

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, May 5, 2015
7:00 p.m.**

Public Hearing #1

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on May 5, 2015 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Donald L. Benson d/b/a All-Play LLC located at 49 Searsport Avenue, Belfast, Maine for a renewal Malt and Vinous license.

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

Public Hearing #2

Pursuant to Belfast Victualer License ordinance a public hearing will be held on May 5, 2015 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers at Belfast City Hall on the following applications for a Victualer License renewal, due to expire May 31, 2015.

Tall Pines Healthcare	d/b/a The Residence at Tall Pines
Debra O'Leary	d/b/a Bell the Cat
Anne Bartels	d/b/a Belhaven
Hogan Management Inc	d/b/a McDonald's
Denise Fuller	d/b/a Wasses Hotdogs
The Otis Group, Inc	d/b/a Rollie's Bar & Grill
Wayne Cookson	d/b/a American Legion Post 43
Douglas Frost	d/b/a Tarratine Tribe #13
Douglas Coffin	d/b/a Belfast Curling Club
Ted Guerry	d/b/a Pig Out BBQ
Sara Waldron	d/b/a Good N You Street Food
Arcadio Clima Jr	d/b/a Oriental Cuisine
Jerry Savitz	d/b/a Darby's Restaurant
Zhi Zai Yong	d/b/a China One
Donald Benson	d/b/a All-Play LLC Belfast
Cathy Heffentrager	d/b/a The Jeweled Turret Inn
Penelle Chase	d/b/a Chase's Daily
Penobscot Shores Ass	d/b/a Penobscot Shores Association
Lori Wood	d/b/a Belfast Dairy Queen
Stephen Kirkpatrick	d/b/a Traci's Diner
Layfette Shore Road, LLC	d/b/a Oceans Edge Restaurant

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

Public Hearing #3

Notice is hereby given that a public hearing will be held at 7:00 p.m. in the City Council Chambers, City Building, Belfast, Maine, on May 5, 2015 for the purpose of taking testimony and comment from the public with respect to the proposed issuance by the City of a bond anticipation note in the amount of \$1,000,000 (the "Note"), and later issuance of a general obligation bond in an amount not to exceed \$2,150,500 (the "Bond"). The Note and the Bond will both relate to the Downtown Revitalization Project, the Front Street Reconstruction, and the Clean-up of Maskers Property (collectively, the "Project"). The Note will be issued to finance certain preliminary Project expenses. The Bond will be authorized to refinance the Note and to fund construction of the Project. Immediately following the close of the hearing, the City Council will consider adoption of an order authorizing the issuance of the Note and the later issuance of the Bond.

Copies of the order are available during normal business hours at the office of the City Clerk and are posted at Belfast City Hall and Belfast Free Library. All interested members of the public are invited to attend and written comments may be submitted to the City Clerk.

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

Public Hearing #4

The Belfast City Council, at its meeting of Tuesday, May 5, 2015, beginning at 7:00 p.m. or as soon as practical thereafter, in the Council Chambers of Belfast City Hall, shall conduct a public hearing as part of the Second Reading of a proposed amendment to the Belfast Code of Ordinances, Chapter 102, Zoning, Article IV, Description of Districts and Article V, District Regulations. The proposed amendment involves changing the Zoning District designation for a 4.5 acre property located at 179 Congress Street, Map 34, Lot 25, from Residential 3 to Residential 2. The change will be shown on the Official Zoning Map. The amendment was requested by the property owners, Megan and Daniel Britton.

Persons who may be affected by this amendment are encouraged to attend the May 5 public hearing and to offer comment to the Council. Public comment also can be submitted in writing or via email by the date of the hearing. Written comment to: Wayne Marshall, City Planner, City of Belfast, 131 Church St, Belfast, ME, 04915. Email comment to: wmarshall@cityofbelfast.org. The Code and Planning Department has a copy of this amendment available for public inspection from 8:00 am to 5:00 pm, Monday - Friday, at its offices in Belfast City Hall. Questions should be directed to Wayne Marshall, City Planner, at 338-1417, x 25, or at wmarshall@cityofbelfast.org.

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

Regular Council Meeting No. 21

1) Call to order

2) **Present:** Mayor Walter Ash, Jr., Councilors Mary Mortier, Neal Harkness, Eric Sanders, and John Arrison; City Manager Joseph Slocum.

Absent: Councilor Michael Hurley and Admin. Assistant to the City Manager Manda Cushman.

3) Pledge of Allegiance

4) Adoption of the agenda

City Manager Joseph Slocum requested to amend the agenda as follows:

- Remove item 10) E as we have not received a request from the Lynx to use our dock space at a reduced price.
- Add a new item **10) E** Request from the Economic Development Director for authority to submit a grant application to the FAA for purposes of doing environmental assessment, preliminary design, permitting and geotechnical work for the creation of a parallel taxiway at the Airport.
- Add item **10) E #1** Request for a statement of support for the Cornerspring Montessori School's pursuit of a UDDA Rural Development loan to help with the construction of a new Montessori School here in Belfast.

Councilor Mortier, seconded by Councilor Arrison, made a motion to adopt the agenda as amended. This motion was approved, 4-0.

5) Acceptance of the minutes

Regular Council Meeting of April 21, 2015.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the minutes from Regular Council Meeting of April 21, 2015. This was approved, 4-0.

6) Open to the public

1. Joanne Moesswilde, Belfast spoke about concerns with the letter sent to recreational mooring owners outside of the FNP and hope to help assist the City with the future creation of a Comprehensive Plan for the Outer Harbor.

2. Judy Erickson, Belfast gave an update on the Masker's Theater upcoming productions.

3. John Carrick, President of Belfast Rotary Club invited the Council to the Rotary's 90th Celebration.
4. JC Sutherland, Belfast spoke about concerns with Front Street Shipyard and Belmont Boatworks need to move their Commercial Moorings into the Inner Harbor.
5. Carol Stenberg, Northport spoke about concerns with the possibility of commercializing the Inner Harbor and what that means for local residents with recreational moorings.

7) Communications

Councilor Harkness gave his condolences to Abigail Curtis and her family and informed the Council of the Governor's "Town Hall" visit to Belfast.

Councilor Arrison gave an update on the Broadband Committee and is looking to the Council for any suggestions regarding a mission statement to help the committee stay focused.

Mayor Ash informed the Council that the Chamber is having their open house Thursday night at 7:00 p.m. and addressed citizen concerns with letters that were sent to recreational mooring owners.

City Manager reminded the public that the last day to place brush out is on Monday, May 11th and that next week is the All Roads Music Festival in Belfast.

8) Old Business and Council Committee Reports

No comments.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an application by Donald L. Benson d/b/a All-Play LLC located at 49 Searsport Avenue, Belfast, Maine for a renewal Malt and Vinous license.
- B. Request to approve the following applications for a Victualer License renewal, due to expire May 31, 2015.

Tall Pines Healthcare	d/b/a The Residence at Tall Pines
Debra O'Leary	d/b/a Bell the Cat
Anne Bartels	d/b/a Belhaven
Hogan Management Inc	d/b/a McDonald's
Denise Fuller	d/b/a Wasses Hotdogs
The Otis Group, Inc	d/b/a Rollie's Bar & Grill
Wayne Cookson	d/b/a American Legion Post 43
Douglas Frost	d/b/a Tarratine Tribe #13
Douglas Coffin	d/b/a Belfast Curling Club
Ted Guerry	d/b/a Pig Out BBQ
Sara Waldron	d/b/a Good N You Street Food
Arcadio Clima Jr	d/b/a Oriental Cuisine
Jerry Savitz	d/b/a Darby's Restaurant

Zhi Zai Yong	d/b/a China One
Donald Benson	d/b/a All-Play LLC Belfast
Cathy Heffentrager	d/b/a The Jeweled Turret Inn
Penelle Chase	d/b/a Chase's Daily
Penobscot Shores Ass	d/b/a Penobscot Shores Association
Lori Wood	d/b/a Belfast Dairy Queen
Stephen Kirkpatrick	d/b/a Traci's Diner
Lafayette Shore Road, LLC	d/b/a Oceans Edge Restaurant

- C. Request to approve a Facility Use application for the Belfast Summer Nights concerts, Thursday's from 5:30 p.m. to 7:30 p.m. from June 25, 2015 to August 27, 2015; locations will change weekly and will be held on either High Street, Belfast Commons or Steamboat Landing.

Councilor Mortier, seconded by Councilor Sanders, made a motion to accept the consent agenda. This motion was approved, 4-0.

10) Business

- A) Request from the City Manager to approve Jackson Kinney as the City's sealer of weights and measures.

City Manager Joseph Slocum explained that this position is paid for by the state and is appointed by the Council as the City's Sealer of Weights and Measures.

Councilor Sanders, seconded by Councilor Mortier, made a motion to appoint Jackson Kinney as the City's sealer of weights and measures. This motion was approved, 4-0.

- B) Request from the City Assessor to adopt names for two City roads.

City Assessor Brent Martin who serves as the Addressing Officer explained that there are two roads in need of being assigned a name, the first road is a private road off of Lincolnville Ave. and is recommending the name Patton Pit Road.

Councilor Mortier, seconded by Councilor Arrison, made a motion to adopt Patton Pit Road as the new name for the first road. This motion was approved, 4-0.

City Assessor Brent Martin explained that the second road that needs a name is the busing road from the High School, recommending Pride Way as the new name.

Councilor Harkness, seconded by Councilor Mortier, made a motion to adopt Pride Way as the new name for the busing road for the High School. This motion was approved, 4-0.

- C) Request from the City Treasurer to authorize a \$1,000,000 Bond Anticipation Note and up to a \$2,150,500 General Obligations Bond.

City Manager Joseph Slocum informed the Council that this borrowing will assist three different City projects and explained that these bonds will be paid by the Downtown Tax Increment Financing District.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the request from the City Treasurer to authorize a \$1,000,000 Bond Anticipation Note and up to a \$2,150,500 General Obligations Bond. This motion was approved, 4-0.

City Manager Joseph Slocum explained that two banks provided proposals with the same interest rate and he recommends flipping a coin to pick which bank to award the bid to.

Councilor Arrison noted some differences in the proposals request for a year end City audit that might affect who the City awards the bid to.

Councilor Arrison, seconded by Councilor Harkness, made a motion to accept the bid from Bangor Savings Bank. This motion was approved, 4-0.

D) Resolution authorizing Deputy Treasurer Theresa Butler to sign checks in the name of the City.

City Treasurer Rickie LeSan explained that this request to authorize Theresa Butler is so that there is another person that can transfer money in and out of accounts in her absence.

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the resolution authorizing Deputy Treasurer Theresa Butler to sign checks in the name of the City. This motion was approved, 4-0.

E) Request from the Economic Development Director for authority to submit a grant application to the FAA for purposes of doing environmental assessment, preliminary design, permitting and geotechnical work for the creation of a parallel taxiway at the Airport.

Economic Development Director and Airport Manager Thomas Kittredge explained that the City can expect to receive funding from the FAA to create a parallel taxi way in 2017, thus the City is looking to start the preliminary work needed for that project and is looking for authorization from the Council to have the City Manager sign the grant and submit it to the FAA for purposes of doing environmental assessment, preliminary design, permitting and geotechnical work.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the request from the Economic Development Director to authorize the City Manager to sign the grant, and for authority to submit the grant application to the FAA for purposes of doing environmental assessment, preliminary

design, permitting and geotechnical work for the creation of a parallel taxiway at the Airport. This motion was approved, 4-0.

E) #1 Request for a statement of support for the Cornerspring Montessori School's pursuit of a UDDA Rural Development loan to help with the construction of a new Montessori School here in Belfast.

City Manager Joseph Slocum explained the request to write a letter of support.

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the request for a statement of support for the Cornerspring Montessori School's pursuit of a UDDA Rural Development loan to help with the construction of a new Montessori School here in Belfast. This motion was approved, 3-1 (Councilor Harkness opposed).

F) Request from the City Manager to demolish a mobile home taken in foreclosure and for authority to negotiate lease payments on foreclosed mobile homes with the landlord.

City Manager Joseph Slocum explained that the current condition of the two foreclosed mobile homes, requesting authority to demolish the one mobile home and to negotiate lease payments with the possible sale of the other mobile home.

Councilor Harkness inquired about whether or not the City's Code Enforcement Officer has looked at either property.

City Manager Joseph Slocum assured Council that the Code Enforcement Office will look at the second property before negotiating its sale to the landlord.

Councilor Sanders inquired about where funding for the demolishing of this mobile home will come from.

City Manager Joseph Slocum explained that he is still looking for quotes from other companies when they find a company to do the work the funding will come from the Undesignated Fund Balance.

Councilors discussed how much funding would be required to complete the work.

Councilor Sanders amended his motion to include that funding for this work would not exceed \$5,000 and would come from the Undesignated Fund Balance.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the request from the City Manager to demolish a mobile home taken in foreclosure and for authority to negotiate lease payments on foreclosed mobile homes with the landlord, funding for this work will not exceed \$5,000 and will come from the Undesignated Fund Balance. This motion was approved, 4-0.

G) Second reading on an amendment to the City Code of Ordinances to re-zone 179 Congress Street to allow horses to be housed there.

City Planner Wayne Marshall explained that the First Reading took place at the April 7th Council Meeting, he noted that the Planning Board has reviewed this request and felt that it was a very sensible request, and is looking for Council consideration to approve this as the Second Reading

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the Second Reading on an amendment to the City Code of Ordinances to re-zone 179 Congress Street to allow horses to be housed there. This motion was approved, 4-0.

H) Request from Richard Mann to have a telephone pole put on City owned land on Pitcher Road so he can get electricity to his lot.

City Planner Wayne Marshall explained that the request has been revised and provided the Council with an updated map showing the changes, he explained that CMP is requesting an easement granted by the City for the purpose of allowing Mr. Mann to have an overhead line crossing, noting that there will be no poles on City property.

Councilor Harkness, seconded by Councilor Sanders, made a motion to accept the request from CMP and Richard Mann granting an easement that will allow for an overhead line crossing City property. This motion was approved, 4-0.

I) Consideration of a request from the Cemetery Superintendent to accept bids for a new pickup truck and to award the bid to the lowest bidder.

Cemetery Superintendent Steve Bogue requested that the Council accept the bids and to award the bid to Dutch Chevrolet of Belfast.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the request from the Cemetery Superintendent to accept bids for a new pickup truck and to award the bid to the lowest bidder Dutch Chevrolet of Belfast for \$22,651.76, funds for this purchase will be acquired from the Cemetery Equipment Reserve Account (630-537) and the Maintenance Capital Reserve Account (630-593). This motion was approved, 4-0.

J) Consideration of a request from the Parks and Recreation Director to accept bids and to award the bid to rebuild the surge tank at the City Park Pool.

Parks and Recreation Director Norm Poirier requested that Council accept the bids and to award the bid to Mike's Pool Service of Brewer, noting that at this time they are only awarding the base project bid of \$12,986 and the tank cover replacement bid of \$3,200. Noting that the bid for the

new main drains is still to be determined if it is needed, they will know when they begin the work and complete a pressure test.

Councilor Arrison inquired if the Council needed to make a second vote amending their original motion when they authorized \$15,000 on January 20, 2015 to include the additional funding needed for this project.

Parks and Recreation Director requested that the additional \$1,186 needed be taken from the current Park Maintenance Operating Account.

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the request from the Parks and Recreation Director to accept the bids and to award the bid to Mike's Pool Service of Brewer, and that the additional \$1,186 needed to complete this project to come from the Park Maintenance Operating Account for the rebuild of the surge tank at the City Park Pool. This motion was approved, 4-0.

K) Update from the Parks and Recreation Director on the grant application to create a permanent management plan for the City owned Range Ways and Rights-of-Ways to the water.

Parks and Recreation Director Norm Poirier and City Planner Wayne Marshall explained that the grant will help the City create a Management Plan for the Range Ways and Rights-of-Ways to the water; they have determined that they will apply for \$34,000 with \$8,500 of that coming from the City. They discussed that there is approximately \$6,250 in the Range Way Capital Project Fund and the remaining City funds to come from the Undesignated Fund Balance.

Councilor Arrison, seconded by Councilor Harkness, made a motion to accept the request from the Parks and Recreation Director to apply for \$34,000 with \$8,500 of that coming from the City as a 25% match to create a management plan for City owned Range Ways and Rights-of-Ways, approximately \$6,250 will come from the Range Way Capital Project Fund and the remaining \$2,250 will come from the Undesignated Fund Balance. This motion was approved, 4-0.

L) Update from the Parks and Recreation Director on the potential redesign of the entrance to City Park.

Parks and Recreation Director Norm Poirier reviewed the revised potential redesign of the entrance to City Park.

Councilors discussed the informational signs and what they would consist of.

Councilor Mortier, seconded by Councilor Sanders, made a motion to accept the revised redesign proposal for the entrance of City Park. This motion was approved, 4-0.

M) Signing of Council Orders and housekeeping items.

Council Order #47 Signed by Councilor Arrison, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$6,046 to cover increased inspection cost for the reconstruction at the intersection of Rt.1 & Rt.141. Funds will come from the Undesignated Fund Balance. (Approved on April 7, 2015)

11) Open to the Public

Parks and Recreation Director Norm Poirier informed the Council and public of two upcoming activities:

- Senior Activities Coalition is putting on the event "Let the Games Begin" on May 14th at the Waldo County YMCA.
- 2nd Annual Ukulele Picnic on June 6, 2015 in Steamboat Landing Park

12) Communications

Mayor Walter Ash addressed concerns with Skateboarders using main roads and would like to see enforcement of the City Ordinance.

Parks and Recreation Director Norm Poirier informed the Council that the Skate Park will be opening this Friday, May 8th from 2:00 p.m. to 7:00 p.m., and that this may help cut down on Skateboarders using the main roads.

City Manager Joseph Slocum informed the Council that he will address this concern with the Chief of Police.

13) Adjourn

Councilor Harkness, seconded by Councilor Sanders, made a motion to adjourn the meeting at 8:31 p.m. This motion was approved, 4-0.

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