

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 17, 2014
6:15 p.m.: Interview candidates for City committees
7:00 p.m.: Regularly scheduled meeting

Public Hearing #1

The Belfast City Council, at its meeting of June 17, 2014, beginning at 7:00 p.m. or as soon as practical thereafter, in the Council Chambers of Belfast City Hall, which is located at 131 Church Street, shall conduct the Second Reading and Public Hearing regarding proposed amendments to the City Code of Ordinances, Chapter 102, Zoning, Article V, District Regulations, Division 29, Searsport Avenue Commercial Zoning District. The proposed amendment would allow Boat Building, Boat Retrofitting, Boat Repair, and Boat Storage, including the sale of boats and accessory equipment as a permitted use in this zoning district.

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

Public Hearing #2

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on Tuesday, June 17, 2014 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear a new application by Theodore Guerry d/b/a Pig Out BBQ located at 31-B Front Street, Belfast, Maine for a Malt Liquor only license.

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

Public Hearing #3

Pursuant to Belfast Victualer License Ordinance a public hearing will be held on June 17, 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 renewal Victualer license for Chinda Rustanavibul d/b/a Thai Siam 2 located at 160 Searsport Avenue, Belfast, Maine- license to expire May 31, 2015

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

Regular Council Meeting No. 24

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 requested to amend the agenda as follows:

- Add item **10)A #1** Request from Joe Ferro from the Brooks Preservation Society to place a train on the Rail Trail for a fundraiser photo shoot July 12, 13 & 14.
- Add item **9)H** Request from Ando Anderson to approve “facility use” for Belfast Summer Nights.
- Add item **10)A #2** Request from Bre Bebb, Executive Director of Our Town Belfast to hold a fundraiser dinner event on the Armistice Bridge on July 31, 2014.
- Add item **9)I** Request to appoint Sam Mitchell to the Board of Library Trustees.
- Add item **10)I #1** Request from the City Manager to conduct an executive session pursuant to 1MRSA 405 (6) D to discuss Union negotiations.

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

5) Acceptance of the minutes

Regular Council Meeting of June 3, 2014 and the revised minutes of the Regular Council Meeting of May 20, 2014.

* The revision to the Regular Council Meeting of May 20, 2014 is for the motion made on item 10) D which will now indicate the exact amount of the grant funding and the exact amount of matching funds. The motion will read as follows:

Councilor Hamilton, seconded by Councilor Lee, made a motion to accept the request from the Economic Development Director for authority to pursue grant funding in the amount of \$250,000 from the Northern Border Regional Commission to help pay for the Passy Rail Trail project, to provide at least the minimum of \$62,500 in matching funds for this application, and to authorize the City Manager to sign documents pertaining to the grant application. The motion passed, 5-0.

Councilor Hamilton, seconded by Councilor Mortier, made a motion to accept the minutes from Regular Council Meeting of June 3, 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 requested that a motion be made to have Seaview Terrace placed in the proposed residential 2 zone and to be part of the proposed residential 2 Public Hearings; all residents on Seaview Terrace have signed a petition against rezoning Seaview Terrace for healthcare inhabitants prepared by Charles Beck and presented by Ms. Allen.

2. Wayne Marshall, City Planner gave a brief description of the Comprehensive Plan and process.
3. Tod Sawyer, spoke on behalf of All States Asphalt, Inc. thanking the City and Council for the opportunity to provide their services.
4. Dawn Marriner, Seaview Terrace, Belfast spoke about her concerns with the proposed Comprehensive Plan.
5. Breanna Bebb, Executive Director of Our Town Belfast gave an organization update highlighting the "Happy Video," the next Lunch & Learn event on June 25th at Darby's, the upcoming Friends of Maine event, and the Annual Our Town Belfast Auction & Gala which will be held on Friday, June 27th at the Boathouse.
6. Jeff Burgess spoke about the tree removal request at Swan Lake Ave., requesting the Council reconsider keeping the tree in lieu of the fact that the current owners are willing to plant two new trees once the sidewalk is put in.

7) Communications

City Manager Joseph Slocum discussed the following:

- Discussed the Lynx Privateer fundraising opportunity with the City.
- Announced that the Budget Public Hearing is on Thursday, June 26 at 7:00 pm in the Council Chambers.
- Welcomed Officer Greg Sterns to the meeting.
- Informed the public that Maine Fare is June 20th & 21st at Steamboat Landing and the Boathouse.

Councilor Mortier requested that the City maximize the Lynx fundraiser opportunity through multiple events, recommending getting Parks & Rec involved as well.

Councilor Sanders congratulated all those involved in the "Happy Video" and thanked all those involved in the Trek Across ME event last Sunday.

City Planner Wayne Marshall informed the Council that they had a pre-bid meeting for the Downtown Revitalization Project; they may extend the bid period due to low contractor turnout and gave an update on the Water Districts work on Cross Street.

Councilor Hurley discussed the "Happy Video" and addressed citizen concerns with the proposed Comprehensive Plan, urging all that have concerns to attend the upcoming Public Hearings.

Councilor Lee discussed the Pedestrian, Hiking & Biking Committees request to come back to the Council on July 1st to discuss potential improvements to cross walks and low cost projects such as striping bike lanes.

Councilor Lee reported that he is pleased with trees that were replaced on Main Street.

City Manager Joseph Slocum urged the public that if they have a tree that they would like removed, please contact City Hall before doing so, the City has a process in which the removal of a tree on City property must go through before it can be removed.

8) Old Business and Council Committee Reports

Councilor Hamilton requested a follow-up of the letter sent to MDOT requesting to look into lowering the speed by Goose River Apartments.

City Manager Joseph Slocum gave an update on the Rail Trail.

Councilor Sanders informed the public that the next Withdrawal Committee Meeting is tomorrow June 18th at 6:00pm in the Council Chambers.

Councilor Lee addressed his concerns with the language of the RSU vote and requested the City Manager look into this.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an application by Theodore Guerry d/b/a Pig Out BBQ located at 31-B Front Street, Belfast, Maine for a Malt Liquor only license.
- B. Request to approve an application for a renewal Victualer license for Chinda Rustanavibul d/b/a Thai Siam 2 located at 160 Searsport Avenue, Belfast, Maine- license to expire May 31, 2015.
- C. Request to approve a permit for coin-operated machines for Front Street Pub located at 37 Front Street, Belfast, Maine.
- D. Request to approve a permit for coin-operated machines for Pizza Hut located at 15 Belmont Avenue, Belfast, Maine.
- E. Request to approve an application for the sale of wine or malt liquor at the farmer's market by Anne Saggese d/b/a Belfast Farmer's Market located at Tarratine Tribe #13, 153 Main Street, Belfast, Maine.
- F. Request by Chief of Police Michael McFadden to confirm Jared D. Vaughan as a part time Parking Enforcement Officer for the Belfast Police Department.
- G. Request to approve a "Facility Use" application by the Belfast Co-op for their Community Appreciation Day on August 16, 2014.
- H. Request from Ando Anderson to approve "facility use" for Belfast Summer Nights.
- I. Request to appoint Sam Mitchell to the Board of Library Trustees.

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

10) Business

- A) Request from the Fire Chief to appoint Adrian Stone as a full-time paramedic for the Belfast ambulance service.

There was no discussion.

Councilor Hamilton, seconded by Councilor Sanders, made a motion to accept the request from the Fire Chief to appoint Adrian Stone as a full-time paramedic for the Belfast ambulance service. This motion was approved, 5-0.

A) #1 Request from Joe Ferro from the Brooks Preservation Society to place a train on the Rail Trail for a fundraiser photo shoot July 12, 13 & 14.

City Manager explained the request and requested permission to authorize this fundraiser.

Councilors were in agreement with allowing the City Manager to authorize this request.

A) #2 Request from Bre Bebb, Executive Director of Our Town Belfast to hold a fundraiser dinner event on the Armistice Bridge on July 31, 2014.

Abigale Avey and Michael Casby of Trillium Catering and Our Town Belfast members at large explained the request and answered questions about this fundraiser event.

Councilors discussed concerns with the bridge being affiliated with the Veterans and requested that Our Town Belfast reach out to the Veteran's and report back to the City about what their reactions were to the idea of this event occurring on the Armistice Bridge.

Councilor Sanders, seconded by Councilor Hurley, made a motion to accept the request from Our Town Belfast to hold a fundraiser dinner event on the Armistice Bridge on July 31, 2014 with the understanding that they will reach out to the Veteran's for feedback and report back to the Council about what their reactions to this event occurring on the Armistice Bridge are. This motion was approved, 4-1 (Councilor Hamilton was opposed).

B) Request from the Fire Chief for authority to sell our 2006 Ford ambulance.

City Manager Joseph Slocum explained the bids and the recommendation from the Fire Chief to sell the ambulance to the high bidder, Jason Perkins for \$3,010.

There was no further discussion.

Councilor Mortier, seconded by Councilor Hamilton, made a motion to accept the request from the Fire Chief for authority to sell our 2006 Ford ambulance to the high bidder, Jason Perkins for \$3,010. This motion was approved, 5-0.

C) Request from the Fire Chief for approval to sign a fee arrangement for non-emergency transports.

City Manager Joseph Slocum explained the request.

Councilor Lee requested clarification of fees.

Councilor Lee, seconded by Councilor Hamilton, made a motion to accept the request from the Fire Chief for approval to sign a fee arrangement for non-emergency transport. This motion was approved, 5-0.

D) Updated discussions on Tree removal issues.

#1 (Maple at 100 Miller St.)

City Manager Joseph Slocum discussed this tree briefly and informed the Council that the City received a second opinion prior to the meeting.

Admin. Assistant Manda Cushman discussed the proposed recommendations from Treekeepers, LLC and that with immediate maintenance they are recommending preserving the tree.

Councilors were pleased to save the tree.

#2 (Pine at intersection of Rt.1 & 141)

City Manager Joseph Slocum requested direction from Council after hearing from the current property owners that they are willing to plant two new trees to replace the removal of this pine.

Councilor Lee, seconded by Councilor Mortier, made a motion to accept the request to remove the pine tree at the intersection of Rt.1 & 141, with the condition that the current owners must replace it with two trees whose species are selected by an arborist. This motion was approved, 5-0.

#3 (2 cut down Pines at 135 Woods Rd.) & (Maple at 11 Cedar Lane)

Kris Spiegel, CMP and Adam Lee, Lucas Tree gave an explanation for the trees that were cut prematurely and gave their recommendation for the removal of the Maple at 11 Cedar Lane.

Councilors discussed concerns and requested clarification on what homeowners' rights are in determining what is cut down and how as CMP and Lucas Tree do these routine maintenance and tree trimmings throughout Belfast.

Kris Spiegel informed the public were on the CMP website residents can go to find out how to be placed on a list to have a consult with Lucas Tree prior to cutting.

Councilor Lee, seconded by Councilor Hurley, made a motion to accept the request from CMP to remove the maple at 11 Cedar Lane. This motion was approved, 5-0.

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

City Planner Wayne Marshall explained the proposed amendment.

There was no discussion.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the Second 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.

F) Update from the City Planner on the upcoming Public Hearings on proposed changes to various Zoning Provisions inside the Bypass area.

City Planner Wayne Marshall gave an update on the upcoming Public Hearings, which will be held at Troy Howard Middle School starting time of 6:30 p.m. on the following dates:

June 25th - Proposed Residential 1 Zoning District

July 2nd - Proposed Residential 2 & 3 Zoning Districts

July 8th - Proposed Downtown Commercial and Waterfront Mixed Use Zoning Districts

City Planner Wayne Marshall informed the public that all the information is posted on the website and he encouraged residents to attend the Public Hearings.

Councilors discussed citizen concerns with Seaview Terrace within the proposed Comprehensive Plan.

G) Request from the LaMagna family for the City to accept a donation of a memorial bench to be placed in City Park.

There was no discussion.

Councilor Mortier, seconded by Councilor Lee, made a motion to accept the request from the LaMagna family for the City to accept a donation of a memorial bench to be placed in City Park. This motion was approved, 5-0.

H) Request from the City Manager to conduct an Executive Session pursuant to 1MRSA 405 (6) E to discuss a legal matter.

Councilor Sanders, 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 9:16 p.m. The motion passed, 5-0.

Councilor Mortier, seconded by Councilor Sanders, 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 9:35 p.m. The motion passed, 5-0.

I) Request from the City Manager to conduct an Executive Session pursuant to 1 MRSA 405 (6) C to discuss a real estate matter.

Councilor Sanders, seconded by Councilor Hamilton, made a motion to go into Executive Session to discuss a real estate matter pursuant to Title 1 M.R.S.A Section 405 (6) C at 9:35 p.m. The motion passed, 5-0.

Councilor Hamilton, seconded by Councilor Sanders, made a motion to adjourn Executive Session to discuss a real estate matter pursuant to Title 1 M.R.S.A Section 405 (6) C at 9:55 p.m. The motion passed, 5-0.

D) #1 Request from the City Manager to conduct an executive session pursuant to 1MRSA 405 (6) D to discuss Union negotiations.

Councilor Mortier, seconded by Councilor Hamilton, made a motion to go into Executive Session to discuss a Union negotiation matter pursuant to Title 1 M.R.S.A Section 405 (6) D at 9:56 p.m. The motion passed, 5-0.

Councilor Sanders, seconded by Councilor Hamilton, made a motion to adjourn Executive Session to discuss a Union negotiation matter pursuant to Title 1 M.R.S.A Section 405 (6) D at 10:02 p.m. The motion passed, 5-0.

J) Signing of Council Orders and housekeeping items.

Council Order # 68 Signed by Councilor Hamilton, Ordered That:

Up to \$785.00 be expended from the Cemetery Trust Account #630-504, FY 2013-2014, to Holmes Greenhouse & Florist for the purchase of perpetual care flowers, summer arrangements.

11) Open to the Public

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

- 1.Laurie Allen, Belfast discussed concerns with Seaview Terrace being classified as urban within the proposed Comprehensive Plan.
2. Marty Kelley, Seaview Terrace, Belfast spoke about concerns with the Comprehensive Plan and encouraged the importance of taking the time to listen when changes get made that have an impact.
3. Kathleen Kearns, Seaview Terrace, Belfast spoke about Seaview Terrace and its history of being a residential area and her concerns that the proposed Comprehensive Plan will change that.

4. Mark Kelley, Seaview Terrace, Belfast ask Council to consider changing the zoning designation of Seaview Terrace.

12) Communications

Councilor Hurley informed the Council that along with Thomas Kittredge, Sadie Lloyd and Manda Cushman, he will be going to ReVision Energy in Liberty on Thursday, June 19th to learn more about the possibility of solar energy for City buildings.

13) Adjourn

Councilor Mortier, seconded by Councilor Sanders, made a motion to adjourn at 10:02 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