



# CITY COUNCIL AGENDA



# BOOKMARK ASSISTANCE

The Agenda contains bookmarks that help you 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 before.

If you have any questions or concerns, please don't hesitate to contact me.

[lisa.goodwin@bangormaine.gov](mailto:lisa.goodwin@bangormaine.gov)

**PLEDGE OF ALLEGIANCE**

Currently, the public has the choice to participate in meetings in person at City Hall now located at 262 Harlow Street or remotely through Zoom. Meetings are available to view through Youtube website, and the Government Channel 1303, after the fact. Public comment, whether in person or through Zoom, requires a person to state their name and town of residence, and any inappropriate or offensive remarks may be removed or interrupted, and the Council Chair will have discretion over the time allowed for comment. On Zoom, the public may be recognized to speak by the hand wave function or on a phone by pressing \*9.

**PUBLIC COMMENT**

---

**CONSENT AGENDA  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

---

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

**MINUTES OF:**                    **Bangor City Council Regular Meeting of March 25, 2024, Finance Committee Meetings of March 11, 2024 and March 18, 2024, Government Operations Committee Meeting of April 1, 2024 and Infrastructure Committee Meeting of March 18, 2024**

**24-114    ORDER                    Appointing Jennifer Gunderman-King as Local Health Officer in Accordance with Maine Center for Disease Control and Prevention Requirements                    DEANE**

**Executive Summary:** This Order will appoint Jennifer Gunderman-King as the Local Health Officer. Maine CDC requires municipalities to appoint local health officer(s) every three years. Historically, it has been the practice in Bangor to appoint an appropriate professional from the Public Health and Community Services department and the Code Enforcement office to serve in these roles. The decision to appoint one individual versus two is to have one person that will provide direction and reduce the potential for any confusion.

**24-115    ORDER                    Authorizing Execution of Extension to Lease with The First - Exchange Street Property                    TREMBLE**

**Executive Summary:** This Order will authorize the execution of an Extension to Lease with The First for property located on Exchange Street. The City of Bangor leases land for parking to The First abutting its property on Exchange Street. The lease terminates on April 1, 2034. The First would like to extend the term for an additional ten (10) years. The lease rent is currently at \$1,300 per month. Previously, the term included an increase of 10% every five years.

The proposed rent is an increase to \$1,500 per month with a 10% increase in five (5) years. This item was reviewed and recommended at the Business and Economic Development Committee meeting on April 1, 2024.

**24-116    ORDER                    Authorizing City Manager to Accept a Donation of 19 Trees from Bangor Beautiful                    SCHAEFER**

# REGULAR MEETING BANGOR CITY COUNCIL – APRIL 8, 2024

---

---

**CONSENT AGENDA  
ITEM NO.**

---

**ASSIGNED TO  
COUNCILOR**

---

**Executive Summary:** This Order would accept the donation of 19 trees from Bangor Beautiful, a charitable 501(c)(3) tax exempt organization, with a mission to make our community a more beautiful place to live through public art, trees, gardens, and other beautification efforts. The trees will be planted on public property on Hammond St., Ohio St., High St., Norfolk St., and Old Cemetery Park.

A Public Works Forestry Division employee will work with Bangor Beautiful staff to ensure the trees are planted in accordance with City standards. This donation will provide natural beauty and numerous arboreal benefits to multiple areas of the City.

This item was reviewed and recommended for approval by the Government Operations Committee on April 1, 2024.

**24-117     RESOLVE     Ratifying Staff Action Regarding 169 Thornton Road     LEONARD**

**Executive Summary:** This Resolve will ratify staff action taken on March 29, 2024, in executing the sale of 169 Thornton Road.

The City purchased this parcel in 2016 with the intent to use the property for a possible future connection between Bangor Gardens and Husson Avenue. In 2019, City staff requested to rent out the home on the property for a period of time until the parcel could be used for the connection purpose. As the connection project is no longer under consideration and the current tenant had given notice to end their lease, staff discussed offering the property for sale to increase home ownership opportunities with the Business and Economic Development Committee.

---

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

---

**ASSIGNED TO  
COUNCILOR**

---

**24-118     ORDINANCE     Amending the Code of the City of Bangor by  
Updating the Expiration Process for Short-Term  
Rental Licenses and Adding Required Details for  
Short-Term Rental License Applications (First  
Reading and Referral to Planning Board Meeting on  
April 16, 2024)     SCHAEFER**

**Executive Summary:** The Ordinance changes would update the City's Code of Ordinances to change the expiration date for all short-term rental licenses from December 31<sup>st</sup> to May 31<sup>st</sup>. Currently, the Code sets the expiration date for non-hosted rentals to December 31<sup>st</sup> and for hosted rentals to a year from when the license was issued. Updating the expiration date for all licenses to one date will provide consistency and clarity for applicants. Additionally, setting the date to May 31<sup>st</sup> will allow time to calculate the new annual city-wide cap on non-hosted rentals based on April 1<sup>st</sup> tax data.

The ordinance update also changes the process for expiration so that any license that expires without renewal is treated as a new license, and it adds additional details necessary for license applications, such as the number of bedrooms located within a short-term rental unit.

**REGULAR MEETING BANGOR CITY COUNCIL – APRIL 8, 2024**

---

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

**ASSIGNED TO  
COUNCILOR**

**24-119      ORDINANCE      Amending Chapter 165, Land Development Code,  
District Map to Re-zone a Property Located at 1017  
Union Street from Shopping and Personal Service  
District (S&PS) to Government and Institutional  
Service District (G&ISD) (First Reading and Referral  
to Planning Board Meeting on April 16, 2024)**

**FOURNIER**

**Executive Summary:** This Ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot R24-017, located at 1017 Union Street, from Shopping and Personal Service District (S&PS) to Government and Institutional Service (G&ISD). The total area requested to be changed is approximately 17.45 acres. The applicant is Encompass Health Maine Real Estate, LLC and the owner of record is Union Street Associates, LLC.

The zoning around the property is primarily S&PS to the east, west, and south, and High Density Residential (HDR) and Low Density Residential (LDR) to the north. There are also multiple nearby parcels in the G&ISD. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Neighborhood Residential area, which consists of “medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses.” The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

**24-120      ORDINANCE      Amending Chapter 23, Boards, Committees and  
Commissions, Section 23-3(E) of the Code of  
Ordinances, To Make the Appeal Process to the  
Board of Appeals More Efficient (First Reading)**

**YACIOUBAGHA**

**Executive Summary:** This Ordinance amendment would revise the City’s Board of Appeals ordinance to make the appeals process more efficient.

Under the current ordinance, the Board of Appeals is required to hold a public hearing within 60 days of receiving an application for appeal, and there is no provision to allow a routine continuance from that deadline in instances where the applicant requests one, except to convene the entire Board. The proposed amendment would give the Chair of the Board of Appeals the authority to grant a routine continuance to an applicant requesting one without convening the Board to do so.

The proposed amendment would also clarify that the 60 days starts running from the date the written appeal and applicable fee are received.

This ordinance amendment was reviewed and recommended for passage by the Government Operations Committee on April 1, 2024.

**REGULAR MEETING BANGOR CITY COUNCIL – APRIL 8, 2024**

---

<b>UNFINISHED BUSINESS ITEM NO.</b>	<b>ASSIGNED TO COUNCILOR</b>
---	----------------------------------

---

<b><u>24-107</u></b>	<b><u>ORDINANCE</u></b>	<b>Amending the Code of the City of Bangor by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003</b>	<b>FISH</b>
----------------------	-------------------------	---	-------------

**Executive Summary:** This Ordinance would update the City’s Code of Ordinances to reduce restrictions on setbacks and height for ADUs and to clarify the minimum size of the ADU in accordance with the language of the State law, LD 2003.

LD 2003 requires that there not be greater restrictions on setbacks or dimensional controls for ADUs than there are for principal dwellings. Currently, the City’s Code, by not allowing an ADU in front of a principal dwelling, in essence requires a greater front setback for ADUs. Additionally, the Code currently limits the height of detached ADUs to 25’, which is less than the maximum height of primary structures in all zones. Therefore, the proposed changes to the Code remove these restrictions in order to comply with LD 2003.

Additionally, LD 2003 states that the minimum structure size for ADUs is 190 square feet. This requirement is also proposed to be added to the City’s Code in order to provide clarity, all of these revisions support the City Council’s 2023-2024 priority of housing.

This item was reviewed and unanimously recommended for passage at the Planning Board meeting on April 2, 2024.

<b><u>24-108</u></b>	<b><u>ORDINANCE</u></b>	<b>Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 12 Carroll Street from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2)</b>	<b>HAWES</b>
----------------------	-------------------------	---	--------------

**Executive Summary:** This Ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot 024-110, located at 12 Carroll Street, from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2). The total area requested to be changed is approximately 0.19 acres. The applicant of record is Francesco Pimenta and the owner of record is James Stoneton.

This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Urban Neighborhood area which consists of “medium to high-density residential neighborhoods surrounding the Downtown and encompassing most of the City’s historic residential areas.” The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

This item was reviewed and unanimously recommended for passage at the Planning Board meeting on April 2, 2024.

**REGULAR MEETING BANGOR CITY COUNCIL – APRIL 8, 2024**

---

**UNFINISHED BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

**24-109      ORDINANCE      Amending Chapter 291, Vehicles and Traffic, to  
Update Vehicle Weight Limits to Coordinate with  
Maine DOT Weight Limits**

**FOURNIER**

**Executive Summary:** This Ordinance will amend City Code Chapter 291, Vehicles and Traffic, Sections 29 and 30, to increase the current weight limit of 7,716 lbs. to 23,000 lbs. on certain streets in Bangor.

The Maine Department of Transportation is responsible for maintenance of roads across the State of Maine. Their statewide weight limit for all roads during the winter months, generally November through May, is 23,000 lbs. Setting the City of Bangor weight limit at 23,000 lbs. allows businesses to manage their supply chain with more consistency, as weight limits would not change at the town line.

This change will place no additional risk on City streets as we have been inadvertently advertising and enforcing a 23,000 lb. weight limit for decades.

This item was reviewed and recommended for passage at the Infrastructure Committee meeting on March 18, 2024.

**24-110      RESOLVE      Appropriating an Amount Not to Exceed \$6,500,000  
from the Airport Unappropriated Fund Balance to  
Fund Construction of a Passenger Parking Lot**

**TREMBLE**

**Executive Summary:** This Resolve will appropriate up to \$6,500,000 from the Airport Unappropriated Fund Balance account to fund the construction of a new passenger parking lot located adjacent to Godfrey Blvd.

Passenger traffic numbers have increased more than 30% in the last five years at the Airport (BGR). During the months of November through May, BGR has experienced significant issues with passenger vehicle overflow in the current designated Airport parking lots. For the past two years the shuttle lot, which is utilized for peak season passenger vehicle overflow, has gone beyond its capacity forcing BGR to find additional lot space that is not designated, designed, nor maintained for the purpose of housing vehicles.

The newly constructed parking lot would increase parking capacity by 826 parking spaces.

This item was reviewed and recommended for passage by the Business & Economic Development Committee at the March 18, 2024 meeting.

**REGULAR MEETING BANGOR CITY COUNCIL – APRIL 8, 2024**

---

**NEW BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

<b><u>24-121</u></b>	<b><u>ORDER</u></b>	<b>Authorizing the City Manager to Accept a Release Deed from PS Bangor, LLC for Parcel R69-002-B</b>	<b>YACOUBAGHA</b>
----------------------	---------------------	---	-------------------

**Executive Summary:** This Order would authorize the City Manager to accept an offered release deed from PS Bangor, LLC, to transfer the parcel identified as R69-002-B to the City. The parcel is a 4.3-acre lot adjacent to the parking lot of Lowes.

There is a retaining wall and retention pond on the property that require maintenance. The Declaration of Easements among the property owners of the Lowes development establishes that the City, if it were to take possession of the property, would only be responsible for maintaining a small portion of the retaining wall. The Engineering Department has visited the site and determined that the retaining wall is in very good condition, so the maintenance should be minimal over the next few years. Most of the parcel is flat and is potentially a buildable lot located near retail stores, restaurants, and businesses.

The Legal, Assessing, Engineering, Community and Economic Development, Treasury, and Finance Departments have worked together to determine whether to recommend the City's taking possession of this property. In light of the Council's goal of increasing housing within the City, staff recommends the City take possession of the property.

This Order was reviewed and recommended for passage by the Finance Committee on April 1, 2024.

<b><u>24-122</u></b>	<b><u>ORDER</u></b>	<b>Updating the City's Matured Tax and Utility Lien Policy To Comply With New State Law</b>	<b>DEANE</b>
----------------------	---------------------	---	--------------

**Executive Summary:** This Order will update the Matured Tax and Utility Lien Policy so that it complies with the new requirements of state statute--36 M.R.S. Section 943-C.

The State Legislature recently passed a new law creating rights for former owners of tax-acquired land. The new law requires 90-day notice to former owners if the City plans to sell a tax-acquired property, and provides that former owners must submit a written demand within 90 days of the notification in order to require the City to follow a certain sales procedure outlined in the statute.

If the former owner submits the written demand within the 90 days, the City must list the property for sale with a licensed real estate broker and sell the property at the highest price at which it is able to sell. The proceeds of the sale in excess of taxes and costs specified in the statute are required to go back to the former owner.

If the former owner does not submit the written demand within 90 days, or if the process is followed and the property cannot be sold, then the City may sell the property by any method, but any excess sale proceeds must be sent to the former land owner.

The revised policy is updated so that the City's method of selling tax-acquired properties complies with the requirements of the new state law.

This item was reviewed and recommended for passage by the Finance Committee on April 1, 2024.

**REGULAR MEETING BANGOR CITY COUNCIL – APRIL 8, 2024**

---

**NEW BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

---

<b><u>24-123</u></b>	<b><u>ORDER</u></b>	<b>Authorizing the Execution of a Consent to Sublease the Parking Area Adjacent to Ground Round</b>	<b>FISH</b>
----------------------	---------------------	---	-------------

**Executive Summary:** This Order would authorize the City Manager to consent to the sublease of the parking area located at R17-013-C. The City owns the parcel at this location and is currently leasing it to Bangor Ground Round -- Odlin Road, LLC, which has used it as a parking lot for its restaurant located on the adjacent parcel. The Ground Round is leasing its restaurant building to a new tenant, and the sublease would similarly allow the new tenant to utilize the parking lot for its restaurant on the adjacent parcel. The term of the sublease of the parcel will be for three years under the same terms as the original lease, and Ground Round will remain responsible for the rent payments to the City.

This Order was reviewed and recommended for passage by the Business and Economic Development Committee on April 1, 2024.



# CONSENT AGENDA

*Meeting called to order at 7:30 PM  
 Chaired by Council Chair Pelletier  
 Councilors Absent: Hawes  
 Meeting adjourned at 9:05 PM*

**PROCLAMATION**

*Proclaimed April 1st-April 5th, 2024 Community Development Week*

**PUBLIC COMMENT**

*Twelve representatives from Needle Point Sanctuary spoke about harm reduction and the work they are doing to minimize the harm to the unhoused and offering a mobile needle swap to visit them where they are.  
 Justin Cartier opposed this view and method offering his perspective as a recovering addict.  
 Becky Garcia spoke about her dream business downtown was becoming her worst nightmare based on the unsafe situations from the unhoused asking her employees to purchase heroine and has also noticed hundreds of dollars in theft over the past several months.  
 Kelsey Chandler spoke about a terrorizing situation where 5 unhoused individuals surrounded her house early morning and late into the evening, as a result of reporting one of the individuals the day prior  
 Sam Headerman spoke about dangerous intersections then need to be addressed.  
 Greg LaFrancios introduced himself as the CEO of Northern Light Hospital.*

---

**CONSENT AGENDA  
 ITEM NO.**

**ASSIGNED TO  
 COUNCILOR**

---

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

**MINUTES OF:**

*Bangor City Council Regular Meeting of March 11, 2024, and Business and Economic Development Committee Meetings of February 21, 2024 and March 4, 2024*

**Action:** *Approved*

**LIQUOR LICENSE  
 RENEWALS:**

*Application for Liquor License Renewal Malt, Wine, Spirits of TBTB LLC d/b/a The Butcher The Baker, 84 Hammond Street*

**HAWES**

**Action:** *Approved*

*Application for Liquor License Renewal Malt, Wine, Spirits of Broadway Billiards LLC d/b/a Rack City, 1215 Broadway*

**HAWES**

**Action:** *Approved*

**24-103      ORDER**

*Authorizing the Execution of Municipal Bill of Sale - Located at 122 Cedar Falls Mobile Home Park*

**LEONARD**

**Action:** *Passed*

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MARCH 25, 2024**

---

<b>CONSENT AGENDA ITEM NO.</b>	<b>ASSIGNED TO COUNCILOR</b>
------------------------------------	----------------------------------

<u>24-104</u>	<u>ORDER</u>	<i>Authorizing Execution of a Contract with B&amp;B Paving, Inc. in the Amount of \$1,518,119 Per Year for the Calendar Year 2024 and 2025 Paving Program</i>	<b>YACOUBAGHA</b>
---------------	--------------	---	-------------------

*Action: Passed*

<u>24-105</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Enter into a Memorandum of Understanding with Bangor Beautiful to Coordinate and Allow the Art Installation of a Ground Mural in the Hammond Street Intersection with Central and Main Streets</i>	<b>TREMBLE</b>
---------------	--------------	---	----------------

*Action: Passed*

<u>24-106</u>	<u>RESOLVE</u>	<i>Acknowledging Receipt of the Official Results of the March 5, 2024 Presidential Primary Election</i>	<b>HAWES</b>
---------------	----------------	---	--------------

*Action: Passed*

<b>REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.</b>	<b>ASSIGNED TO COUNCILOR</b>
--	----------------------------------

<u>24-107</u>	<u>ORDINANCE</u>	<i>Amending the Code of the City of Bangor by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003</i>	<b>FISH</b>
---------------	------------------	---	-------------

*Action: First Reading and Referral to Planning Board on April 2, 2024*

<u>24-108</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 12 Carroll Street from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2)</i>	<b>HAWES</b>
---------------	------------------	---	--------------

*Action: First Reading and Referral to Planning Board on April 2, 2024*

<u>24-109</u>	<u>ORDINANCE</u>	<i>Amending Chapter 291, Vehicles And Traffic, to Update Vehicle Weight Limits to Coordinate with Maine DOT Weight Limits</i>	<b>FOURNIER</b>
---------------	------------------	---	-----------------

*Action: First Reading*

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

**ASSIGNED TO**  
**COUNCILOR**

**24-110**      **RESOLVE**      *Appropriating an Amount Not to Exceed \$6,500,000 from the Airport Unappropriated Fund Balance to Fund Construction of a Passenger Parking Lot Adjacent to Godfrey Boulevard to House Additional Parking Spaces Year-round, Specifically Passenger Vehicle Overflow During the Months of November through May*

**TREMBLE**

*Action: First Reading*

**UNFINISHED BUSINESS**  
**ITEM NO.**

**ASSIGNED TO**  
**COUNCILOR**

**24-091**      **ORDINANCE**      *Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located on Grandview Avenue from Park & Open Space (P&O) to Multifamily & Service District (M&SD)*

**FOURNIER**

*Action: Motion made and seconded for Passage  
Vote: 8-0  
Councilors Voting Yes: Deane, Fish, Fournier, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier  
Councilors Voting No: None  
Passed*

**24-098**      **ORDINANCE**      *Amending Chapter 223, Property Maintenance, Section 223-12, to Clarify That the Director of Community and Economic Development has Authority to Sign Administrative Consent Agreements on Behalf of the City*

**SCHAEFER**

*Action: Motion made and seconded for Passage  
Vote: 8-0  
Councilors Voting Yes: Deane, Fish, Fournier, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier  
Councilors Voting No: None  
Passed*

**24-099**      **ORDINANCE**      *Amending Chapter 165, Land Development Code, to Reduce Off-Street Parking Minimums for Residential Dwellings and to Allow the Planning Board to Authorize Reductions in Parking Minimums for Uses Requiring a Land Development Permit*

**LEONARD**

*Action: Motion made and seconded for Passage  
Vote: 8-0  
Councilors Voting Yes: Deane, Fish, Fournier, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier  
Councilors Voting No: None  
Passed*

**UNFINISHED BUSINESS**  
**ITEM NO.**

**ASSIGNED TO**  
**COUNCILOR**

24-100      ORDINANCE      *Amending the Code of the City of Bangor by Clarifying the Definitions of Hosted and Non-Hosted Short-Term Rentals*      **DEANE**

*Action: Motion made and seconded for Passage*  
*Vote: 8-0*  
*Councilors Voting Yes: Deane, Fish, Fournier, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier*  
*Councilors Voting No: None*  
*Passed*

**NEW BUSINESS**  
**ITEM NO.**

**ASSIGNED TO**  
**COUNCILOR**

24-111      ORDER      *Authorizing the City Manager to Sign a Permission to Propose Letter for the Development of City Property in Conjunction with the U.S. Department of Veterans Affairs*      **FISH**

*Action: Motion made and seconded for Passage*  
*Passed*

24-112      ORDER      *Authorizing the Acceptance of the Parks and Recreation Center/Sawyer Arena Feasibility Study*      **YACIOUBAGHA**

*Action: Motion made and seconded for Passage*  
*Passed*

24-113      ORDER      *Authorizing the City Manager to Execute a Lease Agreement with Maine Instrument Flight at Bangor International Airport*      **SCHAEFER**

*Action: Motion made and seconded for Passage*  
*Passed*

ATTEST:   
Brandon Powell, Deputy Clerk



**Finance Committee Minutes  
March 11, 2024 (special meeting)  
Council Chambers, 262 Harlow St.**

**Councilors in Attendance (Committee Members): Fournier, Deane, Leonard, Yacoubagha**

**Other Councilors in Attendance: Schaefer**

**Staff in Attendance – Little, Huotari, Thomas, Martin, Thibodeau, O'Donnell**

**Meeting Start: 7:00 pm**

**1. Bids/Purchasing**

- a. Airport Runway Rehabilitation – Airport – Eurovia Atlantic Coast, LLC d/b/a Northeast Paving - \$45,526,149**

Motion made to recommend contract; motion approved unanimously.

**Meeting End: 7:04 pm**

*Upcoming Items (subject to change)  
(Anticipated dates are subject to change)*

- Procurement Policy Recommendations (TBA)
- Matured Lien Policy (March 18, 2024)
- Abatement Policy (TBA)



**Finance Committee Minutes  
March 18, 2024  
Council Chambers, 262 Harlow St.**

**Councilors in Attendance (Committee Members): Tremble, Deane, Yacoubagha, Fournier**

**Other Councilors in Attendance: Pelletier, Fish, Schaefer**

**Staff in Attendance – Little, Huotari, Willette, Laurie, Harper, A. Huotari**

**Meeting Start: 5:34 pm**

**1. Bids/Purchasing**

**a. Orthoimagery – Engineering/GIS – NV5 Geospatial, Inc - \$74,380**

Motion made and seconded to approve contract; motion approved unanimously

**b. Forestry Chipper – Public Works – United Ag & Turf - \$94,255**

Motion made and seconded to approve purchase; motion passed unanimously

**c. Street Paving – Public Works – B&B Paving – \$1,518,119 per year/two (2) year contract**

Motion made and seconded to recommend contract; motion passed unanimously

**d. Fire Suppression Testing & Inspections – Airport – Maine Fire Protection Systems – \$217,484/three (3) year contract, first year – \$73,558**

Motion made and seconded to approve contract; motion passed unanimously

**e. Public Restrooms – Parks & Rec. – Facility and Construction Services – \$14,400/unit (up to 6 units)**

Motion made and seconded to approve purchase; motion passed unanimously

**Meeting End: 5:51 pm**

*Upcoming Items (subject to change)*  
*(Anticipated dates are subject to change)*

- Procurement Policy Recommendations (TBA)
- Matured Lien Policy (April 1, 2024)
- Abatement Policy (TBA)

# Infrastructure Committee Minutes March 18, 2024

## ATTENDEES

### Councillors:

Gretchen Schaefer  
Dan Tremble  
Dina Yacoubagha

Susan Deane  
Cara Pelletier

Richard Fournier  
Carolyn Fish

### Staff:

Aaron Huotari

Amanda Smith

Debbie Laurie

### Member of Public:

## AGENDA ITEMS

### 1. Amending Ordinance 291-29 Weight Limits on Certain Streets & Ordinance 291-30 No Through Trucks on Certain Streets

Aaron Huotari outlined his following memo:

City of Bangor Ordinance 291-29 and 291-30 were enacted to protect the integrity of roads within the City when they are at their most vulnerable, during spring thaw and rain. Heavy load limits are part of the ordinance, but they are also communicated via bright orange signs stapled to telephone poles at either end of a “posted” street.

Our current ordinance regarding heavy load limits on certain streets in Bangor was part of our original code of ordinances. While the ordinance language has been updated from time to time, the current weight limit of 3 ½ tons never has. This weight limit is not consistent with the majority of municipalities in the State of Maine or with the State of Maine Department of Transportation (DOT) weight limits.

While towns have the right to limit weights of their choosing, having different weights for different towns makes it difficult for businesses to know when they are in the right and when in violation. Adopting the Maine DOT weight limit of 23,000 lbs would allow for consistent regulations for businesses to follow as they move from town to town. Conformity with the State limit would allow the orange road posting signs to deliver a consistent message to businesses as they choose their routes.

City Engineer, John Theriault, feels that a 7,000 lb weight limit would prohibit many residents from driving their own personal vehicle over posted roads and offers very little additional protection to roads. Additionally, the current 7,000 lb weight limit is not enforced, as Public Works and Engineering thought that we followed the State limit of 23,000 lbs and have been posting signage indicating a limit of 23,000 lbs on all heavy load postings in the City of Bangor for many years.

### **PROPOSED ORDINANCE AMENDMENT**

#### **§ 291-29 Weight limit on certain streets.**

[Amended 4-8-1991 by Ord. No. 91-91; 9-14-1998 by Ord. No. 98-339; 2-13-2012 by Ord. No. 12-071; 7-23-2018 by Ord. No. 18-276]

During the period between November 1 and May 15, except when otherwise determined to be necessary by the City Engineer, no vehicle the gross weight of which (vehicle and load combined) exceeds ~~3 1/2 tons~~ 23,000 lbs shall pass over the portions of highways within the City of Bangor designated below or any City street designated by the City Engineer, except when the surface of the road is solidly frozen.

Name of Street	Location
Burleigh Road	From Bomarc Road to Essex Street
Church Road	From Pushaw Road to Essex Street
Davis Road	From Union Street to Finson Road
Essex Street	From Lancaster Avenue to north City line
Finson Road	From Ohio Street to Broadway
Kenduskeag Avenue	From Griffin Road to Broadway
Mount Hope Avenue	From Howard Street to State Street
Ohio Street	From Griffin Road to north City line

**§ 291-30 No through trucks on certain streets.**

[Amended 12-23-1991 by Ord. No. 92-47; 9-14-1998 by Ord. No. 98-339; 7-23-2018 by Ord. No. 18-276]

On those streets and portions specified below, no through trucks in excess of ~~3-1/2 tons~~ **23,000 lbs** gross weight shall be allowed to pass at any one time of the day or night. (This provision shall not apply to school buses or buses providing public transportation services on a regular schedule.) There shall be a sign posted at each end at the streets so designated showing that through truck traffic is not allowed.

Name of Street	Location
Bolling Drive	From Ohio Street to Griffin Road
Boutelle Road	From Hammond Street to Webster Avenue
Buck Street	From Webster Avenue to Main Street
Church Road	From Pushaw Road to Essex Street
Davis Road	From Finson Road to Union Street
Earl Street	From Broadway to Warwick Street
Eddyway Street	From Union Street to Hannibal Street
Eighteenth Street	From Union Street to Ohio Street
Essex Street	From City Line to Stillwater Avenue
Fern Street	From State Street to Garland Street
Finson Road	From Ohio Street to Broadway
Francis Street	From Fourteenth Street to Manners Avenue
Fruit Street	From State Street to Mt. Hope Avenue
Garland Street	From Broadway to Center Street
Hannibal Street	From Fourteenth Street to Fifteenth Street
Howard Street	From State Street to Stillwater Avenue
Kenduskeag Avenue	From Griffin Road to Broadway
Maple Street	From Garland Street to Mt. Hope Avenue
North Street	From East Street to West Street
Norway Road	From Hammond Street to Webster Avenue
Palm Street	From Stillwater Avenue to Mt. Hope Avenue
Pearl Street	From State Street to Mt. Hope Avenue
Perkins Street	From Hammond Street to Fourteenth Street
Royal Road	From Hammond Street to Webster Avenue

Name of Street	Location
Seventeenth Street	From Union Street to Ohio Street
Sherman Avenue	From Kenduskeag Avenue to Falvey Street
South Park Street	From Center Street to Broadway
Thatcher Street	From Main Street to Farm Road
West Street	From Webster Avenue to Hammond Street
Westland Street	From Union Street to Ohio Street

***Vote: Moved and Seconded to Move to Council.***

**2. Federal PFAS Legislation – Testimony to Support Municipal Liability Protection**

Amanda Smith outlined her following memo:

The Environmental Protection Agency (EPA) has proposed a rule to designate two per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), also known as the “Superfund”.

This rule is expected to be finalized in the coming months and is intended to “hold polluters accountable” for PFAS contamination. This rule, as written, does not exempt municipalities from being held liable for PFAS contamination; therefore, municipalities could become liable for pollution that was not caused by the municipality. Wastewater Treatment Facilities, for example, receive PFAS from many sources of wastewater. Because there is no viable treatment for PFAS, these compounds are not removed by the wastewater treatment plant. In this example, the municipality did not cause pollution but could be held liable for the pollution under the proposed rule.

In addition to the EPA’s proposed rule, the Senate Environment and Public Works Committee has proposed bipartisan legislation related to mitigation and remediation of PFAS that is also lacking exemptions for municipal liabilities.

The National League of Cities (NLC) has additional information (links included) and has launched an action campaign to advance municipal liability protection. Staff recommends collaborating with NLC to amplify the City’s concerns about pending rulemaking and legislation.

[PFAS Action: Latest Updates for Local Leaders - National League of Cities \(nlc.org\)](https://www.nlc.org/pfas-action-latest-updates-for-local-leaders)

[National League of Cities | PFAS Legislation Must Include Municipal Liability Protection \(quorum.us\)](https://www.quorum.us/news/national-league-of-cities-pfas-legislation-must-include-municipal-liability-protection)

[Proposed Designation of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctanesulfonic Acid \(PFOS\) as CERCLA Hazardous Substances | US EPA](https://www.epa.gov/assessing-and-managing-pfas-contamination/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla-hazardous-substances)

***Vote: No Vote, Unanimous Council Support.***

***Meeting Adjourned.***



**CITY COUNCIL ACTION**

04/08/2024 24-114

Council Meeting Date: 04/08/2024

Item No: 24-114

Responsible Dept: Health & Community Services

Requested Action: Order

Map/Lot: N/A

**Title, Order**

Appointing Jennifer Gunderman-King as Local Health Officer in Accordance with Maine Center for Disease Control and Prevention Requirements

**Summary**

This Order will appoint Jennifer Gunderman-King as the Local Health Officer. Maine CDC requires municipalities to appoint local health officer(s) every three years. Historically, it has been the practice in Bangor to appoint an appropriate professional from the Public Health and Community Services department and the Code Enforcement office to serve in these roles. The decision to appoint one individual versus two is to have one person that will provide direction and reduce the potential for any confusion.

**Committee Action**

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

**Staff Comments & Approvals**

City Manager

City Solicitor

Finance Director

**Introduced for:** Consent



## **CITY OF BANGOR ORDER**

---

04/08/2024 24-114

Date: 04/08/2024

Item No: 24-114

Assigned to Councilor: Deane

Appointing Jennifer Gunderman-King as Local Health Officer in Accordance with Maine Center for Disease Control and Prevention Requirements

Be it Ordered by the City Council of the City of Bangor that, Jennifer Gunderman-King is hereby appointed to serve as the City of Bangor's Local Health Officer (LHO) in accordance with the requirements set forth in the State of Maine Center for Disease Control and prevention (Maine CDC).



**CITY COUNCIL ACTION**

04/08/2024 24-115

Council Meeting Date: 04/08/2024

Item No: 24-115

Responsible Dept: Community & Economic Development

Requested Action: Order

Map/Lot: N/A

**Title, Order**

Authorizing Execution of Extension to Lease with The First - Exchange Street Property

**Summary**

The City of Bangor leases land for parking to The First abutting its property on Exchange Street. The lease terminates on April 1, 2034. The First would like to extend the term for an additional ten (10) years. The lease rent is currently at \$1,300 per month. Previously, the term included an increase of 10% every five years.

The proposed rent is an increase to \$1,500 per month with a 10% increase in five (5) years.

**Committee Action**

Committee: Business & Economic Development Committee

Meeting Date: 04/01/2024

Action: Recommend for passage

For: 4

Against: 0

**Staff Comments & Approvals**

City Manager

City Solicitor

Finance Director

**Introduced for:** Consent



## CITY OF BANGOR ORDER

---

04/08/2024 24-115

Date: 04/08/2024

Item No: 24-115

Assigned to Councilor: Tremble

Authorizing Execution of Extension to Lease with The First - Exchange Street Property

WHEREAS, the City of Bangor leases land to The First abutting its property on Exchange Street,

WHEREAS, the leased property is used for parking, and

WHEREAS, the lease provides for an increase in the rent every five years, and

WHEREAS, the extension of the lease is in the best interest of both parties.

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 amendment to the lease between the City of Bangor and The First increasing the rent to \$1,500 per month for the next five years. Said amendment will provide for a term through April 1, 2034, with a rent increase on April 1, 2029 of 10%, and shall be in final form as approved by the City Solicitor or Assistant City Solicitor.



**CITY COUNCIL ACTION**

04/08/2024 24-116

Council Meeting Date: 04/08/2024

Item No: 24-116

Responsible Dept: Public Works

Requested Action: Order

Map/Lot: N/A

**Title, Order**

Authorizing City Manager to Accept a Donation of 19 Trees from Bangor Beautiful

**Summary**

This Order would accept the donation of 19 trees from Bangor Beautiful, a charitable 501(c)(3) tax exempt organization, with a mission to make our community a more beautiful place to live through public art, trees, gardens, and other beautification efforts. The trees will be planted on public property on Hammond St., Ohio St., High St., Norfolk St., and Old Cemetery Park.

A Public Works Forestry Division employee will work with Bangor Beautiful staff to ensure the trees are planted in accordance with City standards. This donation will provide natural beauty and numerous arboreal benefits to multiple areas of the City.

This item was reviewed and recommended for approval by the Government Operations Committee on April 1, 2024.

**Committee Action**

Committee: Government Operations Committee

Meeting Date: 04/01/2024

Action: Recommend for passage

For:

Against:

**Staff Comments & Approvals**

City Manager

City Solicitor

Finance Director

**Introduced for:** Consent



## **CITY OF BANGOR ORDER**

---

04/08/2024 24-116

Date: 04/08/2024

Item No: 24-116

Assigned to Councilor: Schaefer

Authorizing City Manager to Accept a Donation of 19 Trees from Bangor Beautiful

Whereas, Bangor Beautiful is a charitable 501(c)(3) tax exempt organization, with a mission to make our community a more beautiful place to live through public art, trees, gardens, and other beautification efforts;

Whereas, Bangor Beautiful wishes to donate 17 trees to the City of Bangor to be planted at the intersection of Hammond St., Ohio St., and High St., as well as on Norfolk St. and Old Cemetery Park;

Whereas, the City of Bangor is known as a "Tree City" and trees in this area will provide natural beauty to an area that currently has a significant percentage of paved area;

Be it Ordered by the City Council of the City of Bangor that, the City Manager accept a donation of 19 planted trees from Bangor Beautiful, to be placed on public property at Hammond St., Ohio St., High St., Norfolk St., and Old Cemetery Park.



**CITY COUNCIL ACTION**

04/01/2024 24-117

Council Meeting Date: 04/01/2024

Item No: 24-117

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: R42-042

**Title, Resolve**

Ratifying Staff Action Regarding 169 Thornton Road

**Summary**

This Resolve will ratify staff action taken on March 29, 2024, in executing the sale of 169 Thornton Road.

The City purchased this parcel in 2016 with the intent to use the property for a possible future connection between Bangor Gardens and Husson Avenue. In 2019, City staff requested to rent out the home on the property for a period of time until the parcel could be used for the connection purpose. As the connection project is no longer under consideration and the current tenant had given notice to end their lease, staff discussed offering the property for sale to increase home ownership opportunities with the Business and Economic Development Committee.

**Committee Action**

Committee:

Meeting Date:

Action:

For:

Against:

**Staff Comments & Approvals**

City Manager

City Solicitor

Finance Director

**Introduced for:** Consent



## **CITY OF BANGOR RESOLVE**

---

04/01/2024 24-117

Date: 04/01/2024

Item No: 24-117

Assigned to Councilor: Leonard

Ratifying Staff Action Regarding 169 Thornton Road

WHEREAS, the parcel at 169 Thornton Drive was purchased by the City of Bangor in 2016 with the intent to use the property for a connection between Bangor Gardens and Husson Avenue; and

WHEREAS, the City has leased the property since 2019; and

WHEREAS, the City no longer has a need for a connection between Bangor Gardens and Husson Ave.; and

WHEREAS, Staff determined that selling the property rather than continuing to lease it would be in the best interests of the City;

Be it Resolved by the City Council of the City of Bangor that, staff action to execute the sale documentation for 169 Thornton Road is hereby ratified and confirmed.



REFERRALS TO  
COMMITTEES  
& FIRST READING



## **CITY COUNCIL ACTION**

---

Council Meeting Date: April 8, 2024

Item No: 24-118

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

### **Title, Ordinance**

---

Amending the Code of the City of Bangor, by Updating the Expiration Process for Short-Term Rental Licenses and Adding Required Details for Short-Term Rental License Applications.

### **Summary**

---

The proposed changes would update the City's Code of Ordinances to change the expiration date for all short-term rental licenses from December 31<sup>st</sup> to May 31<sup>st</sup>. Currently, the Code sets the expiration date for non-hosted rentals to December 31<sup>st</sup> and for hosted rentals to a year from when the license was issued. Updating the expiration date for all licenses to one date will provide consistency and clarity for applicants. Additionally, setting the date to May 31<sup>st</sup> will allow time to calculate the new annual city-wide cap on non-hosted rentals based on April 1<sup>st</sup> tax data.

The ordinance update also changes the process for expiration so that any license that expires without renewal is treated as a new license, and it adds additional details necessary for license applications, such as the number of bedrooms located within a short-term rental unit.

### **Committee Action**

---

Committee: Planning Board

Meeting Date: April 16, 2024

Action:

For:

Against:

### **Staff Comments & Approvals**

---

  
 \_\_\_\_\_  
 City Manager

  
 \_\_\_\_\_  
 City Solicitor

  
 \_\_\_\_\_  
 Finance Director

**Introduced for:** First Reading and Referral



## CITY COUNCIL ORDINANCE

---

Date: April 8, 2024

Assigned to Councilor: Schaefer

**ORDINANCE**, Amending the Code of the City of Bangor by Updating the Expiration Process for Short-Term Rental Licenses and Adding Required Details for Short-Term Rental License Applications.

**WHEREAS**, the proposed amendments would update the City's Code of Ordinances to change the expiration date for all short-term rental licenses from December 31<sup>st</sup> to May 31<sup>st</sup>, change the process for expired licenses, and require additional details for license applications;

**WHEREAS**, currently, the Code sets the expiration date for non-hosted rentals to December 31<sup>st</sup> and for hosted rentals to a year from when the license was issued;

**WHEREAS**, updating the expiration date for all licenses to one date will provide consistency and clarity for applicants and setting the date to May 31<sup>st</sup> will allow time to calculate the new annual city-wide cap on non-hosted rentals based on April 1<sup>st</sup> tax data;

**WHEREAS**, additional details about short-term rental units are needed for issuing licenses;

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

The Code of the City of Bangor is amended as follows:

#### **§ 254-4 Licensing.**

...  
 B. Licensing procedure. All administrative power and authority vested in the City Council to grant or deny a short-term rental license required by this chapter shall be delegated to the reviewing authority.

- (1) Application. The owner or operator of a proposed short-term rental shall file a license application with the reviewing authority on forms provided by the office of the reviewing authority. The application shall include, at minimum:

...

- (b) Contact information. The name, address, e-mail address, and phone number of the applicant, and, if different than the applicant, the contact information of the owner of the building in which the short-term rental unit is proposed to be located, along with written permission from said owner to operate the short-term rental unit. If the owner or operator is a legal entity other than a natural person, the name of all natural persons who have an ownership interest in the legal entity ~~that is listed as the record owner of the property~~ and the contact information of at least one of the named individuals.

- (c) Property location and short-term rental details

[1] The location, including the zoning district, ~~and~~ street address, and property map

and lot number, of the building where the short-term rental unit is proposed to be located.

- [2] If the building containing the short-term rental unit contains 2 or more dwelling units, the number of proposed short-term rental units within the building and the total number of dwelling units within the building.

...

- [5] ~~For non-hosted short-term rentals, the~~ The name, phone number, and e-mail address of a natural person who is available 24 hours a day, seven days a week, to respond within 60 minutes to any on-site emergency at the premises where the short-term rental unit is located during any period when the short-term rental unit is occupied.

...

- [7] For any short-term rental where the operator is a lessee of any part of the property where the rental is located, a lease agreement or other written authorization signed by the landlord must be provided that shows that the dwelling where the short-term rental unit is located is allowed by the owner to be used as a short-term rental.

- [8] The number of bedrooms within the short-term rental unit.

- [9] If the building where the short-term rental unit is located contains any other uses besides residential, a list of the types of uses contained in the building (e.g. restaurant, retail).

...

(4) Limitations on certain short-term rentals.

- (a) Cap on total number of non-hosted short-term rentals. The number of units licensed for non-hosted short-term rentals shall be limited to 1% of the total number of dwelling units existing in the City of Bangor as of ~~January~~ April 1 of each year, as determined by the City Assessor, in the City Assessor's sole discretion.

- [1] The reviewing authority shall review all complete license applications for non-hosted short-term rentals on a first-come, first-serve basis and shall issue licenses for those applications that comply with the requirements of this chapter until the maximum number of short-term rental units for the ~~calendar~~ year from May 31 to May 31 of the next year are licensed.

...

...

- (c) Limitation on number of short-term rental units per person. A person may not hold a license to operate more than five short-term rental units in the City in any ~~calendar~~ year from May 31 to May 31 of the next year. For the purposes of this provision, a "person" includes any entity or entities under the same ownership or under unified management or control, as defined in § 254-4B, above.

...

C. License expiration; renewal; transferability.

- (1) Expiration. All ~~non-hosted short-term rental licenses shall expire on December~~ May 31 ~~and all other short term rental licenses required by this chapter shall expire one year from the date when the license number was issued by the reviewing authority,~~ unless revoked or suspended prior to

expiration in accordance with § 254-6, or unless renewed prior to expiration according to the provisions of 254-4C(2) below. Any license holder who fails to obtain a renewal license prior to the expiration of the license must file a new license application in accordance with the procedure set forth in § 254-4B, and may not operate the short-term rental until the reviewing authority issues the new short-term rental license. The new license application shall be subject to any applicable limitations set forth in § 254-4B(4).

- (2) Renewal. Each license holder shall annually submit a license renewal application with the reviewing authority at least 30 days before the expiration of the prior year's license on forms provided by the office of the reviewing authority.

...

- (d) Renewal license. Upon a determination by the reviewing authority that the short-term rental has passed inspection, as applicable, and otherwise complies with the requirements of this chapter, the reviewing authority shall issue a renewal of the short-term rental license to the license holder. A license renewal, when granted, shall be valid immediately following the issuance of a renewal. ~~A license holder who fails to obtain a renewal license prior to the expiration of the license must cease operating the short-term rental until a renewal new license is issued.~~

...

...

- E. Posting required. Upon the issuance of a short-term rental license number, the license holder shall post and maintain at each short-term rental unit, in plain sight to occupants, a notice containing the following information:

...

- (4) ~~For non-hosted short-term rentals,~~ The name, phone number, and e-mail address of a natural person who is available 24 hours a day, seven days a week, to respond within 60 minutes to any on-site emergency at the premises where the short-term rental unit is located during any period when the short-term rental unit is occupied.

...

**§ 254-6 Investigations; violations; license suspension or revocation.**

- A. Violations. Violations of this chapter include, but are not limited to, the following:

...

- (3) Failure of an owner or operator of a ~~non-hosted~~ short-term rental to have available, 24 hours a day, seven days a week, a person to respond to on-site emergencies at the short-term rental.

Additions underlined, deletions ~~struck through~~.



## **CITY COUNCIL ACTION**

---

Council Meeting Date: April 8, 2024

Item No: 24-119

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: R24-017

### **Title, Ordinance**

---

Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 1017 Union Street from Shopping and Personal Service District (S&PS) to Government and Institutional Service District (G&ISD)

### **Summary**

---

This ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot R24-017, located at 1017 Union Street, from Shopping and Personal Service District (S&PS) to Government and Institutional Service (G&ISD). The total area requested to be changed is approximately 17.45 acres. The applicant is Encompass Health Maine Real Estate, LLC and the owner of record is Union Street Associates, LLC.

The zoning around the property is primarily S&PS to the east, west, and south, and High Density Residential (HDR) and Low Density Residential (LDR) to the north. There are also multiple nearby parcels in the Government and Institutional Service District (G&ISD). This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Neighborhood Residential area, which consists of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses". The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

### **Committee Action**

---

Committee: Planning Board

Meeting Date: April 16, 2024

Action:

For:

Against:

### **Staff Comments & Approvals**

---

City Manager

City Solicitor

Finance Director

**Introduced for:** First Reading and Referral



## CITY COUNCIL ORDINANCE

---

Date: April 8, 2024

Assigned to Councilor: Fournier

**ORDINANCE**, Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 1017 Union Street from Shopping and Personal Service District (S&PS) to Government and Institutional Service District (G&ISD).

**WHEREAS**, the zoning around the property is primarily S&PS to the east, west, and south, and HDR and LDR to the north. There are also multiple nearby parcels in the G&ISD zone;

**WHEREAS**, the land uses in the area are primarily commercial, institutional, and high-density residential;

**WHEREAS**, this area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map shows this property in the Neighborhood Residential area, which consists of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lot R24-017, located at 1017 Union Street, from Shopping and Personal Service District (S&PS) to Government and Institutional Service District (G&ISD). The total area requested to be changed is approximately 17.45 acres and is shown in the attached exhibit.



## **CITY COUNCIL ACTION**

---

Council Meeting Date: April 8, 2024

Item No: 24-120

Responsible Dept: Legal

Action Requested: Ordinance

Map/Lot: N/A

### **Title, Ordinance**

---

Amending Chapter 23, Boards, Committees and Commissions, Section 23-3(E) of the Code of Ordinances, To Make the Appeal Process to the Board of Appeals More Efficient.

### **Summary**

---

This ordinance amendment, if passed, would revise the City's Board of Appeals ordinance to make the appeals process more efficient.

Under the current ordinance, the Board of Appeals is required to hold a public hearing within 60 days of receiving an application for appeal, and there is no provision to allow a routine continuance from that deadline in instances where the applicant requests one, except to convene the entire Board. The proposed amendment would give the Chair of the Board of Appeals the authority to grant a routine continuance to an applicant requesting one without convening the Board to do so.

The proposed amendment would also clarify that the 60 days starts running from the date the written appeal and applicable fee are received.

This ordinance amendment was reviewed and recommended for passage by the Government Operations Committee on April 1, 2024.

### **Committee Action**

---

Committee: Government Operations

Meeting Date: April 1, 2024

Action:

For:

Against:

### **Staff Comments & Approvals**

---

City Manager

City Solicitor

Finance Director

**Introduced for:** First Reading



## CITY COUNCIL ORDINANCE

---

Date: April 8, 2024

Assigned to Councilor: Yacoubagha

**ORDINANCE**, Amending Chapter 23, Boards, Committees and Commissions, Section 23-3(E) of the Code of Ordinances, To Make the Appeal Process to the Board of Appeals More Efficient

**WHEREAS**, at present, the entire Board of Appeals must convene to grant a routine continuance requested by an applicant;

**WHEREAS**, the Chair of the Board of Appeals should have the authority to grant a routine continuance if requested by an applicant in order to make the appeals process more efficient;

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

Chapter 23 of the Code of the City of Bangor is amended as follows:

### § 23-3 Appeals and Variances.

Administrative appeals from any order, requirement, decision, determination, or interpretation of the Code Enforcement Officer, or any other officer or entity specified by an ordinance, and variance appeals from the laws and ordinances of the City of Bangor, where expressly permitted by an ordinance, shall be made pursuant to the following procedures:

...

- E. The Code Enforcement Officer shall immediately refer the appeal, together with all materials relative thereto, to the Chair of the Board for consideration by the Board as provided herein. Before taking any action on the appeal, the Board of Appeals shall hold a public hearing within 60 days of the ~~date of the application~~ receipt of the application and required fee. The Chair of the Board has the discretion to grant a continuance to an applicant who requests one, permitting the public hearing to be held beyond 60 days of the date of the application. By requesting such a continuance, an applicant consents to the public hearing being held beyond 60 days from the date the application and required fee are received. The Board shall notify, by United States Mail, the applicant, the owners of all abutting property and owners of properties within 100 feet of the exterior boundaries of the property in question, at least 10 days in advance of the hearing, of the nature of the appeal and the time and place of the public hearing, in accordance with the following:

...

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



UNFINISHED  
BUSINESS



## **CITY COUNCIL ACTION**

---

Council Meeting Date: March 25, 2024

Item No: 24-107

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

### **Title, Ordinance**

---

Amending the Code of the City of Bangor by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003

### **Summary**

---

The proposed changes would update the City's Code of Ordinances to reduce restrictions on setbacks and height for ADUs and to clarify the minimum size of the ADU in accordance with the language of the state law, LD 2003.

LD 2003 requires that there not be greater restrictions on setbacks or dimensional controls for ADUs than there are for principal dwellings. Currently, the City's Code, by not allowing an ADU in front of a principal dwelling, in essence requires a greater front setback for ADUs. Additionally, the Code currently limits the height of detached ADUs to 25', which is less than the maximum height of primary structures in all zones. Therefore, the proposed changes to the Code remove these restrictions in order to comply with LD 2003.

Additionally, LD 2003 states that the minimum structure size for ADUs is 190 square feet. This requirement is also proposed to be added to the City's Code in order to provide clarity.

### **Committee Action**

---

Committee: Planning Board

Meeting Date: April 2, 2024

Action:

For:

Against:

### **Staff Comments & Approvals**

---

  
 \_\_\_\_\_  
 City Manager

  
 \_\_\_\_\_  
 City Solicitor

  
 \_\_\_\_\_  
 Finance Director

**Introduced for:** First Reading and Referral



## CITY COUNCIL ORDINANCE

---

Date: March 25, 2024

Assigned to Councilor: Fish

**ORDINANCE**, Amending the Code of the City of Bangor by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003

**WHEREAS**, LD 2003 requires that there not be greater restrictions on setbacks or dimensional controls for ADUs than there are for principal dwellings and states that the minimum structure size for ADUs is 190 square feet;

**WHEREAS**, the City's Code currently places greater limits on height and front setbacks for ADUs than for primary dwellings;

**WHEREAS**, the City's Code does not currently state the minimum size for an ADU;

**WHEREAS**, the City's Code must be in compliance with the provisions of LD 2003;

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

The Code of the City of Bangor is amended as follows:

**§ 165-31.2 Accessory dwelling units (ADUs).**

- ...
- B. In districts where ADUs are allowed, the Code Enforcement Officer shall approve an ADU upon a determination that said ADU complies with the following conditions:
- (1) ADU square footage may not be more than 50% of the square footage of the principal dwelling or 1,000 square feet, whichever is less. However, an ADU must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
  - (2) ~~Detached ADUs or ADUs contained within an accessory building may not be located in the front of the lot, where the "front of the lot" is defined as the space extending the full width of the lot between the principal dwelling and all streets. ADUs must meet the dimensional requirements and setbacks required for the principal dwelling, unless the Code allows for a reduced setback for accessory structures, in which case, that setback shall apply.~~
  - (3) ~~The maximum height of a detached ADU shall be 25 feet. An existing accessory building in which an ADU is located, or to which an ADU is added, shall adhere to the maximum height restriction of the zoning district.~~
  - (4) ~~Attached ADUs may not be connected to the principal dwelling in the front of the lot as defined in Subsection B(2) above.~~
- ...
- (9) ~~No permits for expansions will be allowed for an ADU, except for permits to construct appurtenances to meet ADA requirements.~~

Additions underlined, deletions ~~struck through~~.



# COMMUNITY & ECONOMIC DEVELOPMENT

## CITY OF BANGOR

PLANNING DIVISION

### Memorandum

**To:** Honorable Bangor City Council  
Debbie Laurie, City Manager

**From:** Anja Collette, Planning Officer

**Date:** April 3, 2024

**CC:** Courtney O'Donnell, Assistant City Manager  
David Szewczyk, City Solicitor  
Anne Krieg AICP – Director of Community & Economic Development

**Re:** Planning Board Recommendation April 2, 2024  
**Amending Chapter 165, Land Development Code, by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003**

---

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on April 2, 2024.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Vice Chair Ted Brush, and Members Don Meagher, Trish Hayes, and Mike Bazinet. Alternate Member Janet Jonas was also in attendance.

Planning Officer Collette reviewed the proposed changes to the accessory dwelling unit ordinance.

From the staff memo:

- A. The proposed changes would update the City's Code of Ordinances to reduce restrictions on setbacks and height for ADUs and to clarify the minimum size of the ADU in accordance with the language of the state law, LD 2003.
- B. LD 2003 requires that there not be greater restrictions on setbacks or dimensional controls for ADUs than there are for principal dwellings. Currently, the City's Code, by not allowing an ADU in front a principal dwelling, in essence requires a greater front setback for ADUs. Additionally, the Code currently limits the height of detached ADUs to 25', which is less than the maximum height of primary structures in all zones. Therefore, the proposed changes to the Code remove these restrictions in order to comply with LD 2003.
- C. Additionally, LD 2003 states that the minimum structure size for ADUs is 190 square feet. This requirement is also proposed to be added to the City's Code in order to provide clarity.

Member Bazinet asked Planning Officer Collette what the impact would be if the City did not make these changes to the Code. Planning Officer Collette stated that the City would be out of compliance

CITY OF BANGOR PLANNING DIVISION  
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 4.2.2024  
**Land Development Code – Accessory Dwelling Units Dimensional Requirements**

with State law, which could have legal ramifications.

There were no public comments.

Member Bazinet moved to recommend to City Council that the proposed amendments ought to pass. Member Meagher seconded the motion. The motion passed 5:0 with all members voting in favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed amendments ought to pass.

Anja Collette



## **CITY COUNCIL ACTION**

---

Council Meeting Date: March 25, 2024

Item No: 24-108

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: 024-110

### **Title, Ordinance**

---

Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 12 Carroll Street from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2).

### **Summary**

---

This ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot 024-110, located at 12 Carroll Street, from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2). The total area requested to be changed is approximately 0.19 acres. The applicant of record is Francesco Pimenta. The owner of record is James Stoneton.

This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Urban Neighborhood area which consists of "medium to high-density residential neighborhoods surrounding the Downtown and encompassing most of the City's historic residential areas." The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

### **Committee Action**

---

Committee: Planning Board

Meeting Date: April 2, 2024

Action:

For:

Against:

### **Staff Comments & Approvals**

---

  
City Manager

  
City Solicitor

  
Finance Director

**Introduced for:** First Reading and Referral



## CITY COUNCIL ORDINANCE

---

Date: March 25, 2024

Assigned to Councilor: Hawes

**ORDINANCE**, Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 12 Carroll Street from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2).

**WHEREAS**, the area around the property consists primarily of Urban Residence District 1 (URD-1), with some areas of Urban Residence 2 (URD-2) located several blocks away to the north and east;

**WHEREAS**, the land uses in the area consist primarily of single-family and multi-family homes;

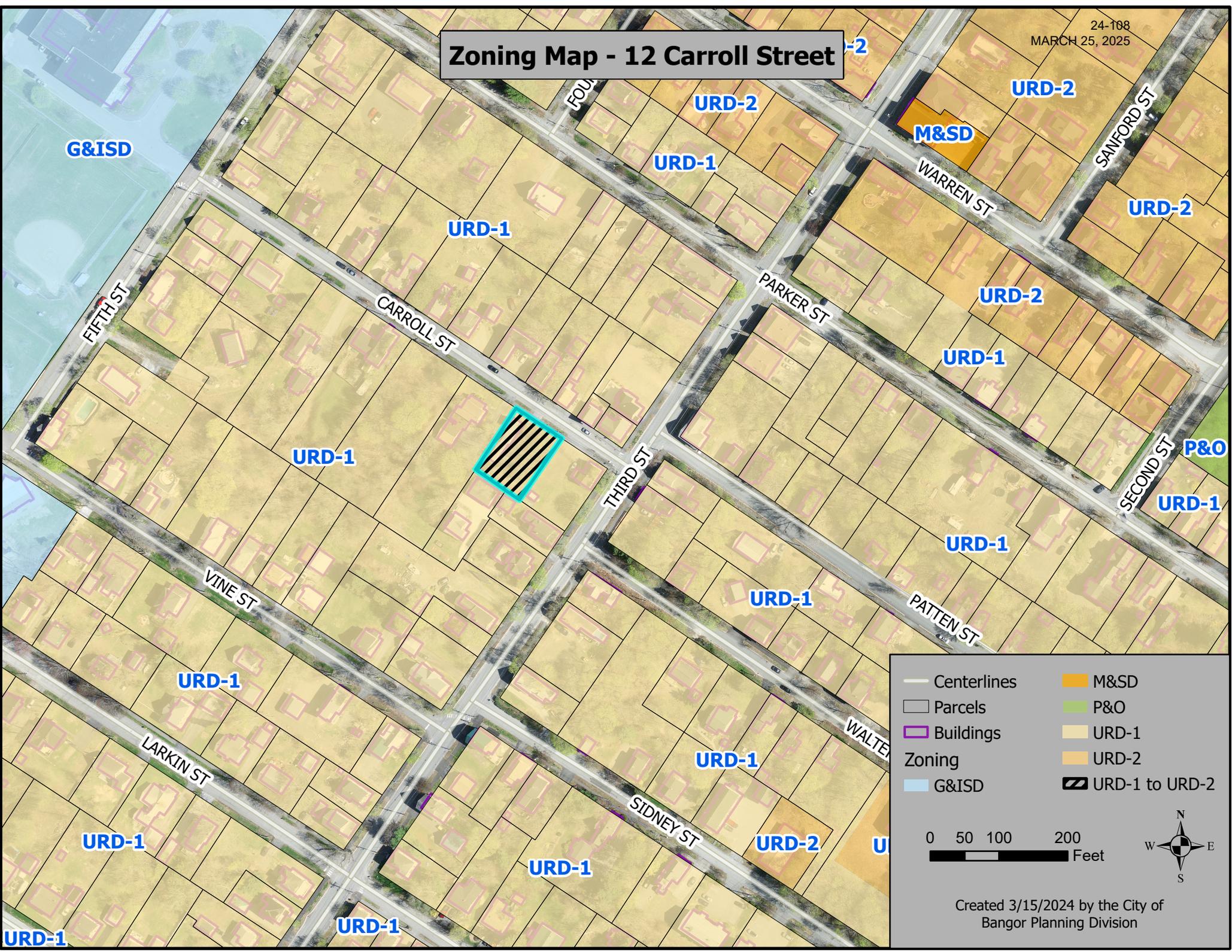
**WHEREAS**, the 2022 Comprehensive Plan shows this property in the Urban Neighborhood area which consists of "medium to high-density residential neighborhoods surrounding the Downtown and encompassing most of the City's historic residential areas.";

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lot 024-110, located 12 Carroll Street from Urban Residence District 1 (URD-1) to Urban Residence District 2 (URD-2). The total area requested to be changed is approximately 0.19 acres and is shown in the attached exhibit.

# Zoning Map - 12 Carroll Street

24-108  
MARCH 25, 2025



Centerlines	M&SD
Parcels	P&O
Buildings	URD-1
Zoning	URD-2
G&ISD	URD-1 to URD-2

0 50 100 200 Feet

Created 3/15/2024 by the City of Bangor Planning Division



# COMMUNITY & ECONOMIC DEVELOPMENT

## CITY OF BANGOR

PLANNING DIVISION

### Memorandum

**To:** Honorable Bangor City Council  
Debbie Laurie, City Manager

**From:** Anja Collette, Planning Officer

**Date:** April 3, 2024

**CC:** Courtney O'Donnell, Assistant City Manager  
David Szewczyk, City Solicitor  
Anne Krieg AICP – Director of Community & Economic Development

**Re:** Planning Board Recommendation April 2, 2024  
Zone Change – Map-Lot 024-110 – Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2)

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on April 2, 2024.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Vice Chair Ted Brush, and Members Don Meagher, Trish Hayes, and Mike Bazinet. Alternate Member Janet Jonas was also in attendance.

The applicant, Francisco Pimenta, presented to the Board and explained that the purpose of the zone change request was to place a 3-unit building on the property.

From the staff memo:

- A. The applicant is seeking a zone change for the property located on 12 Carroll Street from Urban Residence 1 District (URD-1) to Urban Residence District 2 (URD-2). Given the lot size of the property, a change to URD-2 would allow up to 3 dwelling units versus the 1 unit allowed by URD-1.
- B. The neighborhood around the property consists of a mixture of single-family and legally non-conforming multi-family homes. The zoning in the area is primarily Urban Residence 1 District (URD-1) with some Urban Residence 2 District (URD-2) zoning present a few blocks away.
- C. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Urban Neighborhood area which consists of “medium to high-density residential neighborhoods surrounding the Downtown and encompassing most of the City’s historic residential areas.” The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

Vice Chair Brush asked the applicant about the prevalence of existing multi-units in the vicinity of the

CITY OF BANGOR PLANNING DIVISION  
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 4.2.2024  
**12 Carroll Street – Map-Lot 024-110**

property. The applicant listed several multi-unit buildings located across the street and elsewhere in the area.

Alternate Member Jonas asked Planning Officer Collette if this change would be considered spot zoning. Planning Officer Collette stated that it's more important to consider whether the proposed change aligns with the Comprehensive Plan and stated that this property is in the Urban Neighborhood area of the plan, which is meant to accommodate higher density housing.

There were no public comments.

Member Meagher moved to recommend to City Council that the proposed change ought to pass. Member Bazinet seconded the motion. The motion passed 5:0 with all members voting in favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed change ought to pass.

Anja Collette



## **CITY COUNCIL ACTION**

---

Council Meeting Date: March 25, 2024

Item No: 24-109

Responsible Dept: Public Works

Action Requested: Ordinance

Map/Lot: N/A

### **Title, Ordinance**

---

Amending Chapter 291, Vehicles And Traffic, to Update Vehicle Weight Limits to Coordinate with Maine DOT Weight Limits

### **Summary**

---

This Ordinance will amend City Code Chapter 291, Vehicles and Traffic, Sections 29 and 30, to increase the current weight limit of 3 1/2 tons to 23,000 lbs on certain streets in Bangor.

The Maine Department of Transportation is responsible for maintenance of roads across the State of Maine. Their statewide weight limit for all roads during the winter months, generally November through May, is 23,000 lbs. Setting the City of Bangor weight limit at 23,000 lbs allows businesses to manage their supply chain with more consistency, as weight limits don't change at the town line.

This change will place no additional risk on City streets as we have been inadvertently advertising and enforcing a 23,000 lb weight limit for decades.

### **Committee Action**

---

Committee: Infrastructure

Meeting Date: March 18, 2024

Action: Recommend passage

For:

Against:

### **Staff Comments & Approvals**

---

City Manager

City Solicitor

Finance Director

**Introduced for:** First Reading



## CITY COUNCIL ORDINANCE

---

Date: March 25, 2024

Assigned to Councilor: Fournier

**ORDINANCE**, Amending Chapter 291, Vehicles and Traffic, to update vehicle weight limits to coordinate with Maine DOT weight limits.

**WHEREAS**, at present, weight load limits on certain City of Bangor Streets is 3 a/2 tons, during winter months;

**WHEREAS**, in order to provide for consistent load limits across the State of Maine, allowing for facilitation of efficient supply chain logistics;

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

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

#### **§ 291-29 Weight limit on certain streets.**

During the period between November 1 and May 15, except when otherwise determined to be necessary by the City Engineer, no vehicle the gross weight of which (vehicle and load combined) exceeds ~~3-1/2 tons~~ 23,000 lbs shall pass over the portions of highways within the City of Bangor designated below or any City street designated by the City Engineer, except when the surface of the road is solidly frozen.

Name of Street	Location
Burleigh Road	From Bomarc Road to Essex Street
Church Road	From Pushaw Road to Essex Street
Davis Road	From Union Street to Finson Road
Essex Street	From Lancaster Avenue to north City line
Finson Road	From Ohio Street to Broadway
Kenduskeag Avenue	From Griffin Road to Broadway
Mount Hope Avenue	From Howard Street to State Street
Ohio Street	From Griffin Road to north City line

#### **§ 291-30 No through trucks on certain streets.**

On those streets and portions specified below, no through trucks in excess of ~~3-1/2 tons~~ 23,000 lbs gross weight shall be allowed to pass at any one time of the day or night. (This provision shall not apply to school buses or buses providing public transportation services on a regular schedule.) There shall be a sign posted at each end at the streets so designated showing that through truck traffic is not allowed.

<b>Name of Street</b>	<b>Location</b>
Bolling Drive	From Ohio Street to Griffin Road
Boutelle Road	From Hammond Street to Webster Avenue
Buck Street	From Webster Avenue to Main Street
Church Road	From Pushaw Road to Essex Street
Davis Road	From Finson Road to Union Street
Earl Street	From Broadway to Warwick Street
Eddyway Street	From Union Street to Hannibal Street
Eighteenth Street	From Union Street to Ohio Street
Essex Street	From City Line to Stillwater Avenue
Fern Street	From State Street to Garland Street
Finson Road	From Ohio Street to Broadway
Francis Street	From Fourteenth Street to Manners Avenue
Fruit Street	From State Street to Mt. Hope Avenue
Garland Street	From Broadway to Center Street
Hannibal Street	From Fourteenth Street to Fifteenth Street
Howard Street	From State Street to Stillwater Avenue
Kenduskeag Avenue	From Griffin Road to Broadway
Maple Street	From Garland Street to Mt. Hope Avenue
North Street	From East Street to West Street
Norway Road	From Hammond Street to Webster Avenue
Palm Street	From Stillwater Avenue to Mt. Hope Avenue
Pearl Street	From State Street to Mt. Hope Avenue
Perkins Street	From Hammond Street to Fourteenth Street
Royal Road	From Hammond Street to Webster Avenue
Seventeenth Street	From Union Street to Ohio Street
Sherman Avenue	From Kenduskeag Avenue to Falvey Street
South Park Street	From Center Street to Broadway
Thatcher Street	From Main Street to Farm Road
West Street	From Webster Avenue to Hammond Street
Westland Street	From Union Street to Ohio Street

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



**CITY COUNCIL ACTION**

03/25/2024 24-110

Council Meeting Date: 03/25/2024

Item No: 24-110

Responsible Dept: Airport

Requested Action: Resolve

Map/Lot: N/A

**Title, Resolve**

Appropriating an Amount Not to Exceed \$6,500,000 from the Airport Unappropriated Fund Balance to Fund Construction of a New Passenger Parking Lot

**Summary**

If approved, this Resolve will appropriate up to \$6,500,000 from the Airport Unappropriated Fund Balance account to fund the construction of a new passenger parking lot located adjacent to Godfrey Blvd.

Passenger traffic numbers have increased more than 30% in the last 5 years at the Airport (BGR). During the months of November through May, BGR has experienced significant issues with passenger vehicle overflow in the current designated Airport parking lots. For the past 2 years the shuttle lot, which is utilized for peak season passenger vehicle overflow, has gone beyond its capacity forcing BGR to find additional lot space that is not designated, designed nor maintained for the purpose of housing vehicles.

The newly constructed parking lot would increase parking capacity by 826 parking spaces.

This item was reviewed and recommended for passage by the Business & Economic Development Committee at the March 18, 2024 meeting.

**Committee Action**

Committee: Business & Economic Development Committee

Meeting Date: 03/18/2024

Action: Recommend for passage

For:

Against:

**Staff Comments & Approvals**

City Manager

City Solicitor

Finance Director

**Introduced for:** First Reading



## **CITY OF BANGOR RESOLVE**

---

03/25/2024 24-110

Date: 03/25/2024

Item No: 24-110

Assigned to Councilor: Tremble

Appropriating an Amount Not to Exceed \$6,500,000 from the Airport Unappropriated Fund Balance to Fund Construction of a New Passenger Parking Lot

Be it Resolved by the City Council of the City of Bangor that, an amount not to exceed \$6,500,000 is hereby appropriated from the Airport Unappropriated Fund Balance to fund the construction of a 271,750 square foot Airport parking lot.



NEW BUSINESS





## CITY OF BANGOR ORDER

---

04/01/2024 24-121

Date: 04/01/2024

Item No: 24-121

Assigned to Councilor: Yacoubagha

Authorizing the City Manger to Accept a Release Deed from PS Bangor, LLC for Parcel R69-002-B

WHEREAS, PS Bangor, LLC has offered to execute a release deed of their property located at R69-002-B; and

WHEREAS, in light of the Council's goal of increasing housing within the City, staff recommends that the offer be accepted by the Council;

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

the City Manager is authorized, on behalf of the City of Bangor, to accept a release deed from PS Bangor, LLC to take possession of the parcel located at Map R69, Lot 002-B. In exchange for the release deed, the City of Bangor will release PS Bangor, LLC from the real estate taxes and stormwater amounts owed.





## **CITY OF BANGOR ORDER**

---

04/08/2024 24-122

Date: 04/08/2024

Item No: 24-122

Assigned to Councilor: Deane

Updating the City's Matured Tax and Utility Lien Policy To Comply With New State Law

Be it Ordered by the City Council of the City of Bangor that the City's Matured Tax and Utility Lien Policy is hereby amended by replacing the current policy with the policy attached hereto.

## CITY OF BANGOR MAINE MATURED TAX OR UTILITY LIEN POLICY

It is the City of Bangor's policy to administer a tax collection and lien policy that is fair and consistent for those that have fallen behind on taxes and also for the residents and taxpayers of the City. Further, it is the City's policy to collect, to the greatest extent possible, all property taxes and utility charges due to the City in a timely manner and in accordance with applicable state statutes. In accordance with the policy, the City ~~city~~ will work with individual taxpayers who make a good faith effort to meet their obligations. To ensure that system is fair, however, the City will not release its ownership interest in a property with matured liens, unless the property owner pays all amounts due to the City. This applies to monies owed for any and all purposes,<sup>1</sup> whether or not such amounts relate to the property with the matured lien(s) and brings the property into compliance with life safety and property maintenance issues deemed critical by the Code Enforcement Officer.

### 1.0 Purpose

This policy does not affect the applicability of the Maine Statutes, case law of the State of Maine, or any other law governing tax or utility liens. Instead, it offers guidance on how staff should process any property with a matured tax or utility lien and informs taxpayers of how they can expect such a property to be processed. In that regard, this policy comes into effect only after a tax or utility lien has matured, said maturity renders title to and ownership of the property to the City. This policy deals only with two issues: (A) when the City should take possession of a property with matured liens, and (B) when the City should release its ownership in such a property.

### 2.0 Definitions

As used in this policy, the following terms have the following definitions:

---

<sup>1</sup> The amounts due that must be paid do not include amounts due under loans made by the City to the taxpayer and secured by either a Uniform Commercial Code (UCC) filing or secured by a mortgage deed executed by the taxpayer if those loans are not past due.

Tax lien: a recorded legal claim against the property of a taxpayer that fails to pay real estate or development district property taxes owed to the City.

Utility lien: a recorded legal claim against the property of a taxpayer that fails to pay sewer or stormwater utility charges owed to the City.

Matured lien: a recorded tax or utility lien that has passed the allowed redemption period for the taxpayer to pay the outstanding amounts. Once matured, the lien automatically passes title ownership to the City.

Tax Acquired Property: property whose title has passed to the City due to a matured lien.

Possession: the City taking official action to take formal custody of a property with a matured lien. The City may have title ownership of a property without exercising its right to take possession of the property.

Taxpayer(s): the term taxpayer(s) is used to describe the owner of the property prior to the tax or utility lien maturing. This term is used instead of “owner” to avoid confusion and to avoid any argument that the City does not “own” or have title to a property upon the maturity of a tax or utility lien.

Workout Agreement: an agreement between the City and a Taxpayer establishing conditions and payment of amounts owed.

Development agreement: an agreement between the City and a Taxpayer establishing conditions and/or corrective measures of life safety or property maintenance code violations.

Quitclaim Deed: a term used in this policy as shorthand for “Municipal Quitclaim Deed,” which is an instrument used by the City to release any title that it may have to a property. This is the method by which the City will transfer its ownership rights to a property with a matured lien to another party.

### 3.0 Policy:

#### 3.1. Release of Ownership Interest

- a. If a taxpayer has the opportunity to sell a property with a matured lien before the City takes possession, staff may recommend the sale without payment of all other charges due by the taxpayer. The City would still require payment in full of all charges related to the property and resolution of any life safety or property maintenance issues. That resolution may be in the form of a Development Agreement with the buyer.
  
- b. If upon payment in full of all charges there are remaining unresolved life safety or property maintenance code issues, the taxpayer must enter into a development agreement with the City before the City will execute a quitclaim deed. The development agreement, and the related quitclaim deed, will establish conditions for corrective measures to resolve any or all violations and a clause to revert the property back to the City in the event of non-compliance. Upon compliance of all life safety or property maintenance issues, a release deed will be prepared and/or a certificate of occupancy may be issued by the Code Enforcement Officer in order to remove the reverter type clause.

The above requirements apply to any request for the City to release its interest in a property due to a matured lien.

#### 3.2 Possession

A variety of factors will be considered in making determination as to whether or not the City should take possession of a property with a matured lien, such as:

- Willingness and demonstrated ability of the taxpayer(s) to pay all amounts due to the City,
- The ratio of the amount owed the City to the assessed value of the property,
- The impact of the property within the neighborhood,
- The condition of the property including its overall appearance,

- Willingness and ability to address any code and/or property maintenance issues,
- Exploration of other options to meet obligations to the City, such as execution of a workout or development agreement,
- The property “type.”

The following are the various property types that will be considered:

- Vacant - Buildings and land which are vacant.
- Commercial Properties - This category includes not only properties utilized in the conduct of business but also properties used for residential and commercial rental purposes.
- Owner Occupied Residences – These are single-family residences in which the owner lives.

It is not the City's desire to take possession of owner-occupied single-family residences unless the continued occupancy of the residence poses a direct and immediate threat to the health, safety and welfare of the residents or unless the City determines that the owner/resident is unwilling or unable to meet their obligations to the City.

Staff will also take into consideration if possession of a property may create a significant legal or financial liability to the City such as, but not limited to, if a property may have hazardous material or other environmental impact issues.

The ultimate question in determining whether the City should take possession of a property is the following: what is in the best interest of the City and its residents at-large.

### 3.3 Partial Payment

The City will not accept partial payments on an account with a matured lien unless the taxpayer has entered into a payment arrangement with the City or they provide with the payment a signed Partial Payment Waiver form indicating they agree the City does not waive its rights or in the case of the taxpayer’s primary residence, the Tax Collector may accept a partial payment if it is determined that the taxpayer is

making a good faith effort to redeem the property. The City may also accept a partial payment received on behalf of the owner(s) from a recorded<sup>2</sup> mortgage holder which is paying on the most recent tax or utility charges even if there are matured liens against the property. If the recorded mortgage holder attempts to pay any other charges, the same requirements described above will take effect.

### 3.4 Exceptions

Exceptions to this policy may be made by the City Council or the Finance Committee on a case-by-case basis.

## 4.0 Procedure

### 4.1 Staff Responsibility

Prior to any recommendation to the Finance Committee a review committee consisting of staff representatives from Treasury, Finance, Economic Development, Code Enforcement and Legal will review a listing of all property with matured liens prepared by the Tax Collector. Staff will focus its review efforts on the most delinquent accounts first, beginning with vacant properties and then moving to occupied properties. Staff may also consult with other Departments as needed.

Once a preliminary list of properties has been identified, staff will move forward with the following procedures:

- Tax Collector will, through inquiry, determine whether or not the Police Department has had recent contact at the address.
- The Code Enforcement Officer and the Housing Rehabilitation Coordinator, will determine if the property is occupied.
- The Code Enforcement Officer and/or Housing Rehabilitation Coordinator will conduct an exterior assessment (i.e. drive by) to determine the apparent condition and status of the property. In addition, staff will leave notification, with contact information, at the property that the City is considering taking possession of the property.

---

<sup>2</sup> Recorded is defined as a documented mortgage interest in the property which has been filed at the Penobscot Registry of Deeds.

- The Code Enforcement Officer will review the Code Enforcement files to determine if there are any documented and outstanding code violations.
- The Tax Collector will verify that all legally required notices have been sent. If necessary, the Tax Collector will take the necessary steps to remedy any notification issues.
- The Tax Collector will mail by Certified Mail and regular mail a notice to the last known address of the Taxpayer(s) indicating the City's intent to take possession of the property.
- ~~The Tax Collector will determine if the property may fall under Maine Statute, Title 36 Section 943-C, related to property owners 65 years old or older.~~
- Staff will prepare a recommendation to retain or dispose of the property to present to the Finance Committee.

#### 4.2 Finance Committee Review

The Finance Committee will review the information and determine what if any recommendation should be made to the City Council. Staff recommendations will typically take one of the following positions;

- Recommend taking Possession.
- Recommend entering into a Workout Agreement and/or Development Agreement.
- Recommend accepting payment in full, releasing the City's ownership interest and executing a Development Agreement to address outstanding life safety or property maintenance code issues

If the Staff recommendation is for the City to accept payment in full, release its ownership interest back to the taxpayer and there are no outstanding life safety or property maintenance code issues the item will be placed on an upcoming City Council agenda, without Finance Committee review.

#### 4.3 Council Action

Nothing in this policy shall limit the discretion of the City Council to either take possession of a specific property or take some other action based upon the Council's evaluation of that property and its determination of what action, if any, is in the best interest of the City of Bangor and its citizens.

### 5.0 Disposition of Tax Acquired Property

#### 5.1 The City Authorizes the Property to be Deeded Back to the Taxpayer

If the City Council authorizes the property be deeded back to the taxpayer or subsequent owner, the Legal Department should prepare a municipal quitclaim deed and, if required, a development agreement. Further, the Legal Department should ensure that all documents are properly executed and that any quitclaim deed is recorded with the Penobscot County Registry of Deeds.

#### 5.2 The City Has Taken Possession of the Property

If the City Council authorizes taking possession of a property, the Tax Collector or Housing Rehabilitation Coordinator must notify the Assessing, Code, Risk Management, Police, Fire, and Public Works Departments. This notification ensures that departments are aware of the ownership change and that the property is insured. Community and Economic Development shall be responsible for maintaining the property until disposition.

The Housing Rehabilitation Coordinator, in association with the Code Enforcement Officer, should conduct a complete interior/exterior inspection and secure the property. The inspection shall be used to gauge the condition of the property for further recommendation of disposition as well as personal property notification.

Depending on the perceived value and condition of the property Staff may recommend the City bring an Action to Quiet Title which would eliminate the five

(5) year window the former owner has to challenge the City's lien process and possession.

As needed, Staff may also recommend demolishing unsafe or dangerous buildings or portions of buildings on the property or recommend that the demolition be a requirement of any disposal.

In determining its recommendation to retain or dispose of a property, Staff should consider what would be in the best interests of the City. A number of factors should guide staff in determining their recommendation for the appropriate disposition of the property. Those factors include, but are not limited to the following:

- Whether the property is a "buildable" lot;
- Design concept compatible with the neighborhood characteristics;
- The condition of any structures thereon;
- Neighborhood density;
- Zoning;
- The value of the lot;
- The City's long-term plans, if any, for the neighborhood.

At least 90 days prior to listing the property for sale, Staff shall send a written notice to the last known address of the former owner, by United States Postal Service certified mail, return receipt requested, and first-class mail, of the right to require the sale process described in Section 5.2.1. The State Tax Assessor has prepared application forms, notices and instructions that must be used by Staff to inform former owners of their right to apply for the sales process provided under Section 5.2.1 of this Policy.

5.2.1. Process if the Former Owner Submits a Written Demand within 90 Days After the Notification Provided Above.

If the former owner of the acquired property submits a written demand within 90 days after the written notification sent by the Staff, Staff shall:

- List the property for sale with a real estate broker licensed under Title 32, chapter 114, who does not hold elected or appointed office in the City and is not employed by the City;
- Sell the property via quitclaim deed to the successful buyer at the highest price at which the property is able to sell, or the price at which the property is anticipated by the real estate broker to sell within six months after listing; and
- Pay to the former owner any sale proceeds in excess of:
  - The sum of all taxes owed on the property;
  - Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the City;
  - All accrued interest;
  - Fees, including property listing and real estate broker's fees;
  - Any other expenses incurred by the City in selling or maintaining the property, including, but not limited to, an administrative fee equal to 10% of the property taxes owed and reasonable attorney's fees;
  - The cost to the City of the lien and foreclosure process, including, but not limited to, reasonable attorney's fees; and
  - Unpaid sewer, water, or other utility lien charges and fees imposed by the City.

5.2.2 Process if the Former Owner Does Not Submit a Written Demand Within 90 Days After the Written Notification Provided, or if Staff Is Unable to List or Sell the Property After a Written Demand was Submitted.

If the former owner does not submit a written demand within 90 days after the written notice provided by Staff, or if Staff is unable to list or sell the property under the requirements of subsections 5.2.1(a) and (b) after a written demand was received from the former owner, then Staff may take the following steps to sell the property:

- a. If the lot for sale is a vacant, non-buildable lot, Staff may offer the property directly to an abutter(s) for proposals.
- b. If (a) above does not apply and staff recommends that the property be sold, the Community & Economic Development Department should prepare and publish a Request for Proposals (RFP). As part of this process, Staff may consider requiring a minimum bid which factors in:

- The amounts written off upon taking possession,
- The assessed value of the property,
- The condition of the property and the costs incurred for securing and maintaining the property.

Upon review of the RFP submissions, Staff shall recommend the proposal that it believes best fits the interests and needs of the City. To that end, staff should consider the following factors before making a recommendation:

- The proposed uses of the land or property;
- The ability of the proposed buyer(s) to fund any necessary construction or rehabilitation;
- The amount the proposed buyer is willing to invest in the property;
- The design concept of any building or structure and only those concepts that best preserve the existing neighborhood characteristics;
- The experience or capability of the proposed buyer to complete the proposed project.

To be eligible for staff recommendation, the proposed buyer(s) or entity shall be current on all of its outstanding obligations to the City, including amounts due for taxes, utilities, code enforcement violations or liens, or any other amounts due.

Further, to receive Staff recommendation, a buyer must agree to enter into a Development Agreement with the City when applicable. The Development Agreement will call for the rehabilitation or development of the property consistent with the buyer's proposal. The Development Agreement shall contain a clause to revert the property back to the City, with no refund or reimbursement of monies spent, if the buyer fails to comply with the terms of the Agreement. It shall also contain a provision ensuring that taxes, utilities, and other assessments must be paid on time during the term of the Agreement and that the property shall always be subject to taxes, utilities and other assessments.

In addition to the above, special considerations apply to single-family residential properties. If the previous owner was 65 or older prior to the lien maturity date and received the homestead exemption, the Tax Collector will follow the special disposition rules in Title 36 Section 943-C.

- c. Staff may recommend that the City dispose of the property by ~~selling~~ ~~donating~~ it to a legally recognized non-profit ~~entity~~ ~~entities~~ specifically for the development of affordable housing. The ~~sale~~ ~~donation~~ would require payment by the non-profit entity to the City of at least the outstanding amounts owed to the City by the former owner for the taxes, utilities, and other items owed to the City as listed in subsection 5.2.1(c). Such a sale to a non-profit entity would also require the non-profit entity to enter into a Development Agreement with a provision requiring the non-profit entity and its successors in interest to pay the for the payment of property taxes or a portion thereof, unless the property is transferred to an owner who is able to claim the homestead exemption on the property. The sale would also require that the non-profit entity agree for itself and its successors in interest to a reverter clause in the quitclaim deed that would require reversion of the property ownership to the City in the event that the property owner transfers the property to a person or entity who/which cannot claim the homestead exemption.

All final decisions on the disposition of property shall be made by the City Council. The Community and Economic Development Department and Legal Department shall:

- Prepare all final sale documents;
- Prepare the Development Agreement (if applicable);
- Prepare the Quitclaim Deed;
- Attend the sale closing;
- Ensure that all sale paperwork is executed;
- Ensure that full payment is received.

As a condition of disbursement of excess sale proceeds to the former owner under 5.2.1., the municipal officers may require the former owner to execute a quitclaim deed without covenant conveying any interest of the former owner in the property

to the municipality and to deliver that deed before conveyance by the municipality to the buyer. Receipt of such excess sale proceeds by the former owner is deemed to be a waiver of any right of the former owner to commence any action pursuant to 36 M.R.S. §946-B.

All documents between the City and the Buyer shall be executed within ninety days of the Council decision. Failure of the buyer(s) to execute said documents within the required timeline may result in the City retaining ownership of the property or disposing of it in another manner.

Any conveyance by the City shall be by a Municipal Quitclaim Deed, which may contain development restrictions, a reverter clause, and a provision to ensure the payment of future taxes, utilities, or other assessments.

## 6.0 Legal Rights

This policy is not intended to create legal rights on the part of Bangor residents or taxpayers. Failure of the City to follow the guidelines or procedures established by this policy shall not constitute a defense or bar to the City's foreclosure of matured tax or utility liens, or to any legal title derived from such foreclosures. Failure of the City to follow the guidelines or procedures established by this policy shall not constitute a defense or bar to the City's collection of any taxes, utility charges, or other charges owed.

## 7.0 Policy Administration

Annually, the Finance Committee shall review this policy and provide direction as to any proposed amendments.

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



**CITY COUNCIL ACTION**

04/08/2024 24-123

Council Meeting Date: 04/08/2024

Item No: 24-123

Responsible Dept: Legal

Requested Action: Order

Map/Lot: R17-013-C

**Title, Order**

Authorizing the Execution of a Consent to Sublease the Parking Area Adjacent to Ground Round

**Summary**

This Order, if passed, would authorize the City Manager to consent to the sublease of the parking area located at R17-013-C. The City owns the parcel at this location and is currently leasing it to Bangor Ground Round -- Odlin Road, LLC, which has used it as a parking lot for its restaurant located on the adjacent parcel. The Ground Round is leasing its restaurant building to a new tenant, and the sublease would similarly allow the new tenant to utilize the parking lot for its restaurant on the adjacent parcel. The term of the sublease of the parcel will be for three years under the same terms as the original lease, and Ground Round will remain responsible for the rent payments to the City.

This Order was reviewed and recommended for passage by the Business and Economic Development Committee on April 1, 2024

**Committee Action**

Committee: Business & Economic Development Committee

Meeting Date: 04/01/2024

Action: Recommend for passage

For:

Against:

**Staff Comments & Approvals**

Councilor Tremble will be abstaining from this item due to a conflict of interest.

City Manager

City Solicitor

Finance Director

**Introduced for:** New Business



## CITY OF BANGOR ORDER

---

04/08/2024 24-123

Date: 04/08/2024

Item No: 24-123

Assigned to Councilor: Fish

Authorizing the Execution of a Consent to Sublease the Parking Area Adjacent to Ground Round

WHEREAS, the City owns the parcel located at Map R17, Lot 013-C; and

WHEREAS, Bangor Ground Round -- Odlin Road, LLC owns the adjacent property and leases the property located at Map R17, Lot 013-C from the City, using it as a parking lot for its restaurant; and

WHEREAS, Bangor Ground Round -- Odlin Road, LLC is leasing its adjacent property to a new tenant, and desires to sublease the parcel to the new tenant, for similar use as a parking lot for its restaurant;

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

the City Manager, Debbie Laurie, is hereby authorized, on behalf of the City of Bangor, to execute a consent to sublease of the parcel located at Map R17, Lot 013-C by Bangor Ground Round -- Odlin Road, LLC to Roca Azul, LLC. The sublease will be for a term of three years, under the same terms as the original lease the City of Bangor has with the Ground Round, LLC, and Ground Round will remain responsible for the rent payments to the City. The consent to the sublease will be in a final form approved by the City Solicitor's office.