

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, August 3, 2021
6:00 p.m. Committee Interviews
7:00 p.m. Regular Council Meeting

Due to the ongoing public health crisis, participants are strongly encouraged to take part by remote means using Zoom. Meetings will stream live on the City website at www.cityofbelfast.org, air live on BEL TV and on Belfast Community Radio WBFY 100.9.

Those who wish to attend the meeting in person may do so. Masks will be required for all in-person attendees *this is subject to change based on CDC recommendations*. Specific meeting procedures will be determined by the Mayor at the time of the meeting and may include distancing measures, restrictions on number of attendees in the meeting room or mask recommendations.

Regular Council Meeting No. 3

1) Call to order

2) Present: Councilors Mary Mortier, Neal Harkness, Brenda Bonneville, Michael Hurley and Paul Dean; City Manager Erin Herbig and Assistant to the City Manager Manda Cushman.

Absent: Mayor Eric Sanders (arrived at 10:31p.m.)

3) Pledge of Allegiance

4) Adoption of the agenda

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

5) Acceptance of the minutes

Regular Council Meeting of July 20, 2021.

Councilor Bonneville, seconded by Councilor Dean, made a motion to accept the minutes from Regular Council Meeting of July 20, 2021. This was approved, 5-0.

6) A. Open to the public

City Manager Erin Herbig noted that Council received 2 emails and 0 postal mail, prior to the start of the Council meeting to be included as part of the Open to the Public.

1. Steve Byers of Waldo discussed proposed park and the possibility of eminent domain being used.
2. Ridgely Fuller of Belfast discussed concerns with Nordic Aquafarms and urged Council not to move forward with eminent domain.
3. Rachel Herbener of Belfast inquired about how Belfast is legally allowed to use eminent domain.
4. Andrew Stevenson of Belfast read five questions he had for Council regarding the Ekrote property.
5. Susan Cutting of Belfast discussed concerns with Council discussion on the agenda regarding potential use of eminent domain.

B. Organization and Department Reports

No comments.

7) Communications

Councilor Bonneville thanked all who helped organize the Belfast Street Party.

Councilor Harkness addressed comments made by Mr. Stevenson during open to the public.

Councilor Hurley provided a review of the Street Party.

8) Old Business and Council Committee Reports

- Consideration of Committee Appointments

Councilor Dean, seconded by Councilor Mortier, made a motion to appoint Stefanie Mojonnier and Molly Miller to the Parks & Recreation Commission. This motion was approved, 5-0.

Councilors unanimously agreed to table the Pedestrian, Biking & Hiking Committee appointment until they are able to interview both committees.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve a renewal Special Amusement Permit for Crusty Crab LLC d/b/a Front Street Pub for live music, vocals – Karaoke, DJ and dancing at 37 Front Street, Belfast, Maine, interior and exterior.
- B. Request to approve an application by Crusty Crab LLC d/b/a Front Street Pub, located at 37 Front Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Class A Restaurant/Lounge (Class XI) liquor license, interior and exterior fenced in deck.
- C. Request to approve an extension of liquor license on premise permit for Moonbat LLC d/b/a Marshall Wharf Brewing Company located at 36 Marshall Wharf, Belfast, Maine to use the outdoor space on October 2, 2021 to host a Beer Festival.
- D. Request to approve an off premises catering permit for The Otis Group Incorporated d/b/a Rollie's Bar & Grill for the 1970 Class Reunion event at the United Farmers Market of Maine, 18 Spring Street, Belfast on July 24, 2021 from 3:00 p.m. to 10:00 p.m.
- E. Request to approve a Lunch Wagon License permit application by Abby Freethy d/b/a Northwoods Gourmet Girl located at 47 Main Street, Belfast, Maine, license to expire on December 31, 2021.

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

10) Business

- A) Request to appoint Avis Winchester as Interim Tax Assessor for the City of Belfast.

City Manager Erin Herbig recommended the appointment of Avis Winchester as Interim Tax Assessor for the City of Belfast.

Councilors thanked Avis for her years of service to Belfast and encouraged the public to call her if they have questions.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to appoint Avis Winchester as Interim Tax Assessor for the City of Belfast. This motion was approved, 5-0.

- B) Request to engage the services of Attorney Jon Pottle of Eaton Peabody to represent the Zoning Board of Appeals in an administrative appeal.

Director of Code and Planning Bub Fournier reviewed the request to engage the services of Attorney Jon Pottle of Eaton Peabody to represent the Zoning Board of Appeals in an administrative appeal for up to \$1,300.00 with funds to be taken from the ZBA account #680-606.

Councilors discussed being brought into the loop earlier on issues such as this.

Councilor Bonneville, seconded by Councilor Harkness, made a motion to engage the services of Attorney Jon Pottle of Eaton Peabody to represent the Zoning Board of Appeals in an Administrative appeal for up to \$1,300.00 with funds to be taken from the ZBA account #680-606. This motion was approved, 5-0.

C) Consideration of posting of a Notice of Intent pursuant to 23 MRS 3022 and 30-A MRS 3101.

Attorney Bill Kelly reviewed and explained the Notice of Intent, outlining the past 3 years and the process moving forward.

Councilors discussed their support for moving forward and thanked those who participated in the process by providing comment at tonight's meeting.

Councilor Mortier noted that the Public Hearing is scheduled for Thursday, August 12th at 6:30 p.m.

Councilor Harkness, seconded by Councilor Dean, made a motion to authorize the Mayor sign the draft Notice of Intent to Condemn Real Property Interests on behalf of the City Council, and that it be posted in the places described therein. This motion was approved, 5-0.

D) Presentation regarding the proposed amendments to Chapter 102, Zoning, Chapter 98, Technical Standards, and Chapter 66, General Provisions in the City Code of Ordinances regarding multi-family housing that have been recommended to the Council by the Belfast Planning Board.

Project Planner Wayne Marshall reviewed the proposed amendments and discussed concerns brought forward regarding fill.

E) Public Hearing regarding the proposed amendments to Chapter 102, Zoning, Chapter 98, Technical Standards, and Chapter 66, General Provisions in the City Code of Ordinances

regarding multi-family housing that have been recommended to the Council by the Belfast Planning Board.

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

Project Planner Wayne Marshall noted that one letter from letter from Jeremy Marden, Esq. on behalf of his client Dana Keene regarding concerns with the amendment regarding fill activities.

F) Discussion and possible action regarding the proposed amendments to Chapter 102, Zoning, Chapter 98, Technical Standards, and Chapter 66, General Provisions in the City Code of Ordinances regarding multi-family housing that have been recommended to the Council by the Belfast Planning Board.

Project Planner Wayne Marshall answered Council questions regarding the proposed amendments and discussed recommended minor amendments, including increasing the fill amount.

Councilor Harkness, seconded by Councilor Bonneville, made a motion to amend Chapter 102, Zoning, Article V, District Regulations, Division 3, General Purpose-B, Sec. 102-341, to increase the fill amount from 50 cubic yards to 100 cubic yards. This motion was approved, 5-0.

Councilor Dean, seconded by Councilor Hurley, made a motion to approve the Second Reading of amendments to Chapter 102, Zoning, Article V, District Regulations, Division 3, General Purpose-B, Division 13, Searsport Avenue Waterfront, Division 26, Route 141 & Mill Lane Commercial, Division 27, Route 137 Commercial, Division 28, Route One South, and Division 29, Searsport Avenue Commercial, as presented. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve the Second Reading of amendments to Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for Multi-Family Dwelling Structures and Units, as presented. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Dean, made a motion to approve the Second Reading of amendments to Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Accessory Dwelling Unit Standards, as presented. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve the Second Reading of amendments to Chapter 98, Technical Standards, Section 98-242, Parking Standards, as presented. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Mortier, made a motion to approve the Second Reading of amendments to Chapter 66, General Provisions, as presented. This motion was approved, 5-0.

G) Presentation from the Economic Development Director regarding a Community Development Block Grant Economic Development Program Grant on behalf of GO Logic LLC.

Economic Development Director Thomas Kittredge gave a presentation regarding a Community Development Block Grant Economic Development Program Grant on behalf of GO Logic LLC.

H) Public Hearing regarding the City of Belfast's acceptance of a Community Development Block Grant Economic Development Program Grant on behalf of GO Logic LLC.

Economic Development Director Thomas Kittredge read the following public hearing notice:

PUBLIC HEARING NOTICE

THE CITY OF BELFAST

The City of Belfast will hold a Public Hearing on Tuesday, August 3rd, 2021, as part of its regularly scheduled City Council meeting, which begins at 7:00pm on that date, at Belfast City Hall, 131 Church Street, Belfast, Maine, to discuss the acceptance of a CDBG Economic Development Program Grant. The purpose of this CDBG Economic Development Program Grant is to provide financial assistance to GO Logic LLC to allow them to purchase specialized business equipment. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to participate in this Public Hearing.

Persons wishing to participate in this Public Hearing will be able to by means of Zoom's webinar feature, accessed via a website link to the City Council Zoom meeting; this weblink can be found on the City of Belfast's website at www.cityofbelfast.org in its News Flash module, in advance of the meeting. When it is time for a person to have their opportunity to speak, the host will accept them into the meeting. There is no registration requirement in order to utilize Zoom's webinar feature. In addition, for those who may be experiencing technical difficulties, there will

be a phone number listed next to the website link that persons who wish to participate in the Public Hearing can call. Persons will be able to participate in this Public Hearing via audio only.

Those who wish to participate in-person may do so in Council Chambers. Masks will be required for all in-person attendees who have not been vaccinated *this is subject to change based on CDC recommendations*. Specific meeting procedures will be determined by the Mayor at the time of the meeting and may include distancing measures, restrictions on number of attendees in the meeting room or mask recommendations.

Comments may be submitted 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 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City of Belfast's programs or services, please contact Thomas Kittredge at (207) 338-3370, extension 116, so that accommodations can be made.

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

Economic Development Director Thomas Kittredge noted that no written comments were submitted.

I) Discussion and possible action regarding the City of Belfast's acceptance of a Community Development Block Grant Economic Development Program Grant on behalf of GO Logic LLC.

Economic Development Director Thomas Kittredge answered follow up questions regarding the grant.

Councilor Dean, seconded by Councilor Bonneville, made a motion to authorize the acceptance of the \$240,000 in CDBG Economic Development Program funds; approve and sign the supplied resolution; and authorize the City Manager to sign all necessary paperwork associated with the acceptance of these grant funds. This motion was approved, 5-0.

J) Discussion regarding a 2021 City of Belfast Community Revitalization Plan.

Economic Development Director Thomas Kittredge briefly reviewed the request.

Dan Stevens and Jim Damicis of Camoin Associates provided a brief presentation on the draft plan.

Councilor discussed edits and deadlines to submit any recommended changes.

Councilor Hurley, seconded by Councilor Harkness, made a motion to accept the draft 2021 City of Belfast Community Revitalization Plan, with the final plan to be brought back for approval at the August 17th Regular Council Meeting. This motion was approved, 5-0.

K) Request by the Economic Development Director to have the City Council approve recommendations for awarding of business façade subgrants.

Economic Development Director Thomas Kittredge reviewed the request to have the City Council approve the following recommendations for awarding of business façade subgrants:

Building	Grant Amount	Partial/Full Grant
3 Main Street/Nautilus Seafood & Grill	\$24,701	partial grant
75 and 77 Main Street/Home Supply Center	\$24,701	partial grant
111 Church Street/Belfast Opera House	\$23,592	partial grant
31 Front Street/The Purple Baboon	\$17,006	partial grant
TOTAL	\$90,000	

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the business façade grants as presented. This motion was approved, 5-0.

L) Request from the Interim Cemetery Superintendent to expend up to \$4,000.00 for the repointing of the Main Street receiving tomb and \$3,000.00 for the purchase of new informational sign at five of the City cemetery locations.

Councilor Hurley discussed concerns regarding signage and continuity throughout City of Belfast signs.

Councilor Mortier, seconded by Councilor Harkness, made a motion to expend up to \$7,000.00, \$4,000.00 for the repointing of the Main Street receiving tomb and \$3,000.00 for the purchase of new informational sign at five of the City cemetery locations, with funding to come from account #730-890. This motion was approved, 5-0.

M) Request to authorize the City Treasurer, Theresa Butler, to move the perpetual care funds collected for FY 20-21 in the amount of \$23,900 to the Cemetery Trust Fund with HM Payson.

Councilor Dean, seconded by Councilor Harkness, made a motion to move the perpetual care funds collected for FY 20-21 in the amount of \$23,900 to the Cemetery Trust Fund with HM Payson. This motion was approved, 5-0.

N) Request by Airport Manager Kenn Ortmann to publish an RFB to borrow funds to pay for costs associated with the Jet A fuel component of the Fuel Farm project.

Airport Manager Kenn Ortmann reviewed the request to publish an RFB to borrow funds to pay for costs associated with the Jet A fuel component of the Fuel Farm project.

Councilor Dean, seconded by Councilor Hurley, made a motion to authorize the City Manager and Airport Manager to work with the City Attorney to create a Request for Bids for short-term borrowing of up to \$410,000.00, for a period of four (4) years, at terms favorable to the City of Belfast, to pay for the costs associated with the Jet A fuel component of the Fuel Farm project. This motion was approved, 5-0.

O) Request by the Parks and Recreation Director to purchase a used pick-up truck.

City Manager Erin Herbig briefly reviewed the request noting that this was not budgeted for and that if approved by Council it is recommended that funding of up to \$10,000 be expended from the Undesignated Fund Balance for this purpose.

Councilor Harkness, seconded by Councilor Bonneville, made a motion to accept the request to purchase a used pick-up truck to replace the 2008 white Chevy Silverado that is unable to pass inspection unless serious repairs are made and requested that funding of up to \$10,000 be expended from the Undesignated Fund Balance for this purpose. This motion was approved, 4-1 (Councilor Dean opposed).

P) Request to approve a pole permit at 65 West Waldo Road.

Councilor Dean, seconded by Councilor Bonneville, made a motion to approve the pole permit at 65 West Waldo Road. This motion was approved, 5-0.

Q) Request to go into Executive Session on an Economic Development matter pursuant to 1 M.R.S.A 405 (6) C.

Councilor Dean, seconded by Councilor Mortier, made a motion to go into Executive Session on an Economic Development matter pursuant to 1 M.R.S.A. 405 (6) C at 10:58 p.m. This motion was approved, 5-0.

Councilor Harkness, seconded by Councilor Dean, made a motion to adjourn the Executive Session on an Economic Development matter pursuant to 1 M.R.S.A. 405 (6) C at 11:26 p.m. This motion was approved, 5-0.

R) Signing of Council Orders and housekeeping items.

11) Communications

Councilor Hurley reminded the public that if they have concerns or issues they would like to discuss, to please reach out to their Councilors.

12) Adjourn

Councilor Harkness, seconded by Councilor Dean, made a motion to adjourn the meeting at 11:26 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