basically shelters the City against those impacts. With Maine Housing Authorities affordable housing tax credit projects a TIF is nearly always the feature of them; that is because they are competitive projects and hard to win. Communities generally want these projects and are willing to help developers compete for those projects; Maine Housing Authority awards points for doing that. Often they are required to make a project's operating budget feasible particularly in the non-urban counties of York and Cumberland where the rents are a little bit lower. The idea with the tax credit project and tax credit program gives developers tax credits and financing so that they can build a project without a significant mortgage. Therefore and in return the developer covenants to keep the rents at a fixed level for perpetuity basically. It is capital to build the housing it is not operating funds to run the housing so therefore the housing has to run on its own steam. A TIF is a big help in a place like Ellsworth because the rents are tied to County median income or area median income which in Maine is typically by County. Therefore, although the snowplowing, electric, and heat might be slightly less expensive than the Portland metro the rents are going to be 50-60% of the Portland metro. This causes a much tighter operating budget and a much harder problem to operate them, and the property taxes without a TIF in Ellsworth are on the high side. It is necessary for feasibility on Bunker's side. A Housing TIF is different from an Economic Development TIF in a few key ways, generally the mechanics are similar. It is administered by the Maine Housing Authority instead of the DECD one of the uses that makes it important for this discussion is TIFs can

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CITY COUNCIL ABSENT:

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,
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be used for operating support whereas in economic development TIFs they may not be used directly for operating support. They may be used indirectly for operating support in the form of debt service but not directly to offset operating costs. Whereas, with Maine Housing Authority the concept of an affordable housing TIF is in order to keep the rents affordable you have to keep the expenses down so the statute is a little bit different. Pretty much all of the affordable housing TIFs that are completed are used for the reason of offsetting operating costs. They are not used to enrich the project for the developer. Maine Housing Authority underwrites the projects. There is a fixed developer fee and a fixed return on the unit which is approximately \$500 a unit per year. This is not a get rich quick scheme for developers to run TIFs but it is needed to make it work. The idea is if there is a TIF it allows for basic feasibility or if it takes the project beyond basic feasibility, Maine Housing will add amortizing debit to the capital stack because they have scarce resources and if they can provide a little bit of must pay debit along with the subsidy and the tax credits they will offer that. In this case, it will not reach that point; so there will not be any debit that is added. It will go directly back in to keep the rents affordable; Bunker will not directly receive any of it and cannot withdraw any of it out. Bunker presented the mechanics of how this particular TIF works financially by sharing his screen and displaying the evaluation table. The assessed value of the parcel today that the senior housing project will be constructed on is approximately \$123,000. They have been working with the Assessor to develop the numbers that was presented. Once the project is completed on the senior housing phase the assessed value will be approximately just under 3.5 million dollars. At the current tax rate that is approximately \$65,000 a year in taxes. Based on these estimates it passes the first test that the property is right for a TIF because there is a very large disconnect between the current assessed values compared to the value estimated at the end of the proposed project. This is an efficient use of a TIF because it is a low value going to a relatively high value. The second table Bunker showed the Council was a table that compares the captured valuation which is the difference between those two values and is almost all of it but not all of it. The increment is approximately \$63,000 and this particular proposal is for a period of 30 years to capture 100% of that revenue based on splitting it 50/50 between the project and the City. The project needs a 50% TIF so there are two ways to accomplish this. One way is to shelter 100% and give 50% to the project. The other way is to just shelter 50% and give it to the project. The reason for proposing sheltering all 100% was described and decided upon after consultation with the

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City. It will be a much more efficient way for the City to help the project. It would not matter to the developer either way because the amount of subsidy coming into the operating budget would be the same. If only 50% is dedicated to the project the other 50% that was not sheltered would be subject to those fiscal formulas so approximately half of the 30,000 to 35,000 would be lost. If 100% is sheltered the City would be in a better financial place. The City would be paid a small amount to shelter it but for that to actually happen rests on a couple key assumptions. First, the math has to work in the City's favor, in this project it does. A TIF is not just free money the point of a TIF is that when that money is sheltered it gets placed in a segregated project account and it cannot be used for just anything. The degree to which that actually benefits the City is a degree to which that money can be put to use on things the City wants to do. The best possible use of the freest money would be things the City is already spending money on anyway. For example, when workforce housing is created the TIF money can be put in the local school budget, less money has to be raised for the schools and municipalities come out a head dollar for dollar. In this case, a similar item was identified for senior housing such as the existing senior center that the City is already paying debit service on. The current debit on the senior center is just under 3.5 million dollars and the City is paying just under \$284,000 a year in debit service on that current obligation. The City will be able to apply the \$31,000 from this proposed TIF to that current debit service obligation. Ultimately this would be \$31,000 less the Council would need to ask the taxpayers for. There is not a fiscal down side to this proposal for the City of Ellsworth. Cole stated the expectation for tonight was presentation only at this meeting and hopefully a presentation of the application and action next meeting. Hamilton strongly encouraged the public if they have any comments about this item feel free to email any of the councilors. This item will be added to the June Council meeting agenda for discussion, review, and voting.

Presentation and Discussion only this month, no formal action taken or required by the City Council this evening.

Council Order #052005, Authorize the City Manager to accept a \$20,000 Capacity Development Grant through the Maine Drinking Water Program.

David Cole, City Manager explained the City has been awarded a grant in the amount of \$20,000 for the drinking water program. This would be matched by

**Approved - Council
Order #052005,
Authorize the City
Manager to accept a
Capacity**

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another \$20,000 of existing resources. Cole explained this funding would go towards solving some issues with the design and capacity that need to be addressed. See attachment #4 for the complete request, Capacity Development Grant Approval letter, and Capacity Development Grant Reimbursement Request Form. Reggie Winslow, Water Superintendent explained recently the storage tanks were redone to help with THMs or disinfection by-products. Currently, he is seeing issues with the plant and the overall integrity of the internal plumbing of the treatment plant including the building itself. Winslow noted particularly the filters and possibly adding an additional filter set. As time moves forward there may be violations noted; this would help avoid any possible violations in the future.

On a motion by Kaplan, seconded by Moore, it was

RESOLVED to approve Council Order #052005, Authorize the City Manager to accept a Capacity Development Grant in the amount of \$20,000 from the Maine Drinking Water Program and hire Woodard & Curran to complete the Treatment Plant Evaluation associated with the grant award. Project to be funded from the awarded grant and the Water Department Operating Budget (6565370-63510).

Before a vote was taken on the above motion, Councilor Blanchette asked if the motion could be expanded to limit the amount, state where the funds are coming from and who would be hired. Councilor Kaplan read the proposed motion into the record so that the particulars would be captured. Councilor Moore seconded the motion as read into the record.

A final vote was taken on the complete motion as read into the record with all members voting unanimously to approve.

Council Order #052006, Request to award a Design and Engineering Contract for the Water Street Wastewater Pump Station Project.

Lisa Sekulich, Public Works Director explained the request tonight would be addressed by herself as well as Michael Harris, Wastewater Superintendent. Sekulich stated last fall the City of Ellsworth was awarded a \$500,000 Northern Boarders Regional Commission (NBRC) grant for work at the Water Street pump station. This work will include design and construction to upgrade the wastewater

Development Grant in the amount of \$20,000 from the Maine Drinking Water Program and hire Woodard & Curran to complete the Treatment Plant Evaluation associated with the grant award. Project to be funded from the awarded grant and the Water Department Operating Budget (6565370-63510).

Approved - Council Order #052006, going into an Engineering & Design contract with Woodard & Curran for the Water Street Pump Station

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pump station. Part of the requirements for the engineering design work to be included in the reimbursable costs of this grant is that the City had to hold a Request for Proposals/Qualifications process. Sekulich and Harris prepared a Request for Qualifications and requested proposals from four firms of which two submitted proposals. See attachment #5 for the complete request, Request for Qualifications and Proposals, Scoring sheets, and Fee Proposal from Woodard & Curran. The NBRC review team score sheets have been attached as part of attachment #5. The two proposals were reviewed and the team is recommending awarding the engineering and design for this project to Woodard & Curran. Councilor Kaplan inquired what items would be covered under the \$183,000 figure; she noticed at the end of the documents it stated \$1.2 million. Sekulich explained the \$183,000 figure is a not to exceed amount for ensuring services. The \$1.5 million is the estimated construction costs for the complete project of which the \$500,000 was received in grant funds to help fund a portion of that cost. The \$183,000 will cover the complete design and engineering work. There will be a post construction phase as well. Sekulich explained as part of the NBRC requirements the City will need to comply with putting this out for a qualification based proposal but ultimately the City decides which firm to award the project to. It is normal for engineering costs to be 12 to 15% of the construction costs. The \$183,000 is within the expected range for a project of this size. This process will involve the firm meeting certain benchmarks, providing invoices, which are then submitted to NBRC for reimbursement. Chair Hamilton inquired what the projected build out time was in terms of start to finish. Sekulich noted the goal as stated in the proposal was they would start the design as soon as possible with construction starting this winter when the pump station sees the lowest flows. The expectation is the new pump station will be online by spring when it will see the highest flows. Kaplan inquired when the pump station located further up Water Street was built. Sekulich stated that is the Wastewater Treatment Plant which was built 7 years ago. This pump station will pump everything from lower Water Street up to the Wastewater Treatment Plant. Michael Harris, Wastewater Superintendent clarified roughly 2/3 of the City goes to the pump station located behind RF Jordan's facility on Water Street. The pump station located next to RF Jordan's then pumps it to the main pump station that is located where the old wastewater treatment plant was located next to Dead River Company. That extra-large pump station pumps everything from the entire City up to the new Wastewater Treatment Plant located on the Bayside Road. The pump station located behind Water Street

Upgrade Project and allow the City Manager to sign all required documentation with an amount not to exceed \$183,000 and to be funded from Bond Proceeds and NBRC grant funding.

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which is the one that is being discussed this evening has an issue during the springtime when a perfect storm happens. The pump station is overwhelmed for short periods of time. This usually happens once a year and causes it to surcharge out of the manhole located beside the station. The DEP is requiring the City to resolve this issue. David Cole, City Manager noted this project is a compliance issue and is not a voluntary project. Kaplan inquired if there will be any interference with the pump station while this project is ongoing. Harris indicated this pump station has built into the infrastructure a bypass pumping setup. Harris will be bringing in portable pumps that will connect to the current wet well and pump around the station to the force main that goes to the main plant. Once that is in place the project can be started in regards to the pumps and upon completion they can just switch away from the bypass pumping process and back to the new upgraded pump station.

On a motion by Phillips, seconded by Blanchette, it was unanimously

RESOLVED to approve Council Order #052006, going into an Engineering & Design contract with Woodard & Curran for the Water Street Pump Station Upgrade Project and allow the City Manager to sign all required documentation with an amount not to exceed \$183,000 and to be funded from Bond Proceeds and NBRC grant funding.

Council Order #052007, Request to authorize the City Manager to enter into an agreement/contract with VHB, Inc. for consulting services related to the bike/ped trail feasibility study for approximately \$49,743, of which 50% will be funded by the City (budgeted TIF funds and budgeted local roads funds) and the other 50% will be funded by the MaineDOT PPI grant program award.

Janna Richards, Development Services Director reminded the Council at the January Council meeting the Council approved the acceptance of a \$25,000 Maine DOT Planning Partnership Initiative Grant to fund the bike/pedestrian trail feasibility study to connect the City's Rail Trail with the Sunrise Trail. The grant required a 50% local match which the Council authorized at the January Council meeting to be equally allocated between existing budgeted TIF and local roads program funds. Based on that approval from the Council, City staff with guidance from the Maine DOT proceeded to draft and circulate a request for proposals. Five

Approve Council Order #052007, Authorize the City Manager to enter into an agreement with VHB, Inc. for consulting services related to the bike/pedestrian trail feasibility study to be funded with the \$25,000 grant from the MDOT PPI Grant Program, with

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firms who are listed on the Maine DOT's prequalified list, were invited to submit proposals. All five firms submitted proposals. A selection committee comprised of City staff, City Councilors, and Maine DOT staff members scored the applications and unanimously chose VHB to provide the necessary professional services to conduct the study. See attachment #6 for the complete request, VHB Client Authorization, Appendix A City of Ellsworth Bicycle/Pedestrian Trail Connectivity Feasibility Study, and Ellsworth Bicycle/Pedestrian Trail Assessment diagram. VHB scored the highest by all members of the selection committee and they were within the proposed budget for this study which was not to exceed \$50,000.

\$25,000 in local match to be evenly allocated from existing TIF and Local Roads Program funds.

On a motion by Kaplan, seconded by Grindle, it was unanimously

RESOLVED to approve Council Order #052007, Authorize the City Manager to enter into an agreement with VHB, Inc. for consulting services related to the bike/pedestrian trail feasibility study to be funded with the \$25,000 grant from the MDOT PPI Grant Program, with \$25,000 in local match to be evenly allocated from existing TIF and Local Roads Program funds.

Council Order #052008, Request of the Finance Director to withdraw up to \$30,000 from Capital Reserves for professional services relating to the Solar/Renewable Energy RFP including legal and technical review as well as conducting due diligence.

David Cole, City Manager reminded the City Council that a Request for Proposals for sent out back in the fall to take advantage of the new solar legislation that was put forth last July. The City received 9 proposals, work has been done to narrow those down. At this time, Cole is requesting the transfer of Capital Reserves in the amount of up to \$30,000. These funds will be used to complete this deal and bring a project back to the City Council for final approval. This is a highly technical project and the Energy Advisor as well as legal advisors are invaluable in this process. After discussing this transfer with the Finance Director it was determined there are more than adequate funds available to cover this transfer.

Approved - Council Order #052008, Request of the Finance Director to withdraw up to \$30,000 from Capital Reserves for professional services relating to the Solar/Renewable Energy RFP including legal and technical review as well as conducting due diligence.

On a motion by Miller, seconded by Moore, it was unanimously

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**RESOLVED to approve Council Order #052008, Request of the Finance
Director to withdraw up to \$30,000 from Capital Reserves for professional
services relating to the Solar/Renewable Energy RFP including legal and
technical review as well as conducting due diligence.**

Adjournment.

On a motion by Phillips, seconded by Moore, it was unanimously

RESOLVED to approve adjournment at 8:15 PM.

A TRUE COPY

**ATTEST: _____
HEIDI-NOËL GRINDLE**

**Approved -
Adjournment at 8:15
PM.**