CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

Joseph J. Slocum
City Manager

E-mail:jslocum@cityofbelfast.org
Tel: (207) 338-3370 ext. 10
Fax: (207) 338-2419

MANAGER'S REPORT
Belfast City Council Meeting
Tuesday, September 6, 2016
7:00 p.m.

TO: Mayor Walter Ash Jr. and Honorable Members of Belfast City Council

FROM: Joseph J. Slocum, City Manager

DATE: Friday, September 2, 2016

Note: The City Manager is scheduled to have minor surgery on this date and as a consequence will not be available at the meeting. We have asked each Department that is requesting an agenda item to be at the meeting to address their requests directly with the Council.

Agenda Items:

10-A Request from Belfast Fire Chief Jim Richards to accept the bids received for a new pumper truck and to award the bid.

The City and the Chief planned to replace this truck this year. It is the first vehicle out for every call. It is replacing a vehicle that is 23 years old. Our Fire Department is structured such that firefighters need to come from all directions to respond to the emergency. They do not always have their fire gear in their personal vehicles with them.

This new truck will also carry a lot more firefighter gear so that our firefighters can go directly to the fire. This will allow us to respond more quickly with more personnel to a fire emergency. The bids are attached in your packet along with the Chief's recommendation on whom to award the bid to. The money will come from the Fire Department Equipment Capital Reserve.

10–B Request from Belfast Fire Chief Jim Richards to sign an updated Mutual Aid Agreement.

A copy agreement is attached. It allows different fire departments to support each other should an emergency or fire require the response of multiple departments. Chief Richards will be at the meeting to explain this.

10-C Request from Public Works Director Bob Richards to accept an award the bids for a new truck, dump body and plow gear.

We bid out both a new double axel Truck and a new Dump Body with Plow Package. There is a memo attached from Bob Richards identifying the bids and his recommendation. The money will come from the Public Works Department Capital Reserves and budget line 410-535.

We need to accept the bids for the Truck first and then award the bid. Then we need to accept the bids for the dump body and plow and award that bid.

10-D Request from City Clerk Amy Flood to approve the Election Warrant.

The Council usually always approves this. There's a copy of the warrant and a memo from Amy explaining the warrant. She will be at the meeting in case you have any questions.

10-E Request from Police Chief Mike McFadden to appoint Frank Gromley as a full-time Belfast Police Officer.

We have lost officers through both retirement and injury. The Chief will introduce Officer Gromley to you at the meeting.

10-F Request from a resident to have the Council approve a Proclamation regarding September as National Recovery Month.

The draft resolution is attached in your packets.

10-G Request from Assistant City Planner Sadie Lloyd for the Council to accept the recommendation from the Energy Committee on the type of lights for the downtown street lighting project.

Attached is a memo in this packet from Assistant City Planner to explain this recommendation.

10-H Request from City Treasurer Rickie LeSan to transfer funds from the sale of cemetery plots with perpetual care in FY 2015 – 2016 to the Cemetery Trust Account.

10-I Request from City Assessor Brent Martin for the Council to set the mill rate and commit the property taxes for the period of July 1, 2016 to June 30, 2017.

There is a memo from Brent in your packet. The City has lost value in certain places and gained value in others. While the numbers are still being tallied it appears that our total valuation will hold and we should commune with a mill rate of 22.9. This is a combined mill rate of County, School and City property taxes. The current mill rate is 22.4.

Under the new mil rate is a $100,000 dollar piece of property this represents a total annual increase of $50.

10-J First Reading on a proposed Contract Rezoning Agreement for Phoenix Row Investments, LLC, located at 157, 159 and 161 High Street, Map 11, Lot 89.

This is a request for Council to consider a proposed agreement that is recommended by the Belfast Planning Board.

The Planning Board approved the Phoenix Row Subdivision Plan and recommended that the Council adopt a Contract Rezoning Agreement for this project at its meeting of August 10. The proposed project requires a Contract Rezoning Agreement from the

Council because one of the three proposed lots are less than the minimum lot size required for the Downtown Commercial zoning district. Council adopted Ordinance amendments to Chapter 102, Zoning, Article X, Contract Rezoning, at its meeting of June 21, 2016 to allow this type of request. City Planner Wayne Marshall has attached the draft Contract Rezoning Agreement and the accompanying Subdivision Plan for Council's consideration

Because the agreement creates a zoning change, this is a First Reading and will be scheduled for the next meeting for a Second Reading and possible vote. This is a time to understand what is being proposed and reflect on whether it meets Council's approval. It sets up an opportunity for the public to weigh in on what the Council actually does approve at the next meeting.

10-K Request for the City to accept a portion of Village Road at the Belfast Cohousing & Ecovillage Condominium Association located off of Tufts Road as a public (City) road.

The Council, at its meeting of March 3, 2009, voted to state its intent to accept Village Road at the Belfast Cohousing project if the road was constructed to City standards and at least 51 percent of the homes in the project were constructed. The Condominium Association believes it has satisfied all requirements established by the Council in 2009 and it is now accepting formal City acceptance of a portion of Village Road as a City (public) road. The Conditions with which the Association has complied are as follows:

- The road has been constructed to City standards. The City used the services of Olver Associates to perform regular inspections of the road construction. Bob Richards, Public Works, has also inspected and accepted the construction.
- The Association has paid costs incurred by the City for the inspection services.
- The applicant was required to have a minimum of 21 occupancy permits before applying for acceptance of the road. The City has issued 36 occupancy permits to houses at the Cohousing project.
- Applicant had to submit a letter formally requesting acceptance of the road. There is a letter from Geoff Gilchrist, Cohousing project, asking that the City accept the road, a letter from Mandy Olver, and a map of the section of Village Road that the City will be asked to accept.

There is a memo from City Planner Wayne Marshall in your packet further explaining this request.

10-L Update on the idea of constructing public stairs to the beach at Highview Terrace Road.

The City owns the street all the way to the water. Former access was secured by using private property which is no longer available. We are seeking preliminary engineering advice to find out how much it would cost to have the stairs designed by an engineer and constructed. We want to get a handle on these costs before we proceed to engineering design. Presently the Parks and Recreation Department has only $6,207 in capital projects line 730 – 664 for Rangeway Development. I leave it to the Parks and Recreation Director to identify any other resources he has for this project.

10-M Request to improve certain parking changes, including no parking areas, and some City streets.

The Council has previously discussed making parking changes on Miller Street, between High Street and Cross Street. Public Works and the Code and Planning Department are now requesting that the Council consider eliminating public parking in two other areas:

- Spring Street, High Street to Cross Street: eliminate parking on southeasterly side of street. This issue was raised by resident of street.
- Bridge Street, High Street to Washington Street, eliminate parking on southerly side of street. This issue is raised by staff because where some persons are parking near the intersection of Bridge and Washington Streets is causing a public safety issue and making it difficult to plow snow.

There is a memo and map attached from City Planner Wayne Marshall explaining this request. This will only be a First Reading on this proposed Ordinance change. We ask that you accept the draft language as a First Reading and schedule it for a Second Reading and vote for your meeting of September 20th.

10-N Update on the Front Street Construction Project, Front Street Shipyard and Washington Street Projects.

There will be a verbal update provided at the meeting by City Planner Wayne Marshall.

10-O Update on the East Side Harbor Walk Project.

There will be a verbal update provided at the meeting by City Planner Wayne Marshall.

10-P Update on Belfast Rail Trail Project.

There will be a verbal update provided at the meeting by City Planner Wayne Marshall. At this writing the City has been given a license from Penobscot McCrum to construct a temporary 6 foot wide path across their property so that we can join the Rail Trail to the Armistice Bridge and the Harbor Walk. We have ongoing negotiations with Penobscot McCrum for a longer-term agreement for a wider path that is a little closer to the water.

10-Q Request by the Economic Development Director, Thomas Kittredge, to have the City Council authorize the City Manager to sign a contract with Airport Solutions Group for the Airport Easement Acquisition/Land Exchange Project.

This project consists of the acquisition of 8 avigation (aerial navigation) easements on properties located off of the Runway 33 end (Lower Congress Street) of Runway 15-33, and the exchange of parcels located near the Runway 15 end (Lincolnville Avenue) of Runway 15-33, between the City of Belfast and the Maine Army National Guard. At the present time, the majority of this project has been completed, with the land exchange having been completed, and the closings for the 8 easements to take place in early September.

Now that the final prices for the 8 easements in question has been determined and negotiated, the total cost for this project has now been determined to be $239,595.20. This total project cost consists of work done by Airport Solutions Group (and their sub-consultants; for surveying, appraisals, review appraisals, review of easements, update of the airport property plan, completing the Federal Aviation Administration (FAA) land release process, and project/grant administration) in the amount of $89,300.00, easement acquisition costs in the amount of $109,500.00, and Sponsor (City of Belfast) costs (for legal and negotiation work done by the City Attorney, and consultant work related to the land exchange portion of the project) in the amount of $40,795.20.

This total project cost of $239,595.20 was used in the grant application that was submitted to the FAA and in the FAA's grant offer/agreement, which the City has signed and returned. The FAA will pay approximately 90% of the total project cost ($215,635.00, rounded down from $215,635.68), the Maine Department of Transportation will pay 5% of the total project cost ($11,979.76), and the City of Belfast will pay the remaining approximately 5% of the total project cost ($11,980.44; increased cost due to the FAA's rounding down). The amount of the City's required match figure ($11,980.44) is less than what had been previously authorized by the City Council at their November 3rd, 2015 meeting.

Though the scope of work and the fee for the work done by Airport Solutions Group (and their sub-consultants) has been determined, an actual contract between the City of Belfast and Airport Solutions Group will need to be signed. The Economic Development

Director now requests the City Council to authorize the City Manager to sign such a contract with Airport Solutions Group for this project.

10-R Request by the Economic Development Director to have the City Council authorize further actions regarding the airport runway 15 end obstruction removal project.

Bids for the actual obstruction removal work were received and opened on April 15th, 2016. The apparent low bidder at that time was Federal Program Integrators, LLC of Indian Island, with a bid of $65,623.75.

At its April 19th meeting, the City Council decided to accept these bids, but also decided to reduce the scope of obstruction removal that would be part of the Federal Aviation Administration (FAA)/Maine Department of Transportation (MaineDOT)-funded project, reduced to only City-owned property (removing any properties which only had avigation easements on them).

As this reduction in obstruction removal work was more than 25% of the total amount, the City was allowed per its bidding documents to renegotiate a new bid cost with Federal Program Integrators, and directed Airport Solutions Group to do so. Ultimately, a revised bid of $46,036.97 was negotiated, to reflect the reduction in scope of the obstruction removal work.

Using this revised figure of $46,036.97, the total project cost is now $211,735.00; this total amount consists of the $46,036.97 for obstruction removal work, $158,400.00 for Airport Solutions Group to perform project initiation/collection of data, design services/plans, specifications, and cost opinions, advertising and bidding services, general project administration, construction administration, and observation of construction, $6,453.03 for sponsor (City of Belfast) costs (advertisements and previous permit fees), and $845.00 for other architectural and engineering fees (previous field assessment of trees at the airport).

This amount of $211,735.00 was used in the grant application that was submitted to the FAA and in the FAA's grant offer/agreement, which the City has signed and returned. The FAA will pay approximately 90% of the total project cost ($190,561.00, rounded down from $190,561.50), MaineDOT will pay 5% of the total project cost ($10,586.75), and the City of Belfast will pay the remaining approximately 5% of the total project cost ($10,587.25; increased cost due to the FAA's rounding down). The amount of the City's

required match figure, $10,587.25, is less than what had been estimated at the City Council's April 19th meeting.

The Economic Development Director now requests the City Council take the following three actions:

1) Award the bid for this project to Federal Program Integrators, Inc., at the renegotiated bid price of $46,036.97, and authorize the City Manager to issue a Notice of Award to this firm and to also sign a contract with this firm;

2) Authorize the City Manager to sign a contract for this project with Airport Solutions Group;

3) Authorize matching funds for this project in the amount of $10,587.25, with these funds to be taken from the Airport Runway Capital Reserve Account (640-595).

10-S Signing of Council Orders

That's about it for now. We are on the verge of the summer season slowing and children are heading back to school in the coming weeks. Vehicle speeding and vehicle operation is a community wide problem. School children will be everywhere and we should exercise a lot of extra caution across the board on how we move about the City. Good luck to all those new kindergartners and the anxious parents who trust our school leaders and our school system with their care.

Also, our thanks to Penobscot McCrum for working with us to give us this initial license to cross their property so that we can join the highly valued Harbor Walk and the Armistice Bridge to the Rail Trail. The responsibility to be responsible in the use of these resources belongs to everyone, if you see something out of line report it. We want to be a good neighbor and to have a safe and enjoyable resource for all.

City of Belfast
Consent Agenda
Tuesday, September 6, 2016
Meeting #5

The following items are proposed as our Consent Agenda. As in the past the items are voted on in one blanket motion to the affirmative. One Councilor makes a motion to approve the items as stated, and then another Councilor will second that motion and the whole Council votes. If a Councilor requests an item be removed from the consent agenda, they do so during the adoption of the agenda. If a member of the public requests that an item be removed from the consent agenda, they can do so in the open to the public section. Suggested motions are listed and supporting material is enclosed.

9) Permits, Petitions and Licenses - Consent Agenda

A. Request to approve an off premises catering permit for Crusty Crab LLC d/b/a Front Street Pub for the annual Harbor Fest located at Steamboat Landing on August 20, 2016 from 11:00 a.m. to 9:00 p.m.

Motion to approve an off premises catering permit for Crusty Crab LLC d/b/a Front Street Pub for the annual Harbor Fest located at Steamboat Landing on August 20, 2016 from 11:00 a.m. to 9:00 p.m.

B. Request to approve a Facility Use application by Mary Weaver to hold the Church Street Festival on Saturday, October 1, 2016 from 9:00 a.m. to 3:00 p.m.

Motion to approve a Facility Use application by Mary Weaver to hold the Church Street Festival on Saturday, October 1, 2016 from 9:00 a.m. to 3:00 p.m.

C. Request to approve an application for a parade permit request submitted by Mary Weaver for the Church Street Festival Parade starting at 49 High Street at 11:00 a.m.

Motion to approve an application for a parade permit request submitted by Mary Weaver for the Church Street Festival Parade starting at 49 High Street at 11:00 a.m.

9.B

MEMORANDUM

August 29, 2016

To: Joseph Slocum, Belfast City Manager
Honorable Mayor Ash and Belfast City Council

From: Norm Poirier, Belfast Parks and Recreation Department

Re: Facility Use Request – Church Street Festival

Cc: Chief McFadden, Belfast Police Department
Bob Richards, Belfast Public Works Department
Amy Flood, City Clerk

The City has received and reviewed a "Facility Request" letter and parade permit from Mary Weaver for the Church Street Festival to be held on Saturday, October 1, 2016 from 9:00 am – 3:00 pm.

The Belfast Parks and Recreation Department has discussed this request with the Belfast Police Department and Public Works Director via email – all Departments have no issues with this request other than the request to place signs/banners on the Jug Handle, Veteran's Bridge and Route 3-West. The City has no jurisdiction over these areas so the applicant will be informed.

All other aspects of the request meet the recommendation of the City Departments involved. The group has also submitted a Parade permit for 10-11:00 a.m. on Saturday, October 1st.

This request is recommended for approval.

Church Street Festival
49 High Street, Belfast, Maine 04915
207/338-5777

August 25, 2016

Dear City Council Members, City Management and Officers:

The 36th Annual Church Street Festival will be held on Saturday, Oct. 1. This is a small neighborly Harvest festival with special fun and a parade for children. Please consider the following requests and put us on your agenda for discussion:

1. **Closed Streets**

Church Street between Miller Street and Beaver Street. Spring Street between Court Street and Church Street. Barricades are adjusted to allow access to storefronts on Church Street and egress through the Beaver Street parking lot after the parade is over.

9:00 a.m. to 3:00 p.m.
Saturday, October 1

The streets will be used for performance, food booths, craft tables, games, and art display areas.

2. **Parade** 11:00 a.m., Saturday, October 1

a. Gathering of people at 49 High Street.

b. Traffic stopped at 49 High Street and the intersections of Peach and Church Streets at 11:00 a.m. This will enable paraders to cross High Street onto Peach Street and to turn down Church Street safely.

c. Route: Peach Street to Church Street
Church Street to Beaver Street
Circle around on Church Street and disband at the Festival.

Thank you for your consideration and help with the fun.

Mary Weaver

Mary Weaver for the
Church Street Festival Committee

Application for Community Event Sign
Requires City of Belfast Council Approval

Organization Name: CHURCH STREET FESTIVAL < ON CHURCH STREET IN FRONT OF FIRST CHURCH

Street Address: 49 HIGH STREET BELFAST, MAINE 04915

Telephone #'s: NONE Cell 338-5777 Home

Name of Person responsible for sign installation: MARY WEAVER - PHIL PRINCE

Address: 49 HIGH STREET BELFAST MAINE 04915

Telephone or Cell #: NONE 338-5777

Size of sign (not to exceed 24 sq ft): 4' x 6' or less

Location: ✓ Jug Handle-South ✓ Veterans Memorial Bridge-North ✓ Route 3-West

Dates the sign(s) will be put up: Beginning 9/18/16 Ending 10/2/16

(Signs shall not be up more than 2-weeks before or remain more than 3-days after an event)

Message permitted on Signs: **Location - Date(s) - Time - Organization Name - Event Title.**

CHURCH STREET FESTIVAL PARADE 10:0 AM SATURDAY

CHURCH STREET, DOWNTOWN BELFAST OCTOBER 1

No beverage advertising allowed.

We agree to the following standards:

1. Signs to be attached to its own posts, installed for this purpose. Locations to be at Jug Handle, Veterans Memorial Bridge-Eastside entrance, and Curling Club.
2. Content of Sign: Name/Description, date and location of the event only-no advertising for beverage companies.
3. Sign not to exceed 24 sq. ft.
4. Sign to be securely fastened.
5. Sign not to have any moving, blinking parts, including flags, pennants, balloons, streamers.
6. Sign allowed 2-weeks prior to event. To be removed within 3-days after the event.
7. City staff may remove or relocate any sign that is not maintained or is a traffic and/or safety hazard.

Signature: Mary B Weaver Date: 8/25/16

Date approved by City Council: _____

9.C

CITY OF BELFAST

131 Church St.
Belfast, Maine 04915

E-mail: cityclerk@cityofbelfast.org
Tel: (207) 338-3370
Fax: (207) 338-6222

Parade Permit

Permit # _____
(office use only)

Date of request: AUGUST 25, 2016

Name of Organization: CHURCH STREET FESTIVAL

Contact Person : MARY WEAVER Phone: 338-5777

Date of Parade: OCTOBER 1, 2016

Formation time: 10:00 – 11:00 am

Where Parade will be forming :
PARADE WILL BE FORMING AT 49 HIGH STREET
IN THE DRIVEWAY.
PARADE WILL START AT 11:00 AM.

Parade Route: START AT 49 HIGH STREET -- CROSS STREET TO:
PEARL STREET TO CHURCH STREET
CHURCH STREET TO BEAVER ST / MAIN STREET
CIRCLE AROUND ON CHURCH STREET
AND DISBAND AT SPRING STREET

STREET BARRICADES ARE MOVED AFTER PARADE TO
PROVIDE ACCESS TO BEAVER ST PARKING LOT,
STORE FRONTS and POLICE STATION.

Applicant Signature: Mary B Weaver

Date Approved by City Council: _____

10. A

Belfast Fire & Ambulance Department
131 Church Street • Belfast, Maine 04915
Phone 338-3362

September 1, 2016

To: Joe Slocum, City Manager
Members of the City Council

From: Jim Richards, Chief
Belfast Fire Department

Reference: New 2017 Pumper Fire truck

I am requesting permission from the City Manager and City Council to purchase a new 2017 Pumper Fire Truck from K & T Fire Equipment, who has a business in Island Falls, Maine at a total purchase price of $252,691.80.

The low bid was from K & T at $250,196.80 but the officers of the Belfast Fire Department would like to add another $2,495.00 for a 1000 G.P.M. deck gun monitor which brings the total purchase price to $252,691.80.

The cost of the Pumper Fire Truck will come from the Fire Department Capital Reserve Equipment account which is at $287,000.00.

The new truck, if approved, will replace the 1993 International Pumper which has responded as the first truck out on all fire calls since purchased. The 1993 International will be removed from service and sold after receiving new Pumper.

The last two new trucks (1999 Pumper Tanker and 2005 Pumper Tanker) were purchased from K & T Fire Equipment and we have received excellent Service response from them if and when needed.

Delivery time will be 6 – 8 months.

Thank you

Jim

Jim Richards, Chief
Belfast Fire Department

K & T FIRE EQUIPMENT

Fire Apparatus and Fire Apparatus Refurb's

P O BOX 360, 1143 CRYSTAL ROAD, EXIT 276 ,I 95, ROUTE 159 EAST

ISLAND FALLS , MAINE , 04747

1 800 675 2848 , 1 207 463 2788 , c 1 207 267 0149

tom.york91@yahoo.com , ktfireequip.com

FIRE APPARATUS PROPOSAL 8/24/2016

Metalfab Fire Apparatus Proposal

Revised 9/1/2016

Att; Chief Jim Richards
For; Belfast Fire Rescue
Address: 131 Church St., Belfast , Maine ,04915

THE BIDDER PROPOSES TO CONSTRUCT, MANUFACTURE , ENGINEER AND FURNISH TO THE PURCHASER THE FOLLOWING APPARATUS AND EQUIPMENT TO BE BUILT TO MEET THE LATEST NFPA STANDARDS AS OF THIS DATE .

TO INCLUDE PER THE ATTACHED SPECIFICATION

METALFAB PREMIUM 3/16" ALUMINUM EXTRUDED BODY, PUMP, TANK	$ 166,404.80
Freightliner M2 106 single axle auto CHASSIS PER THE SPEC.	$ 83,792.00
Foam system included for preconnects and ft bumper	included
TOTAL	$ 250,196.80

Please add options as Listed under Accessories at the back page of the quote pages ,as needed;

Options ADD as needed ;

2 1/2" female nst x 4" storz adapter	$250.00 ea.
Suction Hose 6" x 10 ' @	$780.00 ea.
6" box strainer	$ 690.00 ea.
6" low level strainer	$ 686.00 ea
14' roof ladder	$ 495.00 ea
24' extension ladder	$ 745.00 ea
Crestar deck gunw 1000 gpm nozzle	$ 2495.00 ea.
Wheel chocks 8"	$ 455.00 pr

Total price:

CHASSIS PAYMENT C.O.D. 10 days @ METALFAB, TITLED TO THE PURCHASER

ALL PRICES ARE GOOD FOR 30 DAYS, AND MAY BE EXTENDED PER METALFAB

Please read the Proposal Page and Specification Pages carefully as they will indicate those item that will be include with the purchase price .

THE BUILDERS WILL DELIVER THE COMPLETED APPARATUS TO THE PURCHASER AT THE AGREED UPON TIME AND PLACE AND TRAIN THE PURCHASER'S AGENT TO NFPA STANDARDS AS AGREED IN THE SPECIFICATION AND CONTRACT.

TRAINING WILL BE A FAMILIARIZATION WITH THE APPARATUS AND IT'S COMPONENTS.

Tom York

CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

E-mail:cityclerk@cityofbelfast.org
Tel: (207) 338-3370
Fax: (207) 338-6222

Belfast Fire Department
Pumper Fire Truck
Bid Opening
August 31, 2016 at 11:00 a.m.

Present at the opening: Amy Flood Belfast City Clerk, James Richards Belfast Fire Chief
Also Present: Tom York representing K&T Fire Equipment

There were a total of three (3) bid envelopes submitted as follows:

K&T Fire Equipment **Total Price:** $250,196.80
P.O. Box 360
1143 Crystal Rd.
Island Falls, ME 04747
Tom York
800-675-2848

Greenwood Emergency Vehicles **Total Price:** $273,333.00
19 Summer St.
Brunswick, ME 04011
Chris Champagne
207-650-8803

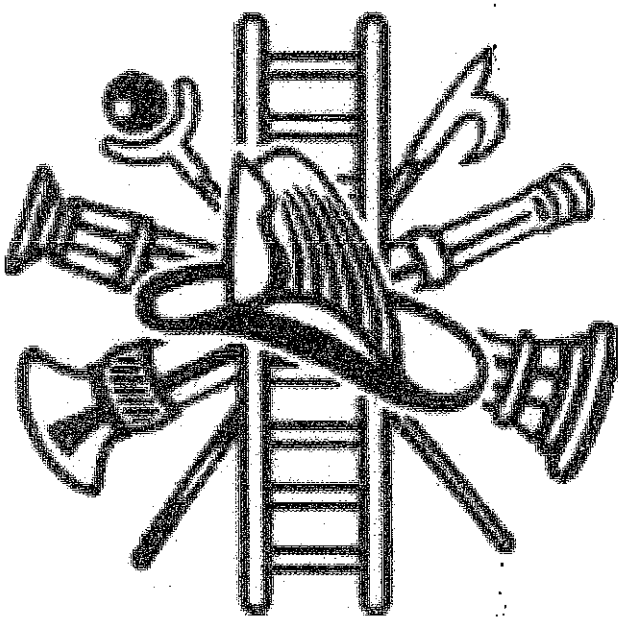
Pierce Manufacturing Inc. **Total Price:** $279,262.00
2181 Providence Hwy **Alternate Option:** $276,637.00
Walpole, MA 02081
Represented by: Minuteman Fire & Rescue Apparatus, Inc.
108 Grant Rd.
Durham, ME 04222
Raymond Smith
207-233-8882

Attest: A. L. Flood

Amy Flood, Belfast City Clerk

10.B

Waldo County
Fire Protection
Mutual Aid Compact



Sponsored by:

The Waldo County Fire Fighter's Association

The Waldo County Emergency Management Agency

Version updated on April 1, 2016

WALDO COUNTY FIRE PROTECTION MUTUAL AID COMPACT

A. PURPOSE:

The undersigned Municipal Officers for municipalities in the County of Waldo, State of Maine; hereby agree to render emergency mutual aid services during emergency and disaster events requiring the activation and deployment of their fire department, in accordance with Title 30-A M.R.S.A. Chapter 115 and Title 30-A M.R.S.A. § 3156.

B. DEFINITIONS:

1. A Requesting Department is the municipal/volunteer fire department requesting support from other municipal/volunteer fire departments.

2. A Supporting Department is the municipal/volunteer fire department that is providing support to the requesting municipal/volunteer fire department.

3. A Member Municipality is a municipality whose municipal officers have signed and approved this mutual aid compact.

3. A Senior Fire Officer (SFO) is the senior ranking fire department officer (Chief, Deputy, Assistant, Captain, Lieutenant) present for duty, at that time, during an emergency activation of the fire department.

4. The Incident Commander (IC) is the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and for the management of all incident operations at the incident site. All responding departments will be under the command of the IC while located on scene at the incident.

5. The RCC shall be a reference to the Waldo County Regional Communications Center. The EMA shall be a reference to the Waldo County Emergency Management Agency.

C. ROLES AND RESPONSIBILITIES

1. Each member municipality agrees to establish a fire department personnel accountability system that is compatible with one another. They further agree to share fire department equipment resource lists.

2. The Requesting Department shall be responsible for establishing an Incident Command System (ICS) in accordance with NIMS and NFPA 1561. The Requesting Department may request the Waldo County Incident Management Assistance Team (IMAT) to support their ICS for complex, multi-agency, multi-jurisdictional incidents. The SFO from the Supporting Department shall report to the IC for all assignments. Individual Department integrity should be maintained to the greatest extent possible.

3. The Incident Commander shall be responsible for implementing an incident safety program and a personnel accountability program at the disaster or fire scene.

4. The Incident Commander should complete a size-up report and call the following information to the RCC, so that all responding agencies/personnel will know what is happening:

a. Apparent Conditions (Nothing showing, Fire Showing, Working fire, or fully involved, etc.)
b. Structure Type (Occupancy, Size, Height, etc.)
c. Attack Strategy (Offensive or Defensive)
d. Staging Location

D. PROCEDURES FOR REQUESTING AND PROVIDING ASSISTANCE

1. Upon the request to the Waldo County Regional Communications Center by the Senior Fire Officer (SFO) of a municipality possessing an emergency or disaster, the RCC shall dispatch those Supporting Departments as requested by the requesting SFO. The requesting SFO shall request the type of equipment needed, such as pumpers, tankers, aerials, ladders, manpower, etc. This request should be available and announced on the initial page for the Supporting Departments.

2. The SFO of each Supporting Department shall acknowledge the request by the SFO of the Requesting Department by signing on and stating that their department acknowledges the page and gives the status of the Supporting Department's response.

3. Unless the Incident Commander (IC) has asked that the Supporting Department be directed to take up a position remote to the incident, the Supporting Department shall respond directly to the staging area at the incident scene. Upon arrival at the scene, the SFO of the Supporting Department shall report to the IC to report availability and receive direction.

4. The rendering of assistance under the terms of this compact shall not be mandatory, but the Supporting Department should immediately inform the Requesting Department if, for any reason, assistance cannot be rendered. Mutual aid shall not be requested by a member municipality unless resources available within the Requesting Department are deemed to be inadequate.

5. In the event that a Supporting Department is concerned about coverage of their own municipality during the incident, the Supporting Department may request, through the RCC, that another member municipality be placed on standby to address those coverage concerns.

6. A Supporting Department shall be released by the Requesting Department when the services of the supporting department are no longer required or when the Supporting Department is needed within the area for which it normally provides emergency and disaster response. The Supporting Department shall make it known to the Incident Commander that they need to leave before departing the scene.

E. INTEROPERABLE COMMUNICATIONS

1. The member municipalities agree to establish common radio protocols.

2. Each municipality that has signed on to this mutual aid compact hereby authorizes the other member municipalities to program their fire department radio frequency into their base, mobile and portable radios. Departments that do not "own" the radio frequency should only utilize that frequency during an emergency or disaster involving the "owning" department.

3. The Incident Commander shall have the responsibility for coordinating communications between the personnel of the Supporting Departments and the Requesting Department.

F. RELATIONSHIPS WITH OTHER AGREEMENTS

1. This compact does not replace any "Automatic" agreements that individual municipalities have signed with one another. Automatic Agreements allows for two or more fire departments to be dispatched automatically and simultaneously in order to respond to a single incident in a member municipality.

2. The Mutual Aid Compact is a "Call" agreement, whereby a requesting department must ask for a supporting department to be dispatched by the RCC in order for the supporting department to respond.

G. COMPENSATION, REIMBURSEMENTS, LIABILITY AND WORKERS COMPENSATION

1. Each member municipality to this agreement shall be responsible for compensation of damages to its own equipment and vehicles which occurs while aid to the other municipality is being rendered.

2. Each member municipality to this agreement shall be liable for its own actions which occur while aid to the other municipality is being rendered.

3. Each member municipality shall be responsible for compensation for injury or death of its own firefighters which occurs while aid to the other municipality is being rendered.

4. The SFO from each Supporting Department shall be responsible for ensuring that his/her firefighters are qualified and capable of completing the assignments given to them. An example would include firefighters who are not qualified to perform interior firefighting will not be assigned to perform interior firefighting.

5. Should the Requesting Department seek reimbursement for services performed from hazardous materials spillers, insurance, courts or the like, the Requesting Department will also include reimbursement for all Supporting Departments that were included in the response.

6. All Departments shall compensate (or not compensate) their own members according to their own department policies. Supporting Departments will not seek wage/stipend compensation from Requesting Departments, unless agreed to between both departments.

H. AGREEMENT REPRESENTATIVE

1. The duly appointed municipal fire chief from each member municipality shall represent the municipality on any discussions concerning the mutual aid compact.

2. No provision of this Agreement may be modified, altered, or rescinded without the approval of the Municipal Officers of all member municipalities.

I. DURATION

1. This Compact shall remain in effect for a period of five (5) years from the date of signing, at which time said Compact may be renewed.

J. WITHDRAWING FROM THE COMPACT

1. Any member municipality that desires to withdraw from the Waldo County Fire Protection Mutual Aid Compact shall provide a written and signed resolution letter to the President of the Waldo County Fire Chief's Association at least 30 days prior to withdrawing from this compact.

K. COPIES PROVIDED

1. This compact shall be filed on record with the municipal clerk from each member municipality. It shall also be kept on file at each fire department of each member municipality. A copy of this compact shall also be provided to the RCC and EMA.

L. VALIDATION

1. Should any portion or section of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion or section; and the remaining portions of this Agreement shall remain in full force and effect without regard to the section or portion or power invalidated.

WALDO COUNTY FIRE PROTECTION MUTUAL AID COMPACT
SIGNATORY PAGE

MUNICIPALITY OF Belfast

James Richards — Aug. 26, 2016

Fire Chief — Date

Municipal Officer — Date

Municipal Officer — Date

Municipal Officer — Date

Municipal Officer — Date

Municipal Officer — Date

Municipal Officer — Date

CITY OF BELFAST, MAINE 04915
131 CHURCH STREET

10.C

Robert (Bob) Richards
Public Works Director
publicworks@cityofbelfast.org

Tel: (207) 338-2375
Fax: (207) 338-6222

TO: Joe Slocum, City Manager
Mayor, and City Council

FROM: Bob Richards, Public Works Director

DATE: August 31, 2016

RE: Truck Bid

The City received (6) bid packages on the **Truck bid.** I would like to recommend that we accept the bid of **Colwell Diesel Service of Ellsworth** for $94,990.00. This bid is for the current FY 2016-2017 budget. I would like to expend $94,990.00 from account # 410-535, (purchase of equipment). This is one of the items that I had requested in the budget. This is not the lowest bidder. The difference in the bids between this bid and the lowest is $6,709.00. This vehicle is the closest package that meets or exceeds the specifications. This vehicle is identical to the last one we purchased two years ago. We continue to get good service from Colwell Diesel if there are any problems with the new or older vehicles in our fleet in which we have twelve International products.

Bob Richards

Thank you,
Bob Richards
Director, Public Works

CITY OF BELFAST, MAINE 04915
131 CHURCH STREET

Robert (Bob) Richards
Public Works Director
publicworks@cityofbelfast.org

Tel: (207) 338-2375
Fax: (207) 338-6222

TO: Joe Slocum, City Manager
Mayor, and City Council

FROM: Bob Richards, Public Works Director

DATE: August 31, 2016

RE: Dump Body / Plow Package Bid

The City received (2) bids on the **Dump Body / Plow Package bid.** I would like to recommend that we accept the bid of **Viking-Cives of Maine** for $61,093.00. This bid is for the current FY 2016-2017 budget. I would like to expend $61,093.00 from account # 410-535, (purchase of equipment). This is one of the items that I had requested in the budget. This will be installed on the new truck (wheeler). This is not the lowest bidder. In this bid package they have offered the rust resistant dump body (Corten Steel) and a more heavier duty rear wing post compared to the other bid that was submitted. We had this package installed on the last truck which was purchased 2 years ago and are pleased that no rust is showing on the dump body. This difference in the bids is $1,273.00.

Bob Richards

Thank you,
Bob Richards
Director, Public Works

CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

E-mail:cityhall@cityofbelfast.org
Tel: (207) 338-3370
Fax: (207) 338-2419

Work Truck
Bid Opening
August 30, 2016 at 10:00 a.m.

Present at the opening: Angie A. Crosby Deputy Clerk & Bob Richards Public Works Director
Also Attending: Troy Hanscom Freightliner of Maine,

There were a total of three (3) bid envelopes submitted as follows:

Coldwell Diesel Service
192 Downeast Highway
PO Box 784
Ellsworth, ME 04605

Price: 1.) $89,102 International 7500
2.) $94,990 International 7500
3.) $97,342 International 7500
Delivery Date: 60-90 Days

O'Connor's
187 Riverside Drive
Augusta, ME 04330

Price: $90,172 Western Star 4700
Delivery Date: 60-90 Days

Freightliner of Maine
422 Perry Road
Bangor, ME 04401

Price: 1.) $88,903 Freightliner 108SD w/ trailer package
$88,281 Freightliner 108SD w/o trailer package
2.) $102,140 Freightliner 114SD w/ trailer package
$101,457 Freightliner 114SD w/o trailer package
Delivery Date: 60 Days

Attest: Angie A. Crosby
Angie A. Crosby ~ Deputy Clerk

CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

E-mail:cityhall@cityofbelfast.org
Tel: (207) 338-3370
Fax: (207) 338-2419

Dump Body / Plow Gear
Bid Opening
August 30, 2016 at 10:00 a.m.

Present at the opening: Angie A. Crosby Belfast Deputy Clerk, Bob Richards Public Works Director,
Also Attending: Jason Curtis HP Fairfield, Dave Kingsbury Viking Cives of Maine

There were a total of two (2) bid envelopes submitted as follows:

HP Fairfield
9 Green Street
Skowhegan, ME

Price: $59,820.00
Installation after receiving the truck: 60 Days

Viking Cives of Maine
2085 Lisbon Road
Lewiston, ME 04240

Price: $61,093.00
Installation after receiving the truck: 45-60 Days

Attest: Angie A. Crosby
Angie A. Crosby ~ Deputy Clerk

10. D

CITY OF BELFAST, MAINE 04915

131 Church Street

Tel: (207) 338-3370
Fax: (207) 338-6222

MUNICIPAL ELECTION WARRANT
FOR NOVEMBER 8, 2016

WALDO COUNTY, SS

To: Michael McFadden, a police officer of Belfast, Maine.

You are hereby required in the name of the State of Maine to notify the voters of Belfast, Maine of the election described in this warrant.

To the voters of Belfast, Maine in **Wards 1, 2, 3, 4, & 5**

You are hereby notified that the Municipal Election in this municipality will be held at the following locations: Wards 1 & 2 and 3 & 4 at the Belfast Boathouse - 34 Commercial Street; and Ward 5 at United Methodist Church - 23 Mill Lane on Tuesday, November 8, 2016 for the purpose of electing to the following offices:

1-Councilor for Ward One for a two year term until November 2018
1-Councilor for Ward Two for a two year term until November 2018
1-Counciler for Ward Five for a two year term until November 2018
1-Election Warden for Wards Three and Four for a two year term until November 2018
2-RSU# 71 Board of Directors

The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. on the Eighth (8th) day of November 2016.

The registrars of voters will be available at Belfast City Hall Monday through Friday, from 8:00 a.m. to 5:00 p.m. and at both polling places during the election from 7:00 a.m. to 8:00 p.m. to correct any error in or changes to name or address on the voting list and to accept any new registrations of persons eligible to vote.

All persons not registered may vote in any election by registering to vote on or before Election Day.

Dated: September 6, 2016

Mary Mortier, Councilor Ward One

Neal Harkness, Councilor Ward Two

Eric Sanders, Councilor Ward Three

Michael D. Hurley, Councilor Ward Four

John Arrison, Councilor Ward Five

A True copy of the Warrant, Attest:

Amy I. Flood, City Clerk

10.F

City of Belfast

Manda Cushman <managersasst@cityofbelfast.org>

policy about Proclamations by the City Council?

1 message

Patrick Walsh <pwalsh@brmaine.org> Tue, Aug 23, 2016 at 9:02 AM
To: Manda Cushman <managersasst@cityofbelfast.org>

Manda,

From your experience, is the City Council open to requests to adopt a Proclamation? I am attaching a draft of a Proclamation that calls for observance of National Recovery Month in September. I can re-draft if there is an accepted format. I am offering this as a resident of Belfast, in my role as Substance Abuse Prevention Coordinator with Healthy Waldo County and as a member of WeCare (Waldo Encourages Community Assisted Recovery Efforts).

Thanks.

Patrick Walsh

pwalsh@brmaine.org

338-6679

This e-mail message may contain confidential or legally privileged information and is intended only for the use of the intended recipient(s). Any unauthorized disclosure, dissemination, distribution, copying or the taking of any action in reliance on the information herein is prohibited. E-mails are not secure and cannot be guaranteed to be error free as they can be intercepted, amended, or contain viruses. Anyone who communicates with us by e-mail is

City of Belfast Maine – Proclamation in observance of National Recovery Month

Mental and/or substance use disorders affect all communities nationwide, but with commitment and support, people with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery. By seeking help, people who experience mental and/or substance use disorders can embark on a new path toward improved health and overall wellness. The focus of ***National Recovery Month*** this September is to celebrate their journey with the theme *Join the Voices for Recovery: Our Families, Our Stories, Our Recovery!* ***Recovery Month*** spreads the message that behavioral health is essential to health and one's overall wellness, and that prevention works, treatment is effective, and people recover.

The impact of mental and/or substance use disorders is apparent in our local community, and an estimated **21%** of people in **Maine** are affected by these conditions. Through ***Recovery Month,*** people become more aware and able to recognize the signs of mental and/or substance use disorders, which can lead more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally.

The ***Recovery Month*** observance continues to work to improve the lives of those affected by mental and/ or substance use disorders by raising awareness of these diseases and educating communities about the prevention, treatment, and recovery resources that are available. For the above reasons, we are asking the citizens of **Belfast** to join us in celebrating this September as ***National Recovery Month.***

I, **Mayor Walter Ash, Jr..**, do hereby proclaim the month of September 2016 as

NATIONAL RECOVERY MONTH in **Belfast** and call upon our community to observe this month with compelling programs and events that support this year's observance.

_____ _____

Signature date

Mayor Walter Ash Jr.

Belfast City Councilors:

Mary Mortier _____

Neal Harkness _____

Eric Sanders _____

Michael Hurley _____

John Arrison _____

10.G

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: SADIE LLOYD, ASSISTANT PLANNER

DATE: SEPTEMBER 2, 2016

RE: LED STREET LIGHTING RETROFIT

Actions requested: Approve that up to $9,000 be spent from the Downtown TIF to retrofit 52 downtown street lights to LEDs, and approve the installation of LEDs with a 3000k temperature rating.

Street lighting LED retrofit
The estimate from Justin Reynolds to retrofit the 52 downtown street lights came in at $7,200. Per my previous memo, on behalf of the Energy Committee I am requesting that the Council make up to $9,000 available from the downtown TIF for this project.

There are 7 downtown style street lights on Pendleton Lane that have been retrofitted to LEDs as a test. These LEDs have a 3000k temperature rating. The temperature rating is what determines the color of the light. Knowing that the appearance of overhead lighting in Belfast has generated much discussion over the last few years, the Committee made a decision to look at something that would fall in between the orange haze of the existing downtown lights, and the stark blueish white of the Cross Street lights.

This light has been in place for a week or so (it is still there if you'd like to review it before Tuesday) for the Committee to determine if it was appropriate to recommend. The Committee is now formally recommending that this bulb be installed. It is a soft white; very similar to the color of lighting in a house. The look of the light is between the Cross Street light and the existing Main Street light. It is not orange/yellow, but it is not stark or blueish.

The Committee fully recognizes that the color of light falls out of their energy efficiency role, however having taken the time and effort to do the investigative work, they encourage the City to install lights with a 3000k temperature rating for all future street lighting projects. Research has shown that this is a temperature that is not offensive or disruptive to people (I believe a CNN article about this was circulated to Council and staff in the last few months).

Approximately $2,600 is available in Efficiency Maine rebates. This would bring the project cost down to approximately $4,600 ($88/light). We will need to pay the full project cost prior to applying for the rebates; Justin Reynolds will apply for the rebates and Efficiency Maine will issue us a check.

The new lights have a life of 50,000 hours and a 5 year warrantee. The existing lights have a life of 20,000 hours and a warrantee of one year.

Lastly, the Efficiency Maine rebates are available until September 30th. There is no guarantee that a future program would continue for these lights. Justin needs to order the lights once they are approved. If the Council would like to go forward with this project a timely decision is important.

10.H

CITY OF BELFAST, MAINE

131 Church Street

e-mail: cityhall@cityofbelfast.org

Tel: (207) 338-3370
Fax: (207) 338-6222

August 26, 2016

Memo to: Joe Slocum

From: Rickie LeSan RaL

Attached is a Council Order with a list of individuals who purchased lots and perpetual care in FY 2015-2016 and the funds need to be transferred to the Cemetery Trust Account. Would you please put this on the next council agenda.

City of Belfast

CITY COUNCIL

.....

Councilman.....

Order No.....

ORDERED THAT

the following Trust Funds received during the FY 2015-2016 for the care of cemetery lots are listed below be accepted by the City of Belfast, the principal to be safely invested and the income only therefore, to be used for the maintenance and repair of said lots:

Name	Lot	Range	Section	Amount
Tessa Anderson & Carolyn Miller	36	V	1975	500.00
Brent Kenney	2 EH	U	1975	400.00
Harry & Nancy Smith	50	S	Old	400.00
Linda Thomas-Macneil	21	T	1975	100.00
James & Lisa Desmarteau	28-29	N	1975	250.00
David & Edna Delano	3 & 4	C	1975	600.00
Sharon Davenport	74	T	1975	350.00
Ayenne Ames	103	T	1975	350.00
Corliss & Ricky Davis	6	T	1975	350.00
Ron & Elizabeth Conant	12	O	1975	500.00
Lauren & Minnie Payson	39	T	1975	350.00
Lillian Hollywood	17	M	1975	300.00
Nathan Curtis & Debra Jo Middlewart	27	D	1975	400.00
				$4,850.00

Signature Date

10.I

MAINE REVENUE SERVICES - 2016 ENHANCED BETE MUNICIPAL TAX RATE CALCULATION FORM

Municipality: Belfast

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	686,789,850		
2. Total taxable valuation of personal property	2	22,207,800		
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)			3	708,997,650
4. (a) Total exempt value for all homestead exemptions granted	4(a)	21,218,450		
(b) Homestead exemption reimbursement value	4(b)	10,609,225 (Line 4(a) multiplied by .5)		
5. (a) Total exempt value of all BETE qualified property	5(a)	16,677,000		
Enhanced Total of all reimbursable BETE Exempt Valuation	5(b)	9,940,460		
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))			6	729,547,335
Assessments				
7. County Tax	7	1,400,761.00		
8. Municipal Appropriation	8	5,379,749.00		
9. TIF Financing Plan Amount	9	195,635.00		
10. Local Educational Appropriation **(Local Share/Contribution)** (Adjusted to Municipal Fiscal Year)	10	10,015,476.00		
11. Total Assessments (Add lines 7 through 10).....			11	16,991,621.00
ALLOWABLE DEDUCTIONS				
12. State Municipal Revenue Sharing.....	12	381,728.00		
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. **Do Not Include any Homestead or BETE Reimbursement**	13	0.00		
14. Total Deductions (Line 12 plus line 13).....			14	381,728.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....			15	16,609,893.00

16.	16,609,893.00	X	1.05	=	17,440,387.65	Maximum Allowable Tax
17.	16,609,893.00	/	729,547,335	=	0.022767	Minimum Tax Rate
18.	17,440,387.65	/	729,547,335	=	0.023905	Maximum Tax Rate
19.	708,997,650	X	0.022900 (Selected Rate)	=	16,236,046.19 (Enter on MVR Page 1, line 13)	Tax for Commitment
20.	16,609,893.00	X	0.05	=	830,494.65	Maximum Overlay
21.	10,609,225	X	0.022900 (Selected Rate)	=	242,951.25 (Enter on line 8, Assessment Warrant)	Homestead Reimbursement
22.	9,940,460	X	0.022900 (Selected Rate)	=	227,636.53 (Enter on line 9, Assessment Warrant)	BETE Reimbursement
23.	16,706,633.97 (Line 19 plus lines 21 and 22)	-	16,609,893.00	=	96,740.97 (Enter on line 5, Assessment Warrant)	Overlay

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

MAINE REVENUE SERVICES - 2016 ENHANCED BETE MUNICIPAL TAX RATE CALCULATION FORM

Municipality: Belfast

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	686,789,850			
2. Total taxable valuation of personal property	2	22,207,800			
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)				3	708,997,650
4. (a) Total exempt value for all homestead exemptions granted	4(a)	21,218,450			
(b) Homestead exemption reimbursement value	4(b)	10,609,225 (Line 4(a) multiplied by .5)			
5. (a) Total exempt value of all BETE qualified property	5(a)	16,677,000			
Enhanced Total of all reimbursable BETE Exempt Valuation	5(b)	9,940,460			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))				6	729,547,335
Assessments					
7. County Tax	7	1,400,761.00			
8. Municipal Appropriation	8	5,379,749.00			
9. TIF Financing Plan Amount	9	195,635.00			
10. Local Educational Appropriation **(Local Share/Contribution)** (Adjusted to Municipal Fiscal Year)	10	10,015,476.00			
11. Total Assessments (Add lines 7 through 10)				11	16,991,621.00
ALLOWABLE DEDUCTIONS					
12. State Municipal Revenue Sharing	12	381,728.00			
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. **Do Not Include any Homestead or BETE Reimbursement**	13	0.00			
14. Total Deductions (Line 12 plus line 13)				14	381,728.00
15. Net to be raised by local property tax rate (Line 11 minus line 14)				15	16,609,893.00

16.	16,609,893.00	X	1.05	=	17,440,387.65	Maximum Allowable Tax
17.	16,609,893.00	/	729,547,335	=	0.022767	Minimum Tax Rate
18.	17,440,387.65	/	729,547,335	=	0.023905	Maximum Tax Rate
19.	708,997,650	X	0.023000 (Selected Rate)	=	16,306,945.95 (Enter on MVR Page 1, line 13)	Tax for Commitment
20.	16,609,893.00	X	0.05	=	830,494.65	Maximum Overlay
21.	10,609,225	X	0.023000 (Selected Rate)	=	244,012.18 (Enter on line 8, Assessment Warrant)	Homestead Reimbursement
22.	9,940,460	X	0.023000 (Selected Rate)	=	228,630.58 (Enter on line 9, Assessment Warrant)	BETE Reimbursement
23.	16,779,588.71 (Line 19 plus lines 21 and 22)	-	16,609,893.00	=	169,695.71 (Enter on line 5, Assessment Warrant)	Overlay

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

AGENDA TOPIC 10.J

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: September 1, 2016

RE: First Reading - Contract Rezoning Agreement - Phoenix Row Investments, LLC

REQUESTED ACTIONS

1) Council conducts the First Reading of the Contract Rezoning Agreement for the Phoenix Row Investments, Inc and the Phoenix Row property located at 157- 161 High Street, as such Agreement has been recommended by the Belfast Planning Board. Council should identify any potential changes you may want to this Agreement at this meeting.

2) Council schedules the Second Reading and public hearing for this Agreement for its meeting of September 20.

BACKGROUND INFORMATION

Phoenix Row Investments, LLC is proposing to subdivide their existing property and building located 157, 159 and 161 High Street into 3 lots. The property is 6,657 square feet in size and has 69.71 lineal feet of street frontage on High Street. There are 3 storefronts located on High Street, including Darby's Restaurant, 157 High Street, Bagel Shop, 159 High Street and Side Country Sports, 161 High Street, and the second and third floors of the building have been renovated into residential dwelling units. The property is located in the Downtown Commercial zoning district. One of the three proposed lots, the lot at 157 High Street. is proposed to 1,718.5 square feet in size, which is less than the minimum lot size requirement of 2,000 square feet.

In June 2016, the City Council approved an amendment to the City Code of Ordinances, Chapter 102, Zoning, that would create an opportunity for the Council to approve a contract rezoning agreement in certain cases in the Downtown Commercial zoning district in which one or more of the proposed lots in a subdivision/division of land did not satisfy the minimum lot size or minimum lot frontage requirement. These amendments were recommended by the Belfast Planning Board. I specifically note that the Phoenix Row property is the prime reason that these amendments were recommended.

The Planning Board has reviewed the Subdivision application submitted by Phoenix Row Investments, LLC and at its meeting of August 10, 2016, approved the Subdivision plan, subject to Council approval of this Contract Rezoning Agreement. The Planning Board, as stipulated in the Contract Rezoning Ordinance for the Downtown Commercial zoning district, also has

reviewed the proposed Agreement, and is recommending that the Council approve such, subject to the draft Conditions of Approval (Attachment A) recommended by the Board.

The long and short of this proposal is --- If the Council approves the proposed Contract Rezoning Agreement, Phoenix Row Investments, LLC will be able to create one lot, 157 High Street, that is about 270 square feet less than the minimum lot size requirement for the Downtown Commercial zoning district. The other two proposed lots, 159 High Street and 161 High Street will satisfy all City requirements. Further, all other City Ordinance requirements will be met, and the Subdivision Plan adopted by the Planning Board, as well as this Contract Rezoning Agreement, will help ensure that the Applicant must comply with all City requirements. In my opinion, there are no significant issues with the site or property, and the Planning Board has considered and addressed the easement agreements associated with the proposal. Also, the Applicant is not proposing any real changes to the existing building and property; the applicant is simply subdividing the property so he has the ability to sell or lease the 3 lots, and after the subdivision (contract rezoning agreement) is approved, the property will look and function like it has over the past 20+ years.

I have attached a considerable amount of information for Council review and consideration, including the following:

1) Draft Contract Rezoning Agreement which the Council must consider for adoption, including the Attachment A Conditions of Approval recommended (adopted) by the Belfast Planning Board.

2) The 4 plan sheets that constitute the Subdivision Plan reviewed and approved by the Planning Board. The plan sheets identify each of the 4 floors of the building. I specifically note that a rather unique aspect of this subdivision is that a portion of residential units that are located at 159 High Street, both the 2nd floor and 3rd floor, also occupy some of the lot and buildings located at 157 and 161 High Street.

3) A photograph of the rear of the building that helps to identify some of the common improvements to the properties, such as how the upper decks located on one property will help afford emergency egress to another property.

4) The contract rezoning ordinance that the Council adopted in June 2016.

The Council, if you concur with the Planning Board recommendation, will be required to adopt the Contract Rezoning Agreement (document #1 above) and with such, the Attachment A Conditions of Approval recommended by the Planning Board. I also note that since a Contract Rezoning Agreement is an amendment to the City Zoning Ordinance, only the Council has the authority to approve the Agreement.

I will do my best to answer any questions.

DRAFT FOR FIRST READING - 9/6/16 COUNCIL MEETING

ADOPTED CONTRACT REZONING AGREEMENT
CITY of BELFAST CODE of ORDINANCES

CITY OF BELFAST CITY COUNCIL
PHOENIX ROW INVESTMENTS, LLC (APPLICANT)
PHOENIX ROW SUBDIVISION
MAP 11, LOT 89

1) Parties to Agreement.

Applicant: Phoenix Row Investments, LLC (hereinafter 'Applicant')
Attn: Archie Barnes
P.O. Box 296
Belfast, ME 04915

City: City of Belfast (hereinafter 'City')
131 Church Street
Belfast, Maine 04915

2) Description and Location of Property.

The Applicant owns a property identified by the City of Belfast as Map 11, Lot 89. The Phoenix Row building is located on the property and the 3 storefronts in the existing building on the property have the following street addresses; 157, 159 and 161 High Street.

3) Applicant Request and Purpose of Contract Rezoning Agreement.

The Belfast City Council, at its meeting of June 21, 2016, adopted amendments to the City Code of Ordinances, Chapter 102, Zoning, to allow the use of contract rezoning in the Downtown Commercial zoning district when an applicant requests the ability to divide or subdivide a lot on which there is a building that was constructed prior to 1985, and when one or more of the lots that are proposed to be created by the subdividing of the property does not comply with the minimum lot size or minimum lot frontage requirements for the Downtown Commercial zoning district.

The Applicant owns the Phoenix Row building that is located on a 6,657 square foot lot that has 69.71 lineal feet of street frontage on High Street. The Phoenix Row building was originally built in 1824 and was reconstructed in 1887 after being destroyed by a fire. The Applicant has used the first floor of the property for 3 store

fronts on High Street, and has renovated the second and third floors into residential dwelling units. At present, the store fronts are occupied by Darby's Restaurant (157 High Street), Bagel Cafe (159 High Street) and Side Country Sports (161 High Street).

The Applicant now proposes to subdivide the existing lot and building into 3 separate lots. All of the lots that are proposed to be created can satisfy the minimum street frontage requirement of 20 feet for the Downtown Commercial zoning district, and two of the three lots can satisfy the minimum lot size requirement of 2,000 square feet. The proposed lot located at 157 High Street, however, is only 1,718 square feet in size, which is less than the minimum lot size requirement of 2,000 square feet. The Applicant is requesting that the City Council approve the lot at 157 High Street to be less than the minimum lot size requirement pursuant to approval of a Contract Rezoning Agreement in accordance with standards identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district.

4) City Code of Ordinance Requirements.

The Belfast City Council determined that the City has the authority to consider the Applicant proposal to develop this property pursuant to terms of a Contract Rezoning Agreement. The Council considered the provisions of the applicable City Ordinances and the recommendations of the City of Belfast Planning Board in determining that the Applicant project is an allowed use and that it satisfies applicable Ordinance requirements. The Ordinance's which were considered are as follows:

a) Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district. The Council specifically noted that Section 102-1501 establishes that the Applicant parcel qualifies for a Contract Rezoning Agreement, and that Section 102-1502 establishes that the purpose of the Applicant requesting a Contract Rezoning Agreement is consistent with the reason the Council adopted the Division 5 provisions at its meeting of June 21, 2016.
b) Chapter 102, Zoning, Article V, District Regulations, Division 31, Dimensional Standards, Section 102-900 and 901, Dimensional Chart and Footnotes to said Chart.
c) City of Belfast Subdivision Ordinance (Chapter 94). The Council specifically noted that the Belfast Planning Board, at its meeting of August 10, 2016, conditionally approved the Subdivision application, subject to Council approval of the requested Contract Rezoning Agreement.
d) Chapter 98, Technical Standards Ordinance; as such provided guidance to the Planning Board and City Council in implementing goal statements identified in Chapter 102, Zoning, Article X).

5) Description of City Council Action:

The Belfast City Council conducted the public hearings and meetings associated with its review the Contract Rezoning Agreement that are required by Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, Section 102-1503. The Council conducted the First Reading regarding this proposal at its meeting of September 6, 2016, and conducted the Second Reading and an accompanying public hearing at its meeting of September 20, 2016.

The Council, at its meeting of September 20, 2016, found that the Applicant satisfied all requirements of Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, Sections 102-1501 through 102-1505, and voted at this same meeting to approve the Contract Rezoning Agreement for the property located at Map 11, Lot 89. The Council found that the Applicant proposal satisfied all Section 102-1504(a) Mandatory Conditions for a Contract Rezoning Amendment (Agreement) that are stipulated in State Law, all Section 102-1504(b) Discretionary Conditions for a Contract Rezoning Agreement that are stipulated in the City Code of Ordinances, and that the project proposal is consistent with the Goal Statements stipulated in Section 102-1505. The Council authorized the City of Belfast City Manager to enter into (sign) this Agreement on their behalf.

6) Terms and Conditions of Approval

The Contract Rezoning Agreement is subject to Applicant compliance with the following terms and conditions:

a) Attachment A, City of Belfast Planning Board recommended Conditions of Approval, which the Planning Board reviewed and approved at its meeting of August 10, 2016, and as such were reviewed and approved by the City Council at its meeting of September 20, 2016.

b) Phoenix Row Subdivision Plan (4 sheets) prepared by Good Deeds, as such was reviewed and conditionally approved by the City of Belfast Planning Board at its meeting of August 10, 2016. The City Council acknowledged that the Planning Board was scheduled to act on its conditional approval and to sign the final Subdivision Plan if the Council approved the requested Contract Rezoning Agreement.

7) Integration.

This Contract Rezoning Agreement, together with all attachments, and the Phoenix Row Subdivision Plan approved by the City of Belfast Planning Board, together with all attachments, represents the set of terms and conditions between the parties. No oral statements, promises or understandings may be relied upon by either party.

8) Assignment.

The City, in approving this Contract Rezoning Agreement, recognized that the Applicant ultimately intends to sell or lease one or more of the three units/properties created through City approval of the Phoenix Row Subdivision Plan and this Contract Rezoning Agreement. The City requires the Applicant to inform the City when any sale or lease of any of the units/properties occurs, and for the Applicant to make any new owner or leaseholder aware of terms of the Contract Rezoning Agreement and the fact that said terms are binding on them, and are binding on any heirs, successors and assigns.

9) Enforcement.

The following provisions shall apply to enforcement of the terms of this Contract Rezoning Agreement:

a) The parties hereto acknowledge that this Agreement is enacted pursuant to and is an extension of the land use laws of the City of Belfast. The City may enforce any violation of the terms and conditions in the Contract Rezoning Agreement and all attachments hereto, and the Phoenix Row Subdivision Plan approved by the City of Belfast Planning Board, and all attachments hereto, pursuant to the relief, penalties and remedies, including injunctive relief, as contained in Title 30-A M.R.S 4452 and Rule 80K of the Maine Rules of Civil Procedure. Each day of violation shall be considered a separate violation. Provided, however, with the exception of emergency safety issues, no enforcement action shall take place unless the Applicant, or its heirs, successors and assigns, fails to substantially cure violations after receipt of written notice from the City demanding cure within 30 days of receipt of said notice by the Applicant or its heirs, successors and assigns; and

b) Unless specifically displaced by the terms and conditions described herein, the Applicant, or its heirs, successors and assigns, shall comply with all performance standards, land use ordinances, and public health, safety and welfare ordinances of the City of Belfast, whether existing or to be enacted in the future.

10) Effective Date of Agreement.

The effective date of this Contract Rezoning Agreement shall be the date of its adoption by the City Council, September 20, 2016. This Agreement was adopted and signed by both the Applicant and the City in September 2016. Council adoption of this Agreement satisfies a specific condition established by the City of Belfast Planning Board regarding its approval of the Phoenix Row Subdivision Plan, and post the Council meeting, the Planning Board is scheduled to act to sign the final Subdivision Plan.

The adoption of the Contract Rezoning Agreement and the accompanying Attachments and Plans is a legal land use decision of the City Council of the City of Belfast. Any appeal of this decision must be filed in the Waldo County Superior Court within 30 days in accordance with provisions of City Code of Ordinances, Chapter 102, Zoning, Section 102-1506.

ON BEHALF OF THE APPLICANT, PHOENIX ROW INVESTMENTS, LLC

Dated: _____ _____

Archie Barnes

State of Maine
Waldo County, ss

Personally appeared before me the above-named Archie Barnes made oath and that the above-stated facts are true based upon his knowledge, information and belief and to the extent that they are based upon information and belief, Archie Barnes, swears that he believes them to be true.

Before me,

_____

Notary Public

_____

Type or Print Name as Written

My Commission Expires:

ON BEHALF OF THE CITY OF BELFAST

DATED: _____ _____

Joseph J. Slocum

State of Maine
Waldo County, ss

Personally appeared before me the above-named Joseph J. Slocum, City Manager, City of Belfast and made oath that the above-stated facts are true based upon his knowledge, information and belief and to the extent that they are based upon information and belief, Joseph J. Slocum, swears that he believes them to be true.

Before me,

_____

Notary Public

_____

Type or Print Name as Written

My Commission Expires:

ATTACHMENT A
DRAFT CONDITIONS of APPROVAL
CONTRACT REZONING AGREEMENT

RECOMMENDED by BELFAST PLANNING BOARD
to BELFAST CITY COUNCIL
ADOPTED on -----, 2016

PHOENIX ROW INVESTMENTS, LLC (APPLICANT)
PROPOSAL to SUBDIVIDE PROPERTY
MAP 11, LOT 89

CITY COUNCIL ACTION REGARDING CONDITIONS of APPROAL RECOMMENDED by BELFAST PLANNING BOARD.

(Potential Language for Council action --- The Belfast City Council, at its meeting of September 20, 2016, voted to approve a Contract Rezoning Agreement to support Phoenix Row Investments, LLC, proposal to subdivide an existing property/lot, Map 11, Lot 89, located at 157, 159 and 161 High Street into 3 lots. The Council, in adopting this Agreement, voted to allow the Lot located at 157 High Street to be less than the minimum lot size required for the Downtown Commercial zoning district; 1,718.5 square feet, rather than a minimum of 2,000 square feet. The Council also voted to require that the Applicant comply with Conditions of Approval recommended by the Belfast Planning Board, Attachment A, as such were adopted by the Planning Board at its meeting of August 10, 2016. The following Attachment A, Conditions of Approval, Recommended by the Planning Board, as such were adopted by the Council, are identified in Clause 6 of the Council's Contract Rezoning Agreement as requirements of the adopted Agreement.

DESCRIPTION OF PROJECT & APPLICANT REQUEST for a CONTRACT REZONING AGREEMENT

Phoenix Row Investments, LLC (hereinafter Applicant) owns an existing property, Map 11, Lot 89, that is located at 157, 159 and 161 High Streets. The property/lot is 6,657.8 square feet in size and has 69.71 lineal feet of street frontage on High Street. The existing building on the property, the Phoenix Row Building, was initially constructed in 1824, and was reconstructed in 1887 following a fire. The current exterior of the building reflects much of the architecture of the reconstructed building. The existing building now features 3 storefronts that face onto High Street, including Darby's Restaurant, Bagel Cafe and Side Country Sports, and the two upper floors in the building have been renovated as residential dwelling units.

The Applicant is requesting the ability to divide the existing property and building into 3 lots. The property is in the Downtown Commercial zoning district, which requires a minimum lot size of 2,000 square feet, and that each lot have a minimum of 20 feet of street frontage. The

Applicant is proposing to create 3 lots, with each lot including a portion of the existing building; a storefront and the respective upper floor area located above that storefront. The three lots are:

- 157 High Street (Darby's Restaurant) - 1718.5 square feet of land area and 20.98 feet of street frontage;
- 159 High Street (Bagel Cafe) - 2908 square feet of land area and 24.02 feet of street frontage; and
- 161 High Street (Side Country Sports) - 2031.3 square feet of land area and 24.71 feet of street frontage.

While two of the lots, 159 High Street and 161 High Street, comply with both the minimum lot size and minimum street frontage requirement, the lot at 157 High Street has sufficient street frontage, but does not comply with the minimum lot size requirement. The Belfast City Council, at its meeting of June 21, 2016, adopted amendments to the City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, to allow an applicant to request the authority to create one or more lots that do not fully comply with minimum lot size requirements in the Downtown Commercial zoning district via City consideration of a contract rezoning application. The applicant has submitted a subdivision and contract rezoning application for review by the Planning Board, with the acknowledgement that the Council must review and approve a contract rezoning application to allow the lot at 157 High Street to be smaller than the City minimum lot size requirement.

PLANNING BOARD FINDING

The Belfast Planning Board, pursuant to requirements of the City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, is responsible for preparing a contract rezoning agreement for presentation and recommendation to the City Council as a proposed contract rezoning ordinance amendment. Said agreement must define specific terms that the Applicant must satisfy.

The Belfast Planning Board, pursuant to Section 102-1503(b), Step 2 of the contract rezoning process (Article X, Division 5), at its meeting of August 10, 2016, found that the Applicant project proposal satisfies the following requirements of the City Code of Ordinances:

1) Subdivision Ordinance (non-codified), subject to City Council approval of a contract rezoning agreement to allow the creation of three lots, one of which (157 High Street) does not comply with the minimum lot size requirement for the Downtown Commercial zoning district. The Planning Board, at its meeting of August 10, 2016, granted conditional approval of the Phoenix Row Investment, LLC Subdivision Plan (4 sheets), subject to Council approval of the requested Contract Rezoning Agreement to allow the Lot at 157 High Street to be less than the minimum lot size requirement.
2) Chapter 102, Zoning, Article V, District Regulations, Division 30, Uses, and Division 31, Dimensional Standards, subject to City Council approval of the requested Contract Rezoning Agreement to allow the creation of three lots, one of which (157 High Street) does not fully comply with the minimum lot size requirement for the Downtown Commercial zoning district.
3) Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, Section 102-1505, Minimum Goals which an Applicant Shall Address, to obtain a Contract Rezoning Agreement.

The Planning Board, at its meeting of August 10, 2016, adopted specific Findings of Fact to describe why it made the above Findings and decisions. Said adopted Findings are on file at the City Code and Planning Department.

PLANNING BOARD RECOMMENDED CONDITIONS of APPROVAL
for a CONTRACT REZONING AGREEMENT

The Planning Board, per requirements of the Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, Section 102-1503(b)(4), at its meeting of August 10, 2016, adopted the following Conditions of Approval that it is recommending the Belfast City Council approve as requirements of a Contract Rezoning Agreement. The Applicant must comply with these Conditions to obtain City Planning Board approval of the Phoenix Row Subdivision application. Planning Board approval includes its review and approval of a subdivision plan entitled Proposed Plan, Phoenix Row Subdivision, Property Division Footprints, submitted by Phoenix Row Investments, LLC, Sheet 1 (First Floor), Sheet 2 (Second Floor), Sheet 3 (Third Floor) and Sheet 4 (Basement) prepared by Good Deeds Land Surveying.

The specific Conditions of Approval that the Planning Board recommends that the Council adopt as requirements of this Contract Rezoning Agreement are stipulated in Conditions 1 – 9, below.

1. <u>REQUIREMENTS of AGREEMENT to APPLICANT and AMENDMENTS.</u>

This Contract Rezoning Agreement was granted to Phoenix Row Investments, LLC (Applicant). In approving this Agreement, the City recognized that the Applicant intends to sell, lease or convey one or more of the three lots created through the Phoenix Row Subdivision. The City requires that these Conditions of Approval (Attachment A, Contract Rezoning Agreement) and the Conditions of Approval stipulated by the Belfast Planning Board for the Phoenix Row Subdivision, be binding on the Applicant and any heirs, successors or assigns. Further, any request to amend terms of the adopted Contract Rezoning Agreement or the Phoenix Row Subdivision shall require the review and approval by the appropriate City authorities.

2. <u>NON-CITY (OTHER) PERMITS.</u>

The Applicant shall provide the City Code Enforcement Officer a copy of all permits that may be required and that it obtains from any state or federal (non-City) agencies. If a state or federal permit applies to improvements involved with the issuance of a City building, demolition or similar permit, the Applicant shall obtain said permits prior to the issuance of a City permit.

The Applicant shall abide by terms of all state and federal (non-City) permits that are required for this project. If any conditions or requirements imposed by a state or federal agency differ or conflict with requirements established by the City, the Applicant shall inform the City of the conflicts and shall work with the City to resolve the conflict. This could require an amendment(s) to the City permits and this Contract Rezoning Agreement.

The Applicant also shall inform the City Code Enforcement Officer of orders regarding project construction or compliance that may be issued by other agencies, and describe the action performed by the applicant to comply with the respective order.

3. USE of BUILDINGS and LOTS.

The building and property, as such was divided into the 3 lots identified on the Phoenix Row Subdivision Plan, may be used for any use or uses permitted pursuant to the City Code of Ordinances, reference Chapter 102, Zoning, provided the requested use complies with requirements of City Ordinances, with the recognition that the lot located at 157 High Street was allowed to be less in size (at the time the lot was created) than required for the Downtown Commercial zoning district.

4. NUMBER of LOTS and SIZE of LOTS.

The Phoenix Row Subdivision shall consist of three lots, including: 157 High Street, 159 High Street and 161 High Street. The lots shall be configured as shown on the Phoenix Row Subdivision Plans, Sheets 1 (First Floor), Sheet 2 (Second Floor), Sheet 3 (Third Floor) and Sheet 4 (Basement), dated August 25, 2016, prepared by Good Deeds Land Surveyors, and shall be no less in size and have no less street frontage on High Street than as shown on said Plans.

It is specifically referenced that the lot at 157 High Street is 1718.5 square feet in size, which is less than the minimum lot size of 2,000 square feet for the Downtown Commercial zoning district, and that the creation of this lot is dependent on Council approval of and Applicant compliance with terms of this Contract Rezoning Agreement. The lots located at 159 High Street and 161 High Street comply with both the minimum lot frontage and lot size requirements.

Further, it is specifically referenced that the Subdivision Plan establishes that certain portions of the second floor of the Lot located at 159 High Street are located above the lot created for the Lot at 161 High Street (reference Sheet 2 of the Subdivision Plan), and that certain portions of the third floor of the Lot located at 159 High Street are located above the lot created for the Lots at both 157 High Street and 161 High Streets (reference Sheet 3 of the Subdivision Plan). The Planning Board considered and approved the building lay-out shown on Sheets 2 and 3, and established such as elements of the approved Subdivision Plan.

5. BUILDING DESIGN.

The Applicant has not proposed any changes to the exterior of the building as part of this application, thus, the City did not establish any specific requirements that apply to the exterior appearance of the building, as such is being divided as part of the Phoenix Row Subdivision. The Applicant acknowledges that any future changes that may be proposed to the exterior of the building shall require the review and approval of the City Intown Design

Review Committee pursuant to requirements of City Code of Ordinances, Chapter 80, Intown Design Review.

6. UTILITIES and STORMWATER MANAGEMENT.

The existing building and property is connected to public utilities (sewer, water, electric and cable) and no changes are proposed to said utilities at the time of City consideration of this Contract Rezoning application. The Applicant, as part of the Subdivision and Contract Rezoning application, identified certain easement requirements and obligations that affect existing utilities and how stormwater is managed, and the mutual responsibilities of the respective owners of the three lots to manage such utilities and stormwater improvements. The City requires the Applicant and property owners to comply with requirements of said easements, a copy of which shall be recorded in the Waldo County Registry of Deeds and be on file at the Code and Planning Department.

7. SOLID WASTE DISPOSAL.

The Applicant shall properly collect and dispose of all solid wastes generated on the property. If the Applicant chooses to install one or more dumpsters or similar containers for the disposal of solid wastes, the Applicant shall screen such dumpsters in compliance with requirements of the City Code of Ordinances.

8. PARKING.

On the date that the Contract Rezoning Agreement was approved, all of this property was located in a section of the Downtown Commercial zoning district that was exempt from the requirement to provide on-site parking. As such, the City did not require the Applicant to provide any on-site parking. Notwithstanding this provision, if the City chooses to amend its land use Ordinances to require on-site parking, future uses of this property may be required to comply with Ordinance requirements regarding parking that are in effect at the time an application is submitted by a future owner.

9. EASEMENT AGREEMENTS.

The Phoenix Row Subdivision results in the subdivision of an existing property and building into 3 lots, each of which includes a portion of the existing building. The existing building also consists of 3 floors of habitable space and a basement. Further, there are certain improvements on the property and in the building that are common to two or more of the lots and attendant buildings created by the Subdivision, and certain portions of the second and third floor of the building located at 159 High Street are located on the lots created at 157 High Street and 161 High Street. The Applicant has established certain Easements that address common improvements and areas and the use, management and maintenance of said improvements and areas. The City reviewed and required the establishment of these easements as conditions of its approval of the Subdivision application and Contract Rezoning Agreement. These easements shall be recorded in the Waldo County Registry of Deeds, shall be on file at the Code and Planning Department and shall be binding on the Applicant and all heirs, successors and assigns. The Applicant shall

notify the Code and Planning Department of any proposed amendments to the recorded easements and the City Code Enforcement Officer or his designated representative shall determine if the proposed amendment to the easement shall require the review and approval of the City.

NOTES

1) ALL DOCUMENTS REFERENCED ON THIS PLAN ARE RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS, UNLESS OTHERWISE NOTED.

2) SUBJECT PREMISES IS DESCRIBED IN A DEED TO PHOENIX ROW INVESTMENTS LLC, DATED MARCH 8, 2013, RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS BOOK 3739, PAGE 286. SUBJECT PREMISES IS APPROXIMATELY DEPICTED ON TOWN OF TOWN ASSESSOR MAP #11 AS LOT 89.

3) NO WRITTEN REPORT WAS PREPARED AS PART OF THIS SURVEY

4) EASEMENT FOR INGRESS AND EGRESS THROUGH THE HALLWAY AND STAIRWELL LOCATED IN THE BUILDING OF 159 HIGH STREET FOR SECOND FLOOR ACCESS FOR THE OWNERS OF 157 HIGH STREET.

5) EASEMENT FOR THE OWNERS OF 157 HIGH STREET TO UTILIZE, MAINTAIN, AND REPAIR THE TWO CHIMNEYS LOCATED ON THE DIVIDING WALL BETWEEN 157 & 159 HIGH STREET, INCLUDING A PROVISION THAT 157 HIGH STREET IS SOLELY RESPONSIBLE FOR MAINTAINING THE CHIMNEY'S STRUCTURE ABOVE THE ROOF LINE OF THE BUILDING AT 159 HIGH STREET. THE OWNERS OF 159 HIGH STREET SHALL HAVE THE RIGHT TO REPAIR AND MAINTAIN THE CHIMNEY, IF NECESSARY.

6) EASEMENT FOR THE OWNER OF 159 HIGH STREET FOR INGRESS AND EGRESS OVER THE FIRE ESCAPE LOCATED ON THE REAR OF BUILDING AT 157 HIGH STREET.

7) EASEMENT FOR INGRESS, EGRESS, AND USE THROUGH THE DECKS ON REAR OF BUILDING LOCATED AT 161 HIGH STREET AND THE LADDER/FIRE ESCAPTE LOCATED AT THE REAR OF THE BUILDING AT 161 HIGH STREET TO BE ENJOYED BY THE OWNERS OF 159 HIGH STREET.

8) THE ADDITION ON 161 HIGH STREET WAS BUILT OUTSIDE OF THE DEEDED PROPERTY LINE, HOWEVER; THE EXISTENCE OF THIS BUILDING HAS OCCUPIED THIS AREA LONG ENOUGH TO GIVE IT CERTAIN RIGHTS TO BE DETERMINED BY COUNCIL.

PLAN REFERENCE:

1) PROPERTY LINE CONFIGURATIONS WERE BASED UPON A PLAN ENTITLED "STANDARD BOUNDARY SURVEY OF THE PROPERTY OF CHRISTOPHER W. & CHERYL S. KRAUSE", DATED APRIL 23, 1989, BY GOOD DEEDS, INC.
2) PLAN TITLED "BOUNDARY & TOPOGRAPHIC SURVEY LANDS OF DALE C. PALMER LIVING TRUST & EUNICE R. PALMER LIVING TRUST WASHINGTON STREET CITY OF BELFAST, MAINE" DATED AUGUST 21, 2015, BY GOOD DEEDS LAND SURVEYING, BELFAST, MAINE.

This is certify that the City of Belfast Planning Board, at its meeting of August 10, 2016 reviewed and conditionally approved the Phoenix Row Subdivision Plan submitted by Phoenix Row Investments, LLC, with Board approval conditioned on approval of a Contract Rezoning Agreement by the City of Belfast City Council. The Belfast City Council approved a Contract Rezoning Agreement for the Phoenix Row Subdivision for Phoenix Row Investments, LLC at its meeting of September 20, 2016, and said action resulted in the decision of the Planning Board to sign the Phoenix Row Subdivision Plan at its meeting of September 28, 2016. The Planning Board made findings of fact establishing that the Phoenix Row Subdivision Plan, subject to City Council approval of the Contract Rezoning Agreement, complies with criteria set forth in 30-A MRSA Section 4404 (as amended) and the City of Belfast Code of Ordinances, Chapter 94, Subdivisions, and Chapter 102, Zoning. The Subdivision Plan is subject to applicant compliance with the Conditions of Approval adopted by the Planning Board, and Conditions of Approval adopted by the City Council for the Contract Rezoning Agreement, both of which are recorded in the Waldo County Registry of Deeds. The approved Subdivision Plan consists of 4 sheets.

Undersigned by members of the City of Belfast Planning Board.

1. _____

2. _____

3. _____

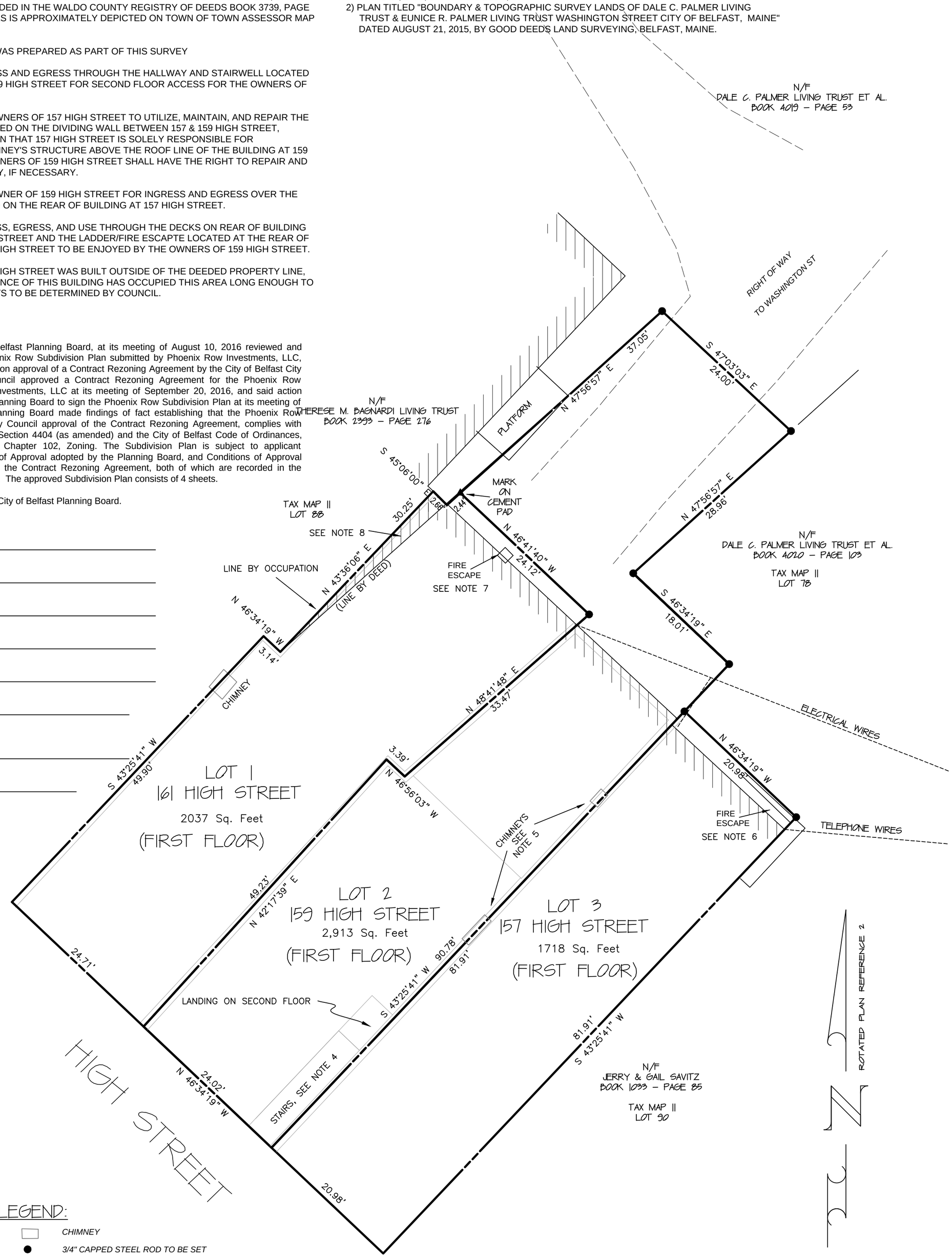
4. _____

5. _____

6. _____

7. _____

Date: _____



LEGEND:

- CHIMNEY
- 3/4" CAPPED STEEL ROD TO BE SET
- UTILITY POLE
- OVERHEAD WIRES
- INTERIOR WALL
- BOUNDARY LINE

PHOENIX ROW SUBDIVISION

PROPERTY DIVISION FOOTPRINTS

OF THE PROPERTY OF

PHOENIX ROW INVESTMENTS LLC

WALDO COUNTY REGISTRY OF DEEDS
BOOK 3739- PAGE 286

HIGH STREET
BELFAST, WALDO COUNTY, MAINE

GOOD DEEDS
LAND SURVEYING
109 MAIN STREET
P.O BOX 587
BELFAST, MAINE 04915
TELE:(207)338-5743

JOB No.: *16166*
DATE: AUGUST 25, 2016

SCALE: *1"= 10'*

10' 0' 10' 20' 30' 40'

MAILING ADDRESS:
ARCHIE BARNES
PO BOX 296
BELFAST, MAINE 04915

SHEET 1 OF 4
FIRST FLOOR

NOTES

1) ALL DOCUMENTS REFERENCED ON THIS PLAN ARE RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS, UNLESS OTHERWISE NOTED.

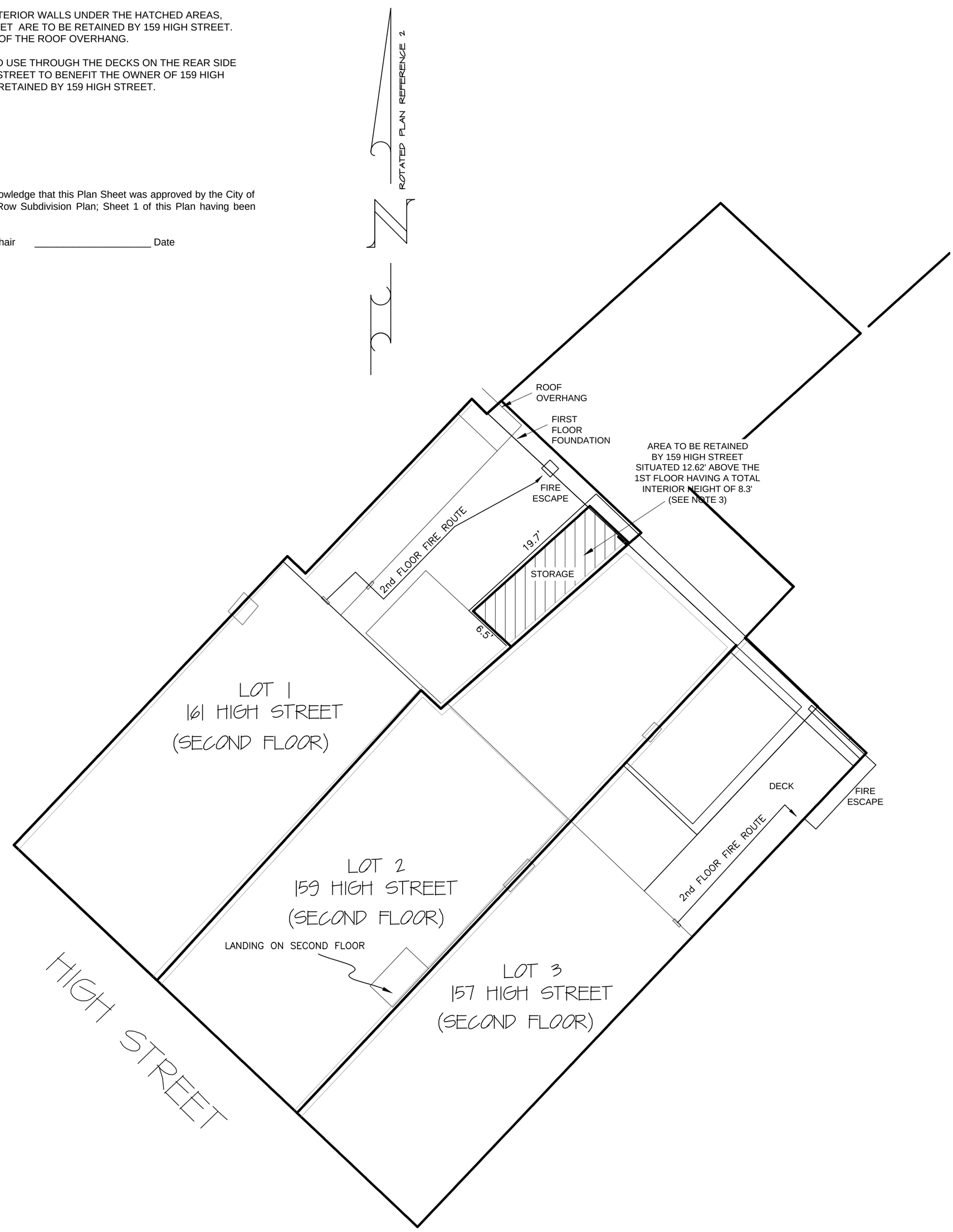
2) EASEMENT FOR INGRESS, EGRESS, AND USE THROUGH THE DECKS ON THE REAR OF THE BUILDING LOCATED AT 161 HIGH STREET AND THE LADDER/FIRE ESCAPE LOCATED AT THE REAR OF THE BUILDING AT 161 HIGH STREET TO BE ENJOYED BY THE OWNERS OF 159 HIGH STREET.

3) THE DIMENSIONS AS SHOWN ARE THE EXTERIOR WALLS UNDER THE HATCHED AREAS, SITUATED ON THE 2ND OF 161 HIGH STREET ARE TO BE RETAINED BY 159 HIGH STREET. HATCHED AREAS REPRESENT THE AREA OF THE ROOF OVERHANG.

4) AN EASEMENT FOR INGRESS,EGRESS AND USE THROUGH THE DECKS ON THE REAR SIDE OF THE BUILDING LOCATED AT 161 HIGH STREET TO BENEFIT THE OWNER OF 159 HIGH STREET TO ACCESS THE STORAGE UNIT RETAINED BY 159 HIGH STREET.

I, Steve Ryan, Chair of the Planning Board, acknowledge that this Plan Sheet was approved by the City of Belfast Planning Board as part of the Phoenix Row Subdivision Plan; Sheet 1 of this Plan having been signed by members of the Planning Board.

_____, Chair _____ Date



LEGEND:

- CHIMNEY
- 3/4" CAPPED STEEL ROD TO BE SET
- UTILITY POLE
- OVERHEAD WIRES
- INTERIOR WALL
- BOUNDARY LINE

PHOENIX ROW SUBDIVISION

PROPERTY DIVISION FOOTPRINTS

OF THE PROPERTY OF

PHOENIX ROW INVESTMENTS LLC

WALDO COUNTY REGISTRY OF DEEDS
BOOK 3739- PAGE 286

HIGH STREET
BELFAST, WALDO COUNTY, MAINE

GOOD DEEDS
LAND SURVEYING
109 MAIN STREET
P.O BOX 587
BELFAST, MAINE 04915
TELE:(207)338-5743

JOB No.: 16166
DATE: AUGUST 25, 2016

SCALE: 1"= 10'

10' 0' 10' 20' 30' 40'

MAILING ADDRESS:
ARCHIE BARNES
PO BOX 296
BELFAST, MAINE 04915

SHEET 2 OF 4
SECOND FLOOR

NOTES

1) EASEMENT FOR INGRESS AND EGRESS THROUGH THE DECKS ON THE SECOND AND THIRD FLOORS OF THE BUILDING LOCATED AT 157 HIGH STREET TO BE ENJOYED OF THE OWNERS OF 159 HIGH STREET.

2) EASEMENT FOR INGRESS, EGRESS, AND USE THROUGH THE DECKS ON THE REAR OF THE BUILDING LOCATED AT 161 HIGH STREET AND THE LADDER/FIRE ESCAPE LOCATED AT THE REAR OF THE BUILDING AT 161 HIGH STREET TO BE ENJOYED BY THE OWNERS OF 159 HIGH STREET.

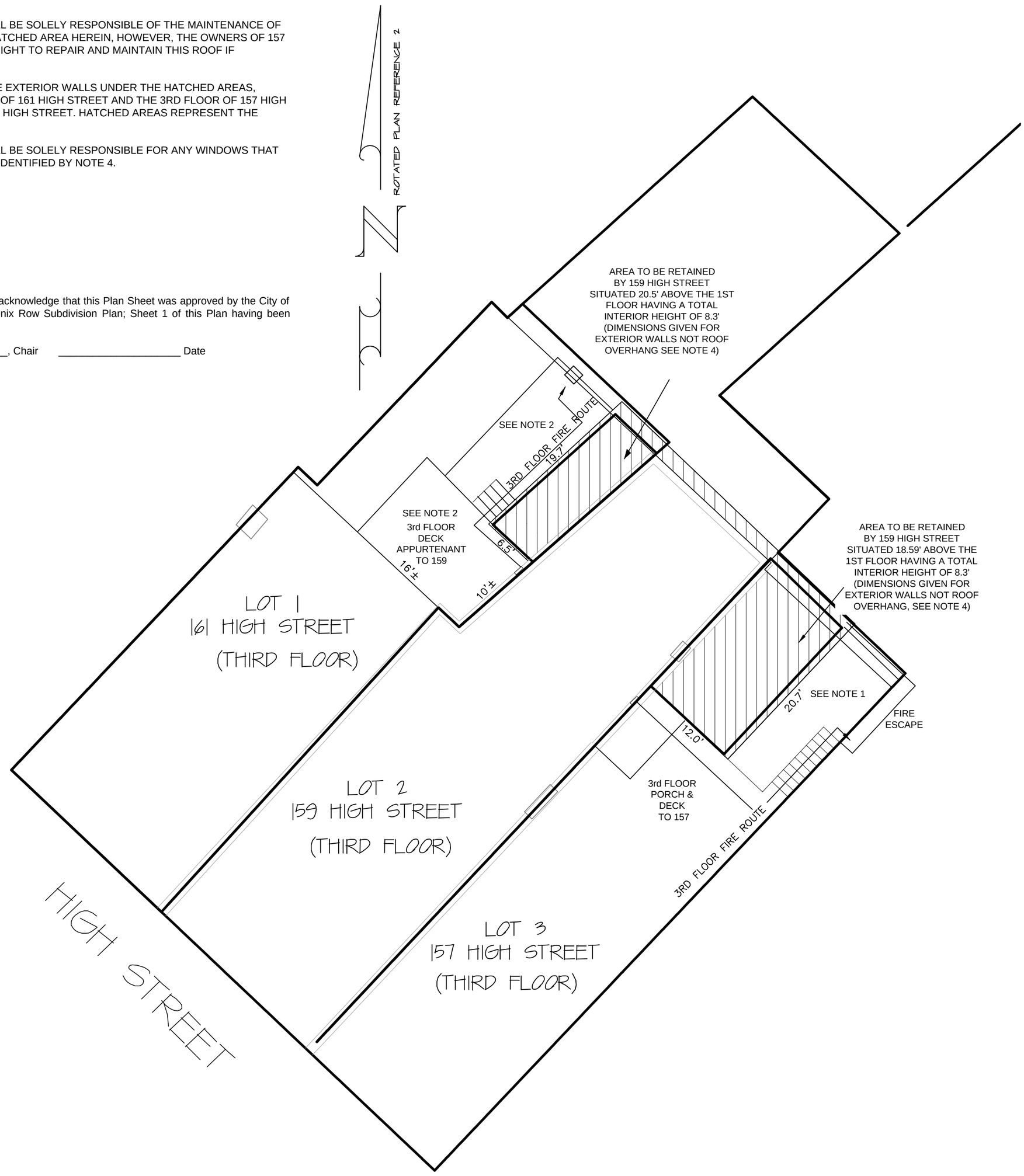
3) THE OWNER OF 159 HIGH STREET WILL BE SOLELY RESPONSIBLE OF THE MAINTENANCE OF THE ROOF LINE DEPICTED AS THE HATCHED AREA HEREIN, HOWEVER, THE OWNERS OF 157 & 161 HIGH STREET WILL HAVE THE RIGHT TO REPAIR AND MAINTAIN THIS ROOF IF NECESSARY.

4) THE DIMENSIONS AS SHOWN ARE THE EXTERIOR WALLS UNDER THE HATCHED AREAS, SITUATED ON THE 2ND & 3RD FLOOR OF 161 HIGH STREET AND THE 3RD FLOOR OF 157 HIGH STREET ARE TO BE RETAINED BY 159 HIGH STREET. HATCHED AREAS REPRESENT THE AREA OF THE ROOF OVERHANG.

5) THE OWNER OF 159 HIGH STREET WILL BE SOLELY RESPONSIBLE FOR ANY WINDOWS THAT ARE ASSOCIATED WITHIN THE AREA IDENTIFIED BY NOTE 4.

I, Steve Ryan, Chair of the Planning Board, acknowledge that this Plan Sheet was approved by the City of Belfast Planning Board as part of the Phoenix Row Subdivision Plan; Sheet 1 of this Plan having been signed by members of the Planning Board.

_____, Chair _____ Date



LEGEND:

- CHIMNEY
- 3/4" CAPPED STEEL ROD TO BE SET
- UTILITY POLE
- OVERHEAD WIRES
- INTERIOR WALL
- BOUNDARY LINE

PHOENIX ROW SUBDIVISION

PROPERTY DIVISION FOOTPRINTS

OF THE PROPERTY OF

PHOENIX ROW INVESTMENTS LLC

WALDO COUNTY REGISTRY OF DEEDS
BOOK 3739- PAGE 286

HIGH STREET
BELFAST, WALDO COUNTY, MAINE

GOOD DEEDS
LAND SURVEYING
109 MAIN STREET
P.O BOX 587
BELFAST, MAINE 04915
TELE:(207)338-5743

JOB No.: *16166*
DATE: AUGUST 25, 2016

1"= 10'

10' 20' 30' 40'

MAILING ADDRESS:
ARCHIE BARNES
PO BOX 296
BELFAST, MAINE 04915

SHEET 3 OF 4
THIRD FLOOR

NOTES

1) ALL DOCUMENTS REFERENCED ON THIS PLAN ARE RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS, UNLESS OTHERWISE NOTED.

2) SUBJECT PREMISES IS DESCRIBED IN A DEED TO PHOENIX ROW INVESTMENTS LLC, DATED MARCH 8, 2013, RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS BOOK 3739, PAGE 286. SUBJECT PREMISES IS APPROXIMATELY DEPICTED ON TOWN OF TOWN ASSESSOR MAP #11 AS LOT 89.

3) NO WRITTEN REPORT WAS PREPARED AS PART OF THIS SURVEY

4) EASEMENT FOR INGRESS AND EGRESS THROUGH THE HALLWAY AND STAIRWELL LOCATED IN THE BUILDING OF 15 HIGH STREET FOR SECOND FLOOR ACCESS FOR THE OWNERS OF 157 HIGH STREET.

5) EASEMENT FOR THE OWNERS OF 157 HIGH STREET TO UTILIZE, MAINTAIN, AND REPAIR THE TWO CHIMNEYS LOCATED ON THE DIVIDING WALL BETWEEN 157 & 159 HIGH STREET, INCLUDING A PROVISION THAT 157 HIGH STREET IS SOLELY RESPONSIBLE FOR MAINTAINING THE CHIMNEY'S STRUCTURE ABOVE THE ROOF LINE OF THE BUILDING AT 159 HIGH STREET. THE OWNERS OF 159 HIGH STREET SHALL HAVE THE RIGHT TO REPAIR AND MAINTAIN THE CHIMNEY, IF NECESSARY.

6) EASEMENT FOR THE OWNER OF 159 HIGH STREET FOR INGRESS AND EGRESS OVER THE FIRE ESCAPE LOCATED ON THE REAR OF BUILDING AT 157 HIGH STREET.

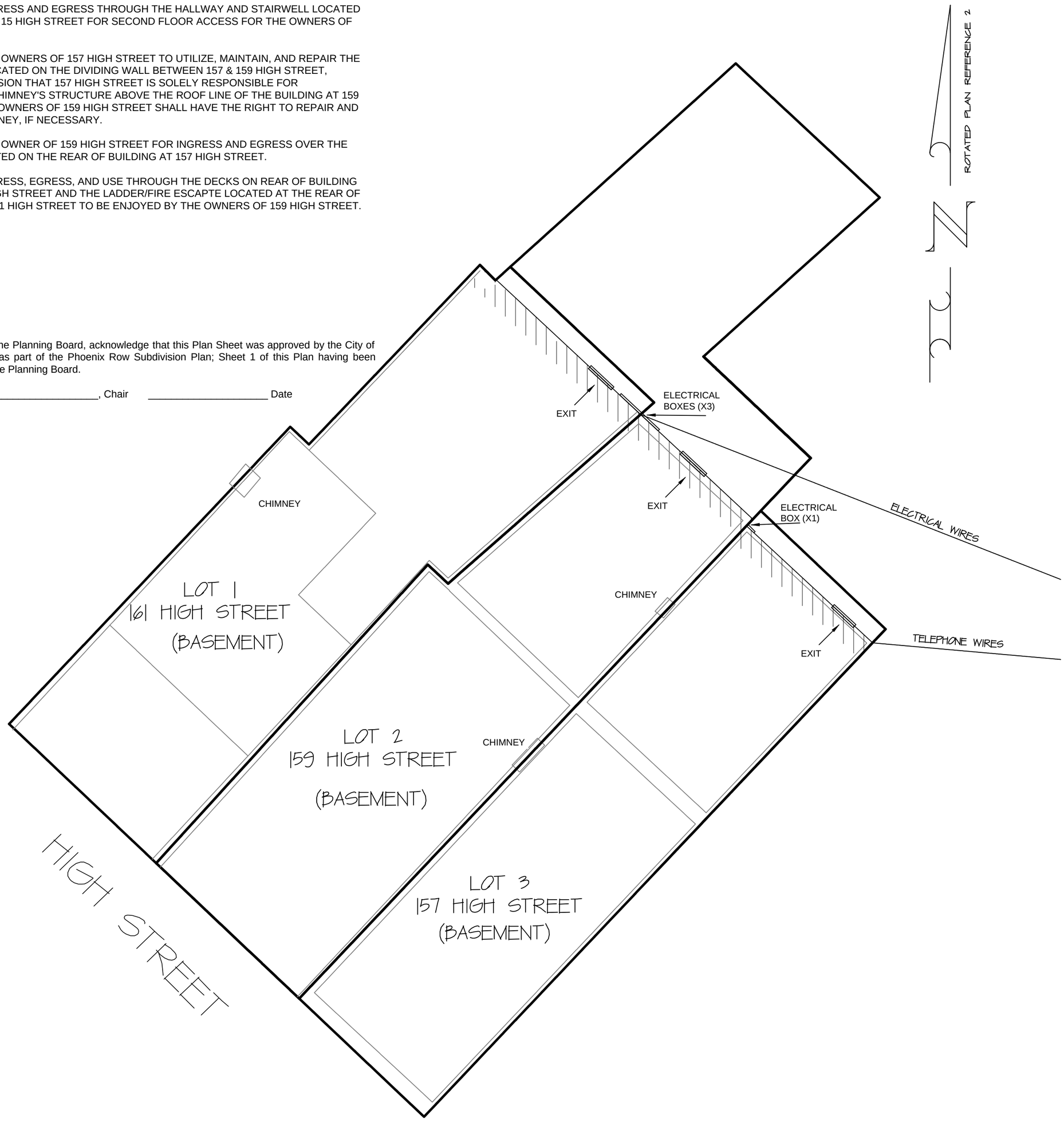
7) EASEMENT FOR INGRESS, EGRESS, AND USE THROUGH THE DECKS ON REAR OF BUILDING LOCATED AT 161 HIGH STREET AND THE LADDER/FIRE ESCAPTE LOCATED AT THE REAR OF THE BUILDING AT 161 HIGH STREET TO BE ENJOYED BY THE OWNERS OF 159 HIGH STREET.

PLAN REFERENCE:

1) PROPERTY LINE CONFIGURATIONS WERE BASED UPON A PLAN ENTITILED "STANDARD BOUNDARY SURVEY OF THE PROPERTY OF CHRISTOPHER W. & CHERYL S. KRAUSE", DATED APRIL 23, 1989, BY GOOD DEEDS, INC.
2) PLAN TITLED "BOUNDARY & TOPOGRAPHIC SURVEY LANDS OF DALE C. PALMER LIVING TRUST & EUNICE R. PALMER LIVING TRUST WASHINGTON STREET CITY OF BELFAST, MAINE" DATED AUGUST 21, 2015, BY GOOD DEEDS LAND SURVEYING, BELFAST, MAINE.

I, Steve Ryan, Chair of the Planning Board, acknowledge that this Plan Sheet was approved by the City of Belfast Planning Board as part of the Phoenix Row Subdivision Plan; Sheet 1 of this Plan having been signed by members of the Planning Board.

_____, Chair _____ Date



LEGEND:

- CHIMNEY
- 3/4" CAPPED STEEL ROD TO BE SET
- UTILITY POLE
- OVERHEAD WIRES
- INTERIOR WALL
- BOUNDARY LINE

PHOENIX ROW SUBDIVISION

PROPERTY DIVISION FOOTPRINTS

OF THE PROPERTY OF

PHOENIX ROW INVESTMENTS LLC

WALDO COUNTY REGISTRY OF DEEDS
BOOK 3739- PAGE 286

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SHEET 4 OF 4
BASEMENT

ADOPTED AMENDMENTS TO CITY CODE OF ORDINANCES
CITY OF BELFAST CITY COUNCIL
TUESDAY, JUNE 21, 2016
CHAPTER 102, ZONING ARTICLE V, DISTRICT REGULATIONS & CHAPTER 102, ZONING, CONTRACT REZONING DIVISION 5, DOWNTOWN COMMERCIAL ZONING DISTRICT

Notes to Reader:

1) Chapter 102, Zoning, identifies the Zoning regulations that apply to Belfast. Article V, District Regulations, of this Chapter, identifies the standards that apply to the City's respective zoning districts, including the Downtown Commercial zoning district. Article X, Contract Rezoning, identifies the process and requirements that the City uses to adopt a Contract Rezoning Agreement for a specific property. The proposed amendments are intended to provide flexibility to both a property owner and the City to potentially allow a division of certain properties and buildings on which a building that was constructed prior to 1985 is located, when such a division would result in the creation of one or more lots that may not comply with the minimum lot size (2,000 square feet) or lot frontage (20 feet) requirement for the Downtown Commercial zoning district. The amendments would allow the City to consider approving a contract rezoning agreement for a specific property to allow flexibility regarding the size of lots or amount of frontage for said lots that are created. A contract rezoning agreement requires review by the Planning Board, potential review by the Intown Design Review Committee, and the review and approval of the City Council as an amendment to the City Zoning Ordinance. The amendments are intended to address some of the unique situations that may arise in the City's downtown area.

2) The Planning Board conducted a public hearing regarding this proposal at its meeting of May 25, 2016, and voted unanimously to support these proposed amendments to the City Council. No public comment was offered at the Planning Board hearing.

3) The City Council conducted the First Reading of these proposed amendments at its meeting of June 7, 2016, and scheduled the Second Reading and public hearing for its meeting of June 21, 2016. The Council, at the Second Reading, has the authority to make any changes that it chooses to the proposed amendments and to approve, approve with revisions or reject the proposal.

TEXT OF ADOPTED ORDINANCE AMENDMENTS

Chapter 102, Zoning

Article V, District Regulations.

Division 31, Dimensional Standards

Section 102-900 Dimensional Chart

SEE ATTACHED REVISIONS TO DIMENSIONAL CHART

Division 31, Dimensional Standards

Section 102-901 Footnotes to Dimensional Standard Chart

The Footnotes identified below apply to the Dimensional Standard Table in Section 102-900. The respective footnote identifies additional requirements that apply to the standard identified in the Dimensional Standard Table. The footnotes are identified in the Dimensional Standard Table by the following designation: * [number].

Footnote *[11] In the Downtown Commercial zoning district, a property owner, pursuant to the contract rezoning process identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, may request to divide or subdivide a property (lot) and building into two or more properties (lots) when one or more of the properties (lots) that are created by said division or subdivision do not satisfy the minimum lot size and/or minimum lot frontage requirements in effect for the Downtown Commercial zoning district. This provision only applies to a property on which the building that is proposed to be divided was constructed on or before July 16, 1985.

TEXT OF ADOPTED AMENDMENTS

Chapter 102, Zoning

Article X, Contract Rezoning

Division 5. Downtown Commercial zoning district.

Sec. 102-1501. Properties located in the Downtown Commercial zoning district which may submit an application for contract rezoning.

This provision is for an application to divide or subdivide a property (lot) and building into two or more properties (lots) when one or more of the properties (lots) that are created by said division or subdivision do not satisfy the minimum lot size and/or minimum lot frontage requirements in effect

for the Downtown Commercial zoning district. This provision only applies to a property on which the building that is proposed to be divided was constructed on or before July 16, 1985.

Sec. 102-1502. Purpose of Provision.

The Downtown Commercial zoning district is the most densely developed area of the City. The pattern of development in this area and many of the lots and the buildings on these lots have existed for 75 or more years. While the adopted dimensional standards for the Downtown Commercial zoning district largely reflect the density of existing development by establishing the smallest minimum lot size, 2,000 square feet, and smallest minimum lot frontage requirement, 20 feet, of any zoning district in the City, some existing lots and the buildings on these lots may not satisfy the City's minimum lot size and frontage requirements, particularly if a property owner may want to divide an existing building and the accompanying land (lot) into one or more lots. The City has found that it is appropriate to allow a property owner to request obtaining a contract rezoning agreement to allow the potential dividing or subdividing of their property and building into two or more lots, even if one or more of the resultant lots do not satisfy the minimum lot size and/or lot frontage requirement, provided that the proposed division is found by the City to be consistent with the requirements of this Division, particularly the goal statements identified in Sec 102-505.

Sec. 102-1503. Contract rezoning process for all applications.

(a) Step 1, applicant meeting with City Planner.

An applicant who proposes to use the contract rezoning process shall first meet with the Belfast City Planner or his designee. The applicant shall describe the property and building proposed to be divided or subdivided, the purpose of the division and factors related to the use of contract rezoning. The City Planner shall explain requirements of the contract rezoning process to the applicant, and identify information the applicant must submit in an application. The City Planner or his designee shall coordinate review of the application through all steps of this process, steps 1 through 4, and shall prepare draft findings, conditions and similar information as requested by the In-town Design Review Committee, Planning Board and City Council.

(b) Step 2, City of Belfast Planning Board.

The Planning Board shall review an application to use contract rezoning for a property and make a recommendation to the Belfast City Council regarding project compliance with applicable requirements of the City Code of Ordinances, including but not necessarily limited to the following: Chapter 78, Floods; Chapter 80, In-Town Design Review; Chapter 82; Shoreland Zoning; Chapter 90, Site Plan; Chapter 98, Technical Standards; Chapter 102, Zoning, Article V, District Regulations and Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district (this Division); and the City Subdivision Ordinance. The Planning Board, in conducting its review and preparing its recommendations, shall consider the following: recommendations of the In-Town Design Review Committee (step 3); public testimony presented to the Board; the lay-out of proposed division of the property and building and the configuration of the resultant lots; the relationship of this property to the street and surrounding properties; the reuse and alteration of the existing

building and property; how the proposed division complements the economy and character of the downtown area and community; compliance with applicable requirements of the City Code of Ordinances; and consistency of the project with policy recommendations in the City of Belfast Comprehensive Plan. The Planning Board is responsible for preparing a contract rezoning agreement for presentation to the City Council as a proposed contract rezoning ordinance amendment. Said agreement shall define specific terms that the applicant must satisfy, including but not necessarily limited to: the size and lay-out of the properties that are created; how common improvements and services for the property and building to be divided are managed; required improvements to the site, if any; and a list of all conditions that apply to this application and agreement.

An applicant, at the conclusion of this process, shall present a site plan sealed by a licensed engineer and, if required, architectural plans sealed by a licensed architect or engineer, which incorporates all requirements specified by the Planning Board. The Board also shall prepare written findings that address requirements of the respective City Code of Ordinances that apply to this project.

Step 2 shall involve the following procedures:

(1) The applicant shall submit a written application to the Code and Planning Department for presentation to the Planning Board that includes, at a minimum, the following information:

a. Applicable information required for Planning Board review of a preliminary site plan as stipulated in chapter 90, site plan, section 90-72, and a final site plan as stipulated in chapter 90, site plan, section 90-102, if the proposed division of the property and building qualifies as a site plan.
b. All information required for Planning Board review of a subdivision pursuant to requirements of the City Subdivision Ordinance, if the proposed division of the property and building qualifies as a subdivision.
c. All information required in chapter 102, zoning, section 102-102, submission requirements, for an application that requires review by the Planning Board.
d. All findings and plans approved by the In-town Design Review Committee, step 3.
e. A plan that depicts the lay-out of the proposed division of the property and building, including the interior division of the building and all common improvements. The plan must identify the land that will be divided in conjunction with the building. A plan which proposes only the division of a building, for example, dividing a building into separate floors, shall not be eligible for a contract rezoning agreement.
f. A management plan for the property and building proposed to be divided, particularly common site and building improvements.
g. The Planning Board may request additional information that it deems relevant to determine project compliance with applicable requirements of the City Code of Ordinances.

(2) The Planning Board, within 30 days of receipt of an application, shall schedule a public hearing regarding the application. The Planning Board may conduct additional public hearings at subsequent meetings at which it reviews the project, however, the Board is not required to conduct more than one public hearing. The Code and Planning

Department, on behalf of the Board, shall provide the following public notifications associated with review of the application.

a. In writing by first class mail at least 13 calendar days prior to the initial public hearing conducted by the Planning Board to all owners of property that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Department shall keep a record of all persons to whom notice is sent. A letter to abutting property owners is not required for any subsequent public hearings that the Board may conduct.
b. By posting notice of the initial public hearing in Belfast City Hall a minimum of 13 calendar days prior to the public hearing, and by posting notice of any additional public hearings in Belfast City Hall a minimum of 7 calendar days prior to the hearing.
c. By publishing notice of the initial public hearing in a local newspaper a minimum of 13 calendar days prior to the hearing. The City is not required to publish notice in a local newspaper of any additional public hearings.

(3) The Planning Board shall prepare a written finding that describes project compliance with applicable requirements of City Code of Ordinances, including chapter 78, floodplain, chapter 80, in-town design review, chapter 82, shoreland, chapter 90, site plan, and chapter 102, zoning, article V, district regulations and article X, contract rezoning, division 5, and the City subdivision ordinance. The written findings shall describe why the Board recommended approval, recommended approval with conditions, or recommended denial of a request for a contract rezoning agreement. The Board also shall prepare a draft contract rezoning agreement which defines conditions that the Planning Board recommends be imposed on the project. Such conditions shall address the mandatory conditions which an applicant must satisfy, reference section 102-1504(a), and the discretionary conditions which an applicant must satisfy, reference section 102-1504(b). The applicant also shall prepare a plan that depicts all recommendations of the Planning Board.

If the applicant contests any requirements recommended by the Planning Board in the draft contract rezoning agreement, the applicant must prepare a written report that specifically describes why it opposes all or certain terms of the Board's recommended contract rezoning agreement, and if applicable, prepare a site plan that illustrates alternative site concerns.

(4) The Belfast Planning Board shall present its written findings and recommended contract rezoning agreement to the Belfast City Council, Step 4, reference section 102-1503(d). Any report from the applicant, reference (3) above, shall be presented to the City Council at the same time. The Planning Board may send a representative to the City Council, reference Step 4, to explain the findings of the Board and terms of the recommended contract rezoning agreement. The City Planner or his designee will assist in the presentation of the Board's findings and recommendations.

(c) Step 3, In-Town Design Review Committee.

An application for contract rezoning that involves the exterior renovation or alteration of an existing structure or structures, the demolition of an existing structure or structures, or the construction of a new structure or structures, shall be presented to the In-Town Design Review Committee. The In-Town Design Review Committee shall review an application and shall issue a written finding and recommendation to the Belfast Planning Board regarding project compliance with standards identified in the City Code of Ordinances, chapter 80, in- town design review. Committee review of an application shall occur concurrently with review by the Belfast Planning Board, step 2 above, so that the Committee can complete its review and recommendation prior to the Planning Board completing its review. The Committee, in conducting its review, shall consider all criteria identified in chapter 80 (intown design review) and this division (division 5), as well as the layout of the site and its relationship to surrounding buildings and properties, the alteration of existing structures, the demolition of existing structures, and the construction of new structures.

Step 3 shall involve the following procedures:

(1) The applicant shall submit a written application to the Code and Planning Department for presentation to the In-Town Design Review Committee that includes, at a minimum, the following information:

a. A description of the current use of the property and the use or uses proposed by the applicant.
b. A site plan at an appropriate scale that identifies the following: general boundaries of the property and its relationship to surrounding properties; existing structures located on the property; existing structures that are proposed to be divided or subdivided and how said division will be accomplished; alterations to existing structures and new structures proposed to be added; existing structures proposed to be demolished; and significant natural features on the property. The site plan also shall identify all parking areas, open areas and all public or private amenities.
c. Elevation drawings that identify all profiles of all existing structures and proposed alterations to such and all proposed structures. Such drawings shall include sufficient detail to allow Committee members to understand the type of building materials, building accents, entrances, windows, and roof lines proposed. These drawings shall be prepared by a licensed architect or engineer.
d. The Committee may request additional information that it deems relevant to determine project compliance with chapter 80 requirements.

(2) The In-Town Design Review Committee, within 30 days of receipt of an application, shall schedule a public hearing regarding the application. The Committee may conduct additional public hearings at subsequent meetings at which it reviews the application, however, the Committee is not required to conduct more than one public hearing on the application. The Code and Planning Department, on behalf of the Committee, shall provide the following public notifications associated with review of the application.

a. In writing by first class mail at least 13 calendar days prior to the initial public hearing conducted by the Intown Design Review Committee to all owners of property

that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Department shall keep a record of all persons to whom notice is sent. A letter to abutting property owners is not required for any subsequent public hearings that the Committee may conduct.

b. By posting notice of the initial public hearing in Belfast City Hall a minimum of 13 calendar days prior to the public hearing, and by posting notice of any additional public hearings in Belfast City Hall a minimum of 7 calendar days prior to the respective hearing.

c. By publishing notice of the initial public hearing in a local newspaper a minimum of 13 calendar days prior to the hearing. The City is not required to publish notice in a local newspaper of any additional public hearings.

(3) The membership of the In-Town Design Review Committee for the review of an application pursuant to this section shall be selected as prescribed in chapter 80, but shall include five regular members and may include one alternate member. The alternate member may participate in all reviews, but may only vote in the absence of a regular member.

(4) The In-Town Design Review Committee shall issue a written finding and recommendation that shall be presented to the Belfast Planning Board, step 2 of this section, regarding compliance of the application with requirements of City Code of Ordinances, chapter 80 and requirements of this division (division 5). This written finding shall be issued within 30 days of the Committee vote to find that the application is or is not in compliance. The applicant shall prepare a plan that identifies recommendations of the In-town Design Review Committee and shall prepare a written statement that identifies the applicant's support or opposition to recommendations of the Committee. The In-Town Design Review Committee may send a representative to the Planning Board, reference step 2, to explain the Committee's findings to the Board. The City Planner or his designee will assist in the presentation of the Committee's findings and recommendations to the Planning Board.

(d) Step 4, City Council.

The City Council shall review and act on the findings of fact and draft contract rezoning agreement presented by the Planning Board, step 2 above, for an applicant that proposes to use contract rezoning. Council consideration of such request constitutes an amendment to the City Code of Ordinances, chapter 102, zoning, and shall involve the following procedures.

(1) A contract rezoning application that has been approved, approved with conditions, or denied by the Planning Board shall be submitted to the City Council within 60 days of Planning Board action. This application also shall include a statement of consent or opposition by the applicant to contract rezoning agreement terms recommended by the Planning Board. Council consideration of the application shall occur in accordance with the ordinance adoption process that the Council regularly follows, and shall include the first reading of an amendment, and second reading and public hearing of an amendment.

(2) The Chair of the Planning Board, or his designee, assisted by the City Planner, or his designee, shall present the Board's findings and contract rezoning agreement to the Council. The City Planner or his designee shall attend subsequent Council meetings to respond to Council questions regarding the proposed contract rezoning agreement.

The applicant shall present its proposal at the ordinance amendment process and shall attend Council meetings to respond to Council questions regarding the proposed contract rezoning agreement, including its statement of consent or opposition to terms recommended by the Planning Board.

(3) The Code and Planning Department, on behalf of the City Clerk, shall provide the following public notices regarding the proposed ordinance amendment and contract rezoning agreement:

a. In writing by first class mail at least 14 calendar days prior to the first reading of the proposed ordinance amendment, and by first class mail at least 14 calendar days prior to the scheduled second reading and public hearing to all owners of property that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Code and Planning Department shall provide a record to the City Clerk of all persons to whom notice is sent.
b. By posting notice of each Council meeting in Belfast City Hall a minimum of 14 calendar days prior to the scheduled meetings.
c. By publishing notice of the second reading and public hearing in a local newspaper. At least one notice shall be published a minimum of seven days prior to the hearing.

(4) The Council, by majority vote, shall act to approve, approve with conditions, or deny an applicant's request for a contract rezoning agreement. The Council also may amend, as it deems appropriate, the terms of a contract rezoning agreement presented by the Planning Board. A contract rezoning ordinance amendment approved by the Council shall address all mandatory conditions identified in section 102-1504(a) and shall address all discretionary conditions identified in section 102-1504(b) that the Council determines are applicable.

(5) The applicant shall record a contract rezoning amendment approved by the City Council in the Waldo County Registry of Deeds within 60 days of its approval. Such amendment shall be enforced by the City Code and Planning Department as a deed covenant and zoning ordinance that applies to the property, and shall be binding on any heirs, successors and assigns to this property. The contract rezoning agreement for the respective property also shall be identified in the City Code of Ordinances, chapter 102, zoning.

Sec. 102-1504. Conditions of contract rezoning.

(a) Mandatory conditions. All contract rezoning proposals shall:
(1) Be consistent with the City comprehensive plan and any other supporting documents pertinent to said plan; and

(2) Include only conditions or restrictions that relate to the physical development or operation of the property.

(b) Discretionary conditions. The Planning Board may recommend and City Council may adopt discretionary conditions that address the goals identified in section 102-1505 of this division, and the unique characteristics of how the proposed division or subdivision of an existing building and the accompanying land shall occur. It is expressly understood that the role of the Planning Board and the City Council in reviewing any proposal to divide or subdivide a building and property subject to the contract rezoning process is to ensure that the proposed division successfully addresses potential impacts on the community's character, services, infrastructure, economy and citizenry. Thus, the Planning Board and the City Council shall have broad discretion in identifying specific conditions of approval to allow a contract rezoning agreement for a specific building and property.

Sec. 102-1505 Minimum goals that applicant shall satisfy and City Planning Board and City Council shall address in approving a contract rezoning application.

All applications to divide or subdivide a building and property described in section 102-1501 shall address, at a minimum, the following goals and project requirements. The Planning Board and City Council shall use these goals and project requirements to identify the minimum standards that a proposed project application for a contract rezoning must satisfy. It is expressly understood that the Planning Board and City Council may impose specific standards as part of the contract rezoning process to ensure that community concerns regarding the use of the property address these issues in a good quality manner.

(1) Use of site. The goal is to encourage uses in the Downtown Commercial zoning district that contribute to the economic health of the downtown and which complement the character of the area. Issues to consider include but are not limited to the following:

a. What are the anticipated uses of the building and property that is proposed to be divided or subdivided? And, how is the type, size and number of uses which could occur affected by the proposed division?
b. Is housing a component of the project, and if so, how many dwelling units will be retained or constructed, and how will the proposed division affect the number of dwelling units?
c. Do the proposed uses and location of property potentially require the provision of on-site parking, and if so, how does the proposed division affect the amount of on-site parking which can be provided?
d. How do the proposed uses complement or enhance existing uses of the area, and/or benefit public purposes, and what is the effect of the proposed division on these concerns?

(2) Site lay-out and orientation to street. The goal is to achieve a site lay-out that complements and contributes to the character and functionality of the area and that promotes the economic and social health of the downtown; a lively downtown. How does the proposed division address this goal? Further, how is the building that is proposed to be divided oriented to the existing street, and does the proposed division have any impact on the City streetscape?

(3) Parking areas. The Downtown Commercial zoning district includes areas in which on-site parking is not required, and areas in which on-site parking is required, subject to the authority

of the Planning Board to approve an alternative parking approach. The goal is to ensure the proposed use and division of an existing building and property does not have an unreasonable adverse impact on public parking in the downtown. As such, the City will consider the following:

a. If the property is located in a portion of the Downtown Commercial zoning district that potentially requires on-site parking, does the proposed division have an unreasonable adverse impact on the amount and location of on-site parking that is available at the time of the division or which could be provided post the division of the property?
b. Does the proposed division result in a potential increase in the amount of parking demand, be it on-site or public parking, and if so, is there adequate parking to address potential impacts regarding the amount of available parking?

(4) Building appearance. The goal is to ensure that the proposed division of the building and property results in a building which complements the existing character and appearance of existing buildings and the streetscape. The City will consider if the division of the building and property is compatible with the streetscape and development in the surrounding area and the orientation of the front facade of the building that is divided to the street. The City will review the appearance of the building and proposed changes associated with the division of such, and determine if the division incorporates elements of high quality design.

(5) Division of the Building and Property. The goal is to allow flexibility in the division of a property and building to create two or more lots in cases in which one or more of the lots that are created do not satisfy the minimum lot size or lot frontage requirement for the Downtown Commercial zoning district, however, the lots that are created must be of sufficient size and have a reasonable shape so as to allow the marketability and use of the property. The City will consider how the proposed division makes sense for the property owner, the downtown area in which the property is located, and the City. Factors which shall be considered include but are not necessarily limited to: any division of a building must also include a division of land; the division of the building and land shall result in the creation of lots which are appropriate for the property that is proposed to be divided; the degree to which the proposed division complements the character of the downtown, particularly the section of downtown in which the property is located; common improvements on the property and the proposal from the owner to effectively manage use and maintenance of the common improvements; and a statement from the owner that identifies why the owner is proposing this division and why the owner believes the division satisfies requirements of this Division.

(6) Site Improvements. The goal is to minimize potential adverse impacts associated with providing site improvements, if any, associated with the proposed division, and to ensure that such improvements satisfy requirements of City Ordinances. Site improvements that will be considered include but are not necessarily limited to: stormwater management, exterior lighting, solid waste collection and disposal, driveway, parking, landscaping, utility services.

(7) Handicap accessibility. The goal is to ensure the proposed division enables handicap accessibility to the maximum extent practical, and that the division does not adversely affect handicap accessibility. The City, in its review of this goal, shall consider the degree to which the existing building is handicap accessible and how the proposed division will affect handicap accessibility. The applicant, in the application, shall identify how handicap accessibility is addressed.

(8) Signs. The goal is to encourage signage that complements the site, structure and downtown, and require signage that complies with requirements of the City Sign Ordinance. The City will consider any new signage, if any, that is requested as part of the division and determine how such signage satisfies this goal statement.

(9) Technical and financial ability of applicant. The goal is to ensure that the applicant has the financial and technical ability to successfully accomplish the proposed division. The applicant shall be responsible for demonstrating that they have the financial and technical ability to accomplish the proposed division of the property and building in a good quality manner and that they have a good quality management plan that will address issues associated with the proposed division.

(10) Other concerns. The Planning Board and Council shall consider other factors that either believes is appropriate to determine if the requested contract rezoning proposal should be approved.

Sec. 102-1506. Decision not appealable.

Notwithstanding any provisions in this Division, a recommendation of the Planning Board or a decision of the City Council to approve, approve with conditions, or deny a contract rezoning proposal, shall not be appealable to the City Zoning Board of Appeals. Any appeal of a Planning Board recommendation issued pursuant to section 102-1503(b), or a City Council decision issued pursuant to section 102-1503(d), shall be appealed directly to the state court system.

Sec. 102-1507. Cost of contract rezoning process.

The applicant shall pay all costs associated with City review of a contract rezoning project, whether or not the project is approved.

Sec. 102-1508. Effective date of Amendments.

The amendments identified in this division shall become effective upon adoption by the City Council of the City of Belfast, and as described in the City Charter for the City of Belfast.

Sec. 102-1509. through Sec. 102-1550. (Reserved)

AGENDA TOPIC 10.

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: August 31, 2016

RE: Request to Accept Village Road as a City/Public Street

REQUESTED ACTION

The Council should decide if it will vote to accept a portion of Village Road that is located at the Belfast Cohousing & Ecovillage Condominium Association project as a public road/street. I note that a prior
Council voted in March 3, 2009 to state its intent to accept this Road as a City road if certain conditions were met. Geoffrey Gilchrist, on behalf of the Association, has submitted a letter dated August 23, 2016, copy attached, in which he states that the Association believes it has satisfied all of the 2009 terms, and that the Association is now requesting that the City accept Village Road.

BACKGROUND INFORMATION

The Belfast Cohousing and Ecovillage Condominium Association project is a 36 unit residential housing project located off of Tufts Road on a 40+ acre property. In 2009, during the planning stage and City and State permitting approvals of this project, the Cohousing project approached the City Council and asked if the City would accept a portion of their road (now called Village Road) as a public street. The Council took the following action at its meeting of March 3, 2009:

> *"The City Council, at its meeting of March 3, 2009, affirms the intent of the City to accept the portion of the main access road and accompanying improvements that are constructed to all City specifications for the Belfast Co-Housing, LLC project. This motion is subject to the following requirements:*
>
> 1) *City Engineer and the Department of Public Works inspect said road and find that it has been constructed to all City requirements;*
> 2) *The applicant/owner pays the applicable cost for all City inspections;*
> 3) *A minimum of 21 housing units are constructed and occupied; and*
> 4) *The applicant submits a formal request for acceptance upon satisfaction of the above requirements.*

In adopting this motion, it is explicitly understood by all parties that this action is a statement of intent on behalf of the City, and that this Council cannot bind the vote of any other Council."

The Cohousing project is now fully occupied and nearly all construction has been completed. The Association (project) also has completed the construction of Village Road, including both the section proposed to be conveyed to the City and the section that will remain owned by the Condominium Association. Thus, the Association, pursuant to the Council vote of 2009, is now requesting that the Council vote to formally accept about 850 feet of the road and accompanying improvements, mostly stormwater management improvements. The attached letter from Geoff Gilchrist identifies the Association's request. The attached site plan also generally identifies the portion of Village Road that the City would be accepting.

I also will confirm that the City used the services of Olver Associates to inspect the construction of the road by the Association's contractor, John Faulkingham, and that Olver Associates found that construction of the road satisfies all City requirements. Bob Richards, Public Works, has similarly inspected the road at several points during its construction and the final construction, and has stated that he believes the road satisfies City requirements. Lastly, I will confirm that the Association has paid the cost of all City inspection services performed by Olver Associates.

In short, I believe the Council should vote to accept the road. City acceptance means that the City will be responsible for regular (such as snow plowing and maintaining drainage swales) and long-term maintenance (resurfacing the road, likely every 12 years or so). I would be happy to answer any questions.

To the Mayor and City Council of Belfast,

I am writing on behalf of Belfast Cohousing & Ecovillage Condominium Association, requesting that the city accept a portion of the Village Rd as a public city road, pursuant to the terms of the Council's vote on March 3, 2009. The road in question is the Village Road from where it begins at the Tufts Rd, to just past the hammerhead turnaround in the Belfast Cohousing community.

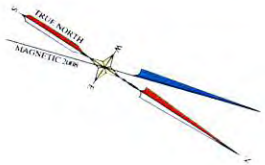
The March 3, 2009 vote indicated that the City had a non-binding intent to accept the road in question, assuming the we met four requirements, which we believe have been met:

1. This portion of road was inspected by Olver Associates at several stages during its construction, and Mandy Olver has found that the road has been satisfactorily completed to the City's requirements, as has Bob Richards from Public Works.
2. Belfast Area Cohousing LLC, the applicant, has paid all known costs associated with the City's inspection of the road.
3. The Cohousing project has built and sold 36 houses, all having Certificate of Occupancy permits. This is well in excess of the 21 required.
4. This letter is meant to be the formal request for acceptance, which was the fourth requirement.

Thank you for your consideration, and please let me know if you have any questions.

Geoffrey Gilchrist
Belfast Cohousing & Ecovillage Condominium Association
(207) 322-8159
8/23/16

LOCATION MAP
SCALE: 1" = 2000'



SOILS FOUND ON/NEAR SITE

CLASSIFICATION	NAME / DESCRIPTION
BoB	BOOTHBAY SILT LOAM, 3 TO 8 PERCENT SLOPE
BoC	BOOTHBAY SILT LOAM, 8 TO 15 PERCENT SLOPE
BoD	BOOTHBAY SILT LOAM, 15 TO 25 PERCENT SLOPE, ERODED
BvB	BRAYTON VERY STONY FINE SANDY LOAM, 0 TO 8 PERCENT SLOPE
MbB	MARLOW FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES
PbB	PERU VERY STONY FINE SANDY LOAM, 3 TO 8 PERCENT SLOPE

INFORMATION REFERENCED FROM U.S. DEPT. OF AGRICULTURE S.C.S. "SOIL SURVEY OF WALDO COUNTY, MAINE"

SEPTIC FIELD LEGEND

FIELD NO.	SERVING UNITS:	CAPACITY
1	28-36	1980
2	16-21	1980
3	1-15, 22-27, SHOP & COMMON HOUSE	4860

GENERAL SITE NOTES:

1) LOT INFORMATION:
TAX MAP 2 LOT 2 (PORTION OF)
ZONING: RA - (RESIDENTIAL/AGRICULTURAL I DISTRICT)
LOT AREA: 50.0 ACRES (TO BE CONVEYED)
DEED: BK. 3236 PG. 326 (CURRENT OWNER)

2) OWNER: DOVETAIL LAND, LLC.
163 MOOSEHEAD TRAIL
WALDO, ME 04915

3) APPLICANT: BELFAST AREA COHOUSING, LLC
163 MOOSEHEAD TRAIL
WALDO, ME 04915

4) DEVELOPMENT NAME: BELFAST COHOUSING & ECOVILLAGE

5) ENGINEER:
GARTLEY & DORSKY ENGINEERING & SURVEYING INC
568 UNION STREET,
P.O. BOX 1031,
CAMDEN, ME 04843
(207) 236-4365

6) NEW USE: RESIDENTIAL/AGRICULTURE

7) FLOODPLAIN: NO PORTION OF THE DEVELOPMENT IS LOCATED IN THE FLOODPLAIN

8) BUILDING COVERAGE: 48,085 S.F.

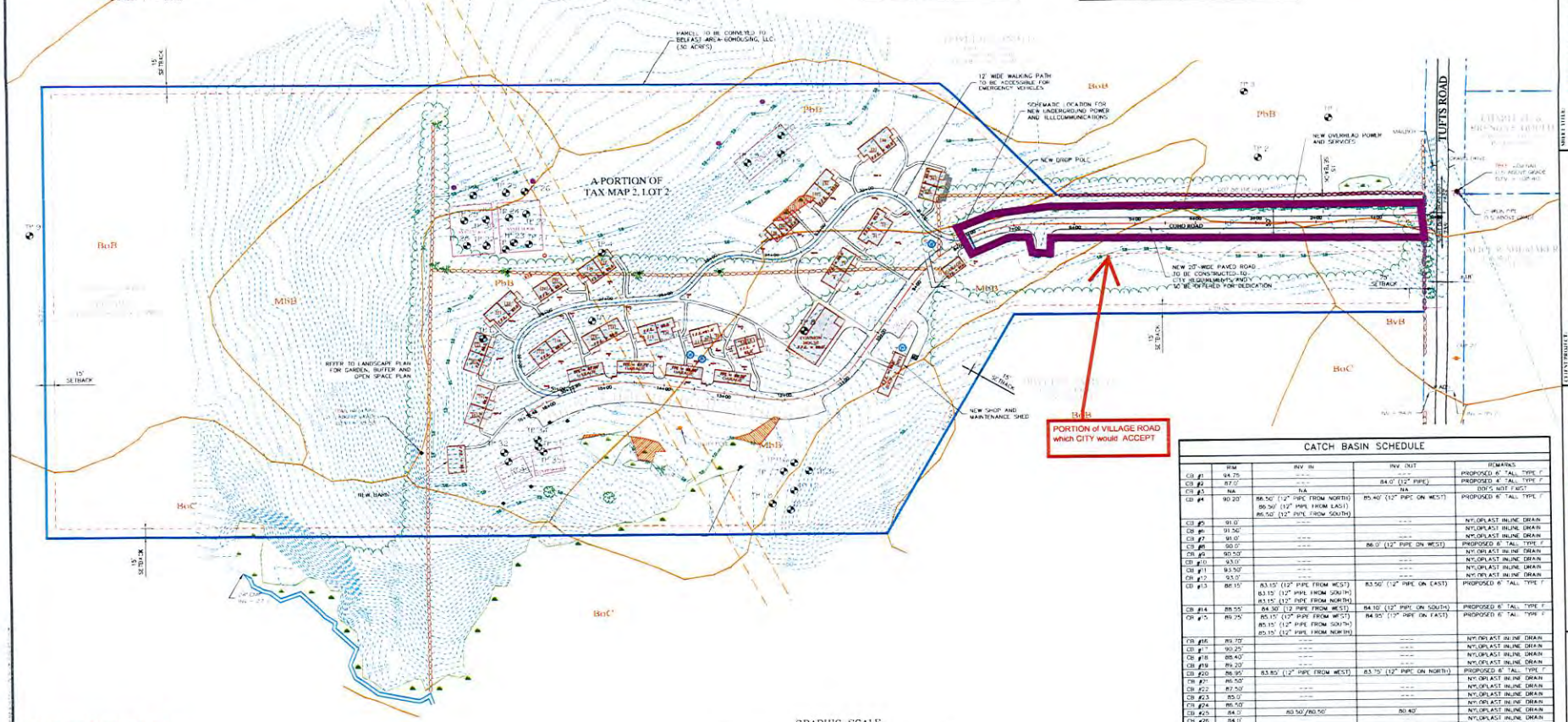
9) LOT COVERAGE: 121,367 S.F.

10) WETLAND IMPACT: 3,642 S.F.

11) LIGHTING: NO STREET OR PARKING LIGHTING IS PROPOSED.

LEGEND

- OTHER PROPERTY LINE
- IRON PIPE FOUND
- UTILITY POLE
- EXISTING CONTOUR
- STORM PIPE
- TEST PIT
- CONIFEROUS TREE
- DECIDUOUS TREE
- VEGETATION
- WETLANDS
- WETLAND IMPACT
- SILT BARRIER
- SOIL DESIGNATION LINE
- PROPOSED WELL
- PROPOSED OVERHEAD UTILITIES
- PROPOSED UNDERGROUND UTILITIES
- PROPOSED UTILITY POLE



GRAPHIC SCALE
(IN FEET)
1 inch = 80 ft.

CATCH BASIN SCHEDULE

	RIM	INV IN	INV OUT	REMARKS
CB #1	94.75	---	---	PROPOSED 6' TALL TYPE F
CB #2	87.0'	---	84.0' (12" PIPE)	PROPOSED 4' TALL TYPE F
CB #3	NA	NA	NA	DIV'S NOT FACT
CB #4	90.20'	86.50' (12" PIPE FROM NORTH) 86.50' (12" PIPE FROM EAST) 86.50' (12" PIPE FROM SOUTH)	85.40' (12" PIPE ON WEST)	PROPOSED 6' TALL TYPE F
CB #5	91.0'	---	---	NYLOPLAST INLINE DRAIN
CB #6	91.50'			NYLOPLAST INLINE DRAIN
CB #7	91.0'	---	---	NYLOPLAST INLINE DRAIN
CB #8	90.0'	---	86.0' (12" PIPE ON WEST)	PROPOSED 6' TALL TYPE F
CB #9	90.50'			NYLOPLAST INLINE DRAIN
CB #10	93.0'	---	---	NYLOPLAST INLINE DRAIN
CB #11	93.50'	---	---	NYLOPLAST INLINE DRAIN
CB #12	93.0'	---	---	NYLOPLAST INLINE DRAIN
CB #13	88.15'	83.15' (12" PIPE FROM WEST) 83.15' (12" PIPE FROM SOUTH) 83.15' (12" PIPE FROM NORTH)	83.50' (12" PIPE ON EAST)	PROPOSED 6' TALL TYPE F
CB #14	88.55'	84.50' (12" PIPE FROM WEST)	84.10' (12" PIPE ON SOUTH)	PROPOSED 6' TALL TYPE F
CB #15	89.25'	85.15' (12" PIPE FROM WEST) 85.15' (12" PIPE FROM SOUTH) 85.15' (12" PIPE FROM NORTH)	84.95' (12" PIPE ON EAST)	PROPOSED 6' TALL TYPE F
CB #16	89.70'	---	---	NYLOPLAST INLINE DRAIN
CB #17	90.25'	---	---	NYLOPLAST INLINE DRAIN
CB #18	88.40'	---	---	NYLOPLAST INLINE DRAIN
CB #19	89.20'	---	---	NYLOPLAST INLINE DRAIN
CB #20	88.95'	83.85' (12" PIPE FROM WEST)	83.75' (12" PIPE ON NORTH)	PROPOSED 6' TALL TYPE F
CB #21	86.50'			NYLOPLAST INLINE DRAIN
CB #22	87.50'	---	---	NYLOPLAST INLINE DRAIN
CB #23	85.0'	---	---	NYLOPLAST INLINE DRAIN
CB #24	86.50'			NYLOPLAST INLINE DRAIN
CB #25	84.0'	80.50'/80.50'	80.40'	NYLOPLAST INLINE DRAIN
CB #26	84.0'			NYLOPLAST INLINE DRAIN
CB #27	85.10'	---	---	NYLOPLAST INLINE DRAIN
CB #28	84.40'		---	NYLOPLAST INLINE DRAIN
CB #29	84.50'			NYLOPLAST INLINE DRAIN
CB #30	85.25'	---	---	NYLOPLAST INLINE DRAIN
CB #31	83.40'	---	---	NYLOPLAST INLINE DRAIN
CB #32	83.50'	---	---	NYLOPLAST INLINE DRAIN

SURVEYOR'S NOTES:

1) All directions are referenced to Magnetic North 2008 derived from a bearing taken with a field compass.

2) Elevations are based on an assumed datum.

SHEET TITLE:	PRELIMINARY SITE PLAN
SCALE:	1" = 80'
DATE:	MARCH 10, 2009
DRAWN BY:	JAM
CHECKED BY:	
CLIENT/PROJECT:	BELFAST COHOUSING & ECOVILLAGE
LOCATION:	TUFTS ROAD
TOWN:	BELFAST
COUNTY:	WALDO
STATE:	MAINE

NO.	REVISIONS	DATE

Gartley & Dorsky
ENGINEERING SURVEYING
568 Union Street P.O. Box 1031 Camden, ME 04843-1031
Ph (207) 236-4365 Fax (207) 236-6315 E-Mail: gdes@midcoast.com

STATE OF MAINE
WILLIAM T. GARTLEY
PROFESSIONAL ENGINEER
3-10-10

PROJ. NO.: 2007-330

C-1

AGENDA TOPIC 10.

TO: Mayor & City Council

FROM: Wayne Marshall, City Planner

DATE: September 1, 2016

RE: First Reading - No Parking Areas

REQUESTED ACTIONS

I am requesting direction from the Council regarding three areas that are being presented by City staff for consideration as a No Parking Area. If the Council supports these proposals, I would view this meeting as the First Reading of the proposals and request that the Second Reading be scheduled for the Council meeting of October 4. Information regarding the proposals, including maps, are presented in this memorandum.

BACKGROUND INFORMATION

Area #1. Cross Street and Miller Street areas. The Council discussed potential parking restrictions on these streets as part of implementation of the Downtown Revitalization plan last year. The consensus was to support the no parking areas shown on the map for Cross Street as there is insufficient room on the Street to allow additional on-street parking other than the parking spaces that have been created, and to prohibit parking on the southerly side of Miller Street, from its intersection with High Street to its intersection with Cross Street, and on the northerly side of Miller Street from its intersection with High Street to the end of the Knox Brothers property. Now that the Mathews Brothers has sold to the United Farmers Market, I am asking if the Council has any other thoughts regarding the proposed prohibitions for Miller Street? I would recommend that the proposed prohibited parking areas be approved as shown.

Area # 2. Spring Street area. The section of Spring Street that is a concern is the area between its intersection with High Street and its intersection with Cross Street. Our Department received a concern from a resident of the area regarding problems driving on the street because vehicles are often parked on both sides of Spring Street. I discussed the concern with Bob Richards, Public Works. We both recommend that the Council prohibit parking on one side of the Street and believe that the southeasterly side would be the preferred side on which to prohibit parking. I note that the travel way on Spring Street varies from about 29 feet to about 33 feet. If cars are parked on both sides of the Street it can reduce the travel way to 18 feet or less, which can be an uncomfortable width for two cars to pass. Bob Richards also noted problems with plowing in the winter. We chose the southeasterly side of the street because of the on-site parking and new 12 car parking lot for the United Farmers Market property, the parking area for the small office complex on this street, and the fact that residents of the McClintock apartment building often park in front of their building.

Area #3. Bridge Street. This proposal is being presented by both Bob Richards, Public Works and myself. The proposal is to prohibit parking on the southeasterly side of Bridge Street, from its intersection with High Street to 50 feet beyond its intersection with Washington Street. The main reason is because persons are parking vehicles in this area and it is causing problems with vehicles safely entering and exiting Washington Street. As all are aware, the westerly end of Washington Street is narrow and has a steep grade. I have been in this area much more frequently than in the past because of the pending CMP work on Washington Street, and have noticed that cars often are parked on Bridge Street immediately adjacent to its intersection with Washington Street. Vehicles parked in this area can cause problems with sight distance/visibility, the ability to navigate the intersection, and with plowing in the winter. This is particularly true with truck traffic that will be using Washington Street.

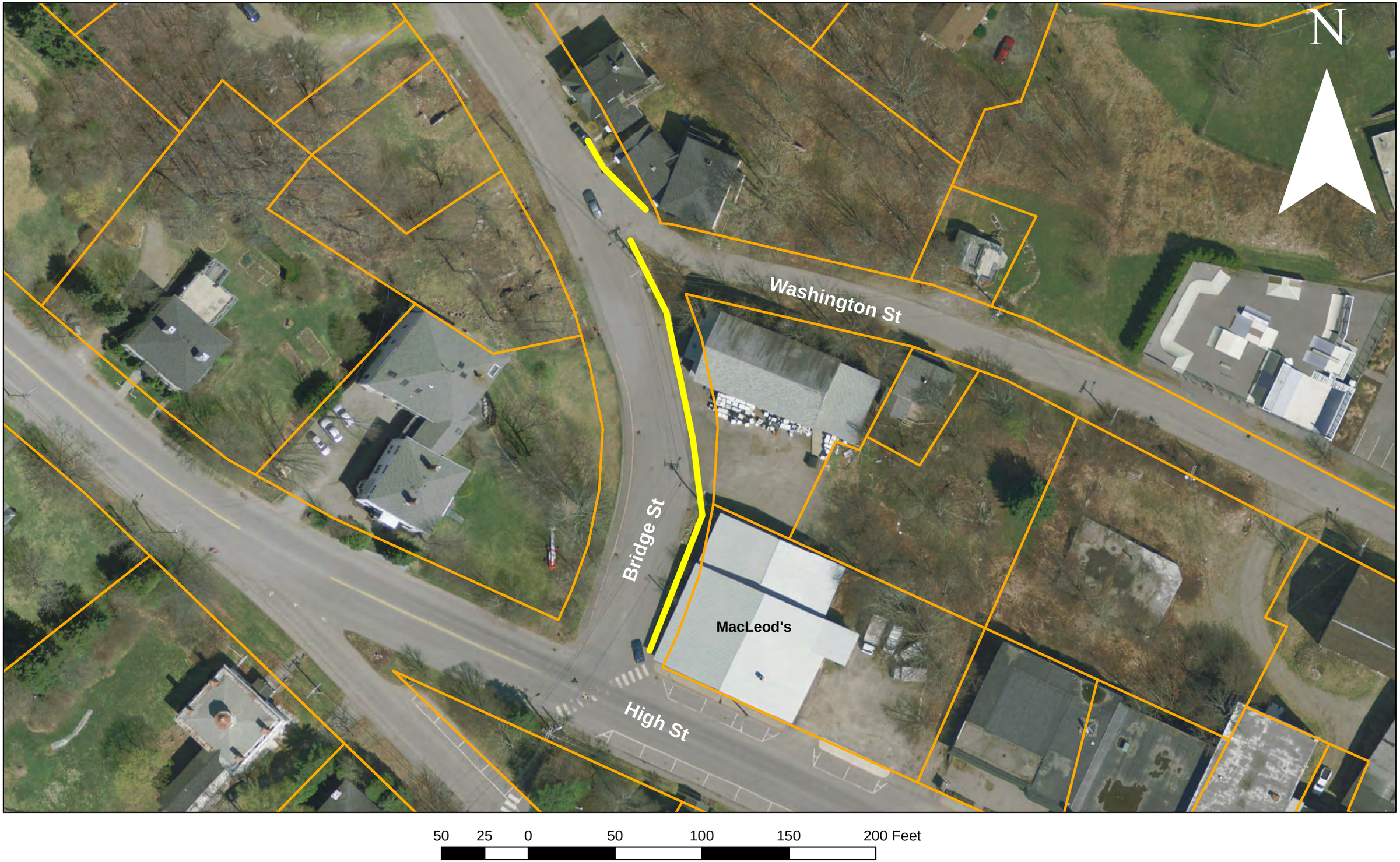
I am certain that there are other areas in Belfast which also may encounter problems with where vehicles are parked, but we believe the above three areas warrant Council consideration at this time. If the Council supports one or more of these proposals, subject to any amendments that you propose, I would return with specific language for Second Reading and public hearing for the Council meeting of October 4.

I would be happy to respond to any questions.

Chapter 58 - First Reading - Traffic Changes - September 6, 2016

110 55 0 110 220 330 440 Feet

Bridge St - No Parking Area



10.Q

Request by the Economic Development Director to have the City Council authorize the City Manager to sign a contract with Airport Solutions Group for the airport easement acquisition/land exchange project.

This project consists of the acquisition of 8 avigation (aerial navigation) easements on properties located off of the Runway 33 end (Lower Congress Street) of Runway 15-33, and the exchange of parcels located near the Runway 15 end (Lincolnville Avenue) of Runway 15-33, between the City of Belfast and the Maine Army National Guard. At the present time, the majority of this project has been completed, with the land exchange having been completed, and the closings for the 8 easements to take place in early September.

Now that the final prices for the 8 easements in question has been determined and negotiated, the total cost for this project has now been determined to be $239,595.20. This total project cost consists of work done by Airport Solutions Group (and their subconsultants; for surveying, appraisals, review appraisals, review of easements, update of the airport property plan, completing the Federal Aviation Administration (FAA) land release process, and project/grant administration) in the amount of $89,300.00, easement acquisition costs in the amount of $109,500.00, and Sponsor (City of Belfast) costs (for legal and negotiation work done by the City Attorney, and consultant work related to the land exchange portion of the project) in the amount of $40,795.20.

This total project cost of $239,595.20 was used in the grant application that was submitted to the FAA and in the FAA's grant offer/agreement, which the City has signed and returned. The FAA will pay approximately 90% of the total project cost ($215,635.00, rounded down from $215,635.68), the Maine Department of Transportation will pay 5% of the total project cost ($11,979.76), and the City of Belfast will pay the remaining approximately 5% of the total project cost ($11,980.44; increased cost due to the FAA's rounding down). The amount of the City's required match figure ($11,980.44) is less than what had been previously authorized by the City Council at their November 3rd, 2015 meeting.

Though the scope of work and the fee for the work done by Airport Solutions Group (and their subconsultants) has been determined, an actual contract between the City of Belfast and Airport Solutions Group will need to be signed. The Economic Development Director now requests the City Council to authorize the City Manager to sign such a contract with Airport Solutions Group for this project.

10.R

Request by the Economic Development Director to have the City Council authorize further actions regarding the airport runway 15 end obstruction removal project.

Bids for the actual obstruction removal work were received and opened on April 15th, 2016. The apparent low bidder at that time was Federal Program Integrators, LLC of Indian Island, with a bid of $65,623.75.

At its April 19th meeting, the City Council decided to accept these bids, but also decided to reduce the scope of obstruction removal that would be part of the Federal Aviation Administration (FAA)/Maine Department of Transportation (MaineDOT)-funded project, reduced to only City-owned property (removing any properties which only had avigation easements on them).

As this reduction in obstruction removal work was more than 25% of the total amount, the City was allowed per its bidding documents to renegotiate a new bid cost with Federal Program Integrators, and directed Airport Solutions Group to do so. Ultimately, a revised bid of $46,036.97 was negotiated, to reflect the reduction in scope of the obstruction removal work.

Using this revised figure of $46,036.97, the total project cost is now $211,735.00; this total amount consists of the $46,036.97 for obstruction removal work, $158,400.00 for Airport Solutions Group to perform project initiation/collection of data, design services/plans, specifications, and cost opinions, advertising and bidding services, general project administration, construction administration, and observation of construction, $6,453.03 for sponsor (City of Belfast) costs (advertisements and previous permit fees), and $845.00 for other architectural and engineering fees (previous field assessment of trees at the airport).

This amount of $211,735.00 was used in the grant application that was submitted to the FAA and in the FAA's grant offer/agreement, which the City has signed and returned. The FAA will pay approximately 90% of the total project cost ($190,561.00, rounded down from $190,561.50), MaineDOT will pay 5% of the total project cost ($10,586.75), and the City of Belfast will pay the remaining approximately 5% of the total project cost ($10,587.25; increased cost due to the FAA's rounding down). The amount of the City's required match figure, $10,587.25, is less than what had been estimated at the City Council's April 19th meeting.

The Economic Development Director now requests the City Council take the following three actions:

1) Award the bid for this project to Federal Program Integrators, Inc., at the renegotiated bid price of $46,036.97, and authorize the City Manager to issue a Notice of Award to this firm and to also sign a contract with this firm;

2) Authorize the City Manager to sign a contract for this project with Airport Solutions Group;

3) Authorize matching funds for this project in the amount of $10,587.25, with these funds to be taken from the Airport Runway Capital Reserve Account (640-595).