

**City Manager's Report
City Council Meeting
Tuesday, December 1, 2009
City Hall at 7:00 p.m.**

TO: Mayor Walter Ash Jr. and Members of Belfast City Council
FROM: Joseph J. Slocum, City Manager
DATE: Wednesday, November 25, 2009

Non- Agenda Items:

Downtown Building Owners obligation to keep snow and ice off sidewalk.

Next week we will be delivering an annual letter to buildings in the downtown area to remind them of their obligation to maintain the sidewalks in front of their buildings "as will create a reasonable passage sufficient for pedestrian traffic" (Chapter 50 Section 50-72). This ordinance also requires those with roofs, which slope onto a public sidewalk to "take appropriate measures to protect persons and property from injury or damage".

Most of the downtown businesses do a very good job living up to these responsibilities. There are some that need to be followed up on and this season, Jim Bell will be helping us secure compliance with these City regulations. For those who have not cleared the walkways adjacent to their buildings by 10:00 a.m. the day following the storm, the City will hire an independent contractor to do the work, pay the contractor and then charge back to the Owner of the building all of the related costs- including the City employee time to get the contractor and oversee the work. We hope for great cooperation.

Drainage issues in the area of Cedar and Charles Streets.

Engineering assessment done, cost estimate will be coming shortly.

Library Trustees Charter Recommendation.

Last year we asked all Boards to review the City Charter and let us know if they recommended any changes. In September I was contacted by a member of the Library Trustees Board who advised me that the Board would like the City to consider increasing the size of the Board and opening up one or two board seats to people from outside of Belfast. This was not deemed to be an urgent matter but one to consider if the Charter is updated at some time. I put a copy of this memo in your mail.

Downtown sidewalk repair and improvement update.

This is the most frustrating project I work on. We are in a fix and repair mode for these walkways rather than a replacement mode. The task is problematic because we have three different levels of surfaces (granite curb, brick and concrete slab) in many places. To repair any one of the three requires you to try to adjust for the different existing surface levels of the other two. We set out to get one contractor to work on bricks and one to remove and pour slabs. We moved our schedule for downtown businesses

that asked us not to disturb these walkways until after Columbus Day. The concrete contractor who came and agreed to replace many slabs 3 months ago has never returned. Most recently our brick contractor ran into unforeseen difficulties in their business and essentially walked off the job with no notice 4 weeks ago. They agreed to work on Thursdays and Fridays and I have not seen or heard from them since. The brickwork they did has mostly held except in areas where water can creep underneath the brick and undermined the underlying sand mix. We will use a fabric filter to try to stop this. The granite curb often pushes out making it almost impossible to get a pressure fit from a custom cut brick and provides the dreaded water access that undermines the work. One of our favorite masons has some hand issues and is currently unavailable. Public Works is very busy with leaf pick up, drain and ditch work before winter and spring. They have been straight out since all the floods of last spring and the extra paving work we did this year (twice the normal amount). I have called around and masons are amazingly enough- pretty busy in this economy. We are also trying to get building brick re-pointing done at City Hall and the 2 Franklin Street Building but our calls to masons are not being returned. We move then to **Plans G and H** to get these walkways into better shape.

Plan G involves buying our own masonry saw and hiring a temporary employee to work for the City as a dedicated full time employee for this task as long as weather allows- with hopefully a repeat performance in the spring. Every brick we place reduces the thousands that need to be replaced.

Plan H involves combining enough sidewalk work- curb, brick concrete into a project in excess of \$25,000 to \$50,000 to attract somebody willing to help us. This may indeed mean that we have to do entire sections at once, which will make some areas wait for funding. I welcome any suggestions to move this along.

Unfunded Capital Project requests.

At the last meeting I provided Council with a list of existing Capital Projects, their account balances and my recommendations on whether we should close or change these projects. That list and those projects were all funded. This week I am including in your packet a list of unfunded Capital Project requests mostly from your Committee's (Parks and Recreation, Harbor, Hiking, Biking and Pedestrian). This information is being provided to assist you with decision making as you address City financial needs, surplus, economic development etc. I do owe you a surplus memo on what other communities do and I will try to get that to you on or before the meeting. This is part of an overall goal to make sure all council members have easy access to the core financial information relating to the City.

Agenda Items:

10.B Discussion and possible action on recommendations from the Harbor Advisory Committee on Harbor fees and on renewal of charter contracts.

One of the specific responsibilities of the Harbor Advisory Committee is to make annual recommendations to the City Council on what our harbor fees should be. The Harbor Advisory Committee has recommended no change in the fees for next year and there are attachments for you to approve. I believe the Chair of the Committee will be present at the meeting. There is an issue with

these fees that I am asking that we clear up, as I do not want to have any misunderstanding about how these fees will be applied by the Harbor Master.

The Harbor Advisory Committee gives these fees real thought before they make their recommendation to the Council. They really strive to have the waterfront pay for itself. I am also aware that from time to time the Harbor Master has exercised some discretion over the charging and collection of fees when she felt that it was in the best interest of maintaining a reputation of being a reasonable and friendly waterfront and when it seemed to be in the best interest of the City. Citizens will question the Harbor Masters discretion when this happens. Here are three examples:

1. We did not charge the full dockage every day when the three Herrshoff's were on display after being rebuilt here in Belfast.
2. If someone reserves for two days and then leaves later than the required departure time, we might not charge them for the extra time if no one is waiting for that space.
3. We are not charging contractors to temporarily tie up at City facilities in exchange for the work they do for us.

I think the Harbor Master, like any other Department Head, has to have a certain amount of job discretion. I think that the decisions like the three listed above are perfectly appropriate. I support this kind of discretion with our fees and charges as long as they directly relate to some benefit back to the City whether it is to promote our friendly working waterfront or to promote our local economy. I am always available to review that exercise of discretion.

If the City wants and intends to secure every dollar that can be charged to be charged then we will do just that. I am not sure that such a policy is consistent with other important Waterfront, Harbor and City concerns. I am asking the Council for some flexibility in assessing these fees. I have notified the Harbor Committee that I will be addressing this with you at the meeting and I am pleased to follow any policy that the Council decides to follow.

I am asking Council to not only approve the fees and charter contracts recommended by the Harbor Advisory Committee and I am also asking that the Harbor Master have some discretion of the assessment of these fees subject to ongoing management review of that discretion.

10.C Update on City progress to identify, secure and maintain range-ways and rights of way to the water.

Range-ways are land we own exclusively and completely. Rights-of-ways are properties that we do not own completely but we- the public- have an unfettered right of way across that property that can't be interfered with.

As planned, Margo Carpenter has finished her review of all of our materials on these Range-ways and rights-of-way to the water. Her twenty-four (24) page report is attached, will be posted on the City Website and copies will be available for inspection at the Library and the City Clerk's Office. Margo's

effort was substantially contributed to by the earlier work of Jim Roberts, Harry Burns and City Attorney Bill Kelly.

Next steps:

ü We are out to bid on getting the eight (8) range-ways and rights-of-ways that we do not already have surveys of: They are: Condon Street, Fahey Street, High View Terrace, Huntress Street, Mayo Street, Race Street, Upper Bridge West, and re-monument the terminus of the Upper Bridge East. Survey Bids due December 10th.

ü We will order this winter the signs for the beach so these areas will be posted at both the street level and the beach level.

ü We are trying to get some winter cutting done on the East Side “Moorings” range-way. There are no prisoners in the Waldo County Jail to help but this may be a possibility after February. We will talk to the Belfast Youth Council to see if the young people want to help pitch in. Efforts to work out a property agreement that would give the City- road access and parking area greater than 33 feet wide have stalled, pending further review by the owner of the Moorings Campground.

ü We will prepare a maintenance plan over the winter for the spring, summer and fall. We will be glad to work with neighbors who want to volunteer to help us keep these range-ways and rights-of-ways open.

10.D Discussion and possible action on Planning Board Committee’s “Parking Standard” recommendations.

City parking standards were questioned by a person who invested in some local commercial property. City Councilor Lewis Baker did some extensive research on the parking standards of many other Maine communities and recommended that Belfast standards be reduced. The Council referred the matter to the Planning Board for their further review and recommendation. That recommendation is being reported back to the Council and there is an attachment.

10.E Discussion and possible action on closing out unneeded Capital Project accounts.

This is a follow up to last meeting. When the Council approves a capital project and the money is set aside to accomplish that project, then the money stays in that project line account until the Council moves it back to the General Fund by terminating its designation. Essentially the Council votes to close out the project and return unused monies to the General Fund. Once there, the money is added to the surplus because it is no longer “designated” for any particular purpose.

We have a number of capital projects that I think we can close out and I presented them to you in the packet of your last meeting on November 17th. My recommendations for closing out capital projects or changing them are reflected in red. If you would like an additional copy please let us know.

10.F Discussion and possible action to purchase the two (2) Ace Aviation buildings located at Belfast Municipal Airport.

The City Manager is in charge of the Belfast Municipal Airport. Denise Beckett, Assistant to the City Manager has overseen many of the main airport issues for many years. The City has a fixed based operator (FBO) who sells flights, gasoline, flight lessons, opens and closes the airport and also acts as our eyes and ears out at the airport along with some regular airport responsibilities.

Many years ago Doug Low was our fixed based operator at the Belfast Airport. Sandy Reynolds (Maine Scenic Airways Inc.) after buying out most of Doug's assets more than a decade ago is our fixed based operator (FBO). Mr. Low kept the former "Ace Aviation" buildings (2). Doug Low tragically died in a plane crash last year, leaving his family with the lease obligations on the land that these 2 buildings are located on. The City, with Council approval, had an independent appraisal done as to the value of this building. That appraisal is attached recites a total value of \$55,000. For a pole structure it is in remarkably good condition. The City is eligible for about 95% Federal financing to purchase this property and it will give the City more long-term control over the airport. We did not want these buildings to be sold to someone who would compete with the limited business opportunity that exists today at the Airport. Another competitor- could jeopardize our existing FBO from being able to stay in business. It will also provide us with storage for such item as the Airport snow-blower attachment. The Airport Advisory Committee supports this endeavor.

I am attaching an email sent recently from our airport engineer who summarizes our recommendations for future projects and plans for the airport as endorsed by the Airport Advisory Committee. Aside from the purchase of the property we recommend seeking an additional \$20,000 to make building improvements that will secure its long-term benefit to the City. All of this is 95% paid for by the FAA with the remaining 5%, split with local/state funds.

I ask the Council to provide me with the authorization to seek Federal funding for 95% of this purchase price of \$55,000 and improvements up to \$20,000 and to execute any and all agreements with the FAA and the Estate of Doug Low to acquire this property and secure the necessary federal funding as proscribed in this report.

10.G Discussion and possible action on approval of the terms of a new three-year agreement with the Police Union and possible authorization for the City Manager to execute same on behalf of the City.

The prior agreement was for 3 years, provided a 3% cost of living adjustment in each of the three years and expired on July 1, 2009.

The proposed agreement differs as follows:

Ø A 3% salary increase effective July 1, 2009, 2% salary increase effective July 1, 2010, 2% salary increase July 1, 2011.

Ø A \$100 increase in clothing allowance starting on July 1, 2010 and another \$100 on July 1, 2011.

Ø A 1% (estimate \$500 each) salary increase for any officer required taking specialty training by the Chief of Police such as Firearms Instructor, Accident Reconstruction Specialist etc.

We have been negotiating for many months over the new agreement. There were many requests by the Union that were either turned down or withdrawn. We do not make the particulars of the negotiations public. This agreement is the one I recommend based upon all negotiations and all prior conferences. I am enclosing a copy of the old agreement as the new one has not been typed as of this date. I am asking for your approval of the agreement and for authorization to sign the new agreement consistent with and limited to the disclosures in this Manager's Report. There is money within the existing budget to cover this expense.

10.H Discussion and possible action on the Manager's recommendation of a 3% cost of living salary increase for all non-union City employees retroactive to July 1, 2009.

The City has traditionally put off dealing with potential cost of living recommendations until after union negotiations have been concluded. The City has traditionally extended to non-union employees the same cost of living benefits extended to union employees. The Police Union has voted to settle as mentioned above. The Public Works Union is likely to have settled before your meeting with the exact same three-year deal that the Police have accepted.

These are tough times but City work does not decrease in tough times- it increases as the broader community looks to local government to fill in additional pieces. I recommend that we treat the non-union employees the same as Union employees in this regard and ask that you approve a 3% salary increase for all non-union employees except myself. Under my contract with the City any adjustment to my pay probably should be a separate question for the Council and I can discuss that with you at any time.

10.I Discussion to authorize a council order to pay the 3% cost of living increase for all non-union employees for FY2009-10 from the Building Improvements account (720-653), retroactive from July 1, 2009.

10.J Consideration and possible action of removing the reserved parking for taxi designation on High Street. (Hurley)

Councilor Hurley asked that this be put on the agenda. He feels that this may have been a good idea whose time has somewhat passed with the advent of cell phones and other opportunities to locate cab companies.

That is it for now. It's Thanksgiving week and I am thankful to work along side so many- who even though they don't always agree- really do care about the City and the community of people who make it what it is. Have a safe and enjoyable long weekend.