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**City of Belfast
Council Chambers-Belfast City Hall
Tuesday, February 19, 2019**

Council Work Session 5:30 p.m.

Regular Council Meeting 7:00 p.m.

Public Hearing #1

Pursuant to the Special Amusement Ordinance of the City of Belfast and the provision of Title 28-A Section 1054 MRSA a public hearing will be held in the Council Chambers of Belfast City Hall on February 19, 2019 at 7:00 p.m. or as soon as possible thereafter on a new application for a New Special Amusement Permit for Evan Mallet d/b/a Ondine Oyster and Wine Bar for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 108 Main Street, Belfast, Maine, interior only.

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

Public Hearing #2

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on Tuesday, February 19, 2019 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of Belfast City Hall to hear an application by Rosamond Peters d/b/a Nautilus Seafood & Grill, LLC located at 3 Main Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant/Lounge liquor license.

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

Regular Council Meeting No. 16

1) Call to order

2) Present: Mayor Samantha Paradis, Councilors Mary Mortier, Neal Harkness, Michael Hurley and Paul Dean; City Manager Joseph Slocum and Admin. Assistant to the City Manager Manda Cushman.

Absent: Councilor Eric Sanders.

3) Pledge of Allegiance

4) Adoption of the agenda

Councilor Harkness, seconded by Councilor Mortier, made a motion to adopt the agenda. This motion was approved, 4-0.

5) Acceptance of the minutes

Regular Council Meeting of February 5, 2019.

Councilor Dean, seconded by Councilor Harkness, made a motion to accept the minutes from Regular Council Meeting of February 5, 2019. This was approved, 4-0.

6) A. Open to the public

1. Lawrence Reichard of Belfast discussed Nordic Aquafarm’s proposal to open a facility in California.
2. Eric Schrader of Belfast discussed an article in the Republican Journal regarding Paul Naron.

B. Organization and Department Reports

No comments.

7) Communications

Councilor Harkness discussed Bangor Daily News article regarding the Curling Club and requested that a citizen concern regarding signage be added to the next Council Meeting.

Councilor Hurley provided an update on the 3rd Annual Job Fair on April 3rd from 3:30 p.m. to 6:30 p.m. at the Hutchinson Center.

Councilor Dean volunteered to serve on the Chamber Board as the Council representative, the Council unanimously agreed.

City Manager, Joseph Slocum, reminded the Council that the City will be looking to schedule Budget Meetings and if the Council could provide any times they will be away from Mid-April through June that would be helpful in planning, he also discussed a recent article in the Republican Journal.

Councilor Mortier discussed the Contract Rezoning process.

Councilor Hurley discussed having a picnic at the Public Works Facility in the spring to discuss with neighbors possible redevelopment.

Mayor Paradis discussed the Republican Journal article, requested an update on the Resiliency Checklist, discussed sidewalk conditions and addressed item **10) O** on the agenda.

Councilor Dean thanked the Public Work crew for all they do to keep the City in good shape throughout tough snow storms and reminded the public that they can utilize the Sand Shed if they need sand for their driveways.

8) Old Business and Council Committee Reports

No comments.

9) Permits, Petitions and Licenses - Consent Agenda

- A.** Request to approve a new application for a New Special Amusement Permit for Evan Mallet d/b/a Ondine Oyster and Wine Bar for Live Music, DJ, Karaoke, all Live Entertainment, and dancing at 108 Main Street, Belfast, Maine, interior only.
- B.** Request to approve an application by Rosamond Peters d/b/a Nautilus Seafood & Grill, LLC located at 3 Main Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Restaurant/Lounge liquor license.
- C.** Request to approve an off premises catering permit for The Otis Group Inc. d/b/a Rollie's Bar & Grill for a Fishing Derby fundraiser event located at the Waldo County Shrine Club, 20 Northport Ave., Belfast, ME on March 9, 2019 from 4:00 p.m. to 10:00 p.m.
- D.** Request to approve an off premises catering permit for Crusty Crab LLC d/b/a Front Street Pub for the Burns Dinner event located at the United Farmers Market, 18 Spring Street, Belfast, ME on January 25, 2019 from 3:00 p.m. to 10:00 p.m.
- E.** Request to approve an off premises qualified catering permit for Wentworth LLLP d/b/a Wentworth Event Center for the Winter Whoopla Chili Cook-off event located at the United Farmers Market, 18 Spring Street, Belfast, ME on February 2, 2019 from 2:00 p.m. to 5:00 p.m.

Councilor Mortier, seconded by Councilor Dean, made a motion to accept the consent agenda. This motion was approved, 4-0.

10) Business

- A)** Request from the Cemetery Board of Trustees to consolidate Cemetery Trust accounts and dedicate 4% of the portfolio value of the combined account to fund perpetual care operations/expenses and Capital Projects at the Cemetery.

Former City Councilor, John Arrison, spoke on behalf of the Cemeteries Trustees requesting that the Council consider the following:

1. To close Bangor Savings Account and transfer funds to a new HM Payson Account.
2. To set a policy a draw of 4% of the portfolio.

Mayor Paradis inquired about looking into accounts that do not invest in fossil fuels.

Councilor Hurley, seconded by Councilor Harkness, made a motion to accept the request to transfer the Bangor Savings account into an HM Payson account. This motion was approved, 4-0.

Councilor Mortier, seconded by Councilor Hurley, made a motion to have a policy of a 4% drawn down each year to fund perpetual care operations/expenses and Capital Projects at the Cemetery. This motion was approved, 4-0.

Councilor Hurley, seconded by Councilor Mortier, made a motion to direct staff to schedule a meeting with Library Trustees, Cemetery Trustees and HM Payson to discuss if we can transition City investments away from fossil fuels. This motion was approved, 4-0.

B) Presentation from City Director of Code and Planning, Wayne Marshall, on proposed cleanup amendments regarding the regulation of significant groundwater wells in the City (Chapter 102 Zoning).

City Director of Code and Planning, Wayne Marshall, explained to proposed amendments in more detail.

C) Public Hearing on proposed amendments to Chapter 102 Zoning regarding the regulation of significant groundwater wells.

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

D) Consideration of a request to accept the proposed amendments to Chapter 102 Zoning regarding regulation of significant groundwater wells as a First Reading.

City Director of Code and Planning, Wayne Marshall, answered Council questions and recommended approving the amendments as presented as the First Reading, scheduling the Second Reading for the Regular Council Meeting of March 19, 2019.

Councilor Harkness, seconded by Councilor Mortier, made a motion to accept the First Reading on proposed amendments to Chapter 102 Zoning regarding regulation of significant groundwater wells, as presented and to schedule the Second Reading for March 19, 2019. This motion was approved, 4-0.

E) Presentation by City Director of Code and Planning, Wayne Marshall, on proposed amendments to the Office Park Zoning District to allow retail sales in a store that is less than 6,000 square feet in size and to allow multi-family housing.

City Director of Code and Planning, Wayne Marshall, explained the proposed amendments and discussed the details and answered Council questions.

Councilor Dean requested that a draft chart be added to the Second Reading, Councilors unanimously agreed.

F) Public Hearing on proposed amendments to the Office Park Zoning District to allow retail sales in a store that is less than 6000 square feet and to allow multi-family housing.

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

G) Consideration of a request to accept the proposed amendments to the Office Park Zoning District which would allow for retail sales of the store that is less than 6000 square feet as a “First Reading”.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the First Reading on proposed amendments to the Office Park Zoning District to allow retail sales in a store that is less than 6000 square feet and to allow multi-family, as presented with the inclusion of the Table of Uses and provision C. This motion was approved, 4-0.

Councilor Mortier, seconded by Councilor Hurley, made a motion to schedule the Second Reading on proposed amendments to the Office Park Zoning District to allow retail sales in a store that

is less than 6000 square feet and to allow multi-family on March 19, 2019. This motion was approved, 3-0 (Councilor Harkness stepped out of the room).

H) Request from the Director of Video Services, Ned Lightner, to support legislation at the State level that is designed to insure non-discriminatory treatment of public, educational and government access channels by cable operators.

Director of Video Services, Ned Lightner, explained the legislation and requested that the Council send a letter of support to State Representatives.

Councilor Hurley, seconded by Councilor Harkness, made a motion to authorize the City Manager to draft a letter on behalf of the City Council in support of legislation at the State level that is designed to insure non-discriminatory treatment of public, educational and government access channels by cable operators and to send it to State Representatives. This motion was approved, 4-0.

I) Request from the City Tax Collector, Becca McLaughlin, to abate personal property taxes deemed uncollectible due to death, absence, poverty, insolvency, bankruptcy or other inability to pay.

City Manager, Joseph Slocum, briefly explained the request noting that it should include inappropriately assessed.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the request from the City Tax Collector to abate personal property taxes deemed uncollectible due to death, absence, poverty, insolvency, bankruptcy or other inability to pay, as presented. This motion was approved, 4-0.

J) Request from Fire Chief, James Richards, for authorization to purchase a new 2018 Ford 450 with full ambulance body for up to \$101,000 including lettering.

City Manager, Joseph Slocum, explained the request on behalf of the Fire Chief.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the request from the Fire Chief to purchase a new 2018 Ford 450 with full ambulance body for up to \$101,000 including lettering to come from the Ambulance Capital Reserve Account # 270-536. This motion was approved, 4-0.

K) Request from Lincolnville Communications to place two telephone poles to satisfy the City's request to provide fiber-optic and broadband access to City Departments.

City Manager, Joseph Slocum, briefly explained the request.

Councilor Mortier, seconded by Councilor Dean, made a motion to accept the Pole Permit request from Lincolnville Communications to install two new telephone poles as part of the City's request to provide fiber-optic and broadband access to City Departments. This motion was approved, 4-0.

L) Request from the City Manager for authority to spend \$18,717.29 from Undesignated Fund Balance to pay for a new boiler at the Police Station.

City Manager, Joseph Slocum, explained the request.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the request to spend \$18,717.29 from Undesignated Fund Balance to pay for a new boiler at the Police Station. This motion was approved, 4-0.

M) Discussion on City position regarding 2 proposed pieces of State Legislation.

City Manager, Joseph Slocum, Economic Development Director, Thomas Kittredge and Director of Code and Planning, Wayne Marshall, discussed concerns with the proposed legislation and possible impact on Belfast with the City Council, requesting Council direction.

Councilors discussed the proposed legislation, noting that they would like further information before deciding to take a City position.

N) Request from the City Manager and the City Police Chief to approve the receipt of criminal forfeiture funds.

City Manager, Joseph Slocum, briefly explained the request.

Councilor Mortier, seconded by Councilor Dean, made a motion to accept the request from the Police Chief to approve the receipt of criminal forfeiture funds.

Councilors requested, if possible, more information regarding the circumstances before making a decision.

Councilor Mortier amended her original motion.

Councilor Mortier, seconded by Councilor Dean, made a motion to table the request from the Police Chief to approve the receipt of criminal forfeiture funds until further information could be provided. This motion was approved, 4-0.

O) Consideration of a resolution to adopt limited rules of procedure to facilitate an efficient, orderly and routine structure for addressing agenda items at Council Meetings.

City Manager, Joseph Slocum briefly explained the proposed resolutions presented to the Council.

Councilors discussed tabling the discussion until all members of the Council are present.

Councilor Harkness, seconded by Councilor Mortier, made a motion to table the discussion on a resolution to adopt limited rules of procedure to facilitate an efficient orderly and routine structure for addressing agenda items at Council Meetings. This motion was approved, 4-0.

P) Signing of Council Orders and housekeeping items.

Council Order #38 Signed by Councilor Mortier, Ordered That:

**AMENDMENTS TO CHAPTER 102, ZONING
ARTICLE X, CONTRACT REZONING
DIVISION 3, RESIDENTIAL 1 & 2 ZONING DISTRICTS**

Editor's Note: All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 102, Zoning. **All text shown in red font** is new language that is proposed to be added, and ~~all text shown in blue and strike-through font~~ is existing language that is proposed to be deleted. (See attached text of adopted amendments)

First Reading: December 18, 2018

Second Reading: January 15, 2018

(Approved on January 15, 2019)

Council Order #39 Signed by Councilor Mortier, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
RECODIFICATION - TABLE OF USES & DIMENSIONAL TABLES
INSIDE THE BYPASS ZONING DISTRICTS**

Editor’s Note: All text that is proposed to be added to the Ordinance is identified in **Red Font**. Text proposed to be deleted from the Ordinance is identified in ~~Blue and Strike-Through Font~~. Text in **Green Font** is informational and is intended to assist the reader in understanding the amendments; said text is not part of the final adopted Ordinance language. Text that is in Black Font is existing language that is not proposed to be amended. (See attached text of adopted amendments)

First Reading: January 2, 2019

Second Reading: January 15, 2019

(Approved on January 15, 2019)

Council Order #40 Signed by Councilor Hurley, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 58, TRAFFIC AND VEHICLES, ARTICLE II, SECTION 58-40**

Editor’s Note: All language identified in this ordinance is new language, thus all text is identified in black font. (See attached text of adopted amendments)

(See attached text of adopted amendments)

First Reading: January 2, 2019

Second Reading: January 15, 2019

(Approved on January 15, 2019)

Council Order #41 Signed by Councilor Hurley, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 58, TRAFFIC AND VEHICLES, ARTICLE II, SECTION 58-40**

Editor's Note: All language identified in this ordinance is new language, thus all text is identified in black font. (See attached text of adopted amendments)

First Reading: January 2, 2019

Second Reading: January 15, 2019

(Approved on January 15, 2019)

Council Order #42 Signed by Councilor Hurley, Ordered That:

The City Manager and the City Treasurer are authorized to increase the Harbor Supplies & Expenses Account #660-504 by \$1000 to cover membership to Cruise ME for 2019 with the additional revenue from increased Cruise Ship docking fees. (Approved on January 15, 2019)

Council Order #43 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$5,240.52 to pay for a new 22KW generator for the Fire Station. Funds are to come from the Fire Department Equipment Capital Reserve Account. (Approved on February 5, 2019)

Council Order #44 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$25,391 to purchase a new police vehicle from Quirk Auto Group. Funds are to come from the Police Department Purchase Equipment Account #220-535. (Approved on February 5, 2019)

Council Order #46 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$101,000 to purchase a new 2018 Ford 450 with full ambulance body (\$99,750.00) and including the cost for lettering (\$1,250.00). Funds are to come from the Ambulance Capital Reserve Account #270-536. (Approved on February 19, 2019)

Council Order #47 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$18,717.29 to pay for the new boiler at the Police Station. Funds are to come from the Undesignated Fund Balance. (Approved on February 19, 2019)

11) Open to the Public

1. Jon Beal of Belfast thanked the Council for an efficient meeting.

12) Communications

Councilor Hurley discussed meeting regarding assisting local farmers and having a “picnic” at the Public Works Department in the Spring.

Councilor Mortier offered to serve as the Council member on the Broadband Committee.

Councilor Hurley requested to add to the agenda item **12) A Request to appoint a member of Council to the Broadband Committee.**

Councilor Harkness discussed WCAP’s work on looking into being able to provide transportation to local food pantries.

Mayor Paradis requested that the “picnic” at the Public Works Department be put on an upcoming meeting for discussion and discussed scheduling a time for the Council to visit the Tech Center.


12) A Request to appoint a member of Council to the Broadband Committee.

Councilor Hurley, seconded by Councilor Harkness, made a motion to appoint Councilor Mortier as the Council representative on the Broadband Committee. This motion was approved, 3-0 (Councilor Mortier abstained).

13) Adjourn

Councilor Hurley, seconded by Councilor Harkness, made a motion to adjourn the meeting at 9:53 p.m. This motion was approved, 4-0.

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

TEST 

AMANDA CUSHMAN, BELFAST MAINE