

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, January 4, 2012, 5 PM

City Council Chambers

Minutes

COUNCILORS: Chair Gratwick, Blanchette, Durgin and Longo

STAFF: Conlow, McKay, Bolduc, Gastia, Gould, Martin and Vanadestine

1. Main Street Corridor Land Use Plan

City Manager Conlow introduced this item stating that several City Councilors have indicated an interest in improving the area of the City extending along the waterfront and Main Street as well as adjacent residential neighborhoods of Buck, Cedar, Union and Third Streets to the Bass Park complex. Staff has made a preliminary designation of this area as the Main Street Corridor.

C.D. Director Rod McKay added that due to the investments that have been made by the City on the waterfront, the arena project at Bass Park and Hollywood Slots on Main Street, there is additional significant potential for improvements in this area. Staff is suggesting targeting this area under the City's federally funded Community Development Program. Rod and staff further reviewed the work that they have been doing to date and the issues they feel are important in order to develop a plan of action and improvement for the Main Street Corridor. It is required to have public hearings within the neighborhoods affected in order to get input from the residents. Staff will be working from now until the first of May (when the Community Development Application has to be submitted) on this process with the hopes that the City Council will approve the project in order to begin work by July 1, 2012. At this time, a Request for Proposals (RFP) for Planning Services for developing a Main Street Corridor Land Use Plan has also been drafted for the Council's review and consideration.

Asst. C.D. Director Rosie Vanadestine added that staff will also strengthen the Code Enforcement piece by reviewing the codes, ordinances and policies and update any of those necessary as the process proceeds. It is hoped to increase the participation of the police department to create a safe environment for the residential neighborhoods. This will be a multi-project due to the size of the area. The priority of staff is the recommendation on how to allocate what is available for short-term and long-range resources. It is hoped to use other funding strategies besides the CDBG funds such as the Downtown TIF, and, if necessary, consider other grant opportunities and possibly even public/private partnerships. Another goal of staff is to create a model in the focus area that can be recreated in other neighborhoods as necessary.

City Manager Conlow added that with respect to the RFP for this project she would like to review it more thoroughly with Rod McKay and David Gould, and then bring it back to the next BED Committee. After that, start bringing ordinance changes to the Committee over the next couple of months.

Committee member's present encouraged staff to begin this process as soon as possible.

Councilor Durgin made a motion to go into Executive Session – Economic Development – Disposition of Property – 1 M.R.S.A. § 405 (6) (C).

2. **Executive Session** – Economic Development – Disposition of Property – 1 M.R.S.A. § 405 (6) (C)
3. Action on Above Item

No Committee action on above item.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Wednesday, January 18, 2012, 5 pm
City Council Chambers

Minutes

COUNCILORS: Chair Gratwick, Durgin, Gallant, Longo, Sprague and Weston
STAFF: Conlow, McKay, Bolduc, Heitmann, Inman, Jarvis and Willette
OTHERS: Larry and Peter Geaghan; Joshua Gass, KahBang Festival Creative Director;

Agenda Item #7 was taken first as Staff has determined that it can be heard in the public session rather than Executive Session as originally thought.

1. Economic Development – Disposition of Waterfront Property – 1 M.R.S.A. § 405 (6) (C)

Rod McKay reviewed this item for the committee stating that Larry and Peter Geaghan, owners of Geaghan’s Pub on Main Street, would like to expand their facility and thus add 25 parking spaces to enable this project to go forward. To do this and meet the City’s zoning requirements they will need 8,920 sq. ft. of land area from the City. The City’s assessing office has valued this additional land at \$12,540; the Geaghan’s have agreed to this price. Staff is proposing an option agreement between the City and the Geaghan’s that they can exercise once certain conditions have been met. The term of the option agreement as proposed would be through August 31, 2012. It is envisioned that construction will begin within a year and completed within two years. The City will require that the Geaghan’s have all of their permits; do a site plan revision; and a zone change will be needed on the City land that they propose to acquire so that it is consistent with the zoning that they have on Geaghan’s Pub property. The option fee that staff proposed is \$1,500 which the Geaghan’s have agreed to. Rod added that normally the committee approves the plans but as this is for only a parking area (and a retaining wall that would be similar to that constructed by Hollywood Slots and Tim Horton’s on Main Street), staff is proposing that the plans be approved by the City Manager’s designated staff which typically are the City Engineer, City Planner and Code Enforcement Officer.

Councilor Durgin made a motion to adopt staff recommendation of this request as presented. Seconded by Councilor Longo. Unanimous vote.

2. Golf Course Review

Parks & Rec Director Tracy Willette reviewed information on the role and importance of having a golf pro at the Bangor Municipal Golf Course. The contracted responsibilities of Bangor’s golf pro are consistent with other golf pros throughout New England. At Bangor Muni, the golf pro is required to operate the pro-shop, give golf lessons and to have more direct involvement with the facility management. With respect to the restaurant aspect, there will be an RFP for this piece of the operation. Initial contact with Front Row Marketing has been made for marketing the golf course. The intent is to tie in the entire corridor between the golf course, activity at the new arena as well as in the City in general. Tracy added that there has also been a fair amount of interest in tournament schedules. Bangor Muni is now a competitive golf course and it is making money. Opening day for 2012 is April 18.

3. Waterfront Review

Rod McKay reviewed the progression of improvements over the years at the Bangor waterfront. He then stated that a decision needs to be made at this time about how the City is going to proceed in the future, primarily with the area downriver from Railroad Street between the railroad tracks and the river down to Dutton Street behind the Hollywood Casino.

Discussion proceeded among committee and staff. Of particular concern is the issue of lighting that is needed to provide safety and security in downtown areas such as West Market Square, Pickering Square and at the waterfront. Councilor Durgin emphasized that we need to move onto the next phase which should be a total City phase and to tie the proposed trail from the waterfront into the downtown, get the lighting into the West Market Square and Pickering Square areas and begin the signage project that will enable people to get where they want to be. Also, need to decide on how the large green space at the waterfront park will be used – should we continue with a long term contract for concerts and, if so, how will we focus those concerts. Should not go beyond this year – need to make firm decisions and put the funds we have to invest into bringing those decisions to fruition.

Rod added that the balance of funds available through the City's Downtown TIF District and Community Development funding totals \$738,000 (in-hand at this time). With respect to the upcoming budget season, typically the City Council has added \$400,000 of the Downtown TIF to waterfront projects, so it's possible that another \$400,000 can be added to the \$738,000. These funds can be used anywhere within the Downtown TIF District that includes the downtown corridor, the waterfront, the Main Street corridor and Bass Park. If the design of the path and the lighting style is moved forward by the City Council, construction could be started this upcoming season.

Chair Gratwick emphasized that we need to have a very clear idea of the larger picture that includes the Main Street corridor, concerts, docks, etc. At this time, he is not willing to make a decision on the kind of lamp posts to have; still need to have the larger view of what is wanted overall so that it is done right.

City Manager Conlow concluded that at some point staff needs to come up with a plan that connects West Market Square and the waterfront. Also need to prioritize before we come up with a plan and a budget for next year; need to understand Council priorities.

Joshua Gass, Creative Director of KahBang Festival, stated that the preservation of the open space at the waterfront is very important – this space is an asset that allows a large number of people to publicly assemble and he hopes the City considers this in their plans.

Councilor Durgin made a motion to go into the following 2 items: Executive Session – Economic Development – Disposition of Property – 208 Maine Avenue – 1 M.R.S.A. § 405 (6) (C) and Economic Development – Property Disposition – 22 Cleveland Avenue – 1 M.R.S.A. § 405 (6) (C)

4. **Executive Session** – Economic Development – Disposition of Property – 208 Maine Avenue – 1 M.R.S.A. § 405 (6) (C)

5. Committee Action on Above Item

No Committee action taken.

6. **Executive Session** – Economic Development – Property Disposition – 22 Cleveland Avenue – 1 M.R.S.A. § 405 (6) (C)

7. Committee Action on Above Item

No Committee action taken.

BUSINESS & ECONOMIC DEVELOPMENT

Wednesday, Feb., 8, 2012, 5:00 pm

City Council Chambers

Minutes

Councilors: Chair Gratwick, Durgin, Gallant, Longo, Sprague and Weston

Others: Conlow, McKay, Patterson, Heitmann

Others: Stephen Ribble, Chair of the Commission on Cultural Development; David Cassavant, Bangor Children's Choir; Dana Lippett, Bangor Museum and History Center; David Whitehill, Bangor Symphony Orchestra; Marcie Bramucci, Penobscot Theatre.

1. Cultural Commission Grant Recommendations

- a. Bangor Area Children's Choir (\$2,000 funding recommendation)
- b. Bangor Museum and History Center (\$3,000 funding recommendation)
- c. Bangor Symphony Orchestra (\$9,350 funding recommendation)
- d. Penobscot Theatre Company (\$9,100 funding recommendation)

Shirar Patterson briefly reviewed the role of the Cultural Commission. The 4 Grant Applications (as outlined above) were received by the January 1, 2012 deadline. The total dollar amount of the 4 applications came to \$42,000; the remaining budget at that time of the requests was \$24,950. At the Commission's January 25, 2012 meeting, the 4 applications were recommended for approval at lower amounts, totaling \$23,450 – leaving \$1,500 in the Commission's budget for the remaining grant deadline of the year, April 1, 2012, for small grant applications.

Stephen Ribble, Chair of the Commission on Cultural Development, introduced each applicant who then proceeded to review their applications.

Councilor Durgin made a motion to move adoption of the staff recommendation of these 4 applications and recommend to the full City Council for approval as presented. Seconded by Councilor Sprague. Unanimous vote.

2. Farmer's Market Update

Shirar Patterson updated the Committee on a Farmer's Market planned for the upcoming season in Bangor. Several locations were considered with the resulting decision to locate it in Upper Abbott Square parking lot on Harlow Street (across from the Bangor Library) as the preferred location. The markets will be held on Sundays, from 12 noon – 3 pm, beginning June 3. The farmers involved have established formally the Bangor Farmers Market Association; they have adopted rules, bylaws, established leadership and a due structure. They hope to enter into a long-term agreement with the City to use the Upper Abbott Square parking lot. City Solicitor Norm Heitmann is drafting an agreement for the Bangor Farmer's Market Association which will include insurance requirements, fees and responsibilities. This will come to the BED Committee for consideration at their meeting on Feb. 22, 2012, and if approved will go to the full City Council on Feb. 27, 2012.

Meeting adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, February 22, 2012, 5 pm

Council Chambers

Minutes

Councilors: Chair Gratwick, Blanchette, Durgin, Longo, Sprague and Weston
Staff: Conlow, McKay, Bolduc, Gould, Patterson, Pereira
Others: John Rohman; Bernard ('Flash'), Kevin Bate; Clayton Carter of the Bangor Farmer's Market Association; Lucy Quimby; Melinda Caldwell

Chair Gratwick stated that he would take agenda items out of order.

1. 2010 Comprehensive Plan Update

Staff reviewed background of the City's Comprehensive Planning Activities that have occurred since 2005. The City currently operates under a Comprehensive Plan entitled "Comprehensive Plan 2005 Update" that was adopted by the Bangor City Council on July 10, 2006 and was deemed consistent with the Growth Management Act by the State Planning Office on November 3, 2006. On April 14, 2008, the "Special Committee on Comprehensive Planning" was established by the City Council to review the 2005 Plan and to develop a new 2010 plan. Through the work of the Committee it was decided to develop a "Policy Plan" that was considered to be less burdened with large amounts of data and more concise in its policy recommendations. The State Planning Office was contacted regarding the status of the Committee's Policy Plan in light of the State of Maine's Growth Management Act. It was decided to bridge the "Policy" document with the 2005 Comprehensive Plan such that it would find consistency with the Growth Management Act's requirements. Both the Special Committee's policy document and the revised 2005 Plan have been through a public hearing process and reviewed and recommended for adoption by the Planning Board. The City of Bangor is in compliance; if the City Council votes to adopt the new update, staff will then take that and send it to the State Planning Office for review.

Councilor Durgin made a motion to send this item onto the full City Council for their approval. Councilor Blanchette seconded. Unanimous Committee vote.

2. Maine Stage Presentation

Rod McKay introduced this item to the Committee stating that Councilor Sprague has been approached by a group who would like an opportunity to speak to the Committee about a proposal to either have a separate stage within the Folk Festival that only has Maine based acts, or to set up a stage someplace downtown the day before the Folk Festival, such as in Pickering Square. Councilor Sprague is supportive of this proposal and suggests the Committee consider the idea for the 2013 Folk Festival.

'Flash' presented his group's proposal stating that having Maine based acts perform in the downtown will further assist businesses there. By utilizing the unused space at Pickering Square they can put a Maine stage there and, as done with the Thursday concert series, block off Broad Street that they can then utilize as well with businesses setting up booths, tables for artists (painters, sculpturers and visual artists) that are exclusively Maine. They have presented this idea also to the American Folk Festival (AFF) staff. There will be no cost to the City or AFF to produce this event as this group will be

using volunteers. If this proposal is successful, hopefully in the coming years those people involved will be compensated. It is hoped to begin this event year (2012); all aspects of it would be overseen by the AFF if they approve.

Shirar Patterson related that this summer on Thursdays, from June through August, the Cool Sounds Concerts & Outdoor Market are scheduled. They are planning to collaborate with the AFF on whoever the particular performer will be on any given Thursday. She added that we can look at some different models to see if this group's proposal will fit into that or not; we want to stay true to our Cool Sounds concept with the Outdoor Market and the AFF wants to stay true to their brand and event but there are a lot of resources in the community with KahBang and with the AFF so even if this is a separate entity there may be things we can do to nurture it and help it move forward.

Chair Gratwick concluded by asking that Rod McKay and Shirar Patterson gather these groups together and then bring back the specifics of their proposal to the BED Committee.

Rod further added that "Flash" continue his dialogue with the AFF staff to make sure there are no conflicts there and to work with Shirar Patterson of Economic Development and Tracy Willette of Parks & Recreation to get an event permit.

3. Farmer's Market Lease

Shirar Patterson presented a proposed lease agreement between the City and the Bangor Farmer's Market Association as prepared by City Solicitor Norm Heitmann. Highlights of this agreement are: market to be held at Upper Abbott Square on Sundays from 10 am – 5 pm for set-up, conduct the market and take down (market hours will be from 12 noon to 3 pm). Term of the lease will be from June 1, 2012 through November 30, 2012; June 1, 2013 to November 30, 2013. If the Association determines a winter market is something they want to do, then that would be a separate lease negotiation that would be discussed. At this time, no rent has been proposed because the City initiated this request for a Farmer's Market and the profitability of the market is uncertain and staff felt the limited resources of the market should be directed towards their publicity to assure for a successful launch. There's no revenue collected from the Upper Abbott Square parking lot on Sundays as it stands so the City is not losing out on that piece of revenue. At the conclusion of the term of the initial lease the rent will be considered in a renegotiation which the association felt was fair. The Association will designate vendor parking, customer parking and traffic circulation and the market would only be on paved areas; signage that will be displayed is what's permitted by Code Enforcement; the Association will maintain appropriate insurance which lists the City of Bangor and Republic Parking System as additional insured under all policies for this market. It is staff's hope that the BED Committee will approve the lease to move forward to the City Council for final approval at next week's meeting and to help them to stick to their guideline of applications on April 1 and the market opening on June 3.

Councilor Longo made a motion to move staff recommendation of the Farmer's Market Lease as presented onto the full City Council for their approval. Seconded by Councilor Durgin. Unanimous Committee vote.

4. Grant Application Community Arts Space

As previously related to the committee by Shirar Patterson the City of Bangor has the opportunity to support an application to the Maine Arts Commission for their "Creative Communities = Economic Development" grant (referred to as CEED). Two communities will be awarded \$50,000 in 2012, sometime in the fall. Each grant will require a 1:1 match (cash and in-kind).

She has been working in partnership with "Bangor Arts" and they have identified assets and areas of need to move Bangor's creative economy forward. In a letter of interest the partners have proposed the overall concept, concrete details, budget and other specifics to be finalized through the application process that will end in October 2012. Proposed activities under the CCED project include financial incentives/arts funding, marketing, planning, physical infrastructure, and youth engagement. A 501 (c)3 arts organization must be the lead application and fiscal agent for consortium applying for the grant; Bangor Arts has identified Maine Discovery Museum to fill that role. The City of Bangor must provide a letter of support to supplement the letter of interest. Letters of Interest are due February 24, 2012. Applicants will be informed in the spring as to whether they are invited to submit a full application. Staff is seeking approval from committee to submit a letter of support and join the consortium on this project.

Rod McKay stated that with respect to the physical infrastructure of this project that staff should bring back to committee the request for proposals for the "Wayfinding Signage" system that was originated in 2011 (which at that time the committee decided to not proceed with). The committee can review it to see if they want to take a different direction or wish to stay with the original scope of that request for proposals. We could even re-visit the proposals that were received in 2011 to see if those companies can keep them valid, as staff would like to see this project begin as soon as possible.

Chair Gratwick asked that the request for proposals on a "Wayfinding Signage" system be brought back to the committee within the next month.

Councilor Durgin made a motion to adopt staff recommendation to submit a letter of support and join the consortium on this project as presented. Seconded by Councilor Sprague. Unanimous Committee vote.

5. Ordinance Amendment – Industrial Parks

Rod McKay stated that this item has been brought to the committee's attention prior to placing it on Monday's (Feb. 27) City Council agenda for referral to the Planning Board which will have a public hearing and make a recommendation to the City Council for adoption.

Tanya Periera of the Economic Development staff has been working with a client that is interested in establishing a fitness center. This client is currently operating a business in Bangor and has outgrown their current space; would like to relocate in order to expand. The particular type of fitness center they will be operating requires space with high ceilings, etc. that is generally only available in industrial buildings. Staff's only concern is that we not use a lot of our industrial buildings for recreational purposes, but they feel there is an adequate supply of existing industrial buildings in Bangor that are vacant and a fitness center would be a good use to occupy one of those vacant buildings. Staff is proposing an amendment to the zoning ordinance in the Industry and Service District that would add

fitness centers to the ordinance. This would allow them into Industry and Service zones provided they went into existing buildings. Uses not allowed would be bowling alleys, tennis courts, pool halls, roller rinks, video arcades, facilities for spectator events or competitions; no large recreational sport fields such as golf courses, archery ranges, motorized sports, paint ball and firearms. Smaller outdoor activities as proposed would be allowed in the zone. The proposed ordinance has been designed by the City's Planning, Legal and Code staff.

Councilor Durgin made a motion to adopt staff recommendation as presented on this item to the full City Council. Seconded. Unanimous Committee vote.

6. Cultural Commission Presentation

This item was postponed for a month.

7. Main Street Corridor Planning Services RFP

Rod McKay presented this item stating that at the Council's direction, staff is focusing on the area from downtown to Bass Park along the Main Street Corridor including the residential neighborhoods up to Third Street between Main Street and Buck Street. There are opportunities for new development in this area such as an entertainment district, and changes in land uses would also be appropriate such as a better definition of separation between the commercial development along Main Street and the residential area as well as improvements to the residential area that are appropriate. There are also transportation elements that need to be looked particularly in getting pedestrians safely across Main Street from the residential areas to the waterfront. In January 2012 staff proposed to the committee the issuing of a Request For Proposals (RFP) – it was then decided to allow staff more time to further review and refine it. At this time, staff is seeking from committee authorization to issue the Request For Proposals for Planning Services to look at the various issues that are involved in improving the areas as described.

Councilor Durgin inquired that as the next Neighborhood meeting in this area is scheduled for March 1 and there will most likely be further input from those residents, is it staff's intent to wait until after that meeting to submit the RFP's request?

Rod replied that if it is the committee's desire to do that then staff will wait.

Councilor Sprague made a motion to move forward with the RFP process after the March 1st Neighborhood meeting. Seconded by Councilor Durgin. Unanimous Committee vote.

Chair Gratwick stated that other elements he feels should be added to the RFP criteria are the co-existent of the noise from the entertainment areas to the residential areas as a primary concern; and cohesion to the orientation of buildings.

8. Economic Development Update

Tanya Pereira of the Economic Development office updated the committee on projects she has been working on along with staff from her department and other City departments. The types of businesses she has been working with are: on-site search in the financial and professional services arena; 4 in retail; 3 active restaurant searches; 1 in manufacturing/industrial use of a significant business expansion project; 3 on-going active searches for institutional and non-profit users. Continuing to work with the Freeses Building space; Chamber of Commerce is doing some work internally in terms of strategizing what they can do – they will be bringing the City further ideas and development of their concept plan within the next few weeks. Volume of phone call and email inquiries has increased – getting a lot of good traffic with the web site in terms of people submitting questions about simple permitting, licensing, vendor, etc. Also, a significant amount of interest to the blanket-email address that comes to Tanya on questions and inquiries about the arena space. She is working on a marketing plan for Economic Development which involves selling the entire City, so she is looking at an informal marketing committee that will be a working group of staff members and other departments that are doing marketing activities (first meeting is scheduled for Friday, 2/24). She is also working on a Bangor Ambassador Program – this will help staff, when businesses, site location consultants and entrepreneurs or even individuals who are considering coming to the Bangor area, be ready to meet with them and help in any way possible. She is also spending time on doing internal updates and work on the City's available property database to track what's on the market so that we have an excellent selection tool to assist clients.

Meeting adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, March 7, 2012, 5 pm

Council Chambers

Minutes

Councilors: Chair Gratwick, Blanchette, Durgin, Longo and Sprague
Staff: Conlow, McKay, Vanadestine, Wallace
Others: Betsy and Zeth Lundy

As Councilor Hawes (a member of this committee) was not in attendance, Councilor Blanchette (not a member of this committee) sat in her place.

Chair Gratwick moved to have the Public Hearing opened at this time.

1. **PUBLIC HEARING** – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2012 through June 30, 2013 and the Eligible Uses of Community Development Funds and the Submission of an Amendment to the City's 5-Year Consolidated Plan

Rod McKay, Director of Community & Economic Development, presented background on the Federal Community Development Block Grant Program of which the City of Bangor is an Entitlement Community. This program is through the U.S. Department of Housing & Urban Development. Each year the City receives an entitlement amount and is required to have a minimum of two public hearings on this issue. This is the first of the public hearings; the intended purpose is to inform the citizens of Bangor that we are eligible for the funding, how much is available and what those funds can be used for. At the second public hearing that is scheduled for May 9, 2012, the BED Committee will announce its recommendation to the City Council for the intended use of the funds.

Rosie Vanadestine, Asst. Community Development Director, further explained the various eligible activities and the process of handling CDBG funds. The activities completed must meet one of three national objectives. The Program Year runs from July 1, 2012 – June 30, 2013. This year the estimated amount for the grant will be \$748,313 and with program income of \$250,000 the City will be getting an estimated \$998,313. (This amount is \$367,119 less than what the City received in 2010.)

Staff also has to include within the public hearings this year their submission of an amendment to the City's 5-year Consolidated Plan. This will include the new Neighborhood Revitalization Strategy Area (NRSA) that the City is creating. The boundaries of the new NRSA are from Union to Buck Streets and Main to Third Streets. The City's current 5-year plan covers from 2010 to 2014. Because the new NRSA covers a large area, a phased approach will be used anticipating 3-5 years to complete. Staff has held one neighborhood public meeting on this plan so far and the second is scheduled for Thursday, March 8, 2012 at 6 pm at the Doughty School Auditorium. Other City departments that are working collaboratively on this plan along with Community & Economic Development are Code Enforcement, Engineering, Parks & Rec, Planning, Police Department and Public Works.

Staff will also be doing a reallocation of prior year funds; going back to 2008 closing out any activities that are open and any unspent funds will be reallocated. It is staff's goal to reassign those funds towards the new NRSA.

Councilor Durgin requested that staff find out if we can get a 'reading' from HUD as to how and why they have decreased Bangor's CDBG funding; he further stated that this reduction is unusually severe for the City of Bangor.

Rod McKay added that staff will be coming back to the committee between now and the May 9th public hearing with their detailed proposed use of funds that the Council can give staff guidance on how they want to proceed with the funding.

Public Hearing closed.

2. Contract CDBG Administrative Services – Town of Orono

Rosie Vanadestine stated that the City of Bangor has been approached by the Town of Orono to see if the City would be interested in contracting for services for a CDBG grant that Orono is pursuing for façade improvements in their downtown. The Town of Orono does not have the capacity for the administrative component of that grant. The grant is due on March 30, 2012.

Councilor Durgin expressed that he is very much in favor of going forward with this and asked Rosie to gather the associated cost and arrangement that would work for Orono, and bring it back to the BED Committee.

Councilor Blanchette stated that she is in favor of this as well but is also concerned if Bangor's Planning staff has the capacity to take on added responsibility like this. She would like to have further information as to what the time commitment would be; who will be doing it and who will be taken away from Bangor's business to do a contractual arrangement with another town.

Rosie replied she has already put out some 'feelers' to other entitlement communities to see who is doing this and how it is working; she has also contacted HUD to ask what the protocol is and if they have management tools for this type of thing. Rosie will come back to the committee at their March 21, 2012 meeting with a memorandum of understanding that will spell out the duties and costs should this be something the City can accomplish; and there will be a revenue stream for the City through the administrative line.

City Manager Conlow stated that we would only proceed with this contract with Orono within the existing capacity of staff. Her understanding from Rosie is that we do have the capacity and that we could do it potentially if all of these other things work themselves out.

Councilor Durgin made a motion to adopt staff recommendation as presented. Seconded by Councilor Sprague. Unanimous Committee vote.

Councilor Durgin made a motion to go into Executive Session – Negotiations for Disposition of Property – 24 Central Street – 1 M.R.S.A. § 405 (6) (C)

3. Executive Session – Negotiations for Disposition of Property – 24 Central Street – 1 M.R.S.A. § 405 (6) (C)

4. Committee Action on Above Item

Consensus of the Committee was that they would like to sell the property at 24 Central Street to the party who has proposed to purchase it from the City but they wish to see the specifics of what the deed will involve. Two issues brought up were: a) City to have right of first refusal should the interested party decide to sell in the future; b) what kind of fences are to be used and what will the shed look like. Further, the interested party is to work with the City's Asst. Solicitor on the specifics of this. Any questions can be directed to the City's Legal Dept. This item is to be brought back to the BED Committee at their next meeting on March 21, 2012.

Out of Executive Session.

5. Economic Development FYI

Tanya Pereira, Business Development Specialist, stated that Governor LaPage's administration has announced a new program through the Department of Economic and Community Development which they're calling The Certified Business Community Program. This is an opportunity for the administration to recognize communities that they feel are business friendly. There is an application process. This will be done on a quarterly basis – they'll be accepting applications from communities and they'll be reviewed by a score panel and then evaluated. Communities that do pass the threshold and are accepted into the program will receive recognition from the governor; they'll have a sign that says 'open for business'. There is some discussion about them receiving some additional consideration for CDBG competitive programs, which obviously doesn't apply to us as we're an entitlement community. The first round of applications will be due April 6th.

Meeting adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Wednesday, March 21, 2012, 5 pm
Council Chambers
Minutes

In Chair Gratwick's absence, Councilor Sprague will Chair this meeting.

Councilors: Blanchette, Gallant, Longo, Sprague and Weston
Staff: Conlow, McKay, Bolduc, Nicklas, Patterson and Pereira
Others: John Hamer, President of the Downtown Bangor Partnership; Betsy & Zeth Lundy

As Committee members Councilors Durgin and Hawes were absence, Councilors Blanchette and Gallant sat in as voting members.

1. Downtown Signage RFP

At a previous BED meeting Shirar Patterson was requested to come back to the Committee with an RFP for Wayfinding Signage. The Wayfinding Signage is a comprehensive system to get pedestrians, vehicles, bicyclists from point A to point to B. It involves various types of signs such as gateway signs, to directional signs for vehicles as well as kiosks for information such as maps and places of interest. Funding for this project will come from the CDBG funds (\$25,000) and \$30,000 from the Downtown TIF funds. At this time, it is requested that the Committee approve issuing another RFP for sign planning services; the previous RFP has been revised making it more comprehensive; staff is suggesting the same budget be used. The proposed system is for downtown Bangor but what we get from that can be used to grow it out to other areas of the City as well.

Councilor Longo made a motion to move for approval of staff recommendation of the Downtown Signage RFP as presented. Councilor Blanchette seconded.

Discussion continued before a vote was taken.

Suggestions from Councilors were:

- go with a company that designs signs so when additional attractions come into the downtown area we would be able to add on rather than go through this process again.
- bring the RFP's before the BED Committee so that we know what they're going to look like.
- postpone this RFP for another fiscal year due to the current changes in development on Main Street as then those changes can be incorporated at that time and consider using the City's sign shop to do the work.
- not necessary to spend \$25,000-\$30,000 to bring in a design consultant before we even get to a sign. We should bring a collective group together to find out where these signs will go, what they will say and look like.
- Improved signage is vital for tourists to get to the waterfront, new arena, etc.

John Hamer, President of the Downtown Bangor Partnership (DBP), stated that DBP has been interested in the Wayfinding Signage proposal for a number of years. He understands the need to take things slow but at some point DBP thinks it's necessary to actually have some action. This project will immediately benefit downtown and other parts of the City.

City Manager Conlow suggested we should come back to the committee and have a discussion about what our in-house capabilities are and what we're looking to achieve. We're starting with the RFP and we can do that within the next month but as far as what our in-house capabilities are you might be surprised at what we can't do.

Councilor Longo entered a motion to end this debate at this time. Seconded by Councilor Blanchette. Debate has ended.

Councilor Sprague – there is a motion and second on the table to recommend approval of the Request for Proposals on Downtown Signage. Vote of 3 in favor; 1 opposed.

Councilor Sprague added that when the proposals come back to staff the BED Committee will have oversight so that a decision is made as a Council before any money is spent. Also Committee wants to look internally, so the City Manager can move forward with that.

2. Downtown Bangor Partnership – Special Assessment Area Expansion

Shirar Patterson stated that over the past several months the Downtown Bangor Partnership (DBP) has had a working group looking at the current boundaries of the downtown districts. The full boundaries of the districts have not been reviewed since the establishment in the late 1980's. In 2006, the district was expanded to include the waterfront area which is all City-owned property. It is now proposed to include 3 new additional areas in the Downtown District; it notes how downtown has changed and evolved over the past 30 years and better shows natural gateways and boundaries to downtown in what's considered downtown today.

John Hamer further stated that what DBP is trying to do over the next 10-15 years is to determine the rationale definition of downtown now and how is it going to evolve over this period of time. The areas that they seek to have included in the district are not only adjacent to the current district they're actually a part of the district from a practical perspective. Some Business owners have actually requested to be included in the downtown district in order to be included in DBP's efforts in marketing and promoting downtown. In terms of a practical impact, it will not have a huge impact on our budget – 53 cents per 1,000 – but it will allow DBP to expand their operations and to include these areas that are now naturally part of the downtown. DBP recommends that the City consider this expansion as presented. If approved, DBP will notify those property owners in the new areas on the expansion and hold public hearings on the subject.

Discussion continued with various questions and concerns from Councilors on issues of who would be required to pay the increased tax assessment and who would not with respect to single family residences, investor-owned multi-family residential properties and tax exempt non-profit properties.

Councilor Longo made a motion to maintain the current Downtown Development District as it is now and not to expand it. Seconded by Councilor Gallant. Motion failed.

Councilor Sprague added that there is a level of support for the general premise for this expansion but the Committee wants single family residential properties exempted from the Special Assessment District. The Committee is willing to have staff bring this item back to Committee with this change.

Rod McKay added that The Special Assessment is 53 cents per \$1,000; the process is that each year the City Council has approved the district (and can do it for a longer period of time) but each year traditionally they have approved the district and if the district boundaries are going to be amended that would have to be part of that public hearing process that the owners of the properties involved have to be notified and that would take a formal Council Action to do that. I think what John was looking for today is to gauge the support for a change and if there's no support for the change that we probably will not be proposing the change.

Shirar stated that she does not believe any of the proposed areas has a single family home; there is one duplex, believes the rest are multi-family unit buildings, but she will check this again and bring that information back to the Committee.

3. Lundy Proposal to Purchase 24 Central Street

Asst. City Solicitor Paul Nicklas reviewed this item stating that at the last BED Committee meeting staff spoke about the possibility of selling what is sometimes known as The Zoidis Lot to Zeth and Betsy Lundy who operate the Central Street Farm House at the adjacent location. There was interest from the BED Committee in selling it to the Lundy's but there were some provisions that the Committee asked legal staff to look into, particularly 'right of first refusal' and a provision ensuring the attractiveness of the lot. One of the things that wasn't clear at that point was whether there were any provisions already in the code, specifically in the Bangor Center Revitalization Area (commonly called the Façade District) that already provides some sort of provisions regarding attractiveness. Staff has found that there are some such provisions and those include requiring the lots to be kept clean of all trash and debris; to be landscaped and to be provided with trees and shrubbery in a manner deemed appropriate by the Design Committee which is the Historical Preservation Committee. To the extent that that takes care of the Committee's concerns about attractiveness, a Quitclaim Deed is appropriate at this time. If there are still concerns the City still has the 'right of first refusal', meaning the City would have the opportunity to repurchase the property should the Lundy's later choose to sell it.

Councilor Longo made a motion to recommend approval of this request with the provisions as presented by staff. Councilor Blanchette seconded. Unanimous Committee Vote.

4. Geaghan's Pub – Request for City Land

Rod McKay stated that the City Council in January of this year approved transferring about 10,000 sq. ft. of property in the old Maine Central Railroad Roundhouse area to the owners of Geaghan's Pub so that they can expand their parking lot. In the process of their design process they have found that if they reconfigure the land the City is selling to them they can get more parking in. This configuration would involve a different description of the land to be conveyed than provided for in the previous Council approval. Council approval of a revised land area description is required. The land area involved is approximately the same as previously approved. Staff recommends Council's approval.

Councilor Gallant made a motion to move staff recommendation to the City Council. Councilor Longo seconded. Unanimous Committee vote.

5. ORDINANCE – Amending Chapter 165, Land Development Code, of the Code of the City of Bangor – Nonconforming Residential Accessory Structures

Jeremy Martin gave a brief background on nonconforming residential accessory structures. Currently the City's Land Development Code prohibits a property owner from demolishing and rebuilding said accessory structure in the same foot print. This amendment to the City's land Development Code will facilitate the construction of these structures in the same foot print with no increase in the nonconformity.

With Committee's approval, this will go on the next City Council agenda for 1st reading and referral to the Planning Board which will hold a public hearing and make a recommendation back to the City Council.

Councilor Gallant made a motion to move staff recommendation. Councilor Blanchette seconded. Unanimous Committee Vote.

It was moved to go into Executive Session – Economic Development – Business Development Loan – 1 M.R.S.A. § 40-5 (6) (C)

6. EXECUTIVE SESSION – Economic Development – Business Development Loan – 1 M.R.S.A. § 40-5 (6) (C)

7. Committee Action on Above Item

The Committee voted unanimously not to approve the request of Derek Robishaw doing business as DaBesta Pizza for a Community Development Business Development Loan.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, April 4, 2012, 5pm

Council Chambers

Minutes

Councilors: Gratwick, Durgin, Sprague and Weston

Staff: Conlow, McKay, Vanadestine, Morgan

Others: George Kinghorn

1. Proposal for Relocation of “Continuity of Community” and Renovations to West Market Square

George Kinghorn, Vice President of the Downtown Bangor Partnership (DBP), reviewed a proposal to have the Continuity of Community statute in West Market Square relocated to the waterfront in order to make more space in West Market Square for events. The DBP membership has been working on this issue for a few years and has recently voted unanimously for a phased approach for the renovation of the West Market Square. This area is a natural focal point of the City with restaurants and other businesses; allowing the ability to have a more open space where people can congregate and more community events can be held is important to downtown. The funding from the 2012 DBP budget of \$25,000 is in place for phase 1 for the relocation of the sculpture. This phased approach will first accomplish that as well as removing the fountain thus paving the way for future renovations as the funds become available. The Historic Preservation Commission and the Commission on Cultural Development have both unanimously voted to approve this proposal which included the opportunity for public input at their meetings. Timing is also essential -- the City's Public Works is ready to do the work in April so as not to interfere with their summer work schedule and would not interrupt the summer activities in downtown Bangor. Staff recommends Council approval of this request as presented.

Councilor Weston made a motion to move staff recommendation to relocate the “Continuity of Community” statute from West Market Square to the waterfront as identified on the Shadley Associates plan, and for removal of the fountain. Seconded by Councilor Sprague. Vote of 3 in favor; 1 opposed.

2. Review of FY 2013 CDBG Budget and Projects

Rosie Vanadestine, Asst. C.D. Director, reviewed the FY 2013 CDBG Budget and Projects in order to give the committee a look at the first draft prior to holding the final Public Hearing on May 9 and to see if there is any feedback.

This year's CDBG projected funds will be \$748,313 along with an estimated \$250,000 in program income for an estimated total of \$998,313 as the projected budget for FY12 starting in July. There are also 'prior year' funds that have not been expended that will be reprogrammed in July. Funding requests have been received from Parks and Recreation for a parcel of land for a playground; the Planning Dept. for reimbursement of work that they will be doing primarily for the Neighborhood Revitalization Strategy Area (NRSA) in the Third to Main Street Neighborhood Revitalization Strategy Area; continued funding of the Downtown Façade Improvement Program; a request for a Case Manager at Park Woods; and a request to continue a “local” Neighborhood Stabilization Program (NSP) that will be ending next June (the present program in Bangor has done very well). Staff is also currently having discussions with 3 local educational facilities to provide labor which would drastically reduce costs and

allow staff to do a much better job in the financing piece of the NSP. Once this program is started it'll become self-sustaining (once a completed property is sold, the money realized will go back in and enable another project to be done). Other line items budgeted are for the downtown signage; the housing component for single family and multi-family rehabs; public improvements for streets and sidewalks; waterfront revitalization area and property disposition. The total for proposed program use is \$1,784,403 – subtracting the \$998,313 leaving \$786,090 as the shortfall. This shortfall can be funded by reprogramming some of the prior year funding. After the end of June 2012, staff will be closing out a lot of open projects that go back to 2008. Staff is anticipating between \$200,000 - \$300,000 should be left to reprogram into our strategy area and hope to be able to use that for some of the infrastructure in the Third-Main Street area for streets, sidewalks, lighting, etc. Rosie added that in the near future staff will be having a discussion about the Business Development Loan Program as to whether or not to continue it.

Staff will be coming back to the committee on April 18th to give an overview of the NRSA plan that will also be going to the Public Hearing on May 9. There will also be another Neighborhood Meeting on April 26 at 6 pm at the Doughty School to show residents the outline of the draft prior to the Public Hearing.

City Manager Conlow further detailed how the CDBG program works and how it has benefited the City of Bangor over the years. She added that with the decline in funding and with a good portion of current funds directed to the proposed NRSA, the City needs to think exactly how we will use these funds as we will not have another chance to visit the Third-Main Street area as CDBG funds will likely continue to decline.

In response to Committee comments, Rosie added that under the CDBG Program 70% of our funding is to be directed to low- and moderate-income people; there are caps on administration costs at 20% and on public services at 15%.

Councilor Durgin inquired of City Engineer Art Morgan as to when the skate board park would be completed. Art Morgan replied that some paving needs to be done to the area before the park can be opened – target time to open will be prior to the Memorial Day weekend.

Meeting adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Wednesday, April 18, 2012, 5:15 pm
City Council Chambers
Minutes

Councilors: Durgin, Gallant, Longo, Sprague and Weston
Staff: Conlow, Vanadestine, Bolduc, Gould, Wallace
Others: Carol Epstein, Stillwater Realty LLC; JimTower

In Councilor Gratwick's absence, Councilor Durgin sat in as Chair over this meeting.

Councilor Longo made a motion to go into Executive Session on the following item.

1. **EXECUTIVE SESSION** – Economic Development - Lease Negotiations – 1 M.R.S.A. § 405 (6) (C)
2. Committee Action on Above Item

Councilor Longo made a motion to move staff recommendation to approve the lease negotiations with Stillwater Realty LLC as presented. Seconded by Councilor Gallant. So voted.

3. **ORDINANCE**, Amending Chapter 165, Land Development Code, Section 92, Urban Service District (USD), of the Code of the City of Bangor, by Changing Bar, Tavern, or Lounge to a Permitted Use

David Gould, Planning Officer, reviewed this item stating that this Ordinance amendment will take the use of a bar, tavern or lounge in an Urban Service District and change it from a conditional use to a permitted use. All the performance standards will remain the same. This change will facilitate reuse of existing buildings without having the Planning Board review the Conditional Use criteria and its procedural costs and time line.

Councilor Sprague made a motion to move staff recommendation to forward this item onto the Planning Board at their May 1, 2012 meeting.

Public Comment: Jim Tower, Manager of Aerios, LLC (corporate owner of Diamonds Gentlemen Club) stated that as staff is reviewing this particular ordinance asked that they look at some additional changes as well. In particular, hours of operation in the downtown district are regulated within the ordinance. For various reasons, Diamonds would like to operate until 3 am in the morning.

Chair Durgin replied in response that the ordinance amendment before the Committee today is one that deals with primarily Urban Service District issues. He then asked Planning Officer David Gould to gather and review background information on Mr. Tower's comments/suggestions to see if there are other ways to incorporate his request for a public hearing in order to get a vote

one way or the other on the matter. The Planning Office will report back to the BED Committee with their findings and recommendations.

The motion to move staff recommendation on the Ordinance Amending Chapter 165, Land Development Code, Section 92 as presented was favored with a vote of 2; 1 opposed. The motion carried.

4. Main Street Corridor – Neighborhood Revitalization Strategy Area (NRSA) Update

Rosie Vanadestine, Interim Director of Community & Economic Development, reviewed for the Committee information from the draft Neighborhood Revitalization Strategy plan. The Committee's review and comments are encouraged before it is finalized and goes on to the Public Hearing on May 9th. A final approval at the Council meeting on May 14th will allow staff to submit the plan to HUD for their approval.

Along with the Department of Community & Economic Development, other City departments involved with the planning and meetings for this project include Planning, Code Enforcement, Engineering, Police Department, Parks & Recreation and Public Works.

Sections included in the NRS Plan are:

Plan Overview

Includes neighborhood and geographic areas and definition of the boundaries from Main to Third and Union to Buck Streets (about 130 acres +/-). Staff has also obtained information from the City's assessing records that outlines the number of lots, number of units, single, multi-family, commercial or vacant. Staff has cataloged all of this information. Also, in the plan Census data is included such as population, area median income and poverty level (70% of the households in this area are low to moderate income). Have also identified the number of people who are on social security, receiving public assistance and food stamps. Ninety-one percent of the units are occupied and 10% of them are vacant. Seventy-three percent of the units are renter occupied and 27% of the units are owner occupied. Most of the buildings were built before 1978 and 1940. Unemployment data is also included, and the number of police calls that have been made to that area since they've started tracking that from November of 2011 through the end of February 2012 (a total of 1,400 calls in 4 months).

Community Consultation

This section's information outlines what staff has done to include the community – which includes the two public neighborhood meetings that have been held. Staff has cataloged all of the comments that were made at the public hearings as well as from the surveys. The comments were divided up by the respective City departments and each department has commented on those.

Assessment Component

This section involves the economic conditions within the NRSA. In this area there are 34 businesses (they employ 1,147 people). Will have a breakdown of business types and information on access to capital and will look at housing, rents, home prices and housing quality. Furthermore, will be discussing the new arena, waterfront improvements and the expansion of Hollywood Slots. With this information, staff can demonstrate that there already is a lot of investment taking place there as well as determining what other opportunities might be forthcoming for economic development and how we will create additional jobs. Crime and security will be part of the assessment component as well. We will also need to determine what other organizations are ready to assist with our help in that area.

Economic Empowerment

This section focuses on the meaningful jobs and how performance measures can be created.

In the initial submission for approval of the NRS plan it is not required to identify funding resources. Once the submission is approved by HUD, then every year the City will have to identify in their annual action plan what the City is going to accomplish in the NRSA and how much money is going to be targeted and where those funds are going to come from.

The Request For Qualifications (RFQ) for the consultant is finalized and should be out soon.

Planning Officer David Gould will be reviewing the old parking and street plan (originally done in the 1990's) in order to see what the intention was for street parking . Staff will be working with the consultant and reviewing all of the plans and traffic studies that have been completed and they will assist in creating a comprehensive infrastructure plan to address streets, sidewalks, lighting, sewer/water connectivity and landscaping. This information will be prioritized by need and by street and will be scheduled for funding annually as well as included in the annual action plan.

An overview of this plan is scheduled to be delivered at a Neighborhood Meeting at Doughty School auditorium on Thursday, April 26, 2012 @ 6 pm. City department heads will be in attendance to speak about their role with the plan and what items their departments will be contributing to the plan.

On May 9th staff will be back to the BED Committee for the public hearing held for the NRS plan and also for the CDBG Annual Action Plan. It will go to the full City Council on May 14th and submitted to HUD on May 15th.

Meeting adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, May 9, 2012, 5 pm

City Council Chambers

Minutes

Councilors: Durgin, Gallant, Gratwick, Longo and Sprague
Staff: Conlow, Vanadestine, Morgan, Nicklas, Pereira, Willette
Others: Mike Gleason, Jim Lacadie, Steven Hicks and Bill Shook (Bangor Residents);
John Parley (business owner at 10 Broad Street); Joshua Gass

Chair Gratwick asked that Item #1 be moved to the end of the meeting in order to begin the Public Hearing item first.

- 1. Public Hearing** – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2012 through June 30, 2013 and the Eligible Uses of Community Development Funds and to Amend the 5-Year Consolidated Plan of the City of Bangor to include the newly created Neighborhood Revitalization Strategy Area

Public Hearing Opened

Rosie Vanadestine, Interim C.D. Director, opened this item stating that this is the second Public Hearing on the proposed uses of next year's Community Development Block Grant funds made available through the U.S. Department of Housing and Urban Development. A minimum of two public hearings are held each year to provide for citizen input into the process of selecting activities to be funded. The first public hearing was held on March 7, 2012.

There have not been any changes since staff first came to the committee at the first Public Hearing to go over what the CDBG funds would be used for this year. The City is anticipating that \$748,313 in CDBG funding will be forthcoming for the period from July 1, 2012 through June 30, 2013. This is \$367,119 less than 2 years ago. There is also projected program income of \$250,000 which will result in \$998,313 being available for Community Development activities for the period July 1, 2012 to June 30, 2013.

Staff is proposing to fund the following line items.

(Definitions: PY - Prior Year Funding Items & FY - Current Fiscal Year Funding Items).

Business Development Assistance & Loans @\$50,000 PY

Downtown Façade Program @\$100,000 PY

Park Woods-Social Services \$69,400 FY12

Residential Property Rehabilitation \$276,995 FY12; \$160,000 PY

Property Disposition \$2,255 FY12; \$2,745 PY

Public Improvements: Streets and Sidewalks \$325,138 PY

Neighborhood Parks \$55,000 FY12

Downtown Revitalization Area \$25,000 PY

Waterfront Public Improvements \$123,207 PY

Property Acquisition and Relocation \$150,000 FY12

Demolition Clearance (of slum & blight properties) \$120,000 FY12

Neighborhood Stabilization Program (NSP) \$125,000 FY12

Program Administration \$179,663 FY12

Planning \$20,000 FY12

Rosie stated that with respect to the newly created Neighborhood Revitalization Strategy Area (NRSA) funding cannot be directly allocated to it until it is approved by HUD. For certain line items such as the Residential Rehab Loan Program, acquisition and demolition/clearance this area will be considered our priority area so that will take some precedence over funding options. Next year specific funding will be allocated to specific tasks within the NRSA.

In response to Committee concerns of funds proposed for a new playground park, Parks & Rec Director Tracy Willette stated that the proposed park would serve not only the neighborhood of Dillingham, Thatcher and Olive Streets but that of the March Street and Cattelle Street neighborhoods. These funds will allow a park to be created in close proximity to those neighborhoods that are eligible for this type of funding. As a secondary benefit is that it will serve the children's that make use of the Parks & Recreation Department facility every day. The next closest park is Fairmount Park located between Royal and Norway Roads.

Discussion proceeded on the issue of these funds being used for a new park as presented by Parks & Director Willette. Councilors suggested to perhaps to use these funds for another necessary project that would qualify under the CDBG program that instead of putting in another park.

Mike Gleason of Walter Street expressed his support for the pursuit of the Community Development Block Grant for the Third Street Corridor project. It would also enhance the approach to the City from the south on US Rt. 1a and 202 to have a park adjacent to the Parks & Rec facility. He also added that with respect to the park project issue that there is a lot of traffic in that vicinity for children to be going to a park.

Jim Lacadie of Lincoln Street asked what is the size of the proposed park parcel, who owns it and is it zoned appropriately.

Tracy replied that he was not sure of size of the parcel but that the space requirements would certainly be consistent with the City's park fit the use; it is currently privately owned. Zoning would be looked into if and when the project is approved.

Out of Public Hearing.

City Manager Conlow stated that if the Committee feels that at this time they do not want to do the proposed park as presented that we take those funds and put it into the NRSA. Through some prioritization we will be able to fund some type of infrastructure project that we can pare that up with. This shows the most commitment to that area – there are some rough sidewalks and other areas in that neighborhood and knows that Dana Wardwell (Director of Public Works) can make some progress with it.

Councilor Gallant made a motion that Committee approve staff recommendation for CDBG funding while amending the Neighborhood Park line item and appropriating those funds to the downtown Main to Third Street Revitalization Area (NRSA). Seconded by Councilor Durgin. Unanimous Committee Vote.

City Manager Conlow added that the Neighborhood Revitalization Strategy hasn't been approved yet – staff will categorize the funds for Neighborhood Public Improvements.

Rosie further stated that the second part of this process is to send in an amendment to the City's 5-year consolidated plan. This plan runs from 2010 – 2014. Staff will be finalizing the plan to submit the newly created Neighborhood Revitalization Strategy Area (NRSA) for the Main to Third and Union to Buck Street boundaries. A public meeting was held with neighborhood residents on April 26th; turnout has been good; residents of that area are very excited about what is happening. May 30th is the due date for the Request for Qualifications and it is hoped to have a consultant on board by the middle or end of June, then the plan will be put together with the prioritization of tasks that need to be done.

Public Hearing Resumed.

Comments on the Third Main Street Corridor area were taken from the public at this time.

Steven Hicks of Sanford Street asked how an item is determined to be a priority. He also expressed concerns for those who want to preserve the characterization of their neighborhoods and the socially logical issues that exist there. Concluded that if the City holds out the promise that this will be a better environment that residents may want to stay there and put down roots.

Jim Lacadie of Lincoln Street, Bangor reiterated Mr. Hick's comments and complimented Rosie Vanadestine and her department on the work they have done so far. He looks forward to the future whereby hopefully other people will be able to improve their homes as he has.

Bill Shook of Hewey Street stated that he and his wife are surprised at the amount of interest and pride of the residents within the proposed Third-Main Street area (NRSA) . His concern is that it might be worthwhile to gather more information about the demographics of this area such as who lives there and more particularly why they live there.

Councilor Gallant made a motion to close the Public Hearing.

Councilor Durgin made a motion to accept the 5-Year Consolidated Plan Amendment to include the newly created Neighborhood Revitalization Strategy Area of Main-Third and Union-Buck Streets as presented. Seconded by Councilor Sprague. Unanimous Committee vote.

1. Discussion on Blasting

This item was postponed to the May 23, 2012 meeting.

2. Discussion – Regulating Alcohol at Outside Tables for Downtown Restaurants

Asst. City Solicitor Nicklas introduced this item to the committee stating that there are a number of downtown restaurants that set up tables and chairs for outside dining, particularly during the warmer months. They do this through sidewalk license agreements with the City which are required as it is property owned by the City. The City has been allowing this arrangement since 1991. The City does not allow sale or consumption of alcohol after 10 pm; the City also advises those particular restaurants that they need to make sure they abide by whatever conditions or strictures the Chief of Police puts on them in order to maintain their alcohol permit. Recently the issue has come up of whether the sale or consumption of alcohol could be allowed after 10 pm by these restaurants. The primary concern of the

City is there would be increased noise as a result and that the downtown is a mixed-use area of businesses and residences.

City Manager Conlow added that this item is a Council request to look at the possible options. There were two questions asked of the City – a) whether or not you could move alcohol by purchasing it inside the restaurant and then go outside to a patio area carrying it. The City's current rules require that if a customer is sitting on a patio area or sidewalk area that is enclosed, alcohol has to be served to the customer from a certified server (waiter; waitress); b) the second question was could the hours of operation be extended.

Councilor Gallant stated that he brought this issue to the committee on behalf of a business owner in West Market Square who would like to extend the closing time frame from 10 pm to 12 midnight. Bangor Police Chief Gastia expressed some concerns about the movement of alcohol in and out of the building except by certified servers. He stated that as more people congregate in a particular area noise levels go up and it was felt that 10 pm is a reasonable period of time to move people from high level noise areas to an area where it might not be heard so much especially by residents. This historically has worked well.

Councilor Gallant made a motion to extend the current cut-off time of 10 pm to 12 midnight for outdoor alcohol sales downtown. Seconded by Councilor Longo.

Councilor Sprague stated that it was his understanding that this item would be for discussion only tonight with no action be taken at this time.

City Manager Conlow added also that this item was intended to be for discussion tonight; residents / business owners haven't been notified and if there is to be a more extensive discussion is it reasonable to at least do a broader invitation.

Councilor Longo asked to amend the motion on the table to add that there be a one-year trial period that would end October 15th.

Councilor Gallant approved the amended request. Motion carried.

John Parley business owner at 10 Broad Street, downtown Bangor, spoke to the Committee on his reasons for requesting the extension of the current time frame beyond 10 pm. He added that when there are concerts at the Bangor waterfront, for example, they don't get out until 10:30-11 pm and half of his business is from the concerts. He supports the extension request to midnight. He expressed that he is grateful for the relationship he has with Chief Gastia and the City and it's important to him to keep that going.

Other comments by business owners in the West Market Square area are that they're in favor of the extended hours but that more police presence needs to be in that area when the bars close – the bike patrols are a positive presence.

Chair Gratwick asked for a vote on the motion made by Councilor Gallant to extend the time frame from 10pm – to midnight for a one year trial period ending on Oct. 15th. Vote was 4 in favor; 1 opposed. Motion carried.

Chair Gratwick stated that he was opposed as the issue has not had adequate public hearing.

Councilor Durgin made a motion to go into Executive Session – Economic Development – Property Negotiations – Maine Business Enterprise Park – 1 M.R.S.A. § 405 (6) (C)

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

4. Committee Action on Above Item

No Committee Action on Above Item.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, May 23, 2012, 5 pm

City Council Chambers

Minutes

Councilors: Blanchette, Durgin, Hawes and Sprague
Staff: Conlow, Heitmann, Martin, Morgan and Patterson
Others: John Hamer, George Kinghorn (both from the DBP Board);
Bangor Residents : Jim Stevens; Maria Mason; Nancy Crabitt;
Deborah Turcott; Lt. Colonel Dave Vanshaun, Base Engineer for the Maine
International Guard; Randy Gardner of Queen City Mining & Gardner
Construction; Rodney Lane, District Manager for Lane Construction Corp. in
State of Maine; John O'Day, Associated General Contractors of Maine

Councilor Hawes, Councilor Gratwick's absence, chaired the meeting.

1. Re-authorization of Bangor Center Development District Funding

Shirar Patterson reviewed the process in terms of re-establishing the Special Assessment District and the process the City is required to go through by statute. She stated that the Bangor Center Development District, also known as the Special Assessment District, was established in 1987. The assessments have remained at .51 cents per \$1,000 since 1992. This funds the activities of the Downtown Bangor Partnership, formally known as the Bangor Center Corporation; their main focus is to market and promote downtown Bangor, produce events that bring people downtown; also advocate for infrastructure improvements and beautification efforts that attract businesses and retain businesses and residents downtown.

For the process there are 4 City Council Orders and 2 public hearings necessary to continue the funding of the Bangor Center Development District. These will be for consideration at the May 30th City Council meeting. The first public hearing is to consider adoption of the proposed development program and budget (John Hamer & George Kinghorn further reviewed in detail). This was published on May 18th in public notice in the Bangor Daily News as required. The 2nd public hearing is to consider implementation of assessments on properties within the district (this also was published in the public notification on May 18th in the Bangor Daily News). The proposed list of properties to be affected is available in the City Assessor's Office. The proposed assessment for the coming year remains at 51 centers per \$1,000; the total district value is \$107,331,500; an overlay rate of 2 cents per \$1,000 is proposed (which has not changed from past years) so this brings the total to 53 cents per \$1,000 for an assessed value. The overlay rate is to cover any non-payments or issues that may arise with that.

Staff is asking Committee to recommend to the City Council passage of the Council Orders and to conduct the public hearings.

John Hamer, current President of the DBP Board and George Kinghorn, current Vice President of the DBP Board, both spoke to the committee on the various activities and projects that have been accomplished this past fiscal year.

George Kinghorn (who will be the incoming President of the DBP Board as of July 1st) further reviewed the Board's goals for the upcoming fiscal year. He added that, at Councilor Durgin's request, he has

looked into the possibility of closing off Broad Street and what the implications would be to do that or at least minimizing Broad Street so that it is only one lane. It is felt that by extending that, it will make it more pedestrian friendly thus further enhance West Market Square. As an exploratory type of study, is the continual study of safety issues; the perception of safety whether it is real or not should be looked at closer – this might include the Pickering Square bus depot. Also want to work collaborative with the City on parking enforcement issues. Lastly, promote downtown through maps and other marketing efforts as DBP continues into FY13.

Councilor Sprague made a motion to move staff recommendation as presented to the City Council. Seconded by Councilor Durgin. Unanimous Committee vote.

2. Discussion on Blasting and Quarries

City Solicitor Norman Heitmann reviewed this item for the Committee stating that Bangor residents have asked to address the City Council regarding their concerns/comments about quarries in Bangor. He stated that currently there are 3 approved quarries in Bangor; the most recent one approved by the Planning Board in March 2012. Quarries are allowed in the Rural Residential Agriculture District (RR&A) as a conditional use. Conditional uses have to meet certain standards set forth in the ordinance and have to get Planning Board approval. There are City ordinances that regulate the quarries and regulate blasting which is one of the concerns that residents have about the quarries. Norm stated that there are numerous state regulations concerning blasting (which he reviewed in detail). Anyone who wants to conduct blasting has to obtain a blasting permit from the City. The issue that has brought this conversation to the Committee at this time is the most recent approval of the Planning Board action. That matter is now in court - numerous people in addition to the developer have attended the Planning Board meeting to express their concerns. The Planning Board ruled in favor of the quarry operator saying that they had met the site plan requirements and the conditional use requirements. The law does provide the right to appeal Planning Board decisions; one individual did take advantage of that right and has filed an appeal challenging the Planning Board decision – that appeal is now pending in the Penobscot County Superior Court.

City Engineer Art Morgan reviewed how the City handles the permits as well as their oversight by way of City ordinance to state law blasting. He stated that the City of Bangor has issued blasting permits to all activity that uses explosives. This work is categorized into 3 types of work – there is blasting to install utilities, sewer lines, water (both public & private). The City has found that blasting for utilities is the most economical and least damaging way for excavation of ledge rock to install utilities. The other activity that might be covered under this blasting permit would be for excavation of a private foundation or a swimming pool on private property. The last category would be for quarrying producing and crushing rock- this rock would be used as aggregate to make hot mix or to build road base or concrete aggregate, as well as stone dust that would be used on trails. It is a necessary resource for construction to proceed in the Bangor community.

Bangor Residents spoke to the Committee on their concerns with respect to the blasting taking place at a new proposed Bangor quarry as follows.

Jim Stevens, 128 Downing Rd., Bangor (his property is the closest to the proposed new quarry). He stated that he received a notice in February 2012 for a new quarry in Bangor. He attended the Planning Board meeting on March 6th whereby he voiced his displeasure about it. At the end of that meeting as quoted from the Minutes of that meeting: "Planning Officer Gould indicated that this application is

identical to that of the existing quarry which was located on the other side of Union Street. Anyone wishing to blast must first obtain a permit from the Engineering Dept. This quarry is only allowed in the Rural Residence and Agricultural District as a conditional use under Land Development Code Chapter 156, 165, 165.9 and the applicant must meet the requirements of the site development plan. Concerns brought up unfortunately are not details that are covered under the Land Development Code. Conditions do not ask the Board to determine this or adversely add impact to property values. There is no specific noise standard.” (David Gould asked that the ordinance be passed and it was passed). Mr. Stevens also read a statement of purpose of the Rural Residence and Agricultural District. (He passed out pictures of his property indicating that there is only 300 feet between his well and the proposed quarry site.) The noise of machinery is also an issue; and he’s very concerned about his property values. Mr. Stevens asked that City Solicitor Heitmann present his concerns to the full Planning Board and ask them to take blasting and quarries out of Bangor. It does not belong in the City of Bangor; he wants the City to help in saving his property values.

For the record: Councilor Sprague noted that he is not related to the Sprague family that owns this quarry.

Maria Mason, 1528 Union Street, Bangor (abutter to the new quarry that was approved). She passed out copies of Bangor’s standards for quarries; she also passed out the standards for quarries in the Town of Hancock. She noted that the differences were significant – standards for the Town of Hancock are stricter than Bangor’s. She stated that adopting standards that are more comprehensive is better able to protect the Bangor homeowners and the property values without making it impossible for people to do business is the right way to go. She added that you buy a house in a rural residential area that talks about preserving the quiet quality of life and the property values and then you do something that is so significantly detrimental to the property values that you will actually put people in the position where they can no longer move; they can no longer sell their homes.

Paul Randall, 1556 Union Street, Bangor. Stated that blasting is a concern; he has owned his home for 2 months. Besides the blasting there is the constant barrage of grinding of rocks, the backing up of equipment (this is all non-stop during daytime, 6 days a week). Prior to purchasing his property he did contact the City with respect to what was the owner’s intent for the quarry. He was told the owner of the quarry would be using it for about a year; the permit would not be renewed by the City; the owner has agreed that he was going to put in a housing development through to Ohio Street. At that time, he also inquired about what was the intent for the property behind his house. He was told that it would be forested. Then he went onto the City’s web site and looked at the economic development plan long-term and saw that there would be soccer fields out there. But after two months of living in his home, he finds he will not be able to sit anywhere outside to enjoy his property. He is very concerned about his property value.

Nancy Crabitt, 53 Downing Road, Bangor. Expressed several concerns about the quarry and blasting. She is also very concerned about the decrease in property values. As the other residents stated, they all have wells (no public water/sewer) and if the quality of water goes down due to the blasting they have no other resource. She is very concerned about the ability of the soil to absorb water which would affect septic systems. Similarly with the septic system in this neighborhood there is no backup and nothing the property owners can do about it if the systems don’t work. Unless someone can reassure her about the ability of the soil to absorb the energy from the blast and not be altered, we’re looking at least a possibility of some extremely serious financial effects and quality of living effects. She’s also concerned about the constant noise as are her neighbors.

Randy Gardner, representing both Queen City Mining and Gardner Construction stated that Queen City Mining owns the property of the new approved quarry and they are the holder of the property. Gardner Construction is his company – they operate both the existing quarry (otherwise known as the Sprague Quarry) and the new quarry (known as the Queen City Quarry). He expressed that he is concerned about the neighbor's issues and to see what he can do to address those concerns. He also clarified what exactly they do, where it is and when they do it. His permit authorizes him to remove materials from this site mostly from blasting and crushing to provide material to a wide range of customers for construction and landscaping projects. He stated that blasting is the least intrusive of their operation. The drilling and blasting cycles take approximately 4 days to complete; they happen no more than 3-4 times a year (he does not think it has been done more than 3 times a year at this time). The actual number of days that blasting occurs is approximately 6 days a year; the actual total time of blasting per year was in the neighborhood of approximately 12 seconds. Their blasting is monitored very carefully and has been uneventful so far. Their permitted work hours of operation for both quarries are Monday through Friday, 6:30 am – 6pm; Saturdays 6:30 am – 2 pm. These hours are not mandated by the City's ordinances or any other agency but were offered by Gardner Construction in an effort to make this operation livable for the neighbors. The other issue at hand is truck traffic – regardless of what happens with this quarry, these trucks will be coming to Bangor and they will be on our streets. However, by having the resource close to the market our industry is able to eliminate approximately 15,000 hours of trucking on Maine roads. Most, if not all of these issues, center around noise – this type of business is noisy. What hasn't been said here today is that this property also abuts the airport and is itself a noisy operation. It also abuts to the east of another industrial facility that has excavators. The products from this quarry are vital to the economy, comfort and safety of all the citizens of Bangor as well as the surrounding communities. He feels it would be irresponsible to say no blasting, no quarries in Bangor.

Lt. Colonel Dave Vanshaun representing the Maine International Guard stated that he was in attendance to gather information only, and not to oppose any legal, safe operation. He explained what the Guard operation does at this location; they are a flying operation – it is a very intensive business. They store almost 900,000 gallons of fuel and their fuel farm is very close to the northeast boundary adjacent to the quarry operation. From their fuel farm they run a hydrant system below ground to the airfield. This has become a very strategic operation; they are noisy as well. Their fuel system is very critical to their operation; if it were damaged they'd be out of business for days and that would have a large impact on both Bangor International Airport and the City. Obviously, they're concerned about that. Just want to make sure that the entity and the City Engineers take this into consideration. He read the blasting rules and feels they're prudent to protect areas such as the airport and Guard. He just wanted to make sure that the City was aware of that critical system (not an abutter to the quarry but very close -- about 800-1,000 feet away from the blasting). The Guard will probably do their own monitoring; a notification will be important to them as well and hopefully the City will help them to monitor it and not put a critical asset out of business.

Rodney Lane, 210 Fourteenth Street, Bangor, District Manager for the Lane Construction Corporation in the State of Maine. He stated that he is not speaking for or against any other quarry operator but instead wants to work with the City to resolve any community concerns regarding blasting. Lane Construction has operated their permitted quarry on the Odlin Road for over 40 years; have maintained blasting permits with the City since that time. The presence of their quarry in Bangor has helped the city maintain its infrastructure and grow. Proper notification and open communication between all parties involved can be addressed in a timely and professional manner. It is our opinion that the City of Bangor currently has tools in place to regulate blasting within the City. While there may be a need for updated

regulations given the situation that has arisen we do not feel it is fair to stop an existing business. Lane is willing to help the City address concerns but asked that the City consider the impact to existing businesses before adopting any blanket type decisions.

Deborah Turcott, Sunny Hollow Place, Bangor. Her home is in a neighborhood that abuts the quarry on Union Street. She spoke at the Planning Board hearing late last year regarding the new permit for the quarry and their expansion which made it closer to our neighborhoods; our concerns are about the explosions, the blasting, the noise, the hours, etc. The quarry that was there when she moved into her home had been dormant for over 25 years. There are over 50 homes on Yankee Avenue and on Sunny Hollow Place. We are a business in Bangor as well - taxes are paid, heating oil is purchased, food is bought, kids go to schools, etc. We have listened to the last hearing, that was just an extension of one permit; they had had a 5-year permit that they started in 2007 – they let that lapse instead of reapplying for an additional 3 years. By letting it lapse and waiting for a few months, they then applied for another 5-year permit. I found this questionable. Concerns were brought up at that hearing - the blasting was extremely loud to the point where houses were being shaken. A neighbor's home that was new was fine until after the blast – they then had cracks in the basement. They told by the mining company – “oh that's just settling”. The residents are also concerned about the noise. Because of the way the rules are written we are outside of the notification boundary because the quarry abuts Brown Woods and our neighborhood and when you add up the houses and yards the yards were outside of the notification. We get noise at all hours of the morning – blasting exceeded the decibel limits that were required; they apologized for that and we were told at the last hearing that those weren't really applicable under the new permit they were asking for because that was under the old permit. We were also told that DEP and others have different levels when it comes to decibel requirements for blasting. (She further said) that there's no consistency on that and if we have concerns we were told to go to DEP. With regard to this current issue is that they operated at hours that they said they didn't - they apologized for that. They had blasting noises that exceeded recommended levels - they apologized for that. The explosions were there and the constant banging of the trucks and equipment to get the rocks – it's not just about the blasting 2 times a year, it's the constant noise that goes on from there throughout the day and into the night. It was all apologies – we're going to operate one way and come back and apologize later for how we operated. Now to find out, reading in the paper, that they're looking to extend the quarry on the other side. That seems like one operation under two permits. Why weren't we notified back late in 2011 that they wanted to extend the operation to the other side of Union Street as well. It's questionable, especially when they sat there at the last hearing and said well business has been slow anyway. We should have been informed on that, that this was a major operation, that they were going to be using in two parts. Because the quarry had been quiet for 25 years, there are people who bought their retirement homes there, people who are raising kids there; they go into Brown Woods. The current quarry is expanding out towards Brown Woods and our neighborhoods but because of the way the regulations are written we would not be notified. Bangor opted to put residential areas there before the dormant quarry was reopened; we deserve just as much consideration whether we're called residents or a business. I am for business but I am not for this business – the way they've gone about it is questionable; it's circumspect and we're always told one thing and they do another and then they apologize. I truly find it offensive. I don't want my property values to go down in my neighborhood; neither do my neighbors. We are a business here too; we live here.

Sharon Cassidy, 1576 Union Street, Bangor stated that the proposed new quarry abuts her property. The access road in and out to the new quarry goes down my property line. The quarry will be on the back side of her property (her back yard basically). One point that hasn't been mentioned – the quarry can only exist in a 5-acre parcel to start. There is 50 plus acres back there; they're starting in one corner

– it's only a matter of time they will use that 50 plus acres – they're going to move it right across so it will always be in the residents backyards, whether it takes 1, 2, 3 years for the first five acres to be mined it's going to move, it will back there for who knows how many years – we're not just talking about putting up with this for a few years. It's going to be ongoing and it should be taken into greater consideration than it has been. The Planning Board passed it way too quickly. If anyone from the City Council / staff lived in any of these neighborhoods they would be sitting in the same seat as all of the residents who have spoken here tonight are.

Nancy Crabbit – While everyone is in favor of more business for Bangor, businesses are by their nature profit making institutions and this quarry would not have begun if there were not the prospect of making money from it. If you couple the profitability to the owners of the quarry with the losses of the homeowners this doesn't seem like a very fair equation. Now if the very public spirited Mr. Gardner would care to come to an agreement to have the operations of the quarry compensate the owners of the properties for the losses in property value so that there was not in effect a transfer of wealth I think we might be able to come to some sort of a compromise.

Maria Mason – It appears that the current blasting standards really are designed for street blasting – what with staff talking about utilities and blasting for foundations for somebody's house, that kind of thing. I think if those regulations and requirements were left in place for that kind of blasting but what we're talking about here is truly production blasting – if there were some more protective requirements in place for that. On my behalf that would not be a problem. So that of course the utilities getting in in the most efficient manner could continue to take place – personally that would not be a problem for me. The other thing I would say with respect to Mr. Lane is that that's an industrial area, not a rural agricultural area and what we know from talking to neighbors who about the quarry on the other side is that people who kept horses over there and had to sell their horses because the blasting was so problematic for them that the horses spooked and it was no longer safe to keep them. If you can't keep animals in a rural and agricultural district where can you keep them. So I think this needs to be considered.

John O'Day, resident of Richmond, spoke on behalf of Associated General Contractors of Maine (a statewide construction industry trade association representing about 200 general contractors, specialty contractors and construction related firms around the state). He stated that his company has a number of members in the Bangor area who are affected by this proposed talk of a moratorium. These discussions are of state-wide significant when they occur as there is always the prospect of a precedent setting action that affects other communities. One of the things that's of great value from an economic development perspective is to have a stable regulatory scheme that's predictable for businesses. Communities like Bangor which have had stable regulatory schemes benefit from that. Other communities which have more volatile processes often don't find the same levels of investment in commercial interest. Our member companies will be available through whatever process you deem appropriate. We are concerned about the issue of policy volatility in particular. (He passed around further written comments to those in attendance.)

Jim Stevens – We're talking about a business that wants to take a section of woods and clear the trees out where it is full of rock behind everybody's house and blast it which they said was a small part of it. After that it's picking it up, putting it in the machine, grind it and making rock. If nobody's looked around, Maine is full of rock. You don't have to do it in downtown Bangor. It's not like we're talking about oil. We have people talking here from the construction business from all over the state to set a precedent. We want to set a precedent to protect our house values; if anyone of these people had

spent as much money to build a house in the country like I did, and I picked that lot because it was the last lot on the road; the City owned the rest of the land and I brought another lot so nobody could live next to me and yes I have to put up with the airplanes but they were there first and I understood that when I went there. I have never complained about the airport and I have never complained about the guns when they have the firing range, that's part of our military and police department - we understand that. But when somebody comes in and threatens our property values and threatens our well water -- what would happen on a Friday night when you turn on the water and it comes out milky or gravel comes through it, plugs up your pump – what do you do; you don't go to Home Depot and get a new well. You can't bathe, etc. Our fresh water is our important commodity and we have that there. It cost me a lot of money to put in my well and it cost me a lot of money to put in everything. All it is about a couple of people investing money to try to make a buck off a bunch of rock. There are other places where you can go buy a mountain – they do it in Winterport; Hughes Brothers has tons of rock, etc.

Chair Hawes stated that City Solicitor Heitmann told us in the beginning it is not the purview of this body to override decisions of the Planning Board, however, it is the purview of this body to look at regulations and ordinances. It appears that this is a topic that deserves further discussion and to look at the regulations. What is the wish of the Committee at this time ?

City Manager Conlow stated that at this point it is up to the Council – there are two issues that seem to be on the table and City Solicitor Heitmann did a good job of outlining those. The issue of blasting is the issue that Ms. Mason said that our standards maybe don't meet those of some other communities. If it is the Council's purview we can certainly go back and look at how we might address those standards and come back to you. The Land Use standard is already in play – that was approved and it is going through the court system and I don't believe that is a question for the City Solicitor and that there is much we can do about those that are permitted and those are now pending in the court system. So any land use decisions that the Council would have, Jeremy Martin (Code Enforcement Officer) take a look at it or David Gould (Planning Officer) would have to affect future quarries.

Councilor Sprague suggested that an educational workshop for the Council would be helpful on this subject. He added that he is interested in Jim Stevens point about the purpose of the district at hand and the balance between home owners and businesses. He is concerned about the intersection of local and state regulations and how Bangor's regulations do compare with other areas around us. He does not want to penalize existing businesses; there is a grandfather issue here where some of these businesses have been operating in the City for quite some time. The balance between property values versus business interest – it's not just pure profit for a small number of people; it's hundreds of people and you extend it outward that are employed by these businesses. We're really talking about people's livelihoods here and I can understand the frustration -- this is a very tough issue. We need to balance industry and homeowners rights. I understand the concerns – I don't think the homeowners necessarily be penalized or criticized at all for purchasing property near a long dormant quarry. I think that that is an excessive standard to hold them to. I would like to take up the offer of a quarry tour and I'd like to have an offer to visit some of these homeowner's properties as well. I don't have the answers to any of these questions but I do have a long list of things to talk about again.

City Solicitor Heitmann added that when he listened to the residents who spoke here tonight there are two issues. One is the City's zoning policy and 1 is the City's ordinances that regulate all things relate to quarry. I want to make the observation that the City's ordinances that regulate the operation of quarries, while important is not quite as important as some might suggest because there are extensive state regulations. The state law dealing with blasting is 3 ½ pages; it makes reference to the Bureau of

Mining and their standards, so actually can't stop reading the state law you have to go to other material to find out what you can and cannot do. The other community's ordinance that was presented to us on blasting Section B is actually word for word from the state – so it really doesn't add that provision there. One plus I suppose if the state were to change their rules the municipality may have that rule in place it could stay in place. But literally it is word for word. So I am not sure that it necessarily is the answer by changing things to do what the state says – not such a bad thing but I am sure that's going to be the answer to the problem. It certainly is worth looking at what they do and how it compares with state regulations. If there is interest by the Council on taking a look at our zoning policy and what we allow in RR&A, then staff can do that and make recommendations that we do something or do nothing. If we do something, what we should do. We can certainly look at whatever regulations are out there and whether we should seek to change our regulations to try to make them perhaps more stringent or maybe it would be something at some point we talk with the delegation in terms of state law. They recently dealt with metallic mining (which is not the same thing as quarries). The other consideration of course, as the City Manager indicated, is that there are existent businesses and these businesses have vested rights and if you were to attempt assuming you could actually prohibit any particular business to be within a community then it amounts to a taking. Much of any action that we would be looking at taking if we do take any is going to be prospective; may not address these immediate issues that these residents have. But if it is the Committee's wish that we come back and provide more information looking at specifically to address some of the concerns, questions, issues that the people today have brought up then we could do that easily enough – we'd come back to this Committee with more information.

Councilor Durgin stated that he thinks it is incumbent upon us to look at the regulations to determine if from the perspective of the City of Bangor if we need to do something with the comprehensive plan as it relates to the issue of mining and blasting. Do we have adequate protections built in; what are the remedies that we can offer and how do go forward. I think that in retrospective it appears that the law has been followed. That doesn't mean that there isn't something that could be done in the future. But we need to look at this right now and I would like to have the information that Solicitor Heitmann was just talking about provided to us so that we go forward with that.

Councilor Blanchette stated that having owned property on Old Orchard Drive out adjacent to where this is I, too am subject to the blasting. I hear the crusher running all morning, it starts about 7 am; the last blast was really, really loud and shook my whole house. I thought it was one of the sonic booms we used to have from the airplanes it was so bad; it finally dawned on me what was going on. I can understand why the people are really upset about this – it would be intrusive on your lifestyle if you're home all day. I think we can work with the people that own these quarries and if the hours from 7 am – 6 pm are very intrusive I think they probably would be wise to shortening their hours that they're running the pressures so that they're not sticking a salt stick in the wounds of the people that bought property and live out there. I think we need to look at our blasting policy in the City of Bangor. I was on the Council when St. Joseph's hospital was doing their expansion; St. Joseph's occurred a lot of expenses because they advised the abutting property owners that lived close to where the blasting area was going to be that the blasting was going to happen at a certain time. What they didn't do was take into consideration all of the houses on Montgomery, down on Center, Blackstone, are setting on ledge. So when they blasted and it got to the corner of the ledge it just went right down through. So people had a lot of damage to their houses – it cost a lot of money to get that rectified. We have not, as a City, looked at our blasting rules since then – that was 15years ago – it's time we looked at them. May be we need to tweak it. The rest of it I have to say until the court comes down with a decision I don't want to jump and try to do anything that the court is going to take in their purview and that's the way it should

be. I don't have a whole lot of confidence in going through the legislature to get any of these things tightened up because the model in the 125 and if the makeup stays in the 126 is let's make business easier for people instead of more restrictive and that's the mentality that's going to go in that. We need to tweak this – the businesses need to be conscientious of the neighbors that they are abutting and I think maybe an adjustment of ours when they can do this. It isn't the people (Sue Hawes has a house right next to it) don't just notify Sue. What kind of ground are you on – are you on ledge and it will travel. When I can feel it on Old Orchard Drive, I can imagine what the people on Union Street feel like. We need to look at our plan; go back to look at our comprehensive plan. When we are a City of 33,000 people that has agricultural zones that agriculture cannot survive in, we've got a problem; we're doing something wrong. I think it is time we go back; I can't make a promise to anybody in this room that we will come up with the answers but when we get done we will have some tighter regulations and we will know what we have to do as far as not only quarries but other things that cause a lot of damage and that's construction, road blasting, building homes.

City Manager Conlow stated that she would like to look at how the City structures their blasting permits and take a look to see if we can't tighten up those regulations. On the land use issue, is it Council's wish that we go forward and take a look at the land use issue of quarries in the agricultural and farm district.

Councilor Hawes added: City Manager Conlow we are right now in the center of budget discussions. This is going to take the staff and departments a fair amount of time to gather all of the information back; what would be reasonable so that we give answers to the people that are here when we can expect this to be back on the agenda.

City Manager Conlow: I am going to guess at this point you're giving priority to the blasting portion of it, because the land use portion would probably take longer, so I think these guys largely have finished their portion of the budget and so I don't know what their time frame is.

Art Morgan replied that 30 days would be a reasonable time.

Councilor Hawes – so not the next BED meeting but the following meeting?

Art Morgan – Yes.

Councilor Hawes – It's probably going to be better that we do it in pieces anyway because you're really trying to shove everything through in a short amount of time.

For those of you who have joined us from whatever side you were on we do appreciate you coming in; we have heard your concerns on both sides of the issues. We are going to come back in a month with at least the first portion of probably the blasting will be first. With the recommendations made the Council will again discuss this. This Committee would have to ultimately send it on to full Council.

Solicitor Heitmann: If anyone is interested in making sure that they are kept informed of any meetings, they could send to City Hall, c/o Norm Heitmann, Legal Dept. (if you email to Legal Dept., everyone in Legal gets the depts.. email). Keeping in mind if you send me your email address it is public information; so if you want your email address to remain private, do not send it to me because if someone asks for it I am obligated to share it. But if you want to in case there is any change in scheduling whether it's increased, shortened or lengthened, you are free to send me an email - just tell me you want to be on the list to be kept informed of what's going on and any memos we do in advance of meetings, if you

want those let me know and we will be glad to provide those to you. So if you go on the City's web site and go to the Legal Dept. it'll just say legal@bangormaine.gov (my name is Norman Heitmann and then the email address. I will then respond to acknowledge that I have received it.

The following items were postponed until a later meeting date.

- 3. Executive Session - Economic Development – Extension of Lease – Stillwater Realty, LLC –
1 M.R.S.A. § 405 (6) (C)**
- 4. Committee Action on Above Item**
- 5. Executive Session – Economic Development – Extension of Lease – Economic Development
Property – 1 M.R.S.A. § 405 (6) (C)**
- 6. Committee Action on Above Item**

Meeting Adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Wednesday, June 6, 2012, 5 pm
City Council Chambers
Minutes

Councilors: Chair Gratwick, Nelson Durgin, Charlie Longo,
and Ben Sprague
Staff: Cathy Conlow, Rosie Vanadestine, Shirar Patterson, Tanya Pereira and Jeff
Wallace, Ron Gastia, Norm Heitmann, Jeremy Martin
Others: Steven Hicks

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

CONSENT AGENDA

1. **Community Development Residential Rehabilitation Loan – 666 Finson Road, Lot 190**

Councilor Longo moved to accept Staff's recommendation and approve the Consent Agenda. The motion was seconded and it passed unanimously.

REGULAR AGENDA

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

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

3. **Executive Session – Economic Development – Lease Negotiations – Baltimore Waterfront Associates Parking Lease – 1 M.R.S.A. § 405 (6) C.**

Councilor Durgin made a motion to move to executive session. The motion was seconded and passed unanimously.

4. **Committee Action on Above Item**

A motion was made a seconded to accept Staff's recommendation on this item. The motion was approved unanimously.

5. **Proposal for a Disorderly Property Ordinance.**

Rosie Vanadestine explained that this proposed ordinance is a result of discussions and comments from participants at the Main to Third Neighborhood Revitalization Strategy Area Meetings.

Chief Gastia explained that there were complaints made at those meetings regarding disorderly events that interrupt quality of life involving tenants or renters of properties. The Police Department supports this type of tool which would enable them to take the steps needed to deem a disorderly property and start the steps for remediation. This Ordinance would be that tool.

Norm Heitmann discussed the proposed Ordinance. He outlined what constitutes a disorderly property, what the procedure would be to document an event, and the process of remediating the event. He indicated that the intent of the Ordinance is to make landlords accountable for their tenants. There are existing Ordinances that afford the City a means to deal with businesses such as Certificates of Occupancy, Liquor Licenses, etc.. This particular Ordinance is designed as a tool to discourage bad behavior of tenants.

Cathy Conlow indicated that the Ordinance deals with disorderly property events that occur written in the vernacular.

Councilor Sprague asked if this Ordinance would require more resources for the Police Department and the Code Enforcement. Staff indicated that they felt that this will reduce the number of complaints, calls and events.

Councilor Durgin indicated that he was in favor of this Ordinance but had concerns that the landlords could possibly be burdened with a tenant's illegal activity.

Councilor Gratwick indicated that he was in favor of this ordinance. He asked if there is currently a list of landlords. Jeremy Martin indicated that presently the only list used is the Assessing Department's database of property owners. Under this Ordinance a rental registration list would be required. Chair Gratwick indicated that he would like to see the title of the Ordinance changed because of the connotation of "disorderly property."

Councilor Longo indicated that he, too, supported this Ordinance.

Public Comment

Mr. Steven Hicks, a Sanford Street resident, indicated that he is in favor of this Ordinance. He noted that other communities (including South Portland) have instituted this type of Ordinance that has been successful. As a property owner, he is concerned that his property values may decrease because of disorderly tenants.

Chair Gratwick indicated that it was the consensus of the Committee to proceed with the proposed Ordinance and suggested that it be passed on to the next appropriate venue.

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

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, June 20, 2012, 5 pm

City Council Chambers

Minutes

Councilors: Nelson Durgin, Charlie Longo, Ben Sprague
Staff: Cathy Conlow, Rosie Vanadestine, Norm Heitmann, Art Morgan, David Gould,
Jeremy Martin, Tanya Pereira
Others: Randy Gardner

1. Discussion on Blasting & Quarries

City Solicitor Norm Heitmann gave an overview of the process and the direction that was given to staff to review blasting and quarries.

City Engineer Art Morgan indicated that he reviewed the blasting permits with the Legal Department. He looked at changing the blasting permit to allow the City to receive documentation that federal and state guidelines are being followed and for the blaster to sign off on. It would also allow access to quarry sites and a visit to ensure all requirements are being met.

Councilor Durgin asked when it would go to the Council. Mr. Heitmann responded that it would not need to go to the Council as it is permit language being changed which allows redundancy for checking to ensure the requirements are being met.

Councilor Sprague said that quarries as defined are allowed in the Rural Residence and Agricultural (RR&A) District. He believes that the concern is in regard to the zoning district, and changing the blasting permit does not address that issue.

Planning Officer Dave Gould reviewed the 1974 Zoning Ordinance and indicated that the only place a quarry was allowed was in an Agriculture Zone. In 1991, the zone became RR&A and that is where it is allowed today. Councilor Sprague said that allowing quarries in the Agricultural area is causing tension among the residents.

Councilor Longo asked how many farmers there are in that zone and if they were using it for agricultural uses or if it is more residential. Mr. Gould responded that the City allows a large array of uses in an Agricultural area and Bangor is getting more developed with residential subdivisions on the borders. The Council has determined that quarries are permissible in the RR&A and one only has to ensure that the plan meets the requirements. Should quarries not be allowed in RR&A? Mr. Gould researched other towns and found that almost all of them allow quarries in rural districts. The only places that do not allow them in a rural district were in the Southern part of Maine. York, Wells, and Kennebunk did not allow them in a rural area but all others do.

Code Enforcement Officer Jeremy Martin indicated that the City could consider establishing a license for quarries that would be applied for on an annual basis similar to what is done with bars and other businesses. This would allow a review of the standards and operational compliances by the quarries.

Councilor Durgin asked how long a quarry license is good for. Staff indicated that currently it is five years. There are no annual inspections unless there is a complaint. The City could annually review the

quarries to ensure all regulations are being met and that they are in compliance with DEP performance standards, do an annual inspection, and then issue them a license. This does not address zoning but operational concerns to ensure they are in compliance. The City does not want to become a delegated authority under DEP for this as we do not have the manpower to do that.

Staff indicated that any changes being recommended would be going forward and any changes would not change the status of existing quarry operations. Blasting contractors are required to meet certain standards and the permit would only allow the City to document that they are living up to the state standards. The proposed change only regulates the blasting of quarries.

City Manger Conlow commented that blasting and quarry zoning are the issues and we can work to develop some minimal standards around hours of operation etc.

Staff indicated that grinding activity and transportation are issues, as well, but the permit does not address any of those concerns. The City can look at ways to regulate those operational standards, etc. This is not a high traffic generator. The trucks and the operation are noisy. This is not a traffic issue in terms of what the Planning Board reviews. There are no standards to measure decreases in property values from traffic that is too noisy, etc. The concerns being discussed are issues that the Planning Board does not review and regulate.

Councilor Longo felt that they should move forward with this approach. There is a court case pending and he feels that they should see what the justice system does.

Public comments: Mr. Randy Gardner, operator of the two quarries in question spoke. He showed a binder with all the permits. The Planning Board, DEP, EPA, OHSA, MSAHA, etc. all have oversight on permitting. Mr. Gardner said that this was reviewed by the City and refused and they had to come back with revisions. The cost of all these documents is around \$40,000. He does not believe the City should create additional regulations just because they can. There are random DEP inspections to ensure they are in compliance and MSAHA has been there seven times to inspect. The cost for compliance is close to \$200,000 on top of the \$40,000 permitting costs and he would not like to have additional costs added for city licensing. Mr. Gardner indicated that they have made concessions such as the hours of operations. He said that it is not true that the quarry makes noise all night long. They open the gates at 6:30 am and are closed at 6:00 pm with no exceptions. They have reasonable hours and have already make concessions and they don't feel the City needs to duplicate the efforts of DEP and others.

Councilor Sprague said they need to appreciate businesses that are already here and not turn back on decisions that were already made by others. He asked how many employees they have. Mr. Gardner indicated that they employ 28 people and grow every year. The quarry only has two full time employees but supports the other operations that keep them competitive.

Councilor Longo said the Council represents the people that live here and he would not be happy at 6:30 am to hear noise and that is some of the frustration of the people. The Planning Board process was by the books and he doesn't question that. Also, he doesn't believe staff is duplicating efforts by making some changes. There is no one here (neighbors) tonight so maybe the issues have been solved. There has not been any meeting yet of the residents and the quarry operators.

Mr. Gardner responded that the issues have not been solved and the absence of the people is not meaning that at all. He indicated that he is open to discussions and meeting with the residents. He said

that he knows that he will be the one involved in creating the solutions. He is not open to his demise but he will look at building buffers or berms etc.

Mr. Josh Social who lives on Harvard Street said there is noise everywhere and at night. He is a civil engineer and crushed stone is in many items across the City. He said that there is a need for crushed stone and it either comes from local quarries or the price goes up 20-30%. None of quarries are new locations and have been zoned and permitted as such. He spoke positively about Gardner Construction. Quarries can only be where there is rock and these areas are viable areas. He asked the Committee to think about the economics of the long term and not just the short term gain.

Mr. Heitmann indicated that the latest quarry is going through court and we will see how that works out. Councilor Sprague noted that in politics it is usually two sides going against each other. However, here this is not the case; residents are not anti business and the company is doing everything by the book. This goes back decades and has become a quagmire. Both sides are right in this and this is what makes it difficult when making a decision.

2. Residential Rehabilitation Loan Subordination Request

Councilor Longo moved staff recommendation. The motion was seconded by Councilor Sprague. All voted in favor and the motion carried.

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

A motion was made by Councilor Sprague at 5:42 p.m. to enter in Executive Session which was seconded by Councilor Longo. All voted in favor and the motion carried.

A motion was made at 5:46 p.m. to exit Executive Session by Councilor Sprague. Councilor Longo seconded the motion. All voted in favor and the motion carried.

Councilor Sprague moved the staff recommendation to extend the lease at 208 Maine Avenue for the Chamber and CVB for one year. Councilor Longo seconded the motion which also carried.

Meeting Adjourned at 5:48 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Monday, July 16, 2012, 5 p.m.
City Council Chambers

Minutes

Councilors: Weston, Durgin, Gallant, Longo, Blanchette, Hawes, Baldacci and Sprague

Staff: Norm Heitmann, David Gould, Jeff Wallace, Jeremy Martin

CONSENT AGENDA

- 1. Community Development Residential Rehabilitation Loan – 15 E Street (Confidential Memo provided separately).**
- 2. Community Development Residential Rehabilitation Loan - 64 15th Street (Confidential Memo provided separately).**

Councilor Longo moved to accept Staff's recommendation and approve the Consent Agenda. The motion was seconded by Councilor Durgin. The motion passed unanimously.

REGULAR AGENDA

- 3. Amendment to Planning Division Processing Fee Schedule. (See attached Council Order).**

David Gould explained that this is a proposal to make two changes to the Planning Division Processing Fee Schedule. The first is to establish a specific fee for "flag lots." The second change is to clarify that fees charged for Stormwater Reviews that are not part of Site Location of Development Act delegated authority review.

Councilor Durgin moved to accept Staff recommendation. The motion was seconded by Councilor Longo. The motion passed unanimously.

- 4. Discussion regarding electronic signs.**

Councilor Weston indicated that he asked for a discussion on this as there is a business that is proposing to lease a building on Main Street that wishes to install an electronic sign. Because it is ordinance restricted, they cannot install this type of sign.

Jeremy Martin gave a history regarding the last revision to the sign ordinance which allows electronic signs in four zones: General Commercial & Service District, Shopping & Personal Service District, Industry & Service District and Government & Institutional Service District. He indicated that he has been approached by a civic entity that wishes to replace an existing sign with an electronic sign.

Rather than review the entire Sign Ordinance at this time which could entail many meetings and a great deal of time, it was felt that in order to accommodate this request, an amendment to include non-profit civic organizations would expedite this. Mr. Martin indicated that there needs to be an in-depth review of the entire Sign Ordinance in light of the request for an electronic sign on Main Street. The proposed amendment would limit an electronic sign to: 50 feet from a residence; no change for at least 20 minutes and not be changed after dark.

Councilors discussed reviewing the entire ordinance as opposed to reviewing the proposal before them.

Mr. Ed Armstrong, Chair of Snowman Group, indicated that he is a member of the Elks Club. They wish to replace their existing sign with a new static electronic sign. Presently they have to physically go out and replace messages by hand. A new sign would allow them to do this from inside the building. They would like to be able to replace this sign before winter.

Councilor Hawes indicated that the existing Sign Ordinance needs to be reviewed. Because it could take weeks or months to review the entire Sign Ordinance as it did the last time the Sign Ordinance was reviewed, she suggested that the item be put on the agenda and that a workshop be scheduled later.

Councilor Weston indicated that he would be against this amendment as it only deals with the request for the civic organization and not for any businesses.

Councilor Durgin indicated that he felt that the Elks Club should be able to replace their sign and moved to honor their request and forward this amendment on to agenda for approval of this action. The motion was seconded.

Mr. Heitmann indicated that the City does not make ordinance changes for any one particular business. In this instance, non profits are rather unique compared to other places that need signs. They generally do not need signs with pictures, or ones that change rapidly and they don't generally relate to zoning. Electronic signs pertain to zoning. When it comes to businesses, zoning may not be the best way to allow for them. The entire Sign Ordinance needs to be looked at to see what is best for all.

Councilor Durgin moved to amend his motion to have a first draft of an ordinance amendment on the agenda regarding non profits and electronic signs. The motion was seconded.

Councilors indicated that they felt that the same treatment should be made for everyone and that the Sign Ordinance needed to be looked at in its entirety. Councilors also discussed other amendment options.

Chair Gratwick called for a vote. The Committee voted 2 in favor and 3 opposed. Therefore, the motion failed.

After more discussion as to the process for moving this issue forward, Councilor Longo moved to direct staff to prepare an amendment to apply the same standards as those proposed by Jeremy Martin's amendment for non profits to the Urban Service District (50' setback from a residential property, no changes after dark and that the duration must be at least 20 minutes.) city-wide, and send the proposal on to the City Council for consideration. The motion was seconded and it passed by a vote of 4 in favor and 1 opposed.

The meeting was adjourned by Chair Gratwick.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Monday, August 6, 2012
City Council Chambers
Minutes

Councilors: Gratwick, Hawes, Longo, Sprague, Gallant, Weston, Baldacci
Staff: Conlow, Vanadestine, Bolduc, Heitmann, Martin, Wallace

Consent Agenda:

1. Community Development Residential Rehabilitation Loan – 43 Holland Street.

Councilor Longo made a motion to move the Consent Agenda. Councilor Hawes seconded the motion. All in favor, motion carried.

Regular Agenda

2. Continued Discussion on Electronic Signs

Jeremy Martin gave an overview of the newly drafted Council Order. This is the second reading of an electronic sign amendment. At the BED Committee last month there was a motion to allow electronic signs in the USD zone with a 50' set back from residential zones, it could only change once every 20 minutes and it could only have text and no pictures. Councilor Weston asked why it was limited to only text and felt that we were handcuffing businesses from using technology. He understands the reasoning behind no flashing, blinking and rotating etc. but not the text only. Jeremy said he felt it didn't matter one way or the other. This is what was proposed from the last meeting. Councilor Longo was the one that made the motion last month and he said it didn't matter to him if they had pictures or not, he was just trying to get the conversation started.

Councilor Gallant moved staff recommendation with the elimination of the last sentence in section G. which reads "Electronic signs erected in the Urban Service District may only display text messages." Councilor Sprague seconded the motion. All in favor, motion carried.

Councilor Gratwick inquired if staff would be reviewing the entire sign ordinance as a comprehensive review and make suggested changes as needed and not continue to do it in bits and pieces. Staff will be reviewing the entire Sign Ordinance to determine if any additional changes need to be made. City Manager Conlow explained staff reviewed mapping to ensure there would be no adverse affects on residential properties and there did not seem to be. Councilor Weston thanked the Council and staff for moving this forward. This will need to be amended by substitution at the next meeting because of the change to Section G.

3. Executive Session – Economic Development – Disposition of Property – 1 M.R.S.A. § 405(5)C

Councilor Sprague moved to enter into Executive Session for Disposition of Property 1 M.R.S.A. § 405(6) (c). Councilor Hawes seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to exit Executive Session. Councilor Hawes seconded the motion. All in favor, motion carried.

Committee Action on Above Item.

Councilor Sprague moved staff recommendation to put the property on the market for three months and then utilize an RFP process if it has not sold to ensure the disposition by the end of the grant period. Councilor Longo seconded the motion. All in favor, motion carried.

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

Councilor Gallant stated he may have a conflict of interest in the next Executive Session as he does the landscaping for the organization. Councilor Hawes moved that Councilor Gallant does not have a conflict of interest. Councilor Baldacci seconded the motion. All in favor, motion carried.

Councilor Baldacci moved to enter into Executive Session for Disposition of Property 1 M.R.S.A. § 405(6)(C). Councilor Longo seconded the motion. All in favor, motion carried.

Councilor Sprague moved to exit Executive Session. Councilor Longo seconded the motion. All in favor, motion carried.

5. Committee Action on Above Item

Staff will move forward on the negotiations for land disposition on Maine Avenue and Hayes Street.

6. Discussion on Economic Impact Analysis for Concert Venue.

Council had inquired about an Economic Impact Study for the Concert Venue specifically, Councilors Durgin and Weston. Councilor Hawes made a motion to postpone this discussion to the next BED meeting in September. Councilor Gallant seconded the motion. All in favor, motion carried.

Councilor Longo moved to adjourn the meeting. Councilor Sprague seconded the motion. All in favor, motion carried.

Meeting Adjourned.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, September 4, 2012
City Council Chambers
Minutes

Councilors: Gratwick, Longo, Blanchette, Durgin
Staff: Conlow, Vanadestine, Bolduc, Heitmann, Morgan, Wardwell

Regular Agenda

1. Discussion on Complete Streets

Chair Gratwick gave an overview of Complete Streets and the need for Bangor to look at it. He feels Bangor streets are “incomplete” and this program can do the following: increase the safety of all, increase the health of residents, save money, and have a significant community impact. It can also help with reclaiming neighborhoods without all the traffic.

Art Morgan, City Engineer, described complete streets as roadways for all users – bikes, pedestrians, private autos and public vehicles. This is a shift from the conventional thinking which was to reduce the delays on the roads for private autos. It creates safer more user friendly routes for all users. Art gave a PowerPoint presentation depicting what complete streets look like using photos and diagrams.

Morgan outlined the pros and cons. The pros: safer for bikes and pedestrians, encourages alternate modes of transportation and reduces vehicular traffic, has health benefits and complies with ADA planning standards. The cons are: there is less roadway, speeds would be reduced (this could also be a pro), more pavement is needed, may be difficult to complete in built out areas (which is most of Bangor) and it requires right-of-ways.

Rosie Vanadestine, Director of Community and Economic Development, discussed the importance of public education and outreach. The first step is to assess the needs before jumping into a program. BACTS did a study in 2009 which can provide some information. Complete Streets can be implemented on existing roads by restriping and minor geometric changes. It can and should be done in conjunction with planned road maintenance. It could require a design manual to be rewritten or created with this concept. Putting it into practice from policies on paper can be challenging.

An implementation plan would need to be created. Some other towns have used steering committees to focus on policy development. Identifying documents and process that need to be changed and created along with assigning responsibilities for making changes would be an important component. Encouraging community involvement and an educational campaign will also be necessary.

Creating street design guidelines for transportation planning with a process that is flexible, inclusive and well documented and clear is also being done in other areas. Some also use checklists at the beginning of every project that includes questions regarding bikes and pedestrians. A routine accommodation policy is another option for construction and maintenance. This would ensure that multimodal accommodations are considered for each project.

Performance measures are very important with any new program and must be established to show actual or potential performance. It must be determined how to measure the performance and how to use that information. It could be used for: needs assessments, ranking projects for funding, impact assessments or to evaluate the effects of a policy and if the goals are being achieved.

There also needs to be exception issues that are considered. This forces staff to be systematic and consider all the options some include: when it creates a safety hazard, there is no identified long-term need, or costs are prohibitive.

To successfully balance the user's needs, planners must change the way in which automobile traffic congestion is viewed. Most policies lack mandating equity for the needs of all transportation modes. It is important to find the proper balance once the right to share the streets by other modes is recognized. Solutions will need to be creative so when improvements are made for one mode it does not overly burden others.

This can be a long process and staff needs to learn and be trained on new design techniques, new procedures and new ways of thinking. To truly implement this complete street approach would also require the support of community leadership.

City Manager Cathy Conlow said we can create evaluation tools to assist with this. She feels there is merit to this; however, Bangor is built out. We would need to create a policy statement and look at how to include bikes and pedestrians as we plan. Our approach will be to provide tools to look at against a cost matrix.

Councilor Durgin said the proposal is intriguing however he has concerns. First, this makes sense for planning projects in the future and helpful for new streets and neighborhoods. He is concerned it is very costly as we are built out and it might not be as compatible for Bangor. He doesn't envision we would rebuild roads at a very expensive cost. We would need to evaluate individual streets and neighborhoods. We would need to understand the true costs before moving this forward. Unless there is federal funding or other sources of funds he feels this is a very expensive way to approach streets and roads. We need to indentify well in advance how this is positive for the citizens. Nelson also is concerned about maintenance and snow removal and the costs that this would create or increase.

Councilor Longo feels this is a good idea on paper and to bring new things up. He feels Bangor is lacking in accessible bike trails. Bike trails increase the quality of life and the business climate. It is a staple in some communities. Maybe we should look at paving trails to enlarge the trail system that we have here.

Councilor Blanchette said that Acadia National Park has many more bikes than Bangor and they have no bike lanes there. She feels driver education with the State around bike safety and courtesy is important. Bikes have as much right to be on the roads as cars do. However, there are some legitimate complaints about bikers not needing a license or not paying excise taxes, etc. for maintenance. She is concerned about creating more dangers to the biker as shown in the slides.

Dana Wardwell, Public Works Director, agreed with Councilor Durgin about the maintenance costs going up. He said we always build well but we don't consider the maintenance costs etc. in the future. Wider streets are easier for snow removal because there is more space for the snow. Just the painting on one of the slides would be over \$100 annually in addition to the repair and maintenance costs in the future.

Chair Gratwick said this is just the beginning of the process and the conversations. Councilor Durgin suggested looking at other communities for best practices and what works and what doesn't. Conlow explained that Evan Richert has been hired as the consultant for the Third to Main area planning which will include street designs that we can use in other areas of the city. He will look at one-ways, etc. It isn't hard and fast as we are already built out and are looking at how to improve. We can create guidelines that we evaluate against and tools to determine what is best for Bangor while considering the costs.

TASK: Staff will bring back policy guidance to the BED Committee in 6 weeks. The proposal will be an outline of a policy with guidelines to evaluate new development etc.

Councilor Longo indicated that he is not sure if exact model will work for us or if he is in favor of it but he is in favor of Bangor being bike friendly or using existing trails. Chair Gratwick said we can create a Bangor Streets plan that isn't as rigid as Complete Streets but have something similar for here. He also would like the Planning Board to be included. Councilor Blanchette wants to see facts and figures from other communities and how they approached it (if they left streets as now or changed them all or just a few and what is the dollar figure for that)

#2 Discussion Regulation of Use of Median Strips

City Solicitor Norm Heitmann gave an overview of the ordinance that Portland tried to pass that was stating median strips were only to be used to cross the street. Median strips are any strips that divide a highway. That would mean that one could not go onto the median strip to place any signs.

What is the real issue in Bangor with median strips? Is there a problem? Is this an appropriate solution?

Councilor Durgin said Portland's was to address panhandling in the medians. Keeping people out of the middle of the road makes sense. Median strips are varied; some are concrete, some have vegetation, and others are dividers at intersections. He is not sure what this is directed to.

Heitmann explained that there are two issues. What are you regulating – activity on the median strip. One is a safety related issue – not only in the median strips etc. by cars being stopped by people so there is a traffic safety concern. The second issue is panhandling. However, panhandling is legal and it is constitutionally protected although some see it as abusive solicitation. States and municipalities can regulate it by a time, place and manner. We can limit the places. People have more rights to express on a sidewalk than they would in a city park or City Hall. We can designate areas where it is acceptable. If the concern is safety that is easy to deal with as state law allows. If the concern is soliciting placing time, place and manner restriction on it would work. The location would determine the restrictions.

Heitmann said we have no panhandling/solicitation ordinances. The challenge with them is the enforcement. Councilor Durgin asked why we were addressing this if there is no issue. Conlow said that concerns were raised in shopping areas where people stand and with the safety of the people doing the panhandling.

Councilor Longo noted it is a Freedom of Speech issue. If we apply reasonable time, place, and manner restrictions etc. like during rush hour, atm machines, gas stations, public transportation and bus stops, it would help with the safety of both the asker and the asked.

It is not a good economic development tool when people are asking for money. We need to narrow it down to the real issue. There is a delicate balance to ensure people's rights in these tough challenging economic times. It would be difficult to uphold in a court of law, too. Heitmann said we can have an ordinance about street solicitation based on safety, etc. with neutral content that regulates behavior not status. Solicitation is behavior. It can have distances outlined for teller machines in the ordinance, etc. in addition to banning it from airports etc.

Councilor Blanchette wants to pursue this as she feels a bad image is put forth and taking care of people in need is not the image she wants of Bangor. We have no residency requirements and people complain that we take care of the underprivileged and we dole out General Assistance under the state regulations etc.

Councilor Durgin said it is okay if discussed as a public benefit and not anything to do with median strips. He wants a focused issue brought back to the committee with a remedy. Heitmann said it is broader than just panhandlers but they are the most common, others are religious or just passing out informational flyers, etc. It will be a behavior not status direction with safety and accosting people addressed to accomplish both to help people feel safe and pass unobstructed by others. He will draft an ordinance to bring back that will maintain the balance. He also cautioned that this will not solve 100% of the issue.

Councilor Longo moved to adjourn the meeting. Councilor Durgin seconded the motion. All in favor, motion carried.

Meeting Adjourned at 6:16 pm

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, September 18, 2012
City Council Chambers
Minutes

Councilors: Gratwick, Blanchette, Durgin, and Sprague
Staff: Conlow, Vanadestine, Bolduc, Pereira, Bird

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

CONSENT AGENDA

1. Extension of Lease Agreement with Vicki L. Trundy.
2. Amendment to Lease Agreement with Stillwater Enterprises, Inc.
3. Amendment to Lease Agreement with FGS/CMT, Inc.
4. Amendment to Lease Agreement with Penquis.

Councilor Durgin moved to approve the Consent Agenda. Councilor Sprague seconded the motion.

Chair Gratwick asked why there are different rates of increases amongst the lease agreements. Bolduc explained that each lease is individualized and based upon size of the area leased, duration of the lease, and inflation.

The motion to approve the Consent Agenda passed.

Regular Agenda

5. 227 Pine Street – Amendment to Disposition.

Heitmann shared before and after photos of 227 Pine Street. He explained that the City acquired the property for unpaid taxes and put out an RFP for the property to be rehabilitated. During that process, there were numerous complaints from neighbors and the RFP was subsequently awarded to the abutting property owner, Nicki Lowell along with her brother and sister-in-law. The agreement provided for a purchase price, for the City to demolish the building at 227 Pine Street and the buyer to construct an attached two-car garage with room above and a breezeway. Due to financial constraints in the recent changes in the economy they have not been able to start construction. The starting date is November 1, 2012 and they have asked for an extension of that date. Staff recommended a two-year extension of the agreement.

Councilor Durgin moved to accept Staff recommendation. The motion was seconded by Councilor Blanchette. The motion passed unanimously.

6. 2012 Economic Development Marketing Plan and Signage.

Vanadestine outlined the draft Marketing Plan for the City and the Region. As part of this process the intent is to also include a signage component. It is Staff's recommendation that a collaborative group effort be initiated to include the Downtown Bangor Partnership, the Chamber, the CVB, Mobile Eastern Maine and others to come up with a brand and tag line for the region. Pereira indicated that economic development marketing in the City of Bangor is overdue for updating and refreshing. There are several entities who are also trying to market the region and the feeling is that it could be a collaborative effort.

Councilor Sprague felt that this is long overdue. He felt that the need to project a positive image. It is an investment and is important. He felt the need for improved signage especially in the downtown area, creation of a new motto, and incorporating and encouraging the arts, etc. Councilor Durgin said he was delighted to see this effort as he felt it was long overdue. He said that signage is a major issue. He did not want to put it off and asked that this be done no later than next spring.

George Kinghorn, President of Downtown Bangor Partnership, indicated that he supports the uniform marketing effort and bringing all the players to the table. He felt that the City needs a bold approach to marketing. Brian Ames, Chair of the Signage Committee of Downtown Bangor Partnership indicated that four years ago signage was identified as a major issue in the downtown. He gave a history of the four year process. Barbara McDade, Director of Bangor Public Library indicated that she felt that historic and arts need to be reflected in this effort. Tim Lo, Chairman of the Cultural Commission also spoke in favor indicating that cultural aspects of the City and arts should be a part of a unified branding and brand recognition.

Vanadestine indicated that planning and engineering would be asked to assist with the design work to help keep the costs minimized. Posts can be ordered now in preparation and to save time by doing as much as possible now. It was requested that bus routes and trails also be made a part of this effort.

7. Discussion – RFP for Pine Tree Inn.

Staff indicated that the City gained control this past spring of this former Dow Air Force Base building located at 22 Cleveland Avenue and formerly known as the Pine Tree Inn. The building was formerly used for military housing. Staff indicated that it wanted to discuss with the Committee a course of action regarding the building. The possible actions proposed by staff include: 1) To issue a "Request for Proposals" for the reuse of the building; 2) To develop a market campaign to sell or lease the building; or 3) To investigate selected developers that share the City Council's vision for reuse of the building.

Bolduc indicated that the location and surrounding uses may determine the reuse of the property. Existing uses surrounding it include University College, Penquis Day Care, the military guard base, Hope House and Maine Business Enterprise Park. It may be suitable as housing or office use but there will be costs associated with converting the building to those uses. Zoning will also need to be considered. An RFP may give ideas as to possible reuse of the building.

Committee Members discussed the three options presented. Councilor Blanchette suggested that this item be brought back to the next BED Meeting to review ideas for reuse of the building. Councilor Sprague indicated that he would like to see Option 3 to see if others would be interested in the building

and to see what the demand is prior to putting out an RFP. Council Gratwick suggested contacting others possibly for transitional housing or a different purpose.

It was suggested by the Committee that this item be brought back to the BED Committee with ideas from Staff regarding possible reuse.

8. Proposal for the Elimination of Parking Spaces in Front of Margaret Chase Smith Federal Building.

Bird explained that the GAS and Federal Building approached City Staff requesting elimination of existing parking spaces in front of the Federal Building and replacing them with ADA Handicap spaces to meet Homeland Security regulations. The loss of those on-street parking spaces can be absorbed by existing parking in the area. Staff recommended approval.

Councilor Sprague moved to approve Staff recommendation Councilor Durgin seconded the motion.

Councilor Blanchette had questions regarding van accessible parking spaces. Bird indicated that there were van accessible spaces in the Abbott Square parking lot and in the Atler parking lot across the street. Heitmann pointed out that it would be very difficult due to snow removal to access the curb. It was suggested that Alpha One be contacted to ensure that this change would meet their needs for access. Councilor Blanchette suggested that there would need to be a sign that says "No Van Accessibility" on the spaces being converted to handicap spaces along the front of the building.

Heitmann indicated that the parking change is an ordinance change that requires two Council meetings before final action. Conlow indicated that staff could make inquiries before the Council would take final action.

The Committee voted three in favor and one opposed (Councilor Blanchette) to the motion to accept Staff recommendation.

The meeting was adjourned at 6:28 p.m.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, October 2, 2012
City Council Chambers
Minutes

Councilors: Sprague, Durgin, Gratwick, Longo, Hawes
Staff: Bird, Wallace, Martin, Conlow, Hathaway, Heitmann

Consent Agenda

1. Community Development Residential Rehabilitation-68 Pier Street

Jeff Wallace summarized the refinance of the existing loan and the purchase of materials for needed repairs. He stated that Staff recommends the modification. A motion was made by Councilor Longo, which was seconded by Councilor Durgin, to recommend the loan modification and it passed unanimously.

Regular Agenda

2. Referral-Ordinance 12-317

A motion was made by Councilor Sprague, and seconded by Council Longo, to recommend passage by the full Council. The vote was unanimous.

3. Recommendations for 9/19/12 Downtown Parking Advisory Committee

Councilor Longo added that the Atler Lot was not on the Downtown Parking Advisory Committee meeting agenda but came up as a point of discussion and was thoughtfully considered.

Councilor Durgin made a motion, which was seconded by Councilor Longo, to recommend passage by the full Council. The vote was unanimous.

4. Discussion of Proposal for a Disruptive Property Ordinance

Solicitor Heitmann stated that through a series of public meetings and public outreach, this ordinance is being proposed. He went on to say that people have a right to live in quiet and peaceful communities and that their neighbors will take care of their own properties. Despite a landlord's best efforts, effecting change with problem tenants is sometimes beyond their control. Solicitor Heitmann stated that this ordinance gives some leverage to the City to work with landlords and property owners to address some of the problems. A recent addition to the language builds in remedial measures for the City that work within the time frame for eviction and other measures under existing laws.

Code Enforcement Officer, Jeremy Martin and Lieutenant Hathaway of the Police Department agreed with this approach and support the proposed ordinance.

Councilor Durgin asked if tenants are engaged in something illegal, such as drug use or sale, will this ordinance help address that issue. To which, Solicitor Heitmann said that it would and that the examples in the ordinance are not exhaustive.

Councilor Durgin suggested that there be some type of public forum about the changes. Staff stated that they intended to hold outreach sessions.

Councilor Sprague said that his initial thoughts were that this did not go far enough. He was happy to see the language, but asked if this would stretch Code too thin.

When asked by Councilor Sprague if this ordinance would stretch the Code Enforcement Department too thin, Jeremy Martin said that it wouldn't and that the Police would be bearing the brunt of it. He went on to say that over time, some of the issues will subside due to the positive effects and there will be fewer of these issues.

City Manager Conlow stated that the City Code will still exist. If the Police come across illegal activity they will address it given existing Codes. She went on to stress that this proposed ordinance does not hold the landlord legally responsible for illegal activity of its tenants.

Public Comments

Frank Hartnett of 30 Webster Avenue North spoke before the group and stated that the issue is not just in the Downtown area. He stated that they are in his neighborhood, too. In his meetings with landlords, he has found some of them not that helpful in addressing the problems.

Lieutenant Hathaway stated that he fully understands the frustration that residents like Mr. Hartnett have. He stressed the need for the public's help in identifying issues. He stated that if the public would like to report a non emergency situation, please call 947-7384.

Councilor Hawes stated that she would like to see the ordinance have as much teeth as possible.

Pauline Civiello of Coombs Street stated that she was happy to see that the problem is being addressed in this ordinance. She went on to summarize the recommendations in a recent publication regarding disorderly properties.

Manager Conlow said that the ordinance has many of the suggestions that Pauline had read off. She went on to say that this ordinance is the start of some changes that the City will be looking at over the next few months.

Solicitor Heitmann stated that many of the processes are outside of the purview of the City. He went on to say that City staff has discussed an idea of having an online registration for property owners and their contact information so that the City can connect with the owners quickly to address issues as they may arise.

Roberta Winchell of Parkview Avenue spoke of her frustrations in dealing with City departments in the past. She said that she hopes that the new staff will work with her to address some of the problems in her neighborhood.

Jeremy Martin stated that his office responds as quickly as possible to calls. He stated that his staff gets 15 to 20 calls a day so, he must prioritize them. He went on to say that this tool will help address the problems.

Lieutenant Hathaway said that the issue they were called to address may be gone by the time the Police respond. He said that if the problem is not there when they arrive, they are not able to address it immediately.

Manager Conlow stated that the City is looking at implementing technology to help with communication and interaction with the public on these issues.

Sprague stated the small staff question may have difficulty in handling additional workload. Council may need to reconsider the priorities during the budget process in the coming year.

Charles Segal of Bangor stated that he would like the number of notices to be three instead of five before certain additional steps are taken. He went on to say that the Landlord, and code enforcement, should be contacted immediately.

Lisa Bollard of 44 Webster Avenue North stated that the police have been very helpful in trying to address these issues. She stated that a neighboring apartment complex has had 39 Police calls and 6 residents arrested since January 1st.

Councilor Longo made a motion, which was seconded by Councilor Sprague, to recommend the ordinance, with revisions to reflect the comments heard at the meeting, to the full Council for adoption. The motion passed by a unanimous vote.

Meeting Adjourned at 6:15 pm

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, October 16, 2012 5:00 PM

City Council Chambers

MINUTES

Councilors Present: Gratwick, Durgin, Sprague
Staff: Vanadestine, Conlow, Wallace, martin, Pereira, Bolduc

CONSENT AGENDA

1. Community Development Residential Rehabilitation Loan – 43 Holland Street

Councilor Sprague moved the Consent Agenda for a CD Residential Rehabilitation Loan at 43 Holland Street. Councilor Durgin seconded the motion. All voted in favor, motion carried.

REGULAR AGENDA

2. REFERRAL – ORDINANCE 12-328, Amending Chapter 260-6 and 260-7 of the Code of the City of Bangor to Provide Signage in the Bass Park District.

Code Officer Jeremy Martin gave an overview. He explained that when the changes to the Sign Ordinance happened it did not include the Bass Park District and this amendment adds it to the Sign Ordinance. It will allow the Cross Insurance Center a total of six signs. The three building provision has been removed for this district and there is a provision for traffic and direction signs which will be city-wide. The Bass Park District will also be added to Section 160-7A. Councilor Durgin asked about the portable electronic signs on and off-site. Martin responded that those types of signs are prohibited by State Law.

Councilor Sprague moved Staff recommendation to make the amendment as proposed. Councilor Durgin seconded the motion. Councilor Gratwick asked if this district was different than the rest of the city or is it special. Martin responded that the number of signs allowed is different because of the size and mass of the structure.

All voted in favor and the motion carried.

A request to take Item No. 3 out of order was made to allow for the client to arrive. The Committee went on to Item No. 5.

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

Councilor Durgin made a motion to enter into Executive Session at 5:09 p.m. Councilor Sprague seconded the motion. All voted in favor, the motion carried.

The Committee exited Executive Session.

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

Councilor Sprague made a motion to enter into Executive Session at 5:28 p.m. All voted in favor and the motion carried.

The Committee exited the Executive Session.

4. Committee Action on Above Item

Dr. Michelle Spekhardt was present to answer questions and explained that her project would be an 8,000 sq. ft. finished building and would be done in two phases with the basement portion being completed with 2 to 3 years.

Councilor Sprague moved Staff recommendation of the alternative solution to enter into an option to purchase with Staff finalizing the details of the agreement. Councilor Durgin seconded the motion. All voted in favor, the motion carried.

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

Councilor Durgin made a motion to enter into Executive Session at 5:38 p.m. Councilor Sprague seconded the motion. All voted in favor, motion carried.

The Committee exited the Executive Session.

8. Committee Action on Above Item

David Kelly with House Revivers was present to give an overview of the project. The demolition of 125 Fern Street is the first phase. They will be reusing many of the old bricks from the building in the new project. They are proposing to build six new super energy efficient homes. This will be a great model for how people can live efficiently over the next 50-60 years especially with the cost of energy. There is also landscaping with an entire ecology system with the planting and the trees being included.

Councilor Durgin asked how the layout would be with the frontage on both streets. Kelly said the exact layout of the lot is being finalized. They are hoping to do as little grading as possible. There will be four houses facing the Fern Street side and two houses facing the Pearl Street side.

Councilor Durgin moved Staff recommendation to finance the demolition with a CDBG loan. Councilor Sprague seconded the motion. All voted in favor, motion passed.

6. Committee Action on Item No. 5

A motion was made by Councilor Sprague to accept Staff recommendation on Item No. 5. Councilor Durgin seconded the motion. All were in favor and the motion carried.

Meeting Adjourned at 5:52 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, November 20, 2012 5:00 PM
City Council Chambers

Minutes

Councilors Present: Sprague, Blanchette, Hawes, Longo and Civiello

Staff: Vanadestine, Wallace Heitmann, Wallace, Martin, Pereira, Arno, Bolduc and Bird

CONSENT AGENDA

1. Community Development Residential Rehabilitation Loan – 21 Bragg Street

Councilor Civiello indicated that she would like more information about this item. Councilor Longo moved to enter Executive Session. The motion was seconded and it passed. It was moved and seconded to exit Executive Session.

Councilor Longo moved the Consent Agenda. The motion was seconded and unanimously approved.

REGULAR AGENDA

2. Recommendations from 10/24/12 Commission on Cultural Development for two (2) Grant Awards

- Schoodic International Sculpture Symposium
- Downtown Bangor Partnership - Downtown Countdown 2013

Jason Bird explained that a committee was created which was tasked with raising the \$20,000 sponsoring cost to have a statue commissioned for Bangor's Waterfront as part of the Schoodic International Sculpture Symposium. The Committee was able to raise all but \$1,105 of its goal. The Committee has submitted a request for a Grant and has received a recommendation for approval of the request from the Commission on Cultural Development. City Staff did not offer a recommendation on this item.

Councilor Longo indicated that he would not support the grant request as the appointed Committee indicated that it would not ask the City for funding for this project as it would be soliciting private donations. Councilor Blanchette indicated that she, too, would not recommend the grant request as the City has already given in-kind support to this project.

Judith Boothby, Chairman of the Committee tasked with raising the \$20,000 sponsoring cost, indicated that she understood the Councilors' position and she expressed her thanks for all of the Staff's support. Tim Lo, Chairman of the Commission on Cultural Development indicated that the Commission has funds available and they proposed that the Committee request the grant.

Councilor Longo moved to Indefinitely Postpone this item. The motion was seconded by Councilor Blanchette. The motion passed unanimously.

Bird discussed the request from the Downtown Bangor Partnership for a grant for the 2013 Downtown Countdown. Staff recommended approval of the grant.

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

3. Recommendations from 9/19/12 Downtown Parking Advisory

- Change in Atler Lot from 30 minute parking to 2 hour parking
- Rate Increase for off-street parking facilities managed by Republic Parking

Bird discussed both proposed changes. The increase in hourly parking in the Atler Lot from 30 minutes to two hours will allow additional time for those using the Federal building offices, and, the rate increase requested by Republic Parking is approximately \$1 to \$3 per permit. Staff recommended approval.

Councilor Longo indicated that the changes were discussed and recommended by the Downtown Parking Committee. He moved to approve Staff recommendation. The motion was seconded and unanimously approved.

4. Request for Proposals – Freeses

Tanya Pereira gave a brief overview of the ownership of the Freeses Building. There are three condominiums. One owned by the Maine Discovery Museum, one owned by the developer of the Freeses housing apartments and one acquired by the City from the developer of the apartments in February, 2012. In review of the space and the renovations that will need to be done to the 12,000 sq. ft. of area, Staff felt that the best avenue would be to solicit a Request for Proposals (RFP) to see what interest there is in private development.

Councilor Hawes moved to approve Staff recommendation to send out the RFP. The motion was seconded and passed unanimously.

5. Historic Preservation Ordinance

Jeremy Martin explained that Staff has been looking at ways to streamline the approval processes and ways to create efficiencies within the Divisions/ Department. One area that has been identified is transferring the Historic Preservation Commission (HPC) function responsibility from the Code Office to the Planning Division. Most communities in the State have the HPC function as part of their Planning offices. The Code Office will still be involved in the issuing of permits and enforcement. Martin indicated that the Ordinance revision was reviewed by the Historic Preservation Commission in October and unanimously approved. Staff recommended approval.

A motion was made, seconded and unanimously approved to accept Staff recommendation.

8. Discussion and Process on Disruptive Property Ordinance

Councilor Sprague, noting the number of people in attendance to discuss this item, moved that this item be considered before Item No. 7 on the Agenda. The motion was seconded and passed.

City Solicitor Norm Heitmann gave an overview of previous discussions on this item where the proposed ordinance was reviewed and public comment was taken. Staff has met with the Greater Bangor Landlords and Mangers Association, with an individual landlord and his counsel, with the East Side Neighborhood Association, and has been in contact with various individuals on the phone or by e-mail who have expressed their thoughts on the proposed ordinance.

Heitmann noted some of the highlights of the proposed ordinance which included the definition of disruptive property. One of the concerns expressed by Councilors at the last meeting and has been expressed by others was to make it clear that remediation can include efforts to evict the

tenant. It is now explicit in the draft ordinance. The remediation process requires the property owner to make a good faith effort to implement a plan and for the City to work with them.

After these discussions, there were a couple of changes proposed. One to make sure that the property owner gets notice by certified and regular mail. Also Staff has discussed the idea of a landlord/property owner's registry. A property owner can give the City their preferred way of being notified. Landlords expressed their concern that problems may exist that they do not know about. The other concern expressed by the landlords was that of a "sliding scale." Obviously a 10 unit building is going to have more opportunities for complaints than a 2 unit building. The landlord's organization has asked that the Ordinance be amended to reflect the more units there are the more complaints before they are labeled a disruptive property. Heitmann indicated that he had received an e-mail from Jerry West, President of the Landlords group which indicated that they could not attend but were comfortable with the proposed changes.

Councilor Blanchette indicated that the sliding scale will be an incentive for the landlords to be more willing to cooperate and the ordinance is a good step.

Councilor Civiello asked about a sliding scale for a noise versus a criminal activity. Heitmann indicated that they can add this language but it raises a challenge to identifying the activity and then you run the risk of being so specific that you start missing things. He indicated that as time passes the language may need to be "tweaked" and the Ordinance could be amended.

Councilor Longo felt that having a notification system will help landlords and will be a tool for them to use.

Councilor Sprague asked for comments from the audience. Susan Pope, Assistant District Attorney, indicated that there are some properties which are run as businesses; she asked if this ordinance addressed those places (i.e. Hope House, the efficiencies on Hammond Street, and the Ranger Inn). She said that they use the Police Department as property managers and try to avoid all of the requirements needed for eviction by calling themselves hotels, inns or motels. Heitmann indicated that rooming houses and boarding houses are included.

Staff was questioned regarding the Ranger Inn and the Bangor Efficiency Apartments on Hammond Street. Martin indicated that Staff has been looking into these and they will be back with answers in the near future.

Barbara Roy, a Webster Avenue North resident – indicated that the problems they have had because of the Bangor Efficiency Apartments, they need the City behind them. The owner is using the Police Department to maintain his building. She indicated that she was at the meeting to speak on the sliding scale approach. She indicated that she was not in favor of this approach. She said that she did not care how many units are in the building next to her when she is up at 3:00 a.m. listening to the argument. She indicated that she has picked syringes out of her driveway, fights that have rolled out into her driveway and her kids can't walk home from school.

Councilor Blanchette said the City needs an ordinance that says that if they can't control their tenants, then their boarding house license will be taken away.

Michael Rolnick, owner of several apartments in Bangor, told the Committee a story of his trials and frustration with renting to a tenant that he is having difficulty evicting. She was not listed as a bad tenant on the Greater Bangor Apartment Owners and Managers Association website. He rented to her and she provided him with the first month's rent which she received from General Assistance. Shortly after that she was having people going in and out of her apartment at all hours of the night. The tenant, because of her drug use, failed to reapply for her monthly General Assistance and did not pay the next month's rent. He has been trying to evict her but under the present system rules, he's finding it very difficult and expensive. He agreed with Ms.

Roy. He is experiencing the same problems and he said that he felt that most of them are caused because General Assistance gives vouchers to people who are drug users.

Heitmann noted that in this case Mr. Rolnick would not be cited under the disruptive properties ordinance because he is taking the appropriate steps to remedy the situation by beginning the eviction process. The difficulties he is experiencing with the actual eviction are with the Courts and not the City.

Mr. Rodrigues who lives on outer Essex Street indicated that he feels that this ordinance is premature, it needs more time, and it needs for both sides to sit down and go through it. Mr. Rodrigues had questions regarding background research done for the ordinance and whether or not this is a major issue confronting Bangor or is it a regional problem that affects a few that are complaining. He also had questions regarding availability of police records, what data supports the ordinance other than the community complaints and how many are there. He went on to ask how many problem places there are and how many have police issues. Landlords will have to pay for this ordinance because they have to pay for the eviction process. He asked if there was another remedy besides an eviction. He said that he is concerned about enacting an ordinance that is implemented and then reviewed.

Attorney John Canders, asked for clarification on the sliding scale. He said that as written he felt that each separate event would be considered a disruptive event and subject to a civil penalty. Heitmann indicated that as written it was his opinion that this was not the case but that he would be willing to sit down and rework the amendment. Mr. Canders noting several areas of the Ordinance that he felt should be amended indicated that he would forward his comments and his suggestions for wording to Mr. Heitmann.

Councilor Hawes indicated that they would need to extend this discussion to another meeting as it will give Mr. Heitmann time to go over his options and work with Jeremy.

Frank Harnett, 30 Webster Avenue North, indicated that he was asked by Councilor Civiello to participate. He resides in the neighborhood that abuts the Bangor Efficiencies on Hammond Street. He outlined the problems that he has experienced. The Police Department has been called hundreds of time and the neighbors have taken license plates, apartment numbers and they have done everything that we can do as neighbors. That building is no longer causing any sort of useful good. Home values are falling, their safety is being questioned and it is affecting their quality of life. He asked that the City Council pass this ordinance.

Longo moved Staff recommendation. Heitmann indicated that at this time Staff does not have a recommendation as they wanted to see if the Councilors would like to make any changes.

Councilor Hawes indicated that she would like to see the changes incorporated and recommended that this be sent to another meeting. Councilor Sprague noted that this would be sent to the first BED meeting in December.

Gary Capehart, 1094 Essex Street, asked if the Bangor Housing Authority is the owner, if they would then be held responsible if you had these violations in units. Heitmann indicated that the property owner is responsible and if it is Bangor Housing Authority they would be responsible.

Charles Siegel, Palm Street, indicated that this is the start of the communication process between the City and the landlord.

Chad Walton, a Bangor resident, asked where the fines collected would go and if they could go directly to the police department to handle these disruptive people. Heitmann indicated that normally the fines would go into the general fund but that he would check into this.

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

Councilor Longo moved to go into Executive Session. The motion was seconded and passed. The Committee voted to exit Executive Session. That motion was seconded and it passed unanimously.

7. Committee Action on Above Item

The Committee moved, seconded and voted unanimously to recommend that it not release the City's junior mortgage security interest in Mr. Wellman's property in exchange for a payment of \$2,000.

The Meeting was adjourned at 7:08 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, December 4, 2012 5:00 PM
City Council Chambers

Minutes

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

Chair Sprague called the meeting to order.

CONSENT AGENDA

1. Community Development Residential Rehabilitation Deferred Loan – 61 Walter Street.

Councilor Blanchette moved to approve the Consent Agenda. The motion was seconded by Councilor Baldacci. The Committee voted unanimously in favor of the motion approving the Consent Agenda for a Community Development Residential Rehabilitation Deferred Loan at 61 Walter Street.

REGULAR AGENDA

2. Discussion and Process on Disruptive Property Ordinance

Chair Sprague opened the discussion for public comments. Andrew Farnham, owner of two adjacent properties on Fern Street, distributed to the Committee copies of the proposed Ordinance with highlighted areas that he had concerns about. He discussed what a nuisance activity is, other definitions that he thought were vague, how noise would be measured, and suggested that landlords be required to obtain a license as a business does. He said that he felt that the real problem is not the landlord but the tenants. He had questions about General Assistance and its duration.

Councilor Baldacci indicated that he would prefer that the City try to engage in a partnership with the landlords and the neighbors so as not to punish the landlords. There are many good landlords and the City wants to encourage owning property. He indicated that he felt that there are legal issues with the proposed ordinance in terms of constitutionality, vagueness and enforcement.

It was noted that the Greater Bangor Apartment Owners and Managers Association has endorsed the proposed Ordinance. Mr. Farnham indicated that he is a member of that organization and he hasn't signed off on this. He said that while the goals are good, he asked the Committee to table this to discuss it further.

Councilor Civiello indicated that she did not see this as a punishment toward landlords but a tool to help them. There have been discussions about using the Bangor Housing Authority's application form and doing background checks on perspective tenants. This Ordinance is for those landlords that ignore and ignore. Most landlords are good landlords and this is not going to affect them.

Councilor Sprague noted that once a landlord has started the eviction process there are no more penalties applied.

Councilor Blanchette indicated that she applauded everyone who has working on this but she did feel that it wasn't anywhere near ready to be adopted. She felt that there needs to be further study done.

City Manager Cathy Conlow indicated that Staff could forward the comments to City Solicitor Norm Heitmann and come back to the Committee in two weeks.

Councilor Sprague said that the original intent of this ordinance is to deal with the chronic problem landlords by giving tools to the Police Department and the Code Enforcement Office. He indicated that the point of this discussion is to gather information, hear comments and put them into the record.

Steven Hicks, a lower west side resident, indicated that he fully supports going forward with the proposed ordinance. He would support any proposal to give more stringent tools to control tenants.

Lisa Bollard, a Webster Avenue North resident, indicated that she attended the first meeting and noted a number of events that have happened since that time. There are certain apartment complexes that attract less desirable tenants and behaviors that impact the neighborhood every day. In her neighborhood they don't know what their children will be subjected to next. They have formed a neighborhood watch but something needs to happen to address these issues. She indicated that while she is not sure that this ordinance is the solution or not but it is the start. She said that they would be willing to work with the landlords and if there is any way they can help they would be willing to do so.

Michael Rolnick, a Bangor landlord, agreed with Ms. Bollard that something needs to happen. He said that he felt that the Police Department will need additional help. He was concerned about separability and constitutional issues with this ordinance. He suggested drug testing applicants who receive General Assistance and making it more difficult for them to receive it. If it is made unpalatable for the people who are causing the problem then they won't stay. Councilor Sprague indicated that General Assistance is a regulation program.

Councilor Baldacci asked if the City could impose drug testing for General Assistance. Nicklas indicated that he would look into this.

Councilor Longo indicated that Staff has been working with the Greater Bangor Area Apartment Managers Association to draft language to share with our Legislators. He said that he didn't feel that General Assistance recipients are necessarily the problem but that the criminals are the problem. He indicated that he felt the need to do something and the courage to pass something even though it may not be perfect.

Frank Harnett who resides at 30 Webster Avenue North told the Committee that the City Manager and Norm Heitmann have been working very hard to craft an ordinance to help everyone. This is a quality of life issue. He urged the Committee to pass the ordinance with some "teeth" in it so that they can live in their neighborhood in harmony. He said that the Bangor Efficiency Apartments is a nightmare for the neighborhood, his house value has declined to the point that they cannot sell.

Dan Tremble, of Montgomery Street, sympathized with the neighbors on this street (Webster Avenue North). He commented that if the Council moves forward with this that he felt that the threshold requirement should be higher than 2 incidents to trigger some enforcement activity.

Councilor Baldacci expressed his concern about the effectiveness of this ordinance and said that there needs to be more policing and code enforcement. He felt that before acting on this, they need to study how it is going to be implemented, enforced and what impact it will have on people. Also, they need to have a discussion about specific target problem landlords. The Webster Avenue North residents need relief from Bangor Efficiency Apartments.

Barbara Roy, another Webster Avenue North resident, said that they are not living under a mask of thinking that this ordinance is Bangor's answer. She said that other suggestions could include requiring repeat offenders to hire their own security instead of using the Police Department as their property managers, or having police officers get more involved with the neighborhoods. This is a start. It most likely will need to be tweaked but the time to implement this is now.

Councilor Civiello said that she had reviewed the proposed ordinance with Norm Heitmann. She said that he feels that the proposed ordinance has "teeth" and he recommended it. She said that this needs to be implemented to see where it needs to be fixed. She indicated that she is in favor of going forward with this ordinance.

Councilor Longo moved that that Committee recommend that the proposed ordinance go to the full Council for first reading on December 26th. The motion was seconded and it passed.

Conlow recommended that the Committee wait until after the first of year due to the Christmas holiday. Councilor Baldacci ask for an additional session with the full Council to go over the ordinance with the City Solicitor and asked that those in attendance at this meeting be noticed of that session.

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

Councilor Baldacci moved to go into Executive Session. The motion was seconded by Councilor Longo, and it passed. It was moved, and seconded to exit executive session.

4. Committee Action on Above Item

The Committee indicated support of continued negotiations for the proposed project.