

These are “Action Only” minutes. Video of comments may be found on recorded discs at City Hall or at www.cityofbelfast.org.

**City of Belfast
Council Chambers-Belfast City Hall
Tuesday, August 15, 2023**

6:00 p.m. Council Work Session with the Housing and Property Development Committee

7:00 p.m. Regular Council Meeting

**All City Council Meetings and City Committee Meetings will be conducted in-person at
Belfast City Hall, effective May 3, 2022.**

Regular Council Meeting No. 4

1) Call to order

2) Present: Mayor Eric Sanders, Councilors Mary Mortier, Neal Harkness, Brenda Bonneville, Michael Hurley and Paul Dean; City Manager Erin Herbig and Deputy City Manager Manda Cushman.

3) Pledge of Allegiance

4) Adoption of the agenda

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

5) Acceptance of the minutes

Regular Council Meeting of August 1, 2023.

Councilor Dean, seconded by Councilor Bonneville, made a motion to accept the minutes from the Regular Council Meeting of August 1, 2023. This motion was approved, 5-0.

6) A. Open to the public

City Manager Erin Herbig noted that Council received no emails and no postal mail, prior to noon today before the start of the Council meeting to be included as part of the Open to the Public.

1. Dorothy Havey, Executive Director of the Belfast Area Chamber of Commerce informed the Council and public of the Business After Hours event at the Belfast Free Library on August 16th at 5:30 p.m.
2. Mike Mercer of Belfast read the rules for open to the public as outlined in the Council agenda.
3. Harbor Master Kathy Given thanked Come Boating for their donation and provided feedback on accessibility and safety at the Harbor to be discussed under item 10) H.

B. Organization and Department Reports

City Manager Erin Herbig thanked the Housing and Property Development Committee for meeting with the Council in tonight’s Work Session, noted that the City is hoping to conduct a City Committee training on September 24th and will reach out to committee chairs once more details are available, and noted City facility closures due to Labor Day on September 4th.

7) Communications

Councilor Mortier provided an update on Harbor Fest.

Councilor Harkness discussed Mid-coast Transportation leasing the former Robertson School building from RSU #71.

Councilor Hurley provided an update on Belfast 250th Celebration, noting that banners will be installed within the week.

Councilor Dean thanked Waterfall Arts for continuing to work with the Farmers Market to provide space.

Mayor Sanders discussed Rotary’s impact on local schools.

8) Old Business and City Committee Reports

No comments.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve a Facility Use Request Application by Volunteers of America to utilize Steamboat Landing Park for the Annual Recovery Month BBQ on Thursday, September 28, 2023, from 3:00 p.m. to 5:00 p.m.

- B.** Request to approve a Facility Use Request Application by Waldo County Habitat for Humanity to utilize Heritage Park for the Annual Art Works for Humanity on Friday, September 29, 2023, through Saturday, September 30th, 2023.
- C.** Request to approve an application by Delvino LLC d/b/a Delvino's Grill & Pasta House located at 52 Main Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant (Class I, II, III and IV) liquor license.
- D.** Request to approve an off-premises catering permit for Blaze Bangor LLC for a private wedding on August 19, 2023, from 4:00 p.m. to 11:00 p.m. located at Bayview Point Event Center, 15 Front St., Belfast, Maine.
- E.** Request to approve an off-premises catering permit for Bell the Cat Inc. d/b/a Bell the Cat Inc. for Harbor Fest hosted by the Belfast Rotary on August 18, 2022, from 4:00 p.m. to 8:30 p.m. located at the United Farmers Market, 18 Spring Street, Belfast, Maine.
- F.** Request to approve an application by The Otis Group Incorporated d/b/a Rollie's Bar & Grill located at 37 Main Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Class A Restaurant/Lounge (Class XI) liquor license.
- G.** Request to approve an Incorporated Civic Organization License for Belfast Rotary for the Harbor Fest event located at Steamboat Landing Park and the Belfast Boathouse, Belfast, Maine on August 18-20, 2023, from 11:00 a.m. to 5:00 p.m.
- H.** Request to approve a Lunch Wagon License permit application by Douglas Hufnagel d/b/a Coffeeman located at 3 Main Street, Belfast, Maine, license to expire on December 31, 2023.
- I.** Request to approve a Facility Use Request Application by Front Street Pub to utilize three parking spaces for the private wedding event on Friday, September 1, 2023, from 6:00 p.m. to 10:00 p.m.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to approve the Consent Agenda. This motion was approved, 5-0.

10) Business

A) Request to accept a \$500.00 donation from Belfast Come Boating.

No discussion.

Councilor Hurley, seconded by Councilor Harkness, made a motion to accept the funds of \$500.00 from Come Boating and to place these funds into account # 110-3260 Harbor Receipts. This motion was approved, 5-0.

B) Request from the Harbor Master to accept and award the Request for Quote for the Breakwater Sedimentation Study.

Harbor Master Given reviewed the RFQ and recommended the Council accept the one RFQ and award the RFQ for the Breakwater Sedimentation Study to WSP.

Councilor Harkness, seconded by Councilor Bonneville, made a motion to accept the RFQ and award the RFQ for the Breakwater Sedimentation Study to WSP. This motion was approved, 5-0.

C) Request from the Public Works Director to purchase a dump body, subframe, and hoist for the Public Works Department.

Public Works Director reviewed the request to purchase a dump body, subframe, and hoist for the Public Works Department and answered Council questions.

Councilor Mortier, seconded by Councilor Harkness, made a motion to purchase a Galion 9ft. dump body, sub frames, and hoist from H.P. Fairfield of Skowhegan for \$13,622.50 with funding to come from account #410-535 Public Works Purchase of Equipment. This motion was approved, 5-0.

D) Request from the Public Works Director to purchase a sander for the Trackless MT salt/sander attachment for the Public Works Department.

Public Works Director reviewed the request to purchase a sander for the Trackless MT salt/sander attachment for the Public Works Department and answered Council questions.

Councilor Mortier, seconded by Councilor Harkness, made a motion to purchase a Trackless MT salt/sander attachment from H.P. Fairfield of Skowhegan for \$7,774.50 with funding to come from account #410-535 Public Works Purchase of Equipment. This motion was approved, 5-0.

E) Request from the Public Works Director to purchase an asphalt hot box for the Public Works Department.

Public Works Director reviewed the request to purchase an asphalt hot box for the Public Works Department and answered Council questions.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to purchase a Falcon 2-ton asphalt recycler and hot box slip in model from H.P. Fairfield of Skowhegan for \$17,542.00 with funding to come from account #410-535 Public Works Purchase of Equipment. This motion was approved, 5-0.

F) Request from the Public Works Director to purchase a cross conveyor for the Public Works Department.

Public Works Director reviewed the request to a cross conveyor for the Public Works Department and answered Council questions.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to purchase a Swenson cross conveyor from Allied Equipment of Hartland for \$10,680.26 with funding to come from account #410-535 Public Works Purchase of Equipment. This motion was approved, 5-0.

G) Request from the Public Works Director to purchase a new truck for the Public Works Department.

Public Works Director reviewed the request to purchase a new truck for the Public Works Department and answered Council questions.

Councilor Dean, seconded by Councilor Mortier, made a motion to purchase a 2019 Chevrolet Silverado 3500 HD truck with a rack body from O'Connor GMC of Augusta for \$53,000.00 with funding to come from account #410-535 Public Works Purchase of Equipment. This motion was approved, 5-0.

H) Discussion regarding Fiscal Year 2023-24 City of Belfast Handicap Accessibility Projects.

City Manager Erin Herbig and Public Works Director Bob Richards reviewed the list of Handicap Accessibility Projects with the Council, noting which items had already been completed in the previous fiscal year and which items could be completed this fiscal year. Councilors unanimously agreed to the Fiscal Year 2023-24 City of Belfast Handicap Accessibility Projects as recommended at the meeting by the Public Works Director.

I) Request from the property owner to remove a tree located at 26 Park Street.

Public Works Director reviewed the request from the property owner to remove a tree located at 26 Park Street and answered Council questions.

Councilor Hurley, seconded by Councilor Dean, made a motion to approve the request to remove a tree located at 26 Park Street. This motion was approved, 5-0.

J) Request from the Airport Manager to award the Crack Sealing Contract to Wolverine Sealcoating LLC.

Airport Manager Kenn Ortmann reviewed the request to award the Crack Sealing Contract to Wolverine Sealcoating LLC and answered Council questions.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the bid submitted by Sealcoating, Inc., d/b/a Indus in the amount of \$250,692.00 and the bid submitted by Wolverine Sealcoating LLC in the amount of \$148,910.00, and seek concurrence on procurement procedures and the validity of Wolverine Sealcoating, LLC's revised proposal in the amount of \$109,695.00 with the FAA and MDOT Aeronautics Division, and, upon receipt of the FAA and MDOT grants, issue a notice of award to Wolverine Sealcoating, LLC and execute a contract between the City of Belfast and the Contractor, including authorizing the City Manager to sign any necessary documents. This motion was approved, 5-0.

K) Presentation on Proposed Ordinance Amendments regarding a Short-term Rental Registry.

City Planner Jon Boynton gave a presentation on Proposed Ordinance Amendments regarding a Short-term Rental Registry.

L) Public Hearing on Proposed Ordinance Amendments regarding a Short-term Rental Registry.

Mayor Sanders asked for proponents and opponents.

1. Glenn Montgomery of Belfast discussed concerns with non-owner-occupied short-term rentals, noting that he feels that they should be considered a commercial business.
2. Glenn Montgomery of Belfast read a letter on behalf of Greg Morley regarding short-term rentals on Bayview Street and their impact on the community.
3. Laura Baker of Belfast recommended more clarification of definitions, she urged Council to limit short term rentals and require them to have requirements like other lodging businesses.
4. Bernie Baker of Belfast discussed the impact that short term rentals have on the community and recommended a cap on the number of non-owner-occupied short-term rentals.
5. Carl Collins of Belfast discussed concerns that short-term rentals have had on the neighborhood and requested that the Council take control the situation quickly.

6. Nina Lowe of Belfast noted that she agreed with what her neighbors on Bayview Street stated tonight and discussed the impact that they have on residential neighborhoods.
7. Mike Mercer of Belfast discussed concerns with illegal immigrants renting in Belfast.

Mayor Sanders declared the hearing closed.

City Planner Jon Boynton noted two written comments submitted by Edward Earle and Charles Mitchell to be included as part of the Public Hearing.

M) Discussion and Council Action on Proposed Ordinance Amendments regarding a Short-term Rental Registry.

Councilors discussed the proposed language and requested clarification from the City Planner and Director of Code and Planning regarding concerns brought forward by citizens.

Councilors discussed changes to enactment date and lowering the after the fact permit fee.

Councilor Harkness, seconded by Councilor Mortier, made a motion to approve the First Reading of proposed ordinance amendments to Chapter 14, Business, Chapter 66 General Provisions, and the creation of Chapter 72, Housing, and Lodging, regarding a Short-term Rental Registry to include amendments made at the Council meeting and to schedule the Second Reading and Public Hearing for Tuesday, September 5, 2023. This motion was approved, 5-0.

N) Presentation on Proposed Ordinance Amendments regarding Airport Overlay Zoning.

Director of Code and Planning Bub Fournier gave a presentation on Proposed Ordinance Amendments regarding Airport Overlay Zoning.

O) Public Hearing on Proposed Ordinance Amendments regarding Airport Overlay Zoning.

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

Director of Code and Planning Bub Fournier noted two written comments submitted by Erica Schlueter and Dave Losee to be included as part of the Public Hearing.

P) Discussion and Council Action on Proposed Ordinance Amendments regarding Airport Overlay Zoning.

Councilors discussed and requested clarification from the Director of Code and Planning and the Airport Manager regarding concerns brought forward by citizens.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve the First Reading of proposed ordinance amendments to Chapter 102 Zoning, Article VII, Division 2, Airport Overlay District and to schedule a Second Reading and Public Hearing for Tuesday, September 5, 2023. This motion was approved, 5-0.

Q) Presentation on Proposed Ordinance Amendments to Chapter 58 Traffic and Vehicles.

City Planner Jon Boynton gave a presentation on Proposed Ordinance Amendments to Chapter 58 Traffic and Vehicles.

R) Public Hearing on Proposed Ordinance Amendments to Chapter 58 Traffic and Vehicles.

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

S) Discussion and Council Action on the Proposed Ordinance Amendments to Chapter 58 Traffic and Vehicles.

No Council discussion.

Councilor Hurley, seconded by Councilor Harkness, made a motion to approve the First Reading of proposed ordinance amendments to Chapter 58, Traffic and Vehicles, Article II, Stopping, Standing, and parking and to schedule a Second Reading and Public Hearing for Tuesday, September 5, 2023. This motion was approved, 5-0.

T) Council Consideration of Road and Infrastructure Adoption with a Gift of approximately 35-Acres for a Proposed Subdivision at 68 Little River Drive.

Director of Code and Planning Bub Fournier and B&B Midcoast Property owners, Ben Hooper, and Brad Lindelof gave a presentation on Consideration of Road and Infrastructure Adoption with a Gift of approximately 35-Acres for a Proposed Subdivision at 68 Little River Drive and answered Council questions.

Councilor Harkness, seconded by Councilor Hurley, made a motion to state the City Council's intent to accept the new Little River Subdivision roads, stormwater system and infrastructure along with the remaining open space land stewarded by CMLT provided they are constructed and inspected to City specifications and there is a minimum of 25% of any phase of lots developed on the roads that have received an occupancy permit. This motion was approved, 5-0.

U) Discussion regarding potential implementation of a Jake Break Ordinance.

Councilors discussed the potential implementation of a Jake Break Ordinance and what the City currently does regarding tools that the Police Department has to enforce noise with the Police Chief.

No Council action taken.

V) Request to authorize payment of up to \$1,050.00 for a Council Chambers Photography Project.

Councilor Bonneville reviewed the request to authorize payment of up to \$1,050.00 for a Council Chambers Photography Project.

Councilor Hurley, seconded by Councilor Mortier, made a motion to authorize payment of up to \$1,050.00 for a Council Chambers Photography Project with funding to come from the Undesignated Fund Balance. This motion was approved, 5-0.

W) Request to approve a CMP pole permit for one new pole located on the Doak Road.

No Council discussion.

Councilor Hurley, seconded by Councilor Harkness, made a motion to approve a CMP pole permit for one new pole located on the Doak Road. This motion was approved, 5-0.

X) Request to approve a CMP pole permit for one new pole located on Anderson Street.

No Council discussion.

Councilor Dean, seconded by Councilor Mortier, made a motion to approve a CMP pole permit for one new pole located on Anderson Street. This motion was approved, 5-0.

Y) Request to go into Executive Session on a Real Estate Matter pursuant to 1 M.R.S.A. 405 (6) C.

Councilor Dean, seconded by Councilor Bonneville, made a motion to go into Executive Session on a Real Estate matter pursuant to 1 M.R.S.A. 405 (6) C at 10:42 p.m. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Hurley, made a motion to adjourn the Executive Session on a Real Estate matter pursuant to 1 M.R.S.A. 405 (6) C at 11:08 p.m. This motion was approved, 5-0.

Z) Signing of Council Orders and housekeeping items.

Council Order #9 Signed by Councilor Hurley Ordered That:

The City Manager and the City Treasurer are authorized to accept the funds of \$500.00 from Come Boating and to place these funds into account # 110-3260 Harbor Receipts. (Approved August 15, 2023)

Council Order #10 Signed by Councilor Mortier Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$13,622.50 for a Galion 9ft. dump body, sub frames, and hoist from H.P. Fairfield of Skowhegan. Funding is to come from account #410-535 Public Works Purchase of Equipment. (Approved August 15, 2023)

Council Order #11 Signed by Councilor Mortier Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$7,774.50 for a Trackless MT salt/sander attachment from H.P. Fairfield of Skowhegan. Funding is to come from account #410-535 Public Works Purchase of Equipment. (Approved August 15, 2023)

Council Order #12 Signed by Councilor Mortier Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$17,542.00 for a Falcon 2-ton asphalt recycler and hot box slip in model from H.P. Fairfield of Skowhegan. Funding is to come from account #410-535 Public Works Purchase of Equipment. (Approved August 15, 2023)

Council Order #13 Signed by Councilor Mortier Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$10,680.26 for a Swenson cross conveyor from Allied Equipment of Hartland. Funding is to come from account #410-535 Public Works Purchase of Equipment. (Approved August 15, 2023)

Council Order #14 Signed by Councilor Dean Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$53,000.00 for a 2019 Chevrolet Silverado 3500 HD truck with a rack body from O'Connor GMC of Augusta. Funding is to come from account #410-535 Public Works Purchase of Equipment. (Approved August 15, 2023)

Council Order #15 Signed by Councilor Hurley Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$1,050.00 for the images and installation of art in Council Chambers by Penobscot Marine Museum. Funding is to come from the Undesignated Fund Balance. (Approved August 15, 2023)

11) Open to the Public

1. Mike Mercer of Belfast discussed concerns with various items including rules of open to the public.

12) Communications

Councilor Hurley discussed the loss of Belfast resident Sandi Roman, sending condolences to her family.

13) Adjourn

Councilor Harkness, seconded by Councilor Hurley, made a motion to adjourn at 11:08 p.m. This motion was approved, 5-0.

I HEREBY CERTIFY THAT THE ABOVE
IS A TRUE COPY OF INFORMATION
ON THE RECORD WHICH IS IN MY
OFFICIAL CUSTODY

ATTEST

A handwritten signature in cursive script, appearing to read 'Amanda Cushman', written over a horizontal line.

AMANDA CUSHMAN, BELFAST MAINE