

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, November 5, 2019
7:00 p.m.

Public Hearing #1

In accordance with Title 28A Section 653 MRSA 1964 a public hearing will be held on November 5, 2019 at 7:00 p.m. or as soon as possible thereafter in the Council Chambers of City Hall to hear an application for Lawrence and Sandra Moses, d/b/a Dockside Family Restaurant, located at 30 Main Street, for a renewal Malt, Spirituous and Vinous Restaurant Class liquor license, interior and exterior decks.

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

Regular Council Meeting No. 9

1) Call to order

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

Absent: Mayor Samantha Paradis.

3) Pledge of Allegiance

4) Adoption of the agenda

City Manager, Joseph Slocum, requested to amend the agenda as follows:

- Added **10) I #1** Request to create a part time independent position of Airport Manager to be filled by two candidates.
- Remove item **10) D** Request from the City Manager to remove from the table a Second Reading of a Contract Rezoning Agreement on the Paul Naron property located at 7 and 15 Front St.
- Remove item **10) E** Request from the Parks and Recreation, Director Norm Poirier, to allow Walsh fields to be used for charity softball tournament on November 10th.
- Remove item **10) K** Possible action on personnel matter addressing compensation.
- Added **10) L#1** Request to go into Executive Session to discuss a Personnel matter pursuant to 1MRSA 405(6) A.
- Added **10) L#2** Request to go into Executive Session to discuss a Personnel matter pursuant to 1MRSA 405(6) A.

Councilor Hurley requested to move item **10) H** Request from Councilor Hurley to discuss the installation of cigarette butt collection devices on lamp post in the downtown, to **10) F #1**.

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

5) Acceptance of the minutes

Regular Council Meeting of October 15, 2019 and Special City Council Meeting of October 17, 2019.

Councilor Dean requested amending the Regular Council Meeting of October 15, 2019 at the top of page one to change the word absent be changed to tardy.

Councilor Harkness, seconded by Councilor Dean, made a motion to accept the minutes from Regular Council Meeting of October 15, 2019, as amended and Special City Council Meeting of October 17, 2019. This was approved, 5-0.

6) A. Open to the public

1. William Pollack spoke on behalf of the Randall Collins VFW Post 3108 and their request to conduct the annual Veteran's Day Parade on Monday, November 11, 2019 starting at 11:00 a.m. at the Belfast Area High School, ending at the Belfast Harbor landing.
2. Roger Pickering of Belfast spoke as an abutter to the proposed development on Wight Street, noting no issues with the project.

B. Organization and Department Reports

Economic Development Director, Thomas Kittredge, provided an update on the Market Study noting that he will be coming back before the Council on November 19th for a request to select a consultant.

7) Communications

Councilor Harkness discussed use of the Crosby Center for the Election and requested that at the meeting of November 19th they review the pros and cons of the location with the City Clerk.

Councilor Dean reminded the public that polling locations are open until 8:00 p.m.

Councilor Hurley discussed the recent Johnson's Tree Keepers report on downtown trees.

City Manager, Joseph Slocum, noted that Dana Keene had applied for the Zoning Board of Appeals and the City Clerk was looking for guidance regarding interviewing the applicant, Councilors unanimously agreed that there was no need for an interview.

Councilor Mortier, seconded by Councilor Sanders, made a motion to appoint Dana Keene as a member of the Zoning Board of Appeals. This was approved, 5-0.

Councilor Mortier thanked volunteers who assisted with downtown plantings.

8) Old Business and Council Committee Reports

Emma Swartz provided an update on the Climate Crisis Committee.

Councilor Hurley provided an Energy Committee update.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an application for Lawrence and Sandra Moses, d/b/a Dockside Family Restaurant, located at 30 Main Street, for a renewal Malt, Spirituous and Vinous Restaurant Class liquor license, interior and exterior decks.
- B. Request to approve an off premises catering permit for the Crusty Crab LLC d/b/a Front Street Pub for a fundraiser located at the Belfast Boathouse, 34 Commercial Street, Belfast on November 1, 2019 from 5:00 p.m. to 11:00 p.m.
- C. Request to approve an off premises catering permit for The Otis Group d/b/a Rollie's for a private celebration located at Young's Lobster Pound, 2 Fairview Street, Belfast on October 22, 2019 from 5:00 p.m. to 8:00 p.m.
- D. Request to approve an off premises catering permit for The Otis Group d/b/a Rollie's for the Annual Chamber Awards Night located at the Hutchinson Center, 80 Belmont Ave. on November 16, 2019 from 5:00 p.m. to 9:00 p.m.
- E. Request to approve an application for a parade permit request submitted by Randall Collins VFW Post 3108, Belfast, Maine for the annual Veteran's Day Parade on Monday, November 11, 2019 starting at 11:00 a.m. at the Belfast Area High School, ending at the Belfast Harbor landing.

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

10) Business

A) Presentation from City staff for the Council to consider the creation of a Tax Increment Financing District (TIF) on Wight Street and the approval of a credit enhancement agreement.

Economic Development Director, Thomas Kittredge, provided a presentation on the establishment of the Wight Street Affordable Housing Development and Tax Increment Financing District which would include the adopting of a Development Program for the District and the Authorizing of Credit Enhancement Agreements with Developers Collaborative and Realty Resources.

Director of Code and Planning, Wayne Marshall, discussed the proposed improvements the project would intend to address, which includes storm drainage and pedestrian/bicycle amenities.

Councilors asked clarifying questions regarding the proposed development plan.

B) Public Hearing on the creation of a Tax Increment Financing District (TIF) on Wight Street and the approval of a credit enhancement agreement.

City Manager, Joseph Slocum, read the following Public Hearing Notice (which was published in the Friday, October 25th, 2019 print edition of the Bangor Daily News):

CITY OF BELFAST

NOTICE OF PUBLIC HEARING

regarding

The Designation of an Affordable Housing Municipal Development and Tax Increment Financing District to Be Known as the “Wight Street Affordable Housing Development And Tax Increment Financing District” and the Adoption of a Development Program:

Notice is hereby given that the Belfast City Council will hold a public hearing on Tuesday, November 5th, 2019, as part of its regularly-scheduled City Council meeting which begins at 7:00 PM, to be held in the Belfast City Hall Council Chambers, located at 131 Church Street,

Belfast, Maine.

The purpose of the public hearing is to receive public comments on the designation of a new affordable housing municipal development and tax increment financing district called the Wight Street Affordable Housing Development and Tax Increment Financing District, located on approximately 42.87 acres, and the adoption of a development program therefor, all in accordance with Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. The District consists of 37 parcels that abut the north, south, and west sides of Wight Street. Such development program will include authorizing credit enhancement agreements with two developers of the affordable housing projects in the District.

A copy of the proposed Development Program and related materials will be on file at the Planning & Codes Department, top floor, Belfast City Hall, 131 Church Street, Belfast, Maine, and may be reviewed there during the hours of 8:00 AM and 5:00 PM, Monday through Thursday. Persons may also submit comments at any time up until 3:00 PM on Tuesday, November 5th, 2019, either in writing to: Thomas Kittredge, Economic Development Director for the City of Belfast, Belfast City Hall, 131 Church Street, Belfast Maine, 04915; or via email to: economicdevelopment@cityofbelfast.org.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Councilor Sanders opened the Public Hearing and asked for proponents and opponents.

1. Mike Patterson of 192 Congress Street discussed concerns with possible size of development and the impact it could have to the area on traffic flow, he recommended that developers look at an alternate location that wouldn't have such an impact on the abutters.
2. Roger Pickering of Wight Street discussed his experience on the City's Planning Board Committee and how they address parking for elderly housing developments.

3. Mike Patterson inquired about whether the City plans on restricting parking, because otherwise with the parking requirement there is a potential to have an increased impact on traffic flow.
4. Economic Development Director, Thomas Kittredge, noted that written comment was submitted by Leslie Raymond and Stephen Langlois of 84 Wight Street and Councilors were provided with a copy of the submitted letter.

Councilor Sanders declared the hearing closed.

C) Discussion and possible action on the creation of a Tax Increment Financing District (TIF) on Wight Street and the approval of a credit enhancement agreement.

Councilors asked the Director of Code and Planning and the Economic Development Director additional clarifying questions regarding the proposed development and discussed concerns brought forward by abutters.

Economic Development Director, Thomas Kittredge, explained that the MaineHousing instructs Affordable Housing TIF applicants, in its application form, to consider the following at the required public hearing (which will have preceded this agenda item):

- 1) whether the district and development program will contribute to the expansion of affordable housing or the betterment of the health, welfare or safety of the residents; and
- 2) any claim by a party that the district or development program will be detrimental to that party's property interests for which substantial evidence is produced, and whether any adverse economic effect is outweighed by the availability of affordable housing or the betterment of resident health, welfare or safety.

He noted that due to the process by which MaineHousing considers and approves TIF districts and Credit Enhancement Agreements, the City of Belfast must consider all three of these components as one single package subject to one single vote and one single resolution to sign.

Additionally, due to the rather shortened timetable to submit the TIF application and the required period of time for public notification, the City does not have the opportunity to make material changes to any portion of the program/proposal at this time (such as the terms of the Credit Enhancement Agreements).

Economic Development Director, Thomas Kittredge, requested that the City Council take the following actions:

- 1) Vote to approve the supplied City Council resolution;
- 2) Sign the supplied City Council resolution and have it certified by the City Clerk; and
- 3) Authorize the City Manager to sign the TIF application, both Credit Enhancement Agreements, and any related and necessary documents.

Councilors did discuss concerns with how quickly this proposal is moving forward, but noted that they generally support the opportunity to consider new housing for Belfast.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve the supplied City Council resolution, sign the resolution and have it certified by the City Clerk and authorize the City Manager to sign the TIF application, both Credit Enhancement Agreements, and any other related and necessary documents. This was approved, 5-0.

D) Request from the City Manager to remove from the table a Second Reading of a Contract Rezoning Agreement on the Paul Naron property located at 7 and 15 Front St.

Item removed.

E) Request from the Parks and Recreation, Director Norm Poirier, to allow Walsh fields to be used for charity softball tournament on November 10th.

Item removed.

F) Request from the City Manager to extend the lease with the State for the local probation office.

City Manager, Joseph Slocum, explained the request and answered Council questions.

Councilor Dean requested information on energy usage for the upstairs section of the building.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the request to extend the lease with the State for the local probation office, as presented. This was approved, 5-0.

F) #1 Request from Councilor Hurley to discuss the installation of cigarette butt collection devices on lamp post in the downtown.

Kevin Connolly spoke on behalf of the Belfast Bay Watershed Coalition, providing an overview of their request to attach these receptacles to City light poles, noting that there would be no cost to the City to purchase or maintain the receptacles.

Councilor Hurley, seconded by Councilor Harkness, made a motion to grant permission to the Belfast Bay Watershed Coalition to install up to 12 cigarette butt collection devices on lamp or street sign posts on Main or High Streets downtown. This was approved, 5-0.

G) Request from the City Manager to enter into an Interlocal compensation agreement for professional legal services with the Town of Camden.

City Manager, Joseph Slocum, explained the request

Councilors discussed the proposal and the benefit to the City and its tax payers.

Councilor Mortier, seconded by Councilor Hurley, made a motion to accept the request to enter into an Interlocal compensation agreement for professional legal services with the Town of Camden, as presented. This was approved, 5-0.

H) Request from Councilor Hurley to discuss the installation of cigarette butt collection devices on lamp post in the downtown.

Moved to F#1

D) Request to consider the removal of a tree on the south side of Miller Street between Church and High Street close to Miller Street intersection with Church Street.

City Manager, Joseph Slocum, explained the request and the recommendation of the City Tree Warden and local arborist to remove the tree.

Councilor Mortier, seconded by Councilor Hurley, made a motion to accept the request to remove a tree on the south side of Miller Street between Church and High Streets close to Miller Street intersection with Church Street. This was approved, 5-0.

D) #1 Request to create a part time independent position of Airport Manager to be filled by two candidates.

City Manager, Joseph Slocum, discussed the request with Councilors.

Councilor Hurley, seconded by Councilor Dean, made a motion to accept the request to create and independent Airport Manager position and hire 2 part time Managers to fill the position at \$35/hr with salary and the setting up of computers ect. to come from the Buisness Park Account G1-2160-00. This was approved, 5-0.

J) Request to go into Executive Session to discuss a Personnel matter pursuant to 1MRSA 405(6) A.

Councilor Harkness, seconded by Councilor Dean, made a motion to go into Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:02 p.m. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Mortier, made a motion to adjourn Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:12 p.m. This motion was approved, 5-0.

K) Possible action on personnel matter addressing compensation.

Item removed.

L) Request to go into Executive Session to discuss a Personnel matter pursuant to 1MRSA 405 (6) A.

Councilor Harkness, seconded by Councilor Mortier, made a motion to go into Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:12 p.m. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Harkness, made a motion to adjourn Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:20 p.m. This motion was approved, 5-0.

L) # 1 Request to go into Executive Session to discuss a Personnel matter pursuant to 1MRSA 405 (6) A.

Councilor Harkness, seconded by Councilor Dean, made a motion to go into Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:20 p.m. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Sanders, made a motion to adjourn Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:25 p.m. This motion was approved, 5-0.

L) #2 Request to go into Executive Session to discuss a Personnel matter pursuant to 1MRSA 405 (6) A.

Councilor Harkness, seconded by Councilor Mortier, made a motion to go into Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:25 p.m. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Mortier, made a motion to adjourn Executive Session on a Personnel matter pursuant to 1 MRSA 405 (6) A at 10:31 p.m. This motion was approved, 5-0.

M) Signing of Council Orders and housekeeping items.

Council Order # 25 Signed by Councilor Hurley, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$1,400 to purchase and install a weather station at City pier. Funds are to come from account #720-887. (Approved October 15, 2019)

Council Order # 26 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$23,000 as the City's 50% match for the Small Harbor Improvement Project Grant for replacement floats at City Landing. Funds are to come from either the Harbor Gas or Diesel Accounts. (Approved October 15, 2019)

Council Order # 27 Signed by Councilor Mortier, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$6,500 for trench borings in the cross county lines between High Street and Waldo Avenue. Funds are to be transferred from the Wastewater Treatment Plant Undesignated Fund Balance into account 990-614 (Outside Services) and paid for from account 990-614 (Outside Services) to support the costs of the project. (Approved October 15, 2019)

Council Order # 28 Signed by Councilor Hurley, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 50, STREETS SIDEWALKS AND OTHER PUBLIC PLACES,
ARTICLE VIII, REGULATIONS THAT APPLY TO ALL CITY PROPERTY**

Editor's Note: New language is identified in underlined, black font. (See attached text of adopted amendments)

First Reading: September 13, 2019

Second Reading: October 15, 2019

(Approved October 15, 2019)

Council Order # 29 Signed by Councilor Mortier, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 58, TRAFFIC AND VEHICLES,
ARTICLE IV, BICYCLES, SECTION 58-91 to 58-96**

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 ~~**Black and Strike-Through Font**~~. (See attached text of adopted amendments).

First Reading: September 13, 2019

Second Reading: October 15, 2019

(Approved October 15, 2019)

Council Order # 30 Signed by Councilor Sanders, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 10, ANIMALS,
ARTICLE I, IN GENERAL, SECTION 10-3, PENALTIES and
ARTICLE II, DOGS, SECTION 10-32, RUNNING AT LARGE**

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 ~~**Black and Strike-Through Font**~~. (See attached text of adopted amendments).

First Reading: September 13, 2019

Second Reading: October 15, 2019

(Approved October 15, 2019)

Council Order # 31 Signed by Councilor Mortier, Ordered That:

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 58, TRAFFIC AND VEHICLES,
ARTICLE II, STOPPING, STANDING, PARKING, SECTION 58-35, FINES**

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 ~~**Black and Strike-Through Font**~~. (See attached text of adopted amendments).

First Reading: September 13, 2019

Second Reading: October 15, 2019

(Approved October 15, 2019)

Council Order # 32 Signed by Councilor Hurley, Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$2,350 per person (Economic Development Director & City Planner) or \$4,700 total to attend the National Brownfields Training Conference at the Los Angeles Convention Center from December 10th to December 13th, 2019. Expenses include Conference registration, travel, lodging and meals. Funds are to be reimbursed by the EPA through the City's two existing Brownfields Assessment Grants. (Approved October 15, 2019)

11) Open to the Public

No public comments.

12) Communications

Councilor Hurley discussed looking at a creative way to address the repair needed to the siding of the Police Department and requested to schedule a Work Session on Council Goals as soon as possible.

13) Adjourn

Councilor Harkness, seconded by Councilor Mortier, made a motion to adjourn the meeting at 10:31 p.m. This motion was approved, 5-0.

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