City of Belfast
Council Chambers-Belfast City Hall
Tuesday, August 4, 2015
6:00 p.m. - Committee Interviews
7:00 p.m. – Regular Council Meeting

Public Hearing #1

The City Council of the City of Belfast, at its meeting of Tuesday, August 4, 2015, beginning at 7:00 pm or as soon as practical thereafter, in the Council Chambers of Belfast City Hall, shall conduct a public hearing regarding proposed amendments to the City Code of Ordinances, Chapter 78, Floods. The City Council, at its meeting of June 16, adopted amendments to this same Chapter, including adoption of the new Flood maps. The amendments the Council will consider at its meeting of August 4 involve relatively minor clarifications to the City Ordinance that have been requested by the Federal Emergency Management Agency.

The public is invited to attend the August 4 public hearing and to offer comment. Comment also can be submitted in writing or via email by the date of the hearing. Written comment should be sent to Wayne Marshall, City Planner, City of Belfast, 131 Church St, Belfast, ME, 04915, and email comment to wmarshall@cityofbelfast.org. The proposed amendments can be inspected at the Code and Planning offices in Belfast City Hall between the hours of 8:00 am - 5:00 pm, Monday - Friday, and on the City website; cityofbelfast.org. Questions regarding the Ordinance amendments 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.

Public Hearing #2

The Belfast City Council, at its meeting of Tuesday, August 4, 2015, beginning at 7:00 pm or as soon as practical thereafter, in the Council Chambers of Belfast City Hall located at 131 Church Street, shall conduct a public hearing regarding proposed amendments to the Option to Lease Agreement between DUBBA, LLC (Front Street Shipyard) and the City adopted by the Council on May 22, 2013, and as such was amended on January 7, 2014. This Option to Lease Agreement identifies terms DUBBA, LLC must satisfy to execute the Option and subsequently to lease the City owned Front Street parking lot, which is part of Map 11, Lot 136, for the purposes of constructing Building #6. Currently proposed amendments would extend the date to allow execution of the Lease to October 1, 2016, and extend the date for the Shipyard to complete construction of Building #6 to December 31, 2017.

The public is invited to attend the August 4 public hearing and to offer comment. Comment also can be submitted in writing or via email by the date of the hearing. Written comment should be sent to Wayne Marshall, City Planner, City of Belfast, 131 Church St, Belfast, ME, 04915, and email comment to wmarshall@cityofbelfast.org. The proposed amendments can be inspected at the Code and Planning offices in Belfast City Hall between the hours of 8:00 am - 5:00 pm, Monday - Friday, and on the City website; cityofbelfast.org. Questions regarding the Ordinance

amendments 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.

Public Hearing #3

The City of Belfast shall conduct public hearings at the following meetings regarding proposed amendments to the adopted Contract Rezoning Agreement, Amendment #8, entered between DUBBA, LLC and the City for the Front Street Shipyard project.

1) City of Belfast Planning Board, Wednesday, July 29, 2015, beginning at 6:30 p.m. or as soon as practical thereafter in the Council Chambers of Belfast City Hall which is located at 131 Church St.
2) Belfast City Council, Tuesday, August 4, 2015, beginning at 7:00 p.m. or as soon as practical thereafter in the Council Chambers of Belfast City Hall.

The amendments will change the date by which construction of Building #6 must be completed from the current date of June 30, 2015 to December 31, 2017, as well as clarify the amount of land the City will sell to the Shipyard and the location of some improvements. The Front Street Shipyard is located at 101 Front Street, and Building #6 is to be constructed on the City owned Front Street parking lot which the City intends to sell to DUBBA, LLC; said property is part of Map 11, Lot 136.

Persons who may be affected by this proposal are encouraged to attend the public hearings and to offer comment. Comment also may be submitted in writing or via email by the date of the respective hearings. Written comment to: Wayne Marshall, City Planner, City of Belfast, 131 Church St., Belfast, ME, 04915. Email comment to: wmarshall@cityofbelfast.org. Persons who have questions can contact Wayne Marshall at wmarshall@cityofbelfast.org or at 338-1417 x 25.

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 August 4, 2015 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 Matthew Kenney d/b/a The Gothic Restaurant located at 108 Main Street, Belfast, Maine license to expire May 31, 2016.

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

Public Hearing #5

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on August 4, 2015 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application for Lafayette Belfast, LLC d/b/a Fireside Inn & Suites at Ocean's

Edge, at 159 Searsport Avenue, Belfast, Maine for a renewal Hotel – Optional Food Class I-A liquor license, interior and exterior decks.

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

Regular Council Meeting No. 3

1) Call to order

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

- Move item **10) J** Update from Assistant City Planner, on the efforts of the Energy Committee to develop a solar facility at the old landfill to **10) A #1**.
- Move item **10) M** Update from Assistant City Planner, Sadie Lloyd on the bids received for the City lighting audit to **10) A #2**.
- Add under **8) Old Business and Council Committee Reports**, Discussion and possible action on appointments to the Harbor Committee and Ad hoc Committee for the Outer Harbor and Coastal Plan.

Councilor Hurley requested to add item **10) O#1** Request to go into Executive Session to discuss a personal matter pursuant to 1 MRSA 405 (6) A.

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

5) Acceptance of the minutes

Regular Council Meeting of July 21, 2015.

Councilor Arrison, seconded by Councilor Mortier, made a motion to accept the minutes from Regular Council Meeting of July 21, 2015. This was approved, 5-0.

6) Open to the public

1. David Carlson, Three Tides thanked Council for consideration of his request to permit music until midnight for the annual Harbor Fest.

2. Majorie Gormley, Chair, Board of Directors, Our Town Belfast gave an organizational update.

3. Mark Dittrick, spoke to his request to place two signs along the Harbor regarding North Atlantic Right Whales as an educational and outreach program through NOAA.

7) Communications

Councilor Harkness spoke about a movement in the handicap community to adopt a forward leaning, forward thinking logo, he noted that to change signs you need Federal permission and would like the City to keep this movement on the radar as a possible change in the future.

Councilor Hurley informed the Council that he has requested from the Pedestrian, Biking & Hiking Committee that they conduct a survey of City sidewalks, and to consider wheelchair accessibility.

Councilor Hurley thanked City staff for their support with the Annual Belfast Street Party.

City Planner Wayne Marshall gave in update on a proposed MDOT project and what suggestions City staff has proposed regarding this project.

City Manager Joseph Slocum confirmed with Council that they will be conducting a Council Goals Work Session on Friday, August 7th from 10:00 a.m. to 1:00 p.m.

City Manager Joseph Slocum discussed setting up a Work Session with the Airport Committee before August 15th, Council unanimously agreed to hold off on scheduling until after they have completed their Goals Work Session.

City Manager Joseph Slocum discussed with Council a request from Alan Chrighton, Waterfall Art to write a letter of support for a grant they are applying for.

8) Old Business and Council Committee Reports

Discussion and possible action on appointments to the Harbor Committee and Ad hoc Committee for the Outer Harbor and Coastal Plan.

Councilor Arrison, seconded by Councilor Hurley, made a motion to appoint Jim Black as an Alternate Member of the Harbor Committee. This motion was approved, 5-0.

Councilor Arrison, seconded by Councilor Harkness, made a motion to appoint Joanne Moesswilde and Gerald Brand as members to the Ad hoc Outer Harbor and Coastal Harbor Plan Committee. This motion was approved, 5-0.

9) Permits, Petitions and Licenses - Consent Agenda

A. Request to approve an application by Matthew Kenney d/b/a The Gothic Restaurant located at 108 Main Street, Belfast, Maine for a renewal Victualer license to expire May 31, 2016.

B. Request to approve an application by Lafayette Belfast, LLC d/b/a Fireside Inn & Suites at Ocean's Edge located at 159 Searsport Avenue, Belfast, Maine for a renewal Hotel-Optional Class I-A liquor license, interior and exterior decks.

C. Request to approve an Off Premise Catering application by Mainely Bartenders, LLC for the "Lobster Bake" for the New York Yacht Club located at Front Street Shipyard, 101 Front Street, Belfast, Maine on August 13, 2015 from 6:00 p.m. to 10:00 p.m.

D. Request to approve an Off Premise Catering application by Mainely Bartenders, LLC for the "Officers Party" for the New York Yacht Club located on at Steamboat Landing Park on August 12, 2015 from 5:30 p.m. to 7:30 p.m.

E. Request to approve an Off Premise Catering application by Trillium Events, Inc for the "Dinner on the Bridge" Our Town Belfast Fundraiser located on the Armistice Bridge on July 30, 2015 from 7:30 p.m. to 9:30 p.m.

F. Request to approve an Off Premise Catering application by The Otis Group Incorporated d/b/a Rollie's Bar & Grill for the "Assessors Dinner" located at the Belfast Boathouse, 34 Commercial Street, Belfast, Maine on August 6, 2015 from 5:00 p.m. to 9:00 p.m.

G. Request to approve an Off Premise Catering application by The Otis Group Incorporated d/b/a Rollie's Bar & Grill for the "Street Party" Our Town Belfast Fundraiser located in front of Macleod's Furniture, 187 High Street, Belfast, Maine on August 3, 2015 from 5:00 p.m. to 10:00 p.m.

Request to approve an Off Premise Catering application by Three Tides for the "Launch Party" for Harbor Fest located at Steamboat Landing on August 14, 2015 through August 15, 2015 from 5:00 p.m. to 1:00 a.m.

Councilor Sanders, seconded by Councilor Harkness, made a motion to accept the consent agenda. This motion was approved, 5-0.

10) Business

A) Request from the Economic Development Director to proceed with the cleanup of 45 Front Street (former Maskers Property).

Economic Development Director Thomas Kittredge gave an update on the cleanup of 45 Front Street and requested action from the Council on the following items:

- Authorize the City Manager to sign the finalized memorandum of the agreement between the EPA and the Maine Historic Preservation Commission.
- Approve a list of components from the building that has been requested to be saved by local interested non-profit organizations.
- Hire the firm Kleinfelder to begin the recordation (documentation) activities on the Masker's Building as required by the EPA.
- Authorize Ransom consulting to initiate the bid process for the abatement of the hazardous material and the demolition of the Masker's Building and the green storage building.

Peter Sherr, Ransom Consulting gave an overview of the steps and requirements they have completed thus far and discussed with Councilors the possible options relating to the green building.

Councilor Sanders, seconded by Councilor Harkness, made a motion to accept the request from the Economic Development Director to proceed with the cleanup of 45 Front Street (former Maskers Property) authorizing the City Manager to sign the finalized memorandum of the agreement between the EPA and the Maine Historic Preservation Commission, to approve a list of components from the building that has been requested to be saved by local interested non-profit organizations, to hire the firm Kleinfelder to begin the recordation (documentation) activities on the Masker's Building as required by the EPA, and to authorize Ransom Consulting to initiate the bid process for the abatement of the hazardous material and the demolition of the Masker's Building and the green storage building. This motion was approved, 5-0.

A) #1 Update from Assistant City Planner, on the efforts of the Energy Committee to develop a solar facility at the old landfill.

Assistant City Planner Sadie Lloyd reviewed the proposal in which IGS Solar would be the investor for this proposed solar array, she requested that the Council authorize taking this item to Public Hearing a possible action at the August 18th Council Meeting in order to give the public an opportunity to weigh in on the proposal.

Bill Behrens, ReVison Energy discussed the proposal in more detail with Councilors, noting that if approved this will be the first solar array on a landfill in the State of Maine.

Councilors discussed the proposal and the long term benefits it would provide.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the request from Assistant City Planner to take this proposal to Public Hearing and possible action at the August 18, 2015 City Council Meeting. This motion was approved, 5-0.

A) #2 Update from Assistant City Planner, Sadie Lloyd on the bids received for the City lighting audit.

Assistant City Planner Sadie Lloyd reviewed the bids and requested the City Council reject all the bids and authorize City Staff to directly solicit a potential lighting auditor, which will be brought back before the Council for final approval.

Councilor Hurley, seconded by Councilor Harkness, made a motion to reject the lighting bids received on July 27, 2015. This motion was approved, 5-0.

Councilor Hurley, seconded by Councilor Sanders, made a motion to authorize City Staff to directly solicit a potential lighting auditor. This motion was approved, 5-0.

B) Request from David Carlson to play live music until midnight at Steamboat Landing, as part of the Harbor Festival celebration.

Councilors discussed last year's event and concerns from citizens regarding the noise level and time frame of the event.

City Manager Joseph Slocum informed Council that City staff have put out door hangers earlier this summer to inform residents that maybe effected by the upcoming events with loud music.

Councilor Hurley, seconded by Councilor Harkness, made a motion to accept the request from David Carlson to play live music until midnight at Steamboat Landing as part of the Harbor Fest celebration. This motion was approved, 4-1 (Councilor Arrison opposed).

C) Request from Mark Dittrick for permission to place two signs on City Property, one at the Public Boat Launch and the other on the Harbor Walk, relating to preservation of North Atlantic Right Whales.

Councilors discussed possible locations for these signs, noting that they are not in support of a sign along the Harbor Walk.

Mark Dittrick explained that he would be willing to work with City staff to coordinate and install the signs at appropriate locations that would help educate boaters about these whales.

Councilor Mortier, seconded by Councilor Sanders, made a motion to accept the request to place two signs on City Property, relating to preservation of North Atlantic Right Whales, working with City staff to find appropriate locations and to bring back these locations to the Council before installation. This motion was approved, 4-1 (Councilor Arrison opposed).

D) Second Reading on amendments to Amendment #8 on the Contract Rezoning Agreement between the City and DUBBA, LLC.

City Planner Wayne Marshall briefly explained the amendments noting that the amendments will change the date by which construction of Building #6 must be completed from the current date of June 30, 2015 to December 31, 2017, as well as clarify the amount of land the City will sell to the Shipyard and the location of some improvements.

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the Secon Reading on amendments to Amendment #8 to the Contract Rezoning Agreement between the City and DUUBA, LLC. This motion was approved, 4-0 (Councilor Harkness stepped out of the room during the vote).

E) Second Reading of the consideration of amendments to the Option to Lease Agreement between the City and DUBBA, LLC.

City Planner Wayne Marshall briefly explained the amendments noting that the proposed amendments would extend the date to allow execution of the Lease to October 1, 2016, and extend the date for the Shipyard to complete construction of Building #6 to December 31, 2017.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the Second Reading of amendments to the Option to Lease Agreement between the City and DUBBA, LLC. This motion was approved, 5-0.

F) Discussion on minor amendments to the Master Boundary Agreement between the City and DUBBA, LLC to address changes associated with Amendment #8 of the Contract Rezoning Agreement and the Lease/Purchase Agreement for the Front Street parking area.

City Planner Wayne Marshall briefly explained the minor amendments noting that the substantive change to the Agreement is the addition of Section #27 which identifies the bounds of the property, parcel 1A, that the City would lease/sell to DUBBA for the construction of Building #6.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the amendments to the Master Boundary Agreement between the City and DUBBA, LLC to address changes associated with Amendment #8 of the Contract Rezoning Agreement and the Lease/Purchase Agreement for the Front Street parking area. This motion was approved, 5-0.

G) Consideration of the appointment of Pamela Chase as the City's General Assistance Administrator.

City Manager Joseph Slocum introduced Pam to the City Council and requested to appoint Pam retroactive to Tuesday, July 28, 2015.

Pam Chase informed the Council and public of the new General Assistance hours: Monday, Tuesday, Thursday and Friday from 8:30 a.m. to 11:30 a.m. and 12:30 p.m. to 2:30 p.m.

Councilor Sanders, seconded by Councilor Harkness, made a motion to appoint Pamela Chase as the City of Belfast General Assistance Administrator. This motion was approved, 5-0.

H) Consideration of a request from the Chief of Police to accept two forfeitures of property to the Department as proceeds of illegal activity.

Councilor Hurley explained his personal opposition.

Councilors discussed entrusting the Chief of Police to use these funds towards drug education.

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the request from the Chief of Police to accept two forfeitures of property to the Department as proceeds of illegal activity. This motion was approved, 3-1(Councilor Harkness opposed, and Councilor Hurley abstained).

I) Request from the Economic Development Director to transfer $4,000.00 from the Airport Runway Capitol Reserve Account to pay for survey work associated with the future exchange of land between the City and the Maine National Guard.

Economic Development Director Thomas Kittredge explained that the next step in the process of a future exchange of land is to have survey work done to describe the final, new boundary lines and parcels that will be created through this swap. He requested to transfer $4,000 from the Airport Runway Capital Reserve Account to pay for this survey work which would be done by a combination of Good Deeds and Plisga and Day.

Councilor Mortier, seconded by Councilor Sanders, made a motion to accept the request from the Economic Development Director to transfer $4,000.00 from the Airport Runway Capital Reserve Account to pay for survey work associated with the future exchange of land between the City and the Maine National Guard. This motion was approved, 5-0.

J) Update from Assistant City Planner, on the efforts of the Energy Committee to develop a solar facility at the old landfill.

Moved to item 10) A #1

K) Update and possible action associated with the Downtown Revitalization Project.

City Planner Wayne Marshall gave a brief update on the status of the project and requested authorization on the following:

- Request for a change order to the Maine Earth contract to authorize the work done on the rock drain for the Downtown Revitalization Project, the total cost of which is $18,225 for Maine Earth and $1,250 to Ted Berry Company.
- Request to remove several trees near the Cross Street Parking lot.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the request from the City Planner for a change order to the Maine Earth contract to authorize the work done on the rock drain for the Downtown Revitalization Project, the total cost of which is $18,225 for Maine Earth and $1,250 to Ted Berry Company. This motion was approved, 5-0.

Councilor Hurley, seconded by Councilor Sanders, made a motion to accept the request from the City Planner to remove several trees (2 Ash trees, 2 clusters of Norway Maple trees) near the Cross Street Parking Lot. This motion was approved, 5-0.

L) Second Reading of amendments to Chapter 78, Floods of the City Code of Ordinances.

City Planner Wayne Marshall briefly explained the amendments noting they are clean-up and technical revisions.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the Second Reading of amendments to Chapter 78, Floods of the City Code of Ordinances. This motion was approved, 5-0.

M) Update from Assistant City Planner, Sadie Lloyd on the bids received for the City lighting audit.

Moved to item **10) A #2.**

N) Discussion of a proposal for a new Fixed Base Operator at the Belfast Municipal Airport.

Economic Development Director and Airport Manager Thomas Kittredge informed Council on the process to solicit for proposals.

City Manager Joseph Slocum informed the Council that the proposal that City staff would like to pursue came from DJAV Aviation and is requesting authorization to begin discussion with them.

Councilors gave unanimous support to authorize the City Manager to begin discussions with DJAV Aviation.

O) Request by the Economic Development Director to submit a preliminary application to the Maine National Guard's Innovation Readiness Training program, for assistance in moving earth as part of a future Airport parallel taxiway project.

Economic Development Director and Airport Manager Thomas Kittredge explained the process in which to submit this non-binding preliminary application.

Councilor Hurley, seconded by Councilor Arrison, made a motion to accept the request by the Economic Development Director to submit a preliminary application to the Maine National Guard's Innovation Readiness Training program, for assistance in moving earth as part of a future Airport parallel taxiway project. This motion was approved, 5-0.

O) #1 Request to go into Executive Session to discuss a personal matter pursuant to 1 MRSA 405 (6) A.

Councilor Hurley, seconded by Councilor Sanders, made a motion to go into Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A 405 (6) A at 9:38 p.m. This motion was approved, 5-0.

Councilor Arrison, seconded by Councilor Sanders, made a motion to adjourn Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A 405 (6) A at 9:48 p.m. This motion was approved, 5-0.

P) Request to go into Executive Session to discuss an economic development matter pursuant to 1 MRSA 405 (6) C.

Councilor Sanders, seconded by Councilor Arrison, made a motion to go into Executive Session to discuss an economic development matter pursuant to 1 M.R.S.A. 405 (6) C at 9:48 p.m. This motion was approved, 5-0.

Councilor Sanders, seconded by Councilor Arrison, made a motion to adjourn Executive Session to discuss an economic development matter pursuant to 1 M.R.S.A. 405 (6) C at 10:45 p.m. This motion was approved, 5-0.

Q) Request to go into Executive Session to discuss an economic development matter pursuant to 1 MRSA 405 (6) C.

Councilor Mortier, seconded by Councilor Arrison, made a motion to go into Executive Session to discuss an economic development matter pursuant to 1 M.R.S.A. 405 (6) C at 10:45 p.m. This motion was approved, 3-0 (Councilor Hurley and Sanders stepped out of the room for the vote).

Councilor Sanders, seconded by Councilor Arrison, made a motion to adjourn Executive Session to discuss an economic development matter pursuant to 1 M.R.S.A. 405 (6) C at 11:54 p.m. This motion was approved, 5-0.

R) Signing of Council Orders and housekeeping items.

Council Order #4 Signed by Councilor Sanders, Ordered That:
The City Manager and the City Treasurer are authorized to expend up to $20,000 to hire Musson Group as an independent consultant to help develop and recommend an Outer Harbor and Coastal Harbor Plan to the City Council. Funds to come from the following accounts: $10,000 from the Harbor Diesel Account (1-2210-00) and $10,000 from the Harbor Gas Account (1-2200-00).

Council Order #5 Signed by Councilor Hurley, Ordered That:
The City Manager and the City Treasurer are authorized to expend up to an additional $4,000 to purchase granite benches that will be placed on the Armistice Bridge (aka Foot Bridge). Funds will come from the Undesignated Fund Balance.

Council Order #6 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to transfer up to $4,000 from the Airport Capital Reserve Account (640-595) to the account that was established for this project (730-807) to pay for survey work necessary for a future exchange of parcels of land between the City of Belfast and the Maine National Guard. Funding for the survey will be paid from account (730-807).

11) Open to the Public

No comments.

12) Communications

Mayor Walter Ash informed the public of the school board vote.

Councilor Sanders thanked Public Works for installing the bike lane signs.

Councilors discussed improved signage at the Boat Launch.

City Manager Joseph Slocum discussed with Councilors creating better signage in the future for informing the public about where they can vote.

City Manager Joseph Slocum informed the Council that the Cemetery Trustees gave a plaque to Anne Mullen for all the work she has done over the years for the Cemetery.

13) Adjourn

Councilor Sanders, seconded by Councilor Mortier, made a motion to adjourn the meeting at 11:55p.m. This motion was approved, 5-0.

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