

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, February 7, 2023**

7:00 p.m. Regular Council Meeting

All City Council Meetings and City Committee Meetings will be conducted in-person at Belfast City Hall, effective May 3, 2022.

Regular Council Meeting No. 15

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

Mayor Sanders requested to add item **10) O #1** 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 Bonneville, made a motion to adopt the agenda, as amended. This motion was approved, 5-0.

5) Acceptance of the minutes

Regular Council Meeting of January 17, 2023.

Councilor Dean, seconded by Councilor Harkness, made a motion to accept the minutes from the Regular Council Meeting of January 17, 2023. This motion was approved, 5-0.

6) A. Open to the public

City Manager Erin Herbig noted that Council received two emails and no 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.

1. Dana Keene of Belfast discussed housing in Belfast, the recent Work Session on Housing and hope that the City continues to use its resources to address the housing issue.

B. Organization and Department Reports

City Manager Erin Herbig discussed two new employees who will be confirmed on the Consent Agenda, Harry Braddock as a part-time EMT and Oliver Tarbox as an on-call Junior Firefighter, welcoming them both to the team.

7) Communications

Councilor Bonneville noted that the City of Belfast is thinking of all impacted by the earthquake in Turkey and Syria.

Councilor Harkness thanked all who participated in the housing Work Session with the Planning Board.

Councilor Hurley discussed continued work that needs to be done to address the housing issue.

Councilor Dean discussed the importance for continued discussions on housing with the community.

Mayor Sanders addressed the recent cold weather over the weekend.

8) Old Business and Council Committee Reports

No comments.

9) Permits, Petitions and Licenses - Consent Agenda

- A. Request to approve an application by Fons Kitchen d/b/a Fons Kitchen located at 132 High Street, Belfast, Maine for a renewal Malt, Spirituous and Vinous Class A Restaurant (Class I, II, III, IV) liquor license (interior only).

- B. Request to approve an off-premises catering permit for Delvino LLC d/b/a Delvino’s Grill & Pasta House for a private office party on February 3, 2023, from 4:00 p.m. to 8:00 p.m. located at 19 Main Street, Belfast, Maine.
- C. Request from the Fire Chief to confirm Harry Braddock as a part-time EMT for the Belfast Ambulance Department.
- D. Request from the Fire Chief to confirm Oliver Tarbox as an on-call Junior Firefighter for the Belfast Fire Department.

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

10) Business

A) Request from the Fire Chief to confirm Jackson Winslow as a full-time Firefighter/EMT for the Belfast Fire and Ambulance Department.

Fire Chief Patrick Richards reviewed the request to confirm Jackson Winslow as a full-time Firefighter/EMT for the Belfast Fire and Ambulance Department and introduced Mr. Winslow to the City Council.

Councilors welcomed Mr. Winslow and thanked him for his service to the City of Belfast.

Councilor Dean, seconded by Councilor Mortier, made a motion to confirm Jackson Winslow as a full-time Firefighter/EMT for the Belfast Fire and Ambulance Department. This motion was approved, 5-0.

City Clerk Amy Bradford conducted the swearing in ceremony.

B) Request to accept a \$3,000.00 Ed MacDonald Safety Grant for the Belfast Fire Department.

Fire Chief Patrick Richards reviewed the request to accept a \$3,000.00 Ed MacDonald Safety Grant for the Belfast Fire Department and answered Council questions.

Councilor Bonneville, seconded by Councilor Hurley, made a motion to accept the \$3,000.00 Ed McDonald Safety Grant from MMA to purchase fire safety gear and to place these funds into the Fire Department’s Purchase of Equipment account #210-535. This motion was approved, 5-0.

C) Request from the Fire Chief to approve Fire and Ambulance Contracts.

Fire Chief Patrick Richards and City Manager Erin Herbig reviewed the request to approve Fire and Ambulance Contracts.

Councilor Mortier, seconded by Councilor Harkness, made a motion to approve the FY23/24 Fire and EMS rates with the contracted towns as presented and to revisit these rates on an annual basis moving forward, considering the increasing cost of living. This motion was approved, 5-0.

D) Request from Keeping Belfast Maine Beautiful for \$1,000.00 in funding for this year's clean-up event.

City Manager Erin Herbig briefly reviewed the request for \$1,000.00 in funding for this year's clean-up event and answered Council questions.

Councilor Dean, seconded by Councilor Harkness, made a motion to approve \$1,000.00 in funding for the 2023 Keeping Belfast Maine Beautiful event with funding to be transferred from the Undesignated Fund Balance into the Keeping Belfast Maine Beautiful account #1-2322-00. This motion was approved, 5-0.

E) Request from the Assessing Department to utilize Capital Reserve funds to purchase new computers for the department.

City Manager Erin Herbig briefly reviewed the request from the Assessing Department to utilize Capital Reserve funds to purchase new computers for the department and answered Council questions.

Councilor Bonneville, seconded by Councilor Hurley, made a motion to transfer the \$1,975.98 from the Assessing Capital Reserve account #120-603, which has a current balance of \$3,395.00, into the Assessing Office Equipment account #120-513 for purchase of two new computers. This motion was approved, 5-0.

F) Discussion with members of the Pedestrian, Biking and Hiking Committee regarding their 2023 priorities.

Pedestrian, Biking and Hiking Committee chair Bruce Snider, along with members Cara Harshman, Dave Loxtercamp, and Glenn Montgomery reviewed the following 2023 priorities as recommended by the committee and answered Council questions.

City Manager Erin Herbig reviewed what, if anything, the City could accomplish in the existing budget and what would need to be considered in the FY 23-24 budget discussions.

Councilors acknowledge their support for many of the suggestions brought forward and thanked the Committee for bringing these items to their attention in a timely manner so that they could consider them as part of the upcoming budget process.

G) Request from the Public Works Director for additional funding to purchase a truck for the Public Works Department.

City Manager Erin Herbig briefly reviewed the request for additional funding to purchase a truck for the Public Works Department.

Councilor Hurley, seconded by Councilor Mortier, made a motion to expend an additional \$6,625.00, for a total of \$94,125.00, to purchase the 2022 International truck from Colwell Diesel of Ellsworth with funding to come from the Public Works Equipment Capital Reserve account # 410-537. This motion was approved, 5-0.

H) Request from the Public Works Director to purchase a 2013 telescopic boom lift for the Public Works Department.

City Manager Erin Herbig briefly reviewed the request to purchase a 2013 telescopic boom lift for the Public Works Department.

Councilor Dean inquired about whether or not the equipment would be stored inside.

Councilor Hurley, seconded by Councilor Mortier, made a motion to authorize the purchase a 2013 JLG 4WD telescopic 40-50' boom lift for \$39,000.00 from United Rentals with funding to be expended from the Public Works Purchase of Equipment account # 410-535. This motion was approved, 5-0.

I) Request to accept reimbursement fees for Officer Blakely from the City of Bangor.

City Manager Erin Herbig briefly reviewed the request to accept reimbursement fees for Officer Blakely from the City of Bangor.

Councilor Mortier, seconded by Councilor Harkness, made a motion to accept the \$43,036.00 from the City of Bangor as reimbursement for Officer Blakely's training and to place these funds into the Police Department's Equipment Capital Reserve account #220-537. This motion was approved, 5-0.

J) Request by the Economic Development Director to approve the conversion of a Community Development Block Grant Housing Assistance Grant into a loan for Developers Collaborative, in support of their affordable housing development for 115 Congress Street.

Economic Development Director Thomas Kittredge reviewed the request to approve the conversion of a Community Development Block Grant Housing Assistance Grant into a loan for Developers Collaborative, in support of their affordable housing development for 115 Congress Street and answered Council questions.

Councilor Mortier, seconded by Councilor Harkness, made a motion to authorize the conversion of the \$500,000 CDBG Housing Assistance Grant into a non-forgivable loan, at 0% interest and with no payments for 30 years; and to authorize the City Manager to sign any and all documents necessary for the execution of the agreement for that loan. This motion was approved, 5-0.

K) Presentation of proposed amendments to City Code of Ordinances.

Project Planner Wayne Marshall provided a brief presentation on the proposed revisions to numerous Articles of Chapter 102, Zoning, however, proposed amendments to Chapter 82, Shoreland, Chapter 86, Signs, Chapter 66, General Provisions (Definitions), and Chapter 30, Marine Activities, except for proposed amendments to Chapter 102, Zoning, Article III, Nonconformance (Tab 7), which the Council chose to table during the First Reading on January 17th to a future date.

L) Public Hearing of proposed amendments to City Code of Ordinances.

Mayor Sanders asked for proponents and opponents.

1. Andrew Peters of Belfast discussed concerns with the specificity of the ordinances in relation to aquaculture and the possible negative impacts on his scallop farming business.

Mayor Sanders declared the hearing closed.

Project Planner Wayne Marshall noted that the City received no public comments prior tonight's Council Meeting.

M) Second Reading of proposed amendments to City Code of Ordinances.

Councilor Hurley requested that Project Planner Wayne Marshall provide clarification on the concerns brought forward by Mr. Peters.

Project Planner Wayne Marshall discussed the section of the proposed ordinances that addresses aquaculture and addressed Councilors questions about ensuring that the public is informed about how ordinance changes impact them.

Project Planner Wayne Marshall answered Council questions and discussed the recommended six motions.

Motion #1

Councilor Mortier, seconded by Councilor Harkness, made a motion to adopt the following amendments to Chapter 102, Zoning, Article V, District Regulations, as such were presented at the February 7 Second Reading; said amendments to take effect on February 15, 2023: Amendments to revise Division 1, Generally, including adoption of the updated Official Zoning Map; Amendments to establish Division 11, Eastside Districts; Amendments to establish Division 14, Southerly Districts; Amendments to revise Division 16, Outside Rural Districts, and to establish such as Division 16, Northwesterly of Bypass and Outside Rural Districts; and Amendments to revise Division 7, Residential II District, and to establish such as the Residential 15 District. This motion was approved, 3-0 (Councilors Bonneville and Hurley abstained).

Motion #2

Councilor Mortier, seconded by Councilor Harkness, made a motion to adopt amendments to Chapter 102, Zoning, Article V, District Regulations, to repeal the Divisions identified in the amendments presented at the February 7, Second Reading, said amendments to take effect on February 15, 2023. This motion was approved, 3-0 (Councilors Bonneville and Hurley abstained).

Motion #3

Councilor Mortier, seconded by Councilor Harkness, made a motion to adopt the following amendments to Chapter 102, Zoning, as such were presented at the February 7 Second Reading; said amendments to take effect on February 15, 2023: Amendments to revise Article I, Districts; Amendments to revise Article IV, District Descriptions; Amendments to revise Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development, and Division 2, Rural Affordable Housing Planned Unit Development; Amendments to revise Article X, Contract Rezoning, Division 2, Route 3 Commercial, Searsport Avenue Commercial, and Office Park Districts; and Amendments to revise Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2, and the Waterfront Development Shoreland District. This motion was approved, 3-0 (Councilors Bonneville and Hurley abstained).

Motion #4

Councilor Mortier, seconded by Councilor Harkness, made a motion to adopt the following amendments to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, as such were presented and amended at the February 7 Second Reading; said amendments to take effect on February 15, 2023: Amendments to establish Division 2.5, Adult Use Marijuana, which was previously identified as Division 10; Amendments to revise Division 9, Solar Energy Systems; and Amendments to establish Division 1.5, Home Occupation.

including two amendments introduced at the February 7 Second Reading. This motion was approved, 3-0 (Councilors Bonneville and Hurley abstained).

Motion #5

Councilor Mortier, seconded by Councilor Harkness, made a motion to adopt the following amendments to the Code of Ordinances to revise the following Chapters, as such were presented at the February 7 Second Reading; said amendments to take effect on February 15, 2023: Amendments to revise Chapter 66, General Provisions; Amendments to revise Chapter 86, Signs; and Amendments to revise Chapter 30, Marine Activities. This motion was approved, 3-0 (Councilors Bonneville and Hurley abstained).

Motion #6

Councilor Mortier, seconded by Councilor Harkness, made a motion to table the following amendments to revise Chapter 82, Shoreland, including revisions to the Official Shoreland Map, and to schedule a Public Hearing and Second Reading at the March 7th Council Meeting for these amendments along with the proposed amendments to Chapter 102, Zoning, Article III, Nonconformance. This motion was approved, 5-0.

Councilors discussed wanting to table the issue to allow for additional time for staff to communicate to Mr. Andrews and others what, if any, impacts these proposed amendments may have on aquaculture businesses in Belfast.

N) Update on discussions with Maine Department of Transportation (MDOT).

Mayor Eric Sanders and Councilor Mike Hurley discussed the meeting with MDOT and the possibility of a Municipal Partnership Initiative (MPI) between the City of Belfast and Maine DOT to make intersection improvements at the intersection of Route 1 and Route 52 at expense of 50% funding by each entity.

O) Request to go into Executive Session on a Legal Matter pursuant to 1 M.R.S.A. 405 (6) E.

Councilor Mortier, seconded by Councilor Harkness, made a motion to go into Executive Session on a Legal matter pursuant to 1 M.R.S.A. 405 (6) E at 9:34 p.m. This motion was approved, 5-0.

Councilor Hurley, seconded by Councilor Mortier, made a motion to adjourn the Executive Session on a Legal matter pursuant to 1 M.R.S.A. 405 (6) E at 11:16 p.m. This motion was approved, 5-0.

O) #1 Request to go into Executive Session on a Personnel matter pursuant to 1 M.R.S.A. 405 (6) A.

Councilor Dean, 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 11:16 p.m. This motion was approved, 5-0.

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

P) Signing of Council Orders and housekeeping items.

Council Order #49 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to accept the \$3,000.00 Ed McDonald Safety Grant from MMA to purchase fire safety gear. Funding is to be placed into the Fire Department's Purchase of Equipment account #210-535. (Approved on February 7, 2023)

Council Order #50 Signed by Councilor Dean Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$1,000.00 for the 2023 Keeping Belfast Maine Beautiful event. Funding is to be transferred from the Undesignated

Fund Balance into the Keeping Belfast Maine Beautiful account #1-2322-00. (Approved on February 7, 2023)

Council Order #51 Signed by Councilor Bonneville Ordered That:

The City Manager and the City Treasurer are authorized to transfer \$1,975.98 from the Assessing Capital Reserve account #120-603, into the Assessing Office Equipment account #120-513 for purchase of two new computers. (Approved on February 7, 2023)

Council Order #52 Signed by Councilor Hurley Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$6,625.00, as an additional cost to purchase the 2022 International truck from Colwell Diesel of Ellsworth (for a total cost of \$94,125.00). Funding to come from the Public Works Equipment Capital Reserve account # 410-537. (Approved on February 7, 2023)

Council Order #53 Signed by Councilor Hurley Ordered That:

The City Manager and the City Treasurer are authorized to expend up to \$39,000.00 for a 2013 JLG 4WD telescopic 40-50' boom lift for from United Rentals. Funding is to come from the Public Works Purchase of Equipment account # 410-535. (Approved on February 7, 2023)

Council Order #54 Signed by Councilor Mortier Ordered That:

The City Manager and the City Treasurer are authorized to accept the \$43,036.00 from the City of Bangor as reimbursement for Officer Blakely's training. Funding to be placed into the Police Department's Equipment Capital Reserve account #220-537. (Approved on February 7, 2023)

11) Communications

Councilor Bonneville discussed her reasons for abstaining and the sample art installation in Council Chambers.

Councilor Harkness discussed the importance of public input.

Councilor Dean noted that one person can make a difference and the Council is here to listen.

Councilor Hurley noted that he would like to keep wall space available for maps or other visual aids needed during meetings.

12) Open to the Public

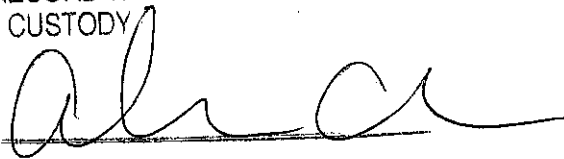
No comments.

13) Adjourn

Councilor Mortier, seconded by Councilor Dean, made a motion to adjourn at 11:26 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