

Government Operations Committee

Monday, August 3, 2015

City Council Chambers

*(Immediately Following Finance Committee)*

AGENDA

1. Consideration of elimination of the Urban Renewal Authority as a standing city commission.
  - Please see attached memorandum from City Solicitor Heitmann
  
2. Review of Dates, times, and Locations for Upcoming Neighborhood Listening Sessions
  - Please see attached memorandum from City Manager Conlow
  
3. Political Signs
  - Please see attached memorandum from City Solicitor Heitmann
  
4. Request for Bangor Public Health and Community Services to be the provider for children attending Head Start without a provider.
  - Please see attached Memorandum of Understanding

## MEMORANDUM

To: Government Operations Committee  
From: Norman S. Heitmann, III, City Solicitor  
Re: Urban Renewal Authority  
Date: July 24, 2015

### BACKGROUND

In 1957 the Maine Legislature enacted the Urban Renewal Authority Law. The Legislature authorized a municipality to create an "Urban Renewal Authority". 30-A M.R.S.A. §5102 (1). The Legislature gave the Authority the power to carry out the purposes of the enabling legislation.

One of the more important powers granted to the Authority was to "undertake and carry out urban renewal plans and urban renewal projects." 30-A M.R.S.A. §5104 (2).

The City of Bangor, pursuant to the legislation, created the Bangor Urban Renewal Authority ("Authority"). The intent was to implement federally funded urban renewal projects. Federal funding for the urban renewal program ended in 1974.

In 1987 the City approved the acquisition by the City of the remaining property owned by the Bangor Urban Renewal Authority. The City, through this acquisition, accepted all of the rights and responsibilities of the Bangor Urban Renewal Authority with regard to these properties.

In more recent years the only benefit of the continued existence of the Authority is because it can amend Bangor Urban Renewal Authority redevelopment plans and Urban Renewal deed restrictions that restrict development or create title problems which might otherwise prevent financing for the property involved. For instance, some of the setback requirements under Urban Renewal deed restrictions in Stillwater Park are more restrictive than City Ordinances. Thus a garage or other structure might be mistakenly built in compliance with the City Code setback requirements, but closer to a property line than Urban Renewal deed restrictions allow. In the past this has caused problems for new buyers seeking financing or owners seeking refinancing. The only remedy has been for the Urban Renewal Authority to meet and take action to remove the deed restriction involved when such problems have occurred. The most recent document I was able to locate with regard to such activity by the Bangor Urban Renewal Authority was 1991. Other than such matters, the Authority has had no other function.

### PURPOSE

The primary purpose of the Bangor Urban Renewal Authority was to undertake and carry out urban renewal plans and urban renewal projects. The statute defines urban

renewal project as “the undertakings and activities of the authority in an urban renewal area for the elimination and prevention of the development or spread of slums and blight. The undertaking and activities may involve slum clearance and redevelopment, rehabilitation or conservation, or any combination of these activities in all or part of an urban renewal area in accordance with an urban renewal plan.” 30-A M.R.S.A. §5101.

An urban renewal area is a blighted area or slum area. A slum area is a blighted area in an extreme state of deterioration. A blighted area is “an area in which there is a predominance of buildings or improvements which are conducive to ill health, the transmission of disease, infant mortality or juvenile delinquency and crime and are detrimental to the public health, safety, morals or welfare...” or “an area which is a menace to the public health, safety, morals or welfare in its present condition and use.” 30-A M.R.S.A §5101.

The statute gives the Authority several powers, such as eminent domain, to implement its purpose. The statutory goals of the Authority were to eliminate and prevent the development and spread of slums and urban blight, encourage urban rehabilitation and provide for redevelopment for slums and blighted areas.

The Authority may acquire property for an urban renewal project with Council approval and after having the plan reviewed by the Planning Board. The Council is required to hold a public hearing on the plan.

The obvious intent of the statute was to provide a mechanism to eliminate slums and blighted areas. It was not a means by which to take care of isolated problem buildings but, rather, to address entire areas and neighborhoods that met the definitions of slum or blighted area.

## CONCLUSION

There are several issues with attempting to have the Authority as active as it was in the 1960s. First, there is no longer federal funding for urban renewal, so money would be an issue. The Authority is limited by statute. There are not the slums and blighted areas that there was in the 1960s. Community Development laws, such as the CDBG program (enacted in 1974), adopted since the urban renewal law have allowed the municipal officers to carry out the same functions as the Authority.

I would recommend that the City Council take the necessary actions to accept a conveyance from the Bangor Urban Renewal Authority of whatever rights the Authority has in any property that it ever conveyed and then abolish the Authority.

---

NSH

---

---

INTEROFFICE MEMORANDUM

---

---

**TO:** BANGOR CITY COUNCIL  
**FROM:** CATHERINE CONLOW, CITY MANAGER  
**SUBJECT:** NEIGHBORHOOD COMMITTEE  
**DATE:** JULY 30, 2015  
**CC:** ROBERT FARRAR, ASSISTANT CITY MANAGER

---

---

The proposal is to have the neighborhood meetings on 4 Thursdays in September and October including September 10 and the 24 and the 8<sup>th</sup> and 22<sup>nd</sup> of October, from 7:00 pm to 9:00 pm. As that seems to work for a majority of folks, Courtney will be working with the schools to line up locations. The proposal is to begin on the Eastside; however scheduling may be determined by the availability of the locations. Proposed locations are as follows:

1. Doughty School
2. Cohen School
3. Bangor Housing Auditorium/Downeast School
4. Mary Snow School

The purpose is to allow for question and concerns from residents. My intent is to facilitate a discussion and to have broad representation from City staff there to answer questions and take concerns. We will ask people to sign in and provide emails if possible so that we can initiate longer term discussion or additional follow-up with individuals, neighborhoods, or groups.

We will report back to Government Operations Committee after each of the meetings with a staff memo that outlines issues and concerns that need to be addressed along with how we intend to address the issues.

## MEMORANDUM

To: Government Operations Committee  
From: Norman S. Heitmann, III, City Solicitor  
Re: campaign signs  
Date: June 29, 2015

Several meetings ago the Committee discussed the question of whether there should be limits / restrictions on signage, with the focus of the discussion being political signs. The discussion centered on three items – a ban of signs in the public right-of-way, aesthetics, and public safety. The discussion was continued to a later date with staff asked to make some recommendations to the Committee.

With regard to the suggestion that there be a ban on signs in the right of way, it is problematic for two reasons. The first is that streets are a “traditional public fora” and we would likely face a First Amendment challenge to a ban of political signs. The second reason is that the State allows political signs in the right-of-way. The statute does provide that a municipality may be more strict than the statute, but not inconsistent with it. I would not recommend a complete ban of signs in the public right-of-way.

With regard to aesthetics and safety, each is a substantial government interest and there can be some regulation. The City could consider prohibiting signs in the right-of-way along public parks. The City could also consider prohibiting or regulating (size, shape, and/or duration) signs on median strips and/or at intersections. Keep in mind that any ordinance should be content neutral, narrowly written to meet the significant government interest, and ensure that there are other means by which the message can be communicated to the public.

Staff will be prepared to discuss this in greater detail with the Committee.

**MEMORANDUM OF UNDERSTANDING (MOU)  
FOR PROVISIONS OF HEALTH SERVICES FOR CHILDREN ENROLLED IN  
HEADSTART/EARLY HEADSTART PROGRAMS  
BETWEEN BANGOR PUBLIC HEALTH AND COMMUNITY SERVICES  
&  
PENQUIS CHILD DEVELOPMENT (PENQUIS COMMUNITY ACTION)**

**Purpose**

The purpose of the agreement is to establish working procedures between Bangor Public Health and Community Services and Penquis Child Development (Penquis Community Action Program) in the provision of Blood Lead and Anemia Screenings for children enrolled in Head Start or Early Head Start. Follow-up is required for children who have blood lead results of 5 ug/dl or higher and do not have a medical home.

It is the intent of this agreement to:

- Ensure that each Agency defines provision of services.
- Ensure that cooperative arrangement between Bangor Public Health & Community Services and Penquis Child Development are developed, implemented and preserved.

Respective responsibilities under this agreement include, but are not limited to:

**Bangor Public Health & Community Services** (Patty Hamilton, FNP)

- Provide signature for Protocol for Center Based Lead and Anemia Screening, \*(see protocol).
- Provide Standing Orders to do finger pricks for lead and anemia blood screenings at Penquis Child Development sites for children in need of screenings.
- For children without a medical home, provide Standing Orders re: Capillary Lead Test Conformation per the Maine CDC Childhood Lead Poisoning Prevention Program (MCLPPP) guidelines. (Includes venous blood draw for capillary blood lead results of 5 ug/dl and above; (March 2015 guidelines).
- Provide standing orders and oversight of routine follow-up venous blood draws as outlined by MCLPPP.

**Penquis Head Start and Early Head Start:**

- Provide on-site clinic services to children enrolled in Penquis Child Development head start/early head start programs that are in need of screening.
- Maintain CLIA Certificate to perform on-site capillary blood lead and anemia screenings.
- Order and manage supplies from the State of Maine Health and Environmental Testing Laboratory (HETL).
- Mail the blood samples to Maine HETL.
- Notify the child's Primary Care Physician and parents of the results of the screening.
- Obtain release of information from parent/guardian and notify Patty Hamilton, FNP Public Health Director of capillary screening results requiring follow-up for children who do not have a medical home (results 5 ug/dl and above).
- Assist families of children without a medical home in obtaining required follow-up procedures and provide education and support.
- Ongoing monitoring and support for enrolled children who do not have a medical home.

- Assist families in identifying and establishing a medical home for their child.

**Effective Date:**

This agreement is effective for the period beginning September 1, 2015 through August 31, 2016.

This agreement shall be in effect for the period outlined above, and may be renewed by agreement of both Bangor Public Health & Community Services and Penquis Child Development.

**Both Parties Agree:**

- To maintain confidentiality of patient served.
- To work collaboratively to provide services to Head Start/Early Head Start children.

This agreement shall be considered null and void by notification in writing by either party.

---

**Patty Hamilton, FNP**                      **Date**  
**Public Health Director**  
**Bangor Public Health & Community Services**

---

**Kara Hay, CEO**    **Date**  
**Penquis Community Action Program**  
**Penquis Child Development**

\*see Child Development Protocol for Center Based Lead and Anemia Screening