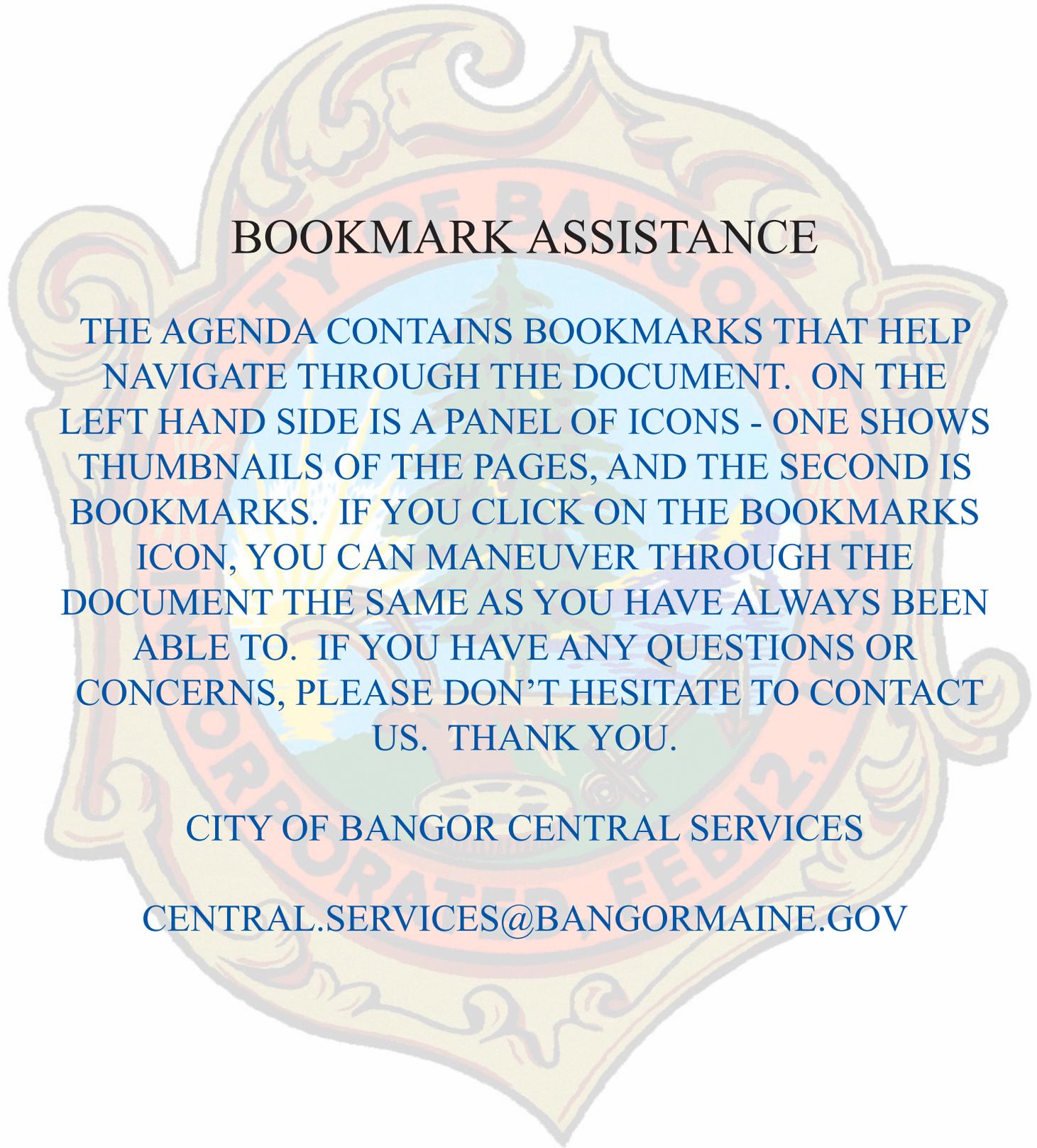


MEDIA
COPY



CITY COUNCIL AGENDA

NOVEMBER 10, 2014



BOOKMARK ASSISTANCE

THE AGENDA CONTAINS BOOKMARKS THAT HELP NAVIGATE THROUGH THE DOCUMENT. ON THE LEFT HAND SIDE IS A PANEL OF ICONS - ONE SHOWS THUMBNAILS OF THE PAGES, AND THE SECOND IS BOOKMARKS. IF YOU CLICK ON THE BOOKMARKS ICON, YOU CAN MANEUVER THROUGH THE DOCUMENT THE SAME AS YOU HAVE ALWAYS BEEN ABLE TO. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE DON'T HESITATE TO CONTACT US. THANK YOU.

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 10, 2014

PLEDGE ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

*Explanatory Note: All items listed in the Consent Agenda are considered routine and are proposed for adoption by the City Council by one motion without discussion or deliberation. If discussion on any item is desired any member of the Council or public may merely request removal of the item to its normal sequence in the regular agenda prior to a motion for passage of the Consent Agenda.

MINUTES OF: Bangor City Council Regular Meeting of October 27, 2014 and Business and Economic Development Committee Meeting of October 7, 2014

LIQUOR LICENSE RENEWALS: **Application for Liquor License Renewal, Malt, Spirituous, Vinous of Allon R. Fish d/b/a BAFS Inc., 61 Florida Avenue** **BLANCHETTE**

Application for Liquor License Renewal, Malt, Vinous of Giacomo's d/b/a Giacomo's, 1 Central Street **BLANCHETTE**

Application for Liquor License Renewal, Malt, Spirituous, Vinous of Spectacular Event Center d/b/a Spectacular Event Center, 395 Griffin Road **BLANCHETTE**

15-002 ORDER **Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 8 Maxwell Lane (Map 69, Lot 50)** **CIVIELLO**

Executive Summary: Sewer liens matured on the property of Laurie Williams of 8 Maxwell Lane, now owned by Lawrence Gagnon. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

15-003 ORDER **Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 308 Pearl Street (Map 52, Lot 127C)** **GRAHAM**

Executive Summary: A sewer lien matured on the property of Michael and Stephanie Burgess located at 308 Pearl Street. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 10, 2014

**REFERRALS TO COMMITTEE AND FIRST READING
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

15-007 RESOLVE **Appropriating a \$42,000 604b Grant Fund for Arctic Brook Assessment & Watershed Management Plan Project (First Reading and Referral to Finance Committee Meeting on November 17, 2014) **PLOURDE****

Executive Summary: In July 2014, the Council authorized application for and acceptance of Federal Section 604b grant funds passed through the Maine Department of Environmental Protection for assessment projects within Arctic Brook. The attached Resolve would appropriate \$42,000 in grants funds for the Arctic Brook Assessment and Watershed Plan project. The primary goal of this project is to assess current stream corridor conditions and watershed sectors in order to produce a hybrid-like Watershed Management Plan for Arctic Brook. Once completed, the City will be able to apply for 319 Grants in order to reduce and/or slow the volume of water making its way to the brook, and the secondary goal is to filter out pollutants that may be carried away with the rain water in this watershed. These grant funds do require a 40% local match, which will be provided by in-kind labor provided by volunteer groups including Bangor AP High School Students, Engineering, and the City’s environmental coordinator. The City has also committed \$8,000 in cash, which is available within the Stormwater Utility budget, in addition to in-kind donated hours.

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-331 ORDINANCE **Amending Schedule IV of Chapter 291, Article III, Sec. 39 of the Code of the City of Bangor – Two Hour Parking – 227 State Street **GRAHAM****

Executive Summary: This ordinance amendment would create three two-hour parking spaces between the State Street Avenue and Newbury Street on the southerly side of State Street. Terry Martini, a business owner at 227 State Street, has requested that three two-hour parking spaces be established on the southerly side of State Street between State Street Avenue and Newbury Street. This item was recommended for approval at the Government Operations Committee meeting on October 20, 2014.

PUBLIC HEARING

14-332 ORDER **Authorizing Issuance of \$150,000 of the City’s General Obligation Bonds and a Tax Levy There For **BLANCHETTE****

Executive Summary: The attached Order would authorize the issuance of \$150,000 in general obligation bonds to fund building improvements at 208 Maine Avenue. This property will house the regional therapeutic day program for children with emotional or behavioral disabilities. This program is primarily for students that have difficulty in a traditional school setting and is currently provided as part of a joint effort with other school units. In May, 2014, the Finance Committee reviewed and recommended the issuance of these bonds. The authorization was to be included with the City’s annual bond order in July 2014, but was inadvertently omitted from that Order. This Order will require a Public Hearing at the November 10, 2014 Council Meeting.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 10, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING:	Application for Liquor License Malt, Spirituous, Vinous of Arista LLC d/b/a Kouzina Mediterranean Grill, 96 Hammond Street	BLANCHETTE
PUBLIC HEARING:	Application for Liquor License Malt of Chipotle Mexican Grill of Colorado LLC d/b/a Chipotle Mexican Grill #2287, 583 Stillwater Avenue	BLANCHETTE
PUBLIC HEARING:	Application for Special Amusement License Renewal of Spectacular Event Center d/b/a Spectacular Event Center, 395 Griffin Road	BLANCHETTE

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 27, 2014

*Meeting called to Order at 7:30 PM
 Chaired by Council Chair Sprague
 Councilors Absent: Blanchette
 Meeting Adjourned at 8:51 PM*

RECOGNITION

Recognized the Work of Good Shepherd Food Bank

Recognized The Contribution Of Annette Sohns Dodd To Public Art In Bangor, Maine

PROCLAMATION

Proclaimed Extra Mile Day In The City Of Bangor

Proclaimed November to be Pancreatic Cancer Awareness Month in the City of Bangor

PUBLIC COMMENT

Geoffrey Gratwick expressed his appreciation for what the Council has done over the last few years and congratulated the outgoing Council members.

Paul LeClair thought there should be a conversation regarding political signs specifically the size and when they could be put out. He felt the signs were not a positive reflection of the city. Mr. LeClair also questioned why Council workshops were not held in the Council Chambers and televised. Council Chair Sprague indicated the sign issue could be taken up at a Government Operations meeting for further discussion. Chairman Sprague stated that three of the Council workshop items were held in the Council Chamber this evening but Executive Sessions could not be held in public.

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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MINUTES OF: *Bangor City Council Regular Meeting of October 15, 2014 and Minutes of Finance Committee Meetings of February 3, 2014, April 22, 2014 and August 25, 2014*

Action: *Accepted and Approved*

**LIQUOR LICENSE
RENEWALS:**

Application for Liquor License Renewal, Malt, Spirituous, Vinous of Fandom Group LLC and AM Entertainment d/b/a Seasons on Main, 427 Main Street

BLANCHETTE

Action: *Approved*

Application for Liquor License Renewal, Malt, Spirituous, Vinous of Bev, Inc. d/b/a Hilton Garden Inn, 250 Haskell Road

BLANCHETTE

Action: *Approved*

Application for Liquor License Renewal, Malt, Spirituous, Vinous of New Fay Da Restaurant Inc. d/b/a Happy China Buffet, 753 Stillwater Avenue

BLANCHETTE

Action: *Approved*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 27, 2014

CONSENT AGENDA ITEM NO.		ASSIGNED TO COUNCILOR
	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Verve, Inc. d/b/a Verve, 91 Main Street</i>	BLANCHETTE
	<i>Action: Approved</i>	
<u>14-322</u>	<u>ORDER</u> <i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 227 Pine Street</i>	GALLANT
	<i>Action: Passed</i>	
<u>14-323</u>	<u>ORDER</u> <i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 6F Street, Birch Hill Estates</i>	BLANCHETTE
	<i>Action: Passed</i>	
<u>14-324</u>	<u>ORDER</u> <i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 96 Kenduskeag Avenue</i>	NEALLEY
	<i>Action: Passed</i>	
<u>14-325</u>	<u>ORDER</u> <i>Authorizing Bid Award in the Amount of \$428,612 to B & B Paving for the Main Street Resurfacing Project</i>	GRAHAM
	<i>Action: Passed</i>	
<u>14-326</u>	<u>ORDER</u> <i>Authorizing the City Manager to Apply for a \$50,000 Assistance to Firefighters Grant for the Replacement of Air Bottles used on Self Contained Breathing Apparatus</i>	BALDACCI
	<i>Action: Passed</i>	
<u>14-327</u>	<u>ORDER</u> <i>Authorizing the City Manager to Execute 12 month Lease Amendments/ Extensions Agreements with Avis, Hertz, Budget, Alamo and National Car Rental Companies - BIA</i>	DURGIN
	<i>Action: Passed</i>	
<u>14-328</u>	<u>ORDER</u> <i>Authorizing an Agreement with General Electric for use of a parking lot at Building No. 487, Polk St. (Map 001, Lot 487)</i>	CIVIELLO
	<i>Action: Passed</i>	
<u>14-329</u>	<u>ORDER</u> <i>Authorizing the Police Department to Transfer Ownership, Responsibility and Liability of Canine Havoc to Officer Kim Donnell</i>	PLOURDE
	<i>Action: Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 27, 2014

REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO COUNCILOR
ITEM NO.			
<u>14-330</u>	<u>ORDINANCE</u>	<i>Amending Schedule I of Chapter 291, Article III, Sec. 38 of the Code of the City of Bangor - No Parking – 375 Mt Hope Avenue</i>	CIVIELLO
	<i>Action:</i>	<i>First Reading and Referral to Government Operations Committee Meeting on November 17, 2014</i>	
<u>14-331</u>	<u>ORDINANCE</u>	<i>Amending Schedule IV of Chapter 291, Article III, Sec. 39 of the Code of the City of Bangor – Two Hour Parking – 227 State Street</i>	GRAHAM
	<i>Action:</i>	<i>First Reading</i>	
<u>14-332</u>	<u>ORDER</u>	<i>Authorizing Issuance of \$150,000 of the City’s General Obligation Bonds and a Tax Levy There For</i>	BLANCHETTE
	<i>Action:</i>	<i>First Reading</i>	
UNFINISHED BUSINESS			ASSIGNED TO COUNCILOR
ITEM NO.			
<u>14-314</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development, of the Code of the City of Bangor – Section 165-103.1 – Technology and Service District (T & S) - Adding Drive-In Businesses</i>	NEALLEY
	<i>Action:</i>	<i>Motion made and seconded for Passage Vote: 8 – 0 Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham, Nealley, Plourde, Sprague Councilors Voting No: None Passed</i>	
<u>14-315</u>	<u>ORDINANCE</u>	<i>Amending the Land Development Code – Zone Change – 164 Longview Drive (Tax Map R69-001-N) from a Shopping and Personal Service District to a General Commercial and Service District</i>	PLOURDE
	<i>Action:</i>	<i>Motion made and seconded for Passage Vote: 8 – 0 Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham, Nealley, Plourde, Sprague Councilors Voting No: None Passed</i>	
<u>14-316</u>	<u>ORDINANCE</u>	<i>Amending Chapter 223, Uninhabitable Buildings, of the Code of the City of Bangor, By Allowing Service of Notice of Placarding By Certified or First-Class Mail</i>	CIVIELLO
	<i>Action:</i>	<i>Motion made and seconded for Passage Vote: 8 – 0 Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham, Nealley, Plourde, Sprague Councilors Voting No: None Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 27, 2014

UNFINISHED BUSINESS		ASSIGNED TO
ITEM NO.		COUNCILOR
<u>14-317</u>	<u>ORDINANCE</u> <i>Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Allowing Existing Nonconforming Mobile Home Parks to be Reconstructed</i>	BALDACCI
	<i>Action: Motion made and seconded for Passage Vote: 8 – 0 Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham, Nealley, Plourde, Sprague Councilors Voting No: None Passed</i>	
<u>14-318</u>	<u>RESOLVE</u> <i>Accepting and appropriating a grant in the amount of \$443,063 from the Federal Aviation Administration and \$24,615 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 65</i>	DURGIN
	<i>Action: Motion made and seconded for Passage Passed</i>	
<u>14-319</u>	<u>RESOLVE</u> <i>Appropriating \$195,350 from Golf Course Reserves for the Purpose of Purchasing Golf Cars</i>	GALLANT
	<i>Action: Motion made and seconded for Passage Passed</i>	
NEW BUSINESS		ASSIGNED TO
ITEM NO.		COUNCILOR
LIQUOR LICENSE (CLASS XI)	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Endwell, LLC d/b/a Paddy Murphy's, 26 Main Street</i>	BALDACCI
	<i>Action: Motion made and seconded for Approval Approved</i>	
PUBLIC HEARING:	<i>Special Amusement License Application of Endwell, LLC d/b/a Paddy Murphy's, 26 Main Street</i>	BALDACCI
	<i>Action: Motion made and seconded to Open Public Hearing Public Hearing Opened Motion made and seconded to Close Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved</i>	
PUBLIC HEARING:	<i>Special Amusement License Application of Fandom Group LLC and AM Entertainment d/b/a Seasons on Main, 427 Main Street</i>	BALDACCI
	<i>Action: Motion made and seconded to Open Public Hearing Public Hearing Opened Motion made and seconded to Close Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 27, 2014

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR	
PUBLIC HEARING:	Special Amusement License Application of Bev, Inc. d/b/a Hilton Garden Inn, 250 Haskell Road	BALDACCI	
	Action: Motion made and seconded to Open Public Hearing Public Hearing Opened Motion made and seconded to Close Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved		
<u>14-333</u>	<u>ORDER</u>	Appointing Nominees to Various Boards, Commissions, and Committees	GRAHAM
	Action: Motion made and seconded for Passage Passed		
<u>14-334</u>	<u>ORDER</u>	Authorizing Grant of \$2,000 to the Downtown Bangor Partnership to Support Downtown Countdown New Year's Eve Event	PLOURDE
	Action: Motion made and seconded for Passage Passed		
<u>14-335</u>	<u>ORDER</u>	Authorizing Grant of \$1,927 to Bangor Ballet to Support the 2014 Production of the Nutcracker	GALLANT
	Action: Motion made and seconded for Passage Council Chair requested a Roll Call vote Councilors Voting Yes: Baldacci, Civiello, Durgin, Graham, Nealley, Plourde, Sprague, Gallant Councilors Voting No: None Passed		

Lisa J. Goodwin, MMC, City Clerk

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, October 7, 2014 5:15 PM

City Council Chambers

Minutes

Councilors Present: Chair Durgin, Councilor Graham, Councilor Plourde, Councilor Civiello, Councilor Baldacci and Councilor Nealley

City Staff Present: Cathy Conlow, Tanya Emery, and Steve Bolduc

Chair Durgin called the meeting to order at 5:15 p.m.

1. Maine Business Enterprise Park Telecommunications Conduit.

Economic Development Officer Steve Bolduc explained that this item is a request for approval of a license agreement with Eastern Maine Healthcare Systems to use a telecommunication conduit system in the Maine Business Enterprise Park. The term would be 25 years with an annual payment of \$1,500 (with a total of \$25,000) and the City will maintain and repair the conduit. Staff recommended that the Committee recommend this to the full Council.

Councilor Civiello asked if other occupants of the business park were paying to use the conduit. Mr. Bolduc indicated that they began using the conduit prior to this lease agreement and Staff is working with those occupants who are tied into the conduit system to secure leases with them, as well.

Councilor Baldacci moved Staff recommendation. Councilor Plourde seconded the motion. The motion was not doubted.

2. Pine Tree Inn RFP.

Steve Bolduc indicated that the Pine Tree Inn was formerly used for housing for military personnel and was deeded to the University of Maine who subsequently deeded it to the City. Presently, the City controls this 25,700 sq. ft. building. Mr. Bolduc discussed with the Committee the building amenities including dimensions and square footage of each floor. Staff recommended that the Committee recommend to the City Council issuance of an RFP for the redevelopment of the Pine Tree Inn located at 22 Cleveland Street.

The Committee discussed the proposed RFP timeline, the RFP process, and the condition of the building.

Councilor Baldacci moved Staff recommendation. The motion was seconded by Councilor Plourde. The motion was not doubted.

The meeting was adjourned at 5:27 p.m.



**CONSENT
AGENDA**

COUNCIL ACTION

Item No. 15-002

Date: November 10, 2014

Item/Subject: Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 8 Maxwell Lane (Map 69, Lot 50).

Responsible Department: Legal

Commentary:

Sewer liens matured on the property of Laurie Williams of 8 Maxwell Lane, now owned by Lawrence Gagnon. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

- Passage**
- First Reading**
- Referral**



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 8 Maxwell Lane (Map 69, Lot 50).

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 12211, Page 305 and Book 12398, Page 31. Said deed shall be directed to Lawrence G. Gagnon in a final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 15-003

Date: November 10, 2014

Item/Subject: Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 308 Pearl Street (Map 52, Lot 127C).

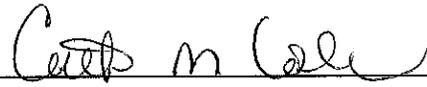
Responsible Department: Legal

Commentary:

A sewer lien matured on the property of Michael and Stephanie Burgess located at 308 Pearl Street. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

- Passage**
- First Reading**
- Referral**



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 308 Pearl Street (Map 52, Lot 127C).

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of an undischarged sewer lien recorded in the Penobscot County Registry of Deeds in Book 12211, Page 160. Said deed shall be directed to Michael J. Burgess and Stephanie L. Burgess in a final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 15-004

Date: November 10, 2014

Item/Subject: Resolve, Ratifying Execution of Municipal Quitclaim Deed – Real Estate Located at 285 Forest Avenue (Map 46 Lot 182).

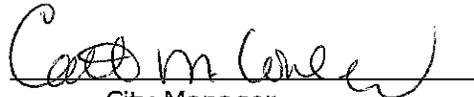
Responsible Department: Legal

Commentary: Sewer liens matured on the property of Catherine and Kenneth Wilson, located at 285 Forest Avenue and now owned by The Bank of New York Mellon. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property.

This Resolve will ratify the staff action.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

- Passage
- First Reading
- Referral

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Resolve, Ratifying Execution of Municipal Quitclaim Deed to The Bank of New York Mellon – 285 Forest Avenue (Map 46 Lot 182).

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

The actions of Deborah Cyr, Finance Director, of executing and delivering a Municipal Quitclaim Deed from the City of Bangor to The Bank of New York Mellon for property at 285 Forest Avenue in Bangor, Maine are hereby ratified and affirmed.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 15-005

Date: November 10, 2014

Item/Subject: **ORDINANCE**, Amending Chapter 291, Vehicles and Traffic, of the Code of the City of Bangor, By Amending Limited Time Parking to Include Ninety Minute Parking

Responsible Department: Legal

Commentary:

This ordinance amendment would bring the Code into line with current practice by amending the Code to include ninety minute parking. Several years ago, a number of downtown parking spaces were changed from one hour parking to ninety minute parking. While the individual spaces were changed in the City's records and signs were changed to reflect the new time limit, no provision for 90 minute parking was added to the Code of Ordinance at that time. This ordinance amendment will codify that change.

Department Head

Manager's Comments:



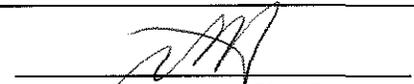
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the B&ED Committee on November 18, 2014

Assigned to Councilor Sprague



CITY OF BANGOR

ORDINANCE, Amending Chapter 291, Vehicles and Traffic, of the Code of the City of Bangor, By Amending Limited Time Parking to Include Ninety Minute Parking

WHEREAS, several years ago a number of downtown parking spaces were changed to allow for 90 minute parking; and

WHEREAS, due to an oversight, no provision for 90 minute parking was added to the Code of Ordinances;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 291 of the Code of the City of Bangor be amended as follows:

§ 291-40. Parking prohibited except for designated uses.

It shall be unlawful and in violation of this article for any person:

...

C. Parking limited to 90 minutes - Schedule XI. To stop, stand or park a vehicle for more than 90 minutes between the hours of 8:00 a.m. and 5:00 p.m., except on Saturdays, Sundays and holidays when such parking may be permitted, on those streets or portions of streets described or specified in Schedule XI.

~~C.D.~~ Parking limited to two hours . . .

~~D.E.~~ Parking limited to four hours . . .

~~E.F.~~ Handicapped parking . . .

Additions are underlined, deletions ~~struck through~~.

COUNCIL ACTION

Item No. 15-006

Date: November 10, 2014

Item/Subject: Resolve, Appropriating a \$150,000 Non-point Source Pollution Grant Fund for Capehart Brook Restoration, Phase II

Responsible Department: Finance

Commentary: In July 2014, the Council authorized application for and acceptance of Federal Section 319 grant funds passed through the Maine Department of Environmental Protection for projects within Capehart stream.

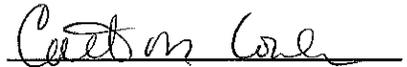
The attached Resolve would appropriate \$150,000 in grants funds for the Capehart Brook Restoration, Phase II. The primary goal of this project is to reduce and/or slow the volume of water making its way to the stream, and the secondary goal is to filter out pollutants that may be carried away with the rain water in this watershed.

These grant funds do require a 40% local match, which will be provided by in-kind labor provided by volunteer groups, Public Works, Engineering, and the City's environmental coordinator.



Department Head

Manager's Comments:



City Manager

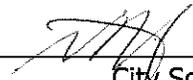
Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral – Finance Committee of 11/17/2014

Page 1 of 1

Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) Resolve, Appropriating a \$150,000 Non-point Source Pollution Grant Fund for Capehart Brook Restoration Phase II

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, THAT:

Non-point Source Pollution Grant funds, through the Maine Department of Environmental Protection, in the amount of \$150,000 are hereby appropriated for Capehart Brook Restoration Phase II projects.

COUNCIL ACTION

Item No. 15-007

Date: November 10, 2014

Item/Subject: Resolve, Appropriating a \$42,000 604b Grant Fund for Arctic Brook Assessment & Watershed Management Plan project.

Responsible Department: Finance

Commentary:

In July 2014, the Council authorized application for and acceptance of Federal Section 604b grant funds passed through the Maine Department of Environmental Protection for assessment projects within Arctic Brook.

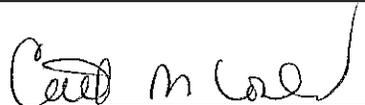
The attached Resolve would appropriate \$42,000 in grants funds for the Arctic Brook Assessment and Watershed Plan project. The primary goal of this project is to assess current stream corridor conditions and watershed sectors in order to produce a hybrid-like Watershed Management Plan for Arctic Brook. Once completed, the City will be able to apply for 319 Grants in order to reduce and/or slow the volume of water making its way to the brook, and the secondary goal is to filter out pollutants that may be carried away with the rain water in this watershed.

These grant funds do require a 40% local match, which will be provided by in-kind labor provided by volunteer groups including Bangor AP High School Students, Engineering, and the City's environmental coordinator. The City has also committed \$8,000 in cash, which is available within the Stormwater Utility budget, in addition to in-kind donated hours.



Department Head

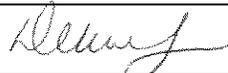
Manager's Comments:



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral – Finance Committee of 11/17/2014

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) Resolve, Appropriating a \$42,000 604b Non-point Source Pollution Grant Fund for Arctic Brook Assessment and Watershed Management Plan.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, THAT:

604b Non-point Source Pollution Grant funds, through the Maine Department of Environmental Protection, in the amount of \$42,000 are hereby appropriated for Arctic Brook Assessment and Watershed Management Plan project.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 14-331

Date: October 27, 2014

Item/Subject: **ORDINANCE**, Amending Schedule IV of Chapter 291, Article III, Sec. 39 of the Code of the City of Bangor – Two Hour Parking – 227 State Street

Responsible Department: Public Works

Commentary:

If approved, this Ordinance would create three two-hour parking spaces between the State Street Avenue and Newbury Street on the southerly side of State Street.

Terry Martini, a business owner at 227 State Street, has requested that three two-hour parking spaces be established on the southerly side of State Street between State Street Avenue and Newbury Street.

This item was recommended for approval at the Government Operations Committee meeting on October 20, 2014.

Department Head

Manager's Comments:

Carol M. Cole
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Graham



CITY OF BANGOR

ORDINANCE, Amending Schedule IV of Chapter 291, Article III, Sec. 39 of the Code of the City of Bangor - Two Hour Parking – 227 State Street

WHEREAS, many patrons of the massage business at 227 State Street have mobility issues and some vehicles occupy available parking spaces near the business for long periods of time; and

WHEREAS, creating three two-hour parking spaces between State Street Avenue and Newbury Street on the southerly side of State Street will provide parking close to the business; and

WHEREAS, other potential means for dealing with this problem have been tried and have proven ineffective;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT:

Chapter 291, Schedule IV of the Code of the City of Bangor is hereby amended as follows:

Schedule	Street	Parking Limitations Reference	Exact Location
...			
IV	State	Two hours	Northerly side of State St commencing at the northwesterly corner of Birch and State Sts and extending westerly along said State St a distance of 300 feet to the northeasterly corner of Maple and State Sts
<u>IV</u>	<u>State</u>	<u>Two hours</u>	<u>Commencing at a point 30 feet easterly of the easterly curbline of State Street Avenue and extending to a point 50 feet westerly of the westerly curbline of Newbury Street on the southerly side of State Street as defined by signs</u>
...			

Additions are underlined, deletions ~~struck through~~.

COUNCIL ACTION

Item No. 14-332

Date: October 27, 2014

Item/Subject: Order, Authorizing Issuance of \$150,000 of the City's General Obligation Bonds and a Tax Levy There For

Responsible Department: Finance

Commentary:

The attached Order would authorize the issuance of \$150,000 in general obligation bonds to fund building improvements at 208 Maine Avenue. This property will house the regional therapeutic day program for children with emotional or behavioral disabilities. This program is primarily for students that have difficulty in a traditional school setting and is currently provided as part of a joint effort with other school units.

In May, 2014, the Finance Committee reviewed and recommended the issuance of these bonds. The authorization was to be included with the City's annual bond order in July 2014, but was inadvertently omitted from that Order.

This Order will require a Public Hearing at the November 10th City Council Meeting



Department Head

Manager's Comments:

The cost of the renovations and the issuance of bonds have been discussed on a number of occasions with the City Council.



City Manager

Associated Information:

Order, Finance Committee Memo

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page of

Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) Order, Authorizing Issuance of \$150,000 of the City's General Obligation Bonds and a Tax Levy There For.

By the City Council of the City of Bangor, be it hereby ORDERED:

THAT pursuant to 30-A M.R.S.A. §5772, Section 13 of Article VI of the City Charter (Private and Special Laws of 1931, Chapter 54 and all amendments thereof and acts additional thereto), and all other authority thereto enabling, and to evidence such loan, there is hereby authorized the issue and sale at one time and from time to time the City's general obligation bonds in like amount to the above authorized loan, not to exceed the aggregate principal amount of One Hundred Fifty Thousand Dollars (\$150,000). The proceeds derived from the sale of said bonds, including premium, if any, and any investment earnings thereon shall be used and are hereby appropriated to pay a portion of the costs (as herein defined) of the Projects.

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Building Renovations – 208 Maine Avenue – Regional School Program	\$150,000	20 years

THAT the estimated weighted period of utility for the property constituting the Projects to be financed with the proceeds of said loan and bonds is hereby determined to be the period of time indicated above for said Projects.

THAT the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the Finance Director with the approval of the Finance Committee.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30 A M.R.S.A. §5772(6), as amended, as shall be determined by the Finance Director with the approval of the Finance Committee.

THAT said bonds shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds

authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing, with the approval of the Finance Committee

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT pursuant to 30 A M.R.S.A. §5772, Section 15 of Article VI of the City Charter and any other authority thereto enabling, the Finance Director, with approval of the Finance Committee is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the deliver of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the Finance Director, with the approval of the Finance Committee.

THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the Finance Director.

THAT the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation, and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and, following completion of construction, for a period not to exceed 3 years from the issue date thereof, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds or notes (including premium), if any, be and hereby are appropriated for the following purposes:

1. To any costs of the Projects in excess of the principal amount of the bonds or notes authorized hereunder;
2. If the bonds or notes are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds.

THAT if the actual cost of any Project differs from the estimated cost set forth herein, the Finance Director is authorized, in her discretion to reallocate proceeds of the Bonds to any other listed Project.

THAT the Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Projects, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, including the entering into of a Loan Agreement with the Bond Bank, as may be necessary or desirable.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT during the term any of the bonds are outstanding, the Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds including the form and manner of their sale and award. The Finance Director is hereby further

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OCTOBER 27, 2014

authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

To: Finance Committee
From: Debbie Cyr
Date: May 22, 2014
RE: School Bonding

As you may recall, the regional therapeutic day program for children with emotional or behavioral disabilities will relocate to Bangor at 208 Maine Avenue this fall. The building requires \$400,000 of improvements in order to accommodate the program and the school department had recommended funding the improvements with a combination of bond and CDBG funding.

Accordingly, Council Order 14-173 was put forth to authorize the issuance of \$250,000 in general obligation bonds to fund building improvements at 208 Maine Avenue. Based on the staff review of the application, it was determined that the entire project fell under Davis Bacon regulations. Moving forward with CDB funding would delay the project beyond the opening of school. Therefore, the school department is requesting to fund the remaining \$150,000 with bonds as well in order to meet their timeline.

The bonds would be for a 10 year period, which mirrors the term of the lease on the property. In addition, all sending school districts will be contributing towards the repayment of this debt.

There are two Committee recommendations being sought. First to make a recommendation as to the authorization of the \$250,000 in bond funding proposed in Council Order 14-173. The second is if the Committee recommends that the \$150,000 in bond funding should be authorized and included in the City's annual capital improvement bond order to be put forth in July of 2014.