

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Tuesday, January 21, 2025, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

Facebook: <https://www.facebook.com/ellsworthme>

YouTube: <https://www.youtube.com/c/CityofEllsworthMaine>

Spectrum Channel 1303

AGENDA

1. Call to Order. *City Manager Pearce absent*
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - December 16, 2024, Regular Meeting
 - January 7, 2025, Special Meeting

Move to adopt December 16, 2024, T Mote, seconded by T White, passed 6-1 (P Lyons abstained)

Move to adopt January 7, 2025, T Mote, seconded by T White, passed 7-0

5. Presentation of Awards.
 - Mike Harris – 20 years of Service
 - Proclamation of Community Risk Reduction Week, January 20-26, 2025

6. City Manager's Report.

Deputy City Manager announcement – after an extensive search from over 200 applicants and multiple rounds of interviews, we are pleased to announce the appointment of Sara Devlin as Deputy City Manager, effective February 10, 2025. Sara is an Ellsworth resident, who has extensive expertise in community planning, organizational leadership and infrastructure development to support the city's operations and strategic goals. She comes to us from the Bangor Area Comprehensive Transportation System, where she was their Executive Director. She has also had leadership roles with the Maine Turnpike Authority and the Greater Portland Council of Governments.

Heart of Ellsworth – HoE would like to invite the community to their 2025 Annual Meeting on February 5th from 5:30-7pm at 16 State Street. This will be a special celebration as they are celebrating 10 years of revitalizing downtown Ellsworth.

Community Development Block Grant (CDBG) – we are excited to announce the launch of a Façade Improvement Grant Program for downtown businesses and commercial property owners. This is funded through a Community Development Block Grant which offers matching funds to help revitalize building exteriors and enhance downtown. The program offers a 3-to-1 match for private investments with grants up to \$25,000 per project. Applications are due by March 14, 2025, at 12:30pm and will be reviewed by an advisory committee.

Clerk and Tax Office Temporary Relocation – the Clerk and Tax offices will be temporarily relocating to the second-floor auditorium for the month of February while their first-floor space is remodeled. To facilitate the move, these offices will be closed Friday January 31st and will reopen in the temporary location on Monday February 3rd. All services will be fully available during this time and visitors can access the temporary location via the elevator or stairs in the entrance hall.

Organization Funding Requests – a reminder to organizations submitting funding applications, the deadline is Friday February 14, 2025, at 12:30pm. Clear and detailed requests are critical.

Fire and Ice Festival – taking place from January 31 – February 2. This will include a film festival, winter market and a fireworks display. The Grand will host the Banff Film Festival with screenings Friday and Saturday at 7pm and Sunday at 2pm. Woodlawn will host an indoor winter craft & farmer's market on Saturday from 10am to 1pm. On Saturday at 5pm, there will be fireworks launched from the Ellsworth High School softball field.

7. Committee Reports.

J Stein – Recreation Commission met last week and this morning (1/21), public is always welcome. There will be a planning meeting tomorrow morning (1/22) at 10am at the Moore Center to discuss the Fire and Ice event, anyone wishing to get involved is welcome to attend. The Rec Commission also went forward with purchasing a synthetic ice rink. This is a pilot program, they purchased 16x16 foot series of panels which are made for indoor or warm weather skating.

8. Citizen's Comments.

John Linnehan – has spoken at past meetings about his desire to educate voters on the kind of candidates that he believes should be on the City Council. To lower the property taxes, we must have Councilors that vote to reduce spending and limit the size and scope of government. By doing this, he has been told that he is breaking the City Council rules, however he does not interpret what he is doing to be breaking them. If the city and the Council believe that he is in violation, he would like to state that he is violating on purpose for his uninterrupted allotted time. He is going to continue to advocate for some members of the Council to be removed at the next election and the city's rule against politicking and political activities is unconstitutional.

9. Councilor Comments.

J Stein – had a number of people reach out to him regarding the sidewalks not being cleared. The two sidewalk plow scrapers are down and being repaired and will be back up soon.

Mike Harris, Public Works Director – at least two of the machines will be back up and running tomorrow (1/22) so they will be out clearing all the sidewalks and apologies that people were not able to access the sidewalks.

N Smith – this was the second snowstorm of the season that has fallen on a holiday. She would like to note that crews were out Sunday night into Monday, Martin Luther King Day, and we wish that we could time the snowstorms better. She would also like to show her appreciation for the work that they do.

UNFINISHED BUSINESS

CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

NEW BUSINESS

10. Public Hearing and action on the application(s) for renewal for the following license(s):

- ETC LLC d/b/a Dyon's, 35 Eastward Lane, for renewal of a City Class C (Victualer/Liquor) and State Liquor License.
- Sanjeeva Abeyasekera d/b/a Serendib, 2 State Street, for renewal of a City Class C License (Victualer/Liquor) and renewal of a State Restaurant (Class III and IV) Malt and Vinous Liquor License.
- Hancock County Auditorium Assn d/b/a The Grand, 165 Main Street, for renewal of a City Class B License (Victualer, Liquor and Amusement) and renewal of a State Other (Auditorium/Theatre) Class III and IV Malt and Vinous Liquor License.
- Colonial I, LLC d/b/a Colonial Inn, 321 High Street, for renewal of a City Lodging House License.

Move to approve T Mote, seconded by P Lyons, passed 7-0

****New Business****

- Acadia Village Resort Homeowner's Association d/b/a Acadia Village Resort, 50 Resort Way for a new City Lodging License.

Move to approve T Mote, seconded by N Smith, passed 7-0

11. Council Order #012500 Public Hearing and action on amendments to the Ellsworth Public Library Personnel Ordinance.

Sarah Lesko, Library Director – not sure if she should be present, it isn't technically an ordinance, it's approved by the Board of Trustees. They are adding the paid family medical leave and the benefit changes that were added to the city's personnel ordinance in November.

Move to approve as necessary amendments to the Ellsworth Public Library Personnel Agreement to reflect changes made to the City of Ellsworth Code of Ordinances, Chapter 34, Personnel Ordinance, P Lyons, seconded by J Stein, passed 7-0

12. Council Order #012501 Public Hearing and action on the request of the City Planner to authorize the City Manager to sign a Purchase & Sale Agreement with a goal closing date of March 31st, 2025, for the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price of \$185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants.

Matt Williams, City Planner – this is a continuation from the November meeting, when the grant funds were accepted. The Purchase & Sale Agreement has been drafted and reviewed by both the city's attorneys and the sellers attorney. The only due diligence that is left is the title work, and he received the newly written legal description of the property today (1/21), and the lawyers hqave that so they can finish the title work.

Mary Blackstone – would like to congratulate the city and the City Planner for securing the funds for this enhancement of the public forest. It will have a major impact on the quality of our drinking water and the recreational opportunities for the community.

Motion to authorize the City Manager to sign a purchase and sale agreement with a goal closing date of March 31, 2025 for the purchase of 279.1 acres for the Branch Lake Expansion at the purchase price of \$185,000.00 to be paid for through Lands for Maine Future Fund and Land & Water Conservation Fund grants, T Mote, seconded by N Smith, passed 7-0

13. Council Order #012502 Public Hearing and action on the request of the Arbor Commission for amendments to the City of Ellsworth Code of Ordinances, Chapter 43, Tree Ordinance.

Casey Hanson, Arbor Commission – there was a tree ordinance that was adopted in 1991 and is very minimal and that was largely ignored. In the fall of 2023, the Arbor Commission was reassembled and one of the goals was to look at the ordinance and update it and make it more relevant. The new ordinance now has your basic purpose, definitions, defines and clarifies the Tree Warden position, the goals of the commission, permit requirements, specifies that we would follow the American National Standards Institute specification for pruning and shade tree care, the relationship between the tree ordinance and the forest management plan, defines protections for trees on City property and violations.

Councilors had some questions regarding wording in a few sections and made suggestions on how to make it clearer. There was also a question regarding the Land Use Ordinance and if the information in section 7.2 would be better suited for that ordinance instead of the Tree Ordinance. The spirit of the intent of this ordinance is the trees are an important resource and updating it would bring measurable benefits to the city by reducing storm water runoff, improving air quality and supporting biodiversity. Studies have demonstrated that the economic and environmental advantages of protecting and planting trees in urban areas include boosting property values and enhancing public health.

Mike Harris, Public Works Director – his concern is how is this going to affect his crew's ability to do the work that they need to do. At times when they are ditching, trees have to be removed, or they are in the right of way and are blocking side distance and would have to be removed.

The Tree Warden would be working with his department, and would be aware of what is going on so there would be nothing extra and no permits for the things that are done under the purview of the city. The public would also be able to contact the Tree Warden if needed.

Councilor Smith – would like to speak in support of the Arbor Commission and sometimes you have to cut the trees and sometimes they add so much to quality of life in a community. So having this extra step where there is a consideration of does the tree need to be cut down or is there another way to address the issue is good.

Councilor White – thank you for the work on this and would like to further push this update because trees are so important to us here in Ellsworth and in Maine, it is what makes us in her opinion one of the most beautiful places in the world to exist. Without protections for our trees we risk losing all of that and creating more work for our Public Works team, a lot less desirable property values for our homes so we really want to do whatever we can to protect and preserve our trees.

There is currently a member of the Public Works department that is working on his Arborist certification. There is no intention to destroy trees, but in the event that there is a situation where they have a road opening permit they would get some advice on it and at some point a decision has to be made.

After some discussion, there were concerns raised about the permits because the way it reads, it makes it seem like any time there will be cutting that a permit is required but there is no clear description of what the requirements are. There needs to be clearer standards and requirements for the permit process. There were also concerns because of vagueness whether, if the appeal process were to be started, a court would throw the case out because there was not clear guidelines.

The council would like the Arbor Commission to add specific details about the permit requirements and how that decision will be made and what document is referenced. Also, recommendations for a fee structure and maybe an earmark where the fee goes.

Motion to table, P Lyons, seconded by J Stein, passed 6-1 (S O'Halloran opposed)

14. Council Order #012503 Discussion and potential action on the formation of a Comprehensive Water Protection Committee and Ad-Hoc Committee. (Sponsored by Councilor Stein)

This was brought up briefly during the discussion about drinking water. The goal of this committee is to work with and advise the City Planner, local expert organizations and stakeholders, as well as other city departments to develop specific protective ordinances that aim to ensure the protection of our watersheds and drinking water. These changes are to be in line with the 2025 Comprehensive plan, newly ratified by the council. The committee will recommend these changes to the council for review and possible adoption, with the possibility of an additional workshop prior to council action and public hearing. Direction from the council will be needed through the process and instead of lengthy workshops or City Council meetings, communication with this group could be a subcommittee or ad-hoc committee that could report back to the council when necessary. Had thought this could be a working group instead of a committee because it could be staffed with current board and commission members where a committee may or may not need to accept applications.

Matt Williams, City Planner – it was made pretty clear through the comp plan that people don't want development around our lakes. It would be looking at how to improve what Branch Lake has now and how to replicate that for others, like Green Lake and Graham Lake. He thinks that a working group makes sense because there will be a large staff presence and outside stakeholders whereas an ad-hoc committee is usually more just councilors but either option would work. Councilors Stein and Beal will participate and Councilor Lyons would like to be kept in the loop.

15. Adjournment.

Move to adjourn, N Smith, seconded by T White, passed 7-0