

These are "Action Only" minutes. Video of comments may be found on recorded discs at City Hall or at www.cityofbelfast.org.

**City of Belfast
Council Chambers-Belfast City Hall
Tuesday, June 3, 2014
7:00 p.m.**

Public Hearing #1

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on June 3, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers – City Hall to hear an application by Maunlad Corporation d/b/a Oriental Cuisine located at 138 Main Street, Belfast, Maine for a renewal Malt, and Vinous Restaurant class liquor license, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

Public Hearing #2

Pursuant to the Special Amusement Ordinance of the City of Belfast and the provision of Title 28A Section 1054 MRSA a public hearing will be held in the Council Chambers of Belfast City Hall on June 3, 2014 at 7:00 p.m. or as soon as possible thereafter on an application for a Special Amusement Permit renewal for Chase's Daily, LLC d/b/a Chase's Daily for live entertainment, music, vocals-Karaoke, DJ and dancing at 96 Main Street, Belfast, Maine, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

Public Hearing #3

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on June 3, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Chase's Daily, LLC d/b/a Chase's Daily located at 96 Main Street, Belfast, Maine for a renewal Restaurant Class III, IV Malt and Vinous license, interior only.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

Public Hearing #4

Pursuant to Belfast Victualer License Ordinance a public hearing will be held on June 3, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall on an application for a new Vitualer License for a Lunch Wagon by Raymelle Moody-Guthrie d/b/a The Moody Dog located at 2 Cross Street, Belfast, Maine license to expire December 31, 2014.

Mayor Ash asked for proponents and opponents.

Proponents, Councilors Hurley and Sanders congratulated and welcomed this new business.
Mayor Ash declared the hearing closed.

Public Hearing #5

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on June 3, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Delvino, LLC d/b/a LaVida located at 132 High Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant liquor license.

Mayor Ash asked for proponents and opponents and hearing none declared the hearing closed.

Regular Council Meeting No. 23

1) Call to order

2) Present: Mayor Walter Ash, Jr.; Councilors Mary Mortier, Roger Lee, Eric Sanders, Michael Hurley and Nancy Hamilton, and City Manager Joseph Slocum, Admin. Assistant Manda Cushman.

3) Pledge of Allegiance

4) Adoption of the agenda

City Manager Joseph Slocum noted that the City Attorney Kristin Collins will be arriving at 8:30 pm to discuss item 10) H and 10) I and if the Council gets to that point in the meeting before 8:30 pm he recommends taking time to discuss the budget while they wait for her arrival.

Councilor Sanders, seconded by Councilor Hamilton, made a motion to adopt the agenda. This motion was approved, 5-0.

5) Acceptance of the minutes

Regular Council Meeting of May 20, 2014.

Councilor Mortier, seconded by Councilor Hamilton, made a motion to accept the minutes from Regular Council Meeting of May 20, 2014. This was approved, 5-0.

6) Open to the public

Please state your name and town you are from when addressing the City Council.

1.Laurie Allen, Belfast spoke about concerns with Seaview Terrace classified as an urban neighborhood in the proposed Comprehensive Plan.

2. Andrew Peterson, Bar Harbor and Captain of the Lynx which is headed for Belfast this summer and is requesting from Council the consideration of waving dock fees for the time they are here.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to add the request from Captain Andrew Peterson to the agenda as item 10) D #1. This motion was approved, 5-0.

3. Charles Beck, Belfast addressed his concerns with the Comprehensive Plan and the possibility of Seaview Terrace being classified as an urban zone.

4. Arden Parker, Belfast requested that the City Council recognize the Gun Club and NRA for the special fire arm training they provide for the Belfast Police Department and other positive contributions they give to the City of Belfast.

5. Isaac Wright, Belfast spoke of his observations and concerns with drug use around Belfast public areas such as the City Park.

6. Chief Michael McFadden informed the Council that on Thursday, June 12, 2014 at 4:30 p.m. in the Council Chambers he will be holding a Drug Task meeting that will be bringing community members from all over Waldo County together to address concerns with drug use in this area.

7) Communications

Councilor Hurley addressed some concerns with the Harbor Walk including: lack of baggies for pick-up, lighting still has not been altered to Council specifications, lack of signage and he spoke about readdressing the idea of installing security cameras at a reasonable rate.

City Manager Joseph Slocum discussed the following:

- Chief McFadden has written a letter to the Department of Transportation requesting them to consider reducing the speed by the Goose River Apartments.
- Jay McCrum has signed the easement at Cross Street; the Down Town Revitalization Project will now begin the process of going out to bid.
- Rail Trail is moving forward, will keep Council and public updated.
- Trees at Swan Lake Ave. and Miller St. that were discussed at May 20th meeting, Swan Lake Ave. tree can be saved by putting new sidewalk around it, while the Miller St. tree will be readdress as a possible removal at June 17th meeting.
- Ukulele Festival is this Saturday, June 7th at Steamboat Landing & Boathouse.
- At next Budget Meeting, June 4th at 6:30 pm the City Manager will have a Capital Projects spreadsheet for the Council to review and discuss.
- Please Be Seated has begun to install chairs and benches throughout Belfast.
- City Council received a letter from a resident at Seaview Terrace with concerns about the Comprehensive Plan, and recommends that if anyone has any comments or concerns please come to the Public Hearings that will be taking place within the next month, or send written concerns to City Hall.
- Recommended to the Council that they set up a Work Session in the near future to discuss the ideas of security cameras along the Harbor Walk and surrounding areas of Belfast.

Councilor Sanders reminded the public that the Trek Across ME will be coming through Belfast on Sunday, June 15th and that the route is slightly different this year, so if you are traveling through Belfast on that day please be aware and cautious of cyclist.

Councilor Hamilton reminded self-employed citizens that by June 15th they will need to file estimated taxes.

Mayor Walter Ash would like to congratulate and recognize Jessie Jones-White from Belfast who just received her diploma from Beal College at 99 years old.

8) Old Business and Council Committee Reports

Councilor Sanders reminded everyone that the Withdrawal Committee will be meeting Wednesday, June 4th at 5:30 p.m. in the Council Chambers.

Councilors discussed the following committee appointments:

- Cemetery Board of Trustees: 1 expiring position, and 1 vacant alternate position, three-year term. **Joyce Fenner has applied for reappointment. Paul Hamilton has applied for the vacant position**
- Airport Advisory Committee: 1 expiring position, and 2 vacant positions where the applicant may or may not be from Belfast. All are three-year terms. **James R. Truxes has applied for reappointment. No one has applied for the vacant positions.**
- Harbor Advisory Committee: 2 expiring positions, 1 vacant position, two-year term. **Alec Allmayer-Beck and Robert Winslow have applied for reappointment. Dennis R. Trefry and David Carlson have applied for the vacant position.**
- Pedestrian Biking & Hiking Committee: 3 expiring positions, one-year term. **Elizabeth Fitzsimmons, Glenn Montgomery and James Merkel have applied for reappointment.**
- Board of Assessment Review: 2 expiring positions, 1 vacant position, one-year term. **Dana Keene and Mary Dutch have applied for reappointment. No applications yet for the vacant position.**
- Library Board of Trustees: 2 vacant positions, three-year term. **Robin Kruger has applied for vacant position.**
- Parks and Rec Commission: 2 expiring positions, 2 vacant positions. **Carol Good and Hester Kohl have applied for reappointment. No one has applied for vacant positions.**
- Planning Board: 1 expiring position, five-year term. **Wayne Corey has applied for reappointment.**

Councilor Hurley, seconded by Councilor Mortier, made a motion to appoint all applicants, except those who have applied for the Harbor Committee. The Council will meet with the Harbor Committee applicants prior to the June 17th Council Meeting at 6:15 p.m. to conduct interviews. This motion was approved, 5-0.

Administrative Assistant Manda Cushman reviewed the vacant committee seats and informed the public that these vacancies are listed on the City's website where individuals can also get a copy of an application.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an application by Maunlad Corporation d/b/a Oriental Cuisine located at 138 Main Street, Belfast, Maine for a renewal Malt, and Vinous Restaurant class liquor license, interior only.

- B. Request to approve an application for a Special Amusement Permit renewal for Chase's Daily, LLC d/b/a Chase's Daily for live entertainment, music, vocals-Karaoke, DJ and dancing at 96 Main Street, Belfast, Maine, interior only.
- C. Request to approve a request by Chase's Daily, LLC d/b/a Chase's Daily located at 96 Main Street, Belfast, Maine for a renewal Restaurant Class III, IV Malt and Vinous license, interior only.
- D. Request to approve an application for a new Vitualer License for a Lunch Wagon by Raymelle Moody-Guthrie d/b/a The Moody Dog located at 2 Cross Street, Belfast, Maine license to expire December 31, 2014.
- E. Request to approve a request by Delvino, LLC d/b/a LaVida located at 132 High Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant liquor license.
- F. Request to approve a "Facility Use" application by The Mid-Coast Board of Realtors represented by Judith Brossmer for the annual walk to benefit Habitat for Humanity and the Cinderella Project on June 28, 2014 starting at 8:30 am.
- G. Request to approve a "Facility Use" application by Tom Luther, Michael Whitehead, Jacob Fricke and Helena Melone for an outdoor concert in Heritage Park for the "Summer Solstice" celebration on Saturday, June 21, 2014 at 4:00 am.
- H. Request from Our Town Belfast to gift the City with the 26 chairs and benches associated with the Please Be Seated Project.

Mayor Ash requested that Bre Bebb, Executive Director of Our Town Belfast re-examine a bench outside of Alexis Pizza, he is concerned about it for safety reasons.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to accept the Consent Agenda. This motion was approved, 5-0.

10) Business

A) Request from the Public Works Director to transfer \$10,200 from the Culvert Capital Reserve account to a Capital Project account to replace the two culverts at Achorn Road.

City Manager reported the current account balance and what the City puts into it on a yearly basis.

Councilor Hamilton, seconded by Councilor Hurley, made a motion to accept the request from the Public Works Director to transfer \$10,200 from the Culvert Capital Reserve account to a Capital Project account to replace the two culverts at Achorn Road. This motion was approved, 5-0.

B) Request from the Fire Chief for the City to sign on to the Waldo County Incident Management support agreement.

Councilor Hurley gave his support and discussed the importance of this agreement.

Councilor Hurley, seconded by Councilor Hamilton, made a motion to accept the request from the Fire Chief for the City to sign on to the Waldo County Incident Management support agreement. This motion was approved, 5-0.

C) Request of the Economic Development Director for the City to contract with the Maine Office of Community Development to serve as the pass through entity for the Maine Downtown Center.

City Manager gave a brief explanation of the this contract and what serving as the pass through entity for the Maine Downtown Center means and gave his recommendation that the City continue to do so.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the request of the Economic Development Director for the City to contract with the Maine Office of Community Development to serve as the pass through entity for the Maine Downtown Center. This motion was approved, 5-0.

D) Request from the Harbor Master to approve funding for up to \$18,000 to replace the utilities at Thompson's Wharf.

Harbor Master Kathy Pickering discussed the need to update these utilities and gave the Council her recommendation.

Councilor Hamilton, seconded by Councilor Lee, made a motion to accept the request from the Harbor Master to approve funding for up to \$18,000 to replace the utilities at Thompson's Wharf; funds will come from the Harbor Capital Reserve account. This motion was approved, 5-0.

D) # 1 Request from Captain Andrew Peterson of the Lynx to have the City waive their dock fee from July 7th – 31st.

Harbor Master Kathy Pickering gave her recommendation, noting that having them docked in Belfast would be a positive attribute and does not see them conflicting with the other boats that also provide day sails.

Council discussed at great length charging a fee verses taking the Captain up on his proposal to give back to the City through a benefit day sail.

Councilor Mortier, seconded by Councilor Lee, made a motion to accept the request from Captain Andrew Peterson of the Lynx to waive their dock fee from July 7th – 31st, and to discuss further with them the possibility of a benefit opportunity for the City. This motion was approved, 5-0.

E) Request from the Harbor Master funding of up to \$5,000 to cover the disposal cost of the old floats from Thompson's Wharf.

City Manager Joseph Slocum informed Council that these funds would come from the Harbor Maintenance Reserve Account, not the John ENK Fund.

Councilor Mortier, seconded by Councilor Hamilton, made a motion to accept the request from the Harbor Master for funding of up to \$5,000 to cover the disposal cost of the old floats from Thompson's Wharf; funds will come from the Harbor Maintenance Reserve account. This motion was approved, 5-0.

F) Request from the Harbor Master to approve funding for an updated inspection of the Armistice Bridge and the Bascule.

Harbor Master Kathy Pickering gave a brief update and her recommendation to the Council.

Councilor Hurley, seconded by Councilor Hamilton, made a motion to accept the request from the Harbor Master to approve funding for an updated inspection of the Armistice Bridge and the Bascule; funding will come from the Footbridge Maintenance Reserve account. This motion was approved, 5-0.

G) The first reading of a proposed amendment to the City Zoning Ordinance, Chapter 102, Article 5, District Regulations, Division 29, Searsport Ave. Commercial Zoning District.

Assistant City Planner Sadie Lloyd gave a brief explanation of this proposed amendment and turned it over to the Council for questions or comments.

The second reading of proposed amendment to the City Zoning Ordinance, Chapter 102, Article 5, District Regulations, Division 29, Searsport Ave. Commercial Zoning District will be held during the regular Council Meeting of June 17, 2014.

Councilor Lee, seconded by Councilor Sanders, made a motion to accept the first reading of a proposed amendment to the City Zoning Ordinance, Chapter 102, Article 5, District Regulations, Division 29, Searsport Ave. Commercial Zoning District. This motion was approved, 5-0.

H) Consideration of a Resolution to accept the terms and requirements of the Federal Government in approving the rail banking of a portion of the City owned Rail Corridor and authorizing the development of a recreational trail.

City Manager Joseph Slocum gave a brief explanation and reviewed the proposed resolution.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to accept a Resolution to accept the terms and requirements of the Federal Government in approving the rail banking of a portion

of the City owned Rail Corridor and authorizing the development of a recreational trail. This motion was approved, 4-0 (with Councilor Sanders stepping out of the room).

I) Request from the City Manager to go into Executive Session to discuss a legal matter pursuant to 1 MRSA 405 (6) E.

Councilor Lee, seconded by Councilor Hamilton, made a motion to go into Executive Session to discuss a legal matter pursuant to Title 1 M.R.S.A Section 405 (6) E at 8:38 p.m. The motion passed, 5-0.

Councilor Sanders, seconded by Councilor Hurley, made a motion to adjourn Executive Session to discuss a legal matter pursuant to Title 1 M.R.S.A Section 405 (6) E at 9:20 p.m. The motion passed, 5-0.

Council returned to open session:

City Attorney Kristin Collins recommended to the Council that they make a motion to authorize the City Manager and City Attorney to further negotiate and execute a settlement agreement pursuant to terms agreed upon at a mediation held on May 29, 2014.

Councilor Hurley, seconded by Councilor Hamilton, made a motion to authorize the City Manager and City Attorney to further negotiate and execute a settlement agreement pursuant to terms agreed upon at a mediation held on May 29, 2014. The motion passed, 5-0.

J) Signing of Council Orders and housekeeping items.

Council Order #63 Signed by Councilor Hamilton, Ordered That:

The City Manager and the City Treasurer are authorized to expend \$10,200.00 to pay for a culvert to be installed as a replacement on the Achorn Road. This culvert will replace two four foot x forty foot culverts that have expired. Funds will come from Culvert Capital Reserve Account (410-697). (Approved on June 3, 2014)

Council Order #64 Signed by Councilor Hamilton, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$18,000.00 to replace utilities at Thompson Wharf. Funds will come from the Harbor Capital Reserve. (Approved on June 3, 2014)

Council Order #65 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$5,000.00 to dispose of old floats from Thompson's Wharf. Funds will come from the John ENK Trust. (Approved on June 3, 2014)

Council Order #66 Signed by Councilor Hurley, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$7,976.04 to hire VHB Inc. to inspect the Armistice Bridge. Funds will come from the Footbridge Maintenance Reserve. (Approved on June 3, 2014)

Council Order #67 Signed by Councilor Hurley, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$2,000.00 to hire C.H. Merrill Inc. to inspect all mechanical, structural, and electrical systems associated with the drawbridge (bascule). Funds will come from the Footbridge Maintenance Reserve. (Approved on June 3, 2014)

11) Open to the Public

None.

12) Communications

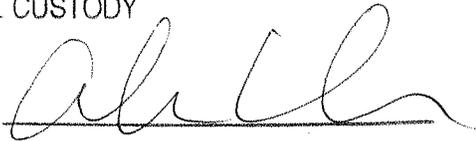
None.

13) Adjourn

Councilor Hamilton, seconded by Councilor Sanders, made a motion to adjourn at 9:24 p.m. The motion passed, 5-0.

I HEREBY CERTIFY THAT THE ABOVE
IS A TRUE COPY OF INFORMATION
ON THE RECORD WHICH IS IN MY
OFFICIAL CUSTODY

ATTEST



AMANDA CUSHMAN, BELFAST MAINE