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City of Belfast
Council Chambers-Belfast City Hall
Tuesday, June 21, 2016
7:00 p.m.

Public Hearing #1

The Belfast City Council, at its meeting of Tuesday, June 21, 2016, 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 a public hearing regarding the Council proposal to purchase both a permanent recreational easement and a temporary construction easement from Waldo County Land Company for property located at Map 13, Lot 70A and from Penobscot McCrum, LLC for property located at Map 13, Lot 70, pursuant to the power of eminent domain authorized by 30-A M.R.S.A. § 3101. The easement the City seeks is associated with the 2.3 mile long recreational trail the City is now constructing in the former railroad right-of-way located adjacent to the Passagassawakeag River between the Memorial Bridge and the City Point Train Station. The requested easement will allow the City to construct a 10 foot wide recreational trail and to connect this trail to the Belfast Harbor Walk and Armistice Bridge; reference attached map.

The City is proposing to acquire a permanent easement that is about 10,542 square feet in size, 14 feet wide for a distance of 753 feet, and a temporary construction easement that is about 4,518 square feet in size, 6 feet in width for a distance of 753 feet. The easement is solely for the purposes of allowing public access, and Penobscot McCrum and Waldo County Land Company would continue to own the land on which the easement and pedestrian trail is located. The City used the services of Bucklin Appraisal, LLC to prepare a real estate appraisal of the above property, and the firm, in their report dated April 13, 2016, identified a value of \$55,000 for the identified easement. The City Council extended this offer of \$55,000 to the property owners in May 2016.

Persons who may be affected by this proposal are encouraged to attend the public hearing and to offer comment. Comment also may be submitted in writing or via email by the date of the hearing. Written comment should be sent to the Attention of Manda Cushman, Administrative Assistant to Manager, City of Belfast, 131 Church St, Belfast, ME, 04915. Email comment to: mcushman@cityofbelfast.org. A copy of the Appraisal Report can be viewed on the City website, cityofbelfast.org, and is available for public inspection at the City Manager's office in Belfast City Hall, 8:00 am - 5:00 pm, Monday - Friday.

- Mayor Ash briefly explained the hearing process.
- City Manager Joseph Slocum gave a presentation summarizing where the City Council has been on this issue and what the Council has been thinking about and why.
- City Planner Wayne Marshall reviewed the proposed option of utilizing what is referred to as the 'Goat Path' on the northern side of the Penobscot McCrum property.
- City Attorney Kristin Collins explained what eminent domain is and how it is utilized.

- Mayor Ash asked if anyone representing Penobscot McCrum would like to speak at this time.
- Attorney John Hamer of Rudman and Winchell representing Penobscot McCrum informed the Council that many members of the Penobscot McCrum family and company are attending tonight's hearing in support of the company's concern with public safety in relation to the proposed location of the trail.
- Jay McCrum, President of Penobscot McCrum explained his company's history and their long standing commitment to public safety; he requested that they continue to work together to come to a resolution.
- Attorney John Hamer of Rudman and Winchell reviewed safety concerns brought forward by the Penobscot McCrum company.
- Gregg Skafidas, Marketing Manager for Penobscot McCrum addressed the company's safety concerns for a public trail located near the company's propane tanks along with the amount of trucks that need to access that area.
- Mayor Ash opened the hearing, asking for proponents and opponents.
 1. Caitlin Hills of Belfast spoke in favor of completion of the trail.
 2. Glenn Montgomery, Pedestrian, Biking & Hiking Committee Chair spoke of the hope that resolution could be made through negotiations.
 3. Rita Horsey of Belfast spoke in opposition of eminent domain and requested that the Council seriously consider the company's safety concerns.
 4. Ernie Cooper of Belfast talked about the public need for this easement and confidence in the City to address any safety concerns.
 5. Breanna Pinkham Bebb, Executive Director of Our Town Belfast spoke about the trail as a benefit to the City and its local economy and hope to find a solution that will work for all.
 6. Judy Kaber of Belfast spoke against the use of eminent domain.
 7. Tom King of Belfast thanked both parties and has faith that all will work together for this benefit to the City.
 8. Stuart Phelps of Belfast suggested that the City consider looking into creating a boardwalk similar to the one constructed for the Harbor Walk as an alternative option.
 9. Sean Ociepka of Belfast spoke in favor of this easement and the need for the trail to be accessible to everyone.
 10. Bradley Williams spoke about the kindness Mr. and Mrs. McCrum showed him when his home burnt down.
 11. Donna Loomans of Belfast spoke about the importance of the trail as a mode of transportation for those who are opting out of utilizing motor vehicles to get in and out of downtown.

12. Bindy Pendleton of Belfast discussed concerns with the steepness of the ‘Goat Path’ option and recommended the City offer space to Penobscot McCrum at the Business Park.
 13. Manley Rogers of Belfast emphasized the health benefit of the trail.
 14. Petra Hall of Belfast spoke of the economic benefit of the trail.
 15. Skip Pendleton of Belfast suggested the City consider an 8 foot fence and signage to address safety concerns.
 16. Beverly Roxby of Belfast spoke on behalf of the children and that this trail would give them opportunity to explore urban wilderness.
- Mayor Ash called the hearing closed.

Regular Council Meeting No. 24

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

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

5) Acceptance of the minutes

Special Council Meeting of June 7, 2016, Regular Council Meeting of June 7, 2016 and Special Council Meeting of June 14, 2016.

Councilor Sanders, seconded by Councilor Arrison, made a motion to accept the minutes from Special Council Meeting of June 7, 2016, Regular Council Meeting of June 7, 2016 and Special Council Meeting of June 14, 2016. This was approved, 5-0.

6) Open to the public

No comments.

7) Communications

Councilor Harkness discussed the fundraising efforts of the Friends of Belfast Parks to complete the Labyrinth at Belfast Commons.

City Manager Joseph Slocum thanked all those who worked on both the Shriner's Parade and Trek Across ME event in Belfast over the weekend, he also informed the public that City Park Pool is now open and that all the trees for the Project Canopy Grant have been planted.

Councilor Sanders thanked those involved in the Shriner's Parade and Trek Across ME and thanked the Parks and Recreation Department for preparing Walsh Field for upcoming Cal Ripken tournament.

Councilor Hurley informed the Council about the Solar Picnic and addressed motorcycle noise throughout the City.

Mayor Ash discussed the Police Departments efforts to address issues of loud motorcycles and thanked all those involved in both the Shriner's Parade and Trek Across ME.

8) Old Business and Council Committee Reports

No comments.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an off premises catering permit for Delvino LLC d/b/a La Vida for the Ukulele Picnic located at Steamboat Landing Park on Saturday, June 4, 2016 from 10:00 a.m. to 5:00 p.m.
- B. Request to spend \$810 from the Cemetery Trust Fund Account #630-504, FY 2015-2016 to Holmes Greenhouse & Flower Shop under the Perpetual Care Contract with the City for the spring flower arrangements.

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

10) Business

- A) Further discussion on the Rail Trail and the proposal from Penobscot McCrum for the City to route the trail up and around their building off River Avenue.

City Manager Joseph Slocum thanked all that came out to speak during the public hearing; at this time the Council could choose to discuss the public hearing, the 'Goat Path' proposal or any next steps they would like to pursue.

Councilors discussed the proposal of the ‘Goat Path’, unanimously deciding that it was not an option they felt needed further looking into. They authorized the City Manager and City Attorney to continue negotiations with Penobscot McCrum.

Councilor Hurley, seconded by Councilor Sanders, made a motion to authorize the City Manager and City Attorney to continue negotiations with Penobscot McCrum as long as the Council continues to see real progress noting that time is of the essence. This motion was approved, 5-0.

B) Consideration of a proposal from the City’s Ambulance Department to participate in a pilot program to enhance community health and bring greater efficiency to local health care delivery.

Lead Paramedic for the Belfast Ambulance Department Debbie Heath explained the pilot program for community paramedicine, requesting that the City Council authorizes the Department to participate in this program to determine if it would work long term for the City of Belfast.

Councilors discussed the logistics of the program and how it would impact how the Department currently operates.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept and approve the proposal from the City’s Ambulance Department to participate in a pilot program to enhance community health and bring greater efficiency to local health care delivery through community paramedicine. This motion was approved, 5-0.

C) First Reading on proposed amendments to the Cemetery Ordinance Section 18 provisions 18-51 to 18-111.

City Manager Joseph Slocum briefly explained the amendments brought forth by the Cemetery Trustees, noting that they have been vetted by the City Attorney.

Councilor briefly discussed the proposed amendments.

Councilor Hurley, seconded by Councilor Arrison, made a motion to accept the First Reading of the proposed amendments to the Cemetery Ordinance Section 18 provisions 18-51 to 18-111, with the Second Reading scheduled for July 5, 2016. This motion was approved, 5-0.

D) Confirmation of Officer Jonathan Guba as a full-time Officer for the Belfast Police Department.

Chief of Police Mike McFadden introduced Officer Jonathan Guba and recommended confirmation of Officer Guba as a full-time Officer for the Belfast Police Department.

Councilor Hurley, seconded by Councilor Arrison, made a motion to accept the request to confirm Officer Johnathan Guba as a full-time Officer for the Belfast Police Department. This motion was approved, 5-0.

E) Further consideration of a recommendation from the Energy Committee to install a thermal insulation demonstration project in Heritage Park.

Assistant City Planner Sadie Lloyd explained the request and recommended an official approval to move forward with the project to be located at Heritage Park.

Councilors reviewed the specifics of the request including the requested location and dates, along with funding to build the installation.

Councilor Hurley, seconded by Councilor Sanders, made a motion to accept the request from the Energy Committee to install a thermal insulation demonstration project in Heritage Park for one month (early August to early September) after which time the Committee will re-seed the location. This motion was approved, 5-0.

F) Request from the Energy Committee for the City to approve and fund a LED lighting retrofit for City buildings.

Assistant City Planner Sadie Lloyd reviewed the Committees recommendation to move forward with LED lighting retrofits for nine City buildings in which the Committee would need to go out to bid for the project in a timely manner to take advantage of a rebate from Efficiency Maine that expires in September.

Councilors discussed the payback benefits to the City and possible funding for this project, no action was taken, Council unanimously agreed to direct the Assistant City Planner and City Manager to look into funding for this project.

G) Request from the Energy Committee to approve two small heating related upgrades at the Wastewater Treatment Plant.

Assistant City Planner Sadie Lloyd informed the Council that the Committee is not ready to make a recommendation at this time.

H) Request from the Public Works Director to use \$13,780 of the Culvert Capital Reserve to replace culverts on Perkins and Rolerson Roads.

No discussion.

Councilor Hurley, seconded by Councilor Sanders, made a motion to accept the request from the Public Works Director to use \$13,780 of the Culvert Capital Reserve to replace culverts on Perkins and Rolerson Roads. This motion was approved, 5-0.

I) Discussion with the City Clerk on outstanding vacancies in a variety of City committees and boards.

City Clerk Amy Flood reviewed the process for reappointment and requested Council direction on how to proceed with reappointments/appointments.

Councilors requested to interview all new applicants and for the City Clerk to reach out to alternate members where applicable.

Councilor Sanders, seconded by Councilor Mortier, made a motion to reappoint Duke Tomlin to the Airport Advisory Committee, David Bond and Mary Dutch to the Board of Assessment Review, Eric Sanders, Sadie Lloyd and Michael Hurley to the Energy & Climate Committee, Glenn Montgomery and James Merkel to the Pedestrian, Biking & Hiking Committee, Stephen Hall to the Water District Trustees and Doug Smith and Daniel McCarthy to the Zoning Board of Appeals. This motion was approved, 5-0.

Council scheduled the first set of interviews (4 to 5 interviews) for July 5th at 6:30 p.m.

J) PUBLIC HEARING on PROPOSED AMENDMENTS TO CITY ORDINANCES.

The City of Belfast City Council will now conduct a public hearing and the Second Reading of the following proposed amendments to the City Code of Ordinances:

- Chapter 102, Zoning, Article V, District Regulations, Division 30, Table of Uses. Proposal authorizes the Code Enforcement Officer, rather than the Planning Board, to review and issue Use Permits for certain uses in the Downtown Commercial zoning district.
- Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-242, Off-Street Parking Requirements, and Section 98-245, Areas Exempt from Parking Requirements, both of which mostly affect the Downtown Commercial zone. The proposal is to expand the size of the exempt parking area and to allow the Code Enforcement Officer to issue permits for Uses when three or less parking spaces are required.
- Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards, and Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district. These amendments would authorize adoption of a contract rezoning agreement to allow the potential

division and reuse of an existing building (constructed prior to 1985) and property in circumstances when the lot or lots created by the proposed property division results in creating a lot or lots that do not comply with the minimum lot size and/or minimum street frontage requirement for the Downtown Commercial zone.

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

K) Second Reading on proposed amendments to the City's Zoning Ordinance that impact the Downtown Area.

City Planner Wayne Marshall reviewed the three proposed changes to the City's Zoning Ordinance and requested separate motions for each of the three proposed changes.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the Second Reading on proposed amendments to the City's Zoning Ordinance Chapter 102, Zoning, Article V, District Regulations, Division 30, Table of Uses as presented by the City Planner. This motion was approved, 5-0.

Councilor Sanders, seconded by Councilor Harkness, made a motion to accept the Second Reading on proposed amendments to the City's Zoning Ordinance Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-242, Off-Street parking Requirements, and Section 98-245, Areas Exempt from Parking Requirements as presented by the City Planner. This motion was approved, 5-0.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the Second Reading on proposed amendments to the City's Zoning Ordinance Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards, and Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district as presented by the City Planner. This motion was approved, 5-0.

L) PUBLIC HEARING on PROPOSED AMENDMENTS TO CITY ORDINANCES.

The City of Belfast City Council, at this meeting will conduct a public hearing and the Second Reading of the following proposed amendments to the City Code of Ordinances:

- Chapter 66, General Provisions, proposal to establish revised definitions for a back lot and lot frontage.
- Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards that involve establishing the minimum front setback requirement for properties located in the Birch Street, Cottage Street, Charles Street, Ocean Street and Pearl Street areas.
- Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-247, Front Yard Parking Restrictions, that proposes amendments to the current prohibition on parking in the front yard area for the Residential 1, Residential 2 and Residential 3 zoning districts.

Councilor Sanders asked for proponents and opponents and hearing none declared the hearing closed, seconded by Councilor Mortier. This motion was approved, 5-0. (Mayor Ashe stepped out of the room during the public hearing)

M) Second Reading on proposed amendments to the City's Zoning Ordinance that impact the Downtown Area.

City Planner Wayne Marshall reviewed the three proposed changes to the City's Zoning Ordinance and requested separate motions for each of the three proposed changes.

Councilor Mortier, seconded by Councilor Arrison, made a motion to accept the Second Reading on proposed amendments to the City Code of Ordinance Chapter 66, General Provisions as presented by the City Planner. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Mortier, made a motion to accept the Second Reading on proposed amendments to the City Code of Ordinance Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards as presented by the City Planner. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Sanders, made a motion to accept the Second Reading on proposed amendments to the City Code of Ordinance Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-247, Front Yard Parking Restrictions as presented by the City Planner. This motion was approved, 5-0.

N) Update on the Front Street Reconstruction Project, the Washington Street Project and the proposed construction of a new building by the Front Street Shipyard.

City Planner Wayne Marshall reviewed requests to remove trees in conjunction with the Front Street Reconstruction Project.

Councilor Sanders, seconded by Councilor Mortier, made a motion to accept the request to remove a street tree adjacent to Front Street near the County Copy building. This motion was approved, 5-0.

Councilors discussed two trees requested by property owner in front of County Copy building for removal, Council unanimously agreed to not authorize the request, no action was taken.

Councilor Hurley, seconded by Councilor Sanders, made a motion to accept the request to remove a street tree adjacent to Front Street near the boat trailer area at City Landing. This motion was approved, 5-0.

Councilors discussed three trees on City property requesting to be removed for new sewer and storm drain line, Councilors requested that the City Planner notify neighbors that Council has authorized the removal of these trees.

Councilor Hurley, seconded by Councilor Sanders, made a motion to accept the request to remove three street trees in the area near the skate park on Washington Street for new sewer and storm drain line. This motion was approved, 5-0.

O) Further consideration of identifying a name for the Rail Trail.

City Council unanimously agreed to table this agenda item until the July 5th Council Meeting, no action was taken.

P) Signing of Council Orders and housekeeping items.

11) Open to the Public

City Planner Wayne Marshall discussed the formal request to adopting funding for the Front Street Reconstruction Project.

Councilor Sanders, seconded by Councilor Harkness, made a motion to accept the request to use \$125,000 from the Sewer Capital Project Reserve fund and \$150,000 from the paving appropriation anticipated for FY 2017 to help bridge the gap and to keep the total amount needed to be borrowed at \$2,150,000 for the Front Street Reconstruction Project. This motion was approved, 5-0.

12) Communications

No comments.

13) Adjourn

Councilor Sanders, seconded by Councilor Hurley, made a motion to adjourn the meeting at 11:35 p.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