

**City Manager's Report
City Council Meeting
Tuesday, August 4, 2009
City Hall
7:00 p.m.**

TO: Mayor Walter Ash Jr. and Honorable Members of Belfast City Council
FROM: Joseph J. Slocum, City Manager
DATE: Friday, July 31, 2009

This will be a meeting with a limited agenda. On July 22nd of last year there was a joint work session between the City Council and the Comprehensive Planning Committee to outline what needed to be done to conclude the multi year effort of the committee. This year, on March 30th and again on April 30th, the Comp Plan Committee met with the Council and presented their land use recommendations (zoning recommendations).

The Council conducted six separate work sessions to review the various land use recommendations: (June 18th, June 24th, June 27th, July 8th, July 15th and July 27th). Everyone agrees it has taken a very long time to get to this point. We anticipate that on this Tuesday, the Council will schedule a public hearing that will encompass both the recommendations of the Comprehensive Planning Committee as well as some items identified by the Council in these 6 work sessions that may deviate from those recommendations. We want to provide the Council with plenty of time on Tuesday to address this important effort.

Non-Agenda Items:

An update on what the City is doing to identify, secure and maintain range ways and its rights-of-way to the water will be provided at your next meeting. Since your last meeting we have sent out for quotes/bids to have a survey firm do all of the properties, which have not been surveyed, and to mark them. Jim Bell is sending out a letter to all abutters indicating that we are simply identifying property lines and right-of-way lines. A member of the Parks and Recreation Commission has concluded their final draft report on all of these facilities, which is matched up to a separate file for each one. The City attorney is presently cross referencing this against his own prior research which will lead to a consensus document that the City can take forward as a formal record from which to act for generations to come. None of this minimizes the hard effort of Jim Roberts and others who worked to do their own report years ago- in fact much of this report is based upon their work. Jim himself has worked on this updated effort with us. Our goal has been to match the legal record to the specific site and have that record here and available to us on a daily basis.

Agenda Items:

11.B Discussion and action on the Public Works Department's Bid Openings.

The Public Works Department put three budgeted items out to bid: Salt purchase for next year, a new truck (wheeler) and the purchase of a dump body and the plow gear to be installed on this wheeler.

We have three bids on each item and Public Works Director Bob Richards has recommended in his attachments -the lowest bid on each item with the exception of the salt bid. There he has recommended we pay \$69.73 a ton to International Salt rather than \$68.00 to Mid Atlantic because of contractor reports of high moisture content (weight and effectiveness issue). I concur with Bob's recommendation. We buy between 1,500 and 2,000 tons of salt a year depending on the weather.

At the meeting we will ask that you first accept each one of these three separate sets of bids and then that you formally award each of the three bids.

11.C Request to provide an additional \$10,000 for the Tot Lot Project to cover items not covered in the original award of bids.

I am attaching a copy of a memo from Laura Richardson, the City's Clerk of the Works on this project. For several years the City has established a project reserve for the replacement of the Tot Lot in City Park. As of this winter, that sum reached \$52,500. Based upon initial research, it was determined that this was insufficient for the work that was called for in the contemplated design. City Council authorized an additional \$50,000 and set up a total project budget of about \$102,500. When the bids actually came in we realized that this total sum would not cover all the work that was called for in the approved design. Specifically the water trays, the excavator and their installation within the Discovery Area were eliminated from bid awards.

Laura did make it clear that the total cost would exceed the \$102,500 budget and secured council permission to raise money privately to help pay for the cost of this project. To date at least \$16,000 in cash has been collected from donations. I also note that and approximately \$7,000 worth of tree and shrub enhancements have been awarded by private grants secured by the Parks and Recreation Commission. Laura Richardson has asked that the City consider adding an additional \$10,000 to the budget now, so that these other items can be incorporated into the Tot Lot. She hopes that continuing fund raising will help repay these costs to the City. Laura will be at the meeting to discuss this issue with you.

Request to approve Change Orders for the Tot Lot Construction.

As you may recall the City engaged safety and engineering advice during this construction project. A number of engineering recommendations as well as some on site construction safety concerns have called for additional work to promote greater safety; an issue of high importance to the Council.

We also attach a memo from Jim Bell dated July 30, 2009 identifying the extra work, the contractor and the cost for each change order. Here is a list of change orders that we would like your authorization to pay.

1. Chris Corson, Tree of Life Woodworking: the floor and wooden wall on top of the castle which was added for safety, the drawbridge added because it made it more like the castle keep and they needed to develop an entrance to get into the castle, the back wall of the tree house was made because the Clerk of the Works felt it was too close to the woods or trees on the backside

and needed a solid back wall rather than one with slits in it which make it impossible to climb up from that direction. The amount of funds needed to cover that change order is \$3,123.43.

2. Joe Higgins: engineering by Plymouth Engineering required large support post, which required an excavator for installation and extra insulation work. The amount of funds needed to cover this change order is \$1,355.
3. Doak's Machine Shop: engineering required additional support post and steel substructure below ground in order to stand up the swing set, connect it together and be plumbed. Doak's also supplied handrails and balance scale springs. The amount of this change order is \$840.

If you approve the \$10,000 for additional project work we would need your approval for change orders or contracts for the following as well:

4. Northern Iron Works for the construction of the water trays \$3,000, handrails for slides \$500 and the excavator \$4,800 for a total of \$8,300. I assume this includes the cost of installation but we can ask Laura at the meeting to confirm this.

**11.D Council response to the land use recommendations of the Comprehensive Planning Committee:
Possible setting of a Public Hearing.**

City Planner Wayne Marshall is providing you with the voluminous attachment.

As I have sat through the last six (6) council work sessions where you discussed your concerns I was struck by the reasonableness of many of the points that were raised by each of you. Certainly there were real differences of opinion but those differences were articulated and rooted in perfectly understandable concerns.

In my experience, Land Use Regulation is not a smooth pill for rural areas, most of New England and certainly not traditional Mainers. While this is difficult, it is also my observation over the last 15-years that many communities- including Belfast -face increasingly difficult land use challenges, which have not been part of our historical experience. MBNA is a pretty good example of that. Those challenges- in my view will continue to come with increasing speed as far as my eye can see.

In the end any coastal city needs to constantly reset that evasive balance between regulation and non-regulation. If we go too far we need to say so and retreat. If we don't go far enough we will figure that out soon enough -the hard way. I suggest that what will save us from our fears is the continuation of the determined dialogue to raise these reasonable and well founded concerns in the daily discourse of our future.

Whatever land use regulation plan this City sets, whatever effort we make to implement it, we will need to keep talking it out all along the way. If we do that then the broader community will be able to help us find the best balance that we can.

That's about it for now. I note that since April 1, - four months ago now- we have had 10 council meetings and 15 council work sessions on the budget, economic development and the comprehensive plan. We are busy- certainly against the numbers in prior years for this same period. I hope that everyone can have an opportunity to grab a few days before September to enjoy the summer.

I also remind everyone that the Friends of Belfast Parks is having a symposium on municipal park investment and the economic and cultural benefits they convey to their communities and regions this Saturday at the Hutchinson Center. They have many impressive speakers, including Dr. John Crompton- the distinguished Professor of Parks and Recreation & Tourism Sciences at Texas A & M University, which should make this event very interesting. Registration starts around 9:00 a.m. with the program starting at 10:00 a.m. at the Hutchinson Center.