



CITY COUNCIL AGENDA



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lisa.goodwin@bangormaine.gov

REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 11, 2023

PLEDGE OF ALLEGIANCE

Currently, the public has the choice to participate in meetings in person at City Hall or remotely through Zoom, Facebook, television, and the City’s website. Public comment, whether in person or through Zoom requires a person to state their name and address, any inappropriate or offensive remarks may be removed, and the Council Chair will have discretion over the time allowed for comment. On Zoom, the public may be recognized to speak by the hand wave function or, on a phone, by pressing *9.

PUBLIC COMMENT

CONSENT AGENDA ITEM NO.

ASSIGNED TO COUNCILOR

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

MINUTES OF: **Bangor City Council Regular Meeting of September 25, 2023,
Government Operations Committee Meetings of April 3, 2023 and
April 19, 2023**

<u>LIQUOR LICENSE RENEWALS:</u>	Application for Liquor License Renewal Malt, Wine, Spirits of Dysart’s Service d/b/a Dysart’s, 1110 Broadway	HAWES
	Application for Liquor License Renewal Malt, Wine, Spirits of Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, 504 Stillwater Avenue	HAWES
	Application for Liquor License Renewal Malt, Wine, Spirits of Judy’s Restaurant d/b/a Judy’s Restaurant, 125 State Street	HAWES
	Application for Liquor License Renewal Malt, Wine of Some Theatre Company, LLC d/b/a Some Theatre Company, 557 Stillwater Avenue	HAWES
	Application for Liquor License Renewal Malt, Wine, Spirits of China Harbor Restaurant, Inc d/b/a China Harbor Restaurant, 547 Main Street	HAWES
	Application for Liquor License Renewal Malt, Wine, Spirits of Tesoro Restaurant, LLC d/b/a Tesoro’s, 118 Harlow Street	HAWES
	Application for Liquor License Renewal Malt, Wine, Spirits of HC Bangor, LLC d/b/a Hollywood Casino Hotel and Raceway, 500 Main Street	HAWES

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**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**23-302 ORDER Authorizing the Execution of a Municipal Quitclaim
Deed for Real Estate located at 15 Royal Road YACOUBAGHA**

Executive Summary: This Order will authorize the execution of a municipal quitclaim deed for real estate located at 15 Royal Road. Sewer and stormwater liens have matured on the property owned by Angela L. Haley, at 15 Royal Road. The outstanding charges due the City have been paid, and there are no known code violations on the property. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property.

**23-303 ORDER Amending the Schedule of Fees by Adding Inland
Fisheries & Wildlife Agent Fee PELLETIER**

Executive Summary: This Order will amend the Schedule of Fees to add an Inland Fisheries & Wildlife Agent Fee to the schedule. Current State law sets the agent fee for registering snowmobiles and all-terrain vehicles at not more than \$1 for each renewal and \$2 for new registrations. On October 25, 2023, State law will change allowing agents to charge a fee of not more than \$5 for each new or renewal registration. As there will no longer be a set fee in State law, the agent fee needs to be added to the City's Schedule of Fees. In addition, the language in State law relating to watercraft registrations states the agent "may" charge \$1 for renewal registrations and \$2 for new registrations. The agent fee for watercraft registrations is not currently in our Schedule of Fees and should be added for consistency. This Order will add language to allow the City to charge the maximum fee allowed by State law for snowmobiles, ATVs and watercraft registrations.

This item was reviewed and approved by the Finance Committee at the October 2, 2023 meeting.

**23-304 ORDER Authorizing the City Manager to Sell City Lot R11-
011-A to Abutting Property Owner, Duane Williams,
for \$3,005 LEONARD**

Executive Summary: This Order will authorize the City Manager to sell a city parcel of property located on Old Bangor Road and shown on City Tax Maps as Lot R11-011-A for \$3,005. The City will retain an easement for future improvements at the intersection of Old Bangor Road and Broadway.

The City of Bangor owns an undeveloped 0.27 acre parcel located at the corner of Old Bangor Road and Broadway (Route 15) and identified as Map R11, Lot 011-A on the City Tax Maps. The City has no plans to develop this property and the size and shape of the parcel limits its development potential. The City's Assessing Department recently appraised the property at \$3,005.00.

Mr. Duane Williams owns the abutting property and wishes to purchase the City parcel to add to his property frontage along Broadway. This will allow Mr. Williams to maintain the parcel in a similar manner to his current lot that is under development.

This item was reviewed and approved by the Finance Committee at the October 2, 2023 meeting.

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**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

23-305 ORDER Authorizing the Execution of a Contract with Sargent Corporation in the Amount of \$373,450 for the Deicing Stormwater Treatment - Phase III Project at the Airport **DAVITT**

Executive Summary: This Order would authorize the execution of a contract with Sargent Corporation in the amount of \$373,450 for the Deicing Stormwater Treatment - Phase III Project at the Airport.

On September 27, 2023, the City received one bid response for this project from Sargent Corporation in the amount of \$373,450 which was within the approved budget for the project.

The purpose of this project is to perform preventative maintenance and repairs to the existing deicing stormwater treatment system. Phase I of the project included rerouting storm drain piping associated with the lower portion of the system in order to decrease water levels in Cells 1-4, facilitating Phase II. These cells are separate, but integrated systems which direct, capture, filter and treat the stormwater runoff. Phase II included replacing the cross sections of Cells 1-3, aiding in allowing the Airport to continue to meet the existing discharge requirements associated with its Maine DEP Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities. Phase III will consist of the maintenance and rebuilding of Cell 4 and areas upstream from Cells 1-3.

All work must be completed prior to deicing season to comply with DEP directives. The Airport has excellent past experience with this vendor and the vendor has extensive knowledge of the Airport's Stormwater Treatment System having previously worked on it.

This item was reviewed and approved by the Finance Committee on October 2, 2023.

23-306 ORDER Authorizing an Amendment to the Employment Agreement of City Clerk Lisa Goodwin **SCHAEFER**

Executive Summary: This Order authorizes an amendment to City Clerk Lisa Goodwin's employment agreement. This amendment will increase the City's retirement contribution by 1% effective July 2, 2023.

This item was reviewed in Executive Session on September 11, 2023.

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

**ASSIGNED TO
COUNCILOR**

23-307 ORDINANCE Amending the Code of the City of Bangor, by Creating Regulations and Allowances for Emergency Shelters (First Reading and Referral to Planning Board Meeting on October 17, 2023) **DAVITT**

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

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Ordinance would update the City’s Code of Ordinances to clarify the definition of emergency shelters and to allow this use in the Government & Institutional Service District (G&ISD) with stipulations around siting and layout.

At present, emergency shelters are defined but are not allowed in any zone in the City. However, there are existing shelters in the City and some have expressed interest in expansion. The allowances provided by these amendments would permit expansion of some shelters, as well as allow for new shelters in select areas. These amendments also attempt to allay concerns expressed during a previous amendment proposal regarding siting and security by providing additional stipulations for this use.

The 2022 Comprehensive Plan suggests that the City “evaluate land uses that allow for sheltering and supporting people experiencing homelessness to help ensure that existing zoning supports a diverse housing stock”.

**23-308 ORDINANCE Amending the Code of the City of Bangor by Creating YACOUBAGHA
Regulations and Allowances for Short-Term Rentals
(First Reading and Referral to Planning Board
Meeting on October 17, 2023)**

Executive Summary: This Ordinance amendment proposed changes to update the City’s Code of Ordinances to define the use of short-term rentals, to create regulations for this use, and to allow the use in the URD-1, URD-2, M&SD, NSD, USD, DDD, WDD, LDR, HDR, S&PS, GC&S, and RR&A zones. At present, short-term rentals are not defined in the City’s Code of Ordinances and are therefore not allowed in the City.

However, the operation of short-term rentals has the potential to create income opportunities for property owners on fixed or limited incomes and may enhance and diversify the accommodations available to visitors and tourist. On the other hand, increasing numbers of short-term rentals may result in a decrease in the supply of affordable housing in the City and the transient nature of this use can have a negative impact on the surrounding neighborhood.

Due to these impacts, the 2022 Comprehensive Plan suggests that the City regulate short-term rentals. The amendments herein attempt to strike a balance between the desire of property owners to use their properties for short-term rental use and the desire of the City’s residents to preserve the integrity of their neighborhoods.

**23-309 ORDINANCE Amending Chapter 165, Land Development Code, SCHAEFER
District Map to Re-zone Property Located at 727
Broadway from Contract Shopping & Personal
Service District (S&PS) to Shopping & Personal
Service District (S&PS) Without Contract
Overlay(First Reading and Referral to Planning
Board Meeting on October 17, 2023)**

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

**ASSIGNED TO
COUNCILOR**

Executive Summary: The proposed Ordinance will amend Chapter 165, Land Development Code, District Map to re-zone property located at 727 Broadway from Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) without contract overlay. The applicant is seeking a zone change for the property at Map-Lot R41-020, located at 727 Broadway from Contract Shopping & Personal Services District to only Shopping & Personal Services District (S&PS) by removing the contract conditions. The total area requested to be changed is approximately 3.31 acre and is shown in the attached exhibit.

The contract conditions for this property limit the curb cuts that can be made onto Broadway and Hillside Avenue, limit the types of uses that can go on the property, reduce the maximum impervious surface ratio and floor area ratio, and require additional landscaping and buffering for uses on the site. Removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone.

The neighborhood around the property under review consists of primarily commercial uses and high-density residential, along with some single-family residential. The zoning in the area is primarily a mixture of High Density Residential (HDR) and Shopping and Personal Service (S&PS), with some Government and Institutional District (G&ISD) and Multi-family and Service District (M&SD). This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of “medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses.”

23-310 ORDINANCE Amending Chapter 165, Land Development Code, **SPRAGUE
District Map to Re-zone Property Located at 743 &
759 Broadway from Contract Shopping & Personal
Service District (S&PS) to Shopping & Personal
Service District (S&PS) Without Contract Overlay
(First Reading and Referral to Planning Board
Meeting on October 17, 2023)**

Executive Summary: The proposed Ordinance will amend Chapter 165, Land Development Code, District Map to re-zone property located at 743 and 759 Broadway from Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) without contract overlay. The applicant is seeking a zone change for the property at Map-Lots R41-019-B and R41-018, located at 743 & 759 Broadway from Contract Shopping & Personal Services District (S&PS) to only Shopping & Personal Services District (S&PS) by removing the contract conditions. The total area requested to be changed is approximately 1.58 acre and is shown in the attached exhibit.

The contract conditions for this property limit the curb cuts that can be made onto Broadway and Hillside Avenue, limit the types of uses that can go on the property, reduce the maximum impervious surface ratio and floor area ratio, and require additional landscaping and buffering for uses on the site. Removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone.

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The neighborhood around the two properties under review consists of a mix of high-density residential and single-family homes, along with some commercial uses. The zoning in the area is primarily a mixture of High Density Residential (HDR) and Shopping and Personal Service (S&PS), with some Low Density Residential (LDR) and Government and Institutional District (G&ISD). This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of “medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses.”

23-311 ORDINANCE Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 1192 Ohio Street from Rural Residence & Agricultural District (RR&A) to the Neighborhood Service District (NSD) (First Reading and Referral to Planning Board Meeting on October 17, 2023) **TREMBLE**

Executive Summary: The proposed Ordinance will amend Chapter 165, Land Development Code, District Map to re-zone property located at 1192 Ohio Street from Rural Residence & Agricultural District (RR&A) to the Neighborhood Service District (NSD). The applicant is seeking a zone change for the property at Map-Lot R23-001, located at 1192 Ohio Street from RR&A to NSD. The total area requested to be changed is approximately one acre and is shown in the attached exhibit.

The change to the NSD district would allow for small-scale commercial uses (limited to 2,000 square feet of floor area or less), such as small retail or service businesses, professional offices, or day-cares, and some low to medium density residential uses. NSD is intended to allow for low-impact commercial uses that are located primarily within established residential areas and to be limited to commercial and mixed uses that will have a minimal impact on the neighborhood.

The neighborhood around the property under review consists of a mix of single-family homes, apartment buildings, and a few institutional and business uses. The zoning in the area is primarily a mixture of High Density Residential (HDR), RR&A, and Low Density Residential (LDR). This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of “medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses”.

23-312 ORDINANCE Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located on Ohio Street from Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR) (First Reading and Referral to Planning Board Meeting on October 17, 2023) **HAWES**

Executive Summary: This proposed Ordinance will amend Chapter 165, Land Development Code, District map to re-zone property located on Ohio Street from Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR) The applicant is seeking a zone change for the property at Map-Lot R14-006-C, located on Ohio Street, from the URD-1 and RR&A to LDR. The total area

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requested to be changed is approximately 9.11 acres and is shown in the attached exhibit.

The change to the LDR district would allow for additional types of low to medium density residential uses, such as attached residential, versus the current limited residential dwelling types allowed by the URD-1 and RR&A zones. The density allowed by the Low-Density Residential district is in between that allowed by URD-1 and RR&A. The neighborhood consists of a mix of single-family homes, townhomes, and apartment buildings. The zoning in the area is primarily a mixture of URD-1, LDR, and RR&A, with some HDR lots and some G&ISD where there are schools. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of “medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses.”

23-313 ORDINANCE Amending Chapter 177, Article II, Retail Marijuana, Section 177-7, by Adding Section 177-7(K), To Clarify That Retail Marijuana Establishments May Not Transact Sales of Adult Use Cannabis or Cannabis Products at Off-Site Specified Events (First Reading) TREMBLE

Executive Summary: This Ordinance would amend Chapter 177, Article II, Retail Marijuana, to clarify that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site specified events that take place within the City of Bangor.

The State Legislature recently passed LD 202, “An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events.” This state statute does not require municipalities to permit sales of adult use cannabis or cannabis products at off-site specified events, but, when it becomes effective, it will set up a procedure for adult use cannabis stores to apply for a permit from the State Department of Administrative and Financial Services. This would be a temporary authorization from the State for a cannabis store to conduct sales of adult use cannabis and cannabis products at specified events. These specified events would typically occur off the premises of an adult use cannabis store, and the requests for State permits may come from adult use cannabis stores located within or outside the City of Bangor.

An applicant for a State permit would need municipal authorization in order to obtain the State permit, and the statute allows municipalities to restrict the sale of adult use cannabis and cannabis products at specified events, including prohibiting such sales. Without municipal approval, an applicant will not be able to obtain a State permit.

This item was reviewed and recommended by the Government Operations Committee at its October 2, 2023, meeting, for the proposed ordinance revision which clarifies that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site special events that occur within the City of Bangor.

23-314 RESOLVE Accepting and Appropriating \$20,478,297 in State and Local Fiscal Recovery Funds (aka ARPA) (First Reading) PELLETIER

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REFERRALS TO COMMITTEE AND FIRST READING
ITEM NO.

ASSIGNED TO
COUNCILOR

Executive Summary: This Resolve will accept and appropriate Twenty Million, Four-Hundred Seventy Eight Thousand, Two-Hundred Ninety Seven Dollars (\$20,478,297) of State and Local Fiscal Recovery Funds (aka ARPA) to be allocated by the City Council in accordance with federal regulations, including any interest earnings on said funds. In preparation for year end, it was noted that this particular Resolve had inadvertently not been submitted to City Council.

Throughout the pandemic, municipalities were called upon to respond to the needs of their communities while maintaining "normal" services on a day to day basis. Congress passed the American Rescue Plan Act to aid in the recovery efforts related to the pandemic. Part of this Act resulted in \$65 billion in funding for cities and counties across the country, through the State and Local Fiscal Recovery Funds. The City Council has undertaken a structured, measured and public approach in allocating these funds with an emphasis on a long lasting impact on our community throughout the year.

23-315 RESOLVE **Appropriating \$11,000 from the Federal Seizure Trust Account for the Purpose of Purchasing Fitness Equipment (First Reading) **LEONARD****

Executive Summary: This Resolve will appropriate \$11,000 from the Federal Seizure Trust account to purchase two (2) treadmills for the Police fitness center. The current treadmills are nearly ten years old and need replacement. The fitness center oversight committee has researched various models and options and obtained quotes on their selection for a suitable replacement. This item was reviewed and approved by the Finance Committee at the October 2, 2023 meeting.

UNFINISHED BUSINESS
ITEM NO.

ASSIGNED TO
COUNCILOR

23-294 ORDINANCE **Amending Chapter 23, Boards, Committees, Commissions, Section 23-37, by Allowing the City Council Committee to Request a Meeting of the Downtown Parking Advisory Committee **TREMBLE****

Executive Summary: This Ordinance will amend Chapter 23, Boards, Committees, Commissions, Section 23-37, by allowing a City Council Committee to request a meeting of the Downtown Parking Advisory Committee. The Downtown Parking Advisory Committee, a seven member Committee, is authorized to review the City's parking resources, prices and fees, and policies as they relate to on-street and off-street parking in the Downtown Parking Management District and make recommendations regarding the same to the City Council and its appropriate committees.

As currently written, a meeting will occur when requested by the Committee Chair or by the City Council. It does not allow for parking items to be referred to the Committee by a City Council Committee. Currently, oversight of parking management falls to the Community & Economic Development Department. As such, parking related items are typically reviewed by the Business & Economic Development Committee. This amendment would allow the appropriate Council Committee to refer items to the Downtown Parking Advisory Committee. This item was reviewed and recommended for passage at the Business and Economic Development Committee meeting on September 18, 2023.

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**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

23-295 ORDINANCE Amending Chapter 165, Land Development Code, by Adding the Use of Permanent Supportive Housing as a Conditional Use in the Low-Density Residential (LDR), High-Density Residential (HDR), and Multi-family and Service District (M&SD) Zones (First Reading and Referral to Planning Board meeting of October 3, 2023) **DAVITT**

Executive Summary: This Ordinance will amend Chapter 165, Land Development Code, by adding the use of Permanent Supportive Housing as a conditional use in the Low-Density Residential (LDR), High Density Residential (HDR) and Multi-Family and Service District (M&SD) zones. The proposed changes would update the City’s Land Development Code to add the use of Permanent Supportive Housing as a conditional use in the LDR, HDR, and M&SD zones. A Council Ordinance adopted on October 24, 2022 defined this use and added it as a conditional use to the Government & Institutional Service District (G&ISD) zone.

This use is similar to transitional housing because there are staff available for support services to residents, but it differs in that the residents may reside there permanently. It is not the same as group homes, or other congregate care as defined, as the people reside in efficiency units and thus have more independence. The use is defined as “a multifamily building or multiple buildings on a lot that contain(s) permanent, project-based supportive housing which are funded with project-based vouchers and associated services to residents.” This proposal aligns with the 2022 Comprehensive Plan, which supports revisions to zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing. The proposed dimensional controls, including minimum lot size and setbacks, follow the requirements for attached residential developments (townhouses) and congregate care housing.

This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on October 3, 2023.

23-296 ORDINANCE Correcting Typographic Errors in Council Ordinance 23-141 Voted on and Passed on May 22, 2023, which Amended Chapter 165, Land Development Code, to Clarify the Protections, Allowances, and Restrictions for Non-Conforming Uses, Structures and Lots **HAWES**

Executive Summary: This Ordinance amendment will correct typographical errors in Council Ordinance 23-141 passed on May 22, 2023, the purpose of which was to clarify the protections, allowances, and restrictions for non-conforming uses, structures, and lots.

23-297 RESOLVE Authorizing the City Manager to Accept and Appropriate \$406,222 for the Supplemental Nutrition Education Grant Program from the University of New England **PELLETIER**

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**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order authorizes the City Manager to accept and appropriate \$406,222 from the University of New England for a One Year Period Beginning October 1, 2023.

This will constitute a sixth-year extension to a five-year grant cycle to provide nutrition education to SNAP eligible residents of Penobscot and Piscataquis counties. These are federal funds passed from USDA through Maine's Office of Family Independence to the University of New England who manages the SNAP Education Program statewide.

Bangor Public Health has been administering the SNAP education program locally since 2012.

This item was reviewed and recommended for approval by the Government Operations Committee on October 2, 2023.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING: **Application for Special Amusement License Renewal of Tesoro’s Restaurant, LLC d/b/a Tesoro’s, 118 Harlow Street** **HAWES**

PUBLIC HEARING: **Application for Special Amusement License Renewal of Dysart’s Service d/b/a Dysart’s, 1110 Broadway** **HAWES**

PUBLIC HEARING: **Application for Special Amusement License Renewal of HC Bangor, LLC d/b/a Hollywood Casino and Raceway, 500 Main Street** **HAWES**

PUBLIC HEARING: **Application for Special Amusement License Renewal of Evenrood’s d/b/a Evenrood’s, 25 Broad Street** **HAWES**

23-316 **ORDER** **Authorizing the Award of \$350,748 in State and Local Fiscal Recovery Funds to Support Renovation of the Bangor Children's Home** **DAVITT**

Executive Summary: This Order will authorize the award of \$350,748 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Bangor Children's Home to undertake interior and exterior renovations to their historic property to preserve continued access and availability of childcare slots.

The current facility is listed on the National Registry of Historic Places and provides childcare for children ages 18 months through 5 years old, for 59 families (63% of which are from Bangor). Staffing levels and physical plant have impacted their ability to expand capacity. While the facility can accommodate up to 10 class rooms, since the pandemic they have been operating out of six spaces. Addressing the physical plant needs will allow the operation to become more sustainable and ensure compliance with life safety codes.

The proposed building renovations include: dormer, roof, electrical and retaining wall repairs, and

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replacement of windows, sprinkler heads, and flooring. An investment in the facility will ensure compliance with life safety code, mitigate future utility costs, and remediate health hazards.

This award is in support of the following:

- Investment in facilities to support healthy childhood environments
- Investment in access to and expansion of affordable childcare

23-317 ORDER Authorizing the Award of \$2,000,000 in State and **SPRAGUE
Local Fiscal Recovery Funds to Support Bangor
Region YMCA's Construction of a New Facility on
Downtown Bangor to Meet the Needs of our
Community**

Executive Summary: This Order will authorize the award of \$2,000,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Bangor Region YMCA to construct a new facility in Bangor, as identified as part of Penobscot County's sub-recipient grant process.

The current YMCA facility is outdated, severely overcrowded, has expansion constraints, and is expensive to operate. Without a new facility the Y's ability to serve Bangor and local area residents would suffer and impede their ability to serve as a community leader in supporting children, adults and families in their lifelong quest for physical, emotional and social wellness.

The identified site for a new facility would revitalize the surrounding area within the downtown and is viewed as a critical piece to Bangor's Economic Development Strategies. A new facility would 1) create up to 56 infant childcare slots, 2) nearly triple its licensed early education program with availability for 120 toddlers and 113 pre-k children, 3) double school-age programming capacity to 200 students, and 4) include a comprehensive health center that will house mental health, medical, substance use prevention, and other health programs. This expansion of services would also result in an addition of 200 full and part-time jobs.

This award is in support of the following:

- Investment in facilities to support healthy childhood environments
- Investment in access to and expansion of affordable childcare
- Investment in the expansion of facilities and access to services to disproportionately impacted communities

The City was pleased to be able to work collaboratively with the Penobscot County Commissioners to invest in projects that will enhance our community for years to come.

23-318 ORDER Authorizing the Award of \$400,000 in State and Local **LEONARD
Fiscal Recovery Funds to Heart of Maine United Way
as Matching Funds to a Similar Award from
Penobscot County to Support the Creation of "The
Community" in Bangor**

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order will authorize the award of \$400,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Heart of Maine United Way to fund certain investments associated with the creation of "The Community," provided said funds are matched by Penobscot County and the facility is located in Bangor. The Community, a nonprofit hub to fill important gaps in the nonprofit sector, is a key strategy to advancing collaboration of social service providers and other nonprofits in Bangor and the region. A physical hub would be created to provide in person and virtual support including coaching and professional partners, mentoring and networking. The initiative is designed to advance collaboration and efficiency of social service providers and other nonprofits in the region to create data-driven measurable results for their organizations and to support individuals and families within Bangor and the larger region.

This award is in support of the following:

- Investment in support of overcoming the negative economic impacts resulting from the pandemic
- Investment in access to facilities and services to disproportionately impacted communities

23-319 ORDER **Authorizing the Award of \$648,000 in State and Local Fiscal Recovery Funds to Wabanaki Public Health and Wellness in Support of the Creation of a Youth Center **YACOUBAGHA****

Executive Summary: This Order will authorize the award of \$648,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Wabanaki Public Health and Wellness to fund certain investments within their Youth Center to be opened on Central Street.

The Wabanaki Youth & Cultural Center will provide youth services for culturally focused and supportive programming for all youth. The Center would be open to all families living in and visiting Bangor. The exhibit and gather spaces will be open 11 am - 7pm. Age groups will range, but activities and programming will be planned for all ages and abilities, including after school and day camp experiences, as well as after school space for tribal youth. The estimated investment for the youth space is \$1,113,000. This award would fund building renovations and including the following features; bouldering & youth wall, cozy cave area, water wall exhibit, recreated petroglyph wall, epoxy resin river, indoor forest, eagles nest & youth climbing, after school care, art gallery wall, and commercial kitchen/cafe.

This award is in support of the following:

- Investment in facilities to support healthy childhood environments
- Investment in access to facilities and services to disproportionately impacted communities



CONSENT AGENDA

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 25, 2023

*Meeting called to order at 7:30 PM
Chaired by Council Chair Fournier
Councilors Absent: Hawes, Pelletier
Meeting adjourned at 8:24 PM*

RECOGNITION *Recognized the Friends of Dakin Pool*

PUBLIC COMMENT *Mike Tuller urged the Council to keep helping the homeless.*

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

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

MINUTES OF: *Bangor City Council Regular Meeting of September 11, 2023, Government Operations Committee Meetings of January 18, 2023, February 6, 2023, February 22, 2023, and March 6, 2023*

Action: Approved

**LIQUOR LICENSE
RENEWALS:**

Application for Liquor License Renewal Malt, Wine, Spirits of The Main Tavern d/b/a The Main Tavern, 152 Main Street **SCHAEFER**

Action: Approved

Application for Liquor License Renewal Malt, Wine, Spirits of GMRI, Inc. d/b/a The Olive Garden, 741 Hogan Road **SCHAEFER**

Action: Approved

Application for Liquor License Renewal Malt, Wine, Spirits of Chopsticks Restaurant d/b/a Chopsticks Restaurant, 167 Center Street **SCHAEFER**

Action: Approved

Application for Liquor License Renewal Malt, Wine, Spirits of Giri Bangor Holiday, Inc. d/b/a Holiday Inn, 404 Odlin Road **SCHAEFER**

Action: Approved

Application Liquor License Renewal of Queen City Cinema Club d/b/a Queen City Cinema Club, 128B Main Street **SCHAEFER**

Action: Approved

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 25, 2023

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-277</u>	<u>ORDER</u>	<i>Authorizing the Execution of Municipal Bill of Sale - Located at 21 E Street/Birch Hill Estates</i>	YACOUBAGHA
	<i>Action:</i>	<i>Passed</i>	
<u>23-278</u>	<u>ORDER</u>	<i>Authorizing the Execution of Municipal Bill of Sale - Located at 25 A Street/Birch Hill Estates</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	
<u>23-279</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 36 Sugar Loaf Lane</i>	SCHAEFER
	<i>Action:</i>	<i>Passed</i>	
<u>23-280</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 50 Fourteenth Street</i>	DAVITT
	<i>Action:</i>	<i>Passed</i>	
<u>23-281</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 51 Grant Street</i>	LEONARD
	<i>Action:</i>	<i>Passed</i>	
<u>23-282</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 65 Benjamins Way</i>	DAVITT
	<i>Action:</i>	<i>Passed</i>	
<u>23-283</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 69 Center Street</i>	YACOUBAGHA
	<i>Action:</i>	<i>Passed</i>	
<u>23-284</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 193 Thornton Road</i>	TREMBLE
	<i>Action:</i>	<i>Passed</i>	
<u>23-285</u>	<u>ORDER</u>	<i>Authorizing the Execution of Municipal Bill of Sale - Located at 278 Cedar Falls Mobile Home Park</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	

<i>CONSENT AGENDA</i>			<i>ASSIGNED TO</i>
<i>ITEM NO.</i>			<i>COUNCILOR</i>
<u>23-286</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 933 Finson Road</i>	<i>SCHAEFER</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-287</u>	<u>ORDER</u>	<i>Authorizing the Execution of Municipal Bill of Sale - Located at 979 Essex Street, Lot 33</i>	<i>DAVITT</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-288</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at Bean Estates</i>	<i>LEONARD</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-289</u>	<u>ORDER</u>	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at Essex Street</i>	<i>SCHAEFER</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-290</u>	<u>ORDER</u>	<i>Authorizing City Manager to Donate a Retired Police Cruiser to the United Technologies Center</i>	<i>SPRAGUE</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-291</u>	<u>ORDER</u>	<i>Authorizing City Manager to Accept a Donation of Six Trees from Bangor Beautiful</i>	<i>SCHAEFER</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-292</u>	<u>ORDER</u>	<i>Authorizing a Collective Bargaining Agreement between the City of Bangor and American Federation of State, County, and Municipal Employees (AFSCME), Local 926, Council 93 Representing Public Works Employees</i>	<i>LEONARD</i>
	<i>Action:</i>	<i>Passed</i>	
<u>23-293</u>	<u>ORDER</u>	<i>Authorizing the Annual Update of the Public Transportation Agency Safety Plan for the Community Connector</i>	<i>TREMBLE</i>
	<i>Action:</i>	<i>Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 25, 2023

REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-294</u>	<u>ORDINANCE</u>	<i>Amending Chapter 23, Boards, Committees, Commissions, Section 23-37, by Allowing the City Council Committee to Request a Meeting of the Downtown Parking Advisory Committee</i>	TREMBLE
	<i>Action:</i>	<i>First Reading</i>	
<u>23-295</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development Code, by Adding the Use of Permanent Supportive Housing as a Conditional Use in the Low-Density Residential (LDR), High-Density Residential (HDR), and Multi-family and Service District (M&SD) Zones</i>	DAVITT
	<i>Action:</i>	<i>First Reading and Referral to Planning Board meeting of October 3, 2023</i>	
<u>23-296</u>	<u>ORDINANCE</u>	<i>Correcting Typographic Errors in Council Ordinance 23-141 Voted on and Passed on May 22, 2023, which Amended Chapter 165, Land Development Code, to Clarify the Protections, Allowances, and Restrictions for Non-Conforming Uses, Structures and Lots</i>	HAWES
	<i>Action:</i>	<i>First Reading</i>	
<u>23-297</u>	<u>RESOLVE</u>	<i>Authorizing the City Manager to Accept and Appropriate \$406,222 for the Supplemental Nutrition Education Grant Program from the University of New England</i>	PELLETIER
	<i>Action:</i>	<i>First Reading and Referral to Government Operations Committee Meeting on October 2, 2023</i>	
UNFINISHED BUSINESS			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-270</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located on Ohio Street from Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to High-Density Residential (HDR)</i>	SPRAGUE
		<i>Tom Russell, Victoria Holman, Tom Diebold, Jim Munch, Caroline Adams, and Charles Martin spoke in opposition to this amendment.</i>	
	<i>Action:</i>	<i>Motion made and seconded for Passage Vote: 0 – 7 Councilors Voting Yes: None Councilors Voting No: Davitt, Leonard, Schaefer, Sprague, Tremble, Yacoubagha, Fournier Motion Failed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 25, 2023

UNFINISHED BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
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23-271	<u>RESOLVE</u>	<i>Accepting and Appropriating \$61,000 for Additional Design and Engineering Costs from the National Guard Bureau and the Maine Air National Guard for the Runway Rehabilitation Project at Bangor International Airport</i>	LEONARD
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*Action: Motion made and seconded for Passage
Passed*

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
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<u>PUBLIC HEARING:</u>	<i>Application for Special Amusement License Renewal of The Main Tavern, Inc d/b/a The Main Tavern, 152 Main Street</i>	SCHAEFER
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*Action: Motion made and seconded to Open Public Hearing
Public Hearing Opened
Motion made and seconded to Close Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

<u>PUBLIC HEARING:</u>	<i>Application for Special Amusement License Renewal of Giri Bangor Holiday, Inc d/b/a Holiday Inn, 404 Odlin Road</i>	SCHAEFER
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*Action: Motion made and seconded to Open Public Hearing
Public Hearing Opened
Motion made and seconded to Close Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
----------------------------------	--	----------------------------------

<u>PUBLIC HEARING:</u>	<i>Application for Special Amusement License Renewal of Queen City Cinema Club d/b/a Queen City Cinema Club, 128B Main Street</i>	SCHAEFER
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*Action: Motion made and seconded to Open Public Hearing
Public Hearing Opened
Motion made and seconded to Close Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 25, 2023

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
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**LIQUOR LICENSE
RENEWAL:**

*Application for Liquor License Renewal Malt, Wine, Spirits
of Evenroods d/b/a Evenroods, 25 Broad Street*

SCHAEFER

*Councilor Leonard left the room as it was previously
determined that he has a conflict of interest on this item.*

*Action: Motion made and seconded for Approval
Approved*

23-298

ORDER

*Authorizing the Award of up to \$261,342 in State and Local
Fiscal Recovery Funds to Support Direct Costs of Food and
Medicine's Workforce Navigator to Assist Bangor Residents*

YACIOUBAGHA

*Action: Motion made and seconded for Passage
Passed*

23-299

ORDER

*Authorizing the Award of \$375,000 in State and Local Fiscal
Recovery Funds to Support Friends of Together Place's
Expansion of Housing within Bangor*

YACIOUBAGHA

*Action: Motion made and seconded for Passage
Passed*

23-300

ORDER

*Authorizing the Award of \$50,000 in State and Local Fiscal
Recovery Funds to Support St. Andre Home's Courage
LIVES Project*

TREMBLE

*Action: Motion made and seconded for Passage
Passed*

23-301

ORDER

*Authorizing the Award of \$1,500,000 in State and Local
Fiscal Recovery Funds to Penquis CAP to Construct a New
Childcare Center*

DAVITT

*Councilor Leonard left the room as it was previously
determined that he has a conflict of interest on this item.*

*Action: Motion made and seconded for Passage
Passed*

ATTEST: 
Lisa J. Goodwin, MMC, City Clerk

Government Operations Committee Minutes

Monday, April 3, 2023

Councilors in Attendance: Tremble (Chair), Sprague, Leonard, Pelletier, Hawes

Non-Committee Member Councilors: None.

Staff in Attendance: C. O'Donnell, J. Theriault, J. Comstock, L. Linscott

The meeting was called to order by Acting Committee Chair Tremble at 6:15 pm.

1. Order: Authorizing the City Manager to Execute a Subcontract with Northern Light Mayo Hospital in the Amount of \$451,384 to Provide Prevention Services in Piscataquis County as Part of the State of Maine's Maine Prevention Network

Bangor Public Health Promotions Manager Jamie Comstock provided an overview of this item. In response to a Councilor question, she shared that they are working on setting up metrics to measure the work and are responsible for the dollars via audit. Public Health is essentially a pass through for the dollars but given it is a subcontract, we retain some control.

A motion was made to recommend approval to Council by Councilor Sprague, seconded by Councilor Leonard, all in favor.

2. Order: Authorizing the City Manager to Apply for Funding Under Federal Transit Administration's Bus and Bus Facilities and Low or No Emission Grant Programs

Bus Superintendent Laurie Linscott and ACM O'Donnell provided an overview of this opportunity to apply for funding to rehab our cold bus barn storage facility. The total cost is expected to be \$7 million, with a local share of \$1.4 million that could be raised over multiple fiscal years. Updates would include EV charging infrastructure, class space for workforce development, and other equipment. This is a great opportunity to upgrade a facility that greatly needs it, at a reduced cost to taxpayers.

A motion was made to recommend approval to Council by Councilor Tremble, seconded by Councilor Pelletier, all in favor.

3. Maine Rail Group Presentation & Request to Support LD 860

Councilor Leonard disclosed he is a board member of Maine Rail Group.

A motion was made Councilor Leonard has a conflict by Councilor Pelletier, seconded by Councilor Sprague, all in favor. He recused himself from the room.

Richard Rudolph and Peter Cole of Maine Rail Group provided an overview of their request to support this LD that would fund a feasibility study for expanded rail. There was discussion about previous dollars and support from Bangor for this type of work. It was discussed that the request is to support the effort to fund the study, not pay for it.

A motion was made to support LD 860 by Councilor Hawes, seconded by Councilor Pelletier, all in favor.

4. Assistant City Manager Updates

ACM O'Donnell provided an update regarding Climate Action Plan moving into Phase II and also that an EV Charger was damaged at Pickering garage that is being worked on.

With no further business, the meeting was adjourned at approximately 6:52 pm.

Government Operations Committee

Wednesday, April 19, 2023 @ 5:15 PM

Councilors in Attendance: Hawes (Acting Chair), Leonard, Sprague, Pelletier

Non-Committee Member Councilors: Fournier, Davitt

Staff in Attendance: D. Little, D. Laurie, T. Willette, M. Hathaway, C. Blanchard, A. Krieg, D. Szewczyk, A. Huotari

The meeting was called to order by Acting Committee Chair Hawes at 5:15 pm.

1. Order: Authorizing Memorandum of Understanding for Community Garden Collective at Coe Park and potentially Talbot park for 2024 season with Food & Medicine

Parks & Recreation Director Tracy Willette provided information regarding a proposal from Food and Medicine to establish a Collective Garden within two City Parks, Coe park and Talbot Park. The Collective Garden would allow members of a community “collective” to share garden beds and grow food which is then distributed among the members versus a Community Garden in which individuals maintain their own garden bed. Staff recommend two raised beds within Coe Park for 2023 season with the possibility of expansion to Talbot. The arrangement would require a Memorandum of Understanding approved by the City Solicitor.

Representatives from Food and Medicine gave a brief overview of their program and other locations they have Collective Gardens. They explained it was a joint partnership with The Together Place and Wabanaki Public Health and Wellness.

A motion to approve and move to full Council was made by Councilor Sprague, seconded by Councilor Leonard , all in favor.

2. Boards & Committees

Finance Director David Little provided an overview of staff recommendations for changes to the Tree Board, namely removal of the requirement that one member be a certified landscape architect, and another be a certified in arboriculture. The new requirement would allow one member to be either a certified landscape architect or certified in arboriculture. In addition, the Tree Board will begin the process to create and implement an Urban Forestry Management Plan. Any recommendations for the plan would be presented to the Council at a later date. Councilor Sprague indicated that any plan should be prepared in conjunction with the City Comprehensive Plan.

Economic and Development Director Anne Krieg presented information regarding proposed changes to the Penjajawoc Marsh/Mall Commission. The recommended change would be to reduce the number of members from twelve (12) to seven (7) at-large members. Director Krieg also discussed the Commission’s desire to convert into a Conservation Commission which is an action step within the Comprehensive Plan draft.

A motion to approve both recommendations and move to full Council was made by Councilor Leonard, seconded by Councilor Sprague, all in favor.

3. Police Department Treatment and Recovery Courts Overview

Police Chief Hathaway provided a quick history of the program and introduced Office Chris Blanchard, Bangor's representative on the Board. Officer Blanchard provided an overview of the Treatment and Recovery Court (commonly known as Drug Court) program. He indicated that out of the six (6) Drug Court programs State-wide, the Penobscot County Program is the only one with a Law Enforcement Officer actively involved and is the only one fully staffed. The members meet weekly to review individuals progress and make recommendations to the court. The Penobscot Drug Court program has a 61% effective rate with some graduates moving into positions to assist others in recovery programs. Officer Blanchard provided an overview of the selection process and indicated that typically the program has 35 to 45 participants. Chief Hathaway encouraged the Council to attend a program graduation.

No action was needed by the Committee.

4. Council Goal Update: Vacant & Abandoned Properties

City Solicitor David Szewczyk provided an overview of staff's progress in moving toward the Council's goal of reducing the number of vacant or abandoned property in the City. The review primarily focused on the Vacant Property Registration Ordinance (VPRO). The recommendation was to increase the \$283 six-month registration fee to \$375 and revised the VPRO to double the fee at each 6-month renewal with a cap of \$3,000 for each 6-month period. The recommendation also suggested revising the current ordinance to broaden the enforcement provisions and hiring outside counsel as needed for title research. Councilor Fournier recommended that the fee to be increased to \$500. Councilor Davitt agreed with the \$500 but would like the fee to reset if the property is sold to a new owner. The Committee agreed with the proposed changes except for the fee which they recommended increasing to \$500 and changing the cap to \$4,000. City Manager Laurie indicated that staff would make the recommended changes and they would be presented to the Council for First Reading on May 8, 2023.

With no further business, the meeting was adjourned at approximately 6:40pm.



CITY COUNCIL ACTION

10/11/2023 23-302

Council Meeting Date: 10/11/2023

Item No: 23-302

Responsible Dept: Legal

Requested Action: Order

Map/Lot: 007-073

Title, Order

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate located at 15 Royal Road

Summary

This Order will authorize the execution of a municipal quitclaim deed for real estate located at 15 Royal Road. Sewer and stormwater liens have matured on the property owned by Angela L. Haley, at 15 Royal Road. The outstanding charges due the City have been paid, and there are no known code violations on the property. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date: 10/11/2023

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/11/2023 23-302

Date: 10/11/2023

Item No: 23-302

Assigned to Councilor: Yacoubagha

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate located at 15 Royal Road

Be it Ordered by the City Council of the City of Bangor that, David W. Little, Finance Director, is hereby authorized, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of sewer and stormwater liens recorded in the Penobscot County Registry of Deeds in Book 16056, Page 178; Book 16313, Page 284; Book 16658, Page 90; Book 16831, Page 105; Book 16314, Page 235; Book 16657, Page 172; and Book 16830, Page 245. Said deed shall be directed to Angela L. Haley and shall be in final form approved by the City Solicitor or the Assistant City Solicitor.



CITY OF BANGOR ORDER

10/11/2023 23-303

Date: 10/11/2023

Item No: 23-303

Assigned to Councilor: Pelletier

Amending the Schedule of Fees by Adding Inland Fisheries & Wildlife Agent Fee

Be it Ordered by the City Council of the City of Bangor that,

the Schedule of Fees, as authorized under Chapter 109 of the Code of the City of Bangor, is hereby amended as follows:

Q. Treasury

.....

(2) Inland Fisheries & Wildlife Agent Fee

Snowmobiles, ATVs & Watercraft Registrations

\$ Maximum Allowed by State Law



CITY OF BANGOR ORDER

10/11/2023 23-304

Date: 10/11/2023

Item No: 23-304

Assigned to Councilor: Leonard

Authorizing the City Manager to Sell City Lot R11-011-A to Abutting Property Owner, Duane Williams, for \$3,005

WHEREAS, The City of Bangor owns a 0.27 acre parcel of land located along Old Bangor Road and Broadway and identified as Lot R11-011-A on City Tax Maps and,

WHEREAS, The City of Bangor has no plans to develop this parcel and,

WHEREAS, The City's Assessing Department recently appraised the property at \$3,005.00 and,

WHEREAS, The Abutting property owner, Mr. Duane Williams, wishes to purchase the property and,

WHEREAS, The City will retain an easement for future improvements at the intersection of Old Bangor Road and Broadway,

Be it Ordered by the City Council of the City of Bangor that,

The City Manager is hereby authorized to sell the City property located along Broadway and identified as Lot R11-011-A in City Tax Maps for \$3,005.00 to Mr. Duane Williams.



CITY OF BANGOR ORDER

10/11/2023 23-305

Date: 10/11/2023

Item No: 23-305

Assigned to Councilor: Davitt

Authorizing the Execution of a Contract with Sargent Corporation in the Amount of \$373,450 for the Deicing Stormwater Treatment - Phase III Project at the Airport

Be it Ordered by the City Council of the City of Bangor that, the City Manager is authorized to execute a contract with Sargent Corporation in the amount of \$373,450 for the Deicing Stormwater Treatment - Phase III Project at the Airport.



CITY OF BANGOR ORDER

10/11/2023 23-306

Date: 10/11/2023

Item No: 23-306

Assigned to Councilor: Schaefer

Authorizing an Amendment to the Employment Agreement of City Clerk Lisa Goodwin

Be it Ordered by the City Council of the City of Bangor that, the City retirement contribution for City Clerk Lisa Goodwin is authorized to be increased by 1% effective July 2, 2023.



**REFERRALS TO
COMMITTEES
& FIRST READING**



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-307

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending the Code of the City of Bangor, by Creating Regulations and Allowances for Emergency Shelters.

Summary

The proposed changes would update the City's Code of Ordinances to clarify the definition of emergency shelters and to allow this use in the Government & Institutional Service District (G&ISD) with stipulations around siting and layout.

At present, emergency shelters are defined but are not allowed in any zone in the City. However, there are existing shelters in the City, with interest from some in expansion. The allowances provided by these amendments would permit expansion of some shelters, as well as allow for new shelters in select areas. These amendments also attempt to allay concerns expressed during a previous amendment proposal regarding siting and security by providing additional stipulations for this use.

The 2022 Comprehensive Plan suggests that the City "evaluate land uses that allow for sheltering and supporting people experiencing homelessness to help ensure that existing zoning supports a diverse housing stock".

Committee Action

Committee: Planning Board

Meeting Date: October 17, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Davitt

ORDINANCE, Amending the Code of the City of Bangor by Creating Regulations and Allowances for Emergency Shelters.

WHEREAS, at present, emergency shelters are not currently allowed in any zone in the City;

WHEREAS, the proposed changes would update the City’s Code of Ordinances to clarify the use of emergency shelters and allow the use in the G&ISD zone with stipulations on siting and layout;

WHEREAS, the allowances provided by these amendments would permit expansion of some shelters, as well as allow for new shelters in select areas;

WHEREAS, the 2022 Comprehensive Plan suggests that the City evaluate land uses that allow for sheltering and supporting people experiencing homelessness to help ensure that existing zoning supports a diverse housing stock;

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

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

§ 165-13 Definitions.

...

EMERGENCY SHELTER

A facility operated by a not-for-profit corporation or public agency providing temporary overnight shelter to homeless individuals, which provides shelter to no more than 70 individuals per night. This term does not include federal, state, or municipal subsidy of temporary accommodations using existing homes, apartments, hotels or motels or facilities when deemed a local emergency by the City of Bangor pursuant to Article XVII of the Code of Ordinances.

...

§ 165-97 Government & Institutional Service District (G&ISD).

...

D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

...

(5) Emergency shelters, provided that:

(a) The parcel on which the facility is located is at least 100 feet from any parcel in a residential zone.

- (b) The facility shall provide adequate space for conducting security searches and other assessments.
- (c) The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas.
- (d) The facility shall be designed to provide adequate indoor space to permit all shelter guests day shelter.
- (d) A management plan adequately outlining the following areas shall be provided: management responsibilities; process for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.
- (e) The facility shall submit a transportation plan that identifies how the transportation needs of guests will be fulfilled.
- (f) The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs.
- (g) Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site.
- (h) An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.
- (i) The facility shall be eligible to participate in the MaineHousing Emergency Shelter and Housing Assistance Program (ESHAP).

Additions underlined, deletions ~~struck through~~.



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-308

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending the Code of the City of Bangor, by Creating Regulations and Allowances for Short-Term Rentals

Summary

The proposed changes would update the City's Code of Ordinances to define the use of short-term rentals, to create regulations for this use, and to allow the use in the URD-1, URD-2, M&SD, NSD, USD, DDD, WDD, LDR, HDR, S&PS, GC&S, and RR&A zones. At present, short-term rentals are not defined in the City's Code of Ordinances and are therefore not allowed in the City.

However, the operation of short-term rentals and the revenue it can make available to property owners may help make the City affordable for persons on fixed or limited incomes and may enhance and diversify the accommodations available to visitors and tourist. Conversely, increasing numbers of short-term rentals may result in a decrease in the supply of affordable housing in the City and the transient nature of this use can have a negative impact on the surrounding neighborhood.

Due to these impacts, the 2022 Comprehensive Plan suggests that the City regulate short-term rentals. The amendments herein attempt to strike a balance between the desire of property owners to use their properties for short-term rental use and the desire of the City's residents to preserve the integrity of their neighborhoods.

Committee Action

Committee: Planning Board

Meeting Date: October 17, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Yacoubagha

ORDINANCE, Amending the Code of the City of Bangor by Creating Regulations and Allowances for Short-Term Rentals.

WHEREAS, at present, short-term rentals are not defined in the City's Code of Ordinances and are therefore not allowed in the City;

WHEREAS, the proposed changes would update the City's Code of Ordinances to define the use of short-term rentals, create regulations for the use, and allow the use in the URD-1, URD-2, M&SD, NSD, USD, DDD, WDD, LDR, HDR, S&PS, GC&S, and RR&A zones;

WHEREAS, there are concerns with the impact of short-term rentals on the supply of affordable housing in the City and the impact of this use on the surrounding neighborhood;

WHEREAS, there can be positive economic impacts from the presence of short-term rentals in a municipality;

WHEREAS, the 2022 Comprehensive Plan suggests that the City regulate short-term rentals;

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

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

§ 99.4 Definitions

...

RESIDENTIAL PROPERTY

...

B. For the purpose hereof, a "mixed occupancy building" means a building used for any purpose that also contains residential occupancy or a short-term rental, as defined in § 254-3, therein.

...

§ 165-13 Definitions.

SHORT-TERM RENTAL

See definition of "Short-Term Rental" in § 254-3.

SHORT-TERM RENTAL, HOSTED

See definition of "Short-Term Rental, Hosted" in § 254-3.

SHORT-TERM RENTAL, NON-HOSTED

See definition of "Short-Term Rental, Non-Hosted" in § 254-3.

...

§ 165-1 Authority and purpose.

...

L. To authorize hosted and non-hosted short-term rentals in certain districts in order to encourage the proliferation of orderly and well-regulated short-term rentals, particularly within walking distance of the City's downtown area, to supplement but not supplant existing and permitted commercial lodging establishments such as hotels and motels; ensure the safety of the occupants of short-term rentals; and minimize the adverse impacts, including nuisance impacts, of short-term rental uses on surrounding neighborhoods.

...

§ 165-88 Urban Residence 1 District (URD-1)

...

C. Permitted uses. The following uses are permitted in this district:

...

(7) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

~~(87)~~ Accessory uses on the same lot and customarily incidental to and subordinate to the above uses or to an approved conditional use under Subsection **D** below.

...

§ 165-89 Urban Residence 2 District (URD-2)

...

C. Permitted uses. The following uses are permitted in this district:

...

(6) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

~~(76)~~ Accessory uses on the same lot and customarily incidental to and subordinate to the above uses or to an approved conditional use under Subsection **D** below.

...

§ 165-90 Multifamily and Service District (M & SD)

...

C. Permitted uses. The following uses are permitted in this district:

...

(7) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

~~(87)~~ Accessory uses on the same lot and customarily incidental to and subordinate to the above uses or to an approved conditional use under Subsection **D** below.

...

§ 165-91 Neighborhood Service District (NSD)

...

C. Permitted uses. The following uses are permitted in this district:

...

(13) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(143) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses.

...

§ 165-92 Urban Service District (USD)

...

C. Permitted uses. The following uses are permitted in this district:

...

(17) Hosted and non-hosted short-term rentals in buildings that are permitted for mixed residential and commercial use (subject to the licensing requirements in Chapter 254).

§ 165-93 Downtown Development District (DDD)

...

C. Permitted uses. The following uses are permitted in this district:

...

(20) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(210) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and those approved under Subsection D below.

...

§ 165-94 Waterfront Development District (WDD)

...

C. Permitted uses. The following uses are permitted in this district:

...

(11) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(121) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and those permitted as conditional uses in Subsection D below.

...

§ 165-99 Low-Density Residential District (LDR).

...

C. Permitted uses. The following uses are permitted in this district:

...

(9) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(109) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection D below.

...

§ 165-100 High-Density Residential District (HDR).

...

C. Permitted uses. The following uses are permitted in this district:

...

(9) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(109) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

...

§ 165-101 Shopping and Personal Service District (S & PS).

...

C. Permitted uses. The following uses are permitted in this district:

...

(20) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(210) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

...

§ 165-102 General Commercial and Service District (GC & S).

...

C. Permitted uses. The following uses are permitted in this district:

...

(13) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(143) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

...

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

...

C. Permitted uses. The following uses are permitted in this district:

...

(18) Hosted and non-hosted short-term rentals (subject to the licensing requirements in Chapter 254).

(198) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

...

Chapter 254 Short-Term Rental Licenses

§ 254-1 Statement of Purpose

It is the purpose and intent of this chapter to authorize and require the licensing and inspection of short-term

rentals, as defined in § 254-3, in order to:

- A. Ensure the safety of the occupants of short-term rental units;
- B. Minimize the adverse impacts, including nuisance impacts, of short-term rental uses on surrounding neighborhood; and
- C. Provide a licensing program that enables the City to monitor and control short-term rental uses and impacts within its geographic boundary.

The City recognizes that the operation of short-term rentals and the revenue it can make available to property owners may help make the City affordable for persons on fixed or limited incomes, and may enhance and diversify the accommodations available to visitors and tourists. This chapter attempts to strike a balance between the desire of property owners to use their properties for short-term rental use and the desire of the City to preserve the peaceful and quiet enjoyment of its neighborhoods.

§ 254-2 Applicability

- A. **Applicability.** This chapter shall apply to any person intending to operate a short-term rental, as that term is defined in § 254-3.
- B. **Prohibited Short-Term Rentals.** Notwithstanding anything to the contrary in this chapter, the following structures and uses shall not be operated as a short-term rental, as that term is defined in § 254-3: Travel trailers, vehicles, tents, lean-tos, dormitories, fraternity houses, sorority houses, and other similar group quarters.
- C. **Exempt Activities.** Notwithstanding anything to the contrary in this chapter, the following structures and uses are exempt from the licensing requirements in § 254-4: Boardinghouses, rooming houses, bed-and-breakfasts, hotels or inns, motels, or tourist cabins, as those terms are defined in § 165-13; lodging houses, as that term is defined in 30-A M.R.S.A. § 3801(3); or similar commercial lodging establishments that are subject to the business licensing requirements of Chapter 85 of this Code.

§ 254-3 Definitions

For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. Terms not defined shall have the meanings ascribed to them in § 165-13 or, if undefined therein, their customary dictionary meaning.

OPERATE or OPERATION

To advertise, offer for rent, let, lease, use, control, manage, or otherwise operate a short-term rental.

PERSON

A natural person or a firm, association, organization, partnership, trust, company, corporation, joint venture, or other legal entity.

REVIEWING AUTHORITY

The Director of the City's code enforcement office, or the Director's designee.

SHORT-TERM RENTAL

The operation of a short-term rental unit for dwelling, sleeping, or lodging purposes, for a period of less than 30 consecutive days to the same person or persons, in exchange for direct or indirect compensation. For purposes of this definition, a "short-term rental unit" is (i) a one-family dwelling or mobile home; (ii) a dwelling unit within a two-family dwelling, three-family dwelling, four-family dwelling, apartment building, multiple-unit housing, attached residential building, or mixed residential and commercial building; (iii) an accessory dwelling unit (ADU); or (iv) any one or two bedrooms within any such short-term rental unit. A short-term rental unit does not include a lodging house, as that term is defined in 30-A M.R.S.A. § 3801(3); a boardinghouse, rooming house, or bed-and-breakfast, hotel or inn, motel, travel trailer, vehicle, tent, lean-to, dormitory, fraternity house, sorority house, or tourist cabin; or any dwelling unit therein. Short-term rentals are classified as either hosted short-term rentals or non-hosted short term rentals, as those terms are

defined in this chapter.

SHORT-TERM RENTAL, HOSTED

A short-term rental where the owner or operator is on the premises where the short-term rental unit is located during any period when the short-term rental unit is occupied. For purposes of this definition, "is on the premises" means is physically present within (i) a portion of the building within which the short-term rental unit is located; (ii) a dwelling unit located on the same lot as an accessory dwelling unit (ADU) if the ADU is the short-term rental unit; or (iii) an ADU located on the same lot as a dwelling unit if the dwelling unit is the short-term rental unit.

SHORT-TERM RENTAL, NON-HOSTED

A short-term rental where neither the owner nor the operator is on the premises where the short-term rental unit is located during the period when the short-term rental unit is occupied, whether or not on-site or off-site property management services are provided for the short-term rental unit. For purposes of this definition, "is on the premises" has the meaning ascribed to it in the definition of "short-term rental, hosted."

§ 254-4 Licensing

A. License Required. Effective six months from the date of adoption of this ordinance, no person shall operate a short-term rental without first obtaining a license pursuant to the requirements of this chapter.

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

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

(a) Fee. A license fee for any new licenses and renewal licenses is \$250 for each proposed short-term rental unit; provided, however, that a license fee for a renewal license that does not require an inspection is \$100 for each proposed short-term rental unit. If the reviewing authority determines that more than one inspection is required prior to the issuance of a new license or renewal license, an additional license fee of \$100 for each such additional inspection must be paid by the applicant prior to the issuance of the license.

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

(c) Property Location and Short-Term Rental Details.

[1] The location, including the zoning district and street address, of the building where the short-term rental unit is proposed to be located.

[2] The number of proposed short-term rental units within the building.

[3] Whether the short-term rental is proposed as a hosted or non-hosted short-term rental.

[4] For hosted short-term rentals, attestation or documentation demonstrating that the owner or operator will be on the premises where the short-term rental unit is located during any period when the short-term rental unit is occupied.

[5] For non-hosted short-term rentals, the name, phone number, and e-mail address of a natural person who is available 24 hours a day, 7 days a week, to respond within 60 minutes to any on-site emergency at the premises where the short-term rental unit is located during any period when the short-term rental unit is occupied.

[6] For short-term rentals in any three-family dwelling, four-family dwelling, apartment building, multiple-unit housing, attached residential building, or mixed residential and commercial building where all of the dwellings units within the building are under the same ownership or under unified management or control, a written statement from the owner identifying which dwelling units (not to exceed 50%) may be used for short-term rental.

(d) Proof of Insurance. A certificate of insurance that expressly states that the building and property may be used for short-term rental purposes and evidencing property insurance and general liability insurance in a sufficient amount to cover liabilities reasonably arising from short-term rental use.

(2) Reserved.

(3) Completeness Review. The reviewing authority shall review all license applications for completeness in the order that they are received. If an application is incomplete, the reviewing authority shall return the application to the applicant and explain the reason for the rejection in writing.

(4) Limitations on Certain Short-Term Rentals.

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

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

[2] If at any time a non-hosted short-term rental license expires without renewal, is suspended or revoked, or is terminated or abandoned by the license holder, the cap on the total number of non-hosted short-term rentals set forth in § 254-4.B(4)(a) shall remain unchanged.

(b) Unit Cap on Multi-Unit Short-Term Rentals. In any three-family dwelling, four-family dwelling, apartment building, multiple-unit housing, attached residential building, or mixed residential and commercial building proposed to be used for hosted or non-hosted short-term rental where all of the dwelling units within the building are under the same ownership or under unified management or control, the number of short-term rental units in the building shall not exceed 50% of the total number of dwelling units within such building. The owner or operator of the building shall designate which dwelling units within the building may be used for short-term rental. For purposes of this provision "unified management or control" means a plan or process of ownership, management, or operation that exhibits characteristics of a unified management approach, including without limitation (i) unified management, control, or supervision; (ii) sharing common equipment, labor, services, or amenities; or (iii) common financing.

(c) Limitation on Number of Short-Term Rental Units Per Person. A person may not hold a license to operate more than five short-term rental units in the City in any calendar year. For the purposes of this provision, a "person" includes any entity or entities under the same ownership or under unified management or control, as defined in § 254.4(b), above.

(5) Inspection.

(a) The reviewing authority shall conduct an inspection to determine whether the short-term rental unit and the building where it is located comply with applicable fire and life safety requirements, including but not limited to the following:

[1] Address. A building containing a short-term rental unit must have approved, contrasting address numbers placed in a location that is visible from the street.

[2] Storage and Trash.

- Stairs hallways and entryways must be clear of any trash or personal belongings.
- Combustible and flammable liquids and gases are not allowed inside the building or short-term rental unit unless they are in listed lockers.
- There must be a container outside of the building for accumulated trash.

[3] Exits.

- The building must have two well-lit exits.
- Exits must not be blocked by snow, personal belongings, or in any other fashion.
- Fire escapes, if any, must be in good condition and not blocked.
- The building must comply with applicable fire and life safety codes.

[4] Electrical.

- Extension cords are not allowed, except for temporary use (e.g., cleaning, construction).
- Electrical panels must be easily accessed and covered, and fuses/circuits labeled and of the proper type.
- Electrical receptacle boxes must have cover plates.

[5] Heating Equipment. Heating equipment must be in good working order with no fuel leaks (this includes oil tanks), properly vented and, in the case of an oil furnace/boiler, have an emergency shut-off switch.

[6] Fire Safety.

- For short-term rental units located in apartment buildings, each apartment unit door must be labeled with a uniquely identifying number (e.g., Apartment 1, Apartment 2).
- Electric-powered smoke alarms must be installed inside each bedroom, in the room outside of the bedrooms, and on each level of the building (if applicable). Smoke alarms should be replaced every 10 years.
- At least one carbon monoxide detector (electric powered with battery back-up) must be in the building, located outside of the bedrooms.
- No gasoline or other flammable liquids and gases shall be stored in the apartment building.

[7] Space Heaters Prohibited. Electric space heaters in any building containing a short-term rental unit shall comply with applicable UL standards.

(b) The reviewing authority shall document the results of the inspection and shall inform the applicant in writing if the proposed short-term rental unit or the building in which it is located has failed the inspection.

(6) License. Upon a determination by the reviewing authority that a proposed short-term rental unit and the building in which it is located (i) are permitted uses in the zoning district where they are located; (ii) comply with the basic fire and life safety requirements set forth in § 254-4.B(5); and (iii) comply with the limitations on certain short-term rentals set forth in § 254-4.B(4), the reviewing authority shall issue a short-term rental license containing a unique license number to the applicant.

C. License Expiration; Renewal; Transferability.

(1) Expiration. All non-hosted short-term rental licenses shall expire on December 31 and all other short-term rental licenses required by this chapter shall expire one year from the date when the license number

was issued by the reviewing authority, unless revoked or suspended prior to expiration in accordance with § 254-6.

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

(a) Renewal Application. The renewal application shall include, at minimum:

[1] A fee as provided in § 254-4.B(1)(a).

[2] Updates to the information submitted on the original license application, or a statement that the information remains accurate.

[3] Proof of insurance as provided in § 254-4.B(1)(d).

(b) Completeness Review. The reviewing authority shall review all license renewal applications for completeness in the order that they are received. If an application is incomplete, the reviewing authority shall return the application to the license holder and explain the reason for the rejection in writing.

(c) Inspection. As part of the review of a renewal application, the reviewing authority shall re-inspect the short-term rental unit and the building where it is located pursuant to § 254-4.B(5) every three years. Nothing herein prohibits the City from inspecting a short-term rental unit at any time pursuant to its authority under § 254-6.

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

(3) Transferability. Short-term rental licenses and license numbers issued under this chapter are not transferable to any new owner or operator of a short-term rental, nor shall short-term rental licenses or license numbers be transferable to another location. If a short-term rental is acquired, transferred, or purchased by a new owner or operator, the new owner or operator must file a license transfer application in accordance with the procedure set forth in § 254-4.B for new license applications, and may not operate the short-term rental until the reviewing authority issues a short-term rental license to the new owner or operator.

D. Duty to Update. It is the responsibility of the license holder to submit updated information to the reviewing authority at any time that any of the information submitted as part of a license application changes.

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

(1) The license number.

(2) The E-911 address of the premises where the short-term rental unit is located.

(3) The name, phone number, and e-mail address of the license holder.

(4) For non-hosted short-term rentals, the name, phone number, and e-mail address of a natural person who is available 24 hours a day, 7 days a week, to respond within 60 minutes to any on-site emergency at the premises where the short-term rental unit is located during any period when the short-term rental unit is occupied.

§ 254-5 License Denial

The reviewing authority may deny any application for a short-term rental license, renewal, or transfer if the applicant fails to demonstrate compliance with any provision of this chapter.

§ 254-6 Investigations; Violations; License Suspension or Revocation

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

- (1) Operating a short-term rental without a valid short-term rental license.
- (2) Operating a short-term rental after the short-term rental license has expired or after a license holder has failed to submit a timely renewal or transfer application.
- (3) Failure of an owner or operator of a non-hosted short-term rental to have available, 24 hours a day, 7 days a week, a person to respond to on-site emergencies at the short-term rental.
- (4) Providing materially incomplete or false information, including misrepresentations and omissions, in a short-term rental license, renewal, or transfer application.
- (5) Failure, without good cause, to respond within 48 hours to inquiries made by the reviewing authority related to the operation or licensing of a short-term rental.
- (6) Operating a short-term rental in a manner that endangers or is reasonably likely to endanger the public health, safety, or welfare.

B. Investigations. The Director of the City's code enforcement office, or the Director's designee, (collectively, the "Code Enforcement Officer") is responsible for conducting site and building inspections to ensure compliance with this chapter at any time as necessary or appropriate, and shall investigate all complaints of alleged violations of this chapter.

C. Notices of Violation; Petitions; Judicial Action.

- (1) **Notice of Violation.** If the Code Enforcement Officer, after investigation, determines that a person is in violation of any provision of this chapter, the Code Enforcement Officer shall issue a notice of violation to the owner or operator of the short-term rental. The notice of violation must state the nature of the violation, the manner and time by which the owner or operator must abate such violation, and the owner or operator's right of appeal.
- (2) **Petition to Suspend or Revoke License.** If a person fails to abate or remedy any violation in the time and manner described in the notice of violation or if the Code Enforcement Officer determines that a violation endangers or is reasonably likely to endanger the public health, safety, or welfare, the Code Enforcement Officer shall petition the Board of Appeals to revoke or suspend the owner's or operator's short-term rental license.
- (3) **Judicial Action.** Notwithstanding the Code Enforcement Officer's right to petition the Board of Appeals pursuant to § 254-6.C(2), the Code Enforcement Officer may at any time institute, in the name of the City, any judicial action or proceeding, including seeking injunctions, temporary restraining orders, and the imposition of fines, including attorney's fees, that the Code Enforcement Officer determines is appropriate or necessary to prevent, correct, restrain, or abate any violation of this chapter that endangers or is reasonably likely to endanger the public health, safety, or welfare.
- (4) **Penalties.** Unless otherwise provided by ordinance or statute, a violation of this chapter is a civil violation punishable by a fine of not less than \$100 nor more than \$2,500 for each offense. Each act of violation and every day upon which any such violation continues constitutes a separate offense. All fines shall inure to the benefit of the City.

D. Authority to Suspend or Revoke License. The Board of Appeals may revoke or suspend a short-term rental license at any time upon petition by the Code Enforcement Office pursuant to § 254-6.C(2) if, after notice and a public hearing, the Board of Appeals determines that a license holder has violated this chapter

or any other law, ordinance, regulation, license, or permit condition applicable to operating a short-term rental in a manner that endangers or is reasonably likely to endanger the public health, safety, or welfare, including without limitation if the short-term rental unit or the premises where the a short-term rental unit is located is classified as a disruptive property, as defined in § 99-4, in accordance with § 99-8.

- E. Notice of Hearing; Right of License Holder to be Heard.** Prior to ordering the suspension or revocation of a short-term rental license, the Board of Appeals shall provide the license holder, at least seven days prior to the hearing date, notice of the time and place of the hearing at which the license suspension or revocation will be considered. At the hearing, the license holder shall be given an opportunity to hear the evidence in support of the charges against the license holder and to be heard in the license holder's own defense.
- F. Term of Suspension; New License Required.** The Board of Appeals may suspend a short-term license for any period of time that it determines is necessary or appropriate. When cause for a suspension has been removed or corrected and after a suspension term has expired, the holder of a suspended license must apply for and receive a new license in accordance with § 254-4.B in order to operate the short-term rental.

§ 254-7 Appeals

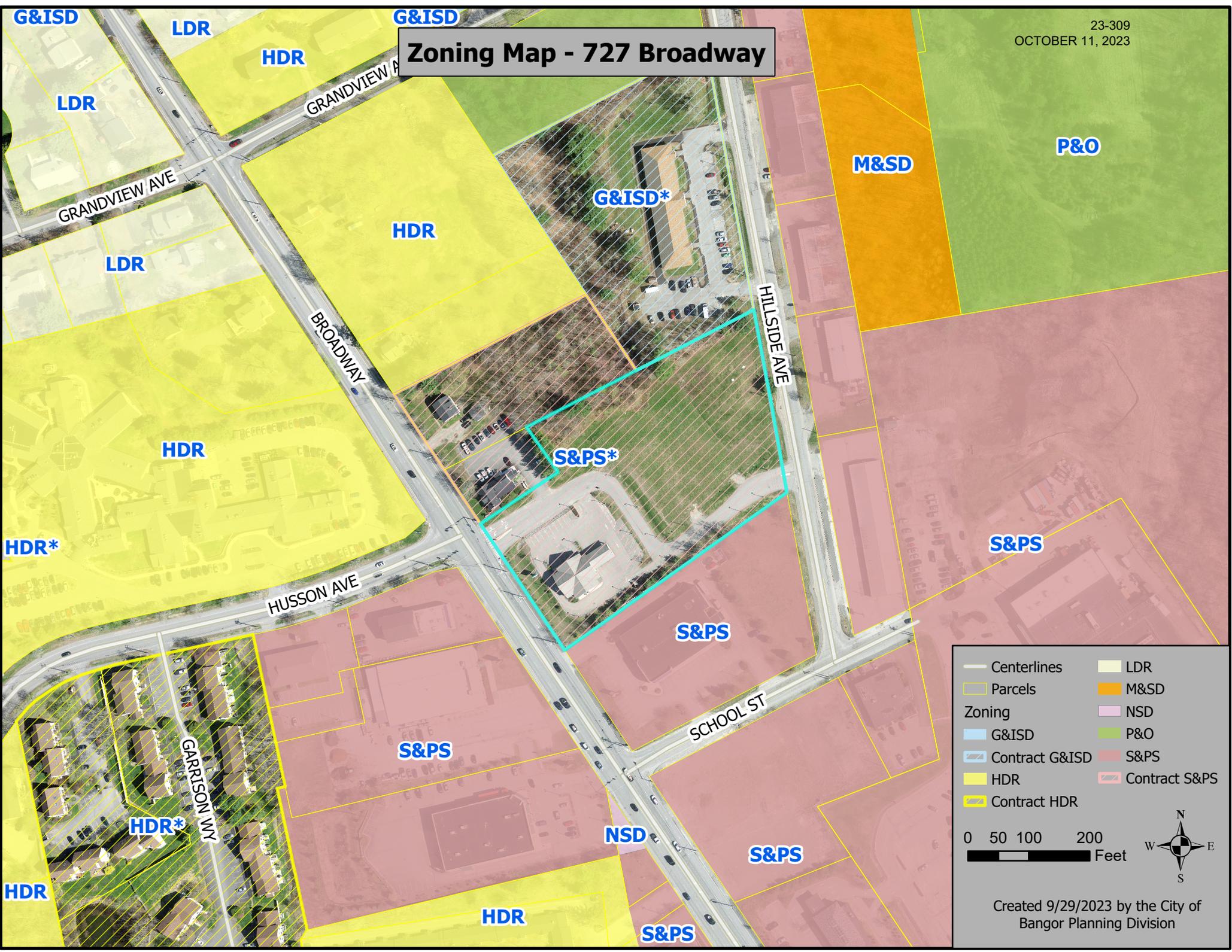
Any appeal from a final licensing decision of the reviewing authority or a notice of violation issued pursuant to this chapter may be taken by any aggrieved party to the Board of Appeals pursuant to § 23-3. Further appeals or appeals of a license suspension or revocation by the Board of Appeals made pursuant to this chapter may be taken by any aggrieved party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

§ 254-8 No Vested Rights

A license granted pursuant to this chapter is a revocable license granted to the license holder in lieu of a business license otherwise required pursuant to Chapter 85 of this Code. A license granted pursuant to this chapter expires annually and does not, and shall not be construed to, confer upon the license holder or any other person any property rights or vested interests and entitlements in the continued operation of a short-term rental. A license granted pursuant to this chapter shall not run with the land.

Additions underlined, deletions ~~struck through~~.

Zoning Map - 727 Broadway



Centerlines	LDR
Parcels	M&SD
Zoning	NSD
G&ISD	P&O
Contract G&ISD	S&PS
HDR	Contract S&PS
Contract HDR	

0 50 100 200 Feet

Created 9/29/2023 by the City of Bangor Planning Division



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-309

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: R41-020

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 727 Broadway from Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) Without Contract Overlay.

Summary

The applicant is seeking a zone change for the property at Map-Lot R41-020, located at 727 Broadway from Contract Shopping & Personal Services District (S&PS) to only Shopping & Personal Services District (S&PS) by removing the contract conditions. The total area requested to be changed is approximately 3.31 acre and is shown in the attached exhibit.

The contract conditions for this property limit the curb cuts that can be made onto Broadway and Hillside Avenue, limit the types of uses that can go on the property, reduce the maximum impervious surface ratio and floor area ratio, and require additional landscaping and buffering for uses on the site. Removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone.

The neighborhood around the property under review consists of a primarily commercial uses and high-density residential, along with some single-family residential. The zoning in the area is primarily a mixture of HDR and S&PS, with some G&ISD and M&SD. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses".

Committee Action

Committee: Planning Board

Meeting Date: October 17, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Schaefer

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 727 Broadway from Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) Without Contract Overlay.

WHEREAS, there are currently contract conditions on the site that limit the curb cuts that can be made onto Broadway and Hillside Avenue, limit the types of uses that can go on the property, reduce the maximum impervious surface ratio and floor area ratio, and require additional landscaping and buffering for uses on the site;

WHEREAS, removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone;

WHEREAS, the 2022 Comprehensive Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lot R41-020, located at 727 Broadway from Contract Shopping & Personal Services District (S&PS) to only Shopping & Personal Services District (S&PS) by removing the contract conditions. The total area requested to be changed is approximately 3.31 acre and is shown in the attached exhibit.



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-310

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: R41-019-
B/R41-018

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 743 & 759 Broadway from Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) Without Contract Overlay.

Summary

The applicant is seeking a zone change for the property at Map-Lots R41-019-B and R41-018, located at 743 & 759 Broadway from Contract Shopping & Personal Services District (S&PS) to only Shopping & Personal Services District (S&PS) by removing the contract conditions. The total area requested to be changed is approximately 1.58 acre and is shown in the attached exhibit.

The contract conditions for this property limit the curb cuts that can be made onto Broadway and Hillside Avenue, limit the types of uses that can go on the property, reduce the maximum impervious surface ratio and floor area ratio, and require additional landscaping and buffering for uses on the site. Removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone.

The neighborhood around the two properties under review consists of a mix of high-density residential and single-family homes, along with some commercial uses. The zoning in the area is primarily a mixture of HDR and S&PS, with some LDR and G&ISD. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses".

Committee Action

Committee: Planning Board

Meeting Date: October 17, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Sprague

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 743 & 759 Broadway from Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) Without Contract Overlay.

WHEREAS, there are currently contract conditions on the site that limit the curb cuts that can be made onto Broadway and Hillside Avenue, limit the types of uses that can go on the property, reduce the maximum impervious surface ratio and floor area ratio, and require additional landscaping and buffering for uses on the site;

WHEREAS, removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone;

WHEREAS, the 2022 Comprehensive Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lots R41-019-B and R41-018, located at 743 & 759 Broadway from Contract Shopping & Personal Services District (S&PS) to only Shopping & Personal Services District (S&PS) by removing the contract conditions. The total area requested to be changed is approximately 1.58 acre and is shown in the attached exhibit.

G&ISD

LDR

HDR

Zoning Map - 743 & 759 Broadway

P&O

23-310
OCTOBER 11, 2023

LDR

P&O

M&SD

P&O

HDR

G&ISD*

LDR

HILLSIDE AVE

HDR

S&PS*

HDR*

S&PS

S&PS*

S&PS

HUSSON AVE

S&PS

SCHOOL ST

HDR*

GARRISON WY

HDR

NSD

HDR S&PS

S&PS

— Centerlines	□ LDR
▭ Parcels	▭ M&SD
Zoning	▭ NSD
▭ G&ISD	▭ P&O
▭ Contract G&ISD	▭ S&PS
▭ HDR	▭ Contract S&PS
▭ Contract HDR	

0 50 100 200 Feet

Created 9/29/2023 by the City of Bangor Planning Division



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-311

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: R23-001

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 1192 Ohio Street from Rural Residence & Agricultural District (RR&A) to the Neighborhood Service District (NSD).

Summary

The applicant is seeking a zone change for the property at Map-Lot R23-001, located at 1192 Ohio Street from Rural Residence & Agricultural District (RR&A) to the Neighborhood Service District (NSD). The total area requested to be changed is approximately 1 acre and is shown in the attached exhibit.

The change to the NSD district would allow for small-scale commercial uses (limited to 2,000 square feet of floor area or less), such as small retail or service businesses, professional offices, or day-cares, and some low to medium density residential uses. The Neighborhood Service District is intended to allow for low-impact commercial uses that are located primarily within established residential areas and to be limited to commercial and mixed uses that will have a minimal impact on the neighborhood.

The neighborhood around the property under review consists of a mix of single-family homes, apartment buildings, and a few institutional and business uses. The zoning in the area is primarily a mixture of HDR, RR&A, and LDR. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses".

Committee Action

Committee: Planning Board

Meeting Date: October 17, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Tremble

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 1192 Ohio Street from Rural Residence & Agricultural District (RR&A) to the Neighborhood Service District (NSD).

WHEREAS, the Neighborhood Service District is intended to allow for low-impact commercial uses that are located primarily within established residential areas and to be limited to commercial and mixed uses that will have a minimal impact on the neighborhood;

WHEREAS, the neighborhood around the property under review consists of a mix of single-family homes, apartment buildings, and a few institutional and business uses;

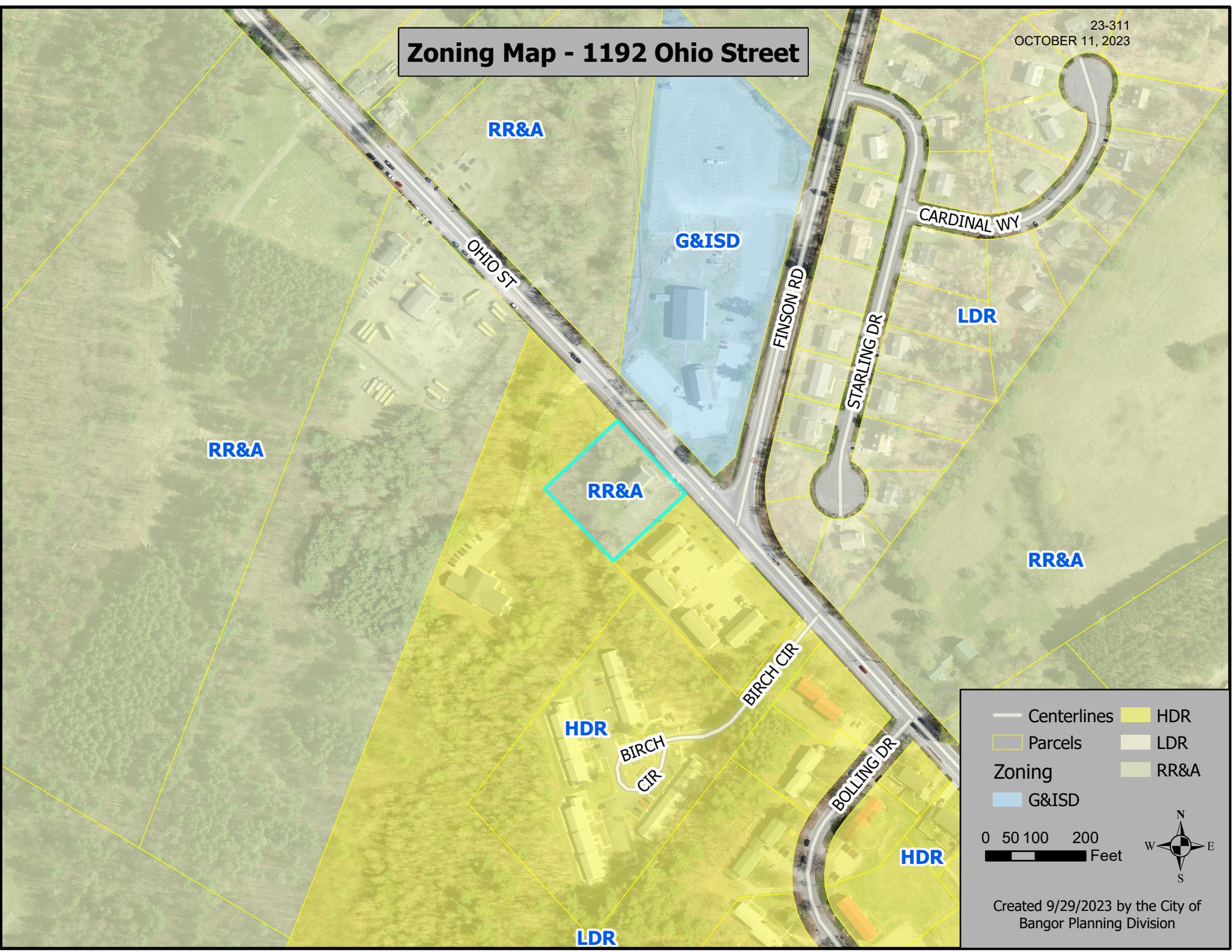
WHEREAS, the 2022 Comprehensive Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lot R23-001, located at 1192 Ohio Street from Rural Residence & Agricultural District (RR&A) to the Neighborhood Service District (NSD). The total area requested to be changed is approximately 1 acre and is shown in the attached exhibit.

Zoning Map - 1192 Ohio Street

23-311
OCTOBER 11, 2023



RR&A

RR&A

G&ISD

LDR

RR&A

RR&A

HDR

BIRCH CIR

HDR

LDR

— Centerlines
▭ Parcels
Zoning
▭ G&ISD
▭ HDR
▭ LDR
▭ RR&A

0 50 100 200 Feet

Created 9/29/2023 by the City of Bangor Planning Division



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-312

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: R14-006-C

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located on Ohio Street from Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR).

Summary

The applicant is seeking a zone change for the property at Map-Lot R14-006-C, located on Ohio Street, from the Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR). The total area requested to be changed is approximately 9.11 acres and is shown in the attached exhibit.

The change to the LDR district would allow for additional types of low to medium density residential uses, such as attached residential, versus the current limited residential dwelling types allowed by the URD-1 and RR&A zones. The density allowed by the Low-Density Residential district is in between that allowed by URD-1 and RR&A. The neighborhood consists of a mix of single-family homes, townhomes, and apartment buildings. The zoning in the area is primarily a mixture of URD-1, LDR, and RR&A, with some HDR lots and some G&ISD where there are schools. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses".

Committee Action

Committee: Planning Board

Meeting Date: October 17, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Hawes

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located on Ohio Street from Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR).

WHEREAS, a change to the LDR district would allow for additional types of low to medium density residential uses, such as attached residential, versus the current limited residential dwelling types allowed by the URD-1 and RR&A zones;

WHEREAS, the 2022 Comprehensive Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

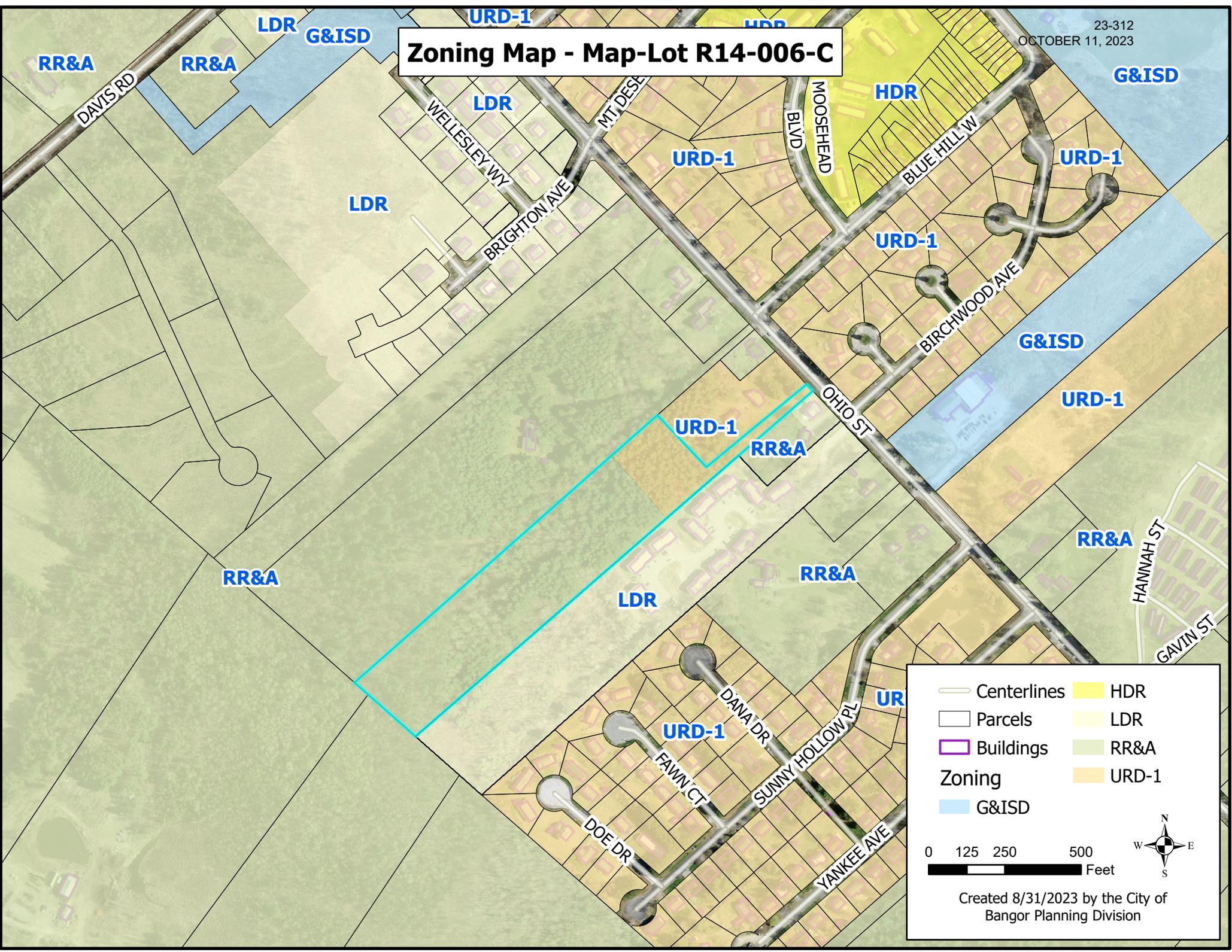
WHEREAS, the City Council has a policy to create residential units where feasible;

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lot R14-006-C, located on Ohio Street, from the Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR). The total area requested to be changed is approximately 9.11 acres and is shown in the attached exhibit.

Zoning Map - Map-Lot R14-006-C

23-312
OCTOBER 11, 2023



Centerlines (grey line)
Parcels (black outline)
Buildings (purple outline)
Zoning
G&ISD (light blue fill)

HDR (yellow fill)
LDR (light yellow fill)
RR&A (light green fill)
URD-1 (orange fill)

0 125 250 500 Feet

Created 8/31/2023 by the City of Bangor Planning Division



CITY COUNCIL ACTION

Council Meeting Date: October 11, 2023

Item No: 23-313

Responsible Dept: Legal

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 177, Article II, Retail Marijuana, Section 177-7, by Adding Section 177-7(K), To Clarify That Retail Marijuana Establishments May Not Transact Sales of Adult Use Cannabis or Cannabis Products at Off-Site Specified Events

Summary

This Ordinance, if passed, would amend Chapter 177, Article II, Retail Marijuana, to clarify that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site specified events that take place within the City of Bangor.

The State Legislature recently passed LD 202, "An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events." This state statute does not require municipalities to permit sales of adult use cannabis or cannabis products at off-site specified events, but, when it becomes effective, it will set up a procedure for adult use cannabis stores to apply for a permit from the State Department of Administrative and Financial Services, which would be a temporary authorization from the State for a cannabis store to conduct sales of adult use cannabis and cannabis products at specified events. These specified events would typically occur off the premises of an adult use cannabis store, and the requests for State permits may come from adult use cannabis stores located within or outside the City of Bangor.

An applicant for a State permit would need municipal authorization in order to obtain the State permit, and the statute allows municipalities to restrict the sale of adult use cannabis and cannabis products at specified events, including prohibiting such sales. Without municipal approval, an applicant will not be able to obtain a State permit.

This item was reviewed by the Government Operations Committee at its October 2, 2023 meeting, with the Committee recommending the proposed ordinance revision, which clarifies that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site special events that occur within the City of Bangor.

Committee Action

Committee: Government Operations

Meeting Date: October 2, 2023

Action: Recommended for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 11, 2023

Assigned to Councilor: Tremble

ORDINANCE, Amending Chapter 177, Article II, Retail Marijuana, Section 177-7, by Adding Section 177-7(K), To Clarify That Retail Marijuana Establishments May Not Transact Sales of Adult Use Cannabis or Cannabis Products at Off-Site Specified Events

WHEREAS, the recent passage of the state statute known as LD 202 has generated a need for the City to amend its Retail Marijuana ordinance to clarify regarding adult use cannabis establishments transacting sales of adult use cannabis or cannabis products at off-site specified events that occur within the City of Bangor;

WHEREAS, the City Council finds that it is in the best interests of the City to clarify that retail marijuana establishments or adult use cannabis stores may not transact sales of adult use cannabis or cannabis products at off-site specified events that occur within the City of Bangor;

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

Chapter 177, Article II, Retail Marijuana, of the Code of the City of Bangor is hereby amended as follows:

§ 177-7 Security and oversight requirements.

....

K. A retail marijuana establishment or adult use cannabis store, whether located within or outside the City of Bangor, may not transact sales of adult use cannabis or cannabis products at off-site, specified events that take place within the City of Bangor.

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



CITY COUNCIL ACTION

10/11/2023 23-314

Council Meeting Date: 10/11/2023

Item No: 23-314

Responsible Dept: Finance

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Accepting and Appropriating \$20,478,297 in State and Local Fiscal Recovery Funds (aka ARPA)

Summary

This Resolve will accept and appropriate Twenty Million, Four-Hundred Seventy Eight Thousand, Two-Hundred Ninety Seven Dollars (\$20,478,297) of State and Local Fiscal Recovery Funds (aka ARPA) to be allocated by the City Council in accordance with federal regulations, including any interest earnings on said funds. In preparation for year end, it was noted that this particular Resolve had inadvertently not been submitted to City Council.

Throughout the pandemic municipalities were called upon to respond to the needs of their communities while maintaining "normal" services on a day to day basis. Congress passed the American Rescue Plan Act to aid in the recovery efforts related to the pandemic. Part of this Act resulted in \$65 billion in funding for cities and counties across the country, through the State and Local Fiscal Recovery Funds. The City Council has undertaken a structured, measured and public approach in allocating these funds with an emphasis on a long lasting impact on our community throughout the year.

Committee Action

Committee: Council Workshop

Meeting Date: 10/11/2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



Date: 10/11/2023

Item No: 23-314

Assigned to Councilor: Pelletier

Accepting and Appropriating \$20,478,297 in State and Local Fiscal Recovery Funds (aka ARPA)

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which established the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Funds (together, the Fiscal Recovery Funds). The Coronavirus Local Fiscal Recovery Funds was established to provide support to local governments ("recipients") to respond to the impacts of COVID-19 on communities, residents, and businesses; and

WHEREAS, section 602(c)(1) and 603(c)(2) provides that funds may be used to:

To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;

To make necessary investment in water, sewer, or broadband infrastructure; and

WHEREAS, the City of Bangor has been notified by the Department of the Treasury of an award of ARPA funding in the amount of Twenty Million, Four-Hundred Seventy Eight Thousand, Two-Hundred Ninety Seven Dollars (\$20,478,297), payable in two tranches; and

WHEREAS, the City Council has undertaken a structured, measured and public approach in allocating the funds with an emphasis on a long lasting impact on our community;

Now Therefore Be it Resolved by the City Council of the City of Bangor that, Twenty Million, Four-Hundred Seventy Eight Thousand, Two-Hundred Ninety Seven Dollars (\$20,478,297) in State and Local Recovery Funds (aka ARPA), and all interest earnings thereon, are hereby accepted and appropriated for the purposes authorize by the City Council or City Council Committee.



CITY OF BANGOR RESOLVE

10/11/2023 23-315

Date: 10/11/2023

Item No: 23-315

Assigned to Councilor: Leonard

Appropriating \$11,000 from the Federal Seizure Trust Account for the Purpose of Purchasing Fitness Equipment

Whereas, the City receives drug forfeiture funds when Police Department staff are instrumental in an arrest that leads to the forfeiture of cash; and

Whereas, forfeiture funds are held in a special account and can only be used for certain activities that support the Police Department; and

Whereas, maintaining updated fitness equipment is vital to the well-being and overall health of our Police Department employees and the performance of their duties.

Be it Resolved by the City Council of the City of Bangor that, \$11,000 is hereby appropriated from the Federal Seizure Trust Account for the purpose of purchasing two (2) treadmills for the Police fitness center.



UNFINISHED
BUSINESS



CITY COUNCIL ACTION

Council Meeting Date: September 25, 2023

Item No: 23-294

Responsible Dept: Community & Economic Development

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 23, Boards, Committees, Commissions, Section 23-37, by Allowing the City Council Committee to Request a Meeting of the Downtown Parking Advisory Committee

Summary

The Downtown Parking Advisory Committee, a 7-member Committee, is authorized to review the City's parking resources, prices and fees, and policies as they relate to on-street and off-street parking in the Downtown Parking Management District and make recommendations regarding the same to the City Council and its appropriate committees.

As currently written, a meeting will occur when requested by the Committee Chair or by the City Council. It does not allow for parking items to be referred to the Committee by a City Council Committee. Currently, oversight of parking management falls to the Community & Economic Development Department. As such, parking related items are typically reviewed by the Business & Economic Development Committee. This amendment would allow the appropriate Council Committee to refer items to the Downtown Parking Advisory Committee.

Committee Action

Committee: Business and Economic Development

Meeting Date: September 18, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY COUNCIL ORDINANCE

Date: September 25, 2023

Assigned to Councilor: Tremble

ORDINANCE, Amending Chapter 23, Boards, Committees, Commissions, Section 23-37, by Allowing the City Council Committee to Request a Meeting of to the Downtown Parking Advisory Committee

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

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

§ 23-37 Meetings; quorum.

A. The Committee shall meet as follows:

...

(2) When requested to meet by the Committee Chair or by the City Council or City Council Committee.

Additions are underlined.



CITY COUNCIL ACTION

Council Meeting Date: September 25, 2023

Item No: 23-295

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 165, Land Development Code, by Adding the Use of Permanent Supportive Housing as a Conditional Use in the Low-Density Residential (LDR), High-Density Residential (HDR), and Multi-family and Service District (M&SD) Zones

Summary

The proposed changes would update the City's Land Development Code to add the use of Permanent Supportive Housing as a conditional use in the LDR, HDR, and M&SD zones. A Council Ordinance adopted on October 24, 2022 defined this use and added it as a conditional use to the Government & Institutional Service District (G&ISD) zone.

This use is akin to Transitional Housing in that there are staff available for support services to residents, but it differs in that the residents may reside there permanently. It is not the same as group homes as defined or other congregate care, as the people reside in efficiency units and thus have more independence. The use is defined as "a multifamily building or multiple buildings on a lot that contain(s) permanent, project-based supportive housing which are funded with project-based vouchers and associated services to residents."

This proposal aligns with the 2022 Comprehensive Plan, which suggests that the City revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing. The proposed dimensional controls, including minimum lot size and setbacks, follow the requirements for attached residential developments (townhouses) and congregate care housing.

Committee Action

Committee: Planning Board

Meeting Date: October 3, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: September 25, 2023

Assigned to Councilor: Davitt

ORDINANCE, Amending Chapter 165, Land Development Code, by Adding the Use of Permanent Supportive Housing as a Conditional Use in the Low-Density Residential (LDR), High-Density Residential (HDR), and Multi-family and Service District (M&SD) Zones.

WHEREAS, the proposed changes would update the City's Land Development Code to add the use of Permanent Supportive Housing as a conditional use in the LDR, HDR, and M&SD zones;

WHEREAS, the City Council has a policy to create residential units where feasible;

WHEREAS, the 2022 Comprehensive Plan suggests that the City revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing;

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

Chapter 165, Attachment 3 – Schedule B of the Code of the City of Bangor is amended as shown on the attached, and

Chapter 165 of the Code of the City of Bangor is amended as follows:

§ 165-90 Multifamily and Service District (M&SD).

...
D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

...
(6) Permanent supportive housing.

§ 165-99 Low-Density Residential (LDR).

...
D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

...
(4) Permanent supportive housing.

§ 165-100 High-Density Residential District (HDR).

...
D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

...

(9) Permanent supportive housing.

LAND DEVELOPMENT

165 Attachment 3

City of Bangor

Schedule B

Developing Area

Article XIV, §§ 165-99 through 165-103.1

Zoning Districts	Minimum Lot Area (square feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Depth (feet)	Minimum Rear Yard Depth (feet)	Maximum Dwelling Units per Acre	Maximum Dwelling Units per Building	Maximum Height (feet)	Maximum Lot Coverage	Maximum Floor Area Ratio	Maximum Impervious Surface Ratio	Minimum Open Space	Minimum Lot Width (feet)	Minimum Buffer Yard Type
Low-Density Residential (LDR) Conditional uses													
Attached residential dwellings (minimum 3-acre site) [Article XIV, §165-99D(1)]. <u>Permanent supportive housing</u>	<u>3 acres (for the site)</u>	30	20	25	5	6	35	25%	NA	0.3	35% of gross acreage	100	A
High-Density Residential (HDR) Conditional uses													
Congregate housing, <u>Permanent supportive housing</u>	2 acres	30	20	25	25	100	45	30%	1	0.6	NA	125	B



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Deb Laurie, City Manager

From: Anja Collette, Planning Analyst

Date: October 3, 2023

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

Re: Planning Board Recommendation October 3, 2023
Amending Chapter 165, Land Development Code, by Adding the Use of Permanent Supportive Housing as a Conditional Use in the LDR (Low-Density Residential), HDR (High-Density Residential), and M&SD (Multi-family and Service District) Zones

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on October 3, 2023.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were the Chair Reese Perkins, Vice Chair Ted Brush, and Members Trish Hayes, Don Meagher, Mike Bazinet, Ken Huhn, and Jonathan Boucher. Also in attendance was Alternate Member Joshua Saucier.

Planning Analyst Anja Collette reviewed the proposed amendments with the Board.

From the staff memo:

- A. The proposed changes would update the City's Land Development Code to add the use of Permanent Supportive Housing as a conditional use in the LDR, HDR, and M&SD zones. A Council Ordinance adopted on October 24, 2022 defined this use and added it as a conditional use to the G&ISD (Government & Institutional Service District) zone.
- B. This use is akin to Transitional Housing in that there are staff available for support services to residents, but it differs in that the residents may reside there permanently. It is not the same as group homes as defined or other congregate care, as the people reside in efficiency units and thus have more independence. The use is defined as "a multifamily building or multiple buildings on a lot that contain(s) permanent, project-based supportive housing which are funded with project-based vouchers and associated services to residents."
- C. This proposal aligns with the 2022 Comprehensive Plan, which suggests that the City revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing. The

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 10.3.23
Land Development Code – Permanent Supportive Housing

proposed dimensional controls, including minimum lot size and setbacks, follow the requirements for attached residential developments (townhouses) and congregate care housing.

Chair Perkins asked a question about the number of people that could occupy individual units within this type of use. Development Director Krieg and Planning Analyst Collette clarified that that issue would be governed by the building code and that the same rules would apply to this type of use as to any other type of residential use.

There were no other questions from the Board and no questions from the public.

Member Meagher made a motion to recommend that the amendments ought to pass. Vice Chair Brush seconded the motion. All members voted in favor of the motion. The result of the vote is that a majority of Planning Board members voted to recommend that the proposed amendments ought to pass.

Anja Collette



CITY COUNCIL ACTION

Council Meeting Date: September 25, 2023

Item No: 23-296

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Correcting Typographic Errors in Council Ordinance 23-141 Voted on and Passed on May 22, 2023, which Amended Chapter 165, Land Development Code, to Clarify the Protections, Allowances, and Restrictions for Non-Conforming Uses, Structures and Lots

Summary

This is a corrective ordinance to correct typographical errors in Council Ordinance 23-141 passed on May 22, 2023, the purpose of which was to clarify the protections, allowances, and restrictions for non-conforming uses, structures, and lots.

Committee Action

Committee:

Meeting Date:

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY COUNCIL ORDINANCE

Date: September 25, 2023

Assigned to Councilor: Hawes

ORDINANCE, Correcting Typographic Errors in Council Ordinance 23-141 Voted on and Passed on May 22, 2023, which Amended Chapter 165, Land Development Code, to Clarify the Protections, Allowances and Restrictions for Non-Conforming Uses, Structures and Lots

WHEREAS, at present, Council Ordinance 23-141, voted on and passed on May 22, 2023, to clarify the protections, allowances, and restrictions for non-conforming uses, structures, and lots, contained minor typographical errors;

WHEREAS, there is a need to correct these errors for the new language to be integrated appropriately into the Code of Ordinances;

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

Chapter 165 of the Code of the City of Bangor is amended as follows:

165-17 Nonconforming Structures

- ...
- B. A nonconforming Structure containing a use listed in §165-111.A may be enlarged, subject to review by the Planning Board, only if it satisfies all of the provisions listed below:
- ...
- ...
- C D. If a nonconforming non-residential Structure is demolished or accidentally destroyed by fire or natural catastrophe, the Structure may be rebuilt on the existing footprint, or enlarged subject to the provisions listed above in §165-17.A. Reconstruction with any enlargements must commence within two years of the demolition or destruction, or the Structure must conform to all regulations of the applicable District. Residential structures may be rebuilt and expanded otherwise within seven (7) years of such damage by review of the Code Enforcement Officer, or the structure must conform to all regulations of the applicable district.
- E. Lots containing non-conforming residential structures that have been demolished, abandoned or cease to be occupied for a period of seven years or more shall conform to the requirements of this Code in all respects.
- Ø F. Lots with non-conforming residential structures may house accessory dwelling units if, in the opinion of the Code Enforcement Officer, the requirements in §165-17.C are met.
- ...

~~165-22 (Reserved)~~

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



NEW BUSINESS



CITY COUNCIL ACTION

10/11/2023 23-316

Council Meeting Date: 10/11/2023

Item No: 23-316

Responsible Dept: City Manager

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the Award of \$350,748 in State and Local Fiscal Recovery Funds to Support Renovation of the Bangor Children's Home

Summary

This Order will authorize the award of \$350,748 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Bangor Children's Home to undertake interior and exterior renovations to their historic property to preserve continued access and availability of childcare slots.

The current facility is listed on the National Registry of Historic Places and provides childcare for children ages 18 months through 5 years old for 59 families (63% are from Bangor). Staffing levels and physical plant have impacted their ability to expand capacity. While the facility can accommodate up to 10 class rooms, since the pandemic they have been operating out of 6 spaces.

Addressing the physical plant needs will allow the operation to become more sustainable and ensure compliance with life safety codes.

The proposed building renovations include; dormer, roof, electrical and retaining wall repairs, and replacement of windows, sprinkler heads, and flooring. An investment in the facility will ensure compliance with life safety code, mitigate future utility costs, and remediate health hazards.

This award is in support of the following:

- Investment in facilities to support healthy childhood environments
- Investment in access to and expansion of affordable childcare

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date: 09/19/2023
For: 8 Against: 0

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

10/11/2023 23-316

Date: 10/11/2023

Item No: 23-316

Assigned to Councilor: Davitt

Authorizing the Award of \$350,748 in State and Local Fiscal Recovery Funds to Support Renovation of the Bangor Children's Home

WHEREAS, in conjunction with the Heart of Maine United Way, the City of Bangor conducted an open and public application process to determine distribution of State and Local Fiscal Recovery Funds; and

WHEREAS, the application from Bangor Children's Home to renovate their existing child care facility ranked highly in the initial citizen panel review process; and

WHEREAS, Bangor Children's Home currently provides child care for 18 months - 5 years old for 59 families; and

WHEREAS, the costs of physical plant operations and investment negatively impact their ability to reopen classrooms, which has resulted in a reduction in the number of available childcare slots; and

WHEREAS, the City Council determined that this request supports access to and expansion of affordable childcare; and

WHEREAS, the City Council further determined that an investment in facilities would reduce operating costs, and provide an opportunity to maintain and potentially expand access to childcare.

Now Therefore Be it Ordered by the City Council of the City of Bangor that, \$350,748 in State and Local Fiscal Recovery Fund is awarded to Bangor Children's Home to renovate their existing childcare facility.



CITY OF BANGOR ORDER

10/11/2023 23-317

Date: 10/11/2023

Item No: 23-317

Assigned to Councilor: Sprague

Authorizing the Award of \$2,000,000 in State and Local Fiscal Recovery Funds to Support Bangor Region YMCA's Construction of a New Facility in Downtown Bangor to Meet the Needs of our Community

WHEREAS, the City of Bangor and Penobscot County Commissioners committed to work collaboratively, when possible, in the distribution of State and Local Fiscal Recovery Funds; and

WHEREAS, Penobscot County undertook a sub-recipient application process; and

WHEREAS, the application from Bangor Region YMCA was to support the construction of a new facility in downtown Bangor;

WHEREAS, the City Council determined that this request supports access to and expansion of affordable childcare; and

WHEREAS, the City Council further determined that the facility would provide additional resources to support children, adults and families in their lifelong quest for physical, emotional and social wellness.

Now Therefore Be it Ordered by the City Council of the City of Bangor that, \$2,000,000 in State and Local Fiscal Recovery Fund is awarded to Bangor Region YMCA for investment in the construction of a new facility in downtown Bangor.



CITY COUNCIL ACTION

10/11/2023 23-318

Council Meeting Date: 10/11/2023

Item No: 23-318

Responsible Dept: City Manager

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the Award of \$400,000 in State and Local Fiscal Recovery Funds to Heart of Maine United Way as Matching Funds to a Similar Award from Penobscot County to Support the Creation of "The Community" in Bangor

Summary

This Order will authorize the award of \$400,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Heart of Maine United Way to fund certain investments associated with the creation of "The Community", provided said funds are matched by Penobscot County and the facility is located in Bangor.

The Community, a nonprofit hub to fill important gaps in the nonprofit sector, is a key strategy to advancing collaboration of social service providers and other nonprofits in Bangor and the region. This effort is to create a physical hub that will provide in person and virtual support including coaching and, professional partners, mentoring and networking. The initiative is designed to advance collaboration and efficiency of social service providers and other nonprofits in the region to create data-driven measurable results for their organizations and to support individuals and families within Bangor and the larger region.

This award is in support of the following:

- Investment in support of overcoming the negative economic impacts resulting from the pandemic
- Investment in access to facilities and services to disproportionately impacted communities

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date: 09/19/2023
For: 8 Against: 0

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

10/11/2023 23-318

Date: 10/11/2023

Item No: 23-318

Assigned to Councilor: Leonard

Authorizing the Award of \$400,000 in State and Local Fiscal Recovery Funds to Heart of Maine United Way as Matching Funds to a Similar Award from Penobscot County to Support the Creation of "The Community" in Bangor

WHEREAS, the City Council reviewed the application from the Heart of Maine United Way, for the creation of The Community; a Nonprofit Hub; and

WHEREAS, the application from Heart of Maine United Way ranked highly in the City Council's independent review process; and

WHEREAS, the City Council is supportive of investment to support enhance collaborative efforts of nonprofit and social service providers within Bangor and the region; and

WHEREAS, the City Council has identified this of regional benefit; and

WHEREAS, the City Council determined that this request supports facilities and services to disproportionately impacted communities and supports recovery from the negative economic impacts of the pandemic;

Now Therefore Be it Ordered by the City Council of the City of Bangor that, \$400,000 in State and Local Fiscal Recovery Fund is awarded to Heart of Maine United Way as matching funds to a similar award from Penobscot County to support th creation of "The Community" in Bangor.



CITY OF BANGOR ORDER

10/11/2023 23-319

Date: 10/11/2023

Item No: 23-319

Assigned to Councilor: Yacoubagha

Authorizing the Award of \$648,000 in State and Local Fiscal Recovery Funds to Wabanaki Public Health and Wellness in Support of the Creation of a Youth Center

WHEREAS, in conjunction with the Heart of Maine United Way, the City of Bangor conducted an open and public application process to determine distribution of State and Local Fiscal Recovery Funds; and

WHEREAS, the application from Wabanaki Public Health and Wellness to support the an investment in the Wabanaki Youth & Cultural Center and the Community Connection Center for Learning & Lodging ranked highly in the initial citizen panel review process; and

WHEREAS, the City Council is supportive of investment to support access to safe and healthy learning and after school spaces for children; and

WHEREAS, the Wabanaki Youth & Cultural Center will be open to all youth and include after school activities, day camp experiences and after school space for tribal youth; and

WHEREAS, the City Council determined that this request supports access to healthy childhood environments, including disproportionately impacted communities.

Now Therefore Be it Ordered by the City Council of the City of Bangor that, \$648,000 in State and Local Fiscal Recovery Fund is awarded to Wabanaki Public Health and Wellness in support of the creation of a Youth Center.