

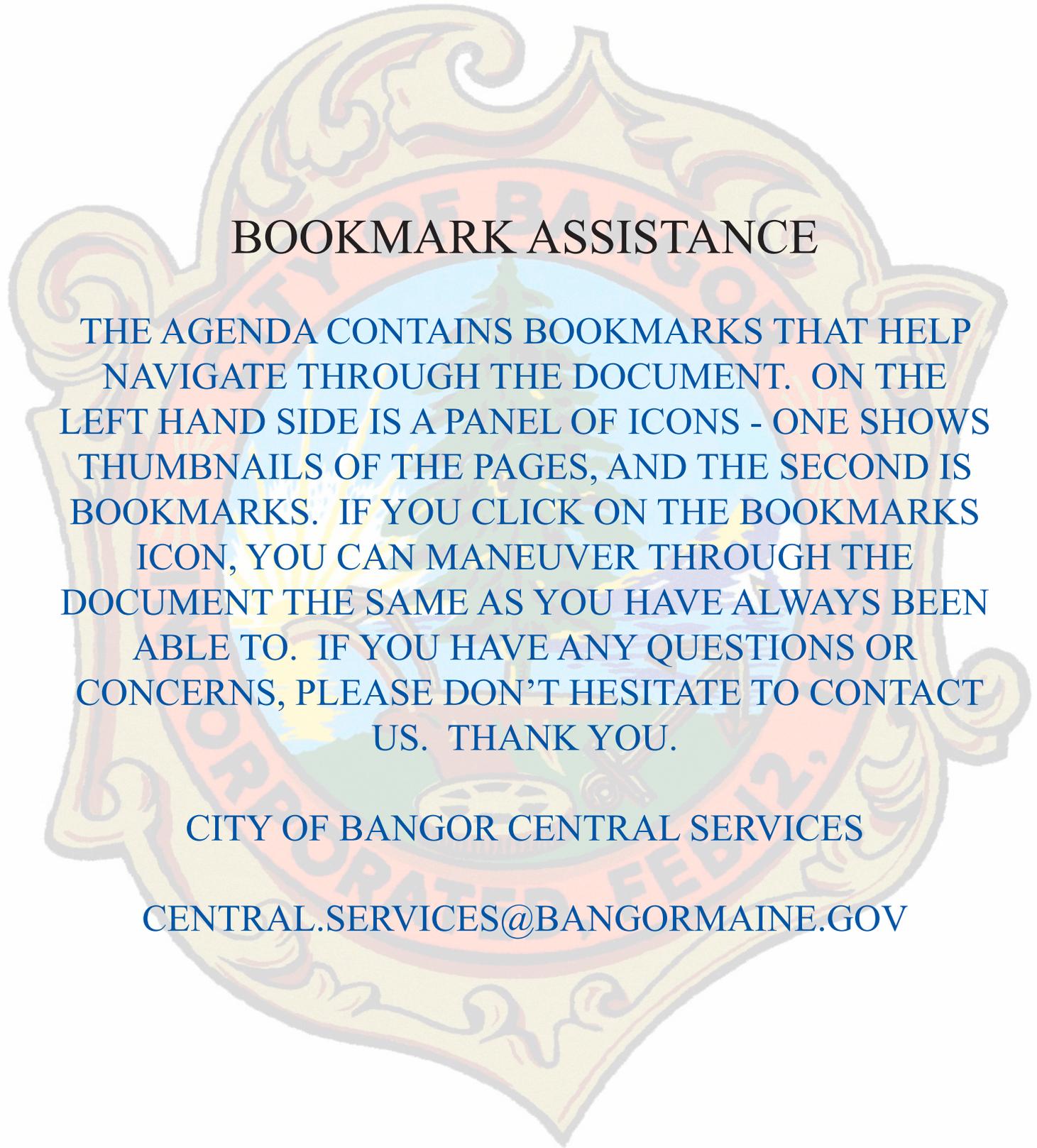
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CITY COUNCIL AGENDA

MARCH 24, 2014





BOOKMARK ASSISTANCE

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CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 24, 2014

PLEDGE ALLEGIANCE TO THE FLAG

Proclamation: Proclaiming April 1, 2014 as National Service Recognition Day

Recognition: Honoring Larry Smith and the Smith Farm of Bangor

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 March 10, 2014, Government Operations Committee Meetings of January 6, 2014 and February 3, 2014, Business and Economic Development Committee Meeting of February 18, 2014, Airport Committee Meeting of February 11, 2014 and Bangor Water District Board of Trustees Meeting of February 18, 2014

Liquor License Renewals:	Liquor License Renewal Application, Malt, Vinous of Capital Pizza Huts Inc. d/b/a Pizza Hut, 49 Bangor Mall Boulevard	BLANCHETTE
	Liquor License Renewal Application, Malt, Vinous of Seven Below Inc. d/b/a Moe's Original BBQ, 650 Broadway	BLANCHETTE
	Liquor License Renewal Application, Malt, Spirituous, Vinous of Magic Wok, Inc. d/b/a New Panda Garden, 123 Franklin Street	BLANCHETTE
	Liquor License Renewal Application, Malt, Spirituous, Vinous of Ichiban, Inc. d/b/a Ichiban, 226 Union Street	BLANCHETTE
	Liquor License Renewal Application, Malt, Spirituous, Vinous of Bangor Ground Round – Odlin Road LLC d/b/a Bangor Ground Round, 248 Odlin Road	BLANCHETTE
<u>14-116</u> <u>ORDER</u>	Authorizing an Amendment to the Lease Agreement with Ntension Corporation at 110 Hildreth St.	DURGIN

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 24, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: Ntension Corporation wishes to continue its lease of manufacturing space in the City of Bangor's building at 110 Hildreth Street, Bangor. Ntension Corporation is a manufacturer of tension fabric structures used primarily in exhibitions and trade shows. The lease is for 22,050 sq. ft. of space and the building is shared with another tenant. The lease amendment would extend the term until June 30, 2014 at a rate of \$4,595 monthly. Basic utilities and maintenance will continue to be provided by the City. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its March 18, 2014 meeting.

14-117 ORDER **Extending Business Development Loan – RC/BH Corporation **NEALLEY****

Executive Summary: This order will authorize a five year extension of a Business Development Loan with RC/BH Corporation. In 1999 the City of Bangor acquired RC/BH Corporation's interest in 77 Railroad Street as part of the riverfront project. The City also financed the relocation of the Commercial Refrigeration business owned by RC/BH Corporation to 739 Odlin Road, Bangor through a loan of \$150,000. The BanAir Corporation also loaned \$50,000 as part of the acquisition financing and has agreed to extend the loan for five years. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its March 18, 2014 meeting.

14-118 ORDER **Authorizing Execution of Agreement with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue **BALDACCI****

Executive Summary: This Order will authorize the City Manager to execute an Agreement with the City of Bangor School Committee for use of property located at 208 Maine Avenue for the purpose of providing a 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 at a facility in Old Town. It is expected that other School Departments that currently participate in the program in Old Town will participate in the program in Bangor.

The Agreement is for a term of 10 years and the School Department will be responsible for running the program and maintaining the building the same as they are for their other properties.

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 24, 2014

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.

ASSIGNED TO COUNCILOR

14-119 ORDINANCE Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Eliminating Nonconforming Quarries from Residential Areas (First Reading and Referral to Business and Economic Development Committee Meeting of April 8, 2014) **DURGIN**

Executive Summary: This Ordinance would prohibit the continued operation of non-conforming quarries in the rural residence and agricultural districts, effective December 31, 2014. The ordinance does allow for less intensive or shorter-term uses, such as filling and grading for construction or removal of soil or loam, would still be allowed. The reason for the change is that many residents expressed concern about the impacts of quarries operations such as noise, blasting, dust and other impacts on the enjoyment of residential properties.

Currently, there is one quarry in operation in the rural residence and agriculture district and a second quarry that has been permitted. According to the owner of the existing quarry, the quarry will run out of material by the end of 2014. A second quarry was recently permitted in a Rural Residence and Agricultural District, but the operator of that quarry has worked with the City to relocate that operation to a zone where the use is permitted. Additionally, they have expressed a willingness to give up the rights to mine that quarry should they be successful in establishing the quarry in permitted zone.

14-120 ORDINANCE Amending Chapter 165, Land Development, of the Code of the City of Bangor – Section 165-95 – Airport Development District (First Reading and Referral to Planning Board Meeting of April 1, 2014) **BALDACCI**

Executive Summary: The proposed amendment would allow public nonprofit schools as a permitted use in the Airport Development District. This amendment will facilitate the School Department's interest in reusing an existing building off Maine Avenue in the Airport Development District.

14-121 RESOLVE Accepting and Appropriating FY 2012 Homeland Security Grant Funds in the amount of \$111,591 from the State Homeland Security Program and the Law Enforcement Terrorism Program (First Reading) **GALLANT**

Executive Summary: The City of Bangor has been notified that it has been awarded grant funding in the amount of \$111,591 from the State Homeland Security Program and the Law Enforcement Terrorism Program. The grant program is designed to improve preparedness and response capabilities for Homeland Security related events in the State of Maine. No matching funds are required. Intended uses for the funds include: Special Teams Support, Mobile Data Terminal Support and training support. This has been reviewed and recommended for approval by the Government Operations Committee on March 17, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 24, 2014

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-110 ORDINANCE Amending the Land Development Code – Zone Change – 1129 and 1139 Stillwater Avenue from a Rural Residence and Agricultural District to a General Commercial and Service District; and 349 Longview Drive from a Shopping and Personal Service District to a General Commercial and Service District **DURGIN**

Executive Summary: The applicant, Cross Realty, LLC, is requesting a zone change for two parcels of land located at 1129 and 1139 Stillwater Avenue from a Rural Residence and Agricultural District to a General Commercial and Service District; and one parcel of land at 349 Longview Drive from a Shopping and Personal Service District to a General Commercial and Service District. These parcels abut the Natural Living Center at the corner of Longview Drive and Stillwater Avenue. General Commercial and Service District (GC&S) is the predominant zone on abutting parcels and is consistent with the Comprehensive Plan’s Zoning Policy. This was reviewed and recommended for approval at the Planning Board meeting of March 18, 2014.

14-111 ORDINANCE Amending Land Development Code – Zone Change – 970 and 974 Kenduskeag Avenue from a Rural Residence and Agricultural District to a Low Density Residential District **PLOURDE**

Executive Summary: The applicants, Sonja Bernier and Galen and Mary Elaine Furge, are requesting a zone change for a portion of two parcels of land located at 970 and 974 Kenduskeag Avenue and containing approximately 1.79 acres from a Rural Residence and Agricultural District to a Low Density Residential District. The applicants are seeking the rezone to reduce the applicable side yard setbacks to accommodate some preexisting development on the lots. Because public sewer and water are available to serve these lots, Low Density Residential is consistent with the City's Comprehensive Plan. This was reviewed and recommended for approval at the Planning Board meeting of March 18, 2014.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-122 ORDER Approving a Request for Subordination of Loan to Bangor Steam Laundry, LLC **CIVIELLO**

Executive Summary: This Order will authorize the approval of a subordination request from Bangor Savings Bank on a Community Development demolition loan that was made to Bangor Steam Laundry, LLC in November 2012. The loan has already resulted in the removal of an environmentally contaminated, blighted building (the former New Franklin Laundry) and yielded substantial public benefit. Subordination will allow Bangor Steam Laundry, LLC to access needed capital to continue to move forward with the project. This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 24, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-123 ORDER **Authorizing Development Agreement with 25-27 Broad Street, LLC for Property at 25-27 Broad Street **GRAHAM****

Executive Summary: 25-27 Broad Street, LLC has acquired a building at 25-27 Broad Street (also known as the Circular Block) in Downtown. The developer will be completely rehabilitating this building and creating a mixed use development with commercial space on the first floor and apartments on the upper floors. This order authorizes a development agreement with 25-27 Broad Street, LLC whereby the City would rebate 75% of the new tax increment revenues paid on 25-27 Broad Street for a period of 5 years. This helps resolve the funding gap and incent the rehabilitation of this long-vacant Downtown building. This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

14-124 ORDER **Approving a Community Development Business Development Loan to C&L Aerospace **BALDACCI****

Executive Summary: This Order will authorize the approval of a Business Development Loan with C&L Aerospace. C&L Aerospace is an aircraft maintenance, repair, and overhaul company operating in Bangor, and they are expanding their existing business with a lease on a property at 40 Wyoming Avenue, in City-owned hangars at Bangor International Airport. They have already significantly grown their business and increased employment from 22 positions to 81 positions. They have asked the City for a loan from the City's Community Development Business Development Loan Program in the amount of \$200,000. This loan will assist with the financing of the expansion by providing capital to make building improvements. The proposed loan will be forgivable provided that C&L will create 20 full time positions, taking them to over 100 positions, with at least 51% of those new positions filled by individuals from low-moderate income backgrounds by the end of the three year term of the loan. This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

14-125 ORDER **Authorizing the City Manager to Execute a Purchase and Sale Agreement for the Purchase of 17 Lincoln Street **NEALLEY****

Executive Summary: This Order will authorize the City Manager to execute a Purchase and Sale Agreement for the purchase of 17 Lincoln Street, currently owned by David Chase and John Geatani, for \$142,500.00 using Community Development Block Grant funds. This acquisition would be a part of the City's ongoing community revitalization efforts. This item was reviewed and approved by the Business & Economic Development Committee at its March 18, 2014 meeting.

14-126 ORDER **Authorizing the City Manager to Execute a Purchase and Sale Agreement with Community Health and Counseling Services for the Purchase of 10 Barker Street **BLANCHETTE****

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 24, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order will authorize the City Manager to execute a Purchase and Sale Agreement for the purchase of 10 Barker Street, currently owned by Community Health and Counseling Services, for \$175,000.00 using Community Development Block Grant funds. Due to the building's condition, staff would move to demolish the building and make it ready for an appropriate redevelopment in the future. This item was reviewed and approved by the Business & Economic Development Committee at its March 4, 2014 meeting.

14-127 ORDER

**Approving a Community Development Business
Development Loan to Dr. Michele Spekhardt, DMD**

BALDACCI

Executive Summary: This Order will authorize the approval of a Business Development Loan to Dr. Michele Spekhardt, DMD. Dr. Spekhardt is expanding her dental practice with construction of a new dental office at 62 Corporate Drive. They have asked the City for a loan from the City's Community Development Business Development Loan Program in the amount of \$30,000. This loan will assist with the financing of the expansion by providing capital to make building improvements. The proposed loan will be forgivable provided that Dr. Spekhardt creates 3 new full time positions, with at least 51% of those new positions filled by individuals from low-moderate income backgrounds, by the end of the three year term of the loan. This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

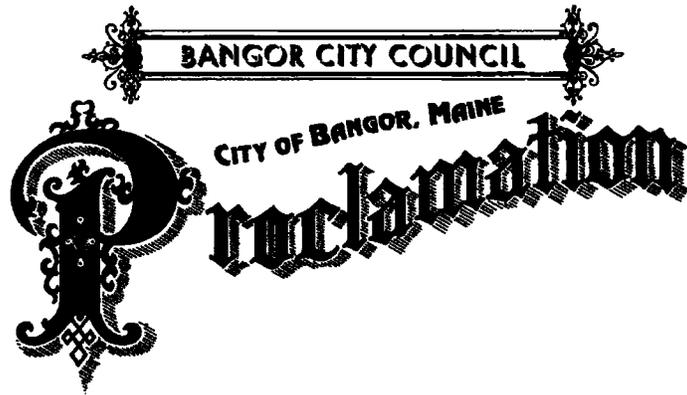
14-128 RESOLVE

**Pledging the City of Bangor's support for the United
Technologies Center's (UTC) proposal for filling a
critical regional and national need for an aviation
maintenance certification program**

DURGIN

Executive Summary: The purpose of this Resolve is to pledge the City of Bangor's support for the United Technologies Center's (UTC) proposal for filling a critical regional and national need for an aviation maintenance certification program through their innovative High School certification program.

UTC, Maine Vocational Region #4, is presently in the process of implementing an Aviation Maintenance Certification school through its adult education and high school programs. UTC's proposal addresses a national shortage in Airframe and Powerplant (A&P) Technicians, through this new training program to provide valuable experience for students. The goal is to train new Technicians for jobs that currently exist, and are projected to increase nationally, for repairing aircraft and other related duties requiring this certification. This program will provide A&P technical certification education, with traditional and hands-on experience that are required by FAA regulations, Part 147. Maine Aero Services, based at the airport, will assist in both teaching the general aviation education training, and the aircraft maintenance certification program. This item was approved at the Airport Committee meeting of March 11, 2014.



PROCLAIMING APRIL 1, 2014 AS NATIONAL SERVICE RECOGNITION DAY

- WHEREAS,** service to others is a hallmark of the American character, and central to how we meet our challenges; and
- WHEREAS,** the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and
- WHEREAS,** national service participants address the most pressing challenges facing our cities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and
- WHEREAS,** national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and
- WHEREAS,** national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and
- WHEREAS,** national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and
- WHEREAS,** national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and
- WHEREAS,** the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 1, 2014.

NOW, THEREFORE, I, Benjamin A. Sprague, Mayor of the City of Bangor, on behalf of the City Council and citizens of Bangor, do hereby proclaim April 1, 2014, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

Given this the 24th day of March, 2014.

Benjamin A. Sprague, Mayor

BANGOR CITY COUNCIL



RECOGNITION HONORING LARRY SMITH AND THE SMITH FARM OF BANGOR

WHEREAS, there is a legacy of dairy farming in Bangor; and

WHEREAS, the traditions of hard work, dedication, and commitment are values this community believes in; and

WHEREAS, these values are represented by Larry Smith and the workers at the Smith Farm in Bangor; and

WHEREAS, Oakhurst has recognized the Smith Farm with several awards, including multiple individual awards for milk quality; and

WHEREAS, Oakhurst has granted the Smith Farm one of just four perfect scores in the state for flawless inspection reports as well as the #2 overall quality award for all Oakhurst farms in Maine.

NOW, THEREFORE, I, Benjamin A. Sprague, Mayor of the City of Bangor, on behalf of the City Council and citizens of Bangor, do hereby recognize and honor Larry Smith and the Smith Farm of Bangor for their years of award winning dairy farming and milk production. The various awards earned by the Smith Farm emphasize the values important to our community including hard work, dedication and commitment, which are all necessary to produce a top quality product.

Given this the 24th day of March, 2014.

Benjamin A. Sprague, Mayor



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MARCH 10, 2014

*Meeting called to Order at 7:30 PM
 Chaired by Council Chair Sprague
 Absent: None
 Adjourned at 8:11 AM*

Proclamation: *Expressing Thanks and Appreciation To The Maine Principals' Association*

PUBLIC COMMENT *None*

**CONSENT AGENDA
 ITEM NO.**

**ASSIGNED TO
 COUNCILOR**

MINUTES OF: *Bangor City Council Regular Meeting of February 24, 2014, Airport Committee Meeting of January 14, 2014, Government Operations Committee Meeting of December 16, 2013 and Business & Economic Development Committee Meeting of February 4, 2014*

Action: *Accepted and Approved*

Liquor License Renewal: *Liquor License Renewal Application, Malt, Spirituous, Vinous of Tuy Hien LLC d/b/a Little Vietnam Restaurant & Bar, 667 Hogan Road* **BALDACCI**

Action: *Approved*

Liquor License Renewal Application, Malt, Spirituous, Vinous of Waterfront Concerts LLC d/b/a Waterfront Concerts, 1 Railroad Street **BALDACCI**

Action: *Approved*

Liquor License Renewal Application, Malt, Spirituous, Vinous of Greenleaf's Bar & Grill Inc. d/b/a Carolina Sports & Spirits, 16 Union Street **BALDACCI**

Action: *Approved*

14-106 ORDER *Authorizing Grant of \$4,000 to the Penobscot Theatre to Support Community Engagement and Education Programs As Part Of Our Town Play* **PLOURDE**

Action: *Passed*

14-107 ORDER *Authorizing Grant of \$2,500 to the Bangor Symphony Orchestra to Support Various Ensemble Performances in Bangor* **NEALLEY**

Brian Hinrichs, Executive Director of the Bangor Symphony Orchestra, thanked the City Council for its support.

Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MARCH 10, 2014

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>14-108</u>	<u>ORDER</u>	<i>Authorizing the City Manager to execute an Agreement with the Town of Hermon for Assessment Services</i>	CIVIELLO
	<i>Action:</i>	<i>Passed</i>	
<u>14-109</u>	<u>ORDER</u>	<i>Accepting the City of Bangor's Comprehensive Annual Financial Report for the Year Ended June 30, 2013</i>	GALLANT
	<i>Action:</i>	<i>Passed</i>	
REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>14-110</u>	<u>ORDINANCE</u>	<i>Amending the Land Development Code – Zone Change – 1129 and 1139 Stillwater Avenue from a Rural Residence and Agricultural District to a General Commercial and Service District; and 349 Longview Drive from a Shopping and Personal Service District to a General Commercial and Service District</i>	DURGIN
	<i>Action:</i>	<i>First Reading and Referral to Planning Board Meeting of March 18, 2014</i>	
<u>14-111</u>	<u>ORDINANCE</u>	<i>Amending Land Development Code – Zone Change – 970 and 974 Kenduskeag Avenue from a Rural Residence and Agricultural District to a Low Density Residential District</i>	PLOURDE
	<i>Action:</i>	<i>First Reading and Referral to Planning Board Meeting of March 18, 2014</i>	
UNFINISHED BUSINESS			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>14-098</u>	<u>RESOLVE</u>	<i>Appropriating \$50,000 from the General Fund's Unassigned Fund Balance for the Purpose of Funding the City's Share of the Local Match for the Small Community Air Service Development Grant</i>	GALLANT
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	
<u>14-099</u>	<u>RESOLVE</u>	<i>Accepting and Appropriating an Additional \$31,362.00 in Funding for the Women, Infants and Children (WIC) Nutrition Program Grant</i>	CIVIELLO
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	
<u>14-100</u>	<u>ORDINANCE</u>	<i>Amending Chapter 265, Solid Waste, of the Code of the City of Bangor, By Adopting Single Stream Recycling</i>	BALDACCI

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MARCH 10, 2014

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Action: *Motion made and seconded for Passage
Vote: 9 – 0
Councilors Voting Yes: Baldacci, Blanchette, Civiello, Durgin,
Gallant, Graham, Nealley, Plourde, Sprague
Councilors Voting No: None
Passed*

14-105 RESOLVE *Pledging the City of Bangor's Support of the Searsport Dredging and Harbor Improvement Plan* **NEALLEY**

Action: *Motion made and seconded for Passage
Motion made and seconded to Amend by Substitution Order 14-105
Amendment Passed
Motion made and seconded for Passage as Amended
Motion Doubted
Vote: 8 – 1
Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham,
Nealley, Plourde, Sprague
Councilors Voting No: Blanchette
Passed*

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**LIQUOR LICENSE
(CLASS XI)** *Liquor License Renewal Application, Malt, Spirituous, Vinous of Sea Dog Ventures, Inc. d/b/a Sea Dog Brewing Co., 26 Front Street* **BALDACCI**

Action: *Motion made and seconded for Approval
Approved*

**LIQUOR LICENSE
(CLASS XI)** *Liquor License Renewal Application, Malt, Spirituous, Vinous of Timka Inc. d/b/a Geaghan's Pub, 570 Main Street* **BALDACCI**

Action: *Motion made and seconded for Approval
Approved*

PUBLIC HEARING: *Liquor License Renewal Application, Malt, Spirituous, Vinous of C & L Asian Restaurant Inc. d/b/a Green Tea, 11 Bangor Mall Boulevard* **BALDACCI**

Action: *Motion made and seconded to Open the Public Hearing
Public Hearing Opened
Motion made and seconded to Close the Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

PUBLIC HEARING: *Special Amusement License Renewal Application of Waterfront Concerts LLC d/b/a Waterfront Concerts, 1 Railroad Street* **BALDACCI**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MARCH 10, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Action: *Motion made and seconded to Open the Public Hearing
Public Hearing Opened
Motion made and seconded to Close the Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

PUBLIC HEARING: *Special Amusement License Renewal Application of Sea Dog Ventures, Inc. d/b/a Sea Dog Brewing Co., 26 Front Street*

BALDACCI

Action: *Motion made and seconded to Open the Public Hearing
Public Hearing Opened
Motion made and seconded to Close the Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

PUBLIC HEARING: *Special Amusement License Renewal Application of Timka Inc. d/b/a Geaghan's Pub, 570 Main Street*

BALDACCI

Action: *Motion made and seconded to Open the Public Hearing
Public Hearing Opened
Motion made and seconded to Close the Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

14-112 ORDER *Directing the City Manager to Take Possession of the Property Located at 30 Katahdin Street*

PLOURDE

Action: *Motion made and seconded for Passage
Passed*

14-113 ORDER *Directing the City Manager to Take Possession of the Property Located at 17 Alden Street*

BLANCHETTE

Action: *Motion made and seconded for Passage
Passed*

14-114 ORDER *Directing the City Manager to Take Possession of the Property Located at 55 Parker Street*

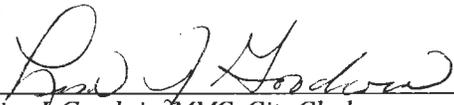
DURGIN

Action: *Motion made and seconded for Passage
Passed*

14-115 ORDER *Directing the City Manager to Take Possession of the Property Located at 26 Stone Street*

GRAHAM

Action: *Motion made and seconded for Passage
Passed*



Lisa J. Goodwin, MMC, City Clerk

Government Operations Committee
Monday, January 6, 2014
5:55PM
City Council Chambers

MINUTES

Council Members: Civiello, Baldacci, Graham, Plourde, Gallant, Durgin

Staff: Conlow, Farrar, Moore, Heitmann, Wardwell, Nicklas

Others: Senator Gratwick, Cary Weston, Greg Louder

1. Resolve opposing LD1483. An Act to promote an Enhance State Policy to Preserve & Promote Existing Methods of waste disposal of Municipal Solid Waste.

City Manager Conlow introduced Greg Louder from MRC. Mr. Louder explained the resolve opposing LD1483. The bill would impact the group about \$1.5 million annually. Also this bill would add more fees on certain disposal items which again would increase expenditures at the municipal level.

Councilor Baldacci is interested in hearing alternatives to this bill before it takes effect in 2018 if passed.

Senator Gratwick spoke in regards to his support of the people of this area and the number of flaws in this bill. He feels we need to think creatively on a model that would work in the future in regards to solid waste disposal.

Councilor Gallant asked why is it that there is a bill created that will cost our taxpayers \$1.5million and then have a discussion about it?

Mr. Louder suggested that this bill has a number of problems with it. As time progresses we will see how this will go as it gets updated, edited, etc.

Councilor Durgin asked if this bill doesn't pass, what is the next option? Mr. Louder stated if this in fact is taken off the table, his sense is there would not be a new legislative initiative related to this until probably this summer. There will be road blocks along the way regardless. It is significant in this region because it forces municipalities to go along with the bill but MRC's position is in opposition to this bill currently.

Resident Cary Weston thanked the Council for meeting about his discussion on behalf of the taxpayers and how fast they pulled the meeting together before it went to the legislature.

Councilor Baldacci moved to accept the resolve as presented, Councilor Gallant seconded, so moved. It will move to full Council for consideration.

2. Review and Discussion of recently enacted State Legislation.

- **An Act to Allow a Municipality to Prohibit a Sex Offender from Residing within 750 feet of a Recreational Facility.**

Committee Chair Civiello requested that this legislation be discussed regarding its impact on Bangor. Staff provided information and answered questions. City Solicitor Norm Heitmann explained what the recreational facilities are included. It is an expansion to the law that is currently in effect.

Councilor Gallant asked if a daycare was included, and it is not.

Councilor Civiello asked Chief Hathaway if our current ordinance has had any issues, etc. Not that they have seen. It seems to be working well.

Councilor Gallant moved to enact an ordinance to add the new statues, Councilor Baldacci seconded, so moved for first reading.

- **An Act to Require Notice to and Input from Municipalities in which certain Group Homes are located.**

City Solicitor Heitmann explained that there is not a particular person that is to be notified when a new group home is going to open. It is only for a facility for acquitted persons found not guilty by reason of insanity. Basically if a group home like this wants to open in Bangor, the municipality needs to be notified beforehand. This protects against one opening up in the City with no ones' knowledge.

3. Proposal to Amend the City Code regarding On-Street Residential Parking for Commercial Vehicles.

This proposal would permit one-ton and smaller vehicles to park on-street in residential districts. Currently, commercial vehicles larger than $\frac{3}{4}$ ton are not permitted to park on street for more than four hours in residential districts.

Asst. City Solicitor Paul Nicklas explained that this ordinance change would allow commercial vehicles to park for the standard allotted time on residential streets.

Councilor Baldacci moved, Councilor Gallant seconded, so voted to recommend the proposed amendment.

Motion to adjourn at 7:00pm.

**Government Operations Committee
Monday, February 3, 2014 at 5:15pm
City Council Chambers**

MINUTES

Council Members: Civiello, Plourde, Baldacci, Gallant, Graham, Blanchette, Durgin, Sprague

Staff: Farrar, Conlow, Heitmann, Nicklas, Hamilton, Hathaway, Fogler

Others: Media

1. Referral, Council Ordinance 14-062, Amending the Code of the City of Bangor Chapter 215, Police Regulations.

This will amend the City's current ordinance to include additional limits on sex offender residents in the vicinity of municipal and state property leased to a non-profit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

City Solicitor Heitmann explained that this would allow more areas that are frequented by children to have the same regulations that the current ordinance has in regards to limits on sex offender residence and their vicinity to these areas.

Councilor Plourde asked if Chief Hathaway had any idea if this would reduce the occurrence of an offense and Hathaway stated that he did not have specific findings but has high hopes that it will.

Councilor Civiello felt that this shows the families in our community that the neighborhood is united and we are working together to keep our communities as safe as we can.

Councilor Baldacci moved, Councilor Gallant seconded, and so recommended for approval to full Council.

2. Proposed Order, Authorizing the City Manager to apply for and accept a \$2,000 grant from the United Way for Emergency Heating Assistance.

The Order would allow the City to apply for and accept a grant to assist Bangor residents who come to General Assistance and have a demonstrated heating emergency, but do not qualify for other forms of assistance. These grant funds, matched by \$2,061 from Bangor's Winter Emergency Fund, would be used through the remainder of the winter season.

Program Manager Fogler stated that the amount asked for has changed to \$1,500 due to the reason that the Winter Emergency Fund had been dipped into due to a fire and displacements.

Councilor Gallant moved, Councilor Baldacci seconded, and so recommended for approval to full Council.

3. Proposed Order, Authorizing the Acceptance and Transfer of Explosive Canine Pele from the Transportation Security Administration to Police Officer Chris Desmond.

Similar to a recent similar acceptance and transfer, this Order would permit the retired Explosive Canine Pele to be transferred to his current handler, Chris Desmond.

Councilor Gallant moved staff recommendation, seconded, and so recommended for approval to full Council.

4. Legislative Update

- **LD 1213**
- **Recap of meeting with Senator Angus King**

Councilor Civiello explained that LD 1213's intent is to provide methadone treatment as an option in smaller, rural areas to help reduce costs and transportation issues. Once the bill is either defeated or goes forward, then the analysts will write a letter to go to the Substance Abuse Service Commission.

City Manager Cathy Conlow stated that she didn't think that the fiscal note was going to be in our favor. We have not seen the language as of yet but we think it has to do with the inner workings of DHHS.

Elizabeth McTaggart was appointed by Senator King's office to deal with this issue from the federal side and is willing to sit down with and help us see this through.

Councilor Civiello wanted to publically thank the 5 Bangor legislators who are helping with this issue.

5. Appointment of Bangor's Local Health Officers

Assistant City Manager Farrar apologized for adding this item late but the City just received a letter today stating that we had to appoint a local health officer. He stated that the recommendation was for Jeremy Martin, Division Director of

Code Enforcement and Patty Hamilton, Interim Public Health Director to be appointed as local health officers.

Councilor Baldacci moved, Councilor Gallant seconded, and so approved to recommend to full Council.

Moved to adjourned at 5:35pm.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, February 18, 2014 5:15 PM

City Council Chambers

Minutes

Committee Members Present: Chair Durgin, Councilor Graham, Councilor Plourde, Councilor Nealley, Councilor Civiello, and Councilor Blanchette

Staff Present: City Solicitor Norm Heitmann, and Tanya Emery, Director of Community and Economic Development, Steve Bolduc, Economic Development Officer, Jeff Wallace, Housing Rehab Coordinator; and Jason Bird, Business and Economic Development Officer

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

CONSENT AGENDA

1. Community Development Residential Rehabilitation Loan – 395 Essex Street

Councilor Nealley moved to approve the Consent Agenda. The motion was seconded by Councilor Blanchette, and it carried unanimously.

REGULAR AGENDA

2. Maine Business Enterprise Park Telecommunications Conduit

Steve Bolduc, Economic Development Officer, explained that when the Maine Business Enterprise Park was created, a telecommunications conduit was installed for use by those who located within the park. Staff has talked with technical companies and has hired a consultant in this field for guidance as to how to manage the conduit. Staff is also working on developing a contract for use of conduit. Once completed, Staff will bring this back to the Committee for review and approval.

As this was informational, no action was required.

3. Parks and Recreation Department Request for Play Structure

Tanya Emery, Director of Community & Economic Development, indicated that the Parks and Recreation Department wants to create a play area for the before and after school program at its facility on Main Street and is seeking approval for CDBG funds. This is an eligible activity for CDBG funding.

Tracy Willette, Director of Parks and Recreation, explained that they have created an area for the children to play behind their facility. This play area would be similar to Coe Park and Williams Park.

Councilor Plourde moved and Councilor Graham seconded the motion to accept Staff recommendation. The motion passed unanimously.

4. Open Space Ordinance.

Chair Durgin indicated that this item was withdrawn.

5. Farmers Market Lease of Abbott Square.

Jason Bird, Business and Economic Development Officer, explained that this is a request to renew the Lease agreement with the Farmer's Market. The new three-year lease will extend their hours of operation from April 1 to November 30, from 9 a.m. to 4 p.m.

Councilor Civiello ask why the Farmer's Market was not being charged a fee and suggested that this should be looked at and a policy be established for all who wish to lease City-owned space.

Councilor Blanchette indicated that not all users of City-owned property are charged fees because the benefit they provide to the citizens outweighs any fees.

Councilors Graham suggested a \$25.00 fee and that the Council review its policy regarding leases.

Councilor Nealley expressed his concern about the expanded hours and committing to a three-year lease.

Councilor Blanchette felt that this was unfair as this has not been discussed with the Farmers Market. She felt that this should also be discussed by the full Council.

Councilor Plourde moved to recommend a lease fee of \$1.00. As there was no second, the motion failed.

Councilor Graham moved to recommend a \$25.00 lease fee. Councilor Plourde seconded the motion. The motion passed 3 to 2.

6. Executive Session – Economic Development – Property Acquisition – 1 M.R.S.A. § 405(6)(C)

Councilor Plourde moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C) at 6:10 p.m. Councilor Nealley seconded the motion. All in favor, motion carried.

It was moved and seconded to exit the Executive Session.

7. Committee Action on Above Item.

Councilor Nealley moved Staff recommendation on Item No. 6. Councilor Plourde seconded the motion. All in favor, motion passed.

8. Executive Session – Economic Development – Property Disposition – Maine Business Enterprise Park – 1 M.R.S.A. § 405(6)(C)

Councilor Plourde moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C) at 6:20 p.m. Councilor Nealley seconded the motion. All in favor, motion carried.

It was moved and seconded to exit the Executive Session.

9. Committee Action on Above Item

It was moved, seconded and unanimously approved to support Staff recommendation.

10. Executive Session – Economic Development – Property Disposition – 1 M.R.S.A. § 405(6)(C)

Councilor Plourde moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C) at 6:20 p.m. Councilor Nealley seconded the motion. All in favor, motion carried.

Meeting adjourned at 6:38 p.m.

Meeting Agenda
City of Bangor Airport Committee Meeting
City Council Chambers 3rd Floor
February 11, 2014

The following City Councilors were in attendance: Nelson Durgin, Joseph Baldacci, Pauline Civiello, David Nealley, Gibran Graham and Pat Blanchette. The following City Staff was also in attendance, Airport Director, Anthony Caruso, Assistant Director, James Canders, Superintendent of Operations Robbie Beaton and Marketing Manager Risteen Bahr.

Agenda:

1. FAA Approved- 5 Year Airport Capital Improvement Plan.

Superintendent of Operations, Robbie Beaton discussed the five year FAA-approved CIP program for Bangor. Each year Airport staff works with the FAA Northeast Region Representatives and the Maine State Department of transportation to develop, review and update out 5 year capital improvement plan (CIP) program. These construction projects involve major enhancements to the airfield infrastructure, airport terminals, and airfield equipment and include projects that improve safety, CIP programs are plans of capital and major maintenance expenses to be incurred over a multi-year period, along with the proposed means for financing the expenditures. In order to remain eligible for, and obtain, airport improvement plan (AIP) funds, an airport must have an approved 5 year airport capital improvement plan. Robbie discussed the AIP 58, 59, 60, 61, 62 and 63 projects for the Fiscal Year 2013-2019.

Questions/Comments

Councilor Nealley asked about the funding if it is at a negative or goes over budget. Superintendent Beaton indicated that we can carry over the funding from one year to the next.

2. Airport Statistics

Marketing Manager Bahr indicated that for the month of January our Passenger count was down by 10%, this was due to several cancellations due to the weather and the realignment of flights. Allegiant flights can be more flexible when weather is a factor, where Delta and US Airways can't be. The monthly totals were down some from January 2013, 30,265 and January 2014 at 27,140. Going back to 2005, the average monthly total is 23,030. The Airline load factors were Allegiant at 87%, Delta at 65% and US Airways at 68%. Market share had some changes from last month, US Airways at 46%, Allegiant at 31%, and Delta at 23%. The fuel sales were also down by 5%. Retail at -22%, DOD up by 6%, Resellers up by 30% and Into Plane down by 18%.

3. Business development:

a. Report on NBAA: Schedulers & Dispatchers conference.

Marketing Manager Bahr reported that this is the National Business Aviation Association conference. This was the 25th annual meeting with 475 Exhibitors and 2,600 registered attendees during the 3 day event. This is one of the business aviation industry's premier events for schedulers, dispatchers and their suppliers. The Schedulers & Dispatcher Conference provides exhibitors the opportunity to meet the individuals who are directly responsible for the scheduling and dispatching of aircraft and procuring services for aircraft operations for flight departments and on demand charter operations throughout the world. This event is designed, and is highly successful at, putting the key decision makers together to allow discussion and focus on the ever-changing trends and opportunities in the business/general aviation. Many of BGR's competitors continue to be aggressive at this event, therefore, it is always valuable to have an opportunity to speak directly with our customers to deliver our continued message of why we are the leader in trans-Atlantic Tech Stops. In addition to general discussions promoting BGR with a number of attendees, important meetings were held with UVAIR, and World Fuel (Resellers) for updates, business development discussions were held with flight departments of Moonjet, NetJets, and the Reseller Mercury. Meetings with our fuel supplier, Irving Oil, were held to discuss potential business opportunities. There were conversations held with media representatives from Professional Pilot and GlobalAir about marketing and advertising opportunities. As always, we receive good feedback from customers who have transited through BGR such as Crown, Wiggins, Starbucks, and Elite just to name a few.

4. Airport advertising program-presentation & update

Marketing Manager Bahr presented a power point presentation of the Airport advertising program. She reviewed the television, radio, internet, print media, social media, testimonial ads, and magazine ads.

Questions/Comments

Councilor Baldacci as what the budget is for advertising. Marketing Manager Bahr indicated that it was \$60,000-\$65,000 for television and the advertising budget was \$300,000.

Councilor Graham asked about advertising for the Canadian market, Bahr indicated that we do social media for them and that is done in house, the advertising for Canada is expensive.

Meeting Adjourned.

**Bangor Water District
Board of Trustees**

**Minutes of the
Annual and Regular Monthly Meeting
Feb. 18, 2014**

The regular and annual meetings of the Bangor Water District Board of Trustees were held at 3:45 p.m. in the Hughes Building, 614 State Street. Present were:

Rick Fournier
Patty Hamilton
Stan Miller
Gerry Palmer
Robert Sypitkowski

being more than a quorum of Trustees (Absent: Trustees Lawler and Wellington). Also in attendance: General Manager Moriarty, District Engineer Pershken, Finance Manager Bailey, and Office Manager Marchegiani. Trustee Miller, in the absence of Trustee Wellington, kept the minutes.

Annual Meeting

Election of Trustee Positions: Following nominations from the floor, it was upon motion being made and duly seconded, unanimously

VOTED: to elect Trustee Hamilton as chair, Trustee Sypitkowski as vice-chair, and Trustee Wellington as clerk.

Appointment of Officers: Following nominations from the floor, it was upon motion being made and duly seconded, unanimously

VOTED: to re-appoint Moriarty as General Manager and Finance Manager Bailey as Treasurer.

Check signing authority: Moriarty explained that the chair typically serves as the third authorized signatory on the District's checking account, to be utilized in the absence of the General Manager or the Finance Manager to sign checks over \$10,000 (two signatures required). Trustee Hamilton will complete the paperwork shortly.

Hearing no further business to come before the annual meeting, it was upon motion being made and duly seconded, unanimously

VOTED: to adjourn the annual meeting, and reconvene the regular monthly meeting at 3:50 p.m.

Regular Monthly Meeting

Minutes: The minutes were accepted as presented.

Treasurer's Report: Bailey presented the Treasurer's Report noting

- Metered water sales were slightly higher than budget for January.
- Collection activity was higher in January, catching up from the holiday lull.
- Claims for payment of health insurance deductibles continue to be low.
- Total operating expenses were slightly lower than budget.

Bailey indicated she would be reviewing various financial reports with the Board over the next few months, both to explain what the report entailed and to receive any formatting suggestions from the Trustees. After a number of questions related to report items, the Treasurer's Report was accepted as presented.

Progress Report: As presented. Additionally, Moriarty reported that

- She had informally attended an informational session in Orono on the current discussion of THM levels in the Orono-Veazie Water District water, but did not participate.
- Staff members will be attending a deposition related to an insurance case on Buck Street.

Public Comment: None

Old Business:

Engineer's Report: Pershken reported on

- Plans for completion of the permanent rechlorination building at Bomarc Standpipe. To date, \$18,600 of the \$27,500 budget has been used – with primarily exterior work remaining.
- Hammond Street quarry. Results of consultant's geotechnical survey indicate that – performed within restrictions – blasting should not impact the standpipe.

Broad Street project: Pershken reviewed the scope of the project which BWD is bidding in conjunction with the City of Bangor, and the bid results which – in spite of negotiations over and changes to the contractor's work – still produced a price tag higher than \$188,430 previously presented to the Board. Pershken described the difficulty of working in the area, the overlap of utilities, the effort to identify all water service connections, and other issues that resulted in a higher-than-estimated price. He recommended proceeding with the project in conjunction with the City as revised, and after review and discussion, it was upon motion being made and duly seconded, unanimously

VOTED: to authorize the General Manager to enter an agreement with Lou Silver Construction for the Broad Street project at a cost of \$201,306, and to include a 10 percent contingency as part of the project.

PUC regulatory reform update: Moriarty reviewed the report related to LD 441: Resolve, Directing the Public Utilities Commission to Develop a Plan to Reform Regulation of Consumer-owned Water Utilities. Moriarty summarized the report with its recommendation to amend Title 35-A to allow exemptions or waivers of complete or partial PUC regulatory oversight. She stated that the PUC could apply exemptions individually or as groups or regions and her concerns of the potential lumping of utilities. The report did not address how PUC assessment fees would be calculated with deregulated utilities no longer paying assessment fees. Moriarty said that Southern Maine Water Regional Water Council—seven utilities serving 25 percent of the State's population – has drafted legislation as an alternative. This legislation would allow voluntary deregulation by water utilities if certain benchmarks—such as financial and technical competency - were demonstrated. Utilities could opt for exemption from parts of PUC regulation, or—under some circumstances—fully deregulate. PUC assessment fees would continue to be paid by deregulated utilities. A petition process could allow customers to overturn the exemption. She asked Board members to review the proposed legislation and background information, and provide comments or concerns to her.

New Business:

Thomas Hill Standpipe lights: Moriarty reminded the Board that the crown lights had been replaced with new wiring, fixtures, and bulbs, and that substantial security lighting had been added to the structure. The District has now assumed payment of the electrical bill from the City of Bangor, and the charges for January—which included the new lighting—was only \$48 higher than the previous year.

Thomas Hill Standpipe cover: Moriarty reminded the Board that a more permanent cover was needed for the top of the tank inside the standpipe's shroud, and that a nylon cover with ventilation ports appeared to be a cost-effective way to protect the water while allowing trapped condensation to escape. As part of the cover project, a safer permanent walkway around the tank's top would be constructed, a safety line would be installed, and the existing tank access at the top of the stairs would be replaced with a permanent dock. Total project cost is estimated at \$35,566. After discussion, it was upon motion being made and duly seconded,

VOTED: to approve staff's recommendation and award the project to Limerick Steeplejacks at an estimated price of \$35,566.

Bomarc Standpipe maintenance: Moriarty said the tank—constructed in 1986—had not been painted since and was showing signs of wear. Work proposed included power washing, touch-up of surfaces as needed, and repair and resealing of the foundation ring. After discussion, it was upon motion being made and duly seconded, unanimously

VOTED: to approve staff's recommendation and award the project to Limerick Steeplejacks in the amount of \$35,500.

2013 Consumption: Moriarty briefly reviewed the top water consumers, and the nationwide wide trend to lower water consumption. In Bangor, residential consumption declined by 1.8 percent in 2013 while the number of residential accounts declined by only 0.7 percent.

Commitment of bills for collection: To facilitate in collection of unpaid bills including liens, it was, upon motion being made and duly seconded, unanimously:

VOTED: to certify and commit to the Treasurer of BWD a list of water rates established by BWD and approved by the MPUC for locations required by local and State law to pay a water rate to the District, **for the period from February 28, 2014 to February 28, 2015**, and as reflected in the District's billing register for the same period. The Treasurer is hereby required and authorized to collect the amounts listed and interest as approved annually by the Board by any means legally available under law.

AWWA conference: Moriarty said this year's conference is in Boston, and asked Trustees interested in attending to contact her within a week.

Board correspondence: as presented.

Hearing no further business to come before the meeting, it was upon motion being made and duly seconded, unanimously

VOTED: to adjourn at 5:58 p.m.

Stan Miller, clerk pro tem

Rick Fournier

Patty Hamilton

Gerry Palmer

Robert Sypitkowski

COUNCIL ACTION

Item No. 14-116

Date: March 24, 2014

Item/Subject: ORDER, Authorizing an Amendment to the Lease Agreement with Ntension Corporation at 110 Hildreth St.

Responsible Department: Community & Economic Development

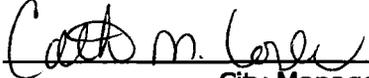
Commentary: Ntension Corporation wishes to continue its lease of manufacturing space in the City of Bangor's building at 110 Hildreth Street, Bangor. Ntension Corporation is a manufacturer of tension fabric structures used primarily in exhibitions and trade shows. The lease is for 22,050 sq. ft. of space and the building is shared with another tenant.

The lease amendment would extend the term until June 30, 2014 at a rate of \$4,595 monthly. Basic utilities and maintenance will continue to be provided by the City.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its March 18, 2014 meeting.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

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Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) ORDER, Authorizing an Amendment to the Lease Agreement with Ntension Corporation at 110 Hildreth St.

WHEREAS, the parties agreed to a lease agreement dated February 11, 2013; and

WHEREAS, the parties wish to amend the lease agreement to extend the term.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT,

the City Manager is hereby authorized to execute an Amendment to the Indenture of Lease with Ntension Corporation to lease 22,050 sq. ft. in the building at 110 Hildreth Street and extend the term from January 1, 2014 until June 30, 2014 at a rate of \$4,595 monthly. Basic utilities and maintenance will be provided by the City. The lease agreement will be substantially with these terms and conditions, and in a final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-117

Date: March 24, 2014

Item/Subject: ORDER, Extending Business Development Loan – RC/BH Corporation

Responsible Department: Community & Economic Development

Commentary: This order will authorize a five year extension of a Business Development Loan with RC/BH Corporation. In 1999 the City of Bangor acquired RC/BH Corporation's interest in 77 Railroad Street as part of the riverfront project. The City also financed the relocation of the Commercial Refrigeration business owned by RC/BH Corporation to 739 Odlin Road, Bangor through a loan of \$150,000. The BanAir Corporation also loaned \$50,000 as part of the acquisition financing and has agreed to extend the loan for five years.

During the past 15 years RC/BH Corporation has been making monthly payments of \$1,231.42 to the Economic Development Fund and \$410.57 to the BanAir Corporation based on an amortization schedule of 20 years. A balloon payment is scheduled for April 1, 2014. RC/BH Corporation is current in its loan payments and has made them on time.

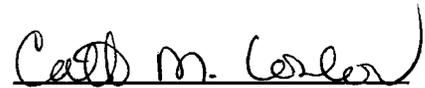
RC/BH Corporation is requesting to extend the term of the loan with the City of Bangor for five (5) years under the same terms and conditions.

1. LOAN BALANCE REMAINING: As of April 1, 2014, \$65,961.61
2. RATE: 7.75% fixed for the term of the loan.
3. COLLATERAL: First lien on real estate and fixtures located at 739 Odlin Rd., Bangor. The lien is shared pro-rata with the BanAir Corporation.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its March 18, 2014 meeting.

Department Head

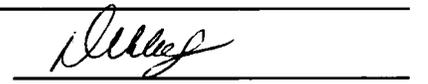
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) ORDER, Extending Business Development Loan – RC/BH Corporation

WHEREAS, the Bangor City Council by passage of Council Order 09-140 on March 22, 1999 approved a Business Development Loan dated April 5, 1999 between the City of Bangor and RC/BH Corporation in the amount of \$150,000; and

WHEREAS, by Council Orders 04-82 and 09-115 the Bangor City Council extended the loan with RC/BH Corporation; and

WHEREAS, RC/BH Corporation has requested that the term of the loan be extended for an additional five (5) years:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

the City Manager is hereby authorized, on behalf of the City of Bangor, to execute an extension of the Business Development Loan with the RC/BH Corporation in a form approved by the City Solicitor or Assistant City Solicitor. The extension will be for five (5) years and all other terms and conditions of the Promissary Note and Agreement and Mortgage Deed will remain unchanged.

COUNCIL ACTION

Item No. 14-118

Date: March 24, 2014

Item/Subject: ORDER, Authorizing Execution of Agreement with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue

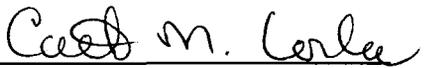
Responsible Department: Legal

Commentary: This Order will authorize the City Manager to execute an Agreement with the City of Bangor School Committee for use of property located at 208 Maine Avenue for the purpose of providing a 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 at a facility in Old Town. It is expected that other School Departments that currently participate in the program in Old Town will participate in the program in Bangor.

The Agreement is for a term of 10 years and the School Department will be responsible for running the program and maintaining the building the same as they are for their other properties.

Department Head

Manager's Comments:



City Manager

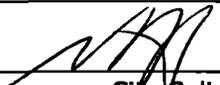
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Agreement with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue

WHEREAS, the City of Bangor School Department provides a therapeutic day program for children who have emotional or behavioral disabilities which impact their ability to be educated in a traditional school environment; and

WHEREAS, currently said services for Bangor students are provided as part of a joint effort with other school units at a facility in Old Town; and

WHEREAS, it is in the best interest of the City of Bangor and the School department to consider alternatives to its current arrangement for the education of children who are in need of a therapeutic day program; and

WHEREAS, the City of Bangor is the owner of the building and land located at 208 Maine Avenue, Bangor, Maine; and

WHEREAS, the building and land at 208 Maine Avenue is suitable for the School Department's program for children who are in need of a therapeutic day program; and

WHEREAS, it is in the best interest of the City of Bangor and the Bangor School Department for the property located at 208 Maine Avenue to be used for its therapeutic day program and to provide that other school department may continue their joint effort with the City of Bangor for the education of their students in need of such a program at this location.

By the City Council of the City of Bangor:

ORDERED,

THAT Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor, to execute and Agreement with the City of Bangor School Committee for use of the building and land located at 208 Maine Avenue. Said Agreement shall be substantially the same form as attached hereto and in a final form as approved by the City Solicitor.

AGREEMENT

THIS AGREEMENT, executed this ____ day of _____, 2014, by and between:

CITY OF BANGOR, a Maine municipal corporation with offices at 73 Harlow Street, Bangor, Maine;

AND

BANGOR SCHOOL DEPARTMENT, a Department of the City of Bangor with a mailing address of 73 Harlow Street, Maine

RECITALS:

The City of Bangor or is the owner of land and a building located at 208 Maine Avenue, Bangor, Maine; and the Bangor School Department wishes to use the land and building for the operation of a special education and related services day treatment facility.

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I - PREMISES

A. The City of Bangor, for and in consideration of the obligations to be performed by the Bangor School Department, agrees that the Bangor School Department, upon and subject to the terms and conditions of this Agreement, may use the following described premises in its present physical condition:

Land, building and improvements located at 208 Maine Avenue, Bangor, Maine, further described in Exhibit "A" to this Agreement (the "Premises").

B. That portion of the premises that consists of an existing parking lot may be amended at the sole discretion of the City of Bangor to remove the existing parking lot from the premises, provided that the City of Bangor shall make available additional land to the premises in order for the Bangor School Department to construct, at its expense, a parking lot.

ARTICLE II - TERM

A. The initial term of this Agreement shall be 10 years commencing on the earlier of August 1, 2014 or Bangor School Department's opening for special education services in the Premises (the "Commencement Date") and terminating on July 31, 2024. The Bangor School Department can occupy the Premises as of March 25, 2014 for the

purpose of preparing the property for the use provided in this Agreement. Any occupancy shall be subject to all terms of this Agreement

B. This Agreement shall be contingent upon the Bangor School Department's final approval of an inter-local agreement for the provision of special education services, to be known as the Southern Penobscot Regional Program for Children with Exceptionalities or any comparable inter-local agreement, and an affirmative vote to accept assignment of this Agreement by the Board of Directors created by the inter-local agreement.

C. Not less than 180 days of the end of the term of this Agreement the Bangor School Department shall notify the City of Bangor if it wishes to continue to use the premises for the operation of a special education and related services day treatment facility. In such event, the parties shall discuss the terms and conditions of an Agreement for the continued use of the premises, though neither party is obligated to enter into another Agreement.

ARTICLE III - ANNUAL RENTAL

The rent to be paid by the Bangor School Department to the City of Bangor during the term shall be \$0.00 (zero dollars) annually.

ARTICLE IV - USE, OCCUPANCY AND ALTERATIONS TO PREMISES

A. The Bangor School Department shall use, occupy and maintain the premises in a reasonably businesslike, careful, clean, and reasonably safe manner for the purposes of a special education center, including without limitation, the operation of an Inter-Local Agreement with other school administrative units.

B. The Bangor School Department shall use, occupy or maintain the Premises in compliance with all Legal Requirements.

C. The Bangor School Department shall have the right to make alterations and improvements to the Premises as it may choose, subject to the prior written approval of the City Manager or his/her designee, as described below, and provided that such alterations, additions and improvements do not weaken the structural integrity or require major changes to the mechanical systems of the Building, and further provided that any such work shall be done entirely at the Bangor School Department's own expense. It shall be the responsibility of the Bangor School Department and any assignee under Article XVI to pay for any alterations and improvement to the Premises. Any alterations or improvements shall be considered to be part of the Premises and shall become the property of City of Bangor.

D. Within thirty (30) days following submission of the Bangor School Department's plans and specifications for proposed alterations and improvements, the City of Bangor shall notify the Bangor School Department whether the City of Bangor agrees or disagrees that the plans and specifications comply with applicable Legal Requirements, or whether the City of Bangor approves or disapproves of the portions of

the plans and specifications covering structural or mechanical changes to the Agreement Premises.

E. The Bangor School Department shall have the right to erect signs on the Premises, provided that such signs comply with the City's Sign Ordinance.

F. The City of Bangor, through its agents, shall have at all reasonable times the right, upon reasonable notification to the Bangor School Department, to go on and inspect the Premises with an authorized representative of the Bangor School Department, including the right of access to utility systems located on the Premises for the purpose of inspection. For purposes of this paragraph, "reasonable notification" shall include any actual notification to the Bangor School Department not less than 5 business days prior to the date of inspection. "Reasonable times" shall mean any time during Bangor School Department's regular business hours.

ARTICLE V - HAZARDOUS WASTE

A. Except in compliance with Legal Requirements, the Bangor School Department shall not permanently place, cause to be placed, deposit or discharge any hazardous waste upon the Premises.

B. The Bangor School Department shall not, during the term, violate any Laws or Regulations pertaining to hazardous waste or hazardous material.

C. For the purposes of this paragraph, the term "hazardous waste" shall be deemed to include every substance now or hereafter designated as a hazardous waste under Legal Requirements.

ARTICLE VI - LIABILITY AND PROPERTY DAMAGE INSURANCE

A. The City of Bangor during the Term shall maintain the same insurance coverage that it currently has on other buildings under the control and operation of the Bangor School Department.

ARTICLE VII - DAMAGE BY FIRE OR OTHER CASUALTY; EMINENT DOMAIN

A. If the Premises are damaged by fire, explosion or any other casualty to an extent which materially affects the Bangor School Department's operation of the Premises the Bangor School Department may, at its sole expense repair the damage.

C. This Agreement shall terminate on the date on which a condemning authority shall have the right of possession of the Premises pursuant to the taking of, or damage to, property as a result of the exercise of a power of eminent domain or purchase under threat of the exercise.

ARTICLE VIII - NONDISCRIMINATION

The Bangor School Department agrees that: (1) no person or group of persons on the grounds of race, color, age, sex, handicap, or national origin, or in any other manner prohibited by law, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the Bangor School Department's use or occupancy of said Premises; and (2) in the construction of all improvements, buildings, structures, on, over or under such land and the furnishing of services thereon, no person or group of persons on the grounds of race, color, age, sex, handicap, or national origin or in any other manner prohibited by law, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to unlawful discrimination in the Bangor School Department's use or occupancy of the Premises. In the event of breach of any of the above nondiscrimination covenants, the City of Bangor shall have the right, after failure of the Bangor School Department to rectify such breach within 30 days after receipt of notice from the City of Bangor, to terminate this Agreement. Provided, however, that the City of Bangor shall not have the right to terminate the Agreement under this Article with respect to any complaint of discrimination which is pending final resolution or adjudication before any agency or court of the State of Maine or the United States.

ARTICLE IX - COVENANT OF QUIET ENJOYMENT

The Bangor School Department, subject to the terms and provisions of this Agreement on payment of the rent, and observing, keeping and performing all the terms and provisions of this Agreement on its part to be observed, kept and performed, shall lawfully, peaceably and quietly have, hold, occupy and enjoy the Premises during the Term without hindrance or rejection.

ARTICLE X - LIENS

The City of Bangor and the Bangor School Department agree that each will promptly discharge, either by payment or by filing of the necessary bond or otherwise, any mechanics', materialmen's or other liens against the Premises, or against any buildings, structures or improvements located thereon, which liens may arise out of any payment due for labor, services, materials, supplies or equipment which may have been furnished to or for the City of Bangor or the Bangor School Department, respectively.

ARTICLE XI - MAINTENANCE AND REPAIRS

A. The Bangor School Department shall, at its sole expense and cost, throughout the Term or any extension, keep and maintain the following in the Premises: all fixtures, including electrical, plumbing and heating, doors, windows, floor and floor coverings, ceilings, interior walls, and interior and exterior paint surfaces in good order and repair, the Building's major structural components: roof, structural walls, foundation, operating systems, including heating, plumbing, electrical systems, and oil tank, in good order and repair, and in tenantable condition, damage by accidental fire and casualty and reasonable wear and tear, as defined in this Article, excepted. The Bangor School

Department will also be responsible for cleaning of the Premises, snowplowing, ordinary parking lot maintenance, grounds landscaping, and rubbish removal.

B. The phrase "reasonable wear and tear" as used in Paragraphs A and B of this Article as an exception to the obligations of the parties shall not be construed to relieve the parties of their responsibility for providing repairs of a routine and regular nature which may from time to time be necessary within their respective areas of responsibility, nor of the obligation to provide maintenance to the Premises of a nature and degree ordinarily sufficient to prevent damage, breakdown, failures, malfunctions or disrepair.

ARTICLE XII - UTILITIES

The Bangor School Department shall pay the cost of all utilities furnished and consumed on the Premises, including electricity, gas, fuel oil, water, sewer user fees, and storm water utility fees. The Bangor School Department accepts all utility fixtures as they now exist.

ARTICLE XIII - REMOVAL OF PROPERTY

A. Ownership of permanent improvements to the Premises, which may from time to time be made by the Bangor School Department that are affixed to the property and are an integral part of the operating systems of the structure, as opposed to movable personal property, shall automatically vest in the City of Bangor as a consideration of the Agreement and rental schedule.

B. Any movable personal property, including, without limitation, furniture, trade fixtures, switch boxes, routers and computer racks, except that property owned by the City, that may be located, erected or installed on the Premises by the Bangor School Department from time to time during the Term shall remain the property of the Bangor School Department, and, upon termination or expiration of this Agreement, The Bangor School Department shall have the right to remove the same from the Premises within 30 days of said termination. Any such property not so removed within 30 days from the date of termination, shall become the property of the City of Bangor to be disposed of in such way as the City of Bangor may deem fit. In the event the Bangor School Department elects to remove said non-permanent improvements and other personal property, the Premises shall be returned as nearly as possible to their original condition existing at the commencement of this Agreement, damage by accidental fire and casualty and reasonable wear and tear excepted.

ARTICLE XIV - SURRENDER OF POSSESSION

Subject to the provisions contained in Article XV, the Bangor School Department shall, upon the termination of this Agreement, surrender the quiet and peaceable possession of the Premises.

ARTICLE XV - DEFAULT AND REMEDIES

A. It is covenanted and agreed that:

1. If the Bangor School Department shall neglect or fail to pay charges payable under this Agreement and such default shall continue for a period of 10 days after written notice by The City of Bangor ; or
2. If The Bangor School Department shall neglect or fail to perform or observe any of the other covenants, terms, provisions, or conditions on its part to be performed, or observed, and such neglect or failure shall continue for a period of 30 days after written notice by The City of Bangor , or if such covenants, terms, provisions or conditions cannot be performed or observed within said 30 day period, if the Bangor School Department fails to diligently prosecute the curing of such neglect or failure.
3. If the Bangor School Department ceases the use of the Premises the purposes of a special education center, including without limitation, the operation of an Inter-Local Agreement with other school administrative units

THEN, IN ANY OF SAID CASES OUTLINED ABOVE (notwithstanding any license of any former breach of covenant or waiver or consent in a former instance), the Bangor School Department may be considered in default, and the City of Bangor lawfully may, immediately or at any time thereafter, and without demand or notice, enter into and upon the Premises, and repossess the same as of the City of Bangor 's former estate, and expel the Bangor School Department and those claiming through or under it and remove its or their effects (forcibly if necessary) without being deemed guilty of any manner of trespass.

ARTICLE XVI - ASSIGNMENT, SALE AND SUBLETTING

The Bangor School Department shall not at any time assign, sell, convey or transfer this Agreement or any interest in this Agreement, or subagreement or sublet or rent the Premises, or any part. Provided that, however, if The Bangor School Department finalizes an Inter-local Agreement with other school administrative units or regional school units for the provision of special education services at the Agreement Premises, to be known as the Southern Penobscot Regional Program for Children with Exceptionalities (the "Program") or any other comparable inter-local agreement, the City of Bangor consents to assignment of this Agreement for the purpose of meeting the terms of any such Inter-local Agreement.

ARTICLE XVII - AUTHORITY TO ENTER INTO AGREEMENT

The City of Bangor hereby represents and warrants that it has taken all necessary procedural and legal steps as required by federal, state and local legal requirements for the purpose of authorizing the execution of this Agreement and that execution of this Agreement by the City of Bangor City Manager renders this Agreement a valid and binding document on the part of the City of Bangor and that the same is fully enforceable in all of its terms and conditions by the Bangor School Department.

The Bangor School Department hereby represents and warrants that it has taken all necessary procedural and legal steps as required under all state, local and federal legal requirements, and all necessary action to authorize the execution of this Agreement by its undersigned Superintendent, and that upon such execution this Agreement is a valid and binding document on the part of the Bangor School Department and is fully enforceable in all of its terms and conditions by the City of Bangor.

ARTICLE XVIII- WAIVER

Failure on the part of either party to complain of any action or nonaction on the part of the other party, no matter how long the same may continue, shall not be deemed to be a waiver by the complaining party of any of the complaining party's rights. Further, it is covenanted and agreed that no waiver at any time of any of the provisions of this Agreement by either party, shall be construed as a waiver of any other provisions of this Agreement, and that a waiver at any time of any of the provisions of this Agreement shall not be construed at any subsequent time as a waiver of the same provisions. The approval by one party of any action by the other party requiring the approving party's consent or approval shall not be deemed to waive or render unnecessary the approving party's consent or approval of any subsequent similar act by the other party. Any waiver by a party must be in writing and signed by the party to be charged.

ARTICLE XIX - NOTICES

Notices to The City of Bangor are to be delivered by hand or certified mail, return receipt requested, postage prepaid, addressed to:

City Manager
City of Bangor
City Hall
73 Harlow Street
Bangor, Maine 04401

with a copy to City Solicitor, 73 Harlow St., Bangor, Maine 04401.

Notices to The Bangor School Department are to be delivered by hand or certified mail, return receipt requested, postage prepaid, addressed to:

Superintendent of Schools
Bangor School Department
City Hall
73 Harlow Street
Bangor, Maine 04401

with a copy to Brann & Isaacson, 184 Main Street, P.O. Box 3070, Lewiston, Maine 04243-3070,

or to such other respective addresses as the parties may designate to each other in writing from time to time. Notice shall be effective on the date of receipt or refusal.

ARTICLE XX - INVALIDITY OF PARTICULAR PROVISIONS

If any term or provision of this Agreement or the application of a term or provision to any person or circumstances is determined to be to any extent invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected and the remaining terms and provisions of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

ARTICLE XXI - CONSTRUCTION

The headings appearing in the Agreement are intended for convenience and reference only, and not to be considered in construing this Agreement.

ARTICLE XXII - GOVERNING LAW

This Agreement shall be governed by Maine law.

ARTICLE XXIII - MEMORANDUM OF AGREEMENT

The parties agree not to record this Agreement.

ARTICLE XXIV - AMENDMENT TO AGREEMENT

This Agreement contains all the terms and conditions between the parties and no alteration, amendment or addition shall be valid unless in writing and signed by both parties.

ARTICLE XXV - MISCELLANEOUS

A. A provision of this Agreement which requires a party to perform an action shall be construed so as to require the party to perform the action or to cause the action to be performed. A provision of this Agreement which prohibits a party from performing an action shall be construed so as to prohibit the party from performing the action or permitting others to perform the action.

B. The singular includes the plural, and the plural includes the singular.

C. Unless expressly provided in this Agreement, no consent or approval shall be unreasonably delayed, withheld or conditioned.

D. This Agreement may be executed in counterparts, and each counterpart shall constitute an original document. The execution date of this Agreement shall be the date of execution by both parties if they have each executed this Agreement on the same

date; otherwise, the execution date shall be the date of execution by the party last executing this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year written above.

Witness:

CITY OF BANGOR

By: Catherine M. Conlow
Its: City Manager

Witness:

BANGOR SCHOOL DEPARTMENT

By: Betsy M. Webb, Ed.D.
Its: Superintendent

EXHIBIT "A"

14-118



Date:

By:



N

Feet



www.bangormaine.gov

0 25 50 100 150 200

1 in = 100 ft



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 14-119

Date: March 24, 2014

Item/Subject: **ORDINANCE**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Eliminating Nonconforming Quarries from Residential Areas

Responsible Department: Planning

Commentary: If approved, this Ordinance would prohibit the continued operation of non-conforming quarries in the rural residence and agricultural districts, effective December 31, 2014. The ordinance does allow for less intensive or shorter-term uses, such as filling and grading for construction or removal of soil or loam, would still be allowed. The reason for the change is that many residents expressed concern about the impacts of quarries operations such as noise, blasting, dust and other impacts on the enjoyment of residential properties.

Currently, there is one quarry in operation in the rural residence and agriculture district and a second quarry that has been permitted. According to the owner of the existing quarry, the quarry will run out of material by the end of 2014. A second quarry was recently permitted in a Rural Residence and Agricultural District, but the operator of that quarry has worked with the City to relocate that operation to a zone where the use is permitted. Additionally, they have expressed a willingness to give up the rights to mine that quarry should they be successful in establishing the quarry in permitted zone.

Department Head

Manager's Comments:

Carl M. Lerley
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

Passage

First Reading

Referral to the Business and Economic Development Committee on April 8, 2014

Assigned to Councilor Durgin



CITY OF BANGOR

ORDINANCE, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor,
By Eliminating Nonconforming Quarries from Residential Areas

WHEREAS, since August 2013, quarries have not been allowed to locate in residential areas in the City of Bangor;

WHEREAS, at present, there is only one quarry in a residential district in the City, said quarry being located in a Rural Residence and Agricultural District parcel;

WHEREAS, according to the owner of that quarry, the quarry will run out of material by the end of 2014;

WHEREAS, another quarry was recently permitted for a Rural Residence and Agricultural District parcel, but the developer of that quarry has agreed to give up all rights to that quarry; and

WHEREAS, quarries produce considerable noise, dust, vibration, flying projectiles, and other adverse effects that are potentially injurious to the public health, safety, and welfare, particularly when located in residential areas;

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

Chapter 165 of the Code of the City of Bangor be amended as follows:

§ 165-32. Quarries, mining and excavations.

...

E. Notwithstanding Article III of this Chapter, any certificate of occupancy or permit granted for a quarry, sandpit, or removal of sand, rock or gravel in a Rural Residence and Agricultural District parcel shall be deemed to expire on December 31, 2014, and shall not be renewed thereafter. This paragraph does not apply to filling, grading, and earthmoving activities permitted under § 165-33, or to excavations of soil and loam permitted under § 165-105(D)(1).

Additions are underlined.

COUNCIL ACTION

Item No. 14-120

Date: March 24, 2014

Item/Subject: Ordinance Amending Chapter 165, Land Development, of the Code of the City of Bangor – Section 165-95 – Airport Development District

Commentary: The proposed amendment would allow public nonprofit schools as a permitted use in the Airport Development District. This amendment will facilitate the School Department's interest in reusing an existing building off Maine Avenue in the Airport Development District.

/s/ Tanya L. Emery
Department Head

Manager's Comments:

For referral to Planning Board Meeting of April 1, 2014, 7:00 p.m.

Carl M. Corle
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

Passage

First Reading

Referral to Planning Board Meeting of April 1, 2014, 7:00 p.m.

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Ordinance, Amending Chapter 165, Land Development, of the Code of the City of Bangor – Section 165-95 – Airport Development District (ADD)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT,

Chapter 165 of the Code of the City of Bangor be amended as follows:

165-95 Airport Development District (ADD)

- A Statement of purpose.** The Airport Development District is established to accommodate those uses which, because of locational requirements or operational characteristics, are appropriate to locate at or in close proximity to an airport. This zone is for aviation uses as well as certain manufacturing, retail and service uses which generally would be considered compatible with an airport complex. The Airport District is not designed to include those uses which would be seriously affected by adverse noise and hazard factors inherent in an airport operation.
- B. Basic requirements.** Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.
- C. Permitted uses.** The following uses are permitted in this district:
- (1) thru (9) Unchanged.
 - (10) Public or nonprofit schools
 - (101) Cellular telecommunication towers, provided that:
 - (a) They do not exceed 195 feet in height, or the minimum height required under federal law, whichever is greater.
 - (b) They are set back from property lines a minimum of 100% of the tower height.
 - (c) They conform to the requirements of § 165-80.1.

(112) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses.

- D. **Prohibited uses.** Any use not specifically permitted in this section or in Articles II through XII of this chapter is prohibited.

Deletions by ~~strike-out~~ additions by underlined.

COUNCIL ACTION

Item No. 14-121

Date: March 24, 2014

Item/Subject: Resolve, Accepting and Appropriating FY 2012 Homeland Security Grant Funds in the amount of \$111,591 from the State Homeland Security Program and the Law Enforcement Terrorism Program

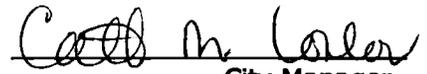
Responsible Department: Fire and Police Department

Commentary: The City of Bangor has been notified that it has been awarded grant funding in the amount of \$111,591 from the State Homeland Security Program and the Law Enforcement Terrorism Program. The grant program is designed to improve preparedness and response capabilities for Homeland Security related events in the State of Maine. No matching funds are required. Intended uses for the funds include: Special Teams Support, Mobile Data Terminal Support and training support.

This has been reviewed and recommended for approval by the Government Operations Committee on March 17, 2014.

Department Head

Manager's Comments:


City Manager

Associated Information: Resolve

Budget Approval:


Finance Director

Legal Approval:

City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page of



Assigned to Councilor Gallant

CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating FY 2012 Homeland Security Grant Funds in the Amount of \$111,591 from the State Homeland Security Program and the Law Enforcement Terrorism Program

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, THAT FY2012 Homeland Security Grant Funds in the amounts of \$111,591 from the State Homeland Security Program and the Law Enforcement Terrorism Program are hereby accepted and appropriated; and

BE IT FURTHER RESOLVED, THAT the Finance Director shall establish such accounts necessary to properly account for the funding and its use.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 14-110

Date: March 10, 2014

Item/Subject Amending the Land Development Code – Zone Change – 1129 and 1139 Stillwater Avenue from a Rural Residence and Agricultural District to a General Commercial and Service District; and 349 Longview Drive from a Shopping and Personal Service District to a General Commercial and Service District.

Responsible Department: Planning Division

Commentary: The applicant, Cross Realty, LLC, is requesting a zone change for two parcels of land located at 1129 and 1139 Stillwater Avenue from a Rural Residence and Agricultural District to a General Commercial and Service District; and one parcel of land at 349 Longview Drive from a Shopping and Personal Service District to a General Commercial and Service District. These parcels abut the Natural Living Center at the corner of Longview Drive and Stillwater Avenue. General Commercial and Service District (GC&S) is the predominant zone on abutting parcels and is consistent with the Comprehensive Plan's Zoning Policy.

/s/ Tanya L. Emery
Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of March 18, 2014 at 7:00 p.m.

Calvin Cole
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

AA
City Solicitor

Introduced for

 Passage

 X First Reading

 X Referral to Planning Board Meeting of March 18, 2014, 7:00 p.m.

Page 1 of 1



Assigned to Councilor Durgin

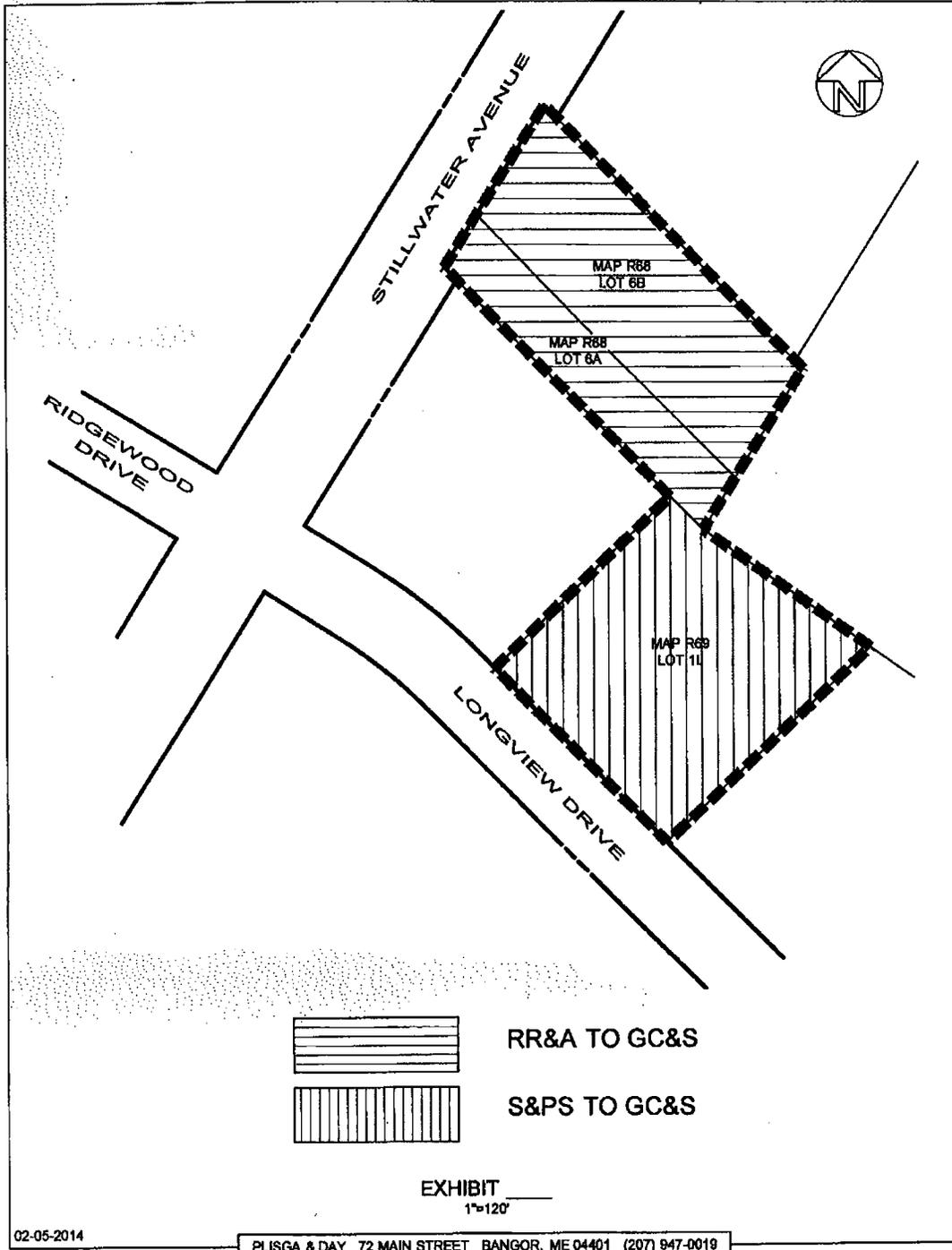
CITY OF BANGOR

(TITLE.) Ordinance , Amending the Land Development Code – Zone Change – 1129 and 1139 Stillwater Avenue from a Rural Residence and Agricultural District to a General Commercial and Service District; and 349 Longview Drive from a Shopping and Personal Service District to a General Commercial and Service District.

Be it ordained by the City Council of the City of Bangor, as follows:

THAT the zoning boundary lines as established by the Zoning Map of the City of Bangor dated October 28, 1991, as amended, be hereby further amended as follows:

By changing two parcels of land located at 1129 and 1139 Stillwater Avenue from Rural Residence and Agricultural District to General Commercial and Service District (Tax Map No. R-68, Parcel Nos. 6-A and 6-B) and by changing one parcel of land located at 349 Longview Drive from Shopping and Personal Service District to General Commercial and Service District (Tax Map No. R-69, Parcel No. 1L). Said parcels of land containing approximately 2.9 acres and being more particularly indicated on the map attached hereto and made a part hereof.



TO: THE CITY COUNCIL AND
THE PLANNING BOARD OF BANGOR, MAINE:

DATE February 18, 2014

- 1. I(WE) Cross Realty, LLC
- 2. of P.O. Box 1388, 74 Gilman Rd, Bangor, ME 04401
Address City or Post Office

hereby petition to amend the Land Development Code of the City of Bangor, Maine by reclassifying from Rural Residence & Agricultural and Shopping & Personal Service districts to the General Commercial & Service district for the property outlined in red on the maps attached hereto as Exhibit A, which are part of this application, and described as follows:

- 3. ADDRESS OF PROPERTY (if any) 1129 & 1139 Stillwater Avenue and 349 Longview Drive, Bangor, ME 04401
Total Area (acres or square feet) 2.9 acres

- 4. PROPERTY LOCATION (General location): Stillwater Avenue northeasterly of Black Bear Medical and the Natural Living Center building; Longview Drive between the Black Bear Medical and Natural Living Center building and Gateway Title of Maine building

- 5. LEGAL DESCRIPTION OF PROPERTY - Assessors Map No. R68 Parcel 006-A & 006-B; Assessors Map No. R69 Parcel 1L

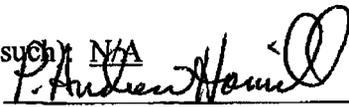
- 6. EXISTING USE: R68, Parcel 006-A: vacant; R68, Parcel 006-B: former residential; R69, Parcel 1L: vacant

- 7. PROPOSED USE: Commercial

- 8. NAME AND ADDRESS OF OWNER OF RECORD:

Name Cross Realty, LLC
Address P.O. Box 1388, 74 Gilman Rd, Bangor, ME 04401

- 9. NAME AND ADDRESS OF CONTRACT OWNER (if such): N/A

- 10. SIGNATURE OF OWNER OR CONTRACT OWNER: 

- 11. REPRESENTATIVE OF APPLICANT (if applicable):

Name P. Andrew Hamilton, Esq.
Address P.O. Box 1210, 80 Exchange Street, Bangor, ME 04402-1210

- 12. ATTACH ANY CONDITIONS PROPOSED FOR A CONTRACT ZONE REQUEST.

RETURN FORM & DUPLICATE TO PLANNING DIVISION, CITY HALL, BANGOR, ME.

<u>Application fee</u>	<u>Processing</u>	<u>Advertising</u>	<u>Total</u>
Zone Change (1/2 acre or less)	\$575.00	\$410.00*	\$ 985.00
Zone Change (in excess of 1/2 acre)	\$920.00	\$410.00*	\$1,330.00
Contract Zone Change - 5 conditions or less	\$1,377.00	\$509.00*	\$1,886.00
More than 5 conditions or 50 words	\$1,900.00	\$509.00**	\$To be determined

*Two Ads Required ** Advertising costs above this amount to be paid for by applicant

MEMORANDUM

DATE: March 19, 2014
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Zoning Ordinance
1129 and 1139 Stillwater Avenue and 349 Longview Drive
from Rural Residence and Agricultural District (RR&A) to
General Commercial & Service District (GC&S) and 349
Longview Drive from Shopping and Personal Service
District (S&PS) to General Commercial & Service District
(GC&S)- Council Ordinance 14-110.

Please be advised that the Planning Board at its meeting on March 18, 2014, held a Public Hearing on the above zone change request.

Vice Chairman Paul Bolin noted that Alternate Member McCarthy could vote on this item given the absence of Chairman Sturgeon.

Attorney Andrew Hamilton indicated that his client Cross Realty, LLC was requesting a rezoning of three parcels totaling approximately 2.9 acres. Mr. Hamilton noted the request was consistent with the City's Comprehensive Plan and he was confident that all public utilities could be provided to the site.

There were no other proponents or opponents to the rezoning request.

Planning Officer Gould explained that in 2003 when several adjacent parcels were rezoned the property at 1139 Stillwater Avenue was a residence. The City's Land Use and Zoning Policy is for commercial zoning and General Commercial and Service District zoning is consistent with adjacent properties.

Based on its consistency with the Comprehensive Plan and the other adjacent properties, Mr. Miller made a motion to recommend the proposed zone change to the City Council. Ms. Williams seconded the motion. The Board voted unanimously in favor of the motion to recommend that the City Council approval of the rezoning from RR&A to GC&S and S&PS to GC&S as contained in C.O. # 14-110.

COUNCIL ACTION

Item No. 14-111

Date: March 10, 2014

Item/Subject Amending Land Development Code – Zone Change – 970 and 974 Kenduskeag Avenue from a Rural Residence and Agricultural District to a Low Density Residential District.

Responsible Department: Planning Division

Commentary: The applicants, Sonja Bernier and Galen and Mary Elaine Furge, are requesting a zone change for a portion of two parcels of land located at 970 and 974 Kenduskeag Avenue and containing approximately 1.79 acres from a Rural Residence and Agricultural District to a Low Density Residential District. The Applicants are seeking the rezone to reduce the applicable side yard setbacks to accommodate some preexisting development on the lots. Because public sewer and water are available to serve these lots, Low Density Residential is consistent with the City's Comprehensive Plan.

/s/ Tanya L. Emery
Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of March 18, 2014 at 7:00 p.m.

Christina M. Long
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

 Passage

 X First Reading

 X Referral to Planning Board Meeting of March 18, 2014, 7:00 p.m.

Assigned to Councilor Plourde



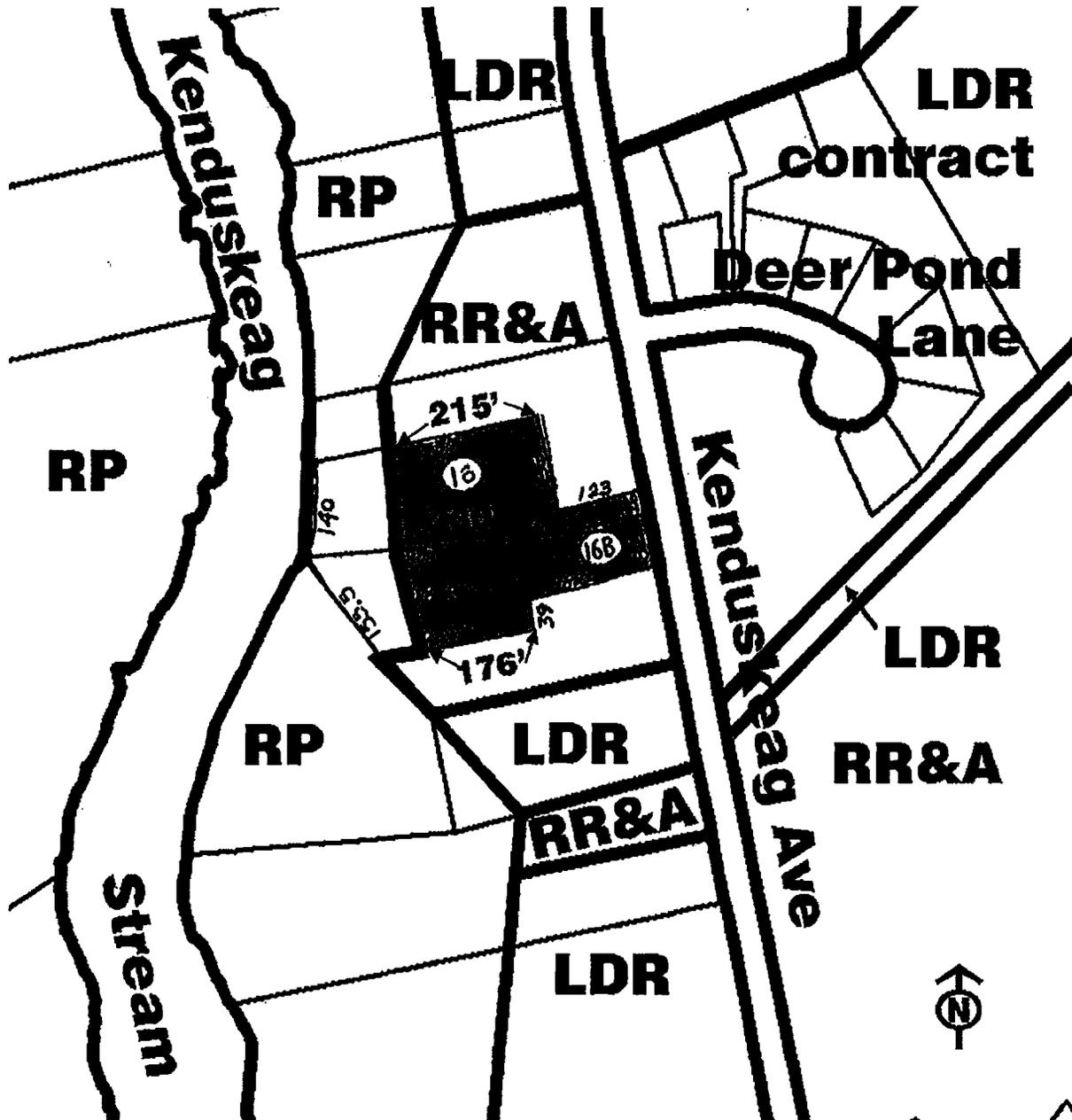
CITY OF BANGOR

(TITLE.) Ordinance , Amending the Land Development Code – Zone Change – 970 and 974 Kenduskeag Avenue from a Rural Residence and Agricultural District to a Low Density Residential District.

Be it ordained by the City Council of the City of Bangor, as follows:

THAT the zoning boundary lines as established by the Zoning Map of the City of Bangor dated October 28, 1991, as amended, be hereby further amended as follows:

By changing parts of two parcels of land located at 970 and 974 Kenduskeag Avenue (Tax Map No. R-23, Parcel Nos. 16 and 16B) from a Rural Residence and Agricultural District to a Low Density Residential District. Said parts of parcels of land containing approximately 1.79 acres and being more particularly indicated on the map attached hereto and made a part hereof.



RR&A to LDR

MEMORANDUM

DATE: March 19, 2014
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Zoning Ordinance
970 and 974 Kenduskeag Avenue from Rural Residence
and Agricultural District (RR&A) to Low Density
Residential District (LDR) - Council Ordinance 14-111.

Please be advised that the Planning Board at its meeting on March 18, 2014, held a Public Hearing on the above zone change request.

Vice Chairman Paul Bolin opened the Public Hearing and asked for a brief presentation by the applicant or their representative.

Mr. Darrell Ginn, Professional Land Surveyor, indicated he represented Sonja Bernier and Galen and Mary Elaine Furge. Mr. Ginn noted the request was based on some prior development activity that encroached onto Mr. Furge's property. The rezoning was part of the solution to resolve setback and encroachment issues.

Mr. Galen Furge of 970 Kenduskeag Avenue noted that the rezoning would help resolve the existing development dilemma that exists on the property.

There were no opponents to the rezoning request.

Planning Officer Gould explained that this portion of Kenduskeag Avenue is served by public sewer and water. While the area has been historically zoned Rural Residence and Agriculture, it is suited to a more urban, low density development. Both the homes in question are single-family residences and the change benefits the properties due to the reduction in required setbacks from a rural side yard of 20 feet to an LDR setback of 10 feet. The City's Land Use and Zoning Policy is for low density residential zoning along the Kenduskeag Stream.

Vice Chairman Bolin asked if there were other options available to the applicants to resolve the development issue. Mr. Gould noted there were but rezoning is one which does involve the Planning Board and City Council. Based on its consistency with the Comprehensive Plan and the existing uses not likely to change it was one option that did not involve radical alterations to the structures or property lines.

Mr. Kenney moved to recommend to the City Council the proposed zone change from RR&A to LDR as contained in C.O. # 14-111. Mr. Miller seconded the motion and the Board voted unanimously to recommend that the City Council adopt C.O. # 14-111.



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 14-122

Date: March 24, 2014

Item/Subject: ORDER, Approving a Request for Subordination of Loan to Bangor Steam Laundry, LLC

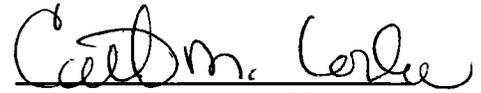
Responsible Department: Community and Economic Development

Commentary: This Order will authorize the approval of a subordination request from Bangor Savings Bank on a Community Development demolition loan that was made to Bangor Steam Laundry, LLC in November 2012. The loan has already resulted in the removal of an environmentally contaminated, blighted building (the former New Franklin Laundry) and yielded substantial public benefit. Subordination will allow Bangor Steam Laundry, LLC to access needed capital to continue to move forward with the project.

This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

Tanya L. Emery
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Civiello



CITY OF BANGOR

(TITLE.) ORDER, Approving a Request for Subordination of Loan to Bangor Steam Laundry, LLC

WHEREAS, the City has received a subordination request from Bangor Savings Bank on a Community Development demolition loan that was made to Bangor Steam Laundry, LLC in November 2012; and

WHEREAS, the loan has already resulted in the removal of an environmentally contaminated, blighted building (the former New Franklin Laundry) and yielded substantial public benefit; and

WHEREAS, subordination will allow Bangor Steam Laundry, LLC to access needed capital to continue to move forward with the project:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

the City Manager is authorized to execute any and all documents necessary to approve subordination of the City's Community Development demolition loan to Bangor Steam Laundry, LLC, to Bangor Savings Bank. Said documents shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-123

Date: March 24, 2014

Item/Subject: Authorizing Development Agreement with 25-27 Broad Street, LLC for Property at 25-27 Broad Street

Responsible Department: Community and Economic Development

Commentary: 25-27 Broad Street, LLC has acquired a building at 25-27 Broad Street (also known as the Circular Block) in Downtown. The developer will be completely rehabilitating this building and creating a mixed use development with commercial space on the first floor and apartments on the upper floors. This order authorizes a development agreement with 25-27 Broad Street, LLC whereby the City would rebate 75% of the new tax increment revenues paid on 25-27 Broad Street for a period of 5 years. This helps resolve the funding gap and incent the rehabilitation of this long-vacant Downtown building.

This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

Tanya L. Emery
Department Head

Manager's Comments:

Carol M. Conlon
City Manager

Associated Information:

Budget Approval:

Debbie S.
Finance Director

Legal Approval:

AA
City Solicitor

Introduced for

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

Page of

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) (TITLE.) Order, Authorizing Development Agreement with 25-27 Broad Street, LLC for Property at 25-27 Broad Street

WHEREAS, the City of Bangor supports new investment and the creation of additional commercial and residential space in its downtown area; and

WHEREAS, 25-27 Broad Street is currently a vacant, tax exempt property available for reuse; and

WHEREAS, 25-27 Broad Street, LLC has acquired the building at 25-27 Broad Street and plans to improve the property for fully taxable commercial and residential use; and

WHEREAS, the investment required for rehabilitation of the property is not economically feasible without assistance; and

WHEREAS, the assistance necessary can be provided through entering a credit enhancement agreement with 25-27 Broad Street, LLC to provide for the return of a portion of new property taxes paid the City on the property by 25-27 Broad Street, LLC:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

The City Manager is hereby authorized to enter into a Development Agreement with 25-27 Broad Street, LLC, under such terms and conditions considered appropriate by the Director of Community & Economic Development and City Solicitor or Assistant City Solicitor; and in a final form approved by the City Solicitor or Assistant City Solicitor; wherein the City of Bangor agrees to return to 25-27 Broad Street, LLC 75% of the new tax increment revenues paid on 25-27 Broad Street by the 25-27 Broad Street, LLC to the City, for a period of 5 years following the completion of the rehabilitation; and developer shall rehabilitate the property for commercial and residential use.

COUNCIL ACTION

Item No. 14-124

Date: March 24, 2014

Item/Subject: ORDER, Approving a Community Development Business Development Loan to C&L Aerospace

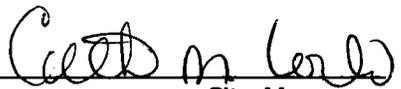
Responsible Department: Community and Economic Development

Commentary: This Order will authorize the approval of a Business Development Loan with C&L Aerospace. C&L Aerospace is an aircraft maintenance, repair, and overhaul company operating in Bangor, and they are expanding their existing business with a lease on a property at 40 Wyoming Avenue, in City-owned hangars at Bangor International Airport. They have already significantly grown their business and increased employment from 22 positions to 81 positions. They have asked the City for a loan from the City's Community Development Business Development Loan Program in the amount of \$200,000. This loan will assist with the financing of the expansion by providing capital to make building improvements. The proposed loan will be forgivable provided that C&L will create 20 full time positions, taking them to over 100 positions, with at least 51% of those new positions filled by individuals from low-moderate income backgrounds by the end of the three year term of the loan.

This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

Tanya L. Emery
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) ORDER, Approving a Community Development Business Development Loan to C&L Aerospace

WHEREAS, C&L Aerospace is continuing to expand in Bangor, thereby providing quality new employment opportunities; and

WHEREAS, the new employment to be created by C&L Aerospace makes it eligible for assistance under the City's Community Development Business Development Loan Program; and

WHEREAS, the number of new jobs and investment created by C&L Aerospace will provide a substantial public benefit:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

the City Manager is authorized to execute any and all documents necessary to make available to C&L Aerospace a Community Development Business Development Loan in an amount not to exceed \$200,000. Said loan shall be forgivable under certain terms and conditions, including the creation of at least twenty (20) new employment opportunities. Said loan shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-125

Date: March 24, 2014

Item/Subject ORDER, Authorizing the City Manager to Execute a Purchase and Sale Agreement for the Purchase of 17 Lincoln Street

Responsible Department: Community & Economic Development

Commentary: This Order will authorize the City Manager to execute a Purchase and Sale Agreement for the purchase of 17 Lincoln Street, currently owned by David Chase and John Geatani, for \$142,500.00 using Community Development Block Grant funds. This acquisition would be a part of the City's ongoing community revitalization efforts.

This item was reviewed and approved by the Business & Economic Development Committee at its March 18, 2014 meeting.

Tanya L. Emery
Department Head

Manager's Comments:

Carl M. Corley
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Execute a Purchase and Sale Agreement for the Purchase of 17 Lincoln Street

WHEREAS, the owners of the property located at 17 Lincoln Street in Bangor and the City of Bangor have reached a tentative agreement to purchase said property; and

WHEREAS, the City has an interest in acquiring the property as a part of its continued community revitalization efforts; and

WHEREAS, the City and the property owners have agreed to a purchase price of \$142,500.00 for said property:

By the City Council of the City of Bangor:

ORDERED, That Catherine M Conlow, City Manager, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Purchase and Sale Agreement to acquire the land and buildings at 17 Lincoln Street, Bangor, Maine. Said Agreement shall be for a purchase price of \$142,500.00 and such other terms customary to such agreements in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-126

Date: March 24, 2014

Item/Subject ORDER, Authorizing the City Manager to Execute a Purchase and Sale Agreement with Community Health and Counseling Services for the Purchase of 10 Barker Street

Responsible Department: Community & Economic Development

Commentary: This Order will authorize the City Manager to execute a Purchase and Sale Agreement for the purchase of 10 Barker Street, currently owned by Community Health and Counseling Services, for \$175,000.00 using Community Development Block Grant funds. Due to the building's condition, staff would move to demolish the building and make it ready for an appropriate redevelopment in the future.

This item was reviewed and approved by the Business & Economic Development Committee at its March 4, 2014 meeting.

Tanya L. Emery
Department Head

Manager's Comments:

Carol M. Louder
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Execute a Purchase and Sale Agreement with Community Health and Counseling Services for the Purchase of 10 Barker Street

WHEREAS, Community Health and Counseling Services owns the property located at 10 Barker Street in Bangor; and

WHEREAS, the City has an interest in acquiring and demolishing the property as a part of the revitalization of the West Side Villiage area; and

WHEREAS, the City intends to then make said property available for future development; and

WHEREAS, the City and Community Health and Counseling Services have agreed to a purchase price of \$175,000.00 for said property:

By the City Council of the City of Bangor:

ORDERED, That Catherine M Conlow, City Manager, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Purchase and Sale Agreement with Community Health and Counseling Services to acquire the land and buildings at 10 Barker Street, Bangor, Maine. Said Agreement shall be for a purchase price of \$175,000.00 and such other terms customary to such agreements in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-127

Date: March 24, 2014

Item/Subject: ORDER, Approving a Community Development Business Development Loan to Dr. Michele Spekhardt, DMD

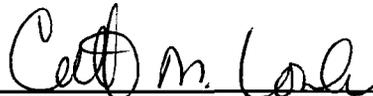
Responsible Department: Community and Economic Development

Commentary: This Order will authorize the approval of a Business Development Loan to Dr. Michele Spekhardt, DMD. Dr. Spekhardt is expanding her dental practice with construction of a new dental office at 62 Corporate Drive. They have asked the City for a loan from the City's Community Development Business Development Loan Program in the amount of \$30,000. This loan will assist with the financing of the expansion by providing capital to make building improvements. The proposed loan will be forgivable provided that Dr. Spekhardt creates 3 new full time positions, with at least 51% of those new positions filled by individuals from low-moderate income backgrounds, by the end of the three year term of the loan.

This item was reviewed and approved by the Business & Economic Development Committee at its meeting on March 18, 2014.

Tanya L. Emery
Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) ORDER, Approving a Community Development Business Development Loan to Dr. Michele Spekhardt, DMD

WHEREAS, Dr. Michele Spekhardt, DMD is expanding her dental practice in Bangor, thereby providing quality new employment opportunities within the City; and

WHEREAS, the new employment to be created by Dr. Spekhardt makes her practice eligible for assistance under the City's Community Development Business Development Loan Program; and

WHEREAS, the new jobs and investment created by Dr. Spekhardt will provide a substantial public benefit:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

the City Manager is authorized to execute any and all documents necessary to make available to Dr. Michele Spekhardt, DMD a Community Development Business Development Loan in an amount not to exceed \$30,000. Said loan shall be forgivable under certain terms and conditions, including the creation of at least three (3) new employment opportunities. Said loan shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. **14-128**

Date: **MARCH 24, 2014**

Item/Subject: Resolve, Pledging the City of Bangor's support for the United Technologies Center's (UTC) proposal for filling a critical regional and national need for an aviation maintenance certification program.

Responsible Department: Airport

Commentary: The purpose of this Resolve is to pledge the City of Bangor's support for the United Technologies Center's (UTC) proposal for filling a critical regional and national need for an aviation maintenance certification program through their innovative High School certification program.

UTC, Maine Vocational Region #4, is presently in the process of implementing an Aviation Maintenance Certification school through its adult education and high school programs. UTC's proposal addresses a national shortage in Airframe and Powerplant (A&P) Technicians, through this new training program to provide valuable experience for students. The goal is to train new Technicians for jobs that currently exist, and are projected to increase nationally, for repairing aircraft and other related duties requiring this certification. This program will provide A&P technical certification education, with traditional and hands-on experience that are required by FAA regulations, Part 147. Maine Aero Services, based at the airport, will assist in both teaching the general aviation education training, and the aircraft maintenance certification program.

This item was approved at the Airport Committee meeting of March 11, 2014.

Tony Caruso
Department Head

Manager's Comments:


City Manager

Associated Information: Resolve

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for:

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

MARCH 24, 2014



ASSIGNED TO COUNCILOR DURGIN

CITY OF BANGOR

(TITLE.) Resolve, Pledging the City of Bangor's support for the United Technologies Center (UTC) proposal for filling a critical regional and national need for an aviation maintenance certification program.

By the City Council of the City of Bangor:

WHEREAS, the City of Bangor, Maine is the owner of an airport located in Bangor, County of Penobscot, State of Maine, commonly known as Bangor International Airport; and

WHEREAS, UTC, Maine Vocational Region #4, is presently in the process of implementing an Aviation Maintenance Certification school through its adult education and high school programs; and

WHEREAS, UTC's proposal addresses a national shortage in Airframe and Powerplant (A&P) Technicians, through this new training program to provide valuable experience for students; and

WHEREAS, This program will provide A&P technical certification education, with traditional and hands-on experience that are required by FAA regulations, Part 147; and

WHEREAS, Maine Aero Services, based at the airport, will assist in both teaching the general aviation education training, and the aircraft maintenance certification program.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, THAT the City of Bangor Bangor hereby pledges its support for the United Technologies Center's (UTC) proposal for filling a critical regional and national need for an aviation maintenance certification program; and

BE IT FURTHER RESOLVED, THAT This Resolve will be distributed to the appropriate Parties adding the City's support to this important regional and national need.

COUNCIL ACTION

Item No. 14-129

Date: March 24, 2014

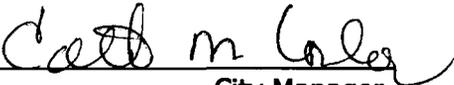
Item/Subject Expressing Support for LD 1252, An Act to Improve Maine's Economy and Energy Security with Solar and Wind Power

Responsible Department: City Council

Commentary: If approved, this resolve will express the Bangor City Council support for LD 1252, "An Act to Improve Maine's Economy and Energy Security with Solar and Wind Power." Among other provisions, the bill reinstates the solar and wind energy rebate program, which provides rebates for the purchase of certain solar and wind energy equipment until June 30, 2018. The program had expired on December 31, 2010. This item was reviewed and recommended for approval at the March 17, 2014 Government Operations Committee meeting.

Department Head

Manager's Comments:



City Manager

Associated Information:

LD 1252, Back round memorandum from Councilor Plourde

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) RESOLVE, Expressing Support for LD 1252, An Act to Improve Maine's Economy and Energy Security with Solar and Wind Power

Whereas, LD 1252 would re-establish funding for the recently expired solar and wind energy rebate program that assists homeowners and businesses invest in solar and wind energy projects by decreasing upfront costs; and

Whereas, Solar power is the fastest growing energy technology in the world, due in large part to rapidly falling prices, and last year alone the United States installed enough solar energy to power one million homes; and

Whereas, Maine is the only state in New England without any policies specifically designed to foster solar energy, and lags behind on installed solar per capita, and on per capita solar jobs; and

Whereas, Solar energy is growing rapidly in New England and nationally, but without the assistance provided for in LD 1252, Maine will fall further behind.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT, the City Council expresses its support for LD 1252 and asks all legislators to consider supporting the bill as well, and

BE IT FURTHER RESOLVED THAT, Copies of this Resolve will be sent to the members of the Bangor delegation and appropriate parties at the Maine House and Senate.



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1252

H.P. 886

House of Representatives, March 27, 2013

An Act To Improve Maine's Economy and Energy Security with Solar and Wind Energy

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MORRISON of South Portland.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: CHENETTE of Saco, HAMANN of South Portland, HOBBS of Saco,
NELSON of Falmouth, TIPPING-SPITZ of Orono, Senator: MILLETT of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §3603, sub-§2, ¶¶B, C and D,** as enacted by PL 2009, c.
3 329, Pt. A, §4, are amended to read:

4 B. The total installed generating capacity of all program participants combined may
5 not exceed ~~50~~ 60 megawatts.

6 C. The total installed generating capacity of program participants within the service
7 territory of a single investor-owned transmission and distribution utility may not
8 exceed ~~25~~ 30 megawatts, unless a higher capacity limit is authorized by the utility
9 and approved by the commission. The commission shall determine a generating
10 capacity limit for the service territory of each investor-owned transmission and
11 distribution utility at the outset of the program, taking into consideration the utility's
12 electric load and share of electricity market in the State. The commission may
13 modify the generating capacity limit under this paragraph based on program
14 experience.

15 D. Of the ~~50-megawatt~~ 60-megawatt limit on total generating capacity under
16 paragraph B, 10 megawatts must be reserved at the outset of the program for program
17 participants that:

- 18 (1) Have an installed generating capacity of less than 100 kilowatts; or
19 (2) Are located in the service territory of a consumer-owned transmission and
20 distribution utility.

21 The commission may modify the amount of generating capacity reserved under this
22 paragraph based on program experience.

23 **Sec. 2. 35-A MRSA §3603, sub-§2, ¶D-1** is enacted to read:

24 D-1. Of the 60-megawatt limit on total generating capacity under paragraph B, 10
25 megawatts must be reserved for program participants that install solar-powered
26 generating systems.

27 **Sec. 3. 35-A MRSA §3604, sub-§5,** as enacted by PL 2009, c. 329, Pt. A, §4, is
28 amended to read:

29 **5. Contract pricing; cost containment.** The commission shall ensure that in any
30 contract entered into pursuant to this section:

31 A. ~~The~~ Except with regard to paragraph C, the average price per kilowatt-hour
32 within each contract year does not exceed 10¢ in 2009 dollars, as determined by the
33 commission according to the Consumer Price Index; and

34 B. The cost of the contract does not exceed the cost of the project plus a reasonable
35 rate of return on investment as determined by the commission; and

36 C. For eligible solar-power generation, the average price per kilowatt-hour within
37 each contract year does not exceed 15¢ in 2013 dollars, as determined by the
38 commission according to the Consumer Price Index.

1 **Sec. 4. 35-A MRSA §3609**, as enacted by PL 2009, c. 329, Pt. A, §4, is amended
2 to read:

3 **§3609. Repeal; authority for legislation**

4 This chapter is repealed December 31, ~~2015~~ 2017. The joint standing committee of
5 the Legislature having jurisdiction over utilities and energy matters may report out
6 legislation regarding this program to the First Regular Session of the 126th Legislature.

7 **Sec. 5. 35-A MRSA §10112-A** is enacted to read:

8 **§10112-A. Solar and wind energy rebate program**

9 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
10 following terms have the following meanings.

11 A. "Qualified solar energy system" means a solar photovoltaic system or a solar
12 thermal system.

13 B. "Qualified solar thermal water system installer" means a person who has been
14 certified by the trust to install solar thermal systems designed to heat water and who
15 holds a current license from the State as a master plumber, as a master oil burner
16 technician or as a propane and natural gas technician or has been certified as a type II,
17 type III or universal heating, ventilation and air conditioning refrigeration technician
18 through a certification program approved by the United States Environmental
19 Protection Agency.

20 C. "Qualified wind energy system" means any device, such as a wind charger,
21 windmill or wind turbine and associated facilities, with a peak generating capacity of
22 100 kilowatts or less that converts wind energy to electrical energy for use primarily
23 in a residence, public facility or place of business that is located in an area with
24 demonstrated wind power potential.

25 D. "Solar photovoltaic system" means a solar energy device with a peak generating
26 capacity of 100 kilowatts or less used for generating electricity for use in a residence
27 or place of business.

28 E. "Solar thermal system" means a configuration of solar collectors and a pump, heat
29 exchanger and storage tank or fans designed to heat water or air for the purpose of
30 space heating, domestic water heating or both space and domestic water heating.
31 Solar thermal system types include forced circulation, integral collector storage,
32 thermosyphon and self-pumping systems.

33 **2. Solar and wind energy rebate program.** To the extent that funds are available
34 in the fund established in subsection 5 and the requirements of subsection 3 are satisfied,
35 an owner or tenant of residential or commercial property located in the State is entitled to
36 a rebate for a qualified solar energy system that is installed in accordance with this
37 subsection after July 1, 2013 that will be connected to the electrical grid or a qualified
38 wind energy system that is installed in accordance with this subsection after July 1, 2013
39 that will be connected to the electrical grid. The trust shall set rebate levels for qualified
40 solar energy systems and qualified wind energy systems. In setting rebate levels, the trust

1 may consider market demand for qualified solar energy systems and qualified wind
2 energy systems, program implementation experience and other factors relevant to the
3 solar and wind energy rebate program.

4 A. To qualify for a rebate, a solar photovoltaic system must be installed by a master
5 electrician who has been certified by a North American board of certified energy
6 practitioners or by a master electrician working in conjunction with a person who has
7 been certified by a North American board of certified energy practitioners.

8 B. To qualify for a rebate, a solar thermal system designed to heat water must be
9 installed by a qualified solar thermal water system installer and, if the solar thermal
10 system is designed to heat potable water, it must be installed by a qualified solar
11 thermal water system installer who holds a current license as a master plumber or by
12 a qualified solar thermal water system installer working in conjunction with a master
13 plumber.

14 C. To qualify for a rebate, the electrical components of a qualified wind energy
15 system must be installed by a master electrician or by a factory-trained and approved
16 dealer for the qualified wind energy system working under the supervision of a
17 master electrician.

18 In the case of a newly constructed residence, the rebate must be available to the original
19 owner or occupant.

20 **3. Energy audit requirement; solar photovoltaic system.** To qualify for a rebate
21 for a solar photovoltaic system under this section, an owner or tenant of residential or
22 commercial property located in the State must demonstrate to the satisfaction of the trust
23 that an energy audit has been completed.

24 **4. Limitation to residents of State.** Participation in the solar and wind energy
25 rebate program established in this section is limited to residents of the State.

26 **5. Funding.** The commission shall assess transmission and distribution utilities to
27 collect funds for the solar and wind energy rebate program established in this section. The
28 amount of all assessments by the commission under this subsection must result in total
29 program expenditures by each transmission and distribution utility that do not exceed
30 0.005 cent per kilowatt-hour. To the extent practicable, the commission shall establish
31 and collect the assessment in a manner that is consistent with the assessment made under
32 section 10110. There is established a solar and wind energy rebate program fund to be
33 used by the trust solely for the purposes of this section. All assessments made under this
34 section must be transferred to the solar and wind energy rebate program fund. Any
35 interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal
36 year remain in the fund to be used for the purposes of this section. The trust shall
37 determine the allotment of the fund in each fiscal year between solar photovoltaic system
38 rebates, solar thermal system rebates and qualified wind energy system rebates.

39 **6. Repeal.** This section is repealed June 30, 2018.

40 **Sec. 6. Report on solar requirements.** By January 15, 2014, the Public Utilities
41 Commission shall submit to the Joint Standing Committee on Energy, Utilities and
42 Technology a report outlining options and issues in establishing a solar carve-out within

1 the State's renewable portfolio standard as established in the Maine Revised Statutes,
2 Title 35-A, section 3210. A solar carve-out is an amount of energy purchased that must
3 be solar energy. The report must identify key policy determinations and summarize solar
4 carve-out policies in other states, such as Pennsylvania and Massachusetts. The report
5 must provide estimates for the scope of a carve-out that might be needed in the State to
6 significantly increase generation of solar power and provide capacity resource diversity.
7 The report must include quantitative and qualitative information about costs and benefits
8 of a solar carve-out, including a carve-out of the existing renewable portfolio standard
9 and a carve-out that was additional to the existing renewable portfolio standard.

10

SUMMARY

11 This bill reinstates the solar and wind energy rebate program, which provided rebates
12 for the purchase of certain solar and wind energy equipment, until June 30, 2018. The
13 program had expired December 31, 2010. This bill also increases the limit on the total
14 amount of renewable capacity allowed under the community-based renewable energy
15 pilot program from 50 megawatts to 60 megawatts and requires the Public Utilities
16 Commission to reserve 10 megawatts in that program for solar-powered generating
17 systems. The bill increases the limit on the contract price the commission can authorize
18 for eligible solar-power generation and indexes the price limit to the Consumer Price
19 Index. It also extends the repeal date for the Community-based Renewable Energy Act
20 from December 31, 2015 to December 31, 2017. The bill requires the commission to
21 submit to the Legislature by January 15, 2014 a report on options for establishing a solar
22 carve-out, or solar set-aside, an amount of energy purchased that must be solar, within the
23 State's renewable portfolio standard.

MEMORANDUM

TO: Government Operations Committee

FROM: Joshua Plourde, Bangor City Councilor

SUBJECT: LD 1252

DATE: 3/17/14

Maine is the only state in New England without any policies specifically designed to foster solar energy. Other states are building more solar and creating more solar jobs.

LD 1252 would re-establish funding for the recently expired Solar Rebate Program that helps homeowners and businesses invest in solar by decreasing the upfront costs.

Distributed solar energy is available everywhere in the state. When we produce energy on our rooftops, right where we use energy, we reduce transmission and distribution costs for ratepayers. And solar produces the most during hot, sunny, summer days when power is most costly and polluting, so it helps bring down peak energy prices.

Solar power is the fastest growing energy technology in the world, due in large part to rapidly falling prices. Last year alone, the United States installed enough solar energy to power a million homes.

Maine is the only state in New England without any policies specifically designed to boost investment in solar. And it shows. We lag behind on installed solar per capita, and on per capita solar jobs.

Perhaps most importantly, we're missing out on greater potential to tap a local energy resource that doesn't pollute the air and keeps our energy dollars flowing in the Maine economy, not out of state.

LD 1252 would take the simple step of reinstating Maine's solar rebate program, which helps lower upfront costs for homeowners and businesses. It helps ordinary Mainers become investors in an energy resource that benefits the entire state.

The Maine House voted on 3/11/14 in support of LD 1252. The vote was 95-47. Solar energy is growing rapidly in New England and nationally (more solar was installed in the last 18 months than the previous 30 years combined), but without this program Maine will fall further behind. The governor and Central Maine Power oppose the bill and solar energy in general. The bill now goes to the Senate.

COUNCIL ACTION

Item No. 14-130

Date: March 24, 2014

Item/Subject: ORDER, Authorizing Award of Contract in the Amount of \$249,235 to AA Randall for Dock 11 Interior Renovations at BIA

Responsible Department: Airport

Commentary: On March 14, 2014, the City received eight (8) responses to its request for bids for Dock 11 interior renovations at BIA, this work is part of the larger C&L Aerospace project. Due to the large disparity bid pricing, Airport staff reviewed the scope of the project in depth with the low bidder to ensure all work had been included and that the pricing was accurate.

Based on a review of the bids submitted, staff recommendation is to award the contract to AA Randall in the amount of \$249,235.

This item will be reviewed by the Finance Committee on March 24, 2014, prior to Council Meeting. As this contract award is in excess of \$100,000, it must be reviewed and approved by the City Council.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

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Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Authorizing Award of Contract in the Amount of \$249,235 to AA Randall for Dock 11 Interior Renovations at BIA

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with AA Randall in the amount of \$249,235 for Dock 11 Interior Renovations at BIA.