

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, January 8, 2013 5:15 PM
City Council Chambers

Minutes

Councilors Present: Sprague, Nealley, Baldacci, Longo, and Civiello
Staff: Conlow, Vanadestine, Wallace

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

CONSENT AGENDA

1. Community Development Residential Rehabilitation Loan – 21 Bragg Street.

Councilor Baldacci moved to approve the Community Development Residential Rehabilitation Loan at 21 Bragg Street. Councilor Nealley seconded the motion, which passed unanimously.

REGULAR AGENDA

2. Our Town Grant Application.

Chair Sprague indicated that this item had been removed from the Agenda after it was printed.

3. **REFERRAL – ORDINANCE 13-051**, Amending the Code of the City of Bangor – Adding Chapter 99 - Disruptive Property

Chair Sprague indicated that this item was not for action by the Committee at this meeting but to solicit public comments. He noted that the Ordinance will be placed on the next city Council Agenda (January 14, 2012) for a vote.

City Manager Conlow gave a brief history as to how this ordinance has evolved to date. She indicated that the goal was to come up with a tool to be used to deal with the chronic properties in the City and this ordinance was crafted to be such a tool.

City Solicitor Norm Heitmann discussed State laws, the City's Ordinances and the proposed Disruptive Property Ordinance explaining various sections. He indicated that this proposed ordinance is the result of the efforts of many. From a legal standpoint this is the proper exercise of the municipality's police power. Many communities throughout the country and Maine have similar ordinances. Orono has had its ordinance for 8 years and their problems have diminished and they have not had to take anyone to court. The goal is to address the problem

and not take people to court and to quiet the neighborhood. The landlord will come up with a plan and the City will work with them. Taking someone to court doesn't quiet the neighborhood. This ordinance offers a tool to try to address some of these issues.

Councilor Baldacci had a question about an internal appeal or review process and if it would be better to have the City Manager or a City Council Committee review an appeal rather than forcing people to go to court. He suggested that there be a provision for review. Going to court will be time consuming and costly for a landlord. Heitmann indicated that there are other Departments that have appeal processes such as Code Enforcement's denial of a building permit that can be appealed to the Zoning Board of Appeals. The Council once heard General Assistance appeals. Now there is a staff committee who hears those appeals as the Council did not wish to continue to do this. Heitmann said that he doesn't foresee spending a lot of time in court.

Councilor Nealley noted that while he agreed, as he read the ordinance there is "mini review" language that indicates that it wouldn't be just the Police Chief's decision but would include the approval of the City Manager. Heitmann gave examples of other departments such as City Clerk and Code Enforcement that can go to court. This ordinance language says that if the Chief wants to take further action it needs to be signed off by the City Manager.

Interim Police Chief Arno indicated that this is another tool that the Police Department can use. Presently they can enforce disorderly conduct for loud noise under the provisions of State Statutes but the problem will continue until the problem goes someplace else. This Ordinance puts the onus on the landlord to work with the PD and the neighborhood to work this out. This provides relief when everything else fails.

Council Chair Durgin asked if landlords were being notified presently. Interim Police Chief Arno explained that presently there is no active program to notify landlords. However, there have been instances where landlords or their managers have called the PD to inquire about issues. Councilor Durgin asked if under this Ordinance there will be a requirement to notify landlords. Heitmann indicated that there is a provision in the ordinance that says the City will send notification by mail or if they provide a phone number, they will be called.

Chair Sprague opened the meeting up for public comments.

David Nordsworthy a 20-year landlord said that he felt that Staff has done a great job. There is going to be a lot of burden put on the Police Department. He felt this ordinance is just going to move the tenants around. In his mind the idea is really good but the actual tenant is going to move from spot to spot. He felt that the problem is the tenant and not the landlord and he did not think that the landlord would be able to modify the behavior of a tenant.

Andrew Farnham indicated that he originally had a number of objections to the Ordinance and had met with Mr. Heitmann and Councilor Civiello. After that meeting he said that he removed any objections that he had to this ordinance. He said that he felt that it should be given a try and if something doesn't work it can be fixed.

Susie Capehart felt that more needs to be done to tackle the problem head on. She suggested that more work could be done such as disqualifying a tenant who has a pending action against them from applying for General Assistance until they address the issue. She felt that this would give additional "teeth" to the Ordinance. She suggested that they meet with members of the DA's Office.

Chair Sprague indicated that this was beyond the scope of this ordinance. Heitmann explained that Staff has met with the landlords association, and has looked at possible amendments to the Land Development Code and Property Management Code to see if there are other things that could be done.

Gail Hipsky, a 38 year landlord, said that she is in favor of this ordinance. She said it's a great start. She said that she is a Greater Bangor Apartment Owners and Managers Association Member, and while not all of the members are in favor of this she felt that this will help them in the long run. She noted that in her leases she has instituted a 9:30 p.m. quiet time. She said that landlords need to have a good lease and run a tight ship.

Kate Dickerson an Elm Street resident asked for clarification as to what this meeting is about. City Solicitor Heitmann indicated that because this is an Ordinance it needs to be on the City Council Agenda twice; once for a first reading to be referred to committee and a second reading for final consideration. In this case, it gets referred to the BED Committee for discussion and public input. It will go back to the City Council on January 14th for final action. At that meeting the City Council will also have input.

Ms. Dickerson indicated that she felt it is a good tool but would prefer that it were tougher. She felt that if they work with the State Legislature, the City could be a leader on this. She also suggested that landlords be offered a sample lease to use for renting.

Chair Sprague indicated that he knew of a landlord that is starting to write into her leases that any cost incurred because of a disruptive property issue will be the responsibility of the tenant.

City Solicitor Heitmann noted that they have already started that process as Councilor Civiello has shared with landlords a copy of the Bangor Housing Authority's application and a sample lease that they could adjust to their needs.

Lisa Nordsworthy indicated that she is appreciative of the attention given to the fact that evicting a tenant is not easy. She asked if the City can go by a property and determine if it needs to be inspected. She also asked if the Police Department will do a database of problem tenants/people and if landlords could look at it as they are trying to rent.

City Solicitor Heitmann said that the City will be looking at different ways through data bases to compile data that will be of use to landlords. He said that if the landlords indicate what they need and if the City can reasonably provide it, they will. The ordinances help the whole community not just landlords or neighborhoods. Historically, if a landlord has had a problem where an evicted tenant has damaged the rental out of retribution which results in code violations the City has not gone into the place and shut it down. The City is there to point out the issues to the landlord and tell them that they need to take care of. It is the City's goal to work with the property owner to get things back to working order and Code compliant.

Ms. Nordsworthy asked if anything is being done about the vacant boarded-up houses. Code Officer Jeremy Martin indicated that the City is taking a more aggressive approach regarding dilapidated properties if occupied or not.

Council Baldacci felt that Ms. Nordsworthy has a good point about a database. He said that this ordinance will separate the good landlords from the bad ones. The city is prepared to have a partnership with the good ones and work with the bad ones. He noted that the District Court has judgments and convictions data. If the landlords knew who was issued a conviction that would help them.

Councilor Durgin said that in a short time people have come an immense distance and this speaks very well about the relationship that the City is building in the community.

Frank Hartnett, thanked the City Manager, City Solicitor and Councilor Civiello. He noted that there has been some action taken on the 11-unit bungalow (on Webster Avenue North) which is now empty. He asked if chronic properties could be taken away from the landlord by eminent domain.

City Solicitor Heitmann indicated that an eminent domain taking is for a public purpose and not just because someone doesn't like something. He added that the City has also been looking at the rules for boarding houses through zoning, land development, and inspections.

Councilor Baldacci noted the Union Place project where the City acquired dilapidated properties, demolished them and offered the land for redevelopment. He said that this has certainly improved that neighborhood. He indicated that he would be in support of having a discussion about eminent domain regarding the efficiency apartment building on Hammond Street as it is bringing down property

values and breeding other problems in this neighborhood. He would also support purchasing the property and redeveloping it such as how Union Place was with CDBG funds. He said that he hopes that the problem can be fixed with the ordinance but feels that it is a larger issue.

City Solicitor Heitmann said that the City Staff recognizes that even if this ordinance is passed this is not the end of the discussion. There is a lot to do. He noted other problem areas in the City (Curve Street and Union Place) that were acquired and when opportunities like those present themselves again the City should look at them. City Manager Conlow indicated that during this year's budget process this can be discussed as part of the CDBG program.

Dennis Marble, Bangor Area Homeless Shelter asked to keep the support of the Police Department on the table as you move forward. He said that he felt that a lot of this is reactive and as this moves forward that there are cost savings in neighborhood improvements and investing in the community that can be worked on to lower reactive costs and reinvest in the community. Mr. Marble said that his staff works with approximately 1000 people a year that most people never hear about. Not all are disruptive, only a small number are.

Jeremy Martin said that this will allow the City to have a face to face sit down for the first time with a property owner. There is a direct correlation between problem people and problem properties. Under this ordinance he could only think of about three properties and two have been placarded. The City is taking a more aggressive role than in the past. The goal is to bring them back into code compliance.

Councilor Nealley indicated that this will make Bangor a less desirable place for disruptive tenants. He gave special "kudos" to Councilor Civiello for her work on this. He said that this ordinance will have little to no effect on the majority of the landlords. He expressed his concern about eminent domain. He said this is a prime example (Bangor Efficiencies) where it makes sense for neighborhood stabilization.

Steven Hicks thanked the landlords who came forward as well as Staff. He indicated his support.

The Committee was provided with written statements from Susan Wellman and Lisa Boullard in support. Councilor Longo requested that the statements be entered into the record as if they had been read.

Josh Leno another Bangor landlord expressed his concern that the ordinance is holding the landlord responsible for the behavior of the tenant. He thought that the registry was a good step. He asked if this Ordinance could be passed without punishing the landlords.

Chair Sprague explained that the Ordinance is to go after the chronic disruptive properties. If this ordinance goes too far then it can be amended.

City Solicitor Heitmann indicated that the Ordinance does not punish the landlords for the behavior of the tenants. It gets the landlords to work to deal with the issues. If they fail to deal with the issue after it has been brought to their attention then the landlord will be punished. Heitmann said that he feels that it will only be a handful of landlords.

Chair Sprague noted that this item is scheduled for next Monday's City Council Agenda.

4. **Executive Session** – Economic Development – Land Disposition – 1
M.R.S.A. § 405(6)(C)

Councilor Nealley moved and Councilor Baldacci seconded the motion to go into Executive Session under M.R.S.A. § 405(6)(C). The motion passed unanimously.

It was moved, seconded and voted unanimously to exit the Executive Session.

5. **Executive Session** – Economic Development – Lease Negotiations – 1
M.R.S.A. § 405(6)(C)

Councilor Nealley moved and Councilor Baldacci seconded the motion to go into Executive Session under M.R.S.A. § 405(g)(C). The motion passed unanimously.

It was moved, seconded and voted unanimously to exit the Executive Session.

6. Committee Action on Above Items

The Committee also voted unanimously to direct Staff to take action on Item No. 4 and Item No. 5.

The meeting was adjourned by Chair Sprague at 6:45 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, January 22, 2013 5:15 PM
City Council Chambers

Minutes

Councilors Present: Sprague, Gallant, Nealley, Civiello, Blanchette,
Baldacci and Longo

Staff Present: Conlow, Heitmann, Vanadestine, and Arno

Chair Sprague called the meeting to order at 5:15 p.m. He indicated that the Committee would discuss Item No. 3 out-of-order.

3. Authorization to Apply for the Americorps Grant

Shawn Yardley, Director of Health and Community Services, gave a brief overview of Americorps and the Americorps Grant. He explained that the City was approached by the Governor's office offering the opportunity to partner with the City of Bangor for the Grant. Yardley explained that this program is like a domestic peace corps for people ages 18-65 to volunteer either full time or part time for Americorps work. Eastern Maine Community College has stepped forward and has agreed to take the lead on this. There is no requirement for a City match just some in-kind hours that will be provided by his office Staff. Other agencies who are planning to collaborate are the Bangor Housing, Authority, the Salvation Army, Penquis CAP and Food and Medicine. Yardley indicated that he was present to answer questions and asked the Committee for its endorsement before it goes to the full City Council.

Councilor Longo indicated that he felt that this is a good thing for Bangor and will create jobs.

Councilor Baldacci moved to recommend authorization to apply for the Americorps Grant. The motion was seconded by Councilor Nealley and passed unanimously.

1. Greater Bangor Convention & Visitors Bureau Update

Kerrie Tripp, Executive Director and Lee Speronis, Chairman, of the Greater Bangor Convention & Visitors Bureau were present. Ms. Tripp discussed a six month snapshot of activities the CVB has undertaken since July, 2012. She outlined some of the upcoming activities for 2013. She also noted that they

have hired Danielle Dorey as the new Membership and Convention Sales Coordinator. She indicated that the 2013 Guidebook will be available the second week in February and the increase in interest as they have sold more ads. Some of the upcoming events include a convention for event planners; a beer festival in June, and the Logging Association event. In May or August they will start releasing webisodes of the Fire Ball Run with the final piece being the red carpet premiere of the movie.

2. Pickering Square / West Market Square Update

Rosie Vanadestine, Director of Community and Economic Development gave an update on the development plans for improvements to West Market Square and Pickering Square. She explained that in order to spread out the costs for these improvements a phased plan approach has been developed. The first phase is the improvements to West Market Square to be done in the coming year. Amanda Soucier with the Engineering Department and Peter Witham with the Planning Division were asked to design a four phase approach for improvements.

Soucier and Witham discussed all four phases of improvements and the associated costs to complete those phases. The first phase is for the improvements to West Market Square. The improvements include widening the park area and upgrading utilities. The Continuity of Community sculpture has been removed which opens up the area for more public use. T

Soucier and Witham discussed the other phases which propose improvements to Pickering Square, Merchants Plaza, and connection between West Market Square, Merchants Plaza, Pickering Square and the Waterfront.

Councilor Baldacci asked if the source of funding would be through CDBG block grant funds. Vanadestine indicated that some of it may and most would be through downtown TIF monies. Councilor Baldacci asked if Staff could provide reduced drawings of the phases attached to the memo to allow the Committee additional time to review. Staff indicated that they could provide the additional information to the committee.

Councilor Gallant spoke of the panhandlers and troubled youths and felt that these should be addressed prior to making improvements to Pickering Square. He noted that several downtown merchants have expressed concerns.

Interim Police Chief Peter Arno indicated that they posted a full time position for a patrolman in the downtown. He indicated that he agreed with the concerns of those in the downtown area.

Councilor Nealley agreed and noted that he felt that security and surveillance costs weren't included in the original improvement estimates and felt that they

should be. He said that if there were security systems related to the command control at the police station then response time would be quicker.

Councilor Longo agreed. He asked if a loading dock proposed on Merchants Plaza could be removed to have one solid block area rather than an island. Amanda Soucier noted that this is something that they could look at further.

Councilor Gallant said that nothing has happened to address these problems over the past year. He suggested leasing some of the public area to a private entity such as Downtown Bangor Partnership. Then the area would be controlled privately.

Councilor Blanchette disagreed that nothing has happened. She felt that there have been a lot of accomplishments over the last year. Because of the increased events over the past year it has increased the number of people in the downtown as well as the number of undesirable patrons. She felt this discussion was premature until the study comes in as to whether or not we want to relocate the buses in the Pickering Square area. She agreed that she would like to see the drawings reduced in size so that they can decide what design they want. She felt that the improvements to West Market Square should be undertaken to get them done and let the people in the downtown enjoy them.

Chair Sprague indicated that it is the desired outcome at this meeting to decide whether or not to move forward with Option A for improvements to West Market Square.

Conlow indicated that the City is now looking at putting a patrolman in the downtown 12 months a year. Chair Sprague said that downtown people felt that a walking patrolman was successful.

Vanadestine indicated that total projected costs for the project are approximately \$2 million not \$4 million as Councilor Gallant indicated. She said that they are looking at addressing the areas so it will remove places where undesirable patrons can hide. Adding security cameras is an important part of this project.

Councilor Baldacci said that this information needs to go out to the public for feedback. Once this is done, then we need to review the demands on CDBG funds and TIF monies.

Councilor Longo asked Mr. Heitmann if Pickering Square could be leased out to a private entity. Mr. Heitmann indicated that it could, but by doing so you can't circumvent someone's constitutional rights by privatizing something.

Councilor Gallant felt that if we gave our downtown businesses the option of having a safe popular area that was free of some of the issues or new benches and new trees that they would opt for the better environment.

Chair Sprague invited members of the public to speak.

Josh Plourde, a member of the Cultural Commission, asked the Committee to consider the issue of overflowing trash bins and recycle bins.

Ann Marie Orr, a downtown business owner, said that she was grateful for the work the City has done as it is a step in the right direction. She said that she felt that one reason the transient population don't hide and are in full view is because the downtown is becoming more popular. There are more people they can beg from. She asked if an ordinance could be written to prohibit panhandling and loitering within a five block radius of the downtown. She also suggested that this would be helpful for the police department in these situations. She added that this should also include all of the churches.

Mr. Heitmann indicated that most courts have rules that a solicitor is protected by the Constitution's first amendment. Some limitations can be imposed but it cannot be banned completely. He indicated that locations on the sidewalk and public parks could be looked at.

Mr. Brian Ames a Board Member of Downtown Bangor Partnership indicated that he met with both Peter Witham and Amanda Soucier to look at the technical aspects of the Plans. He indicated that he feels that the 8 foot reduction to Broad Street should be placed on the park side rather than on the Paddy Murphy's side as it was their original thought to increase the area of the park. He also noted that it was requested that a turnout be included for the Charles Inn to use for an off loading area. He said that the walkway proposed from the bus station to West Market Square should be done immediately as it is not presently paved and is a safety issue. He felt that the Kiosk is a large part of the overall development of West Market Square. He also suggested that elements should be incorporated to be in keeping with the historic approach to the downtown.

George Kinghorn, President of Downtown Bangor Partnership, indicated that he has been involved with all of the discussions. He thinks there are more problems with panhandlers. He felt that the City need to move forward on both the physical enhancements and the safety concerns as well. He said that he felt that the City needs to give attention to the heart of the City. He encouraged the Committee to move forward with the Phase I improvements to West Market Square, supporting out police officers by giving them more resources, and suggested that surveillance was a good idea.

Gibran Graham, downtown resident and Member of the Downtown Bangor Partnership spoke in support of the Phase I improvements to West Market Square. He suggested that there were elements missing in our downtown and asked if other stakeholders such as event planners for Pickering Square have been included in the discussions about the proposed improvements. He said that their input is important.

Graham said that the center of the downtown is the downtown regardless of where you move the bus hub. He said that there are many things that aren't being taken care of such as overflowing trash, no signage, the little things that create the perception of what we are seeking. He mentioned the fact that there is vacant potential commercial space in the Parking Garage. He said the more activity we fill up the more we can create a critical mass of positive activity. We need to create elements in the space that will displace some of the things that we don't want.

Councilor Longo noted a program in Baltimore, MD, suggested a competition or contest to allow someone to develop the vacant space in the parking garage.

Councilor Baldacci moved to continue this discussion to a meeting in 30 days. The motion was seconded. Councilor Nealley asked for the cost to add security in the proposals. Baldacci asked for a cost breakdown of not only the security system but the cost of a person monitoring the system. Nealley added that the costs should be for the area from West Market Square through Pickering Square down to the Waterfront.

Chair Sprague indicated that he would like to see further information about the Bus Study.

Councilor Longo, Chair of the Parking Committee, indicated that the parking Committee has discussed and agreed that there should be a Broad Street loading area for the Charles Inn.

Councilor Blanchette asked that information be provided for the next meeting regarding the usage in the parking garage and if it has gone down and if the City has lost money. She also asked that Rosie Vanadestine explain what the amount of CDBG funds can be used for improvements without creating jobs.

3. **Executive Session** – Economic Development – Land Disposition – 1
M.R.S.A. § 405(6)(C)

Councilor Baldacci Moved to go into Executive Session under M.R.S.A. § 405(6)(C). Councilor Nealley seconded the motion which passed unanimously.

Councilor Baldacci moved to exit the Executive Session, Councilor Nealley seconded the motion. The motion passed.

4. Committee Action on Above Item.

The committee voted in favor of a motion to accept Staff recommendation for the sale of land in the BanAir Industrial Park to Kurt Thomas.

5. **Executive Session** – Legal Advice Regarding Liquor Licenses and Special Amusement Permits – 1 M.R.S.A. § 405(6)(E)

Councilor moved to go into Executive Session under M.R.S.A. § 405(6)(C). Councilor seconded the motion. The motion passed.

There being no further items for discussion, the meeting was adjourned.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, February 5, 2013 5:15 PM
City Council Chambers

MINUTES

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

Councilors Present: Nealley, Durgin, Civiello, and Longo.

Staff Present: Vanadestine, Pereira and Bird.

1. Cultural Commission Grant Recommendations

- a. Bangor Museum and History Center
- b. Penobscot Theatre Company

Jason Bird explained that the Cultural Commission is recommending two grants. One for the Bangor Museum and History Center for its Brown Bag Lunch sessions and one for the Penobscot Theater Company for an upcoming play about cancer and its impact on families. Staff recommended approval.

Councilor Longo moved Staff recommendation. The motion was seconded and passed unanimously.

Councilor Longo asked if the brown bag lunch session was open to everyone. Bird indicated that it was and it is held the first Wednesday of each month.

Councilor Civiello indicated that because the City is going to be seeing a budget crunch, while she felt that this is a very good cause she would have a hard time voting to spend money on these activities.

Councilor Durgin indicated that the funding for these grants has already been approved under the City's FY 13 Budget and the different agencies seeking grants come before the Council for approval.

Councilor Nealley indicated that he would prefer not to vote on this because he is a Bangor Museum and History Center Board Member. He gave a brief history of the Cultural Commission noted that the Finance Committee received these requests for funds and it never seemed right to take property tax money and offer it out to various organizations. The Finance Committee Members felt that these organizations needed to go out and ask individuals, corporations and other businesses for the money. After doing so and having exhausted private sector support the Finance Committee would consider their request if they could prove

that 1) it was benefit to the greater good of the majority of Bangor or add some special benefit to the citizens of Bangor, and 2) if they could show that over time they would find a way to make it sustainable on their own so they wouldn't need to come back year after year to ask the City for funding. In an effort to get these policies established and because the Finance Committee did not want to review these requests, the Cultural Commission was established. The Finance Committee allocates funds (with the vote of the full City Council) to the Cultural Commission and it was their responsibility to consider and determine which requests meet certain thresholds. Councilor Nealley suggested that the Council needs to look at the Cultural Commission's role and either they should have some policy guidelines to base their review on.

Chair Sprague noted that the issue of a conflict of interest was on the table.

Councilor Longo suggested putting a time limit on when an organization could reapply for funding. He indicated that both organizations under consideration will keep money local and disburse it back into the community.

Councilor Durgin said that this would be a good time for the Council to look at the Cultural Commissions guidelines as the Council establishes parameters on the FY 14 Budget.

Councilor Civiello indicated that she wanted to clarify that this money has already been budgeted.

Councilor Durgin moved that Councilor Nealley does not have a conflict on this issue. Councilor Longo seconded the motion. Councilor Durgin did not feel that he had a direct bearing on Councilor Nealley's business or that he would derive some direct financial benefit. As a Board Member he is taking on a charitable responsibility in the community and he is not making the request, this is coming from the Cultural Commission as part of their total project for the year. Chair Sprague did not feel that Councilor Nealley has a conflict of interest.

City Solicitor Norm Heitmann indicated that even if the Councilor would not financially benefit, a case could be made that the Councilor has a special interest. If you have a special interest then you have a conflict. Heitmann recommended that the motion be made in the affirmative and suggested that the motion on the table be withdrawn.

The motion was withdrawn. Councilor Durgin moved that Councilor Nealley has a conflict of interest. The motion was seconded by Councilor Civiello. The committee voted in favor.

2. Cultural Commission Recommendation – Sister City Monument for Harbin, China

Jason Bird brought forward a recommendation that was put forth by the Chinese Language and Cultural Center of Maine which is based in Bangor and Mr. Gerry Palmer a former Councilor and Mayor who is affiliated with the group. Mr. Palmer approached the Commission who voted to go forward with the monument essentially as designed with some final tweaks to the materials that will be used on the outside of it.

Councilor Longo indicated that having a sculpture of no cost to the City will be a benefit.

Councilor Civiello asked why in 2010 when this came up why it didn't pass at that time. Councilor Nealley explained that they were looking for funding from the Cultural Commission and eventually set up their own nonprofit. They not only are providing all of the funding, they plan to inspect and maintain the sculpture. The only thing the City will have to consider is the location. Councilor Nealley indicated that he is in support of this.

Councilor Durgin agreed. He asked what the timeframe was for placement of the Continuity of Community sculpture that was taken out of West Market Square. Vanadestine noted that it has been refurbished and plans are to place it on the waterfront in the spring as soon as the snow is gone and the ground thaws.

Jason Bird indicated that Staff is seeking the Committee's recommendation to the full Council.

Councilor Longo moved Staff recommendation to recommend this to the full Council. Councilor Durgin seconded the motion and the vote was unanimous.

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

Councilor Longo moved to go into Executive Session under 1 M.R.S.A. § 405(6)(C). Councilor Durgin seconded the motion. All in favor, motion carried.

4. Committee Action on Above Item

Councilor Longo moved Staff recommendation to include an option to purchase to the lease. Councilor Nealley seconded the motion. The motion passed unanimously.

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

Councilor Longo moved to go into Executive Session under 1 M.R.S.A. § 405(6)(C). Councilor Durgin seconded the motion. All in favor, motion carried.

6. Committee Action on Above Item.

Councilor Nealley moved Staff recommendation to proceed with the process as outlined on the Freese's building. Councilor Durgin seconded the motion. The vote was unanimous in favor.

The meeting was adjourned.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, March 5, 2013 5:15 PM
City Council Chambers

MINUTES

Councilors: **Chair Sprague, Joe Baldacci, Pat Blanchette, Pauline Civiello, Dave Nealley, Nelson Durgin, and Charlie Longo**

Staff: **Rosie Vanadestine, Jeff Wallace, Jason Bird, Steve Bolduc and Norm Heitmann,**

The meeting was called to order by Chair Sprague at 5:15 p.m.

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

A motion was made and seconded to move into Executive Session. A motion was made and seconded to exit Executive Session.

2. Committee Action on Above Item

The Committee authorized the agreement to move to full Council on March 11, 2013.

3. **Executive Session** – Economic Development – Consultation with Legal – 1 M.R.S.A. § 405(6)(E)

A motion was made and seconded to move into Executive Session. A motion was made and seconded to exit Executive Session.

4. Committee Action on Above Item

The Committee position did not change from the last discussion. The Legal Department will follow up appropriately.

5. Quality of Life Committee Update

Rosie Vanadestine gave a brief update on the Quality of Life process. All four committees have met and are getting organized. The City is hoping to recruit a few more members to participate on the committees. Other Councilors will also be assigned by Councilor Durgin to participate on the committees. Councilor Durgin and Councilor Civiello are the two Council representatives assigned to the Core Committee and other Councilors will be appointed to the Housing Resources, Community Safety and Economics/Employment & Education/ Training Committees. Councilor Civiello does participate on all four committees.

6. Community Development Block Grant Guidelines and Program Changes (see attached Memo)

Rosie Vanadestine gave an overview of the changes to the Community Development Block Grant (CDBG) Residential Rehabilitation Loan Program. The changes being proposed are to simplify the documents, tighten up the policies and align them better with HUD regulations.

- New Competitive Grant Program for Non-Profits (see attached Draft Guidelines)

Also introduced was a new competitive grant program for nonprofits. This program would allow the City to continue participating in worthwhile projects that meet the needs of the City while leveraging other funds. It is important to find ways to make our limited resources go further and with the continued cuts to federal programs it is vital to find ways to continue our programming. The City will have a letter of intent portion to pre-screen applications and then invite those that best fit our goals to apply. Our priority areas will include housing, homelessness and overcoming barriers to independent living and projects in our Neighborhood Revitalization Strategy Area (Main-Third and Union-Buck). There will be an application process and a review committee that will score the projects to determine those non-profits that will be awarded grants. One of the important components will be the ability to demonstrate sustainability of the project after the grant funds have been used. The focus will also be on new projects and programs not existing ones.

Councilor Nealley moved to have the staff recommendation to forward these changes and the new program to the full Council. Councilor Baldacci seconded the motion. All in favor, motion carried.

There being no further items for discussion, the meeting was adjourned at 6:00pm.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, March 26, 2013, 5:00 pm
City Council Chambers
Minutes

Councilors: Chair Sprague, Joe Baldacci, Pat Blanchette, Pauline Civiello, Dave Nealley
Nelson Durgin, Charlie Longo, Sue Hawes, and James Gallant

Staff: Rosie Vanadestine, Norm Heitmann, Steve Bolduc, David Gould, and Art
Morgan

The meeting was called to order by Chair Sprague at 5:00 p.m.

REGULAR AGENDA

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

A motion was made and seconded to move to Executive Session.
A motion was made and seconded to exit Executive Session.

2. Action on above item:

There was no action on the above item.

3. Maine Air National Guard – Request for Lease of Land

Steve Bolduc informed the Committee that the Maine Air National Guard wanted to lease an additional .56 acre parcel of land at the entrance to their base on Griffin Road and Maine Avenue. The reasons are for better security at their entrance, a permanent location for their sign, and for storm water control. He explained that The Engineering Department and the Airport have both reviewed the plans and request and are supportive.

Councilor Baldacci moved to approve staff recommendation. Councilor Hawes seconded the motion. All in favor, motion carried.

4. Discussion on Quarries in Rural Residence & Agriculture (RR&A) District

Norm Heitmann explained that a citizen had contacted the City regarding placement of quarries, not the existing quarries but for any future quarries. The Land Development Code could be amended to indicate where future quarries could be and brought to the Business and Economic Development Committee for further review and discussion. Planning, Code and Legal have reviewed and discussed this request.

David Gould explained that a potential overlay district within the Rural Residence and Agriculture District could be created to show where any future quarries would be allowed. The first parameter was the urban development boundary defined in the Comprehensive Plan. This shows where sewer and water service could be extended throughout the city, if we get to that point of development. We would not want to put quarries in all of the Rural Residence and

Agriculture, only beyond those growth boundaries. The second parameter was 500 feet from any residential property line. The third parameter took into consideration where single-family subdivisions on the outskirts could go and provide a buffer to existing subdivisions, as well.

Dave Gould reviewed the maps with the Committee to show where the quarries could go using those parameters. He explained that if there is no overlay district the other way to minimize where they could go would be to create a host of standards within the district. The problem with that is whenever anyone builds a house the boundaries would change.

Councilor Baldacci felt that having defined areas that people knew where quarries could go would be beneficial and felt this overlay approach is a reasonable recommendation. David Gould explained that this was also established with what currently exists on the ground now. Councilor Baldacci asked how people would be notified of this zone if they were going to buy a residence. David Gould explained that people would still have to do their due diligence and educate themselves on what the surrounding zones are and what that could potentially mean for them.

Councilor Gallant asked if test holes have been dug to determine if this overlay district has the necessary soils needed for a quarry. If it is not determined that the area has potential for a quarry this exercise is all for nothing and makes no sense to have it. We should know what resources levels are in the city and what materials are available here before making any decisions. Councilor Gallant was also concerned about where quarries locate because the further away they are, the more expensive it is for trucking and crushing the materials.

Norm Heitmann explained that quarries are allowed now in Rural Residence & Agriculture District (RR&A) and we do not know the material available now as it is zoned. It will need to remain in RR&A because of the open space. As it is today, one could be next to a quarry when building in any RR&A area. This would prevent that by allowing people to know where the quarries could go now and in the future.

Councilor Baldacci sought clarification that if we do not do anything a quarry can go any place in an RR&A zone now. Norm Heitmann indicated that this is correct. This ensures that people will have assurances as to their home and having peace and enjoyment of their homes.

Councilor Durgin agreed that this idea makes sense but questioned if we are going to exclude quarry space now, we should test first to ensure that any quarry potential will be where we are putting the overlay district.

David Gould explained that we would be saying this land's "preferred" use would be a quarry vs. residential. The question is, is there a demand for quarrying in Bangor where we take a percentage of the RR&A land to make this overlay or limit it to where the quarry soil is best.

Councilor Gallant explained that there is a need for certain types of sand to make materials needed for development. As the city grows we will need more concrete etc. If the overlay gets rid of the only place that has the material needed, to do this to protect homeowners interests without knowing where the material is would not be wise. David Gould had no comments on this specific item.

Public Comments:

Paul Randall of Union Street said that he moved here a year ago and bought farm land for alpacas. He is concerned about his quality of life. He is afraid that he is stuck with his property if a quarry goes behind him. He did his due diligence and looked at the long term comp plan and it showed the city owned the property behind him and it was going to be used for four soccer fields. That is not true as a quarry could go there now. He said that trucking is not an issue as he gets chips at their work from all over and Councilor Gallant's worries are unfounded. Mr. Randall said that he wants the overlay as protection. He spent his whole life savings on his farm. He would have to get rid of his horses and alpacas if a quarry goes in. He also said the City should not be testing now as that should be the due diligence of anyone of the developers that wants to put a quarry in and not be an expense the City does for the developer.

Randy Gardner a quarry operator said that he agrees that citizens are due good quality of life. However, this overlay district as it stands, would be like zoning marinas without water. Specific resources are required for quarry gravel pits and are only available in certain spots. The resources and gravel needed are not everywhere. Testing can find resources but this would be redoing work that has already been done. Certain uses in RR&A and reasonable uses are allowed there. It is appropriate to have quarries in open rural areas. He also agreed with Councilor Gallant regarding the trucking costs. He added that it is approximately \$1 per mile and is a significant operating cost. The further away it is the more these costs will rise. He would like to find a way to coexist. He doesn't want to drive people out or affect their quality of life. The necessary items are in quality and quantity and are only available in limited areas.

Councilor Gallant questioned the state requirements that also dictate the operation of quarries. Randy Gardner believes this is part of the answer. The City can set stricter guidelines and that would be the best solution. The City only requires 20 feet from the property line and the state requirement is 100 feet at the top of the slope. Any noise requirements that are exceeded need to be reported to DEP and if it happens twice in one year there are fines based on decibel and vibration to control the blasting. However, blasting isn't the problem. It only lasts .8 milliseconds 2 to 3 times per year. The City's is 1/10 what the State's blasting requirements are. Further setback requirements and regulating business hours would be helpful. They currently operate 5 days from 6am-6pm and on Saturday they operate from 6am-2pm. The crushing operations are the issue as they are loud, constant and annoying.

Councilor Gallant questioned the barriers to minimize sounds around crushers. Randy Gardner said berming could also be used for mitigating sound. We are not addressing the situation we are just moving from one group of annoyed people to another.

Councilor Baldacci felt there would be a longer term discussion on this topic. He would like to consider issuing a 180-day moratorium on any new quarries to determine policy and what makes sense while giving time to sort all of this out with detailed public discussion regarding proper districts, regulations and standards. Norm Heitmann has prepared a moratorium ordinance for the next Council meeting to let us look into this, sort out zoning and land development code issues, not be rushed and do it properly.

Councilor Nealley said he could support a short moratorium (60-90 days). This should not take six months to solve this issue. He is not adverse to certain districts if there is valuable capacity for quarries. Councilor Baldacci explained that the moratorium could be terminated earlier once a resolution is found.

Councilor Blanchette indicated that she is comfortable with a six month moratorium to take the pressure off. She said that this Committee takes care of the businesses coming in and out of the City and we should give the staff time to ask the questions and gather information and data regarding this issue. Councilor Blanchette explained that the DEP permitting process is very long to open a quarry and those pieces are in place already. Councilor Baldacci said once they have applied, they would be grandfathered as when applied.

Chair Sprague indicated that he would like a 60-day moratorium put on the Business and Economic Development Committee agenda for the first meeting in May. City staff can reach out to the citizens and businesses to have a quick resolution. There are many of the same Councilors involved as were involved this summer when the topic came up. Norm Heitmann said the Planning Board process is three weeks with referrals, etc. and 4-5 weeks just to start the process. Any Land Development Code issues would add time to it.

Councilor Baldacci suggested shooting for four months but doing the moratorium for 180 days as it could be terminated at any time but allow flexibility without having to come back again if something comes up. Chair Sprague indicated that he would support 6 months and keep moving this conversation along.

Public Comments:

Nancy Kravitz, a Downing Road resident, indicated that this is the first time the overlay proposal was discussed and she is favorably impressed. It is quantitative not visual. She didn't feel that 500 feet is enough of a buffer zone from a home and asked the Committee to consider a 1000 foot setback. She indicated that she is in all for jobs for Bangor, but net job gain needs to be considered

Sharon Cassidy, a Union Street resident, indicated that the most recent proposed quarry would be in her backyard. If it is deemed detrimental to a neighborhood it should not be allowed. She said that most people would feel that if a quarry were in their neighborhood it would be detrimental especially if behind your house. She felt that this should be redefined or better explained and something the Council should address.

Randy Gardner, a quarry operator, indicated that he felt that ambiguities need to be cleared up for developers and homeowners. He said Industrial zones and Rural Residence and Agriculture (RR & A) Districts allow quarries and it is only the RR&A district that has issues. He indicated that he would like the moratorium to be only for the RR&A district so not to affect any Industrial zoned quarries. He also wanted to make sure everyone understood that the Union Street quarry is licensed and permitted and not part of this conversation.

Mr. Randall mentioned that fuel costs per ton are much cheaper when you do the math. People within construction think they are good neighbors or want to be good neighbors. However, the

residents don't feel that way as they feel trapped in their houses and they are stuck with no options.

Councilor Baldacci moved to impose a 180 day moratorium on quarry use of land. Councilor Blanchette seconded the motion. All in favor, motion carried.

Chair Sprague outlined action steps for David Gould and staff to include looking at 1000 foot setbacks, reviewing Randy Gardner's suggestions for tightening up the City policies regarding business hours, noise and setbacks and more details are needed regarding the overlay district being proposed. Committee members suggested having this item the only item on an agenda to allow for discussion and public input and the thought was to schedule this for the first Business and Economic Development Committee meeting in May.

5. Discussion Land Development Code – Transitional Housing & Emergency Shelters

Norm Heitmann explained that the Hope House project brought to our attention the opportunity to amend the text of the Land Development Code to define Emergency Shelters and Transitional Housing and to decide which zones they would be allowed in as they currently exist in Bangor. When it was brought forward back in 2012 the Planning Board and the Council voted it down. Now it is back before you to deal with the Land Development Code sections.

David Gould explained that staff worked out definitions of transitional housing and emergency shelters that we currently have in the city. The other one fits it into the G&ISD. Councilor Civiello suggested because we have never had any of these in before, this is a policy that we should define more. She said transitional housing may not be what we are talking about tonight. She questioned the 24 month limit when it could be shorter. Rosie Vanadestine explained that Staff used the HUD definition and we also wanted to define what we have now without being too specific. We wanted to keep it somewhat broader because it is easier to further restrict it if necessary.

Councilor Baldacci asked if emergency shelters are defined as no more than 70 beds does that mean they cannot go over 70. They could not go over if we legally define it. Staff explained that emergency shelters of more than 70 are not allowed, the same as with transitional housing, if more than 24 months it would not be allowed. It prohibits uses with no wiggle.

Councilor Civiello questioned why staff did not provide for emergency shelters as for natural disasters or national/state emergencies. Norm Heitmann explained that emergency shelters defined as place for purpose and if other buildings are needed for emergency shelters for that purpose it would not still serve this purpose after the fact and is not necessary to include. This is for intended permanent uses. Councilor Blanchette also explained that any natural disaster is directed by FEMA and we would have to do what is directed by them and they would override the local level.

Councilor Civiello asked about additional housing terms i.e., wet, dry, scattered etc. and should those be included as well. David Gould said staff could look at the number in certain proximity to prevent clustering them in one area and to disperse them throughout the city. Norm Heitmann explained that these two definitions define what we have currently and takes into

consideration how the ordinance conforms to what we have now and those would be in compliance.

Councilor Longo asked if there was anything that was considered when drafting this text that was not included and removed. David explained that when drafting the language some concepts were discussed i.e., proximity and distance from others etc. Staff didn't want to put too much in now and too many restrictions. Staff wanted to keep it simple because we can always add more if we need to down the road.

Councilor Civiello had other ideas regarding operational standards of facilities. David Gould explained that the Planning Board has a limited purview around building buffers, setbacks etc. The Planning Board cannot dictate nor does it have authority to decide if an organization is operating as outlined and cannot police day to day operations. Norm Heitmann explained that people's behavior is not regulated only standards that are objective through the Land Development Code.

There being no further items for discussion, the meeting was adjourned at 6:45 pm.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, April 2, 2013 5:15 PM
City Council Chambers

MINUTES

Councilors: Sprague, Blanchette, Durgin, Longo, Civiello, Nealley

Staff: Rosie Vanadestine, Tanya Pereira, Jeff Wallace, Jason Bird

Councilor Blanchette was asked to fill in for the Chair Sprague to allow him an opportunity to address an item on the Agenda. Councilor Blanchette called the meeting to order at 5:15 p.m.

CONSENT AGENDA

1. Community Development Residential Rehabilitation Loan – 40 Blackstone Street.

Councilor Sprague moved to approve the requested Residential Rehabilitation Loan at 40 Blackstone Street. Councilor Nealley seconded the motion.

All in favor, motion carried.

REGULAR AGENDA

2. **PUBLIC HEARING** – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2013 through June 30, 2014 and the Eligible Uses of Community Development Funds

Councilor Nealley moved to open the Public Hearing at 5:17 p.m. Councilor Sprague seconded the motion, which carried unanimously.

Rosie Vanadestine, Director of Community and Economic Development, gave an overview of the Community Development Block Grant Funds expected to be available for the fiscal year July 1, 2013 through June 30, 2014, and the eligible uses this funding can be used for. She indicated that the City is anticipating a 5% reduction in funding which would amount to \$708,870 which is a reduction of \$37,309 over last year. In addition to that, there is program income that is received from several of the loans that get paid back. This money is put back into the program and used for programmatic funding, as well. In the past the anticipated budgeted amount has been approximately \$250,000. However several loans have been paid off due to owner refinancing so the anticipated budgeted amount is decrease down to \$175,000. Vanadestine indicated that they are anticipating a total of \$883,870 to use for CDBG programs in the

upcoming year. She pointed out that there is a 20% administrative cap which includes the entitlement and the program income. That amount would be approximately \$176,774 for administration of the complete program.

Rosie Vanadestine outlined eligible activities where funding is expected to be programmed, which include a residential property rehabilitation loan program, planning and design of community development projects, funds to pay for the planning and the consultant for the Third-Main Neighborhood Stabilization Program, and funding for business development assistance and façade improvement financing. Funding of acquisition, demolition and clearance of dilapidated properties if rehabilitation is not feasible and street and sidewalk replacement in low-moderate income neighborhoods are also eligible items. Rosie Vanadestine noted that one item cut from the budget is the funding that pays for the case management work for Park Woods. However, Shawn Yardley will be funding this activity through his department and the City's focus will be on the Third-Main Strategy area.

Councilor Longo indicated that the building on Franklin Street where Northeast Occupation Exchange is located is a monstrosity and they need approval from the City to use the glass building area.

Councilor Nealley noted that the amount of funds expected is much less than what had previously been received. He asked if there are other groups or grant opportunities out there for the City to leverage funds to bring more money for programs. Rosie Vanadestine indicated that there are some and it is hoped to partner with others to keep some of these programs going. She said that Staff is trying to find ways to bring more revenues in.

Councilor Durgin asked for a run down on the monies that will be used for the Neighborhood Revitalization Stabilization Area. Rosie Vanadestine indicated that she has talked with Evan Richart (planning consultant) about creating an affordable housing TIF which would be used for a specified neighborhood rather than one building or project. The Shaw's TIF will be expiring and it is hoped to do an extension of that to use some of those funds to improve Second Street Park. Other ideas are for improvements to the Main Street Corridor by using some unused State funding for Main Street. CDBG funds will also be used for streets, sidewalks, and lighting improvements, as well as, acquisition and demolition.

Councilor Durgin indicated that he would like to see a progress report on efforts done in the Neighborhood Revitalization Stabilization Area as he is interested in making sure that the project gets funded adequately.

Councilor Nealley asked about Department of Transportation funds. Rosie Vanadestine explained that there are unspent funds available. She noted that as the City starts to look at street and sidewalks that need to be done Staff

wants to coordinate these improvements with the City Engineer's proposed improvements in order to be systematic about when improvements are done. The intent is to not to tear them up again shortly after they have been installed.

No one spoke either in favor of or in opposition. As there were no further comments, Councilor Longo moved to close the Public Hearing. The motion was seconded by Councilor Nealley. The motion passed unanimously and the Public Hearing was closed at 5:33 p.m.

3. Discussion on Funding for the Arts

George Kinghorn, with the University of Maine Museum of Arts, President of Downtown Bangor Partnership, and Vice President of the Cultural Commission; Bari Newport, with Penobscot Theater Company; and Cultural Commission Members, Chairman Timothy Lo, Josh Plourde and Judith Boothby, were present in support of this discussion.

Chair Sprague opened the discussion of funding for the Cultural Commission. He spoke of the current budget constraints. He said that in order to expand arts funding they need to find an alternate revenue source. Chair Sprague suggested an optional arts contribution placeholder of \$35.00 to fund cultural activities in the community. He suggested a check off box to be mailed out with real estate taxes for those who would like to contribute. This could be a significant revenue generator. This money could eventually be used for the Cultural Development Grant Program, outdoor installation of arts, etc. and construction of a community amphitheater. He felt that this is an option to not depend on tax payers. If only 20% of taxpayers and renters participated \$100,000 a year could easily be raised from this source.

Josh Plourde said that Bangor has grown a lot culturally and he would like to keep the momentum going. Portland Oregon has a mandatory tax that funds the arts. He indicated that he would like to take that model and tweak it to make it more functional for the City of Bangor.

Tim Lo, Cultural Commission Chair, spoke on behalf of the arts. He said that he is very proud of the accomplishments of the Cultural Commission. The cultural landscape and creative economy as a result of the arts has changed a great deal in this region. The Commission has done a great deal of work adapting their purpose and it has a new vision.

Councilor Longo said the Cultural Commission is doing a great job. He asked if the Cultural Commission could come up with stricter guidelines as to how grants are given and put limits on the amount of times an organization can apply within a certain timeframe.

Tim Lo indicated that the Cultural Commission has made amendments to its charter and has asked the City Council to amend it for changes such as time restrictions and the maximum limits of loans. Also, they want to stipulate that before funds can be disbursed an entity would have to pay for all costs and must be completed.

Councilor Blanchette explained that the City Council will be covering the same topics when the Cultural Commission presents its case for budget purposes.

Judith Boothby explained that the Commission's plan for giving grants is to give an institution a good start and then gradually wean them off so that they can become self supporting. Councilor Blanchette asked what she thought of Councilor's Sprague's proposal. Mrs. Boothby indicated that she felt it is a good idea. Now people have the option to make contributions when filing state income taxes this could be done with the real estate tax billings. She felt that it was worth a try which may result in funding from a new group of people.

George Kinghorn indicated that he firmly supports Councilor Sprague's proposal and is very much in support. He said that you can't separate the contributions of the arts to all of the wonderful things going on in the downtown. The arts enrich people's lives and also contribute to the economy and growth in the downtown.

Councilor Durgin felt that Councilor Sprague's idea is a positive idea. He indicated that they will need to work out how this will work. He said that the City Council will need to know what the Cultural Commission is expecting from the budget and what a voluntary donor program could do.

Councilor Nealley talked about multiple sources of revenue. He noted that the Library has asked for \$3million for new roof. Councilor Nealley indicated that Councilor Baldacci asked for a discussion about raising the waterfront concert ticket sales another 25 cents and set that money aside for the Cultural Commission;

Councilor Blanchette indicated that the City already gets \$1.25 per ticket sold and 25 cents goes for ground care. Councilor Nealley indicated that both Councilor Gallant and Baldacci said that they would like to see a fee tacked on for the benefit of culture activities because more than just Bangor citizens attend. He said that he felt that Councilor Sprague's idea was important. He would like to see the majority of the funds coming from the private sector. As far as the amount, Councilor Nealley suggested that the suggested amount should be at a level that it may get more people to donate. He indicated that he was a big skeptic years ago, when one of our colleagues had an idea of bring the National Folk Festival to Bangor and how important it was going to be to Bangor. He questioned the "creative economy" noting that bit by bit he has been proven very wrong after seeing the new hotels and new restaurants that have opened.

He said that the reason for this has more to do with the cultural and arts community instead of the traditional old model business structure.

Bari Newport with the Penobscot Theater noted that 33,000 and 7,000 children attended the theater last year. She indicated that they support the check box but want to make it clear that it does not surpass the individual donations.

Councilor Blanchette indicated that this needs to be discussed with the Legal Department to make sure that this is feasible and what options are available. Councilor Sprague suggested that they also meet with a representative from the Cultural Commission.

Councilor Longo indicated that he appreciated the efforts of Councilor Sprague and Josh Plourde.

Councilor Civiello asked if this check box could be done in surrounding communities as their residents attend activities and if renters could be approached.

Jeff Walstrom, a Bangor resident, suggested that if this proposal goes forward that the fund not be divided into 35 to 50 pieces. He said that he would like to see a much larger vision. He suggested an idea of a common ticket booth for a variety of events. He said that tying the arts to economic development of this community is very important and what is being proposed could be a great opportunity to make it bigger.

Tim Lo agreed with Jeff Walstrom and added that the Cultural Commission is operating with a new vision for future years. The Commission has discussed initiatives to be more accountable and to make the public aware of where their dollars are going. Visibility goes hand in hand with fund raising. He added that he liked Councilor Civiello's idea about asking other communities to contribute.

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

Councilor Longo moved to go into Executive Session. Councilor Civiello seconded the motion. All in favor, motion carried. A motion was made to exit the Executive Session. All in favor, motion carried.

5. Committee Action on Above Item

Councilor Longo moved Staff Recommendation. Councilor Civiello seconded the motion. All in favor, motion carried.

Meeting was adjourned at 7:05 p.m.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, May 7, 2013, 5:15 pm

City Council Chambers

Minutes

Councilors: Chair Sprague, Joe Baldacci, Pat Blanchette, Pauline Civiello, Dave Nealley

Staff: Rosie Vanadestine, Jeff Wallace, Norm Heitmann, Art Morgan, David Gould, Tanya Periera

The meeting was called to order by Chair Sprague at 5:15 p.m.

REGULAR AGENDA

1. Public Hearing – Amount of Federal Community Development Block Grant Funds expected to be available for the period July 1, 2013 – June 30, 2014 and the Eligible Uses of Community Development Funds

Chair Sprague moved to opened the Public Hearing at 5:15 pm. Joe Baldacci seconded the motion. All in favor, motion carried.

Rosie Vanadestine reviewed the projected amount of funds available for the upcoming year and the proposed budgeted items for recommendation to the full Council. A 5% reduction is being expected which would make the grant amount \$708,870. A projected amount of program income funds of \$175,000 is also being budgeted for a total of \$883,870.

The proposed activities and budgets for each include: Business Development Assistance and the Façade Program = \$100,000, Demolition and Clearance = \$45,000, Acquisition = \$55,000, Homeownership Assistance = \$25,000, Residential Property Rehabilitation and administration = \$280,424, Local Neighborhood Stabilization Program = \$125,000, Program Administration = \$176,774, Neighborhood Streets & Sidewalks = \$71,672 and Property Disposition = \$5,000.

Councilor Baldacci asked if there are any excess funds that could be programmed to streets and sidewalks. Councilor Civiello asked for a breakdown of acquisition and demolition. Vanadestine explained that \$45,000 for demolition, and clearance was calculated at 3 properties @ \$15,000 each. Acquisition was budgeted @ \$55,000. For single-family rehab it was calculated at 10 homes @ \$12,000 each and 3 multi-family homes at \$30,000 each for a total of \$210,000.

Vanadestine explained that the West Side Village strategy area is a focus point for the City and will be considered a priority area for funds in Business Development/Façade, Demolition & Acquisition, Homeownership Assistance, Residential Property Rehabilitation and streets and sidewalks. However, the funds can be spent city-wide if we do not have the opportunity to spend it in the strategy area, as long as it meets the national objectives.

Councilor Blanchette asked what happens to the unused funds and where do they go. Vanadestine explained that we have typically operated on the three-year cycle and carry over the funding each year for projects that may have been delayed. If there is money left over after the projects are completed, those funds can be reallocated to other budget areas that have

been submitted to HUD. If it is for a new project that has not been submitted to HUD as part of our plan we would have to do an amendment process to add it.

Councilors Nealley and Baldacci indicated that they would like to use as much of the funds city-wide as possible. Chair Sprague commented that the new Homeowner Assistance use could jeopardize the ability of the homeowner as the down payment is considered a benchmark. He was concerned that we might be putting people into homes that they may not really be able to afford and end up losing. Vanadestine explained that we do an internal underwriting similar to the bank and our guidelines require that the mortgage, property taxes and insurance are no more than 25-30% of household income. We also review debt to income ratios as well. These measures are in place to ensure that it will be successful.

There were no public comments. Chair Sprague moved to exit the Public Hearing at 5:30 pm. Councilor Nealley seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to approve the projected amount of \$883,870 and the uses and budgeted amounts, as presented. Councilor Nealley seconded the motion. All in favor, motion carried.

2. Residential Rehabilitation Loan – 174 Essex Street

Jeff Wallace gave an overview of this loan request. The property has been placarded by Code Enforcement. The person applying for the loan is purchasing the property from the owner and it is her plan is to rehab the building and provide better housing stock. This is a good project and will eliminate a blighted, placarded property.

Councilor Blanchette asked how long it had been placarded. Wallace indicated 2-3 months. Councilor Nealley said this is a prime example of use of these funds to prevent issues from affecting a neighborhood. Councilor Civiello questioned the ability to pay back the loan. Wallace explained that this is considered an investment property and they have to provide a pro forma for a year and a 15% vacancy rate was also used in the calculations. All the numbers have been run using conservative projections and the applicant checks out. Councilor Civiello asked if she has been a landlord before. Wallace replied that we do not know.

Councilor Baldacci moved to approve the loan as presented by staff. Councilor Nealley seconded the motion. All in favor, motion carried.

3. Quarry Discussion

Norm Heitmann explained that the moratorium has been passed by the Council with a goal to have something to bring back to them in June. He explained that the items that Staff was proposed at a previous meeting were the overlay district and setbacks with operational standards. With setbacks we could have no quarries. Currently quarries could be allowed now in Rural Residence and Agricultural districts with large enough parcels. With an overlay district quarries could only go in certain areas and people could pick where to live in that zone knowing where the quarries could potential go.

With setbacks and operations we could be stricter with larger setbacks and limit the hours of operation. The question for tonight is what do you want to pursue and then we will fine tune that and bring back for consideration. We will also conduct meetings to explore the options and get input from the residents and the quarry operators on what they think.

Dave Gould explained that at the last discussion it was questioned how we would propose developing an overlay district without certainty that there is material there. That information was found and put on the map and it does not have definitive sources. He reviewed several different maps and there is no bedrock and the overlay area is not bearing lots of surface rock. However, Union Street also shows no rock but there is rock there and a quarry. In a lot of areas they will get to bedrock it is just a matter of how far you need to go down before you hit it.

Councilor Baldacci asked if staff was just asking for authorization to have the tools to have the necessary discussions. He asked if Staff had consulted with a U-Maine Geology Professor or someone with that type of background. Gould indicated that he did not. Councilor Baldacci indicated that there are two factors that they are weighing. One is the concern for the homeowners regarding their proximity to quarries; and, two is if there is enough material in the areas that we designate in the overlay district. Councilor Baldacci indicated that he felt that they need to go back and investigate further.

Councilor Baldacci felt that it makes sense to have the tools necessary to have the discussion regarding the overlay district with setbacks and time and manner of operations for existing and new quarries. He indicated that he would support authorizing the tools to get public comments and feedback.

Gould indicated that he believes the overlay district, the setback and the hours of operation all need to be integrated. He understands the issues around fuel costs and transportation but there is also an effect on value of property that we need to consider as well. He said that there needs to be a balance between the livability of the residence with the needs of a business.

Chair Sprague asked how an overlay would affect current owners. Gould explained that was how we calculated the overlay district to accommodate to a certain extent. He explained that the vast overlay of land will disappear as housing subdivisions and lots continue to grow and expand.

The direction of the Committee is to use tools under the lens of an overlay district and continue communication with quarry owners and residents and bring it back to the committee.

Nancy Cravitz spoke to reiterate her approval of the overlay proposal. She does not agree that the city should be consulting with geologists to search for quarry materials. We do not do that for any other areas. The City doesn't look at the quality of farm land before a farmer buys it. This sounds like a special consideration for quarries and it isn't appropriate. She thanked the Committee for the time given to assist with this issue.

4. Executive Session – Economic Development – Amending Development Agreement

Councilor Baldacci moved to go into Executive Session under 1 M.R.S.A. §405(6)(C) at 5:50 pm. Councilor Nealley seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to go out of Executive Session at 5:51pm. Ben seconded the motion. All in favor, motion carried.

5. Committee Action on Above Item

Councilor Baldacci moved staff recommendation to extend the length of the development agreement to add two more years. Chair Sprague seconded the motion. All in favor, motion carried.

6. Executive Session – Economic Development - Discussion of Amendment to Lease

Councilor Baldacci moved to go into Executive Session under 1 M.R.S.A. §405(6)(C) at 5:52 pm. Chair Sprague seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to go out of Executive Session at 5:54pm. Chair Sprague seconded the motion. All in favor, motion carried.

7. Committee Action on Above Item

Councilor Baldacci moved to approve recommendation as outlined. Councilor Nealley seconded the motion. All in favor, motion carried.

8. Executive Session – Economic Development – Disposition of Property

Councilor Baldacci moved to go into Executive Session under 1 M.R.S.A. §405(6)(C) at 5:55 pm. Chair Sprague seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to go out of Executive Session at 6:10 pm. Councilor Nealley seconded the motion. All in favor, motion carried.

There being no further items for discussion, the meeting was adjourned at 6:10 pm.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, May 21, 2013 5:15 PM
City Council Chambers

MINUTES

Councilors Present: Chair Sprague, Civiello, Blanchette, Nealley, Durgin,
City Staff Present: Cathy Conlow, Rosie Vanadestine, Paul Nicklas, and Jeremy Martin.

Chair Sprague called the meeting to order at 5:15 p.m. He announced that the Committee would take Item No. 4 – Ordinance related to On-Premises Provisions for Window Signs and Flag first on the Agenda.

4. REFERRAL – ORDINANCE 13-155, Amending Chapter 260, Signs, of the Code of the City of Bangor, By Reorganizing on-Premises Provisions and Loosening Restrictions on Window Signs and Flags

Rosie Vanadestine explained that this issue has been discussed for quite some time. Staff solicited input from the downtown businesses and has taken a comprehensive look at the Sign Ordinance to bring several needed changes forward. Jeremy Martin and his Staff, Jason Bird, Business Development Officer and Downtown Liaison, the Downtown group and Paul Nicklas have been working on this.

Assistant City Solicitor Paul Nicklas explained that contractors and others have complained that the Sign Ordinance is difficult to understand if you don't use it very often. Staff has prepared an amendment to reorganize certain sections in an attempt to make it more user friendly and to organize things by zoning district. Most of the regulations related to the Downtown Development District are all in one place. Also, they removed a few contradictions within the code. Some of the more substantive changes include: no permit would be needed for a window sign that would cover up to 20% of the space (that would apply to all districts) that would not be included in the overall sign area that you were allowed. Also an additional flag would be allowed in the Downtown Development District (DDD). Presently either a projecting sign or a flag is allowed. This amendment would allow a business to have both in the DDD.

Staff did receive additional information that afternoon from the business community and who made a few more suggested changes to the Ordinance. Anything done at this point would have to be an amendment by substitution. One of those suggestions was rather than having just one flag any downtown business would be allowed one flag and additional flag(s) depending upon the length of the frontage of the building. Another question arose regarding "open" flags. These were removed and will not be counted as part of the total sign

area. Another question was how far flags can extend out into the sidewalk travel way. This would be calculated using a formula that is based upon the height of the flag above the sidewalk.

Chair Sprague indicated that he is in favor of loosening the restrictions in order to have a more festive and more open attitude towards business owners who want to decorate their store fronts through signage or flags for publicity in the downtown.

Councilor Nealley applauded this effort to loosening these restrictions as it will help downtown business in their marketing efforts. He asked if there was thought given to perpendicular signs. Code Enforcement Officer Jeremy Martin indicated that businesses are allowed to have a projecting sign and a horizontal wall sign. In the past they were allowed one or the other now you will be able to have both.

Councilor Durgin asked if there is a definition for "sale" flags. Nicklas indicated that it would depend on how many signs the business already had.

Councilor Blanchette suggested that businesses be made aware of the fact that they need to remove their signs when they go out of business. She suggested that it would be a good service when someone comes in to rent a building if they were told this as part of their rental lease conditions. She also indicated that she would like to put this into the ordinance. Martin indicated that this would be easy enough to do for signs that needed permits. Some signs such as political signs don't need permits. Councilor Blanchette asked if this be covered at the time that they issue occupancy permits.

Councilor Blanchette asked if the Historic Preservation Commission was aware of the proposed changes. Martin indicated that they are aware of the proposed amendment for window signs. Councilor Blanchette indicated that she was in support of the amendment. She said that this will indicate that downtown is open for business.

Chair Sprague invited members of the public to speak.

George Kinghorn, President of Downtown Bangor Partnership indicated his appreciation for Staff efforts. Blue Heron and Mexicalli Blues talked with the Downtown Bangor Partnership about the importance of flags for them in attracting customers to their businesses. However, the proposed amendment would not allow Blue Heron to have the three flags there now. Because of its location which is somewhat away from the core of the downtown, they feel it is important to have these flags to point out their business. Kinghorn said that Downtown Bangor Partnership would like a more business friendly environment downtown as people are trying to create energy in the downtown and the City needs to do all that they can to support them.

Chair Sprague asked if this could be incorporated into the Sign Ordinance. Martin indicated because of the many different sizes in store fronts and the possibility that with many flags in close proximity, it could become very cluttered looking. In drafting this amendment, staff proposed allowing multiple flags based on store frontage. He said that at some point there needs to be a limit and this is what they came up with. A business would be allowed other sign for frontage over 50 feet and another sign for each additional 50 feet of frontage.

Carol Epstein, Epstein Commercial Real Estate, felt that this was a good idea. Many of the local businesses in the downtown are competing with national businesses that have the most sophisticated sign designers in the country. Downtown needs some vibrancy and this will allow for that. Councilor Blanchette asked her to work with Paul Nicklas to come up with a solution for abandoned signs by businesses that close. Councilor Blanchette also suggested a deposit much like a security deposit to take care of abandoned signs. Epstein didn't think that the typical market practice would charge an extra fee to an incoming tenant. She said that small businesses are having enough trouble getting their initial capital. They can't afford an additional deposit.

Heather Bass owner of Blue Heron expressed her gratitude for the Staff's work in adjusting the Sign Ordinance. She indicated that she was disappointed that her three flags will not be allowed. She said that the three flags let people know that something is happening at her business. The flags more than signage have brought in customers. She asked if there was any possibility of a waiver.

Chair Sprague suggested instead of every 50 feet a flag could be allowed every 33 feet and that way a 68 foot storefront would hit that 3 flag threshold. Martin indicated that Staff would double check the exact frontage of that space. Nicklas indicated that currently there are no provisions for a waiver.

Councilor Nealley suggested making the regulations more lenient for those storefronts that are further out of the central area of downtown.

It was moved by Councilor Blanchette and seconded by Councilor Durgin to recommend that an amendment to the Sign Ordinance be passed on to the full Council. All in favor. Motion carried.

1. **Executive Session** – Economic Development – Land Disposition – 1
M.R.S.A. § 405(6)(C) (Confidential Memo provided separately)

Conlow indicated that there were people who wished to speak on this issue even though it was an executive session.

Vanadestine's Staff has been working on a guideline for land disposition of City owned property. Staff has reached out to some of the commercial brokerage

people to discuss this and we are trying to come up with a fair solution that works for those who are leasing that want to purchase property and procedures on how to go about selling our property.

Carol Epstein with Epstein Commercial Real Estate and Epstein properties indicated that this has been an issue for decades. She applauded the committee and staff for dealing with this in a different way. The policies and practices proposed will make it much more practical for people and the City will end up having a different reputation on this. She said that in the past they have they have felt that policies and practices discriminated against existing developers in favor of the new person. She felt that Staff came up with some great ideas and left some discretion on how to make it work but being equitable and fair to existing developers. She indicated that she is totally in support of this and encouraged the Committee to support this.

Councilor Blanchette moved to go into Executive Session under MRSA 405(6)C) Nealley seconded the motion. All in favor. Motion carried.

It was moved and seconded to end the Executive Session. All in favor, motion carried.

2. Committee Action on Above Item

Councilor Nealley moved Staff recommendation. Councilor Blanchette seconded the motion.

Heitmann indicated for the record that the staff recommendation is that this Committee recommend to the full Council that the Council pass two orders that will be on Monday night's agenda, approving a revision to the Land Disposition Policy and the other to send out an RFP for commercial brokers to assist us in selling City property.

All in favor of the motion, motion passed.

3. Pickering Square Park Designation

Vanadestine gave an overview on the discussions of the pocket park behind the Standard Shoe building and Nocturnum. She indicated that Staff has met twice with the abutting property owners regarding the pocket park. Staff is recommending that the pocket park be undesignated as a park. In meeting with the property owners they want different things in that back area. Staff has asked them to get together in a separate meeting without staff involvement for them to work out some of the issues that they have (some want grass, some don't want grass, they want it all brick, they want the wall, some don't, they want a fence, some don't). They have been asked to come up with a solution that they can all agree to and bring that back to us. She said that Staff anticipates

that happening in the next few weeks. At that time Staff will come up with an agreement of what to do with the property.

Heitmann discussed the legal issues with undesignating this park. This pocket park has not really been used as traditional park. The first thing to do is to take it off the list of City parks through an ordinance amendment. This will be brought to the Council's next meeting for first reading.

Councilor Civiello asked how things were going in Pickering Square. Vanadestine indicated that their first meeting was approximately a week after Mr. Ruhlin removed "spice" from his store shelves. All of the owners in attendance at that meeting have noticed a sharp reduction in the number of undesirable people hanging out there.

Gail Hipsky said that she and her husband Marty own the Standard Shoe building which backs up to the Pickering pocket park. She said that it is like a light switch went off and it has been a whole change since the gentleman stopped selling "spice." She indicated that she was in favor of "un parking" the park and maybe making it a courtyard to have better control over it. She expressed her appreciation for everything everyone has done.

Councilor Nealley moved to recommend to the full Council the amendment to remove the pocket park from the list of City parks. Councilor Blanchette seconded the motion. All were in favor, motion passed.

4. University of Maine Request for Release of Deed Restriction

Heitmann explained that in the 1970's the United States gave to the City and the University land out off of Maine Avenue. Since that time additional land was also deeded from the City to the University in 1996. There have been a number of real estate dealings with the University over the years to undo some of the complications created by the military when they left. The University is now looking to sell the Chapel (Dow Chapel). When they reviewed the deeds and title they discovered some unusual restrictions in the 1996 deed which included that it could only be used for University purposes; that the City could go in at all times and inspect not only the land but the buildings; and then finally that they have to have security forces and that our Police Department can't go on the property including the buildings without liability for trespass as we wish to do. In trying to do this deal, the University has asked that those three restrictions be released and they have prepared a deed for our consideration to release those restrictions from that 1996 deed. Heitmann indicated that he did not see any benefit to the City to retain those restrictions in the property and he would recommend that the Council authorize the execution of this deed to release those restrictions for the University.

Nealley are there any other restrictions to the property by default or are they basically entitled to reuse the property for any purpose that they see fit.

Bill Hanson, Esq. from Rudman & Winchell representing the University indicated that there have been several conveyances between the City and the University. He indicated that this parcel is still subject to the Land Development Code and other planning tools that the City has but this proposal brings it more in line with the other conveyances that have been done. There are other restrictions that remain that were under that original 1996 deed. These include protections for aberration rights for the Airport, etc., compliance with laws, and other things. Basically this is an effort on the part of the University not to have to seek consent every time that we do something out there.

Councilor Blanchette moved the Staff recommendation. Councilor Nealley seconded the motion. All in favor, motion carried.

5. **Executive Session** – Economic Development – Parking Enforcement – 1 M.R.S.A. § 405(6)(C) (Confidential Memo provided separately)

Councilor Blanchette moved to go into Executive Session under M.R.S.A. § 405(6)(C). Councilor Nealley seconded the motion. All in favor, motion passed.

6. **Committee Action on Above Item**

Councilor Blanchette moved to bring a full detailed proposal back to the BED Committee for consideration. Councilor Durgin seconded the motion. All in favor. Motion carried.

Meeting Adjourned at 6:55 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, June 18, 2013 5:15 PM

City Council Chambers

MINUTES

Committee Members Present: Blanchette, Nealley, Chair Sprague, Longo, and Civiello

City Staff Present: Conlow, Pereira, Bird, and Hathaway

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

1. Parking Enforcement Proposal

Jason Bird, Business Development Officer/Downtown Coordinator, indicated that Staff is recommending Republic Parking's proposal to operate the City's downtown parking enforcement. Their proposal is for a vehicle mounted technology that reads license plates as it scans and travels through traffic in the downtown. A base line would be set, another scan would be done at a point in time and it would be noted whether a vehicle had been in that same spot or in that same area at that time. The scanning technology would create a signal, a ticket would be printed, and the attendant would then place it on the vehicle and continue scanning vehicles in the downtown. This would help to eliminate parking issues such as those who go out and wipe chalk marks off tires. It would also be a tool to help to turn over parking spaces for additional customers in the downtown.

Council Longo moved staff recommendation. Councilor Blanchette seconded the motion.

Councilor Nealley indicated that he felt that a lot of the people who park in the downtown also patronize the restaurants. He said that he felt that the present parking enforcement personnel while walking around are observing things and keeping a presence in the downtown which is a net benefit. He indicated that he was going to vote against this.

Councilor Blanchette indicated that she feels that the times and circumstances have changed. She is encouraged by the fact that Republic Parking is going to train its employees to be sensitive to downtown issues. She said that those parkers who shuffle their cars are taking parking spaces away from customers. The present situation is not working and now is the time to try something different.

Councilor Civiello asked how giving tickets will encourage those who would rather pay for a ticket than park in the parking garage to park elsewhere, and also asked about the data collection. Parke Clemons, with Republic Parking, indicated that their system will not be used at any time to look for stolen vehicles and all of the data collected during the day will be dumped. The data will be for tracking the time a customer has been in a parking spot and not connected to anything else.

Bird indicated that downtown employees are the primary people who are racking up tickets.

Councilor Longo indicated that the cost of this has gone down significantly and he feels this is a better proposal.

Chair Sprague welcomed public comment. Mr. Wayne Mallar, a resident of 103 Essex Street, asked if they had done a cost analysis between having a hand held system for the existing people on the street versus the system in a vehicle. Clemons indicated that they did and they concluded that there is no cost savings to that.

City Manager Conlow indicated that two people with a handheld device cannot cover the area that a vehicle does. It will cost less for the City to operate.

Mallar indicated that he did not feel that Staff has looked into this enough and he saw the possibility of savings while keeping more people in the downtown. He also indicated that this proposal is only for the downtown and the City is not considering the other areas of the City that are just as important.

Chair Sprague asked for a vote. The committee voted 4 to 1 in favor of the motion. (Nealley voted against.) Motion passed.

2. Sidewalk Agreement with Seasons

Tanya Pereira, Business Development Specialist, indicated that this is a sidewalk agreement with Seasons Restaurant to allow them to have outside seating in front of their restaurant on Main Street. This is exactly the same agreement that the City has with downtown restaurants such as Giacomos and Ipanema's. The only difference is that this is outside of the downtown area. In the downtown, they don't have to come before the Council. Because it is outside of the area, Staff felt that this should be considered by the Council. It has been approved by the Code Enforcement Office, the Fire Inspector, and the Police Department has signed off.

Councilor Longo indicated that he has reviewed the plans for this and he is confident that the sidewalk is passable, won't create a new pedestrian burden,

and will be a positive asset. He moved Staff recommendation. Councilor Nealley seconded the motion.

Councilor Blanchette asked what the advantage was for them to have tables adjacent to the sidewalk as opposed to around the side of the building.

Pereira indicated that it is because of Waterfront Concerts. Councilor Blanchette indicated that she was uncomfortable with this as drinking could get out of hand. Pereira indicated that the Legal Staff has done a very good job of making sure that there are strict alcohol enforcement provisions. If there is a problem, Staff can address it. Councilor Blanchette indicated that while she did not have a problem with the downtown restaurants she did not see the need to have seating out on Main Street.

Police Chief Hathaway indicated that Asst. City Solicitor Nicklas has crafted language that will allow the City to correct poor behavior not just with Seasons Restaurant but with anybody that has an outdoor area where they serve alcohol.

Chair Sprague said that his concern would be whether this would be blocking the sidewalk. Nicklas indicated that they have left six feet which is more than is generally required along the entire sidewalk.

Tom Workman, Food and Beverage Manager of Seasons Restaurant and Sports Lounge, indicated that foremost they are a restaurant. Secondly, the reason they looked at being on Main St is the visibility it gives them as their parking and main entrance are on the opposite end of the building. He indicated that the waterfront is an exciting place to be and they want to make themselves part of that.

Chair Sprague called for a vote. All in favor, Motion passed.

3. Commission on Cultural Development Proposed Budget, Grant Eligibility and Review Changes.

Jason Bird indicated that the Cultural Commission wishes to make a couple of changes to their budget and funding guidelines as they would like to fund individual artists or reimburse individual artists for work on public art for public consumption. They are proposing a \$1,000 limit for materials and this funding would not be released until the art is completed. Another change being proposed is that the City would have a rolling basis application process for applications under \$1,000. If over \$1,000, it would be considered twice a year. Bird also noted that the Commission was proposing changes regarding its budget.

Councilor Blanchette explained that the \$1,000 grants to individual artists is a new concept for the Cultural Commission. Councilor Longo asked who

approves these. Bird indicated that if the ordinance were changed, any subsequent application received by the Cultural Commission would be forwarded to this committee and the full City Council. Councilor Longo indicated that he would like for this to be changed so that an organization or an individual could only apply once every 12 months and not receive funding in consecutive years. He said that they need to become self-sufficient.

Councilor Nealley felt that the discretion should be left to the City Council. He added that it could be an extraordinary situation where they have a matching grant, etc. He said that he did not want to hamstring the Commission's discretion. Councilor Blanchette agreed and added that she would like to leave it up to the Commission and Council so as not to miss out on something. Councilor Longo said that the Councilors have made some valid points and discretion is important.

Councilor Longo moved Staff recommendation. Councilor Blanchette seconded the motion. All in favor, motion carried.

4. Proposed Changes to Design Review of Downtown Facade and Waterfront Facade Districts.

Chair Sprague indicated that this item will be discussed at a future meeting.

5. Request for Proposals – Pickering Square Commercial Space. (RFP)

Tanya Pereira indicated that Staff has drafted a Request for Proposals for reuse of the vacant space in the bottom floor of the Parking Garage. In light of the fact that the Bus Transit Relocation Study has not been completed, Staff recommended that the Request for Proposal be considered by the Committee but that it not be sent out until the completion of the Bus Transit Relocation Study and that discussion. Pereira indicated that Staff felt that any developer who would be interested in bidding on this proposal would be "hamstrung" by the lack of a decision on the bus station.

Councilor Civiello moved to recommend the draft RFP but not proceed with it until the Bus Transit Relocation Study has been completed. Councilor Blanchette seconded the motion. All in favor, motion carried.

6. City Owned Properties – Available and Leased.

Tanya Pereira noted a previous BED Committee meeting discussion about the waterfront properties. During that discussion there was some question as to what the City has for available properties. Staff has compiled some specific information about all of the properties that the City has. She discussed the handout prepared by Staff which includes a listing of all properties available, a

power point presentation which gives an overview of each property, and various other information.

7. Discussion on Signage Implementation.

It was noted that this item would be discussed at a later meeting.

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

Councilor Longo moved to go into Executive Session under – 1 M.R.S.A. § 405(6)(C). Councilor Nealley seconded the motion. All in favor, motion carried.

9. Committee Action on Above Item

It was moved and seconded to exit Executive Session. The Committee moved Staff recommendation to move forward to the City Council on Monday June 24th to seek approval of the execution of an Option Agreement in final form approved by the City Solicitor and Director of Community and Economic Development. The motion was seconded. All in favor, motion carried.

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

It was moved and seconded to go into Executive Session under – 1 M.R.S.A. § 405(6)(C). All in favor, motion carried.

11. Committee Action on Above Item

It was moved and seconded to exit Executive Session. The Committee moved Staff recommendation to move forward to the City Council to seek approval of an agreement in a final form approved by the City Solicitor and Director of Community & Economic Development. All in favor, motion carried.

The meeting adjourned at 6:40 p.m.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Monday, July 1, 2013

City Council Chambers

Minutes

Councilors: Chair Sprague, Pat Blanchette, Pauline Civiello, Dave Nealley, Charlie Longo, Nelson Durgin

Staff: Tanya Pereira, Steve Bolduc, Norm Heitmann, David Gould

The meeting was called to order by Chair Sprague at 7:05 p.m.

CONSENT AGENDA

1. **Amendment to the Lease Agreement with Hannaford Bros. Co.**
2. **Amendment to the Lease Agreement with Ntension Corporation**

Councilor Longo moved the Consent Agenda. Councilor Neally seconded the motion. All in favor, motion carried.

REGULAR AGENDA

1. **Animal Crematoria**

City Solicitor Norm Heitmann reviewed the proposed ordinance amendment to allow animal crematoria as a stand-alone use in the Rural Residential and Agricultural District. Councilor Civiello asked if there was any reason not to allow this change. City Solicitor Heitmann answered that he did not see any reason. The City allows animal crematoria as an accessory use already and there are several within the City.

Councilor Longo moved to recommend the ordinance amendment. Councilor Nealley seconded the motion. All in favor, motion carried.

2. **Executive Session – Economic Development – Disposition of Property**

Councilor Longo moved to enter Executive Session under 1 M.R.S.A. §405(6)(C) at 7:09 pm. Councilor Blanchette seconded the motion. All in favor, motion carried.

Councilor Longo moved to go out of Executive Session at 7:11 pm. Councilor Nealley seconded the motion. All in favor, motion carried.

3. **Committee Action on Above Item**

Councilor Longo moved to approve recommendation as outlined. Councilor Blanchette seconded the motion. All in favor, motion carried.

4. **Executive Session – Economic Development – Disposition of Property**

Councilor Longo moved to enter Executive Session under 1 M.R.S.A. §405(6)(C) at 7:12 pm. Councilor Nealley seconded the motion. All in favor, motion carried.

Councilor Blanchette moved to go out of Executive Session at 7:14 pm. Councilor Longo seconded the motion. All in favor, motion carried.

5. **Committee Action on Above Item**

Councilor Longo moved to approve recommendation as outlined. Councilor Nealley seconded the motion. All in favor, motion carried.

There being no further items for discussion, the meeting was adjourned at 7:15 pm.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, July 16, 2013 5:15 PM
City Council Chambers

MINUTES

Councilors Present: Committee Chair Sprague, Councilors Civiello, Longo, Baldacci, Nealley, Blanchette, and Durgin

City Staff Present: Tanya Emery, Cathy Conlow, Art Morgan, Dana Wardwell, Jason Bird, Steve Bolduc, Paul Nicklas, Norm Heitmann

Chair Sprague called the meeting to order at 5:20 p.m.

CONSENT AGENDA

Councilor Baldacci moved to approve the Consent Agenda. Councilor Nealley seconded the motion. All in favor, motion carried. The following items were approved:

1. Republic Parking Contract Extension.
2. Ordinance Amendment – C.O. # 13-238 – Amending Chapter 95-7 – Cultural Grant Program and Budget Recommendation

REGULAR AGENDA

3. Neighborhood Revitalization Strategy Area Proposal Overview – Presentation by Evan Richert.

Evan Richert presented an overview of the West Side Village Neighborhood and Land Use Plan. Primary areas discussed were neighborhood identity and marketing, housing quality and home ownership, walking (streetscape, sidewalks, lighting, and traffic), and Second Street Park. Preliminary cost estimates were presented, but these are very early. Councilor Baldacci requested that staff work with Mr. Richert to schedule Council Workshops on each of the focus areas so the Council can discuss them in depth and consider funding and priority assignments.

4. Quarry Zoning.

Assistant City Solicitor Paul Nicklas presented two options for quarry zoning that could help to alleviate some resident concerns and provide for an appropriate land use plan for quarrying activity. After Assistant City Solicitor Nicklas overviewed the two approaches, Councilor Nealley asked if any quarry would still

need all the regular approvals and permits. Nicklas confirmed it would still need all appropriate permits and approvals. It was moved by Councilor Nealley to allow quarries in the Urban Industrial District, and to direct staff to write up the necessary language changes and bring it the full Council for consideration. Councilor Baldacci seconded the motion.

Randy Gardner approached the table and stated that this change makes sense and he supports it. Nancy Kravit also approached the table and stated that she agreed with Mr. Gardner and thought this was a good way to proceed.

All in favor, motion carried.

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

Councilor Baldacci moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C) at 6:28 p.m. Councilor Nealley seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to exit Executive Session, Councilor Sprague seconded the motion. Executive Session ended at 6:42 pm.

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

Councilor Baldacci moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C) at 6:42 p.m. Councilor Baldacci seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to exit Executive Session, Councilor Civiello seconded the motion. Executive Session ended at 6:55 pm.

7. Committee Action on Above Item.

No formal action was taken.

Meeting was adjourned at 6:56 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Monday, August 5, 2013

City Council Chambers

MINUTES

Councilors Present: Committee Chair Sprague, Councilors Baldacci, Civiello, Nealley, Durgin, Blanchette, Longo, and Gallant

City Staff Present: Tanya Emery, Norm Heitmann, Steve Bolduc, James Canders, Tony Caruso

Chair Sprague called the meeting to order at 6:37 p.m.

AGENDA

1. Request for Easement – Eremita & Valley Property Company, LLC

Councilor Baldacci moved staff recommendation to grant the request for easement to Eremita & Valley Property Company, LLC. Councilor Nealley seconded the motion.

All in favor, motion carried.

2. Reorganizing Foreign Trade Zone No. 58 under the Alternative Site Framework (ASF) Structure

Councilor Baldacci moved staff recommendation to reorganize Foreign Trade Zone No. 58 under the Alternative Site Framework, as outlined by Steve Bolduc. Councilor Blanchette seconded the motion. Councilor Civiello asked about the benefits that accrue from using this framework as opposed to the traditional method of organization.

All in favor, motion carried.

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

Councilor Baldacci moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C). Councilor Nealley seconded the motion. All in favor, motion carried, 6:45 pm.

Councilor Baldacci moved to exit Executive Session, Councilor Blanchette seconded the motion. Executive Session ended at 7:00 pm.

4. **Committee Action on Above Item**

Councilor Blanchette moved staff recommendation. Councilor Nealley seconded the motion.

All in favor, motion carried.

Meeting adjourned at 7:02 pm.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Monday, August 19, 2013
City Council Chambers

AGENDA

CONSENT AGENDA

1. Extension of Lease Agreement with Vicki L. Trundy (see attached Memo)
2. Community Development Residential Rehabilitation Loan – 143 Cumberland Street (Confidential Memo provided separately)
3. Commission on Cultural Development Grant Recommendations (see attached Memo)
 - a. Bangor Book Festival
 - b. Bangor Ballet

REGULAR AGENDA

4. **REFERRAL – ORDINANCE 13-270**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Ensuring Setbacks Meet State Law and Setting a Minimum Size for Quarries (see attached Memo, Council Action and Council Ordinance)
5. Proposed West Market Square Revitalization Project (see attached Memo)
6. **Executive Session** – Economic Development – Property Disposition – 1 M.R.S.A. § 405(6)(C) (Confidential Memo Provided Separately)
7. Committee Action on Above Item
8. **Executive Session** – Economic Development – Property Disposition – 1 M.R.S.A. § 405(6)(C) (Confidential Memo Provided Separately)

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, September 4, 2013
City Council Chambers

MINUTES

Councilors Present: Chair Sprague, Civiello, Baldacci, Blanchette, Nealley

City Staff Present: Conlow, Emery, Bird, Wallace, Saucier

Chair Sprague called the meeting to order at 5:00 p.m.

CONSENT AGENDA

1. **Community Development Residential Rehabilitation Loan – 72 ½ Second Street**

Councilor Baldacci moved to approve the Consent Agenda. The motion was seconded by Councilor Civiello. The vote was unanimous and the motion carried.

REGULAR AGENDA

2. **West Market Square Discussion**

Tanya Emery discussed the proposed changes to West Market Square and the options for construction. The first option is for the utility construction only, and is what the Council previously approved. The construction would take place in the summer of 2014, but result in no noticeable changes. The improvements would be only to subsurface utilities. \$420,000 is the estimated budget for this option. The second option is for construction of the entire project which will include utility and safety/lighting/ landscaping improvements. This is the staff recommendation. The construction would take place over the summer of 2014, take 6 months, but complete all proposed elements. The \$975,000 budget for this option includes \$800,000 for the work, \$117,000 in water funds, and \$56,000 in alternate items that would only be included if we could afford them. The third option is to do a phased approach – utility work first, in the summer of 2014, and then safety/lighting/landscaping improvements in the summer of 2015. This would result in two seasons of construction disruption to Downtown, which is a serious concern to Downtown businesses and residents, as well as the general public. Exhibits were shown that depicted the surface disturbance, proposed plantings and lighting, and a rendering of what the completed improvements would look like.

Councilor Baldacci asked what we hoped to achieve by phasing the project and, therefore, spending an extra \$100,000 that we don't have to spend. City Manager Conlow indicated that the phased approach gave Councilors more time to review the aesthetic improvements, if desired. Councilor Sprague said he was leaning toward the second option, but also had concerns about whether or not we should make this a top priority for funding. Councilor Sprague spoke to Downtown representatives and businesses as well, who have vetted this project quite thoroughly. Ms. Emery clarified that these are funds that have been appropriated over a number of years through the Downtown TIF, and water and sewer funds that have already been allocated as well.

Councilor Nealley indicated support for the improvements that will increase safety, security, and visibility. Councilor Blanchette asked if TIF funds have been used in the past to demolish City property and if the old police station is within the TIF district? City Manager Conlow indicated that it is and that the Council has already appropriated funds from the Downtown TIF in this year's budget to demolish the old police station. Councilor Blanchette also thanked Peter Witham for his work on the rendering. Councilor Blanchette reminded the Council that the City made a commitment to redo this space. Councilor Civiello indicated support for the second option but asked for clarification on the funding and about discussion with Bangor Gas.

Ms. Emery reiterated the \$800,000 project total, the \$117,000 in water funding, and the \$56,000 in alternate items to be added only if we could afford it. As for Bangor Gas, the buildings would have to have large, unsightly meters placed in front of them if we were to ask the utility to route the gas in from the front rather than the back of the buildings. It makes more sense for the buildings and the utility to go through the back of the buildings. City staff will work with Bangor Gas to do this work in tandem.

Councilor Nealley reiterated the importance of Downtown and the project for the continued investment and connections with the rest of the City. Councilor Sprague suggested lights in the trees might help address the concerns about keeping the trees, and they could have different colors for different occasions or causes.

Ms. Emery indicated that the Downtown TIF also includes yearly investment for future capital improvements such as Pickering Square, and she noted how much the investment in the Waterfront has made a difference.

George Kinghorn spoke on behalf of the Downtown Bangor Partnership, extending his thanks for revisiting the issue and that the group hopes to see the entire project completed. Gibran Graham spoke on behalf of Downtown Bangor business owners and residents, and indicated that one season of construction would be something the community could rally around, but two seasons (which

would be required for a phased approach) would have a significant negative impact.

Councilor Baldacci moved staff recommendation (the second option) for approval to the full council of the second option which is for the full project. Councilor Nealley seconded the motion.

An unidentified speaker asked about demographics of the customers in the area. Councilor Sprague responded that Downtown is really a success story of the municipality working with the private sector. Councilor Blanchette asked about the possible addition of bicycle racks. Staff indicated that it will look into this idea. The City will also work with the community to plan for and minimize the disruptions during construction.

The vote was unanimous, motion carried.

The meeting adjourned at 5:33 pm.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, October 15, 2013 5:00 PM
City Council Chambers

MINUTES

Councilors: Sprague, Civiello, Baldacci, Longo, Nealley, Blanchette and Durgin

Staff: Conlow, Emery, Wallace, Martin, Nicklas,

Chair Sprague called the meeting to order at 5:30 p.m.

CONSENT AGENDA

Councilor Baldacci moved passage of the Consent Agenda as presented which includes the following items:

1. Community Development Residential Rehabilitation Loan – 98 Patten Street (Confidential Memo provided separately)
2. Maine State Housing Authority Agreement – Extension (see attached Memo and Draft Agreement)
3. **REFERRAL – ORDINANCE 13-308**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Providing a Residential Setback for Quarries and Allowing Loam and Soil Harvesting in Rural Residence and Agricultural Parcels (see attached Council Action, Council Ordinance and Zoning Sketch)

Councilor Nealley seconded the motion.

Regarding Item No. 2, Councilor Civiello asked Jeff Wallace if he was comfortable extending this agreement in light of the shortage of Staff in the Department. Mr. Wallace indicated that he was. He explained that this was done as a favor to HUD and Staff did so willingly.

Community and Economic Development Director Tanya Emery indicated that this extension is only until December 31, 2013 and that she was comfortable that they have the resources to do this until then. However, she indicated that starting at the beginning of the year, Staff focus will shift to the Third Main Neighborhood which will be a major focus of his time.

Chair Sprague asked if there was any public comment. Lucy Quimby, 1230 Kenduskeag Avenue asked if there were safeguards in place to prevent loam harvesting from leaving scarred looking sites from such activity (Item No. 3). Assistant City Solicitor Paul Nicklas gave a history of the recent zoning

amendments which removed quarry and earth moving activities from the Rural Residence and Agricultural District. At that time, a question was raised regarding allowing soil harvesting in the RR & A and the theory was to put this activity back into that district. He indicated that soil harvesting is not a widespread activity that occurs in the City. He noted that if it is found to be an issue, the ordinance can be further amended to place additional restrictions and safeguards to try to regulate it further.

Code Enforcement Officer Jeremy Martin explained that soil harvesting would fall under Planning Board review as a grade & fill provided that the activity is for more than a one foot in elevation or 10,000 sq. ft. in area.

Councilor Blanchette asked at what point would soil harvesting become an erosion problem. Mr. Martin indicated that any activity could result in an erosion problem provided that erosion controls are not exercised.

The Committee voted unanimously in favor of the motion to approve the Consent Agenda.

REGULAR AGENDA

4. Neighborhood Stabilization Program (NSP) Update.

Tanya Emery introduced Jeff Wallace who distributed a handout explaining the NSP Program. He gave a history of the program and an update on the activities over the last four years. Mr. Wallace indicated that going forward, as part of the west side strategy area, Staff is proposing is a "local program" with a focus more on new buildings rather than rehabbing older buildings. Staff would like to build one new building the first year and add more money for more houses in subsequent years.

Councilor Baldacci felt it would be helpful to have this information on the City's website and local television station. He asked if the City kept any of the original money for the program. Mr. Wallace explained that the City was basically an administrator for HUD.

Councilor Baldacci said that that program has increased property values and he would like to see more than one property constructed per year.

Councilor Durgin felt that this was a big upgrade to the Buck Street neighborhood. Mr. Wallace pointed out that four other properties have had improvements done in the immediate area through private investment.

5. Commercial Brokerage RFP – Selection.

Director Emery updated the Committee on the Commercial Brokerage Selection process. She indicated that there were two responses and Epstein Properties has been selected to provide services. Staff is requesting permission to negotiate a contract.

Councilor Baldacci move to approve Staff's request. Councilor Nealley seconded the motion. The motion passed.

6. Abandoned/Vacant Buildings.

Director Emery distributed two handouts to the Committee. One a short list of the highlights contained in the proposed Ordinance amendment and a copy of the actual Ordinance.

Code Enforcement Officer Jeremy Martin gave an overview of the elements of the proposed ordinance amendment. He said that the intent of this Ordinance is to require that a building that has been vacant for 60 days to have the property owner whether it be an individual or a bank to register as an abandoned vacant building. In cases where there is an out of town owner or a lending institution the Ordinance will require a local Maine based property management company represent them. The Code Office will go out with the owner/representative and inspect the property both inside and out to determine if it meets the minimum standards for a vacant building. The owner or property manager will need to visit the property weekly to ensure that the building remains secure and in a certain condition. This permit will need to be renewed every six months. Mr. Martin explained that there is also a provision for an owner to apply for an interim permit in cases where the property does not meet minimum standards. They would need to bring the property up to minimum within 90 days. Once they meet those standards they would need to apply for a permanent permit.

Councilor Durgin asked what would permit the City to board up the property. Mr. Martin indicated that this provision is no contained in this ordinance but is in the City's Property Maintenance Code.

City Manager Conlow indicated that this Ordinance is another tool in the tool box to help the City address these issues in our neighborhoods.

Councilor Baldacci asked if there was enough Staff to manage the enforcement of this ordinance. Mr. Martin noting that if passed, his staff will not be consumed day in and day out with these properties and this will allow them to do the work that they need to do elsewhere. If there is an issue, they will be able to call the owner or property manager. The vacant building will have a sign on it and he would also like to see the name of the property manager, their

contract information, and the bank's name, if any, on the sign, as well. Mr. Martin indicated that he felt that not only will a neighbor call the Code office when they see a problem they most likely will call the property manager and the bank.

Councilor Baldacci felt that this is a good first step but there still needs to be talk about certain other properties and areas in the City.

Councilor Civiello asked about the permit fee. Mr. Martin indicated that Staff researched various fees charged by other communities and also calculated the number of man hours spent by staff to administer and deal with a vacant building in determining the fees. He said that the minimum fee to be charged is \$250.00. If there are additional costs incurred (staff time, secretarial time, placard time, etc.) then additional actual costs will be charged. This will give them some incentive to get what they need to get done so that they won't have to pay more than \$250. If they are over the 90 days then they will have to pay another \$250. Staff is spending a great deal of time with these properties. This fee was determined to be what a typical cost to the City is for their department to administer and deal with a vacant building.

Councilor Longo asked if the fee could be waived for someone who was away in the military. Ms. Emery indicated that Staff would look into this and bring back some suggestions.

Councilor Durgin asked what the penalties would be for failure to comply. Assistant City Solicitor Nicklas indicated that the penalty would be anywhere from \$100 to \$2,500 per day. At \$2,500 a day it would add up quickly.

Councilor Nealley moved to place this item on tomorrow night's City Council Agenda for referral back to the BED Committee at its next meeting.

City Councilor Conlow noted that this would need to be done under suspension of the rules.

The motion was seconded and it passed unanimously. Staff indicated that it would include the additional provisions suggested by the Committee in the proposed Ordinance.

The meeting was adjourned at 6:35 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
Special Meeting of Monday, October 28, 2013
City Council Chambers

Minutes

Councilors Present: Sprague, Longo, Civiello, Gallant, Durgin, Hawes, Nealley, Baldacci and Blanchette

City Staff Present: Emery, Martin, Conlow, and Nicklas

Chair Sprague called the meeting to order at 6:35 p.m.

1. **REFERRAL – ORDINANCE 13-344**, Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Creating an Abandoned Building Ordinance.

Tanya Emery, Director of Community & Economic Development, gave an overview of the proposed ordinance. She indicated that this proposal included the treatment of military personnel and “snowbirds” as discussed at the previous Committee meeting.

Councilors also discussed treatment of those people who were in nursing homes with an intention to return to their homes.

Chair Sprague opened the meeting up for comments from the public. Mr. Beau Brigham indicated that he didn't feel that this ordinance would add any more effectiveness to the existing Property Maintenance Code. He also expressed his concerns about safety and creating a target for vandalism or break-ins at these properties.

Councilor Gallant said that this ordinance is not going to eradicate the issue but does provide for a point of contact when issues arise.

Councilor Baldacci proposed a one-year sunset provision. Councilor Gallant indicated that he supported Staff doing an update rather than imposing a sunset date. Councilor Blanchette agreed. Councilor Baldacci suggested that after six months this be reviewed.

Councilor Nealley moved to recommend Council Ordinance 13-344 to the full City Council. Councilor Baldacci seconded the motion which carried unanimously.

The meeting was adjourned at 7:00 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, October 29, 2013

City Council Chambers

Minutes

Councilors Present: Sprague, Blanchette, Civiello

City Staff Present: Conlow, Emery, and Nicklas

Chair Sprague called the meeting to order at 5:00 p.m.

CONSENT AGENDA

1. Commission on Cultural Development Grant Recommendation

Tanya Emery, Director of Community and Economic Development, explained that this is a grant request from the Downtown Bangor Partnership for \$2,000 for the Downtown Countdown. They have already raised \$13,000 for this event and this grant would complete their fundraising goal of \$15,000.

Councilor Blanchette moved approval of the Consent Agenda. Councilor Civiello seconded the motion. The motion passed unanimously.

REGULAR AGENDA

2. REFERRAL – ORDINANCE 13- Amending Chapter 260, Signs, of the Code of the City of Bangor, By Providing for a Sign for the Bass Park District.

Assistant City Solicitor Paul Nicklas explained that because there will be several users in the Bass Park Complex it is felt that the most efficient way to serve the signage needs of those users is for the placement of one freestanding sign facing Main Street. This would eliminate the placement of competing signs for each user in multiple locations. The proposed amendment to the Sign Ordinance would allow this change.

Councilor Civiello asked if the proposed sign will show what event is occurring. City Manager Conlow explained that this will be part of the freestanding sign which will also include the hotel and Bass Park Historic Park.

Councilor Blanchette asked if the City has asked permission from the Maine Department of Transportation to put a sign indicating that the entrance to

the arena is on Buck Street. Conlow indicated that Public Works Director Dana Wardwell is working on this and she would ask and get an answer.

Councilor Blanchette moved this item forward. Councilor Civiello seconded the motion, which passed unanimously.

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

Councilor Blanchette moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C) at 5:07 p.m. Councilor Civiello seconded the motion. All in favor, motion carried.

Councilor Blanchette moved to exit the Executive Session at 5:15 p.m. Councilor Civiello seconded the motion. All in favor, motion carried.

4. Committee Action on Above Item.

Councilor Blanchette moved to approve Staff recommendation. Councilor Civiello seconded the motion. The motion carried unanimously.

The meeting was adjourned at 5:15 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, November 26, 2013

City Council Chambers

MINUTES

Attendees: Committee Chair Councilor Durgin, Councilor Civiello, Councilor Blanchette, Councilor Graham, and Councilor Nealley

Staff Present: Tanya Emery, Cathy Conlow, and Norman Heitmann

1. Brief Update – Redevelopment of Freese’s Building

Director Emery introduced Mike Myatt from Bangor Housing Development Corporation who gave an overview of the progress that has been made regarding the Freese’s redevelopment project. Mr. Myatt discussed the proposed changes to the building that were depicted in the handouts provided by Staff. He indicated that their next step is to obtain City Council approval of a development agreement. Once this is approved, they will move forward. The next steps will be to go before the Planning Board for approval (if needed), obtain ownership of the condominium unit, and put the project out to bid.

Director Emery indicated that if the Committee is in agreement then staff would finalize a development agreement to be brought forward to the full Council for approval. The Committee recommendation was to forward this on to the full Council.

2. Design Review – BanRes, LLC Hotel Project

Director Emery introduced Rob Frank, P.E., from WBRC and Attorney Andy Hamilton from Eaton Peabody who are representing BanRes, LLC in their development of a hotel on Bass Park Boulevard. She indicated that this item was basically an update on where the project is in the planning process.

Attorney Hamilton indicated that Dutton Street had been extended and that portion has been renamed Bass Park Boulevard. Also, a contract zone change has been approved for the site. He discussed the hotel facility and the restaurant facility noting that the Site Location of Development Act application will be forwarded to the State and the Site Development Plan will be submitted to the Planning Board for review, after this meeting.

Rob Frank discussed the preliminary site plan elements including the building design, parking, buffers, lighting, signage, screening and layout. He indicated that they are estimating that the project will employ 150 people consisting of

three shifts with 50 employees per shift. He discussed the proposed layout of parking spaces noting that they have designed the parking to make it appear to be a separate parking lot from the Cross Center parking. They are proposing approximately 200 spaces and exceed the minimum of 120 spaces required under the development agreement.

The Committee Members discussed signage. City Manager Conlow indicated that Dana Wardwell, Public Works Director, has been working with Maine Department of Transportation regarding signage on I-395.

Councilor Graham suggested that the plans be posted on the City's website. All agreed.

There being no further discussion, the meeting was adjourned at 5:50 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, December 17, 2013 5:00 PM
City Council Chambers

MINUTES

Attendees: Committee Chair Councilor Durgin, Councilor Civiello, Councilor Plourde, Councilor Graham, and Councilor Nealley

Staff Present: Tanya Emery, Cathy Conlow, and Norman Heitmann

CONSENT AGENDA

1. Request for Easement – C.M.I., Inc.

City Solicitor Norm Heitmann explained that the applicant wants to make improvements to the building on their Crossroads site where the restaurant is located to create a drive-thru. In order to meet the City's setback requirements it will be necessary to obtain an easement from the City. Mr. Heitmann noted that this has been done in other situations (at the Starbucks site on Bangor Mall Boulevard). Any traffic issues or other issues will be reviewed by the Planning Board.

Councilor Civiello moved to approve the Consent Agenda. Councilor Nealley seconded the motion, which carried unanimously.

REGULAR AGENDA

2. Request by Tantrum to Amend Ordinance for Hours of Operation – Update

City Solicitor Heitmann explained that the Tantrum restaurant on Broad Street had requested that an amendment be made to the Ordinances for hours of operation to allow them to stay open longer than 1:30 a.m. In reviewing this, Staff found that because Tantrum has a Class 11 liquor license (which is for an establishment that is primarily a restaurant with liquor sales) they can extend their hours of operation without an amendment to the Ordinance. However, Staff feels that it is timely to review this issue further especially in light of the increased interest in outdoor tables and service. Mr. Heitmann indicated that Staff would come back to the Committee next month for further discussion.

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

Councilor Nealley moved to go into Executive Session under 1 M.R.S.A. § 405(6)(C). The motion was seconded and it passed unanimously.

It was moved, seconded and unanimously approved to exit the Executive Session.

4. **Executive Session** – Economic Development – Business Development Loan – 1 M.R.S.A. § 405(6)(C)

Councilor Nealley moved to go into Executive Session under 1 M.R.S.A. § 405(6)(C). The motion was seconded and it passed unanimously.

It was moved, seconded and unanimously approved to exit the Executive Session.

It was moved, seconded and unanimously approved to support staff recommendation on this item.

Meeting adjourned at 5:30 p.m.