

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, April 19, 2022

6:00 p.m. Request to go into Executive Session on a Real Estate matter pursuant to 1 M.R.S.A. 405 (6) C.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to go into Executive Session on a Real Estate matter pursuant to 1 M.R.S.A. 405 (6) C at 6:05 p.m. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Harkness, made a motion to adjourn the Executive Session on a Real Estate matter pursuant to 1 M.R.S.A. 405 (6) C at 6:30p.m. This motion was approved, 5-0.

6:30 p.m. Request to go into Executive Session to discuss a Legal matter with the City Attorney pursuant to 1 M.R.S.A. 405 (6) E.

Councilor Bonneville, seconded by Councilor Hurley, made a motion to go into Executive Session on a Legal matter pursuant to 1 M.R.S.A. 405 (6) E at 6:31p.m. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Harkness, made a motion to adjourn the Executive Session on a Legal matter pursuant to 1 M.R.S.A. 405 (6) E at 6:44p.m. This motion was approved, 5-0.

6:45 p.m. Request to go into Executive Session on a Personnel matter pursuant to 1 M.R.S.A. 405 (6) A.

Councilor Mortier, seconded by Councilor Hurley, made a motion to go into Executive Session on a Personnel matter pursuant to 1 M.R.S.A. 405 (6) A at 6:44 p.m. This motion was approved, 5-0.

Councilor Mortier, seconded by Councilor Bonneville, made a motion to adjourn the Executive Session on a Personnel matter pursuant to 1 M.R.S.A. 405 (6) A at 6:56p.m. This motion was approved, 5-0.

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.

Regular Council Meeting No. 20

1) Call to order

2) Present: Councilors Mary Mortier, Neal Harkness, Brenda Bonneville, Michael Hurley and Paul Dean; City Manager Erin Herbig and Communications Assistant Mackenzie Barnhart.

Absent: Mayor Eric Sanders and Assistant to the City Manager Manda Cushman.

3) Pledge of Allegiance

4) Adoption of the agenda

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

5) Acceptance of the minutes

Regular Council Meeting of April 5, 2022.

Councilor Harkness, seconded by Councilor Dean, made a motion to accept the minutes from Regular Council Meeting of April 5, 2022. This motion was approved, 5-0.

6) A. Open to the public

City Manager Erin Herbig noted that Council received 0 emails and 0 postal mail, prior to noon today which were shared with Council before the start of the Council meeting to be included as part of the Open to the Public.

No public comments.

B. Organization and Department Reports

1. City Manager Erin Herbig announced the annual Public Works Spring Street Clean-Up, notified the public of the beginning of budget hearing meetings and inquired about changes from Council.

7) Communications

1. Councilor Neal Harkness recognized the passing of George Siscoe.
2. Councilor Neal Harkness inquired about the opening of Belfast City park gates. City Manager Erin Herbig shared that there is no update from the Parks and Recreation director on when the gates will open, especially in lieu of the recent weather.
3. Councilor Mary Mortier shared her experience attending and participating in a school district meeting.
4. Councilor Mike Hurley provided an update on Keeping Belfast Beautiful and thanked the Code and Planning Office for their mapping work to assist with the event.

8) Old Business and Council Committee Reports

1. Pedestrian, Biking and Hiking Committee Chair Chris Gardener thanked the Council for their workshop together two weeks ago and inquired about the reopening of the Rail Trail.
2. City Manager Erin Herbig provided an update on the status of the Rail Trail projected reopening and discussed the projected reopening of the Rail Trail with Councilors.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an application by Launchpad for an Incorporated Civic Organization license for the All Roads Music Festival being held 12:00 p.m. to 10:00 p.m. on May 20 and May 21, 2022 located at various locations throughout Belfast, including Steamboat Landing Park, Colonial Theatre and the Basil Burwell Theater.
- B. Request to approve an application by Victor Flick Corp d/b/a Colonial Theater located at 163 High Street, Belfast, Maine for a renewal Malt and Vinous Restaurant (Class I, II, III, IV) liquor license, interior only.
- C. Request to approve an off premises catering permit for Bell The Cat, INC. for the Cooperative Maine Business Alliance meeting on April 2, 2022 from 3:00 p.m. to 6:00 p.m. located at the Hutchinson Center, 80 Belmont Ave., Belfast, Maine.

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

10) Business

A) Request to approve a Sewer Abatement for 48 Waldo Avenue for \$1,593.84.

Councilor Mike Hurley briefly reviewed the abatement request.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve a Sewer Abatement for 48 Waldo Avenue for \$1,593.84. This motion was approved, 5-0.

B) Request to accept and award the bid for the Mayo Street Utility Improvements Project.

Olver Associates Inc. Construction Services Manager Mandy Olver reviewed the bids with Council and answered Council questions.

Councilor Harkness, seconded by Councilor Mortier, made a motion to accept the bids as presented and to award the bid to the lowest bidder Sitewerx of Carmel, Maine, pending approval of the DEP, at an amount of \$347,650 for the base bid and \$249,500 for the alternate bid amount. This motion was approved, 5-0.

C) Request from the Finance Director for a single Council member's signature for the Annual Auditor's Management Representation Letter.

City Manager Erin Herbig briefly reviewed the Annual Auditor's Management Representation Letter and answered any questions.

Councilor Mary Mortier expressed gratitude for the work of the City Manager and the Finance Director in the coordination of this report and offered to sign the Annual Auditor's Management Representation Letter on behalf of the Council.

Councilor Hurley, seconded by Councilor Bonneville, made a motion to authorize a signal Council member's signature for the Annual Auditor's Management Representation Letter. This motion was approved, 5-0.

D) Request from the Finance Director to open the bidding process for financial institutions.

City Manager Erin Herbig briefly reviewed the request and answered Council questions.

Councilor Dean, seconded by Councilor Bonneville, made a motion to authorize the Finance Director to open the bidding process for financial institutions. This motion was approved, 5-0.

E) Request from the Harbor Master to apply for two grants.

City Manager Erin Herbig reviewed the two grants, Maine Submerged Lands, Harbor Management Access Grant and the Maine Department of Agriculture, Conservation, and Forestry Grant, with Council and answered Council questions.

Councilor Bonneville, seconded by Councilor Mortier, made a motion to authorize the Harbor Master to apply for the HMA grant and to authorize \$3,000.00 to be used for a cash match, with funding to come from the Harbor ENK Fund. This motion was approved, 5-0.

Councilor Bonneville, seconded by Councilor Dean, made a motion to authorize the Harbor Master to request the preliminary inspection to apply for MDACF funding and, if preliminary approval is given, to apply for the grant with the City's match of \$10,000.00 to come from the Harbor ENK Fund. This motion was approved, 5-0.

F) First Reading of proposed ordinance amendments to City Code of Ordinances Chapter 74 Building and Building Regulations and Chapter 102 Zoning concerning adopting updated versions of codes and amending permitting requirements.

Director of Code and Planning Bub Fournier reviewed the proposed ordinance amendments to City Code of Ordinances Chapter 74 Building and Building Regulations and Chapter 102 Zoning concerning adopting updated versions of codes and amending permitting requirements and answered Council questions.

Code Enforcement Officer Steve Wilson discussed the process of permitting and the details of permitting fees in the office.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve the First Reading of proposed ordinance amendments to City Code of Ordinances Chapter 74 Building and Building Regulations and Chapter 102 Zoning concerning adopting updated versions of codes and amending permitting requirements, and to schedule the Public Hearing and Second Reading for the May 3rd, 2022, Regular City Council Meeting. This motion was approved, 5-0.

G) Consideration of closing the City Clerk’s Office on Thursday’s from 9AM to 9:30AM.

City Clerk Amy Flood reviewed the request with Council and answered Council questions.

Councilors discussed the request at length with the City Clerk.

Councilor Mortier, seconded by Councilor Harkness, made a motion to close the City Clerk’s Office on Thursday’s from 9AM to 9:30AM. This motion was approved, 4-1(Councilor Dean opposed).

H) Request to remove one City tree located at 7 Cottage Street.

City Manager Erin Herbig reviewed the request with Council and answered any questions.

Councilor Dean, seconded by Councilor Mortier, made a motion to approve the request to remove one City tree located at 7 Cottage Street. This motion was approved, 4-1(Councilor Bonneville opposed).

I) Request from the Cemetery Superintendent for authorization to sell sections of the old Doak Road Cemetery fencing.

Cemetery Superintendent Leigh Wilcox reviewed the request for authorization to sell sections of the old Doak Road Cemetery fencing and answered Council questions regarding his recommendations on how to proceed with the sale.

Councilor Harkness, seconded by Councilor Mortier, made a motion to authorize the Cemetery Superintendent to sell sections of the old iron rod fence from the Doak Road Cemetery with Funding received from the sale of this fence to go into account #730-890 Doak Road Cemetery Fence. This motion was approved, 5-0.

Councilor Dean, seconded by Councilor Mortier, made a motion to adapt the procedure of selling the old Doak Road Cemetery fencing into the form of a lottery drawing in which four tickets can be bought at a time, with an open time of 2 weeks to put in for the lottery. This motion was approved, 5-0.

J) Request from the Cemetery Superintendent to eliminate future “Flower Fund”.

Cemetery Superintendent Leigh Wilcox reviewed the request to eliminate future “Flower Fund” and answered Council questions.

Councilor Harkness, seconded by Councilor Mortier, made a motion to continue to honor the 36 existing purchasers of flower arrangements using funds from the Cemetery H.M. Payson account which has a balance of \$2,405,640, but to no longer accept new requests and advise future inquiries that they set up such an arrangement with a local florist instead, as recommended by the Cemetery Superintendent and Cemetery Trustees. This motion was approved, 5-0.

K) Request from the Economic Development Director to approve the Annual Reports for Congress Street, School Street, and Wight Street Affordable Housing Development and Tax Increment Financing Districts.

Economic Development Director Thomas Kittredge reviewed the request to approve the Annual Reports for Congress Street, School Street, and Wight Street Affordable Housing Development and Tax Increment Financing Districts.

Councilor Bonneville, seconded by Councilor Dean, made a motion to approve the Annual Report for Tax Year April 1, 2021-March 31, 2022 for the Congress Street Affordable Housing Development and Tax Increment Financing District; approve the Annual Report for Tax Year April 1, 2021-March 31, 2022 for the School Street Affordable Housing Development and Tax Increment Financing District; approve the Annual Report for Tax Year April 1, 2021-March 31, 2022 for the Wight Street Affordable Housing Development and Tax Increment Financing District; and authorize the Economic Development Director to submit these approved reports to MaineHousing. This motion was approved, 5-0.

Councilor Michael Hurley inquired about the status of development on these projects.

L) Request to approve a Memorandum of Understanding with the Waldo County YMCA to operate the Belfast City Park Pool for the 2022 season.

Parks and Recreation Director Norm Poirier reviewed the proposed Memorandum of Understanding with the Waldo County YMCA to operate the Belfast City Park Pool for the 2022 season and discussed the 2021 season with Council.

Councilor Mortier, seconded by Councilor Harkness, made a motion to authorize the City Manager to sign the agreement with the Waldo County YMCA in which the YMCA would operate the Belfast City Park Pool for the 2022 season. This motion was approved, 5-0.

M) Request to enter into an agreement for the City Park Concession for the 2022 season.

Parks and Recreation Director Norm Poirier reviewed the proposals received for the City Park Concession for the 2022 season and recommended that City Council reject the two initial proposals from Shake-n-Spud and Belfast Shaved Ice and to accept the late proposal from Must Be Nice Lobster, and answered Council questions.

Councilor Harkness, seconded by Councilor Mortier, made a motion to reject the two initial proposals from Shake-n-Spud and Belfast Shaved Ice and to accept the late proposal from Must Be Nice Lobster to operate the City Park Concession for the 2022 season. This motion was approved, 5-0.

Parks and Recreation Director Norm Poirier provided an update on the opening of the City Park.

N) City Council discussion on return to in-person Council Meetings.

Councilor Michael Hurley discussed the options for meeting in person comfortably.

Councilor Mary Mortier suggested that the Council return to in-person meetings at the next council meeting and for the budget hearing meetings.

Councilor Mortier expressed that spacing is priority over camera presence on Zoom for Council Meetings.

Councilor Neal Harkness reflected the thoughts of Mayor Eric Sanders in his absence.

Councilor Paul Dean discussed the nuances of the state of COVID-19 as it has developed since the start of the pandemic and expressed the importance of keeping 6 feet of separation between people.

Councilor Brenda Bonneville discussed the benefits of communication with in-person meetings and also expressed precautionary measures that can be taken for the public to participate in in-person meetings.

Councilor Michael Hurley discussed putting a cap on how many people from the public can sit in council chambers for in-person meetings and also suggested that Zoom be incorporated into some of the budget hearing meetings.

Councilors discussed return to in-person Council Meetings, unanimously deciding to meet in person beginning May 3rd, 2022.

No formal motion made.

O) Signing of Council Orders and housekeeping items.

Council Order #79 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 16, OUTSIDE RURAL ZONING DISTRICTS**

Editor's Note: Documents 3-A, 3-B, 3-C, and 3-D identify the specific language in Chapter 102, Zoning, Article V, District Regulations, Division 16, Outside Rural, that is proposed to be included in City Ordinances as a result of these amendments. As all language in this amendment is new, the Department has simply used **Black Font** to identify the language for the proposed Ordinance amendments. (See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

Council Order #80 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 1, OFFICIAL ZONING MAP**

Editor’s Note: This document identifies the specific language in Chapter 102, Zoning, Article I, Generally, that is proposed to be amended, and provides an updated Official Zoning Map (reference Map 1) to implement the recommendations of the Planning Board. All text shown in **Bold and Red Font** is language that is proposed to be added to Article I. All text shown in ~~**Bold and Blue and Strike-Through Font**~~ is language that is proposed to be deleted from Article I. All text shown in **Black Font** is existing language in Article I that is not proposed to be amended. All text shown in **Green and Bold Font** is information that is presented to the public to better understand the proposed amendments. Any text shown in **Green and Bold Font** is not part of the language that will be included in the City Code of Ordinances.

Map 1 identifies how the Official Zoning Map would look if all of the proposed Outside Rural amendments are adopted as presented in this proposal. Map 2 is the current Official Zoning Map for the City (reflects all amendments to Chapter 102, Zoning through October 2018, the last time amendments were adopted that affected the boundaries of zoning districts). (See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

Council Order #81 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE IX, PERFORMANCE STANDARDS
DIVISION 7. SUPPLEMENTAL PERFORMANCE STANDARDS FOR A
MULTI-FAMILY HOUSING OR FLEX HOUSING PROJECT**

Editor’s Note: This document identifies the specific language in Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Performance Standards for Multi-Family Housing that would be amended to apply said standards to a 'Flex Housing' project. All text shown in **Bold and Red Font** is language that is proposed to be added to the Division 7 Standards that were adopted on August 3, 2021. All text shown in ~~**Bold and Blue and Strike-Through Font**~~ is language that is proposed to be deleted from the adopted Division 7 Standards. All text shown in **Black Font** is existing language in the Division 7 Standards that were adopted on August 3, 2021 and that is not proposed to be amended. (See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

Council Order #82 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 90, SITE PLAN &
CHAPTER 94, SUBDIVISIONS
AMENDMENTS REGARDING THE REVIEW OF MULTI-FAMILY
HOUSING & FLEX HOUSING PROJECTS**

Editor’s Note: This document identifies the specific language in Chapter 90, Site Plan and Chapter 94, Subdivisions (non-codified) that would be amended to establish a process for the review of an application to construct a 'Flex Housing project'. All text shown in **Bold and Red Font** is language that is proposed to be added to these Chapters. All text shown in ~~**Bold and Blue and Strike-Through Font**~~ is language that is proposed to be deleted from these two Chapters. All text shown in **Black Font** is existing language in Chapter 90, Site Plan, or Chapter 94, Subdivisions, and that is not proposed to be amended. (See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

Council Order #83 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE I. IN GENERAL**

Editor’s Note: This document identifies the specific language in Chapter 102, Zoning, Article I, In General, that would be amended. All text shown in **Bold and Red Font** is language that is proposed to be added to Chapter 102. All text shown in ~~**Bold and Blue Strike-Through Font**~~ is language that is proposed to be deleted from Chapter 102. All text in Black Font is existing language in Chapter 102 that would not be affected by the proposed amendments.(See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

Council Order #84 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
PROPOSAL TO REPEAL EXISTING ZONING DISTRICTS**

Editor’s Note: This document identifies the specific language in Chapter 102, Zoning, Article V, District Regulations, that will be repealed for 7 existing zoning districts if the Council adopts the proposed Division 16, Outside Rural districts. The language that specifically cites the Council decision to repeal the respective Division (zoning district) of Article V is shown in **Bold and Red Font**. The language for the respective zoning districts that is proposed to be repealed is shown in ~~**Black Strike-Through Font**~~. (See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

Council Order #85 Signed by Councilor Bonneville Ordered That:

**AMENDMENTS TO
CITY CODE OF ORDINANCES
CHAPTER 66, GENERAL PROVISIONS (Definitions)**

Editor’s Note: This document identifies the specific language in Chapter 66, General Provisions, that would be amended to establish specific definitions for several new terms used in the Code of Ordinances, and revised language for the term, Dwelling, multi-family. All text shown in **Bold and Red Font** is language that is proposed to be added to Chapter 66. All text shown in ~~**Bold and Blue Strike-Through Font**~~ is language that is proposed to be deleted from Chapter 66. All text shown in **Black Font** is existing language for an existing definition in Chapter 66. (See attached text of adopted amendments).

First Reading: March 1, 2022

Second Reading: April 5, 2022

(Approved April 5, 2022)

11) Communications

Councilor Michael Hurley inquired about the electric car charging stations in Belfast.

Councilor Mary Mortier commended and thanked the Planning and Code office and the Planning Board for their work in ordinance updates and housing accommodation initiatives.

12) Adjourn

Councilor Mortier, seconded by Councilor Bonneville, made a motion to adjourn at 9:12 p.m. This motion was approved, 5-0.

I 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