

# **BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE**

Tuesday, May 6, 2014 5:15 PM  
City Council Chambers

## **Minutes**

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

City Staff Present: Cathy Conlow, Tanya Emery, Jason Bird, Paul Nicklas, Tracy Willette, Steve Bolduc, Norm Heitmann and Jeremy Martin

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

1. **PUBLIC HEARING** – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2014 through June 30, 2015 and the Eligible Uses of Community Development Funds

Chair Durgin opened the Public Hearing. Jason Bird, Community and Economic Development Officer discussed a handout which contained the proposed budget for CDBG Funds for the next year. He indicated that the funding available for Bangor will be a 1.5% reduction over last year's allocation (which is more funding than had been anticipated). The meeting was then opened up to comments from the public.

Kathy Cahill, a Second Street resident, suggested a "kick off" project where a group of neighbors could get together to do minor repairs for other neighbors such as painting and repairing decks and steps as a possible way to inspire property owners to invest in their properties. In order to do so, they would request a small allocation of \$2,000 to \$4,000. She noted two properties in her neighborhood that were in need of paint and repair.

Councilor Baldacci indicated that he attended the last West Side Village meeting and suggested that Ms. Cahill meet with Director Emery to discuss a specific proposal/project.

Councilor Nealley said that by leveraging free private labor with community development funds it would stretch out the funds.

There was no further public comment and the Public Hearing was closed at 5:22 p.m.

## 2. Waterfront Concerts

City Manager Cathy Conlow provided the Committee with an update on the status of the Waterfront concerts. She discussed the upcoming season indicating that there are approximately 15 shows scheduled. She discussed sound indicating that the concert promoter has agreed to attempt to reduce the sound volumes by 5 dbs. She also noted that at the direction of the Department of Environmental Production (DEP), the City has hired Accentech to implement recommendations from the sound study they completed in 2012 to include fixed monitoring in Brewer and a third site to be identified by the consultant and Staff. The promoter has agreed to pay \$15,000 towards the cost. Staff recommended taking the remaining balance of \$10,000 from the downtown TIF.

City Manager Conlow noted that DEP has also indicated that they would prefer the City wait until the sound monitoring is complete prior to submitting the paperwork for the SLODA Permit. The City will be on site to fix the drainage this year. Staff recommended funding that cost approximately \$20,000 through the downtown TIF. They are planning to streamline the complaint system this year. Instead of calling through the Parks and Recreation Department calls will be directed to the Police Dept. who will consolidate that information and ship it out to the Code Enforcement Office for inclusion in the SLODA Modification application. People will be able to send e-mails to the Council, City Manager, Tracy Willette and all of that will be forwarded on to Code.

They have discussed a long-term agreement with the concert promoter. Nothing will be done on this until after the SLODA permit process. The short term agreement has been the subject of Executive Session.

City Solicitor Norm Heitmann indicated that they have been in discussions regarding changes in the agreement for this one year with Alex Gray. He discussed both property and personal property that will and won't be taxed. Mr. Heitmann indicated that Waterfront Concerts will be paying property taxes.

Mr. Michael Alpert, a Highland Avenue resident, indicated his concern about the orientation of the City being linked into gambling and entertainment. He said it is such a fragile enterprise that the City may regret this in 10 to 15 years. He also expressed his concern regarding noise. He asked if the City could put a cap on the sound and if that could be part of their long-term agreement.

## 3. Amendment to the Lease Agreement with MJH-BGR, LLC

Steve Bolduc, Economic Development Officer, explained that this amendment is a 10-year extension on an existing agreement that the City has with MJH-BGR, LLC. This allows them to use a small portion of what was the former railroad track running next to Hammond Lumber Company on outer Hammond Street. The Lease rate is \$1,260 annually. Staff recommended approval.

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

#### 4. Harbor Update

Tracy Willette, Parks and Recreation Director, indicated that the harbor and waterfront activity was transitioned to the Parks and Recreation Department approximately two to three ago. At that time, they had discussions with the Harbor Committee to obtain their suggestions for improvements. Mr. Willette indicated earlier the Council had questions about the waterfront and the harbor with the possibility of exploring ideas for improvement such as the use of the docks, moorings, and ways to increase promotion of the harbor operation. The Parks and Recreation Department has put together a brochure which has rates, etc., and has looked at the potential of short term renters and boaters to register or request dock reservations on line. The ability to register on line has proven quite popular. This year the cruise ship will not be returning. However, they are full with seasonal boaters and have rearranged their location. He indicated that the purpose of this discussion is to hear of any other ideas the Committee would like for them to explore.

Councilor Baldacci asked what arrangements have been made for the Bangor Band and its inflatable shell. Mr. Willette indicated that seasonal boaters are provided parking spaces when there are events down there and it does not interfere with either the boaters or the band and its attendees.

Councilor Plourde asked if there was signage to direct boaters to the nearest restroom facilities. Mr. Willette indicated that the seasonal boaters have access to the harbor master's building through a key pad system. All others are provided portables during events that are fairly visible.

Councilor Civiello asked about food vendors. Mr. Willette indicated that there were three returning from last year.

#### 5. Itinerant Commercial Vendors

Assistant City Solicitor Paul Nicklas indicated that there was a request from someone interested in placing more than one food vendor in the K-Mart parking lot. Now, except for the waterfront, only one food vendor is allowed to serve from a particular lot. What this proposed ordinance amendment will do is allow four vendors on a particular lot in other commercial and industrial districts as long as five parking spaces that aren't already spoken for by a business are provided for each vendor. This is to ensure that there won't be a parking issue as a result of adding food vendors there.

Councilor Baldacci moved to approve the Ordinance amendment as recommended. Councilor Nealley seconded the motion. No discussion and it was a vote.

Assistant City Solicitor indicated that this will go to the full City Council for first reading and referral to Planning Board. He asked if the Board would like for it to be referred back to Committee. The committee felt that there was no need to bring this back for further discussion.

#### 6. Temporary Camping Vehicle Ordinance

Assistant City Solicitor Paul Nicklas indicated that the City has had multiple requests by citizens for an ordinance that would regulate the use of camping vehicles in the City of Bangor. The proposed ordinance before the Committee is based on an ordinance that it is currently in place in Arundel. This Ordinance addresses issues related to fire safety, sewage, substandard housing, and general disturbance of neighbors. The primary effect of this is to limit use to 30 days within a 12 month period; no more than one such vehicle per property, no use of such vehicles on nonresidential properties; and requires them to dispose of their sewage properly. This does not include backyard tents. It does allow you 60 days if you are working on your house, you are allowed to store a recreational vehicle and that it is registered and licensed.

Jeremy Martin, Code Enforcement Officer noted that his office has dealt with this issue numerous times over the last 5 or 6 years where people have set up their motor home or camper on foreclosed properties in the driveway all winter. This becomes a nuisance for abutting property owners. It's very hard to regulate. It is a problem in neighborhoods.

Councilor Baldacci moved to recommend the Ordinance Amendment to the full Council for first reading. Councilor Plourde seconded the motion.

Mr. Greg Dorr, 16 North Street, indicated that there are people that have been camped out on their street for two years which has created a mess, as well as, parking issues.

The motion carried. The Board did not feel that this needed to come back before this Committee for discussion.

#### 7. Lease with Maine Dept. of Public Safety, MDEA – Request for Early Termination

City Solicitor Heitmann explained that the Maine Department of Public Safety presently leases the former Station 6 on Kenduskeag Avenue from the City. They have indicated that they no longer need that building and their lease

doesn't expire until 2015. They have requested to terminate the lease early to the end of May, 2014. Staff has no objection to the termination of this lease.

Councilor Baldacci moved Staff recommendation. Councilor Nealley seconded the motion which passed unanimously.

8. Banres, LLC Hotel Development – Staging Area Agreement

City Solicitor Heitmann explained that the City Council, at its last meeting, approved the lease with BANRES, LLC to construct 50 parking spaces in the gravel section of the Bass Park lot between that and the hotel development site. He suggested to them that they should consider whether or not they needed a staging area for materials. They have since decided that this is a good idea and are requesting to use this area for a lay down and staging area for the hotel construction. Staff recommended approval.

Councilor Nealley moved staff recommendation. Councilor Baldacci seconded the motion. The motion carried.

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

Councilor Baldacci moved to enter into Executive Session under 1 M.R.S.A. § 405(6)(C) at 6:16 p.m. Councilor Nealley seconded the motion. Motion carried.

10. Committee Action on Above Item

No action was taken.

Meeting adjourned at 6:25 p.m.