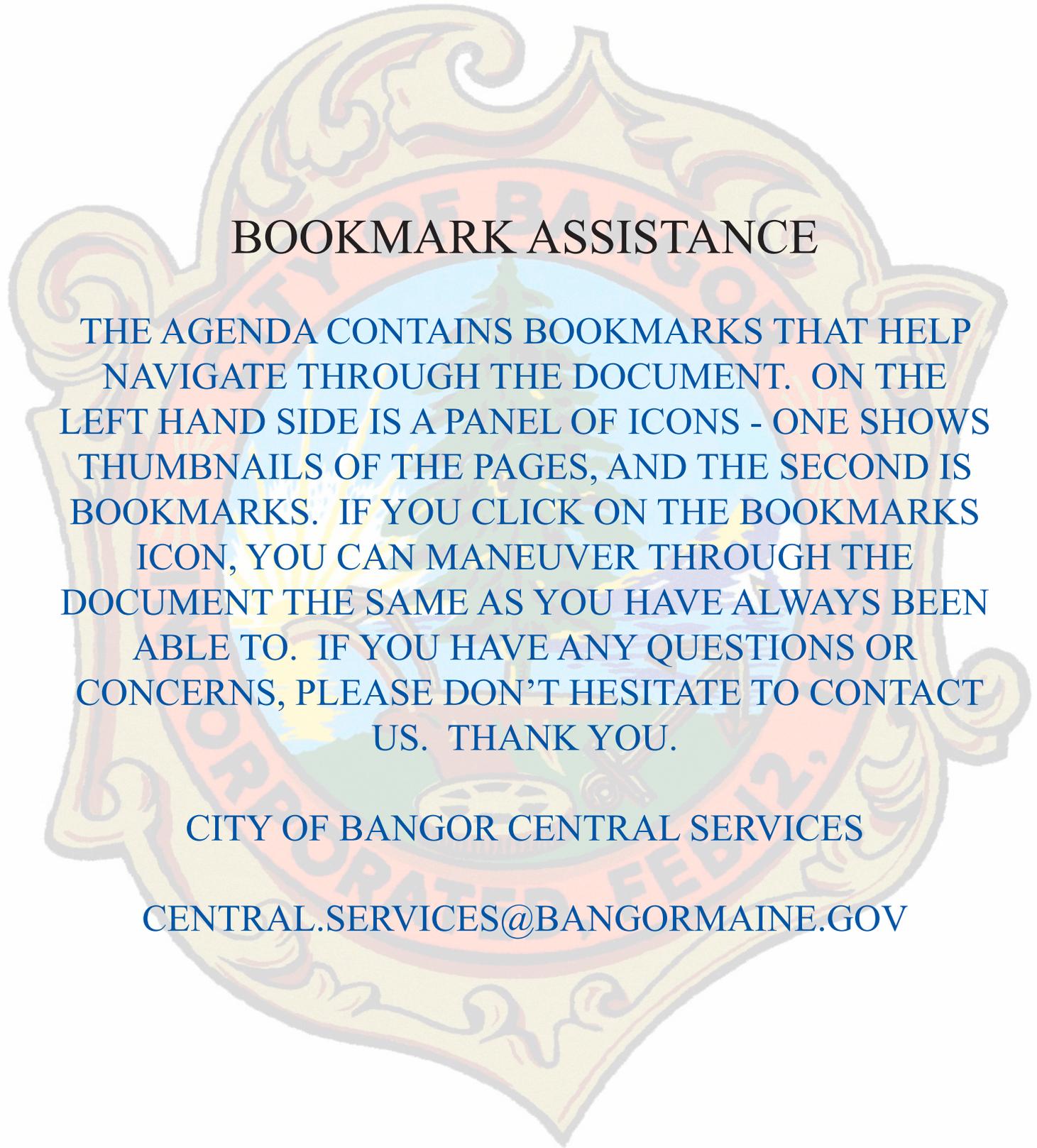




CITY COUNCIL AGENDA

DECEMBER 14, 2015





BOOKMARK ASSISTANCE

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

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

PLEDGE ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

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

MINUTES OF: Bangor City Council Organizational Meeting of November 9, 2015, Finance Committee Meeting of December 7, 2015, Government Operations Committee Meeting of December 7, 2015, School Committee Meeting of October 28, 2015 and School Committee Organizational Meeting of November 9, 2015

LIQUOR LICENSE RENEWAL: **Application for Liquor License Renewal, Malt, Spirituous, Vinous of Kumar Inc. d/b/a Taste of India, 68 Main Street** **BALDACCI**

16-026 ORDER **Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 149 Fourteenth Street (Map 11, Lot 30A)** **DURGIN**

Executive Summary: A sewer lien matured on the property owned by Shane McCarthy of 149 Fourteenth Street. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

16-027 ORDER **Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 53 Webster Avenue North (Map 22, Lot 13)** **SPRAGUE**

Executive Summary: A sewer lien matured on the property owned by Jennifer and Daniel Searway of 53 Webster Avenue North. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

16-028 ORDER **Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 50 Cardinal Way (Map R23, Lot 50)** **NEALLEY**

Executive Summary: Sewer liens have matured on the property owned by Anthony Smith of 50 Cardinal Way. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-029 ORDER Appointing Constables for the Year 2016 PLOURDE

Executive Summary: This is a routine action that authorizes certain individuals known as Constables to enforce City Ordinances. This includes employees of the Parking Fund, Fire Prevention, Harbor Master, Airport, Code Enforcement, and Animal Control. Staff recommends approval.

**16-030 ORDER Authorizing the City Manager to Execute a NICHOLS
Memorandum of Agreement between the City of Bangor
Community Connector and University of Maine System-
Augusta Campus for Free Fare Ride Program**

Executive Summary: The Order would approve a Free Fare Program with the University of Maine System—Augusta campus, located in Bangor. This MOU will provide students and staff with free rides on the Community Connector for a set fee paid by the University with the presentation of the rider’s college identification. The University has agreed to pay the City \$6,300 for the 18 month term of the Agreement (January 1, 2016 through June 30, 2017). This Agreement is similar in nature to those already in place with the University of Maine –Orono Campus, Eastern Maine Community College and Husson University. These programs have worked well for both the Community Connector and the students and staff at these institutions. This item was reviewed and recommended for approval at the December 7, 2015 Government Operations Committee meeting.

**16-031 ORDER Authorizing the City Manager to Accept a \$500.00 GRAHAM
Donation from an “Anonymous Donor” for the Special
Account: Pay It Forward Fund**

Executive Summary: This order authorizes the City Manager to accept a \$500 donation from a donor who wishes to remain anonymous. The Pay It Forward Account is a special account, funded by donations, that gives an extra hand to a person in need with the expectation that he or she, when able, will in turn donate time or money to another person in need. The Fund is administered by the Community Services Manager.

**16-032 ORDER Authorizing the City Manager to Accept a \$5,074.14 BALDACCI
Donation from an “Anonymous Donor” for the Special
Account: Pay It Forward Fund**

Executive Summary: This order authorizes the City Manager to accept 154 shares of Weyerhaeuser Company stock valued at \$5,074.14, from a donor who wishes to remain anonymous. The Pay It Forward Account is a special account, funded by donations, that gives an extra hand to a person in need with the expectation that he or she, when able, will in turn donate time or money to another person in need. The Fund is administered by the Community Services Manager.

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**16-033 ORDER Authorizing the City Manager to Accept a Donation of PERRY
Four Hundred Dollars (\$400.00) from the Maine
Resiliency Building Network in Support of the Maternal
and Child Health Nurse Home Visiting Program**

Executive Summary: This order will accept a donation of four hundred dollars (\$400.00) from the Maine Resiliency Building Network in support of the maternal and Child Health Nurse Home Visiting Program. The purpose of the the donation was to offset costs to attend an Adverse Childhood Events Score (ACEs), Maine Summit on November 3 and 4, 2015. The summit was a two day conference that featured Dr. Rob Anda, co-author of the original research, and Dr. Ken Ginsburg, a national speaker and author on parenting, trauma, and resilience. In addition to learning about current nationwide ACEs practices, the nurses presented their experience with ACEs implementation in Bangor.

**16-034 ORDER Authorizing the City Manager to Execute a Collective PLOURDE
Bargaining Agreement between the City of Bangor and
Amalgamated Transit Union (ATU) Local 714
Representing Bus Drivers at the Community Connector
Public Transit Division**

Executive Summary: This Order would approve a Collective Bargaining Agreement between the City of Bangor and Amalgamated Transit Union Local 714 representing Bus Drivers at the Community Connector public transit division. Negotiations between the City and the Union have resulted in a Tentative Agreement which has been ratified by the Union. The agreement has been negotiated within the bargaining guidelines established by the City Council and includes the following: a two year term (July 1, 2015 to June 30, 2017); wage increases of 1% year one and 1.25 % year two; updated health insurance rates and cost sharing schedule, date changes, and a provision to re-open health insurance, if needed; small adjustments to Earned Time Off (ETO), bereavement leave, footwear allowance, eye glass and eye examination provisions; inclusion of two paid holidays (Thanksgiving and Christmas); revised bidding process for shift assignments, revised language for the Joint Management / Labor Committee, and various operational clarifications for overtime, call-ins and extra work.

The Tentative Agreement was reviewed with the City Council in Executive Session on November 23, 2015 and is presented with the recommendation of the City’s Management Negotiation Committee.

**16-035 ORDER Authorizing the City Manager to Execute a Collective BALDACCI
Bargaining Agreement between the City of Bangor and
Maine Association of Police (MAP) Representing
Commanding Officers at the Police Department**

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order would approve a Collective Bargaining Agreement between the City and Maine Association of Police representing Police Commanding Officers. Negotiations between the City and the Union have resulted in a Tentative Agreement which has been ratified by the Union. The agreement has been negotiated within the bargaining guidelines established by the City Council and includes the following: a three year term (7-1-15 to 6-30-18); wage adjustments of 1% year one, 1.25 % year two and 1.50% year three; updated health insurance rates, date changes and a contract reopener for health insurance, if needed; small adjustments to the physical fitness stipend, acting Lieutenant pay, and clothing allowance provisions, an adjustment to step 8 on the established wage scale, and an opportunity for a one week buy-back of vacation for employees who have accumulated the maximum allowable vacation time.

This Tentative Agreement was reviewed with the City Council in Executive Session on November 23, 2015 and is presented with the recommendation of the City's Management Negotiating Committee.

**16-036 ORDER **Authorizing Execution of Documents for the Sale of 147 SPRAGUE
Court Street (Map 032 Lot 177) to Kimberly Paige in the
Amount of \$4,800****

Executive Summary: This order will authorize the sale of 147 Court Street to Kimberly Paige in the amount of \$4800. Property located at 147 Court Street was taken by the City due to matured tax liens. Based on its condition, the City demolished the structure using CDBG funding. On November 13, 2015, the City received one (1) response to its RFP. The respondent, Kimberly Paige, offered a price of \$4,800. The proposal clearly stated that the property would be sold as-is where-is, that only a municipal quitclaim deed would be issued and required that the submission of a planned use, timeline and proposed investment level.

On December 7, 2015, the Finance Committee reviewed and recommended for approval the staff recommendation to accept the offer of \$4,800 from Kimberly Paige. Ms. Paige owns property on Everett Street which abuts this parcel. The plan submitted was to construct a studio on the back portion of her current property/overlapping to this parcel. It would include a gravel access from Court Street, fencing and garden space. The estimated overall investment is \$18,000 and the proposed timeline would be to begin construction during spring/summer of 2016.

**16-037 ORDER **Accepting Telcom Drive as a Public Street and Adding it GRAHAM
to the Official City Map****

Executive Summary: This Order will accept an 80 foot wide and 142.28 foot long section with a 60 foot radius of Telcom Drive (map attached) as a public street and will add it to the Official City Map. Telcom Drive is located in the Bangor International Airport Commercial Industrial Park and extends southwesterly of Union Street. Telcom Drive includes 10" sanitary sewer and 12" storm drain lines. This item was reviewed and recommended by the Infrastructure Committee on November 24, 2015.

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**16-038 ORDER **Accepting Corporate Drive as a Public Street and
Adding it to the Official City Map** **NICHOLS****

Executive Summary: This Order will accept an 80 foot wide and approximately 1,061.447 foot section of Corporate Drive, and extending Easterly from Venture Way to Maine Avenue, as a public street and will add it to the Official City Map. Corporate Drive is located in the Maine Business Enterprise Park and is an important access to Enterprise Park and the abutting property. This was reviewed and recommended by the Infrastructure Committee on November 24, 2015.

**16-039 ORDER **Authorizing Acceptance of Easement from Bangor
Target Area Development Corporation (Map R10, Lot
007F)** **DURGIN****

Executive Summary: This Order will authorize the City Manager to accept an easement from Bangor Target Area Development Corporation. Bangor Target Area Development Corporation (Target) is the owner of a lot (Lot 7) in the Dowd Industrial Estates on the Odlin Road. The subdivision approval provides for a detention pond on the lot. Target is conveying the lot to an abutter and would like the City to have the right, but not the obligation, to enter the lot with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements.

The proposed easement does not impose any obligations on the City, but gives the City the right to take action with regard to the detention pond and drainage should it ever become appropriate for the City to do so. This item was reviewed and recommended for approval at the December 8, 2015 Business and Economic Development Committee meeting.

**16-040 ORDER **Authorizing Execution of Lease Purchase Agreement for
the Purchase of In-Car Camera System** **PERRY****

Executive Summary: This order will authorize the execution of a lease purchase agreement for the purchase of an in car camera system. On November 2, 2015 the Finance Committee approved the purchase of an in-car camera recoding system in the amount of \$87,660. As this purchase was less than \$100,000, the Finance Committee had the authority to approve the purchase. As City staff worked through the purchase with the financing company, it was determined that a lease purchase would provide the best financial alternative to the City. A lease purchase however would require full City Council approval for the execution of the lease purchase documents. This order would authorize the Finance Director to execute the necessary documents.

**16-041 ORDER **Authorizing Execution of Agreement with Stillwater
Realty LLC for Easement and Conveyance of Property
on Odlin Road (approximately 2,700 square feet)** **NEALLEY****

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order will authorize the execution of an agreement to execute an easement to Stillwater Realty LLC, to seek a release from the FAA to sell the property, and to convey the property upon receipt of the release and in return consideration of \$4,574 to be paid upon execution of the agreement and easement. Stillwater Realty LLC owns property abutting property owned by the City on Odlin Road. They are requesting that the City sell them approximately 2,700 square feet of land on the easterly side of their property to facilitate a development. Because the property is subject to Federal Aviation Administration (FAA) restrictions, the City is not able to sell the property without permission from the FAA. Understanding that it can take considerable time to get permission from the FAA and wanting to avoid any delay of a project, an agreement to grant an easement for the use of the property for the development and to convey the property upon receipt of permission from the FAA will facilitate the development. This item was reviewed and recommended for approval at the December 8, 2015 meeting of the Business and Economic Development Committee.

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

**ASSIGNED TO
COUNCILOR**

16-042 ORDINANCE Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor (First Reading) **PLOURDE**

Executive Summary: This Ordinance, if approved, will establish a local minimum wage consistent with the proposal contained in the citizen’s initiative, including the January 2017 effective date. The minimum wage set by the state or federal government has not been increased since 2009. The minimum wage in Maine is \$7.50 per hour. Though public sentiment has indicated support for an increase in the minimum wage the federal and state governments have not acted. There is a citizen’s initiative currently underway which will likely provide a state-wide ballot measure to increase the state-wide minimum wage. The proposed citizen’s initiative provides for a greater minimum wage for Maine’s lowest income earners, increasing to \$9.00 per hour in January 2017 up to \$12.00 per hour in 2020, followed by an annual CPI adjustment. This item was reviewed at a November 30 workshop of the City Council.

16-043 ORDINANCE Amending Schedule XVI of Chapter 291, Article II, Sec. 28 of the Code of the City of Bangor - One-Way Streets – Union Street under the Chamberlain Bridge (First Reading and Referral to Infrastructure Committee Meeting of December 15, 2015) **SPRAGUE**

Executive Summary: This ordinance will amend Schedule XVI of Chapter 291, Article II, Sec. 28 of the Code of the City of Bangor. The Police Department has requested that the portion of Union Street under the Joshua Lawrence Chamberlain Bridge be designated as a one-way street from Broad Street to Independent Street. The portion of Union Street under the Joshua Lawrence Chamberlain Bridge is presently marked as one-way to where it intersects with Independent Street. It has not, however, ever been officially been designated as one-way. Given the narrowness and low visibility of this portion of Union Street, two-way traffic is potentially dangerous. This ordinance change would bring the Code into line with current practice of treating this street section as one-way.

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

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

**ASSIGNED TO
COUNCILOR**

16-044 RESOLVE **Accepting and Appropriating \$383,182 in Grant Funds from the U.S. Department of Housing and Urban Development - Shelter Plus Care Renewal (First Reading) **PLOURDE****

Executive Summary: This resolve will accept and appropriate \$383,182 in Grant Funds from the U.S. Department of Housing and Urban Development for renewal of Shelter Plus Care. The City applies for renewal funding to continue several homeless programs under the U.S. Department of Housing and Urban Development’s Homeless Continuum of Care. The City’s Shelter Plus Care program won initial funding from the federal government in 1993. The program is used to provide subsidized rents for qualified homeless individuals with a primary diagnosis of mental illness, chronic substance abuse or HIV related illness who is receiving support services.

The amount of the grant is \$383,182 which, under the current grant, is funding 67 households. Of these households, 62 live in Bangor, 1 in Old Town, and 4 in Brewer. The grant term is September 1, 2015 to August 31, 2016. This item was reviewed and recommended for approval at the December 7, 2015 Government Operations Committee meeting.

16-045 RESOLVE **Accepting and Appropriating \$114, 847 in Grant funds from the U.S. Department of Housing and Urban Development for the Shelter Plus Care Program (First Reading) **NICHOLS****

Executive Summary: This resolve will accept and appropriate \$114, 847 in grant funds from the U.S. Department of Housing and Urban Development for the Shelter Plus Care Program. The City of Bangor applies for funding for several homeless programs under the Department of Housing and Urban Development’s Homeless Continuum of Care on an annual basis. The Shelter Plus Care Program provides subsidized rents for qualified homeless individuals with a primary diagnosis of mental illness, substance abuse, or HIV related illness and who are receiving support services. The current grant is supporting 35 households. Of these, 30 live in Bangor, 2 in Old Town, 1 in Veazie, and 2 in Brewer. The grant period is December 1, 2015 to November 30, 2016. This item was reviewed and recommended for approval at the December 7, 2015 Government Operations Committee meeting.

**UNFINISHED BUSINESS
ITEM NO**

**ASSIGNED TO
COUNCILOR**

16-013 ORDINANCE **Amending Chapter 165, Land Development, of the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District **GRAHAM****

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

UNFINISHED BUSINESS ITEM NO

ASSIGNED TO COUNCILOR

Executive Summary: This ordinance amendment would define and regulate landscaping service businesses as a use in the Rural Residence and Agricultural District. The City has traditionally included landscaping businesses under the umbrella of agricultural uses in the RR&A District. Recently concerns have been raised about the impact of such businesses and their proximity to residential properties. After a number of meetings with the public, the Planning Board, and the Business and Economic Development Committee, these proposed ordinance amendments have been drafted.

The ordinance is intended to address these concerns by providing a definition of landscaping, separate provisions for small and large landscaping businesses, and setback and buffer requirements. Landscaping businesses currently operating legally within the district will be grandfathered. This item was recently reviewed and recommended for approval at the Business and Economic Development meeting on November 24, 2015 and the Planning Board Meeting on December 1, 2015.

16-023 ORDINANCE Amending Schedule VI of Chapter 291, Article III, Sec. **PLOURDE
40 of the Code of the City of Bangor - Parking for
Persons with Disabilities – 125 State Street**

Executive Summary: This Ordinance would designate a 9' x 20' area on the south side of State Street, located 30 feet west of the western Essex Street curb line extended, as handicapped parking. The general manager of Judy's Restaurant, of 125 State Street, has contacted the City to request that an area in front of Judy's restaurant be designated as handicapped parking. He states that many of his patrons would benefit from this designation. This item was reviewed by the Government Operations Committee on November 16, 2015.

15-246 ORDINANCE Adding Chapter 179, Minimum Wage, to the Code of **BALDACCI
the City of Bangor**

Executive Summary: This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour. If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.

The City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens. Based on numerous reports and studies it can be demonstrated that the establishment of a higher minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor. According to a report by the Maine Center for Economic Policy more than 100,000 workers in Maine would benefit from an increase in the minimum wage.

REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 14, 2015

UNFINISHED BUSINESS ITEM NO

ASSIGNED TO COUNCILOR

Employment in Bangor makes up roughly 6% of Maine's workforce or about 35,000 workers. Extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage.

NEW BUSINESS ITEM NO.

ASSIGNED TO COUNCILOR

**16-046 ORDER Authorizing Execution of Contract with General Code
for Electronic Content Management System SPRAGUE**

Executive Summary: The attached order would authorize the staff to execute a contract with General Code for an electronic content management (ECM) system. On August 26th, the City received thirteen (13) responses to its Request for Proposals. A small group of staff members reviewed all submissions and narrowed the field to five (5) respondents that were asked to make a presentation to a selection committee. The selection committee requested that the top two respondents return and to make a presentation to a larger group of staff representing all departments.

The process was comprehensive and informative. With two strong respondents and products, the selection committee carefully examined both to determine which would be most suitable for the City now and into the future. General Code has extensive municipal experience, especially throughout the New England region. Its ECM solution, Laserfiche, will allow the City to move further into the digital world and streamline processes for more efficiency and transparency.

Funding for this project was designated by Council from the sale of the Court Street property to the County. If approved, this ECM solution will streamline processes city wide, provide a digital depository for City records as well as a public portal for citizens to more easily access documents.

This item was reviewed and recommended for approval by the Finance Committee on December 7, 2015.

**16-047 ORDER Adopting a Policy for the Naming of City-Owned
Properties NICHOLS**

Executive Summary: This Order will adopt a policy for the naming of City-owned properties. The Policy will ensure that City-owned properties are given names which are consistent with the values and character of the City, area or neighborhood served and that the process for naming, or renaming, a City-owned property is consistent. Additionally, the policy will minimize conflict and provide a forum for meaningful discussion about the naming of City-owned properties.

This has been reviewed and recommended for approval by the Government Operations Committee on December 7, 2015.



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

*Meeting Called to Order at 7:30 PM
 Chaired by Councilor Durgin
 Councilors Absent: Faircloth
 Meeting Adjourned at 8:08 PM*

- RECOGNITION:** *Recognized Winterport Boot Shop and Hats For The Homeless for Their Generous Donations*
- PROCLAMATION:** *Proclaimed Small Business Saturday In The City Of Bangor*
- PRESENTATION:** *Komen Race Chair, Ruth Soucie, presented a plaque to the fire department for their participation in its annual race.*
- PUBLIC COMMENT** *None.*

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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Order #16-021 was moved to New Business

MINUTES OF: *Bangor City Council Organizational Meeting of November 9, 2015, Bangor City Council Regular Meeting of November 9, 2015, Airport Committee Meeting of October 13, 2015, Finance Committee Meeting of November 16, 2015, Government Operations Committee Meeting of November 2, 2015 and November 16, 2015, Infrastructure Committee Meetings of June 23, 2015, July 14, 2015, July 28, 2015, August 25, 2015, September 28, 2015 and November 9, 2015*

Action: *Accepted and Approved*

LIQUOR LICENSE RENEWAL:	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Family Fun Lanes Inc. d/b/a The Back Alley Restaurant, 15 Hildreth Street</i>	SPRAGUE
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Action: *Approved*

<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Allon R. Fish d/b/a BAFS, Inc., 61 Florida Avenue</i>	SPRAGUE
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Action: *Approved*

<u>16-014</u> <u>ORDER</u>	<i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 121 Patten Street (Map 35, Lot 26)</i>	DURGIN
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Action: *Passed*

<u>16-015</u> <u>ORDER</u>	<i>Authorizing the City Manager to Execute an Air Service Development Consulting Agreement with The Boyd Group International</i>	PERRY
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Action: *Passed*

<u>16-016</u> <u>ORDER</u>	<i>Authorizing Purchase of a Sterilizing Autoclave in the Amount of \$118,900</i>	BALDACCI
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Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR

<u>16-017</u>	<u>ORDER</u>	<i>Approval of an Amendment to the Indenture of Lease between the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless</i>	BALDACCI
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Action: Passed

<u>16-018</u>	<u>ORDER</u>	<i>Extending the Designation of Sheldon Hartstone as Tentative Developer of a Parcel of City-Owned Land – Map 001 Lot 134 and a Portion of Map 001 Lot 001</i>	GRAHAM
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Action: Passed

<u>16-019</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute an Off-Airport Car Rental Agreement with Enterprise-Rent-A-Car Company to Provide Car Rental Services</i>	NEALLEY
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Action: Passed

<u>16-020</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Sub Contract Agreement with Eastern Maine Healthcare Systems (#CDC 16-1049: Sodium Reduction in Communities)</i>	PLOURDE
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Action: Passed

<u>16-022</u>	<u>ORDER</u>	<i>Authorizing the City Clerk to Cast Voting Ballot for the Municipal Review Committee, Inc. Board of Directors</i>	NICHOLS
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Action: Passed

REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR

<u>16-023</u>	<u>ORDINANCE</u>	<i>Amending Schedule VI of Chapter 291, Article III, Sec. 40 of the Code of the City of Bangor - Parking for Persons with Disabilities – 125 State Street</i>	PLOURDE
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Action: First Reading

UNFINISHED BUSINESS			ASSIGNED TO
ITEM NO			COUNCILOR

<u>15-246</u>	<u>ORDINANCE</u>	<i>Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor</i>	BALDACCI
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*Action: Motion made and seconded to Postpone to the December 14, 2015, City Council Meeting
Postponed*

PUBLIC HEARING:

<u>15-360</u>	<u>ORDER</u>	<i>Declaring 472 Essex Street a Dangerous Building and Directing its Demolition (Map-Lot 045-009-D)</i>	BALDACCI
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MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

UNFINISHED BUSINESS		ASSIGNED TO
ITEM NO		COUNCILOR

*Action: Motion made and seconded to Postpone to the January 11, 2015, City Council Meeting
Postponed*

<u>16-012</u>	<u>ORDINANCE</u>	Amending Chapter 170, Life Safety Code, of the Code of the City of Bangor, By Adopting the National Fire Protection Association’s 2009 Edition of NFPA 101	PERRY
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*Action: Motion made and seconded for Passage
Vote: 8 – 0
Councilors Voting Yes: Baldacci, Graham, Nealley, Nichols, Perry, Plourde, Sprague, Durgin
Councilors Voting No: None
Passed*

NEW BUSINESS		ASSIGNED TO
ITEM NO.		COUNCILOR

<u>16-021</u>	<u>ORDER</u>	Authorizing the City Manager to Execute a Sub Contract Agreement with Good Shepherd Food Bank (#CDC 16-1049: Sodium Reduction in Communities)	SPRAGUE
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Councilor Sprague indicated that he had a conflict of interest as he sat on the Board of Directors for the Good Shepherd Food Bank. Councilor Sprague left the meeting.

*Action: Motion made and seconded for Passage
Passed*

Councilor Sprague returned to the meeting.

<u>16-024</u>	<u>ORDER</u>	Authorizing Execution of Contract for Group Health Insurance Program with Cigna	DURGIN
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*Action: Motion made and seconded for Passage
Passed*

<u>16-025</u>	<u>ORDER</u>	Authorizing the Execution of an Agreement with Eastern Sno Cross – Bass Park Infield, Track, and Grandstand	PLOURDE
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*Action: Motion made and seconded for Passage
Passed*

Attest: _____
Lisa J. Goodwin, MMC, City Clerk

FINANCE COMMITTEE AGENDA MINUTES
December 7, 2015 @ 5:15

Councilors Present: Baldacci, Graham, Faircloth, Durgin, Nealley, Nichols, Perry

Staff Present: Conlow, Cyr, Drew

1. Consent Agenda

- a. Report of Bids Awarded by Staff – November 2015
- b. Update on Diesel Fuel Contract – FY 2017

Motion made and seconded to accept the consent agenda items. Motion passed unanimously

2. Bids/Purchasing

- a. Radio Maintenance – City Wide – Whitten’s 2-Way

Motion made and seconded to award the contract to Whitten’s 2-Way, motion passed unanimously.

- b. Document Management – City Wide – General Code

Staff reviewed the process undertaken in the selection of the vendor as well as provided information about the software capabilities. Councilors questioned whether references were checked, the process that would be undertaken as well as the implementation timeline. Staff responded that references were all positive, that names would be provided so that Council could see the public portal element. In addition, it would be a phased implementation that would require significant staff involvement up front to set up, allow for process improvements and start with day forward documents. The selection of a back scanning vendor is currently underway. Exact pricing would be based on the licensure level that is determined in conjunction with the vendor. Funds would be first expended on the software and the balance to back scan. It is likely that this will be a long term project requiring some amount of annual appropriation beyond just the annual licensing fees.

Motion to recommend award of contract to General Code to the full Council was made and seconded. Motion passed unanimously.

- c. Sale of 147 Court Street - \$4,800

Motion to recommend sale of property to the full Council was made and seconded. Motion passed unanimously.

3. Energy Program Status

Staff provided an update on two energy program initiatives that would be forthcoming for Committee and Council review. The first being an energy program for residents. This is a continuation of the efforts brought forward by Councilors Faircloth and Plourde earlier this fall. Staff will be drafting a comprehensive Residential Energy Program that encompasses the points raised by the Councilors as well as incorporating the resources of Efficiency Maine. On a related note, City staff has been working with an engineering firm as part of Efficiency Maine's large customer that is developing a full range scoping audit of City facilities to identify energy saving opportunities within City facilities. That report is expected to be available sometime in January.

4. Assessor's Update

The Assessor reviewed the recent State Valuation Analysis, Report of Assessment Review and The Annual Sales Ratio Report required by the State of Maine, Maine Revenue Services Property Tax Division as well as the business personal property letter.

Adjourned 6:15 pm

Government Operations Committee

December 7, 2015

Minutes

Councilors Attending: Plourde, Baldacci, Nichols, Perry, Graham, Faircloth

Staff Attending: Conlow, Farrar, Heitmann, Hamilton, Hathaway, Linscott

Others Attending: one citizen

Committee Chair Plourde called the meeting to Order at 6:20 pm.

1. Shelter Plus Care Funding from the US Department of Housing and Urban Development
 - Public Health and Community Services Director Hamilton explained the nature, purpose and details of the two Shelter Plus Care Grants from HUD in the amounts of \$383, 182 and \$114,847. It was moved by Graham, seconded by Baldacci and voted without objection to recommend acceptance and appropriation of both grants to the full Council.
2. Agreement between the City of Bangor –Community Connector and University of Maine- Augusta Campus for implementation of Free Fare Program for students and staff
 - Assistant City Manager Farrar and Bus Superintendent Linscott explained the program details including an 18 month term beginning January 1, 2016, 3 payments of \$2,100 by the UMaine Augusta Campus (located in Bangor), and free rides on the Community Connector for students and staff. This program is similar to those already in place for UMaine –Orono, Husson University, and Eastern Maine Community College. Following questions by Councilors, it was moved by Graham, seconded by Faircloth and voted without objection to recommend approval of the Agreement to the full Council.
3. Proposed Naming Policy for City Owned Property
 - As there is currently no policy in place to guide the City Council in naming city owned property, the Legal Department prepared a draft policy for the Committee’s consideration. Committee members and Solicitor Heitmann reviewed the provisions of the draft proposal. There were no suggested changes. It was moved by Graham, seconded by Baldacci and voted without objection to recommend approval of the policy as prepared to the full Council.
4. Update from Bangor Police Department
 - Chief Hathaway gave the Committee an overview of the investigation that is underway regarding the recent officer involved shooting. The Chief explained that it is a three part process: an external review by the Attorney’s General Office, an internal Department investigation, and a review by an Independent Review Board comprised of Department

representatives and community members. Hathaway explained the nature of the three investigations in general terms, as specifics could not be discussed given the ongoing investigative processes. Committee members asked questions concerning the lack of interest in law enforcement careers. The Chief stated this is a problem not only in Maine, but nationwide as the roles and duties of police officers have changed significantly over the years. Committee members praised the work of the Police Department and stated their appreciation for the work performed by all Department members. The Committee thanked the Chief for his efforts during this difficult time.

With no further business to come before the Committee, the meeting was adjourned at 6:40 pm.

MINUTES

BANGOR SCHOOL COMMITTEE REGULAR MEETING

7:00 p.m., Wednesday, October 28, 2015

School Committee Members present: Chairman Warren Caruso, Susan Hawes, Sarah Smiley, Sue Sorg and Marlene Susi. Committee Members Vice Chair Jay Ye and Marc Eastman were unable to attend.

A. 1. & 2. The meeting was called to order by Chairman Caruso at 7:04 p.m. and the Pledge of Allegiance followed.

3. The Bangor School Committee and the Bangor School Department recognized Sarah Smiley for her years of service on the Bangor School Committee.

B. Superintendent Webb requested to amend the agenda in order to add:

D. 1. b. Ratification of the 2015-2018 Collective Bargaining Agreement with the Bangor Education Association on behalf of the Teachers

D. 1. c. Ratification of the 2015-2018 Collective Bargaining Agreement with the Association of Bangor School Administrators

E. 2. a. 4. Policy JICJ Student Use of Cell Phones and Other Electronic Devices

E. 2. a. 5. Policy IGBB Gifted and Talented Program.

VOTED 5-0 to amend the agenda as requested.

D. 1. a. Superintendent Webb recommended approval of the Comprehensive Emergency Plan. Assistant Superintendent Robert MacDonald reviewed the revisions.

VOTED 5-0 to approve the Comprehensive Emergency Plan as presented.

b. Superintendent Webb recommended ratification of the 2015-2018 Collective Bargaining Agreement with the Bangor Education Association on behalf of the Teachers.

VOTED 5-0 to ratify the Collective Bargaining Agreement as presented.

c. Superintendent Webb recommended ratification of the 2015-2018 Collective Bargaining Agreement with the Association of Bangor School Administrators.

VOTED 5-0 to ratify the Collective Bargaining Agreement as presented.

2. a. Superintendent Webb reviewed the October 1st enrollment report. October 1st and April 1st enrollments are used as the two census dates for state subsidy calculation purposes. The Department of Education certification of the October 1st Report will be later in the month.

- b. Chairman Caruso and Superintendent Webb updated the Committee on the MSSA Fall Conference.

E. 1. a. 1-2. VOTED 5-0 to approve the Minutes of the October 15, 2015, Special School Committee Meeting and the October 15, 2015, Regular School Committee Meeting.

- b. 1. Superintendent Webb recommended approval of the September 2015 Financial Statement.

VOTED 5-0 to approve the September 2015 Financial Statement as presented.

- c. 1. Superintendent Webb recommended approval of the following extra-duty assignments for the 2015-2016 school year:

Asst. Spring Track Coach	Bangor High School	Keenon Blindow
Asst. Winter Track Coach	Bangor High School	Shannan Fotter
Winter Cheerleading Coach	Bangor High School	Stephanie Crane (1/2)
Winter Cheerleading Coach	Bangor High School	Kate Robichaud (1/2)
Girl's Tennis Coach	Bangor High School	Cathy Lemin
JV Winter Cheerleading	Bangor High School	Hanya Phillips
Spring Track Coach	Bangor High School	Joseph Quinn Sr.
Co-ed Diving Coach	Bangor High School	Timothy Smith
Boys Asst. Swim Coach	Bangor High School	Lauren O'Reilly

VOTED 5-0 to approve the nominations as presented.

- d. Superintendent Webb reported the following donation:

To the Downeast School from FACT (Families and Children Together), crayons and coloring books, having a total dollar value of \$195.

VOTED 5-0 to receive the donation as presented with thanks.

- e. Superintendent Webb recommended receipt of the Second Reading of the following policies:

1. Revised Policy IGBCA – Comparability of Instructional Services Among Schools
2. New Policy JLCDA – Medical Marijuana in Schools
3. Revised Policy KNAG – Reporting Child Abuse & Neglect

VOTED 5-0 to approve the Second Reading of policies as presented.

- 2. a. Superintendent Webb recommended receipt of the First Reading of the following policies:

1. Revised Policy JJIF – Management of Concussions and Other Head Injuries in School Sponsored Extra-Curricular Activities
2. Revised Policy IKFA – Early Graduation/Admission Programs
3. Revised Policy IMGA – Service Animals in School

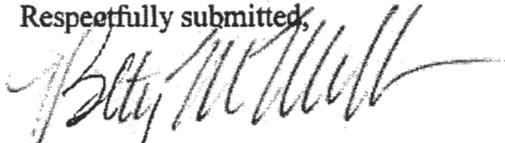
4. New Policy JICJ – Student Use of Cell Phones and Other Electronic Devices
5. Revised Policy IGBB – Gifted and Talented Program

VOTED 5-0 to receive the First Reading of policies as presented.

F. 2. d. Committee Updates – Committee Member Sorg reported that UTC Board met on October 1st. The enrollment is at 543 students and currently 39% of the students are identified under IDEA or on a 504 plan. UTC held a successful Open House. UTC has updated their baking area to include a deli, a new horticulture composites area, academic center, and sidewalk. The search for a new director is underway and the subcommittee has updated the job description.

J. Meeting adjourned at 7:29 p.m.

Respectfully submitted,



Betsy M. Webb, Ed.D.
Superintendent of Schools

MINUTES

BANGOR SCHOOL COMMITTEE
ORGANIZATIONAL MEETING
11:00 a.m., Monday, November 9, 2015
Council Chambers

School Committee Members present: Warren Caruso, Jennifer DeGroff, Brian Doore, Susan Hawes, Susan Sorg, and Marlene Susi

The meeting was called to order at 11:00 a.m. by Superintendent Betsy M. Webb and the Pledge of Allegiance followed.

A. City Clerk Lisa Goodwin swore in newly elected members Jennifer DeGroff and Brian Doore.

B. 1. Superintendent Webb asked for nominations for Chairman of the School Committee. It was moved and seconded to nominate Warren Caruso for Chairman. There were no other nominations.

VOTED 7-0 to approve the nomination as presented.

2. Chairman Caruso then asked for nominations for Vice Chairman. It was moved and seconded to nominate Jay Ye as Vice Chairman. There were no other nominations.

VOTED 7-0 to approve the nomination as presented.

C. 1. Superintendent Webb recommended Building Principals be designated as Attendance Officers.

VOTED 7-0 to approve principals as Attendance Officers.

2. Superintendent Webb recommended Daniel Chadbourne as Affirmative Action Officer.

VOTED 7-0 to approve the recommendation as presented.

3. Superintendent Webb recommended Lynn Silk as Title IX Coordinator.

VOTED 7-0 to approve the recommendation as presented.

4-7. Chairman Caruso will announce Committee appointments at the next meeting.

8. Superintendent Webb recommended approval of the Finance Committee Rotation List.

VOTED 7-0 to approve the list as presented.

9. Superintendent Webb recommended Dr. Kristen Martin as School Physician.

VOTED 7-0 to approve the recommendation as presented.

10. Superintendent Webb recommended the continued legal services of Brann & Isaacson with Daniel Stockford to serve as General Legal Counsel and Chief Negotiator for the Bangor School Department.

VOTED 7-0 to approve the recommendation as presented.

The meeting adjourned at 11:08 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Betsy M. Webb".

Betsy M. Webb, Ed.D.
Superintendent of Schools

COUNCIL ACTION

Item No. 16-026

Date: December 14, 2015

Item/Subject: Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 149 Fourteenth Street (Map 11, Lot 30A).

Responsible Department: Legal

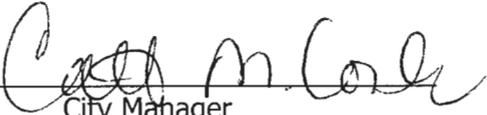
Commentary:

A sewer lien matured on the property owned by Shane McCarthy of 149 Fourteenth Street. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 149 Fourteenth Street (Map 11, Lot 30A).

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of an undischarged sewer lien recorded in the Penobscot County Registry of Deeds in Book 12675, Page 243. Said deed shall be directed to Shane F. McCarthy in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-027

Date: December 14, 2015

Item/Subject: **Order,** Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 53 Webster Avenue North (Map 22, Lot 13).

Responsible Department: Legal

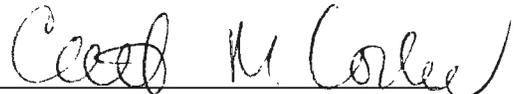
Commentary:

A sewer lien matured on the property owned by Jennifer and Daniel Searway of 53 Webster Avenue North. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the lien matured a quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.

Department Head

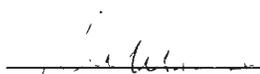
Manager's Comments:



City Manager

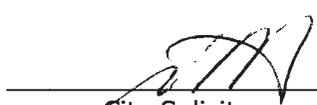
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 53 Webster Avenue North (Map 22, Lot 13).

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of an undischarged sewer lien recorded in the Penobscot County Registry of Deeds in Book 12375, Page 232. Said deed shall be directed to Jennifer K. Searway and Daniel M. Searway in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-028

Date: December 14, 2015

Item/Subject: Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 50 Cardinal Way (Map R23, Lot 50).

Responsible Department: Legal

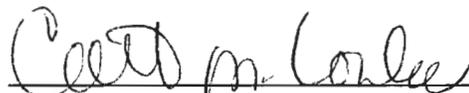
Commentary:

Sewer liens matured on the property owned by Anthony Smith of 50 Cardinal Way. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured a quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.

Department Head

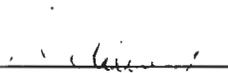
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 50 Cardinal Way (Map R23, Lot 50).

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 12211, Page 315 and Book 12398, Page 40. Said deed shall be directed to Anthony Smith in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-029

Date: December 14, 2015

Item/Subject: ORDER, Appointing Constables for the Year 2016

Responsible Department: City Clerk

Commentary:

This is a routine action that authorizes certain individuals known as Constables to enforce City Ordinances. This includes employees of the Parking Fund, Fire Prevention, Harbor Master, Airport, Code Enforcement, and Animal Control. Staff recommends approval.

Department Head

Manager's Comments:



City Manager

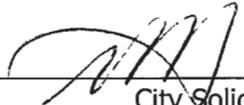
Associated Information

Order and attached list of constables.

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage, Consent**
- First Reading**
- Referral**

Page ___ of



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) ORDER, Appointing Constables for the Year of 2016

By the City Council of the City of Bangor:

ORDERED, THAT the City Council hereby confirms the appointment of Constables for the City of Bangor for the Year of 2016, as indicated on the attached list.

Appointment of Constables for the Year 2016

Employees of the Parking Fund:

Holly Knowles
Thomas Graban
Cathy Small
Peter Campbell
Paul Maggio
Kathy Drew

Employees of Code Enforcement:

George Craig
Brenda Bilotta
Mark Marquis
Adam Alexander
Jeremy Martin
Bernier Fournier

Employees of the Fire Prevention Bureau:

Daniel Landers
Lance Sanborn

Harbor Master:

Gerald L. Ledwith

Animal Control Officer:

Trisha Bruen

Employees of the Airport

Peter Golding
Wayne Dionne
Michael Donovan
Robert West
Nanci Hamlin
Robin Wood
Douglas Woodard
Darrell Stone

COUNCIL ACTION

Item No. 16-030

Date: December 14, 2015

Item/Subject: Order, Authorizing the City Manager to Execute a Memorandum of Agreement between the City of Bangor Community Connector and University of Maine System- Augusta Campus for Free Fare Ride Program

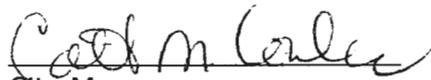
Responsible Department: Executive

Commentary: The Order would approve a Free Fare Program with the University of Maine System—Augusta campus, located in Bangor. This MOU will provide students and staff with free rides on the Community Connector for a set fee paid by the University with the presentation of the rider's college identification. The University has agreed to pay the City \$6,300 for the 18 month term of the Agreement (January 1, 2016 through June 30, 2017). This Agreement is similar in nature to those already in place with the University of Maine –Orono Campus, Eastern Maine Community College and Husson University. These programs have worked well for both the Community Connector and the students and staff at these institutions.

This item was reviewed and recommended for approval at the December 7, 2015 Government Operations Committee meeting.

Department Head

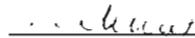
Manager's Comments: Recommend approval



City Manager

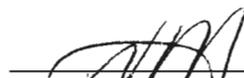
Associated Information: Order, Agreement

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage (Consent Agenda)
 First Reading
 Referral

Page of



Assigned to Councilor Nichols

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute a Memorandum of Agreement between the City of Bangor Community Connector and the University of Maine System- Augusta Campus for Free Fare Ride Program

Be it Ordered by the Bangor City Council that:

The City Manager is authorized to execute a Memorandum of Agreement between the City of Bangor Community Connector and the University of Maine System - Augusta Campus, located in Bangor for a Free-Fare ride program for students and staff for a term of January 1, 2016 through June 30, 2017 in the total amount of \$6,300 and in accordance with the terms and conditions of the attached Agreement.

**MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF BANGOR
AND
UNIVERSITY OF MAINE AT SYSTEM**

I. PARTIES

The Parties to this Memorandum of Agreement (the “Agreement”) are the City of Bangor (the “City”), a Maine municipal corporation, and the University of Maine System, acting through the University of Maine at Augusta (“UMA”), a Maine public university.

II. TERM

This Agreement shall take effect on January 1, 2016, and expire on June 30, 2017.

III. CITY OBLIGATIONS

The City will:

- A. Own and operate a transportation service known as Community Connector;
- B. Provide to UMA students and staff fare-free rides on all Community Connector routes upon presentation of a valid UMA identification card between January 1, 2016 and June 30, 2017; and
- C. Track such UMA student and staff usage on the Community Connector bus.

IV. UMA OBLIGATIONS

UMA will:

- A. Promote the usage of the Community Connector to its students and staff;
- B. Pay to the City three payments of Two Thousand and One Hundred Dollars (\$2,100.00) each on January 1, 2016, August 1, 2016, and February 1, 2017, without prior demand or notice;
- C. Make such payments to: City of Bangor/Community Connector, 481 Maine Ave, Bangor, ME 04401; and
- D. Maintain cleanliness of and provide snow removal for the bus shelter and cutout for wheelchair approach at 103 Texas Avenue in Bangor.

V. INDEMNIFICATION

To the extent permitted by law, UMS shall indemnify and hold the City harmless from and against any and all claims, actions, lawsuits, judgments and costs, including reasonable attorney's fees, that the City may become liable to pay or defend due to bodily injury or property damage caused by the negligent acts or omissions of the University or its employees, arising out of or in connection with the University's obligations pursuant to this Agreement. This indemnification obligation shall not apply to any claim for which University would not be liable under the Maine Tort Claims Act (14 M.R.S.A. ' 8101, et seq.) if such claim were made directly against the University and University shall continue to enjoy all rights, claims, immunities and defenses available to it under law.

V. TERMINATION

This Agreement may be terminated or suspended by either party with thirty (30) days' written notice. Any fees owed by UMA shall be equitably prorated and promptly paid by UMA to the City. Any fees prepaid by UMA shall be equitably prorated and promptly paid to UMA by the City.

VI. AMENDMENTS

This agreement may be modified or amended during the initial term or any extension thereof by written instrument executed by authorized Representatives of all parties.

Notifications and communications required under this Agreement shall be deemed sufficient if sent by first-class mail, postage prepaid to:

For the City: Bus Superintendent
Community Connector
481 Maine Avenue
Bangor, ME 04401

For UMA:

VII. SIGNATURES

The Parties agree to the above as evidenced by their signatures below.

CITY OF BANGOR

**UNIVERSITY OF MAINE AT
AUGUSTA**

By: _____
Catherine M. Conlow
City Manager

By: _____

Date: _____

Date: _____

COUNCIL ACTION

Item No. 16-031

Date: December 14, 2015

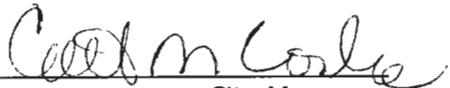
Item/Subject: **ORDER**, Authorizing the City Manager to Accept a \$500.00 Donation from an "Anonymous Donor" for the Special Account: *Pay It Forward* Fund.

Responsible Department: **Health and Community Services**

Commentary: This order authorizes the City Manager to a \$500 donation from a donor who wishes to remain anonymous. The *Pay It Forward* Account is a special account, funded by donations, that gives an extra hand to a person in need with the expectation that he or she, when able, will in turn donate time or money to another person in need. The Fund is administered by the Community Services Manager.

Department Head

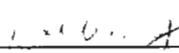
Manager's Comments:



City Manager

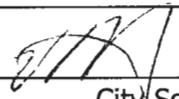
Associated Information: **Order**

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page 1 of 1

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Accept a \$500.00 Donation from an Anonymous Donor for Pay It Forward Special Account.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to Accept a \$500.00 Donation from an Anonymous Donor for the Pay It Forward Special Account.

COUNCIL ACTION

Item No. 16-032

Date: December 14, 2015

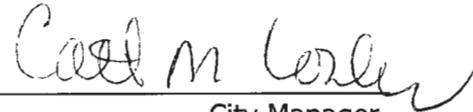
Item/Subject: **ORDER**, Authorizing the City Manager to Accept a \$5,074.14 Donation from an "Anonymous Donor" for the Special Account: *Pay It Forward* Fund.

Responsible Department: Health and Community Services

Commentary: This order authorizes the City Manager to accept 154 shares of Weyerhaeuser Company stock valued at \$5,074.14, from a donor who wishes to remain anonymous. The *Pay It Forward* Account is a special account, funded by donations, that gives an extra hand to a person in need with the expectation that he or she, when able, will in turn donate time or money to another person in need. The Fund is administered by the Community Services Manager.

Department Head

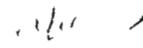
Manager's Comments:



City Manager

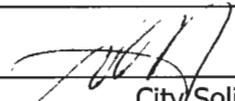
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Accept a \$5,074.14 Donation from an Anonymous Donor for Pay It Forward Special Account.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to Accept a \$5,074.14 Donation from an Anonymous Donor for Pay It Forward Special Account.

COUNCIL ACTION

Item No. 16-033

Date: December 14, 2015

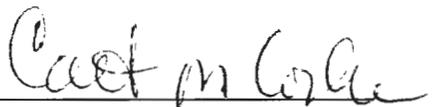
Item/Subject: Order, Authorizing the City Manager to Accept a Donation of Four Hundred Dollars (\$400.00) from the Maine Resiliency Building Network in Support of the Maternal and Child Health Nurse Home Visiting Program

Responsible Department: Public Health & Community Services

Commentary: This order will accept a donation of four hundred dollars (\$400.00) from the Maine Resiliency Building Network in support of the maternal and Child Health Nurse Home Visiting Program. The purpose of the the donation was to offset costs to attend an Adverse Childhood Events Score (ACEs), Maine Summit on November 3 and 4, 2015. The summit was a two day conference that featured Dr. Rob Anda, co-author of the original research, and Dr. Ken Ginsburg, a national speaker and author on parenting, trauma, and resilience. In addition to learning about current nationwide ACEs practices, the nurses presented their experience with ACEs implementation in Bangor.

Department Head

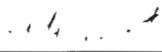
Manager's Comments:



City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage Consent
 First Reading
 Refer

Page __ of __



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Accept a Donation of \$400.00 from the Maine Resiliency Building Network in Support of the Maternal and Child Health Nurse Home Visiting Program

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to accept a donation of \$400.00 from the Maine Resiliency Building Network for Maternal and Child Health Nurses to attend a Maine ACEs Summit.

COUNCIL ACTION

Item No. 16-034

Date: December 14, 2015

Item/Subject: **ORDER,** Authorizing the City Manager to Execute a Collective Bargaining Agreement between the City of Bangor and Amalgamated Transit Union (ATU) Local 714 Representing Bus Drivers at the Community Connector Public Transit Division

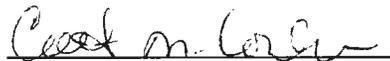
Responsible Department: Executive

Commentary: This Order would approve a Collective Bargaining Agreement between the City of Bangor and Amalgamated Transit Union Local 714 representing Bus Drivers at the Community Connector public transit division. Negotiations between the City and the Union have resulted in a Tentative Agreement which has been ratified by the Union. The agreement has been negotiated within the bargaining guidelines established by the City Council and includes the following: a two year term (July 1, 2015 to June 30, 2017); wage increases of 1% year one and 1.25 % year two; updated health insurance rates and cost sharing schedule, date changes, and a provision to re-open health insurance, if needed; small adjustments to Earned Time Off (ETO), bereavement leave, footwear allowance, eye glass and eye examination provisions; inclusion of two paid holidays (Thanksgiving and Christmas); revised bidding process for shift assignments, revised language for the Joint Management / Labor Committee, and various operational clarifications for overtime, call-ins and extra work.

The Tentative Agreement was reviewed with the City Council in Executive Session on November 23, 2015 and is presented with the recommendation of the City's Management Negotiation Committee.

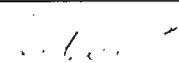
Department Head

Manager's Comments: Recommend Approval


City Manager

Associated Information: Order, Agreement Provided Separately

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage (Consent)
 First Reading
 Referral



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute a Collective Bargaining Agreement between the City of Bangor and Amalgamated Transit Union (ATU) Local 714 Representing Bus Drivers at the Community Connector Transit Division

By the City Council of the City of Bangor:

ORDERED, that the City Manager is hereby authorized to execute a Collective Bargaining Agreement between the City of Bangor and Amalgamated Transit Union (ATU) Local 714 representing Bus Drivers at the Community Connector Public Transit Division for a term commencing July 1, 2015 and ending June 30, 2017 in accordance with the terms and conditions of the Tentative Agreement reached between the Negotiating Committees representing the City and the Union. A copy of the Agreement to be approved is on file in the Office of the City Clerk.

COUNCIL ACTION

Item No. 16-035

Date: December 14, 2015

Item/Subject: **ORDER**, Authorizing the City Manager to Execute a Collective Bargaining Agreement between the City of Bangor and Maine Association of Police (MAP) Representing Commanding Officers at the Police Department

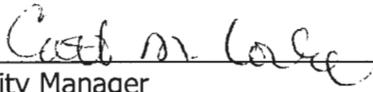
Responsible Department: Executive

Commentary: This Order would approve a Collective Bargaining Agreement between the City and Maine Association of Police representing Police Commanding Officers. Negotiations between the City and the Union have resulted in a Tentative Agreement which has been ratified by the Union. The agreement has been negotiated within the bargaining guidelines established by the City Council and includes the following: a three year term (7-1-15 to 6-30-18); wage adjustments of 1% year one, 1.25 % year two and 1.50% year three; updated health insurance rates, date changes and a contract reopener for health insurance, if needed; small adjustments to the physical fitness stipend, acting Lieutenant pay, and clothing allowance provisions, an adjustment to step 8 on the established wage scale, and an opportunity for a one week buy-back of vacation for employees who have accumulated the maximum allowable vacation time.

This Tentative Agreement was reviewed with the City Council in Executive Session on November 23, 2015 and is presented with the recommendation of the City's Management Negotiating Committee.

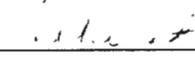
Department Head

Manager's Comments: Recommend Approval


City Manager

Associated Information: Order, Agreement provided separately

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage (Consent)**
- First Reading**
- Referral**



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute a Collective Bargaining Agreement between the City of Bangor and Maine Association of Police (MAP) Representing Commanding Officers at the Police Department

By the City Council of the City of Bangor:

ORDERED, that the City Manager is hereby authorized to execute a Collective Bargaining Agreement between the City of Bangor and Maine Association of Police (MAP) representing Commanding Officers at the Police Department for a term commencing July 1, 2015 and ending June 30, 2018 accordance with the terms and conditions of the Tentative Agreement reached by the Negotiating Committees representing the City and the Union. A copy of the Agreement to be approved is on file in the Office of the City Clerk.

COUNCIL ACTION

Item No. 16-036

Date: December 14, 2015

Item/Subject: ORDER, Authorizing Execution of Documents for the Sale of 147 Court Street (Map 032 Lot 177) to Kimberly Paige in the Amount of \$4,800

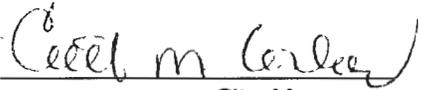
Responsible Department: Finance

Commentary: This order will authorize the sale of 147 Court Street to Kimberly Paige in the amount of \$4800. Property located at 147 Court Street was taken by the City due to matured tax liens. Based on its condition, the City demolished the structure using CDBG funding. On November 13, 2015, the City received one (1) response to its RFP. The respondent, Kimberly Paige, offered a price of \$4,800. The proposal clearly stated that the property would be sold as-is where-is, that only a municipal quitclaim deed would be issued and required that the submission of a planned use, timeline and proposed investment level.

At the December 7, 2015, the Finance Committee reviewed and recommended for approval staff recommendation is to accept the offer of \$4,800 from Kimberly Paige. Ms. Paige owns property on Everett Street which abuts this parcel. The plan submitted was to construct a studio on the back portion of her current property/overlapping to this parcel. It would include a gravel access from Court Street, fencing and garden space. The estimated overall investment is \$18,000 and the proposed timeline would be to begin construction during spring/summer of 2016.

Department Head

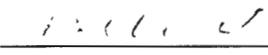
Manager's Comments:



City Manager

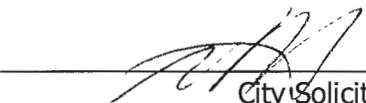
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Documents for the Sale of 147 Court Street
(Map 032 Lot 177) to Kimberly Paige in the Amount of \$4,800

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 Agreement, and all other necessary documents, for the sale of real estate located at 147 Court Street to Kimberly Paige in the amount of \$4,800. Said documents shall be a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-037

Date: December 14, 2015

Item/Subject: **ORDER**, Accepting Telcom Drive as a Public Street and Adding it to the Official City Map

Responsible Department: **Engineering**

Commentary: This Order will accept an 80 foot wide and 142.28 foot with a 60 foot radius of Telcom Drive (map attached) as a public street and will add it to the Official City Map. Telcom Drive is located in the Bangor International Airport Commercial Industrial Park and is extends southwesterly of Union Street. Telcom Drive includes a 10" sanitary sewer and a 12" storm drain lines. This item was reviewed and recommended by the Infrastructure Committee on November 24, 2015.

John M. Theriault, PE, PTOE
Department Head

Manager's Comments:

Carol M. Corley
City Manager

Associated Information: Order & Location Map

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ **of** __



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, Accepting Telcom Drive as a Public Street and Adding it to the Official City Map

WHEREAS, Telcom Drive is located in the Bangor International Airport Commercial Industrial Park; and

WHEREAS, Telcom Drive extends southwesterly of Union Street with a length of 142.28' with a 60' radius and

WHEREAS, Telcom Drive includes a 10" Sanitary Sewer Line and a 12" Storm Drain line

WHEREAS, Telcom Drive that has not been accepted as a public street; and

WHEREAS, it is in the interest of the City of Bangor to accept Telcom Drive as a public street.

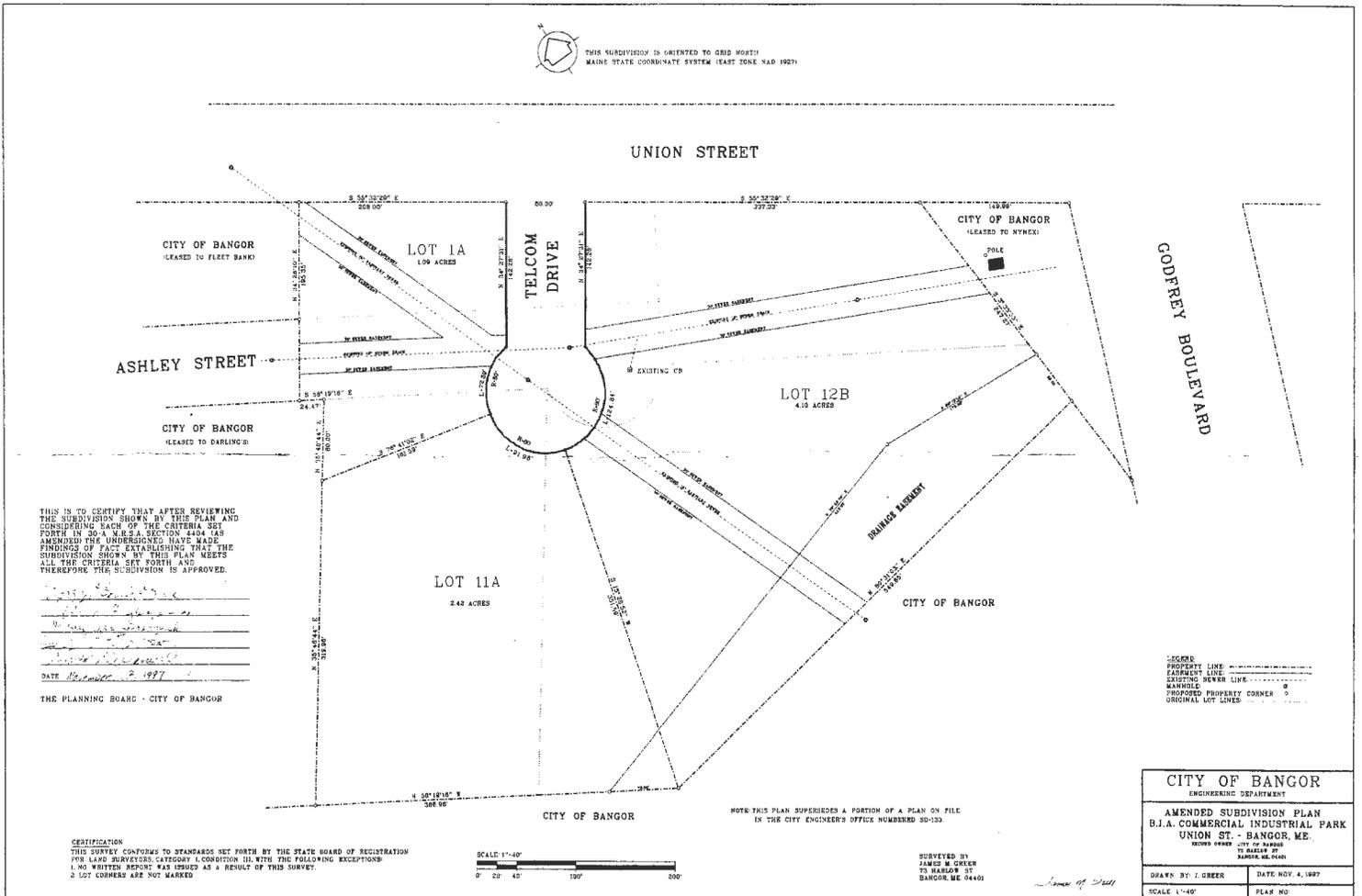
By the City Council of the City of Bangor:

ORDERED,

That pursuant to 23 M.R.S.A. §3022 and 23 M.R.S.A. §3025 Telcom Drive is hereby accepted as a public way and street by the City of Bangor and is hereby added to the Official City Map.



THIS SUBDIVISION IS ORIENTED TO GRID NORTH!
 MAINE STATE COORDINATE SYSTEM (EAST ZONE NAD 1983)



THIS IS TO CERTIFY THAT AFTER REVIEWING THE SUBDIVISION SHOWN BY THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN 30-A M.R.S.A. SECTION 4404 HAS ASSIGNED THE UNDERSIGNED HAVE MADE FINDINGS OF FACT ESTABLISHING THAT THE SUBDIVISION SHOWN BY THIS PLAN MEETS ALL THE CRITERIA SET FORTH AND THEREFORE THE SUBDIVISION IS APPROVED.

 DATE November 2, 1997

THE PLANNING BOARD - CITY OF BANGOR

----- PROPERTY LINE
 ----- EASEMENT LINE
 ----- EXISTING SEWER LINE
 --- MANNING
 o PROPOSED PROPERTY CORNER
 - - - - ORIGINAL LOT LINES

CERTIFICATION
 THIS SURVEY CONFORMS TO STANDARDS SET FORTH BY THE STATE BOARD OF REGISTRATION FOR LAND SURVEYORS CATEGORY 1 CONSTRUCTION UNLESS THE FOLLOWING EXCEPTIONS:
 1. NO WRITTEN REPORT WAS ISSUED AS A RESULT OF THIS SURVEY.
 2. LOT CORNERS ARE NOT MARKED.



NOTE: THIS PLAN SUPERSEDES A PORTION OF A PLAN ON FILE IN THE CITY ENGINEER'S OFFICE NUMBERED SD-153.

SURVEYED BY
 JAMES M. GREER
 75 HAZARD ST.
 BANGOR, ME 04401

CITY OF BANGOR ENGINEERING DEPARTMENT	
AMENDED SUBDIVISION PLAN B.I.A. COMMERCIAL INDUSTRIAL PARK UNION ST. - BANGOR, ME. TOWN OF BANGOR CITY OF BANGOR BY: JAMES M. GREER	
DRAWN BY: J. GREER	DATE NOV. 4, 1997
SCALE 1"=40'	PLAN NO.

COUNCIL ACTION

Item No. 16-038

Date: December 14, 2015

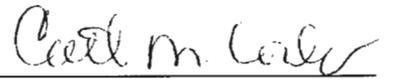
Item/Subject: **ORDER**, Accepting Corporate Drive as a Public Street and Adding it to the Official City Map

Responsible Department: **Engineering**

Commentary: This Order will accept an 80 foot wide and approximately 1,061.447 foot section of Corporate Drive, and extending Easterly from Venture Way to Maine Avenue (map attached), as a public street and will add it to the Official City Map. Corporate Drive is located in the Maine Business Enterprise Park and is an important access to Enterprise Park and the abutting property. This was reviewed and recommended by the Infrastructure Committee on November 24, 2015.

John M. Theriault, PE, PTOE
Department Head

Manager's Comments:


City Manager

Associated Information: Order & Location Map

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ **of** __

Assigned to Councilor Nichols



CITY OF BANGOR

(TITLE.) ORDER, Accepting Corporate Drive as a Public Street and Adding it to the Official City Map

WHEREAS, the City is owner of property known as the Maine Business Enterprise Park and property abutting the Maine Business Enterprise Park; and

WHEREAS, access to the Maine Business Enterprise Park and abutting property is via Venture Way Maine Avenue; and

WHEREAS, Corporate Drive from Venture Way to Maine Avenue is 80 foot wide and is located between Venture Way and Maine Avenue

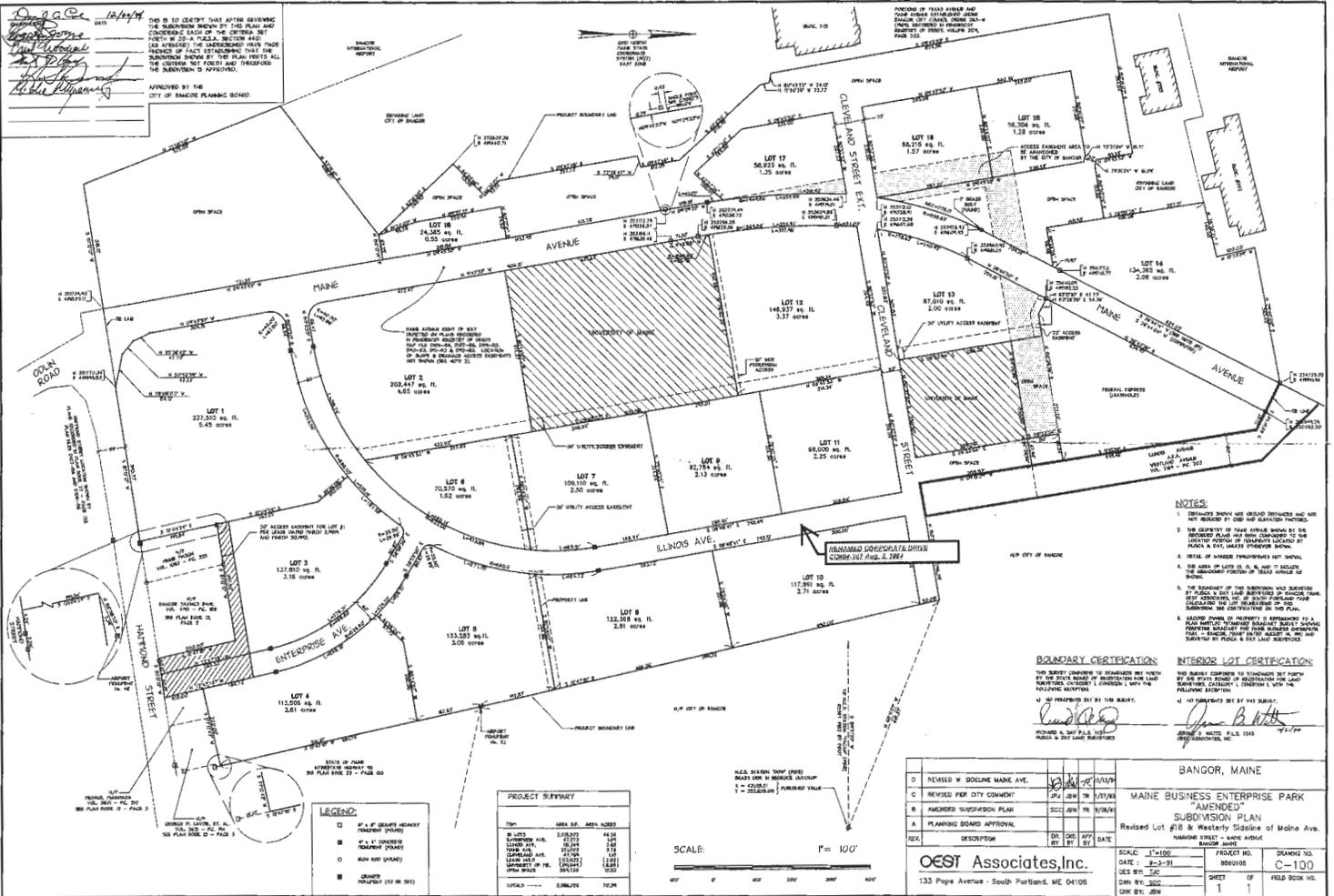
WHEREAS, Corporate Drive that has not been accepted as a public street; and

WHEREAS, it is in the interest of the City of Bangor to accept Corporate Drive as a public street.

By the City Council of the City of Bangor:

ORDERED,

That pursuant to 23 M.R.S.A. §3022 and 23 M.R.S.A. §3025 Corporate Drive is hereby accepted as a public way and street by the City of Bangor and is hereby added to the Official City Map.



DATE: 12/14/15
 APPROVED BY THE CITY OF BANGOR PLANNING BOARD

- NOTES:**
1. DISTANCES SHOWN ARE MEASURED BETWEEN THE CORNERS OF THE LOTS AND ARE NOT NECESSARILY THE SAME AS THE DISTANCES SHOWN ON THE ORIGINAL RECORDS.
 2. THE DISTANCES SHOWN ARE MEASURED FROM THE CORNERS OF THE LOTS TO THE CORNERS OF THE LOTS AND ARE NOT NECESSARILY THE SAME AS THE DISTANCES SHOWN ON THE ORIGINAL RECORDS.
 3. THE DISTANCES SHOWN ARE MEASURED FROM THE CORNERS OF THE LOTS TO THE CORNERS OF THE LOTS AND ARE NOT NECESSARILY THE SAME AS THE DISTANCES SHOWN ON THE ORIGINAL RECORDS.
 4. THE DISTANCES SHOWN ARE MEASURED FROM THE CORNERS OF THE LOTS TO THE CORNERS OF THE LOTS AND ARE NOT NECESSARILY THE SAME AS THE DISTANCES SHOWN ON THE ORIGINAL RECORDS.
 5. THE DISTANCES SHOWN ARE MEASURED FROM THE CORNERS OF THE LOTS TO THE CORNERS OF THE LOTS AND ARE NOT NECESSARILY THE SAME AS THE DISTANCES SHOWN ON THE ORIGINAL RECORDS.

BOUNDARY CERTIFICATION:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above is a true and correct copy of the original records of the City of Bangor, Maine, as the same appear in the office of the City Clerk, Bangor, Maine, on this 14th day of December, 2015.

INTERIOR LOT CERTIFICATION:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above is a true and correct copy of the original records of the City of Bangor, Maine, as the same appear in the office of the City Clerk, Bangor, Maine, on this 14th day of December, 2015.

D	REVISED W/ SLOPELINE MAINE AVE.	JPL	JM	12/14/15
C	REVISED PER CITY COMMISSION	JPL	JM	12/17/15
B	AMENDED SUBDIVISION PLAN	JPL	JM	12/17/15
A	PLANNING BOARD APPROVAL	JPL	JM	12/17/15

BANGOR, MAINE
MAINE BUSINESS ENTERPRISE PARK
AMENDED
SUBDIVISION PLAN
 Revised Lot #18 & Western Slopline of Maine Ave.
 HANOVER STREET - MAINE AVENUE
 BANGOR, MAINE

SCALE: 1"=100'
 DATE: 12-14-15
 DES. BY: JPL
 CHK. BY: JPL

CEST Associates, Inc.
 133 Pope Avenue - South Portland, ME 04106

PROJECT NO. 2015008
 SHEET OF 1
 FIELD BOOK NO. C-100

COUNCIL ACTION

Item No. 16-039

Date: December 14, 2015

Item/Subject: **ORDER, Authorizing Acceptance of Easement from Bangor Target Area Development Corporation (Map R10, Lot 007F)**

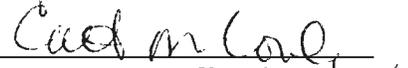
Responsible Department:

Commentary: This Order will authorize the City Manager to accept an easement from Bangor Target Area Development Corporation. Bangor Target Area Development Corporation (Target) is the owner of a lot (Lot 7) in the Dowd Industrial Estates on the Odlin Road. The subdivision approval provides for a detention pond on the lot. Target is conveying the lot to an abutter and would like the City to have the right, but not the obligation, to enter the lot with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements.

The proposed easement does not impose any obligations on the City, but gives the City the right to take action with regard to the detention pond and drainage should it ever become appropriate for the City to do so. This item was reviewed and recommended for approval at the December 8, 2015 Business and Economic Development Committee.

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 Durgin

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Acceptance of Easement from Bangor Target Area Development Corporation (Map R10, Lot 007F)

WHEREAS, Bangor Target Area Development Corporation (Target) is the owner of a lot (Lot 7) in the Dowd Industrial Estates on the Odlin Road. The subdivision approval provides for a detention pond on the lot; and

WHEREAS, Target is conveying the lot to an abutter and would like to grant the City an easement giving the City the right, but not the obligation, to enter the lot with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements; and

WHEREAS, it would be beneficial to the City to have the right should the need to take action ever arise.

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 accept an easement form Bangor Target Area Development Corporation granting the City the right, but not the obligation, to enter lot 7 in the Dowd Industrial Estates on the Odlin Road with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements. Said Easement shall be substantially in the same form as attached hereto and in a final form as approved by the City Solicitor or Assistant City Solicitor.

EASEMENT

BANGOR TARGET AREA DEVELOPMENT CORPORATION, a Maine non-profit local development corporation located at Bangor, County of Penobscot, State of Maine, for consideration paid, grants to the CITY OF BANGOR, a municipal corporation located in Bangor, County of Penobscot, State of Maine, a storm water easement on a parcel of land located in Bangor, Penobscot County, Maine, described as follows:

The Storm Water Detention Pond Easement Area on Lot 7 as depicted on an Amended Subdivision Plan of Dowd Industrial Estates recorded in the Penobscot County Registry of Deeds in Map File D5-89.

The easement granted hereby includes the right, but not the obligation, to enter on to Lot 7 with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements located within said Easement Area. Prior to any such entry, Grantee shall consult with the owner of Lot 7 concerning access to the Easement Area over the remainder of Lot 7.

By accepting delivery of this easement, Grantee agrees, for itself and its successors and assigns, to restore Lot 7, as near as practicable, to the same condition that existed prior to the exercise of any rights hereunder.

Lot 7 and the Easement Area located thereon being a portion of the premises conveyed by Maplewood Poultry Company, by Richard E. Poulos, Receiver in Bankruptcy, to Bangor Target Area Development Corporation by a Release Deed dated April 23, 1980, recorded in the Penobscot County Registry of Deeds in Book 3093, Page 56.

IN WITNESS WHEREOF, said BANGOR TARGET AREA DEVELOPMENT CORPORATION has caused this instrument to be duly executed on its behalf this ____ day of _____, 2015.

WITNESS:

BANGOR TARGET AREA
DEVELOPMENT CORPORATION

By: _____
Rodney G. McKay
Its Executive Manager

STATE OF MAINE
PENOBSCOT, ss.

_____, 2015

Personally appeared the above-named Rodney G. McKay, in his capacity aforesaid, and acknowledged the above instrument to be his free act and deed and the free act and deed of said Bangor Target Area Development Corporation.

Before me,

Notary Public/Attorney at Law

Printed Name: _____

Date: December 14, 2015

Item/Subject: ORDER, Authorizing Execution of Lease Purchase Agreement for the Purchase of In-Car Camera System

Responsible Department: Finance

Commentary: This order will authorize the execution of a lease purchase agreement for the purchase of an in car camera system. On November 2, 2015 the Finance Committee approved the purchase of an in-car camera recoding system in the amount of \$87,660. As this purchase was less than \$100,000, the Finance Committee had the authority to approve the purchase. As City staff worked through the purchase with the financing company, it was determined that a lease purchase would provide the best financial alternative to the City. A lease purchase, however would require full City Council approval for the execution of the lease purchase documents.

The attached order would authorize the Finance Director to execute the necessary documents.

Department Head

Manager's Comments:

Cecil M. Cerco
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage - Consent
- First Reading
- Referral

Assigned to Councilor Perry



CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Lease Purchase Agreement for the Purchase of In-Car Camera System

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a lease purchase agreement with Government Capital Corporation for the purpose of financing the purchase of an in-car camera system. Said documents shall be a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-041

Date: December 14, 2015

Item/Subject: **ORDER**, Authorizing Execution of Agreement with Stillwater Realty LLC for Easement and Conveyance of Property on Odlin Road (approximately 2,700 square feet)

Responsible Department: Legal

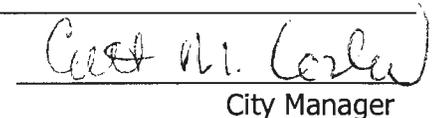
Commentary: This Order will authorize the execution of an agreement to execute an easement to Stillwater Realty LLC, to seek a release from the FAA to sell the property, and to convey the property upon receipt of the release and in return consideration of \$4,574 to be paid upon execution of the agreement and easement.

Stillwater Realty LLC owns property abutting property owned by the City on Odlin Road. They are requesting that the City sell them approximately 2,700 square feet of land on the easterly side of their property to facilitate a development. Because the property is subject to Federal Aviation Administration (FAA) restrictions, the City is not able to sell the property without permission from the FAA. Understanding that it can take considerable time to get permission from the FAA and wanting to avoid any delay of a project, an agreement to grant an easement for the use of the property for the development and to convey the property upon receipt of permission from the FAA will facilitate the development. This item was reviewed and recommended for approval at the December 8, 2015 meeting of the Business and Economic Development Committee.



Department Head

Manager's Comments:



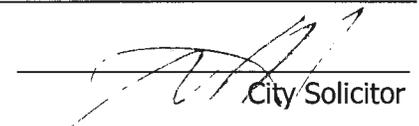
City Manager

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, Authorizing Execution of Agreement with Stillwater Realty LLC for Easement and Conveyance of Property on Odlin Road (approximately 2,700 square feet)

WHEREAS, Stillwater Realty LLC is the owner of a parcel of land on Odlin Road that it wishes to develop; and

WHEREAS, the City of Bangor is the owner of land abutting the property of Stillwater Realty LLC; and

WHEREAS, obtaining approximately 2,700 square feet of abutting land from the City of Bangor would facilitate the development of the property of Stillwater Realty LLC; and

WHEREAS, the property is subject to Federal Aviation Administration (FAA) restrictions, the City is not able to sell the property without permission from the FAA; and

WHEREAS, an agreement between the City of Bangor and Stillwater Realty LLC to grant an easement for the use of the property for the development and to convey the property upon receipt of permission from the FAA will facilitate the development; and

WHEREAS, the fair value of the property that would be conveyed to Stillwater Realty LLC is \$4,754.

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, in consideration of \$4,754 to execute an agreement with Stillwater Realty LLC. Said agreement shall provide for an easement to Stillwater Realty LLC for the use of approximately 2,700 square feet of land abutting its Odlin Road property for the purpose of development; shall provide that the City of Bangor shall seek a release from the FAA in order to convey the property; and shall provide that the property shall be conveyed to Stillwater Realty LLC upon receipt of the release. The easement and agreement shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 16-042

Date: December 14, 2015

Item/Subject: **Ordinance**, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

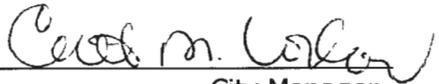
Responsible Department: Legal

Commentary: This Ordinance, if approved, will establish a local minimum wage consistent with the proposal contained in the citizen's initiative, including the January 2017 effective date. The minimum wage set by the state or federal government has not been increased since 2009. The minimum wage in Maine is \$7.50 per hour. Though public sentiment has indicated support for an increase in the minimum wage the federal and state governments have not acted. There is a citizen's initiative currently underway which will likely provide a state-wide ballot measure to increase the state-wide minimum wage. The proposed citizen's initiative provides for a greater minimum wage for Maine's lowest income earners, increasing to \$9.00 per hour in January 2017 up to \$12.00 per hour in 2020, followed by an annual CPI adjustment.

This item was reviewed at a November 30 workshop of the City Council.

Department Head

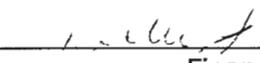
Manager's Comments:



City Manager

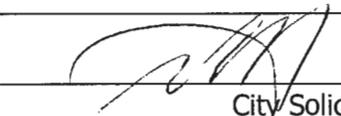
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

DECEMBER 14, 2015

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) Ordinance, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

WHEREAS, the minimum wage for state or federal has not been increased since 2009; and

WHEREAS, the current minimum wage in Maine is \$7.50 per hour; and

WHEREAS, the minimum wage in Maine in 1966 was \$1.25 per hour and adjusted for inflation over nearly 5 decades, that same wage would equal \$9.15 per hour - \$1.65 more than it is currently, and

WHEREAS, a report last year by the Maine Women's Policy Center found that 85% of Maine's workers who would be impacted by raising the minimum wage are over 20 years of age; and

WHEREAS, according to a report by the Maine Center for Economic Policy, 23% of workers in the Second District – or 60,000 people and for the whole state that number is over 100,000 Maine people would benefit from a raise in the minimum wage to \$10.10 per hour as proposed by President Obama; and

WHEREAS, 62% of Maine women who would benefit from an increase in the minimum wage have no partner supplementing their income; and

WHEREAS, Bangor is home to 6% of Maine's state wide workforce or about 35,000 workers and extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage; and

WHEREAS, the City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens; and

WHEREAS, establishment of a minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor.

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

The Code of the City of Bangor be amended as following:

Chapter 179 Minimum Wage

179 - 1 Purpose

DECEMBER 14, 2015

The purpose of the within ordinance is to establish of a minimum wage within the City of Bangor to promote the health, safety and welfare of the citizens of the City of Bangor.

179 - 2 Definitions

Unless the context otherwise indicates, the following words shall have the following meanings.

a) City: City of Bangor

b) City Limits: the physical boundaries of the City

c) Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours or working conditions of Employees; "Employer" shall include but not be limited to the City of Bangor.

d) Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. "Employee" shall not include any person who is excluded from the definition of Employee under 26 M.R.S. §663 of Chapter 7, Employment Practices and working for an Employer for academic credit from an accredited school, college or university for the purpose of this ordinance.

e) Minimum wage: The minimum hourly rate of monetary compensation that an Employer may legally pay and Employee who work within the City.

f) Service Employee: "Service Employee" means any employee engaged in an occupation in which the employee customarily and regularly receives more than 30 dollars a month in tips.

g) Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

h) Tipped Employee: Any Service Employee engaged in an occupation in which he or she customarily and regularly receives tips from customers.

179 - 3 Minimum Wage.

(a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the minimum wage for each hour worked within the City Limits.

(b) Minimum wage rate. The minimum hourly wage is \$7.50 per hour. Starting January 1, 2017, the minimum hourly wage is \$9.00 per hour; starting January 1, 2018, the minimum hourly wage is \$10.00 per hour; starting January 1, 2019, the minimum hourly wage is \$11.00 per hour and starting January 1, 2020, the minimum hourly wage is \$12.00 per hour. On January 1, 2021 and each January 1st thereafter, the minimum hourly wage then in effect must be increased by the increase, if any, in the cost of living. The increase in the cost of living must be measured by the percentage increase, if any, as of August of the previous year over the level as of August of the

DECEMBER 14, 2015

year preceding that year in the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W, for the Northeast Region, or its successor index, as published by the United States Department of Labor, Bureau of Labor Statistics or its successor agency, with the amount of the minimum wage increase rounded to the nearest multiple of 5¢. If the highest federal minimum wage is increased in excess of the minimum wage in effect under this section, the minimum wage under this section is increased to the same amount, effective on the same date as the increase in the federal minimum wage, and must be increased in accordance with this section thereafter.

- (c) Tipped Employees: As provided in 26 M.R.S.A. §664(2), an employer may consider tips as part of the wages of a tipped employee towards satisfaction of the minimum wage requirement of this ordinance. The calculation shall be pursuant to state law, 26 M.R.S.A. §664(2), as the same may be amended from time to time.

179 - 4 Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice to be provided by the City informing Employees of the City's current minimum wage rates, as well as a copy of this ordinance.

179 - 5 Enforcement.

- (a) Any Employee receiving less than the minimum wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.
- (b) The City Manager or his or her designee may take appropriate steps to enforce this chapter; and may investigate and issue a response to the complaint within fifteen (15) work day following the receipt of a complaint. The City Manager's or is or her designee's response to the complaint shall be final.
- (c) If the City Manager finds that a violation of this chapter has occurred, he or she may order any appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of Bangor's city code.
- (d) In addition, any Employee may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this chapter, including, but not limited to, wages and expenses owed under this chapter.

179 - 6 Relationship To Other Requirements.

This ordinance provides for payment of minimum wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the minimum wage rates established herein.

179 - 7 Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Additions underlined.

Assigned to Councilor Sprague



CITY OF BANGOR

ORDINANCE, Amending Schedule XVI of Chapter 291, Article II, Sec. 28 of the Code of the City of Bangor - One-Way Streets – Union Street under the Chamberlain Bridge

WHEREAS, the portion of Union Street under the Joshua Lawrence Chamberlain Bridge is presently marked as one-way to where it intersects with Independent Street;

WHEREAS, the size and visibility of this portion of Union Street makes two-way traffic potentially dangerous; and

WHEREAS, this portion of Union Street has never officially been designated as one-way;

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

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

DIRECTION OF TRAFFIC MOVEMENT

NAME OF STREET	FROM	TO
...
State Street Avenue	State Street	York Street
<u>Union Street</u>	<u>Broad Street</u>	<u>Independent Street</u>
...

Additions are underlined.



COUNCIL ACTION

Item No. 16-044

Date: December 14, 2015

Item/Subject: Resolve, Accepting and Appropriating \$383,182 in Grant Funds from the U.S. Department of Housing and Urban Development - Shelter Plus Care Renewal

Responsible Department: Health & Community Services

Commentary: This resolve will accept and appropriate \$383,182 in Grant Funds from the U.S. Department of Housing and Urban Development for renewal of Shelter Plus Care. The City applies for renewal funding to continue several homeless programs under the U.S. Department of Housing and Urban Development's Homeless Continuum of Care. The City's Shelter Plus Care program won initial funding from the federal government in 1993. The program is used to provide subsidized rents for qualified homeless individuals with a primary diagnosis of mental illness, chronic substance abuse or HIV related illness who is receiving support services.

The amount of the grant is \$383,182 which, under the current grant, is funding 67 households. Of these households, 62 live in Bangor, 1 in Old Town, and 4 in Brewer. The grant term is September 1, 2015 to August 31, 2016. This item was reviewed and recommended for approval at the December 7, 2015 Government Operations Committee.

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 Plourde

CITY OF BANGOR

(TITLE.) RESOLVE, Accepting and Appropriating \$383,182 in Grant Funds from the U.S. Department of Housing and Urban Development -- Shelter Plus Care Renewal

By the City Council of the City of Bangor:

ORDERED, THAT the City Manager is hereby authorized to accept and appropriate a \$383,182 grant from the U.S. Department of Housing and Urban Development in support of the Shelter Plus Care program for the term September 1, 2015 to August 31, 2016.

COUNCIL ACTION

Item No. 16-045

Date: December 14, 2015

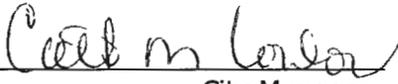
Item/Subject: RESOLVE, Accepting and Appropriating \$114, 847 in Grant funds from the U.S. Department of Housing and Urban Development for the Shelter Plus Care Program.

Responsible Department: Health & Community Services

Commentary: This resolve will accept and appropriate \$114, 847 in grant funds from the U.S. Department of Housing and Urban Development for the Shelter Plus Care Program. The City of Bangor applies for funding for several homeless programs under the Department of Housing and Urban Development's Homeless Continuum of Care on an annual basis. The Shelter Plus Care Program provides subsidized rents for qualified homeless individuals with a primary diagnosis of mental illness, substance abuse, or HIV related illness and who are receiving support services. The current grant is supporting 35 households. Of these, 30 live in Bangor, 2 in Old Town, 1 in Veazie, and 2 in Brewer. The grant period is December 1, 2015 to November 30, 2016. This item was reviewed and recommended for approval at the December 7, 2015 Government Operations Committee.

Department Head

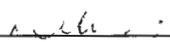
Manager's Comments:



City Manager

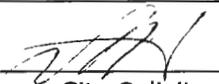
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Nichols

CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating \$114,847 in Grant Funds from the U.S. Department of Housing and Urban Development in Support of the Shelter Plus Care program.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, That Shelter Plus Care project based rental assistance grant funding in the amount of \$114, 847 from the U.S. Department of Housing and Urban Development is hereby accepted and appropriated for the term December 1, 2015 to November 30, 2016.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 16-013

Date: November 9, 2015

Item/Subject: **ORDINANCE**, Amending Chapter 165, Land Development, of the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District

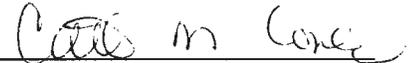
Responsible Department: Legal

Commentary: This ordinance amendment would define and regulate landscaping service businesses as a use in the Rural Residence and Agricultural District. The City has traditionally included landscaping businesses under the umbrella of agricultural uses in the RR&A District. Recently concerns have been raised about the impact of such businesses and their proximity to residential properties. After a number of meetings with the public, the Planning Board, and the Business and Economic Development Committee, these proposed ordinance amendments have been drafted.

The attached ordinance is intended to address these concerns by providing a definition of landscaping, separate provisions for small and large landscaping businesses, and setback and buffer requirements. Landscaping businesses currently operating legally within the district will be grandfathered.

Department Head

Manager's Comments:

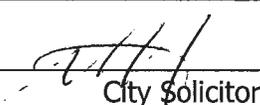

City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

Passage

First Reading

Referral to the B&ED Committee and the Planning Board on November 17, 2015



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Ordinance, Amending Chapter 165, Land Development, or the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District

WHEREAS, landscaping service businesses have traditionally been considered as an agricultural use in the Rural Residence and Agricultural District (RR&A);

WHEREAS, concerns have been raised regarding the proximity of such businesses to residences in the RR&A District; and

WHEREAS, the needs of landscaping businesses must be balanced with the concerns of residential property owners;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS:

That Chapter 165, Land Development of the Code of the City of Bangor be amended as follows:

§ 165-13. Definitions.

For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

...

LANDSCAPING SERVICES

Onsite and offsite business activities related to planting, bed preparation, installation of landscape materials, and attendant maintenance activities. A small landscaping services business may have no more than four employees, including the owner, while a large landscaping services business may have any number of employees. Landscaping includes:

- A. Raising, planting, and caring for plants, shrubs, and trees;
- B. Mowing, irrigation, raking, rolling and reseeding of lawns;
- C. The application of fertilizers, pesticides, herbicides, and disease control agents;
- D. Construction and maintenance of landscaping features, such as flower beds, patios, fountains, and decorative pools; and
- E. Snow removal.

...

§ 165-105. Rural Residence and Agricultural District (RR & A).

- A. Statement of purpose. The Rural Residence and Agricultural District is established to preserve in agricultural use lands where urban development is generally not feasible because of the absence of public utilities and community facilities. As these utilities and facilities become available within the urban development boundary and a demand for urban land use develops, a change of zoning from agricultural to other districts may be made. Minimum lot sizes in this district are also intended to preserve the quiet, rural atmosphere and to conserve property values.
- 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) Agriculture.
 - (2) The sale of farm, nursery, dairy or poultry products within a structure having a gross floor area of not more than 500 square feet.
 - (3) Sale of farm products where:
 - (a) The retail area shall not exceed 2,500 square feet.
 - (b) The property is located on a major arterial street.
 - (c) The property is a working farm.
 - (4) One-family dwellings and one-family detached manufactured housing units.
 - (5) Home occupation or profession (subject to the requirements of Article IV).
 - (6) Municipal uses.
 - (7) Public utility and public service uses.
 - (8) Community living arrangements, in accordance with 30-A M.R.S.A. § 4357-A, as may be amended.
 - (9) Cluster subdivision for detached single-family dwellings, provided that:
 - (a) Such project has a minimum of five acres.

- (b) Provision is made for the maintenance in perpetuity of open space areas in such a project.
 - (c) Such project receives approval under Article XVI of this chapter.
- (10) 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.
- (11) Bed-and-breakfasts, provided that:
- (a) Meals provided are limited to patrons and their guests.
 - (b) It is limited to a maximum of 10 guest rooms.
 - (c) It provides, at a minimum, an A Buffer Yard or an equivalent of existing woody vegetation to buffer neighboring properties.
 - (d) The applicant demonstrates compliance with the State Plumbing Code for the proposed number of units.
- (12) Small landscaping services business, provided that:
- (a) The landscaping services use is accessory to the primary use of the parcel as a residence.
 - (b) Facilities, equipment, and storage areas are located at least 50 feet from the property line of any other parcel.
 - (c) At least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.
 - (d) No more than four people, including the owner, may be employed or used as independent contractors by the landscaping services business.
 - (e) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel.
- (13) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection D below.

D. Conditional uses. Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:

- (1) Excavations of soil or loam, provided that they meet the requirements of Article VI.
- (2) Animal pounds, kennels, animal hospitals, animal clinics, and animal crematoria, provided that such facilities are located at least 100 feet from any residential district and at least 150 feet from any residential building on an adjoining parcel.
- (3) Tenting and camping areas, golf courses and driving ranges (except miniature golf courses), provided that:
 - (a) They are located on the following arterial highways: Route 15 (Broadway) and Route 222 (Union Street).
 - (b) Such facilities are set back at least 50 feet from the street right-of-way line.
 - (c) Access drives are so located and designed to provide free, unobstructed views of vehicles from the drives and from the street and adequate stopping sight distances to such drives are available on the street.
- (4) Reconstruction of mobile home parks established prior to 1971, provided that:
 - (a) They have water service from the Bangor Water District sewer service from the City of Bangor and a minimum of 25 mobile home spaces.
 - (b) The reconstruction is done consistent with the requirements of § 165-121C.
- (5) Places of worship, provided that such site development is located on a major arterial street.
- (6) Cemeteries, provided that they meet the requirements for access drives in Subsection D(3)(c) above and conform to state statutes.
- (7) Large landscaping services business, provided that:
 - (a) The property is five acres or larger in area.
 - (b) The property is on a major arterial street.
 - (c) Facilities, equipment, and storage areas are located at least 150 feet from the property line of any other parcel.
 - (d) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel, or, in the alternative, at least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.

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

MEMORANDUM

DATE: December 7, 2015
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Zoning Ordinance Chapter 13 Definitions, and Chapter 165-105 Rural Residence and Agricultural District. Council Ordinance 16-013

Please be advised that the Planning Board at its meeting on December 1, 2015, held a Public Hearing on the above Zoning Amendment to include Landscaping Services as a permitted and conditional use in the Rural Residence and Agricultural District.

Chairman Bolin opened the Public hearing and Assistant City Solicitor Paul Nicklas provided the Board with an overview of the proposed amendment. The amendment seeks to clarify landscape services as a permitted use and as a conditional use in the Rural Residence and Agricultural District (RR&A District). For many years the Code Enforcement Office has viewed landscaping service (mowing, planting, maintenance and care of plants) as an agricultural use in the RR&A District. The amendment seeks to better define that use and provide some basic development guidelines to insure its compatibility with other uses in the district. Landscaping will be large and small and conditional and permitted uses accordingly. The distinction is in number of employees capped at 4 as a permitted use that would be accessory to a residential use being a small landscape business. Larger operations must be located on five acres and a Major Arterial Street.

Member McCarthy asked what would become of the Ohio Street Landscaping Company which is in pending litigation. Mr. Nicklas noted that should the courts rule that the business is not allowed then it would need to comply with the current regulations for a Small Landscape Business (that before the Board).

Member Miller asked, if adopted, when would the new regulations become effective. Attorney Nicklas noted that all Ordinance amendments are effective 10 days after passage.

Chairman Bolin asked if there was anyone present who wished to speak in favor of or in opposition to the proposed amendment.

Mary Tedesco Schneck, of 2078 Ohio Street, noted that she appreciated the work the City had put into working with the interested parties. She stated that the District is largely one of rural homes and agricultural activities and she could understand how a landscaping business might fit in, but she did not feel that a snow plowing business

which is not accessory to a landscaping concern fit in. She asked if an existing landscape business could add additional services which they may not be doing now.

Mr. Nicklas noted they could operate any element under the proposed definition of landscape business.

She also noted through the debate that some landscape businesses may not have the appropriate permitting that they should and wondered if the language should include a requirement that such businesses obtain a Certificate of Occupancy such that it would be clear what activities could take place on the property.

As no one else spoke, Chairman Bolin closed the Public Hearing.

Member Kenney asked if the Board could further amend the language to include any of Ms. Tedesco Schneck's comments.

Planner Gould noted that the Board needs to evaluate all the details of the amendment and determine if it wants to recommend adoption or not. The report to the City Council will include the Board's discussion, but the Board's vote needs to be up or down.

Member Boothby moved to recommend amending Zoning Ordinance 165-13 Definitions, and Chapter 165-105 Rural Residence and Agricultural District as contained in Council Ordinance 16-013. Member Kenney seconded the motion and the Board voted unanimously to recommend the proposed amendment to the City Council.

COUNCIL ACTION

Item No. 16-023

Date: November 23, 2015

Item/Subject: **ORDINANCE**, Amending Schedule VI of Chapter 291, Article III, Sec. 40 of the Code of the City of Bangor - Parking for Persons with Disabilities – 125 State Street

Responsible Department: Public Works

Commentary: This Ordinance would designate a 9' x 20' area on the south side of State Street, located 30 feet west of the western Essex Street curb line extended, as handicapped parking. The general manager of Judy's Restaurant, of 125 State Street, has contacted the City to request that an area in front of Judy's restaurant be designated as handicapped parking. He states that many of his patrons would benefit from this designation.

This item was reviewed by the Government Operations Committee on November 16, 2015.

Department Head

Manager's Comments:

Robert K...

City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:

[Signature]

City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Plourde

CITY OF BANGOR

ORDINANCE, Amending Schedule VI of Chapter 291, Article III, Sec. 40 of the Code of the City of Bangor - Parking for Persons with Disabilities – 125 State Street

WHEREAS, the general manager of Judy’s Restaurant at 125 State Street has requested that an area in front of the restaurant be designated as handicapped parking; and

WHEREAS, many patrons of the restaurant would benefit from this designation;

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

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

Schedule	Street	Parking Limitations Reference	Exact Location
...			
<u>VI</u>	<u>State</u>	<u>Limited to parking for the handicapped</u>	<u>Commencing 30 feet west of the westerly curbline of Essex Street and extending for a distance of 20 feet in a westerly direction on the south side of State St</u>
VI	Thirteenth	Limited to parking for the handicapped	Commencing 91 feet from the northerly curbline of Hammond St and extending for a distance of 25 feet in a northerly direction on the westerly side of said street
...			

Additions are underlined.

COUNCIL ACTION

Item No. 15-.246

Date: July 13, 2015

Item/Subject: **Ordinance**, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

Responsible Department: Legal

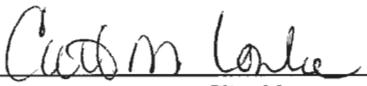
Commentary: This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour.

If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.

The City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens. Based on numerous reports and studies it can be demonstrated that the establishment of a higher minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor/ According to a report by the Maine Center for Economic Policy more than 100,000 workers in Maine would benefit from an increase in the minimum wage. Employment in Bangor makes up roughly 6% of Maine's workforce or about 35,000 workers. Extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage.

Department Head

Manager's Comments:

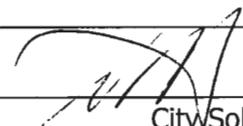

City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

**Introduced for
_____ Passage**

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Ordinance, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

WHEREAS, the minimum wage for state or federal has not been increased since 2009; and

WHEREAS, the current minimum wage in Maine is \$7.50 per hour; and

WHEREAS, the minimum wage in Maine in 1966 was \$1.25 per hour and adjusted for inflation over nearly 5 decades, that same wage would equal \$9.15 per hour - \$1.65 more than it is currently, and

WHEREAS, a report last year by the Maine Women's Policy Center found that 85% of Maine's workers who would be impacted by raising the minimum wage are over 20 years of age; and

WHEREAS, according to a report by the Maine Center for Economic Policy, 23% of workers in the Second District – or 60,000 people and for the whole state that number is over 100,000 Maine people would benefit from a raise in the minimum wage to \$10.10 per hour as proposed by President Obama; and

WHEREAS, 62% of Maine women who would benefit from an increase in the minimum wage have no partner supplementing their income; and

WHEREAS, Bangor is home to 6% of Maine's state wide workforce or about 35,000 workers and extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage; and

WHEREAS, the City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens ; and

WHEREAS, establishment of a minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor.

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

The Code of the City of Bangor be amended as following:

Chapter 179 Minimum Wage

179 - 1 Purpose

The purpose of the within ordinance is to establish of a minimum wage within the City of Bangor to promote the health, safety and welfare of the citizens of the City of Bangor.

179 - 2 Definitions

Unless the context otherwise indicates, the following words shall have the following meanings.

a) City: City of Bangor

b) City Limits: the physical boundaries of the City

c) Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours or working conditions of more than four Employees; "Employer" shall include but not be limited to the City of Bangor.

d) Employee: Any person 18 years of age or older who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. "Employee" shall not include any person who is excluded from the definition of Employee under 26 M.R.S. §663 of Chapter 7, Employment Practices and working for an Employer for academic credit from an accredited school, college or university for the purpose of this ordinance. Tipped Employees are not included in this definition of Employee.

e) Minimum wage: The minimum hourly rate of monetary compensation that an Employer may legally pay and Employee who work within the City.

f) Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

g) Tipped Employee: Any Employee 18 years of age or older engaged in an occupation in which he or she customarily and regularly receives tips from customers.

179 - 3 Minimum Wage.

(a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the minimum wage for each hour worked within the City Limits.

(b) Minimum wage rate.

(i) On January 1, 2016, the minimum wage for all Employees shall be established as \$8.25 per hour;

(ii) On January 1, 2017, the regular minimum wage for all Employees shall be raised to \$9.00 per hour;

- (iii) On January 1, 2018, the regular minimum wage for all Employees, shall be raised to \$9.75 per hour;
- (iv) Effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics. The sum of the most recent twelve months for which there is a calculated CPI-U reported by the Bureau of Labor Statistics will be the rate by which to define the increase in the minimum wage

179 - 4 Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice to be provided by the City informing Employees of the City's current minimum wage rates, as well as a copy of this ordinance.

179 5 Enforcement.

- (a) Any Employee receiving less than the minimum wage he or she is required to receive under this ordinance may file a written complaint with the city Manager's office.
- (b) The City Manager or his or her designee may take appropriate steps to enforce this chapter; and may investigate and issue a response to the complaint within fifteen (15) work day following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (c) If the City Manager finds that a violation of this chapter has occurred, he or she may order any appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of Bangor's city code.
- (d) In the alternative, any Employee may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this chapter, including, but not limited to, wages and expenses owed under this chapter.

179 - 6 Relationship To Other Requirements.

This ordinance provides for payment of minimum wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the minimum wage rates established herein.

179 7 Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Additions underlined.



**NEW
BUSINESS**

Date: December 14, 2015

Item/Subject: ORDER, Authorizing Execution of Contract with General Code for Electronic Content Management System

Responsible Department: Finance

Commentary: The attached order would authorize the staff to execute a contract with General Code for an electronic content management (ECM) system. On August 26th, the City received thirteen (13) responses to its Request for Proposals. A small group of staff members reviewed all submissions and narrowed the field to five (5) respondents that were asked to make a presentation to a selection committee. The selection committee requested that the top two respondents return and to make a presentation to a larger group of staff representing all departments.

The process was comprehensive and informative. With two strong respondents and products, the selection committee carefully examined both to determine which would be most suitable for the City now and into the future. General Code has extensive municipal experience, especially throughout the New England region. Its ECM solution, Laserfiche, will allow the City to move further into the digital world and streamline processes for more efficiency and transparency.

Funding for this project was designated by Council from the sale of the Court Street property to the County. If approved, this ECM solution will streamline processes city wide, provide a digital depository for City records as well as a public portal for citizens to more easily access documents.

This item was reviewed and recommended for approval by the Finance Committee on December 7, 2015.

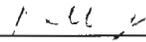
Department Head

Manager's Comments:

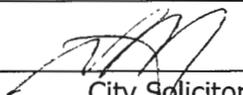

City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) **Order, ORDER, Authorizing Execution of Contract with General Code for Electronic Content Management System**

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with General Code for an electronic content management system.

COUNCIL ACTION

Item No. 16-047

Date: December 14, 2015

Item/Subject: Order, Adopting a Policy for the Naming of City-Owned Properties

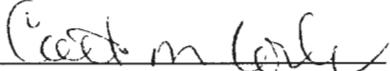
Responsible Department: Legal

Commentary: This Order will adopt a policy for the naming of City-owned properties. The Policy will ensure that City-owned properties are given names which are consistent with the values and character of the City, area or neighborhood served and that the process for naming, or renaming, a City-owned property is consistent. Additionally, the policy will minimize conflict and provide a forum for meaningful discussion about the naming of City-owned properties.

This has been reviewed and recommended for approval by the Government Operations Committee on December 7, 2015.

Department Head

Manager's Comments:



City Manager

Associated Information: Order, Policy

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Nichols

CITY OF BANGOR

(TITLE.) Order, Adopting a Policy for the Naming of City-Owned Properties

WHEREAS, adopting a policy for the naming of city properties will ensure that City-owned properties are given names which are consistent with the values and character of the area or neighborhood served;

WHEREAS, adopting a policy for the naming of city properties will ensure that the process for naming, or renaming, City-owned properties is consistent;

WHEREAS, the adopted policy will minimize conflict and provide a forum for meaningful discussion about the naming of City-owned properties;

By the City Council of the City of Bangor:

ORDERED, THAT the Naming of City-Owned Properties Policy, a copy of which is attached hereto, is hereby adopted.

POLICY
NAMING OF CITY-OWNED PROPERTIES

1.0 PURPOSE

The purpose of this policy is to establish consistent criteria and a systematic process for the official naming of City-owned properties. All current names of City-owned properties shall remain unchanged. The purpose of having the following criteria and process is to:

- 1.1 Ensure that City-owned properties are given names which are consistent with the values and character of the area or neighborhood served;
- 1.2 Ensure that the process for naming, or renaming, a City-owned properties is consistent;
- 1.3 Minimize conflict and provide a forum for meaningful discussion about the naming of City-owned properties.

2.0 AUTHORITY

- 2.1 The authority for naming all City-owned properties, under the jurisdiction of the City of Bangor, shall rest with the Bangor City Council.
- 2.2 In the event that the Bangor City Council determines that the name of a City-owned property reflects negatively upon the property and is inconsistent with the values and character of the area or neighborhood served, they shall rename the property.

3.0 CRITERIA

The City will choose names for City-owned properties by determining the appropriateness of the proposed name based on the property's relationship to any of the following criteria:

- 3.1 Neighborhood, boundary roads, or common usage identification
- 3.2 Natural features
- 3.3 Significant historical events, attributes, or figures
- 3.4 An individual (living or deceased) or organization who made an admirable and substantial land, building, or monetary contribution to the City or facility, or when the name has been stipulated as a condition of the donation (e.g. when a contribution is made "in memoriam")

- 3.5 A former employee of the City of Bangor who made a substantial contribution to the City during his or her period of employment.
- 3.6 An individual, deceased for at least five (5) years, who demonstrated outstanding civic service to the City or has achieved public status worthy of long-term recognition.
- 3.7 Only names for entire buildings or interior spaces/rooms shall be considered.
- 3.8 In order to minimize confusion, names that are similar to existing names of buildings, parks, trails, or other properties in the City of Bangor shall not be considered.
- 3.9 In the event that a property is named using section 3.4, the Bangor City Council shall consider the significance of the donation and any other relevant factors in deciding the length of time, if any, that the property shall be so named.

4.0 PROCESS

- 4.1 Any City Councilor may propose a name for consideration.
- 4.2 To provide an opportunity for public comment on name recommendations, the City Council shall invite public comment at the public meeting(s) at which naming is discussed.

5.0 POLICY REVIEW

The Assistant City Manager is responsible for the periodic review of this policy and to recommend changes to the City Council when and if necessary.