

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, December 21, 2021**

7:00 p.m. Regular Council Meeting

Due to the ongoing public health crisis, per Emergency Order adopted by the City Council on August 12, 2021, all City Council Meetings will be conducted online using Zoom. If you do not plan to speak at open to the public we encourage the public to stream the meeting on the City website www.cityofbelfast.org, watch live on BEL TV channel 7 or channel 1303.

Public Hearing #1

Pursuant to the Belfast Victualer License ordinance a public hearing will be held on December 21st, 2021 at 7:00 p.m. or as soon as possible thereafter via Zoom on the following application for a new Victualer License, due to expire May 31, 2022.

Chris & Martha Nickerson d/b/a BakediNNmaine

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

Regular Council Meeting No. 12

- 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 Assistant to the City Manager Manda Cushman.
- 3) Pledge of Allegiance**
- 4) Adoption of the agenda**

Councilor Harkness requested to remove item **10) M** Discussion on moving City Council Meetings from Zoom to in person meetings and to add in its place at **10) M** Discussion on how the City can be proactive if another surge of COVID cases occurs in the area.

Councilor Harkness, seconded by Councilor Hurley, made a motion to accept the amendments as presented. This motion was approved, 5-0.

Councilor Hurley requested to move item **10) N** Discussion on a possible vaccine mandate for new City of Belfast employees, to **10) F#1**.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the amendments as presented. This motion was approved, 5-0.

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 December 7, 2021.

Councilor Mortier, seconded by Councilor Dean, made a motion to accept the minutes from Regular Council Meeting of December 7, 2021. This was approved, 5-0.

6) A. Open to the public

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

1. Glenn Montgomery of Belfast encouraged Council to keep Zoom as an option for Open to the Public when they do decide to return to meeting in person and discussed housing in Belfast.

B. Organization and Department Reports

City Manager Erin Herbig discussed the current school board vacancy, City holiday observance schedule and the newly awarded tax credits for the proposed affordable housing project on Congress Street.

Councilors discussed the proposed housing project on Congress Street and thanked all who have worked on this over the years.

7) Communications

Councilor Dean wished everyone a Happy Holiday.

Councilor Harkness discussed inclement weather tomorrow and WCAP Transportation closure.

Councilor Hurley wished everyone a Happy Holiday and New Year and wished the Nickerson's well on their new business in Belfast.

8) Old Business and Council Committee Reports

Glenn Montgomery member of the Pedestrian, Biking and Hiking Committee thanked Councilor Harkness and Aynne Ames for their work on accessibility in Belfast and discussed collaborating with the committee on this further.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve a new application for a Victualer License for Chris & Martha Nickerson d/b/a BakediNNmaine located at 192 Northport Ave., Belfast, Maine due to expire on May 31, 2022.
- B. Request to approve an off premises catering permit for Rollie's Bar & Grill for a private funeral reception at 18 Spring St., Belfast on December 4, 2021 from 3:00 p.m. to 7:00 p.m.
- C. Request to approve an off premises catering permit for Rollie's Bar & Grill for a private holiday party at 153 Main St., Belfast on December 17, 2021 from 5:00 p.m. to 10:00 p.m.
- D. Request to approve an off premises catering permit for Rollie's Bar & Grill for a private holiday party at 139 Searsport Ave., Belfast on December 10, 2021 from 2:00 p.m. to 10:00 p.m.
- E. Request to approve an off premises catering permit for Rollie's Bar & Grill for a private holiday party at 20 Northport Ave., Belfast on December 8, 2021 from 5:00 p.m. to 9:00 p.m.
- F. Request to approve a twelve-month Blanket Letter of Approval for Game of Chance (Cards) for Randall Collins Memorial VFW Post 3108 located at 34 Field Street, Belfast, Maine. This approval is granted from January 1, 2022 through December 31, 2022.

Councilor Mortier, seconded by Councilor Dean, made a motion to accept the Consent Agenda. This was approved, 5-0.

Councilor Dean discussed the importance of getting applications in early as four of these requests have already occurred.

10) Business

A) Presentation on proposed amendments to Chapter 82 Shoreland and Chapter 102 Zoning regarding the regulation of Adult Use Marijuana Facilities.

City Planner Jon Boynton reviewed the proposed amendments to Chapter 82 Shoreland and Chapter 102 Zoning regarding the regulation of Adult Use Marijuana Facilities.

B) Public Hearing on proposed amendments to Chapter 82 Shoreland and Chapter 102 Zoning regarding the regulation of Adult Use Marijuana Facilities.

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

City Manager Erin Herbig noted that the City received 3 written comments for tonight's hearing that were provided to Council before the start of the meeting.

C) Second Reading on proposed amendments to Chapter 82 Shoreland and Chapter 102 Zoning regarding the regulation of Adult Use Marijuana Facilities.

Councilors discussed neighbor concerns and their support for the proposed amendments.

City Planner Jon Boynton answered Council questions.

Councilor Hurley, seconded by Councilor Mortier, made a motion to accept the Second Reading of amendments to Chapter 82 Shoreland and Chapter 102 Zoning regarding the regulation of Adult Use Marijuana Facilities, as presented. This was approved, 5-0.

Councilor Mortier, seconded by Councilor Hurley, made a motion to adopt the proposed ordinance amendment to allow cultivation, testing, and manufacturing adult use marijuana facilities to the City Code of Ordinances Chapter 82 Shoreland and Chapter 102 zoning. This was approved, 5-0.

D) Presentation on proposed amendments to City Code of Ordinances Chapter 82 Shoreland Zoning, Section 392 Timber Harvesting following recommendation by Belfast Planning Board.

Director of Code and Planning Bub Fournier reviewed the proposed amendments to City Code of Ordinances Chapter 82 Shoreland Zoning, Section 392 Timber Harvesting following recommendation by Belfast Planning Board.

E) Public Hearing on proposed amendments to City Code of Ordinances Chapter 82 Shoreland Zoning, Section 392 Timber Harvesting following recommendation by Belfast Planning Board.

Mayor Sanders asked for proponents and opponents.

1. Morten Moesswild of Belfast spoke in his capacity of the Maine Forest Service regarding the proposed amendments.

Mayor Sanders declared the hearing closed.

F) Second Reading on proposed amendments to City Code of Ordinances Chapter 82 Shoreland Zoning, Section 392 Timber Harvesting following recommendation by Belfast Planning Board.

Director of Code and Planning Bub Fournier answered Council questions.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to accept the second reading of this ordinance amendment and adopt the proposed amendments in the attached draft documents. Council approval of the proposed amendments would be followed by submission to MEDEP for their approval before the adoptions could officially be recognized by the State, as presented. This was approved, 5-0.

F) #1 Discussion on a possible vaccine mandate for new City of Belfast employees.

Council discussed a possible vaccine mandate for new City of Belfast employees with City Attorney Kristin Collins and City Manager Erin Herbig.

No Council action was taken.

G) Request to appoint Leigh Wilcox as Superintendent of the Belfast Cemetery Department.

City Manager Erin Herbig reviewed the request, noting the recommendation from the Cemetery Trustees.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to appoint Leigh Wilcox as Superintendent of the Belfast Cemetery Department. This was approved, 5-0.

H) Request to appoint Mackenzie Barnhart and Kristi Osgood as Interim General Assistance Administrators for the City of Belfast.

City Manager Erin Herbig briefly reviewed the request.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to appoint Mackenzie Barnhart and Kristi Osgood as Interim General Assistance Administrators for the City of Belfast. This was approved, 5-0.

I) Discussion regarding downtown accessibility.

Councilor Harkness and Aynne Ames reviewed their report and answered Council questions.

City Manager Erin Herbig suggested that list of proposed areas of concern be submitted to the City Manager and Public Works Director which could be reviewed and added to the budget discussion.

J) Discussion with the Climate Crisis Committee regarding storm-water upgrades.

Council discussed Climate Crisis Committees proposal with committee members and staff.

K) Request from the Climate Crisis Committee to relocate the Divirod water level sensor.

Climate Crisis Committee Chair Jon Beal reviewed the request and answered Council questions.

Councilor Harkness, seconded by Councilor Mortier, made a motion to accept the request from the Climate Crisis Committee to relocate the Divirod water level sensor to a light standard on the south side of the Armistice Bridge. This was approved, 5-0.

L) Discussion on Finance Office renovations.

Finance Director Theresa Butler reviewed the proposals and answered Council questions.

Councilor Dean, seconded by Councilor Harkness, made a motion to accept option #1 to furnish the Finance Office from Warren's Office Supplies for \$7,829.60 with funding to come from the Undesignated Fund Balance. This was approved, 5-0.

*Councilor Harkness, seconded by Councilor Mortier, made a motion to amend the agenda moving item **10) O** Request from the Finance Director to accept funds from HHS Stimulus/Provider Relief Funding in the amount of \$46,223.49, to **10) L #1**. This was approved, 5-0.

10) L #1 Request from the Finance Director to accept funds from HHS Stimulus/Provider Relief Funding in the amount of \$46,223.49.

No Council discussion.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to accept the funds from HHS Stimulus/Provider Relief Funding in the amount of \$46,223.49, with funding to be placed into the Ambulance Receivable budget line #1-1260-00 to offset loss of revenues during the pandemic. This was approved, 5-0.

M) Discussion on how the City can be proactive if another surge of COVID cases occurs in the area.

Councilors discussed changes in the pandemic and how the City can respond if the time comes where it appears to be needed, noting the importance of being proactive rather than reactive.

Councilors authorized City staff to work with local organizations such as Our Town Belfast to begin the planning of restarting the fundraising efforts for Keep the Faith Fund to help support families in the coming months if needed.

City Manager Erin Herbig noted that she would bring more information back to Council regarding these efforts on the January 4th Council Meeting.

N) Discussion on a possible vaccine mandate for new City of Belfast employees.

Item moved to item **10) F #1**.

O) Request from the Finance Director to accept funds from HHS Stimulus/Provider Relief Funding in the amount of \$46,223.49.

Item moved to **10) L #1**.

P) Request to accept a \$35.00 donation to the Belfast Fire Department.

No Council discussion.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to accept the \$35.00 donation to the Belfast Fire Department, with funding to be placed in the Departments Jaws of Life account (1-2100-00) account. This was approved, 5-0.

Q) Request to accept a \$35.00 donation to the Belfast Police Department.

No Council discussion.

Councilor Dean, seconded by Councilor Mortier, made a motion to accept the \$35.00 donation to the Belfast Police Department, with funding to be placed in the Departments Supplies and Equipment account #220-504. This was approved, 5-0.

R) Signing of Council Orders and housekeeping items.

Council Order #49 Signed by Councilor Dean Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 82 SHORELAND
AND CHAPTER 102 ZONING
REGARDING THE REGULATION OF ADULT USE MARIJUANA
FACILITIES**

Editor's Note: All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 82 Shoreland and Chapter 102, Zoning. **All text shown in red font** is new language that is proposed to be added. Edits to the proposed ordinance made by the City Council are **underlined in red**. **All text shown in green font** is advisory/informational only and is not part of the formal Ordinance language.
(See attached text of adopted amendments).

First Reading: December 7, 2021

Second Reading: December 21, 2021

(Approved December 21, 2021)

Council Order #50 Signed by Councilor Dean Ordered That:

The City Manager and the City Treasurer are authorized to accept up to \$46,223.49 HHS Stimulus/Provider Relief Funding to offset loss of revenues during the pandemic. Funding is to be placed into the Ambulance Receivable budget line #1-1260-00. (Approved December 21, 2021)

Council Order #51 Signed by Councilor Dean Ordered That:

The City Manager and the City Treasurer are authorized to accept up to \$35.00 as a donation to the Belfast Fire Department. Funding is to be placed into the Departments Jaws of Life account (1-2100-00) account. (Approved December 21, 2021)

Council Order #52 Signed by Councilor Dean Ordered That:

The City Manager and the City Treasurer are authorized to accept up to \$35.00 as a donation to the Belfast Police Department. Funding is to be placed into the Departments Supplies and Equipment account #220-504. (Approved December 21, 2021)

Council Order #53 Signed by Councilor Dean Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 82 SHORELAND
AND CHAPTER 102 ZONING
REGARDING TIMBER HARVESTING**

Editor's Note: All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 82 Shoreland and Chapter 102, Zoning. All **highlighted** text is new language that is proposed to be added. All ~~striketrough/highlighted~~ text should be deleted (See attached text of adopted amendments).

First Reading: December 7, 2021

Second Reading: December 21, 2021

(Approved December 21, 2021)

Council Order #54 Signed by Councilor Dean Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$7,829.60 to furnish the Finance Office (Option #1) from Warren's Office Supplies. Funding is to be taken from the Undesignated Fund Balance. (Approved December 21, 2021)

11) Communications

City Manager inquired about some clarifying questions.

Councilor Hurley wished everyone a Happy Holiday.

Councilors thanked Troy Howard Middle School for the holiday art display at City Hall.

12) Adjourn

Councilor Hurley, seconded by Councilor Mortier, made a motion to adjourn at 11:16 p.m. This motion was approved, 5-0.

AMANDA CUSHMAN, BELFAST MAINE