

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, July 21, 2020
7:00 p.m.

All City Council Meetings will be conducted online using Zoom and can be streamed on the City website at www.cityofbelfast.org. They will air live on BEL TV as well as on Belfast Community Radio WBFY 100.9.

Regular Council Meeting No. 2

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 Admin. Assistant to the City Manager Manda Cushman.

3) Pledge of Allegiance

4) Adoption of the agenda

City Manager, Erin Herbig, requested to amend the agenda to add item **9. B** Request from the City Clerk to have Council approve the Election Warrant for the RSU # 71 budget referendum to be held on August 18, 2020, to the Consent Agenda.

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

Special City Council Meeting of July 2, 2020 and Regular Council Meeting of July 7, 2020.

Councilor Harkness, seconded by Councilor Mortier, made a motion to accept the minutes from Special City Council Meeting of July 2, 2020 and Regular Council Meeting of July 7, 2020. This was approved, 5-0.

6) A. Open to the public

No comments.

B. Organization and Department Reports

No comments.

7) Communications

Councilor Bonneville provided an update on meetings with abutters of 115 Congress Street and reminded the public of the listening session to be held next Tuesday, July 28, 2020.

Councilor Harkness acknowledged new ownership of what many people still refer to it as “County Copy.”

Councilor Hurley requested a detailed update of the abutter meetings and thanked the City Clerk and election workers for a seamless election day.

Councilor Harkness provided an update on the election results.

City Manager, Erin Herbig, provided an update on the newly installed Keep ME Healthy Grant signs.

Councilor Dean thanked community members who assisted in aiding a citizen with code compliance on East Side.

8) Old Business and Council Committee Reports

No comments.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve a renewal application by Paul Naron d/b/a United Farmers Market of Maine located at 18 Spring Street, Belfast, Maine for a renewal of a Farmer’s Market Authorization liquor license.
- B. Request from the City Clerk to have Council approve the Election Warrant for the RSU # 71 budget referendum to be held on August 18, 2020.

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

10) Business

- A) Public Hearing on the proposed 2020 – 2021 City Budget.

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

B) Discussion and possible vote on the proposed 2020 – 2021 City Budget.

Mayor and Councilors discussed the challenges of the budget and thanked everyone for their hard work and difficult cuts.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the proposed 2020-2021 City Budget, as presented. This motion was approved, 5-0.

C) Request from Wastewater Superintendent, Jon Carman, to increase sewer rates 5% for FY 20/21 and FY 21/22.

Wastewater Superintendent, Jon Carman, reviewed the proposed increase and recommended the Council approve a 5% increase to sewer rates for FY 20/21 and FY 21/22.

Councilor Hurley, seconded by Councilor Harkness, made a motion to accept the proposal to increase sewer rates 5% for FY 20/21 and FY 21/22. This motion was approved, 5-0.

D) Presentation from Director of Code & Planning, Wayne Marshall, on proposed amendments to the City Code of Ordinances, Chapter 102, Zoning, regarding front structure setback requirements for certain properties located in the Residential 1, 2 and 3 Zoning Districts.

Director of Code & Planning, Wayne Marshall, reviewed the proposed amendments.

E) Public Hearing on proposed amendments to the City Code of Ordinances, Chapter 102, Zoning, regarding front structure setback requirements for certain properties located in the Residential 1, 2 and 3 Zoning Districts.

Mayor Sanders asked for proponents and opponents.

1. Benjamin Walker of Belfast requested clarification of the amendment wording and impact on his property in particular.
2. Director of Code & Planning, Wayne Marshall, noted that two written comments were submitted and provided to Council before the meeting.

Mayor Sanders declared the hearing closed.

F) Second Reading on proposed amendments to the City Code of Ordinances, Chapter 102, Zoning, regarding front structure setback requirements for certain properties located in the Residential 1, 2 and 3 Zoning Districts.

Councilors discussed concerns brought forward during the public hearing and written comments.

Director of Code & Planning, Wayne Marshall, answered Council questions and discussed minor tweak under 7), to state: 19 Church St (High St side of property, if the High Street side of the property is deemed to be the front lot line and thus, is subject to a front setback requirement).

Councilor Hurley, seconded by Councilor Dean, made a motion to accept the Second Reading on amendments to the City Code of Ordinances, Chapter 102, Zoning, regarding front structure setback requirements for certain properties located in the Residential 1, 2 and 3 Zoning Districts, as presented with the minor tweak agreed upon during the meeting. This motion was approved, 3-1-1 (Councilor Bonneville opposed, Councilor Mortier recused).

G) Presentation from Director of Code & Planning, Wayne Marshall, regarding the proposed Contract Rezoning Agreement with Three Tides restaurant.

Director of Code & Planning, Wayne Marshall, reviewed the proposed amendments.

H) Public Hearing on the proposed Contract Rezoning Agreement with Three Tides restaurant.

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

Director of Code & Planning, Wayne Marshall, noted that no written comments were submitted.

I) Second Reading regarding the proposed Contract Rezoning Agreement with Three Tides restaurant.

Councilors wished Three Tides the best of luck.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the Second Reading on a Contract Rezoning Agreement with Three Tides restaurant, as presented. This motion was approved, 5-0.

J) Request from Public Works Director, Bob Richards, to purchase a new 2018 7400 SBA model truck chassis.

Public Works Director, Bob Richards, explained the request.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to accept the request from Public Works Director to purchase a new 2018 7400 SBA model truck chassis from Colwell Diesel Service of Ellsworth for \$92,000.00 with funding to come from the Public Works Purchase of Equipment account #410-535. This motion was approved, 5-0.

K) Request from Public Works Director, Bob Richards, to accept and award the bids for the Public Works plow body.

Public Works Director, Bob Richards, explained the request and recommended the Council award the bid to the lowest bidder.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the bids for Public Works plow body and to award the bid to the lowest bidder Viking Cives of Lewiston for \$56,995.00 with funding to come from the following accounts: \$43,000.00 from Public Works Purchase of Equipment Account #410-535 and \$13,995.00 from Public Works Equipment Capital Reserve Account #410-537. This motion was approved, 5-0.

L) Request from Public Works Director, Bob Richards, to accept and award the bids for the Public Works diesel fuel.

Public Works Director, Bob Richards, explained the request and recommended the Council award the bid to the lowest bidder.

Councilor Mortier, seconded by Councilor Dean, made a motion to accept the bids for Public Works diesel fuel and to award the bid to the lowest bidder Maritime Energy of Belfast for \$1.4152. This motion was approved, 5-0.

M) Request from Public Works Director, Bob Richards, to accept and award the bids for the Public Works winter road salt.

Public Works Director, Bob Richards, explained the request and recommended the Council award the bid to the lowest bidder.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the bids for Public Works winter road salt and to award the bid to the lowest bidder New England Salt Co., Inc. of Winterport for \$48/per ton. This motion was approved, 5-0.

N) Council consideration to switch City of Belfast operations to a four-day ten-hour work week schedule starting on September 1, 2020.

City Manager, Erin Herbig, reviewed the proposal to have City Hall hours changed to Monday-Thursday, 7:00 a.m. to 6:00 p.m., starting on September 1st.

Councilors discussed logistics and impact on community and staff.

Councilor Mortier, seconded by Councilor Harkness, made a motion to switch the City of Belfast operations to a four-day ten-hour work week schedule starting on September 1, 2020. This motion was approved, 5-0.

O) Council consideration of a proposal for vacation time carryover payout for City of Belfast First Responders.

City Manager, Erin Herbig, reviewed the proposal to payout vacation time carryover for FY 19-20 for First Responders.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to accept the proposal for vacation time carryover payout for City of Belfast First Responders as presented by the City Manager. This motion was approved, 5-0.

P) Request to authorize the City Treasurer, Theresa Butler, to move the perpetual care funds collected for FY 19-20 in the amount of \$6,200 to the Cemetery Trust Fund with HM Payson.

No discussion.

Councilor Mortier, seconded by Councilor Harkness, made a motion to authorize the City Treasurer to move the perpetual care funds collected for FY 19-20 in the amount of \$6,200.00. This motion was approved, 5-0.

Q) Request from the Parks and Recreation Director, Norm Poirier, to transfer \$4,300.00 from the Parks Capital Reserve to the Pickle Ball Court Project Account #730-848, to zero out the account as a matter of fiscal housekeeping.

No discussion.

Councilor Dean, seconded by Councilor Harkness, made a motion to transfer \$4,300.00 from Parks Capital Reserve to the Pickle Ball Court Project Account #730-848, to zero out the account as a matter of fiscal housekeeping. This motion was approved, 5-0.

R) Request for license permit from Jocelyn Tracy d/b/a Satori Restaurant for garbage disposal location on Beaver Street Parking lot.

City Manager, Erin Herbig, reviewed the request from Satori Restaurant and discussed possible options for a location if the Council wishes to accept the request.

Director of Code & Planning, Wayne Marshall, recommended that if the Council accepts this request they enter into a license agreement and consider a fee for renting City property.

Councilors discussed concerns with a dumpster on City property suggesting that City staff and Our Town Belfast could assist in helping them come up with an alternative option for trash removal.

Council unanimously took no action on the request.

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

Councilor Mortier, seconded by Councilor Harkness, made a motion to go into Executive Session on a Real Estate matter pursuant to 1 MRSA 405 (6) C at 9:40 p.m. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Harkness, made a motion to adjourn Executive Session on a Real Estate matter pursuant to 1 MRSA 405 (6) C at 10:45 p.m. This motion was approved, 5-0.

T) Signing of Council Orders and housekeeping items.

Council Order #6 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$92,000.00 purchase a new 2018 7400 SBA model truck chassis from Colwell Diesel Service of Ellsworth. Funding to

come from the Public Works Purchase of Equipment Account #410-535. (Approved July 21, 2020)

Council Order #7 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$56,995.00 purchase a plow body from Viking Cives of Lewiston. Funding to come from the following accounts: \$34,000.00 from Public Works Purchase of Equipment Account #410-535 and \$13,995.00 from Public Works Equipment Capital Reserve Account #410-537. (Approved July 21, 2020)

Council Order #8 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$1.4152/per gallon for Public Works diesel fuel from Maritime Energy of Belfast for FY20-21. Funding to come from the Public Works Gas, Oil, Grease & Diesel Account #410-567. (Approved July 21, 2020)

Council Order #9 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$48.00/per ton for Public Works winter road salt from New England Salt Co., Inc. of Winterport for FY20-21. Funding to come from the Public Works Salt and Calcium Account #410-570. (Approved July 21, 2020)

Council Order #10 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to payout unused (up to 80 hrs.) carryover vacation time from FY 19-20 for Belfast Police, Fire and Ambulance Departments. Funds are to come from the following FY19-20 budget lines: 220-501 Police Unscheduled Overtime, 201-503 Fire Salary and Wages and 270-503 Ambulance Salary and Wages. (Approved July 21, 2020)

Council Order #11 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to move perpetual care funds collected form FY 19-20 in the amount of \$6,200 to the Cemetery Trust Fund with HM Payson. (Approved July 21, 2020)

Council Order #12 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to transfer \$4,300.00 from the Parks Capital Reserve Account to the Pickle Ball Court Project Account #730-848, to zero out the account. (Approved July 21, 2020)

Council Order #13 Signed by Councilor Bonneville Ordered That:

**Fiscal Year 2020-2021
Appropriation Resolve**

XXXXXXXXXXXXXXXXXXXX BE IT RESOLVED by the City Council of the City of Belfast, Maine the following appropriations are to be made to defray the expense of the City of Belfast for the fiscal year beginning July 1, 2020.

	Unit Subtotals	Unit Totals
<u>Administration</u>		
City Manager's Office	\$341,048	
Finance Department	\$155,344	
Assessing Department	\$150,515	
City Clerk's Department	\$198,920	
City Building Maintenance	\$198,296	
Elections and Registrations	\$24,443	
Employee Benefits	\$1,755,801	
Boathouse	\$9,982	
Total		\$2,834,349
<u>Protection</u>		
Fire Department	\$287,400	
Police Department	\$1,234,611	
Street Lights	\$70,800	
Hydrant Rental	\$475,400	
Cable Television	\$44,936	
Municipal Insurance	\$320,147	
Ambulance Department	\$720,897	
Animal Control	\$11,362	

School Crossing Guards	\$18,400	
Total		\$3,183,953

Fiscal Year 2020-2021

**Appropriation
Resolve**

Unit Subtotals	Unit Totals	
EMA Director		\$2,000
STATE AGENTS		\$70,824

Public Works

Public Works Department	\$1,343,395	
Sidewalk Improvement/Maintenance	\$5,000	
Transfer/Recycling Center	\$417,649	
Road Construction	\$245,000	
Tree Program	\$17,000	
Total		\$2,028,044

Social Services

General Assistance	\$70,000	
GA Director and Expenses	\$40,472	
Misc. Social Services	\$163,274	
Total		\$273,746

Economic Development \$39,282

Parks and Recreation \$253,977

Library \$431,780

Cemeteries \$146,480

Airport \$20,700

Misc. Promotional \$29,350

Harbor \$163,217

Planning & Zoning

Planning and Community Development \$269,250

Engineering/Professional Services \$20,000

Mid-Coast Regional Planning \$0

Zoning Board of Appeals \$500

Total \$289,750

Misc. Unclassified

MMA Dues \$7,820

Capital Projects \$65,000

Debt Service \$682,216

Reserve \$100

Total \$755,136

Total Proposed Gross City Budget \$10,522,588

Fiscal Year 2020-2021

**Appropriation
Resolve**

Less Estimated Revenues -\$4,342,366

Total City Property Tax \$6,180,222

Total Proposed Wastewater Treatment Plant Budget

\$1,004,924

-\$1,004,924

Total City Property Tax

\$0

BE IT FURTHER RESOLVED you have the option to pay the entire amount by September 30, 2020 or you may pay in two installments; the first payment by September 30, 2020 and the second payment by March 1, 2021. Interest shall be charged on the first installment at an annual rate of 8% from October 1, 2020. Interest will be charged on the second installment at an annual rate of 8% from March 2, 2021. Payments received by mail shall be post marked no later than September 30, 2020 & March 1, 2021. In respect to refunded tax abatements and refunded overpayments a annual rate of 4% shall be paid. In addition 8% interest per annum shall be charged on all unpaid sewer user fees when not paid by the due date.

Council Order #14 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO BELFAST CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS**

Editor’s Note: (See attached text of adopted amendments).

First Reading: July 7, 2020

Second Reading: July 21, 2020

(Approved July 21, 2020)

Council Order #15 Signed by Councilor Hurley Ordered That:

**CONTRACT REZONING AGREEMENT
CITY of BELFAST CODE of ORDINANCES**

**CITY OF BELFAST CITY COUNCIL
APPLICANT: WHITECAP BUIDLERS (DANIEL WALDRON)
PROJECT: THREE TIDES RESTAURANT RENOVATION
LOCATION: MAP 11, LOT 141B**

Editor’s Note: (See attached text of adopted agreement).

First Reading: July 7, 2020

Second Reading: July 21, 2020

(Approved July 21,2020)

11) Communications

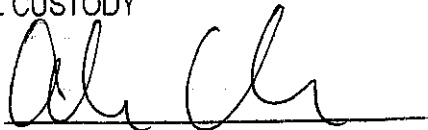
Councilor Hurley gave an update on activity and use of the Rail Trail.

12) Adjourn

Councilor Harkness, seconded by Councilor Mortier, made a motion to adjourn the meeting at 10:45 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



AMANDA CUSHMAN, BELFAST MAINE