

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, September 8, 2015 5:15 PM
City Council Chambers

AGENDA

CONSENT AGENDA

1. Community Development Residential Rehabilitation Loan – 293 Grove St. (Confidential Memo provided separately)
2. Extension of Lease Agreement with USABFIT, LLC (see attached Memo)

REGULAR AGENDA

3. Conceptual Design Approval for Babe the Blue Ox (see attached Memo and Appendix 1, 2 & 3)
4. ARTober Update (see attached Memo)
5. Update: Signage for “Continuity of Community” Sculpture on Bangor Waterfront (see attached Memo)
6. Commercial Trash & Recycling in the Downtown District (see attached Memo)
7. Proposed Fifteen Minute Parking Space – Merchants Plaza (see attached Memo, Council Action and Council Ordinance)
8. Discussion – Rural Residence & Agricultural (RR&A) District (see attached Memo and draft Ordinance)
9. Demolition of 44 Patten Street (see attached Memo)

Memorandum

To: Members of the Business & Economic Development Committee
From: Stephen A. Bolduc, Executive Manager
Date: September 8, 2015
Subject: Extension of Lease Agreement with USABFIT, LLC (Map 100-006)

Issue

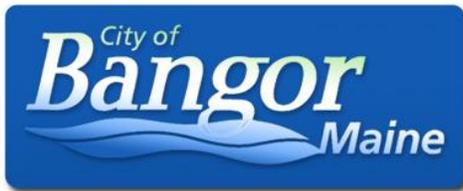
USABFIT, LLC d/b/a Union Street Athletics wishes to extend the lease on a parcel at 366 Griffin Rd., Bangor (Lot No. 10, BIA Commercial / Industrial Park). USABFIT, LLC has leased the lot since 2001 and requires extension of the term of the lease to enable bank financing. The current term runs through 2016 with three (3) options of five (5) years each which could extend the lease through 2031. The new agreement will add an option period to extend the term through 2036.

There are no other changes to the primary terms of the current agreement, i.e. premises, rate. However, we have taken the opportunity to update several sections to reflect current language on items such as hazardous waste and liability insurance.

Recommendation

Staff recommends approval of this lease agreement under the terms and conditions outlined above.

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Caitlin Brooke, Business Development Specialist and
Downtown Coordinator
DATE: September 8, 2015

Conceptual Design Approval for Babe the Blue Ox

In August 2007, the City Council approved "Guidelines and Procedures for Evaluating and Accepting Public Art and Monuments to be Located on City Property." This policy provides clear instructions on how the City should handle requests to place a monument or public art on City property. The policy is included as Appendix 1 of this memo.

The process is anchored by three distinct stages of design review—Conceptual Design, Detailed Design, and Final Design—in which the Art in Public Places subcommittee makes a recommendation to this Committee as to whether or not the project should proceed to the next stage.

The Conceptual Design of the proposed public art sculpture of Babe the Blue Ox satisfies the criteria outlined in Sections 4.0 and 5.0 of "Guidelines and Procedures for Evaluating and Accepting Public Art and Monuments to be Located on City Property" and is recommended for approval by The Art in Public Places subcommittee. Appendix 2 and 3 include the documents submitted by the organization in accordance with the policy.

If the Conceptual Design for Babe the Blue Ox is approved by this Committee and Council, the next step is for the organization promoting the project to complete a Detailed Design as outlined in Section 6.0. Upon submission of this proposal, the Arts in Public Places subcommittee will convene again to make a recommendation to this Committee, then Council. A third and Final Design must be presented to the Art in Public Places subcommittee for recommendation to this Committee, then Council.

Appendix 1

BED Memo – Babe the Blue Ox/Conceptual Design

GUIDELINES AND PROCEDURES FOR EVALUATING AND ACCEPTING PUBLIC ART AND MONUMENTS TO BE LOCATED ON CITY PROPERTY

1.0 PURPOSE

The purpose of this policy is to insure that public art and monuments placed on public property are of high artistic merit, that the thematic material is appropriate for the City, and that the monument treats its subject matter with appropriate dignity.

2.0 GENERAL POLICY

It is the general policy of the City of Bangor to support efforts to increase the City's inventory of public art and monuments. Public monuments serve to recognize and memorialize people, events, and social trends that are important to the history of Bangor and to our sense of place as a community. Public Art serves to enhance the cultural and aesthetic quality of life and to add interest and excitement to our community's public spaces.

3.0 GUIDELINES FOR PUBLIC MONUMENTS

In considering whether a specific proposal for a public monument is appropriate, the following criteria should be applied:

- 3.1 The monument relates to persons or events recognized by the public as of sufficient significance to the community or its history as to warrant a public presence.
- 3.2 The monument honors an individual, group of individuals, place or event that has a direct relationship to Bangor. It recognizes a social trend, idea or symbol which has been seminal in changing the preconceptions, attitudes and outlook of the citizens of Bangor.
- 3.3 In the case of individuals, persons to be honored should have died a sufficient length of time in the past, generally at least twenty years, for their ideas, service, and accomplishments to be placed in an accurate and meaningfully interpreted historical perspective.
- 3.4 The subject is of relevance to the community as a whole, not solely to a distinct segment or subset of the community.
- 3.5 The artistic merit of the proposal, including consideration of the suitability of the artistic theme to its subject matter.
- 3.6 If the subject is portrayed elsewhere in a public space, the proposal will present a different facet of the subject and/or not detract from the existing monument.
- 3.7 The adequacy of documentation provided to support the factual background on which the case has been built for erecting the monument.

4.0 GUIDELINES FOR PUBLIC ART

In considering whether a specific proposal for a public artwork is appropriate, the artistic merit of the proposal shall be reviewed, including the suitability of the artistic theme to its subject matter and its relevance to the community.

5.0 APPROVAL PROCESS -- CONCEPTUAL DESIGN

When a proposal is made, either by the City or a group within the community, to erect a monument or artwork on public property owned or controlled by the City, the following review and approval process should be implemented.

- 5.1 The organization seeking approval for the monument or artwork shall submit an application to the City Manager. The application shall include a general discussion of the purpose of the work, the artistic format or medium to be employed, and the proposed location. In the case of a public monument, the application shall specifically address the criteria outlined in Section 3 above.
- 5.2 The City Manager shall refer the application to the Council for Cultural Development and to appropriate City staff for review and comment, and those staff members will participate with the "Art in public places subcommittee" in a review of the application.
- 5.3 The Art in Public Places subcommittee shall review the proposal and make a recommendation to the City Council as to whether the general concept presented should be approved or denied. For a proposed monument, the committee shall be guided by the criteria established in Section 3 above; for a proposed public art project, the committee shall be guided by the criterion established in Section 4 above.
- 5.4 Upon receipt of the Art in Public Places subcommittee's recommendation, the Council shall take formal action to approve or deny the concept as presented.

6.0 APPROVAL PROCESS - DETAILED DESIGN

- 6.1 Once conceptual design approval has been granted, the organization promoting the project shall submit a detailed proposal to the Art in Public Places subcommittee including a detailed description of the artwork or monument (accompanied by perspective drawings where appropriate), the location, budget, funding plan (including plans for a maintenance endowment), and plan for implementing the project, including a projected timeline.
- 6.2 The Art in Public Places subcommittee shall then review the design and the proposed location to determine whether they are appropriate. In making this decision, the committee shall take into account the following:
 - 6.2.1 That the integrity of the artistic merit of the proposal as initially presented has been maintained as the proposal has been developed.
 - 6.2.2 The extent to which the work is consistent with the public location selected and the surrounding natural and human landscape.
 - 6.2.3 Public safety and security.
 - 6.2.4 The nature and expense of ongoing maintenance required and to what degree the burden of maintenance and upkeep will fall on the city.
- 6.3 Upon completion of this review, the Art in Public Places subcommittee shall report its recommendations to the City Council. The Art in Public Places subcommittee may recommend that the project be approved, be approved with modifications, or be denied.

- 6.4 The City Council shall then take the necessary action to formally approve or deny the proposal, including adopting the necessary Council Order to accept ownership of the monument/artwork once completed and establishing the amount required, if any, for a maintenance endowment.

7.0 FINAL DESIGN

The organization proposing the monument or artwork shall prepare final design documents for submission to the Art in Public Places subcommittee. These shall include details regarding materials, scale, site plan, design/construction and detail plans, specific catalog data for any manufactured/purchased items (lighting fixtures, pavers, furnishings, etc.), and other information bearing on the final project. The committee must approve the final design of the project. Prior to final approval, the committee shall seek the advice and recommendations of the Director of Infrastructure and Development Support, the Chief of Police, and the Director of the Department with responsibility for the property on which the monument/artwork is to be located. No work may begin until the project has been approved by the citizen committee and all required permits have been obtained.

8.0 PERMITS AND CONSTRUCTION

Prior to construction, the proposing organization must:

- 8.1 Obtain all necessary licenses and permits for the project
- 8.2 Deposit with the City the maintenance endowment, if any, required by the City
- 8.3 Submit to the City all required design documents. Shop drawings and maintenance instructions must be submitted as available and prior to final City acceptance.
- 8.4 Construction must be done in accordance with approved plans and permits. Minor modifications or deviations may be approved by the Director of Infrastructure and Development Support. Such approval shall be documented in writing by the Director to be valid. Other modifications must be approved by the Art in Public Places subcommittee and all construction and/or installation activities shall be suspended until such approval is granted in writing from the Subcommittee.

9.0 RESPONSIBILITY FOR REVIEW OF THE WORK

The Art in Public Places Subcommittee shall review the work upon completion. The completed work shall conform to the approved plans and associated modifications as may have been approved during construction. Should such work or portion thereof not conform to the approved plans and modifications, the petitioner of the work shall be instructed by the Committee to make the necessary corrections to bring the work into conformance. Should the petitioner not correct the nonconformance in the time established by the Committee the Committee may elect, at their discretion, to recommend to the Council that the work be corrected, or removed, by the City.

10.0 RESPONSIBILITY FOR REVIEW OF THE POLICY

The Director of Infrastructure and Development Support shall periodically review this policy and recommend any changes that he/she believes are appropriate.

Appendix 2

BED Memo – Babe the Blue Ox/Conceptual Design

Build Babe the Blue Ox in Bangor Coalition

Project Concept Outline

Updated September 1, 2015

Goal: *Secure support needed to design and install a statue of Babe the Blue Ox sited next to the Paul Bunyan statue in Bangor for unveiling in the autumn of 2016.*

1) Why build Babe the Blue Ox statue in Bangor?

- a) Spotlight Paul Bunyan's Maine origins.
- b) Promote Bangor's unique history and forestry/agriculture heritage to residents and visitors.
- c) Enhance Main Street with an appropriate permanent attraction.
- d) Complete the "Paul and Babe" twin statues concept as envisioned in 1958.

2) How will this statue be built and paid for?

- a) J. Normand Martin (designer of Bangor's Paul Bunyan statue) to complete statue scale model.
- b) Secure site permission, design approval, and construction cooperation with the City of Bangor.
- c) Establish and convene volunteer planning and fundraising committee.
- d) Define and manage budget; solicit, award, and oversee construction contract.
- e) Design, build, and install base and statue based upon the scale model.

3) Who will be involved with fulfilling this goal?

- a) Bangor Commission on Cultural Development and Arts in Public Places subcommittee – statue design and construction approval and coordination.
- b) Bangor Government Operations and Business and Economic and Development Committees – project approval.
- c) Bangor City Council – project final approval.
- d) Bangor Public Works – build statue concrete base with matching cobblestone façade.
- e) Planning and Fundraising Committee – statue site permission; statue construction and installation; budget management; public relations; fundraising campaign; statue unveiling.
- f) Bangor Lions Club – 501(c)3 non-profit to manage tax-deductible donations/expenses.
- g) Peoples United Bank – financial institution to process donations and expenses.

- h) Tech Advisors, Medfield, MA – Develop and manage promotional and fundraising website and social media. This is an information technology company owned and operated by Konrad and Kevin Martin, sons of J. Normand Martin.
- i) WBRC Architects and Engineers – create architectural design renderings to determine the most appropriate siting of the statue for city approval.
- j) Nickerson and O’Day General Contractors – pre-construction and construction planning, supervision and execution.
- k) University of Maine Advanced Manufacturing Center – produce a three-dimensional digital image of the scale model.
- l) Area schools – engage students in Bangor’s forestry and agriculture history via Paul and Babe.
- m) National Register of Historic Places – register Paul Bunyan and Babe statues.
- n) Other community stakeholders and interested parties.

4) When will these things happen?

2015

- a) August - complete statue scale model; present project to Bangor Commission on Cultural Development and Bangor Business and Economic Development Committee for approval.
- b) September – present project to Bangor City Council for approval; establish and convene planning and fundraising committee; finalize fundraising and promotional campaign design; identify and engage partners and donors.
- c) October and onward – coordinate design and construction plans with city; convene committee; launch public fundraising campaign; promote and manage fundraising merchandise; display statue scale model at area events; advance and complete fundraising campaign.

2016

- d) April – complete fundraising campaign; solicit construction bids.
- e) May - finalize contracts with base and statue fabricators; begin building statue; begin compiling materials to be included in time capsule; begin planning parade and events for unveiling.
- f) July – begin building concrete base with fieldstone façade for statue; announce statue completion and listing of Paul Bunyan and Babe statues on National Registry of Historic Places.

- g) October – complete statue fabrication and installation; complete time capsule; unveil Babe the Blue Ox statue and insert time capsule into base at culmination of parade festivities; publicly acknowledge supporters; project completion party.

5) Progress to Date

- a) Secured permission to republish “The Wonderful Adventures of Paul Bunyan” (1945) to serve as a fundraising and public awareness vehicle. This book inspired Mrs. Connie Bronson to suggest the creation of Bangor’s Paul Bunyan statue in 1958.
- b) Received preliminary approval from City of Bangor’s Government Operations Committee and Arts in Public Places Subcommittee of the Bangor Commission for Cultural Development.
- c) Received statements supporting the merits of this project from the Maine Folklife Center and the Bangor Historical Society.
- d) Received statement of support and cooperation from Mr. Bill Batchelder of Bemidji, MN who is involved with that town’s renovation of their Paul Bunyan and Babe the Blue Ox statues.
- e) Received significant commitments of assistance from WBRC Architects and Engineers and Nickerson and O’Day General Contractors.
- f) Statue scale model completed for presentation to the City of Bangor’s Cultural Commission.

Appendix 3

BED Memo – Babe the Blue Ox/Conceptual Design

**Application for Conceptual Design Approval from
The Business and Economic and Development Committee for
Building a Statue of Babe the Blue Ox to Join Bangor’s Paul Bunyan Statue**

Submitted to the City of Bangor by

The Build Babe the Blue Ox in Bangor Coalition

September 2, 2015

This application is in response to the pertinent sections of the City of Bangor’s GUIDELINES AND PROCEDURES FOR EVALUATING AND ACCEPTING PUBLIC ART AND MONUMENTS TO BE LOCATED ON CITY PROPERTY indicated below in italics.

4.0 GUIDELINES FOR PUBLIC ART

In considering whether a specific proposal for a public artwork is appropriate, the artistic merit of the proposal shall be reviewed, including the suitability of the artistic theme to its subject matter and its relevance to the community.

5.0 APPROVAL PROCESS -- CONCEPTUAL DESIGN

When a proposal is made, either by the City or a group within the community, to erect a monument or artwork on public property owned or controlled by the City, the following review and approval process should be implemented.

5.1 The organization seeking approval for the monument or artwork shall submit an application to the City Manager. The application shall include a general discussion of the purpose of the work, the artistic format or medium to be employed, and the proposed location. In the case of a public monument, the application shall specifically address the criteria outlined in Section 3 above.

(See responses to Section 3 below)

3.0 GUIDELINES FOR PUBLIC MONUMENTS

In considering whether a specific proposal for a public monument is appropriate, the following criteria should be applied:

3.1 The monument relates to persons or events recognized by the public as of sufficient significance to the community or its history as to warrant a public presence.

3.2 The monument honors an individual, group of individuals, place or event that has a direct relationship to Bangor. It recognizes a social trend, idea or symbol which has been seminal in changing the preconceptions, attitudes and outlook of the citizens of Bangor.

For 56 years, 365 days per year, 24 hours per day, and for ages to come, Bangor's Paul Bunyan Statue stands as our city's most recognized cultural icon, hearkening to our glorious 19th century title as "Lumber Capital of the World". Paul's sturdy pioneer image is portrayed in hundreds of regional organization and event promotions, including the City of Bangor's own website homepage banner. For many, Paul Bunyan is inextricably and positively linked to Bangor, greatly enhancing our city's image of resourcefulness and accomplishment.



Just as Bangor is so closely associated with Paul, the figure most connected to the world's greatest lumberjack is, of course, the mighty Babe the Blue Ox. Many physical representations of Paul Bunyan in statue form across the U.S. have by his side his eternal companion Babe, yet though our city's original concept in 1958 envisioned him forever standing with Paul, Babe is absent. Our *Build Babe the Blue Ox in Bangor Coalition* aims to correct this inadvertent omission, and in so doing, will focus our community's vision towards Bangor's promising future as we commemorate our remarkable past.

Maine's pioneering and industrial history is based in our wondrous forests, our rivers, and our seashores. In 1958, a committee formed to celebrate Bangor's 125th incorporation anniversary likewise desired to look towards our city's future with an appropriate emblem from our past.

Numerous books and prominent films, including the famous 1958 animated Disney feature, place Paul's origins in Maine. In fact, it was such a book, entitled "The Wonderful Adventures of Paul Bunyan" published in 1945 by the Heritage Press that inspired a dedicated volunteer, Ms. Connie Bronson, to suggest that the city build the world's largest statue of Paul Bunyan.

Our ultimate goal is to connect greater Bangor residents and visitors to our region's wonderful beginnings and cultural attractions, and ensure that we all clearly appreciate why Paul Bunyan stands by Main St. today and why his faithful companion Babe will now join him there.

3.3 In the case of individuals, persons to be honored should have died a sufficient length of time in the past, generally at least twenty years, for their ideas, service, and accomplishments to be placed in an accurate and meaningfully interpreted historical perspective.

Since their folklore originated in the early 19th century, the intertwined stories of Paul Bunyan and Babe the Blue Ox continue to inspire. Just as their fantastic feats will forever stir our imaginations, so does the fanciful notion that they continue to roam North America in search of trees to harvest. Bangor's Babe statue will only help ensure that these legends will never die.

3.4 The subject is of relevance to the community as a whole, not solely to a distinct segment or subset of the community.

Bangor's beginnings are intimately connected to the logging industry, as the confluence of the Kenduskeag and Penobscot Rivers, our proximity to the great North Woods and the Atlantic Ocean, and the extraordinary work ethic of the famous Bangor Tigers led to Bangor's tremendous economic growth in the 19th century.

From www.bangorinfo.com (Ryan Robbins, author):

"Lumber Capital of the World - The first sawmill in Bangor was built in 1772. It marked the beginning of a century of dominance by Bangor in the world lumber industry. In the mid-1830s, Bangor was home to more than 300 sawmills, earning the city the undisputed title "Lumber Capital of the World." Lumberjacks harvested the northern Maine woods and sent their logs down the Penobscot River where they were picked up by runners in Bangor. Pictures from the era show Penobscot River swollen from shore to shore with logs; people were literally able to walk from one shore to the other!"



The Babe the Blue Ox Statue will inspire citizens of Bangor and our visitors to connect to this glorious past, better appreciate our many industrial and cultural achievements, and look forward to our city's vibrant future.

3.5 The artistic merit of the proposal, including consideration of the suitability of the artistic theme to its subject matter.

3.6 If the subject is portrayed elsewhere in a public space, the proposal will present a different facet of the subject and/or not detract from the existing monument.

Bangor’s Paul Bunyan statue is the world’s largest and is widely considered the most appealing, as it is the one closest to human form and appearance and shows a giant man of action who is



Scale model of the proposed Babe the Blue Ox statue, designed by J. Normand Martin.

ever ready to wield his enormous ax and peavey. The Babe the Blue Ox Statue will join Paul in the record books as the world’s largest, and because it will be fashioned based upon the scale model created by the original designer of the Paul Bunyan Statue, J. Normand Martin, it can be reasonably predicted that Babe will perfectly match Paul in his aesthetic appeal.

The final rendering and siting of the statue will be determined in close consultation and coordination with city officials. To assist in this process, WBRC Architects and Engineers is creating images displaying the proposed statue in front of the Cross Center next to Paul, using a three-dimensional digital scan completed this week by the University of Maine Advanced Manufacturing Center. These images are now in process and will be provided to the city to review soon.

The coalition’s goal in building Babe the Blue Ox is to enhance our Paul Bunyan Statue, and add to greater downtown’s attractions. We expect that these twin statues will become an even more popular destination for local residents and visitors, so one important objective is to encourage statue visitors to explore downtown Bangor via a mapped walking tour to understand our history and appreciate our many features and offerings. In this way, we aim to increase visitation and appreciation of Charles Tefft’s remarkable “The River Drivers” at the Pierce Memorial next to Bangor’s historic Public Library.

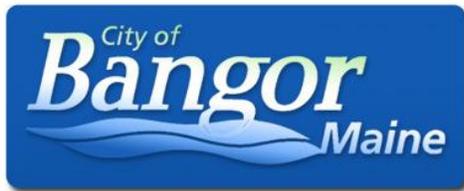


3.7 The adequacy of documentation provided to support the factual background on which the case has been built for erecting the monument.

Please see the attached concept outline for more information. As we make steady progress towards our many objectives, our project proposal and plan can be expected to reach the degree of detail and coordination that this worthwhile endeavor will require.

Our coalition and partners look forward to engaging in productive and energizing discussions with the City of Bangor and many stakeholders who, like us, see value in adding this spectacular attraction to Bangor's many cultural offerings.

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Kierie Piccininni, Chair of the Commission on Cultural Development
DATE: September 8, 2015

ARTober Update

The Commission on Cultural Development is excited to present an update on "ARTober," (October) a month dedicated to celebrating arts and culture throughout Bangor. The Commission encouraged collaboration and participation from artists, musicians, writers, venues, foodies, etc. to showcase all things arts and culture in Bangor. ARTober coincides with the National Arts & Humanities Month (NAHM), a coast-to-coast collective recognition of the importance of culture in America. It is designed to encourage people to explore new facets of the arts and humanities in their lives, and to begin a lifelong habit of active participation in the arts. ARTober promotion and programming is supported by funding from the Maine Community Foundation.

The response from the community has been overwhelming. Over 60 events have been planned by dozens of Bangor-based organizations and more programs are coming in daily. A brief sample of the events includes:

- The ARTober Kick Off Party on October 2 at Union Street Brick Church which will feature the unveiling of Geaghan Brewing Company's ARTober Ale
- A Public Art and History Tour of the Bangor International Airport
- A Collaboration between River City Cinema and Bangor Symphony Orchestra to present a Maine movie premiere
- A Public Art Walking Tour, hosted by the Commission on Cultural Development
- Comma Carnage! An Oxford-style debate on the Oxford comma, presented by the Maine Writers and Publishers Alliance and the Kirby Family Foundation
- Many, many more!

The Commission is grateful for the Council's continued support of arts and culture in Bangor.

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Caitlin Brooke, Business Development Specialist and
Downtown Coordinator
DATE: September 8, 2015

Update: Signage for "Continuity of Community" Sculpture on Bangor Waterfront

In order to enhance public awareness and demonstrate proper identification of existing public art in the City of Bangor, the Commission on Cultural Development requests approval on signage to identify the abstract aluminum sculpture "Continuity of Community," created in 1969 by Maine sculptor Clark Battle Fitz-Gerald (1917–2004). The sculpture is currently located on the Bangor Waterfront.

The Commission was directed by Council at its January 12th meeting to revise the sign's language to include more historical information. The Commission collaborated with the Bangor Public Library to research significant historical details surrounding the sculpture's narrative in Bangor.

The following language is recommended for approval:

Clark Battle Fitz-Gerald (American, 1917-2004)

Continuity of Community, 1968-1969

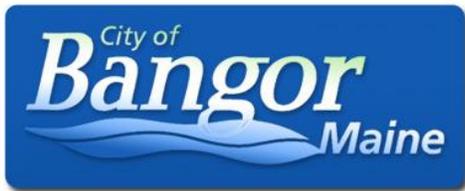
Sculpture

Sculpture: welded aluminum over steel skeleton; Base: steel pole sheathed with aluminum

Commissioned for the Bangor Bicentennial in 1968. Installed 1969. Dedicated 1969 at City Hall. Relocated 1972 to West Market Square. Relocated 2012 to Bangor Waterfront.

If this language is approved, staff will proceed in obtaining quotes for review by the Commission on Cultural Development at their October 2015 meeting.

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Caitlin Brooke, Business Development Specialist and
Downtown Coordinator
DATE: September 8, 2015

Commercial Trash & Recycling in the Downtown District

In recent conversations during BED committee meetings, the status of commercial trash disposal in downtown Bangor has repeatedly come up. Per the request of this Committee, the Community and Economic Development staff began assessing the situation and looking at what other cities across the country do to with commercial trash disposal in crowded downtown areas.

Current Situation

How do businesses and residential units* in the Downtown District dispose of trash? The majority of businesses currently use dumpsters located on private property. Most businesses that do not own/lease adequate outdoor space to place a dumpster on have a shared-use agreement with another business that does own a dumpster. Another solution is for the business to hold the trash inside the building until disposal. Two agreements have been made with the City which gives a property owner the right to store trash receptacles on City property. All solutions require private contracting for trash/recycling pick-up.

*Residential vs. Commercial—Residential, curbside pick-up is defined as available to all properties with four or fewer units in Bangor. Our commercial definition will include residential properties with five or more units.

Based on staff's conversations with several downtown business and property owners, commercial trash disposal does not appear to be a pressing issue or concern. Staff recommends continued monitoring of the situation downtown. If, at a future date, downtown stakeholders and staff determine the situation has changed, a recommended path forward to a comprehensive solution will be presented to this committee.

Memorandum

To: Business and Economic Development Committee
From: Paul Nicklas, Assistant City Solicitor
Date: September 8, 2015
Re: Fifteen Minute Parking Space - Merchants Plaza

This proposed ordinance amendment would designate one downtown parking space on Merchants Plaza as a 15 minute parking space.

Downtown business owners and residents often need a place to load and unload vehicles. In the past, vehicles have sometimes been allowed to use the small pocket park on Merchants Plaza, near Pickering Square, for this purpose. Improper use and the potential for damage to the park have led the City to discontinue this practice, but the need for a loading area remains. Adding a fifteen minute space would address this need while preserving the park.

COUNCIL ACTION

Item No.

Date: September 14, 2015

Item/Subject: **ORDINANCE**, Amending Map Entitled "Downtown Parking Management District" by Creating a 15 Minute Parking Space on Merchants Plaza

Responsible Department: Community and Economic Development

Commentary:

This ordinance amendment would designate one downtown parking space on Merchants Plaza as a 15 minute parking space. This parking space will allow downtown businesses and residents to load and unload more easily. The parking space is also intended to reduce the incidence of illegal parking during loading and unloading, such as parking in the pocket park off Merchants Plaza.

Department Head

Manager's Comments:

City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

Passage

First Reading

Referral to the Business and Economic Development Committee on September 22, 2015



CITY OF BANGOR

(TITLE.) ORDINANCE, Amending Map Entitled "Downtown Parking Management District" by Creating a 15 Minute Parking Space on Merchants Plaza

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

THAT the map entitled "Downtown Parking Management District", referred to in City of Bangor Code Section 291-37 B, is hereby amended by designating parking space 2305 as "Parking limited to 15 minutes."

Memorandum

To: Business and Economic Development Committee
From: Paul Nicklas, Assistant City Solicitor
Date: September 8, 2015
Re: Rural Residence and Agricultural District - Landscaping Businesses

The City is exploring possible amendments to the Rural Residence and Agricultural District ordinance regarding landscaping businesses.

The Rural Residence and Agricultural District (RR&A) has a history of sometimes uneasy coexistence between residential homes and other, more intensive uses. In addition to residences, a host of agricultural and related uses are allowed, along with kennels, veterinary facilities, places of worship, and home occupations.

Landscaping businesses have traditionally fallen under the umbrella of agricultural uses in the RR&A District. Recently concerns have been raised about such businesses and their proximity to residences. An ordinance was drafted to create certain restrictions on landscaping in RR&A. The ordinance was discussed at several public meetings, tabled, and ultimately postponed indefinitely pending further consultation with landowners and other interested parties.

Since then, staff has met with interested parties and has held a discussion session with the Planning Board. Staff has drafted an ordinance that attempts to balance the needs of businesses with those of residents. The draft ordinance includes:

- A tiered system, with larger landscaping businesses requiring larger lots.
- Visual barriers from neighbors.
- A requirement that larger landscapers be on major arterial streets.

Landscaping businesses currently holding a permit would be grandfathered.

Staff seeks input from the Committee regarding this ordinance.



CITY OF BANGOR

(TITLE.) Ordinance, Amending Chapter 165, Land Development, or the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District

WHEREAS, landscaping service businesses have traditionally been considered as an agricultural use in the Rural Residence and Agricultural District (RR&A);

WHEREAS, concerns have been raised regarding the proximity of such businesses to residences in the RR&A District; and

WHEREAS, the needs of landscaping businesses must be balanced with the concerns of residential property owners;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS:

That Chapter 165, Land Development of the Code of the City of Bangor be amended as follows:

§ 165-13. Definitions.

For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

...

LANDSCAPING SERVICES

Onsite and offsite business activities related to planting, bed preparation, installation of landscape materials, and attendant maintenance activities. Landscaping includes:

- A. Raising, planting, and caring for plants, shrubs, and trees;
- B. Mowing, irrigation, raking, rolling and reseeding of lawns;
- C. The application of fertilizers, pesticides, herbicides, and disease control agents;
- D. Construction and maintenance of landscaping features, such as flower beds, patios, fountains, and decorative pools; and
- E. Snow removal.

...

§ 165-105. Rural Residence and Agricultural District (RR & A).

- A. Statement of purpose. The Rural Residence and Agricultural District is established to preserve in agricultural use lands where urban development is generally not feasible because of the absence of public utilities and community facilities. As these utilities and facilities become available within the urban development boundary and a demand for urban land use develops, a change of zoning from agricultural to other districts may be made. Minimum lot sizes in this district are also intended to preserve the quiet, rural atmosphere and to conserve property values.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.
- C. Permitted uses. The following uses are permitted in this district:
- (1) Agriculture.
 - (2) The sale of farm, nursery, dairy or poultry products within a structure having a gross floor area of not more than 500 square feet.
 - (3) Sale of farm products where:
 - (a) The retail area shall not exceed 2,500 square feet.
 - (b) The property is located on a major arterial street.
 - (c) The property is a working farm.
 - (4) One-family dwellings and one-family detached manufactured housing units.
 - (5) Home occupation or profession (subject to the requirements of Article IV).
 - (6) Municipal uses.
 - (7) Public utility and public service uses.
 - (8) Community living arrangements, in accordance with 30-A M.R.S.A. § 4357-A, as may be amended.
 - (9) Cluster subdivision for detached single-family dwellings, provided that:
 - (a) Such project has a minimum of five acres.
 - (b) Provision is made for the maintenance in perpetuity of open space areas in such a project.
 - (c) Such project receives approval under Article XVI of this chapter.
 - (10) Cellular telecommunication towers, provided that:

- (a) They do not exceed 195 feet in height, or the minimum height required under federal law, whichever is greater.
 - (b) They are set back from property lines a minimum of 100% of the tower height.
 - (c) They conform to the requirements of § 165-80.1.
- (11) Bed-and-breakfasts, provided that:
- (a) Meals provided are limited to patrons and their guests.
 - (b) It is limited to a maximum of 10 guest rooms.
 - (c) It provides, at a minimum, an A Buffer Yard or an equivalent of existing woody vegetation to buffer neighboring properties.
 - (d) The applicant demonstrates compliance with the State Plumbing Code for the proposed number of units.
- (12) Landscaping services, provided that:
- (a) The landscaping services use is accessory to the primary use of the parcel as a residence.
 - (b) Facilities, equipment, and storage areas are located at least 50 feet from the property line of any other parcel.
 - (c) At least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.
 - (d) No more than four people, including the owner, may be employed or used as independent contractors by the landscaping services business.
 - (e) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel.
- (13) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection D below.
- D. Conditional uses. Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:
- (1) Excavations of soil or loam, provided that they meet the requirements of Article VI.
 - (2) Animal pounds, kennels, animal hospitals, animal clinics, and animal crematoria, provided that such facilities are located at least 100 feet from any residential district and at least 150 feet from any residential building on an adjoining parcel.

- (3) Tenting and camping areas, golf courses and driving ranges (except miniature golf courses), provided that:
 - (a) They are located on the following arterial highways: Route 15 (Broadway) and Route 222 (Union Street).
 - (b) Such facilities are set back at least 50 feet from the street right-of-way line.
 - (c) Access drives are so located and designed to provide free, unobstructed views of vehicles from the drives and from the street and adequate stopping sight distances to such drives are available on the street.
- (4) Reconstruction of mobile home parks established prior to 1971, provided that:
 - (a) They have water service from the Bangor Water District sewer service from the City of Bangor and a minimum of 25 mobile home spaces.
 - (b) The reconstruction is done consistent with the requirements of § 165-121C.
- (5) Places of worship, provided that such site development is located on a major arterial street.
- (6) Cemeteries, provided that they meet the requirements for access drives in Subsection D(3)(c) above and conform to state statutes.
- (7) Landscaping services, provided that:
 - (a) The property is five acres or larger in area.
 - (b) The property is on a major arterial street.
 - (c) Facilities, equipment, and storage areas are located at least 150 feet from the property line of any other parcel.
 - (d) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel, or, in the alternative, at least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.

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

Memorandum

To: Business and Economic Development Committee
From: Paul Nicklas, Assistant City Solicitor
Date: September 8, 2015
Re: Demolition of 44 Patten Street

The house at 44 Patten Street burned in a fire in July of 2013. Efforts to require the owners of the property to rehabilitate or demolish it were unsuccessful.

On June 22, 2015, the City Council found the house at 44 Patten Street to be a dangerous building, and ordered the owners to demolish the building within 30 days, or else the City would proceed with demolition and lien the property. The order was served on the owners by publication, and the appeal period has run. No appeal of the Council's action has been filed.

Staff now requests permission to move forward with demolition of the property in accordance with the previous Order.