



CITY COUNCIL AGENDA



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lisa.goodwin@bangormaine.gov

REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 23, 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 October 11, 2023, Government Operations Committee Meetings of May 15, 2023, June 5, 2023, July 3, 2023, July 17, 2023, August 8, 2023, August 21, 2023, September 6, 2023, September 18, 2023, October 2, 2023 and October 17, 2023, Finance Committee Meetings of September 6, 2023, September 18, 2023, October 2, 2023 and October 16, 2023, Business and Economic Development Committee Meetings of September 5, 2023, September 18, 2023, October 3, 2023 and October 17, 2023 and Infrastructure Committee Meetings of August 8, 2023, August 21, 2023 and October 3, 2023

LIQUOR LICENSE RENEWALS:

Penobscot Theatre Company d/b/a Penobscot Theatre Company, 131 Main Street

LIQUOR LICENSE NEW:

Blaze Urban Pizza LLC d/b/a Urban Pizza, 329 Main Street, Pending Final Inspection

23-320 ORDER

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 60 Kossuth Street **HAWES**

Executive Summary: This Order will authorize the execution of a municipal quitclaim deed for real estate located at 60 Kossuth Street. Tax, sewer, and stormwater liens have matured on the property owned by Victor W. Vardamis, at 60 Kossuth Street. 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.

23-321 ORDER

Amending the Schedule of Fees for Marijuana Establishment Licenses **TREMBLE**

Executive Summary: This Order would amend the City's Schedule of Fees for marijuana establishment licenses. The proposed fee increases for marijuana establishments were based upon an estimate of staff time required to process the application as well as to perform inspections. Marijuana license fees are also updated July 1 of each year to match the Consumer Price Index (CPI-U).

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As a result of a recent audit of the staffs' time to process the application and perform inspections, payroll and benefit changes, and anticipated 2024 health insurance cost increases, the current fees are no longer commensurate with our estimated costs. This Order will amend the Schedule of Fees effective January 1, 2024. This item was recommended for approval at the Government Operations Committee meeting on October 16, 2023.

<u>23-322</u>	<u>ORDER</u>	Authorizing Contract with Passio Technologies for Transit Technology in the Amount of \$578,273	DAVITT
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Executive Summary: This Order will authorize a contract with Passio Technology for Transit Technology in the amount of \$578, 273. The Community Connector is looking to move away from the current manual process of data collection related to the transit services and implement system-wide technological enhancements to improve the quality of transit service and customer information, as well as operational efficiency, security, and customer satisfaction by deploying Intelligent Transportation Systems (ITS) technologies on fixed-route and paratransit services. These technologies will provide real-time route and vehicle information via an interface to passengers, dispatchers, and supervisory personnel.

Community Connector issued an RFP in the fall of 2022 and received two responses, Strategic Mapping Inc. and Passio Technologies, with Passio Technologies being the low bidder at \$535,714. The bid from Strategic Mapping, in the amount of \$1,242,103, did not include all requested information and is considered unresponsive. Due to unforeseen staffing shortages, the project has been significantly delayed but staff is now ready to move forward. Staff reached out to Passio, who provided an updated cost of \$578,273. The initial project is expected to take approximately 18-24 months and will establish a robust core system, to which additional features or modules may be added to in the future.

Staff is recommending awarding the contract to Passio Technologies in the amount of \$578,273. The revised proposal is less than an independent cost estimate for the project and will be funded using a combination of funds including \$391,905 in Federal funds, \$97,976 Local Share, and \$95,000 of carry-forward monies. The federal and local share includes reprogramming \$53,008 from the roof repair project. This item was reviewed and approved at the Finance Committee meeting on October 16, 2023.

<u>23-323</u>	<u>ORDER</u>	Appointing Airport Constables for the Year 2023	YACOUBAGHA
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Executive Summary: This Order authorizes the appointment of Fred Dwyer and Camden Perkins as Constables for the Airport to enforce City Ordinances.

<u>23-324</u>	<u>ORDER</u>	Appointing Nominees to Various Boards, Commissions and Committees	SPRAGUE
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Executive Summary: This Order will authorize the appointments to the various Boards, Commissions and Committees contained in the report of the Personnel Committee. Vacancies were advertised in a variety of ways and the applicants were interviewed by the Council's Personnel Committee on September 12, 2023 and October 10, 2023. The Committee has completed the process of interviewing applicants for these positions and developed the attached recommendations for full Council consideration. This item was reviewed in executive session on October 17, 2023, and put forth for approval by the Personnel Committee.

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<u>23-325</u>	<u>RESOLVE</u>	Ratifying Staff's Execution of a Legal Services Agreement with SL Environmental Law Group PC and Associated Law Firms In Connection With PFAS Litigation	SCHAEFER
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Executive Summary: This Resolve will ratify staff action on October 16, 2023, in executing a Legal Services Agreement with SL Environmental Law Group PC and the law firms associated with SL. The purpose of the agreement is to investigate and assess potential claims arising out of the presence of per- and polyfluoroalkyl (PFAS) contaminants in biosolids or effluent in the City's wastewater treatment systems, and to provide for the terms and conditions for the representation of the City in a civil action whereby the City would join other governmental entity, water treatment facility, and wastewater treatment facility plaintiffs in multi-district PFAS litigation against manufacturers and distributors of products that contain PFAS compounds.

PFAS is a diverse group of thousands of chemicals used in hundreds of types of products. PFAS are mobile, persist indefinitely in the environment, and are associated with multiple and significant adverse health affects in humans.

In the PFAS multi-district litigation, the governmental entity, water treatment facility, and wastewater treatment facility plaintiffs allege that global manufacturers and distributors of products that contain PFAS compounds designed, manufactured, distributed, and/or sold these products with knowledge that these toxic compounds would be released into the environment, even when used as directed and intended. This litigation does not impact local companies which may have used the products. The sole purpose of the litigation is to provide an opportunity for governmental entities and water and wastewater treatment facilities to recover any expenses they have incurred, or may incur in the future, for testing, treatment, and remediation related to PFAS.

The City's wastewater treatment plant has incurred expenses, and is anticipated to incur significant expenses in the future, related to PFAS testing, treatment, remediation, and disposal activities.

Time is of the essence in joining the PFAS litigation in that the litigation is proceeding to trial and defendants are currently in the process of settling with litigating plaintiffs. As such, it is in the City's interests to become one of the litigating plaintiffs rather than a non-participating party, as litigating plaintiffs are likely to receive a greater share of settlement proceeds than non-litigating government entities.

The legal rights and duties of the City with respect to this contemplated litigation, and the need for expedient action, were discussed in Executive Session by the City Council on October 11, 2023, and the City Manager executed the Legal Services Agreement in accord with the Council's desires as expressed during those discussions.

<u>23-326</u>	<u>ORDER</u>	Authorizing Changes to the CDBG Homeownership Programs to Add Eligible Expenses for Homebuyer Assistance	YACIOUBAGHA
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Executive Summary: This Order will authorize changes to the CDGB Homeownership Programs to add eligible expenses for home buyer assistance. The CDBG Homeownership Program offers assistance to first-time buyers to purchase a Bangor home and is designed to increase the rate of ownership among low- and moderate-income residents. This Order would expand the Program's eligible subsidy types for homebuyer assistance to include both direct and indirect subsidy paid to the primary lender as allowed by CDBG regulations. This increase in subsidy types improves access to ownership and can help buyers qualify with affordable payments. City Staff will work with the primary lender to evaluate the best use of these funds, and may include offsets to:

- Down Payments
- Closing Costs
- Interest Rate ("points" buy-down)
- Principal Reduction
- Up-front Mortgage Insurance

Subsidies are limited to \$25,000 and/or the minimum required by the lender to approve the loan. Down payments may be subject to a 50% match. Assistance with CDBG funds is for owner-occupied, residential dwellings and is subject to primary residence, occupancy and affordability rules as required by the U.S. Department of Housing and Urban Development, and the CDBG Program guidelines. This item was reviewed and recommended for approval at the Business and Economic Development Committee meeting on October 17, 2023.

23-327 ORDER **Authorizing Changes to the CDBG Homeownership Program's Eligible Property Types for Homebuyer Assistance **SCHAEFER****

Executive Summary: This Order will authorize changes to the CDBG Homebuyer Assistance related to eligible property types. This change is designed to increase homeownership among low- to moderate-income residents. The changes are in response to housing availability and market conditions and will increase the housing types that participants may request assistance to purchase. These allowances will ensure that the program is consistent with other first-time home buyer programs, and assists to provide low- and moderate-income residents a pathway to attainable homeownership.

The Homeownership Program will increase the size of multifamily buildings from 1-2 to 1-4, and will add a subtype of manufactured housing. The CDBG Program defines manufactured housing as "residential structures that are primarily built off-site," and includes, but is not limited to, modular homes, mobile homes (i.e. trailers), tiny homes, and 3D printed dwellings. This order will also add mobile homes to the program, which may be assisted with CDBG funds if they meet lender-specific guidelines, including:

- The unit was constructed after 1976.
- The unit is permanently affixed to a foundation or slab, with its towing hitch and running gear removed.
- The homeowner will own the land or lease a park lot on which the home is installed for a duration of 3 years, or the term of the mortgage, whichever is less.

This item was reviewed and recommended for approval at the Business and Economic Development Committee meeting on October 17, 2023.

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<u>23-328</u>	<u>ORDER</u>	Authorizing the Adoption of a Use of Certain City Property Policy	LEONARD
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Executive Summary: This Order will authorize the approval of a policy related to use of certain City property including but not limited to flag poles, Pierce Park, illumination of City Hall, honorary street names and more.

This policy was drafted to establish a clear understanding of the conditions, standards, and guidelines for use of certain City property that: 1) ensures use is consistent with the values and character of the City, 2) ensures process is fair and consistent, and 3) minimizes conflict and provides a forum for meaningful discussion with a process for public displays. This policy will supersede Order 18-382 Policy for Use of City Property for the Purpose of Temporary Holiday Displays and Order 97-372 Guidelines for Use of City of Bangor Monuments and Statues for Ceremonial Purposes. This item was reviewed and recommended for approval at the Government Operations Committee meeting on October 16, 2023.

**REFERRALS TO COMMITTEE AND FIRST READING
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<u>23-329</u>	<u>RESOLVE</u>	Authorizing the City Manager to Accept and Appropriate \$526,876 in Grant Funding from the Maine Center for Disease Control to Support Public Health Infrastructure (First Reading)	PELLETIER
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Executive Summary: This Resolve will authorize the City Manager to accept and appropriate \$526,876 from the Maine Center for Disease control through the Public Health Infrastructure grant. Bangor Public Health and Community Services held a Public Health Infrastructure grant with the Maine CDC that ended on September 30, 2023. The funds appropriated under this contract will allow for the continuation of that work from October 1, 2023 through September 30, 2027.

These funds will be used to increase the capacity of Bangor Public Health and Community Services, specifically to "expand, train, and sustain response-ready public health work force," and will also support Bangor Public Health and Community Services' efforts towards becoming nationally accredited by the Public Health Accreditation Board.

This item was reviewed and recommended for approval at the Government Operations Committee meeting on October 16, 2023.

<u>23-330</u>	<u>RESOLVE</u>	Authorizing the City Manager to Accept and Appropriate \$5,968,828 in Funding from the Maine Department of Health and Human Services for the Women, Infants, and Children Program (First Reading)	HAWES
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housing in the City and the transient nature of this use can have a negative impact on the surrounding neighborhood.

Due to these factors, 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. This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on October 17, 2023.

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**

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 to remove 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 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.”

This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on October 17, 2023.

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**

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

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(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 to remove 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 High

Density Residential (HDR) and 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.”

This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on October 17, 2023.

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) **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

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complementary to the surrounding residential land uses.”

This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on October 17, 2023.

<u>23-312</u>	<u>ORDINANCE</u>	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)	HAWES
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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 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. 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.”

This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on October 17, 2023.

<u>23-313</u>	<u>ORDINANCE</u>	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	TREMBLE
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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

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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) **PELLETIER****

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.

This item was reviewed and recommended at a Council Workshop on October 11, 2023.

23-315 RESOLVE **Appropriating \$11,000 from the Federal Seizure Trust Account for the Purpose of Purchasing Fitness Equipment **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.

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23-331 RESOLVE **Ratifying the City Manager's Appointment of Jose Saavedra as Airport Director **YACOUBAGHA****

Executive Summary: This Resolve will ratify the execution of an employment agreement with Jose Saavedra to serve as the City of Bangor's Airport Director. Jose received his Bachelor's degree in Business Administration, majoring in Airport Management from the University of North Dakota and his Master's Degree from Western Carolina University in Innovation Leadership and Entrepreneurship. He has worked in a number of capacities across the airport industry including: internships at Chicago Rockford International Airport, Gerald R Ford International Airport, Transportation Security Officer at Grand Forks International Airport, Senior Airport Operations Agent at Midland International Air & Space Port, Operations Officer at Raleigh-Durham International Airport and he has served as the Director of Industry Programs at the American Association of Airport Executives for the last two years. Jose's extensive and varied Airport Management background will be a great fit to lead our operation at the Bangor International Airport. The proposed employment contract will authorize a starting salary of \$120,203. The term of this agreement is two (2) years and shall be automatically extended on an annual basis unless either party provides notice sixty (60) days prior to the expiration.

23-332 ORDER **Authorizing the Award of \$694,700 in State and Local Fiscal Recovery Funds to Health Equity Alliance to Fund Start Up Costs Associated with the Creation of a Resource Center and Outreach Efforts to Serve Houseless or Unstably Housed Individuals with an Emphasis on Downtown **PELLETIER****

Executive Summary: This Order will authorize the award of \$694,700 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Health Equity Alliance (HEAL) to fund start-up costs associated with the creation of a resource center and outreach efforts to provide services to houseless or unstably housed individuals with an emphasis on downtown.

This award will fund the first year start-up operating costs associated with the establishment and operation of a resource center and the deployment of two outreach specialists. The resource center will be located in the same building as HEAL's current operation, outside of downtown Bangor, and would provide services to individuals who are unhoused or struggle with unstable housing, use substances, struggle with mental health diagnoses, and/or need resources or referrals. Services will be provided 7 days a week 8:30 am - 5:00 pm. Outreach specialists will work in collaboration with community outreach providers to ensure there is a coordinated effort. Specialists will provide an opportunity for clients to get off the streets and socialize where staff can earn trust and build rapport to connect to existing housing, recovery, mental health, substance use, education, income, employment, and purpose-filled opportunities. The resource center will be staffed by 7.6 full-time equivalents, including a certified and a licensed alcohol & drug counselor, a harm reduction specialist, and recovery coaches, among others. The resource center will provide testing and treatment for HIV and sexually transmitted infections, like HEP C, for this at-risk-population. As a "covered entity," HEAL is able to acquire prescription drugs for "at-risk" populations at manufacturer's cost under a federal program, 340b. The majority of the funding to sustain this program is predicated on the generation of 340b program income. The projected budget anticipates three new clients per month with a total service level of 9-12 clients per month.

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HEAL conducted a significant amount of outreach with stakeholders, including other agencies and downtown businesses and property owners, and has committed to working as a partner with all those working to meet the needs of our unhoused neighbors. Further, HEAL has indicated a commitment to re-evaluating hours and establishing a quality-improvement panel to provide an opportunity to assess the progress as well as ideas for improvement.

This award is in support of the following:

- Investment in facilities to support disproportionately impacted communities
- Investment in access to substance use disorder treatment and recovery and mental health services
- Investment in public health measures

This item was reviewed at a Council Workshop on October 11, 2023.

**23-333 ORDER Authorizing the Award of \$441,540 in State and Local LEONARD
Fiscal Recovery Funds to Wellspring to Fund Capital
Costs Associated with a New and Expanded Facility**

Executive Summary: This Order will authorize the award of \$441,540 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Wellspring to fund additional exterior work at a new facility. On July 18th, the City Councilors recommended to award funding to Wellspring for capital costs associated with a new facility that would add three to four medically supervised withdrawal beds and up to 14 stabilization beds, which can provide up to 45 days of treatment and care post "detox" or while awaiting admission for a higher level of care. The initial recommendation was subject to a final determination from the State of Maine on the status of a state funding application.

Wellspring recently received notice that the State of Maine Office of Behavioral Health has agreed to fund the proposed renovations included in the original submission to the City. With the availability of State funding, Wellspring reviewed the site and requested that the City Council consider allowing an amendment to their initial application. The amended request to fund work that would not be eligible for funding through the State of Maine award includes outdoor space with fencing, upgrades for accessibility (i.e. doors, steps), air conditioning, signage, and exterior lighting.

The intent is to ensure a new facility is one that conveys a sense of welcome and respect for the people being served. Not only is it important to ensure that the interior space communicates a safe, welcoming and professional impression, but is also important that the exterior communicate these values. The premise being that people need to get outside as part of their overall treatment plan, which is so important for addressing the mental health side of addiction. The facility is helping people prepare for their life in recovery. A healthy life in recovery includes physical exercise and time for spiritual reflection.

This award is in support of the following:

- Investment in facilities to support disproportionately impacted communities
- Investment in access to substance use disorder treatment and recovery and mental health services
- Investment in public health measures

This item was reviewed at a Council Workshop on October 11, 2023.

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23-334 ORDER **Authorizing the Allocation of \$200,000 in State and Local Fiscal Recovery Funds and \$200,000 of Interest Earnings Thereon to Fund the Acquisition of Two Sidewalk Plows **SPRAGUE****

Executive Summary: This Order will authorize the allocation of \$200,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) and \$200,000 of interest earnings thereon to acquire two additional sidewalk plows.

Historically, the City has utilized five sidewalk plows to clear over 85 miles of sidewalks. Assuming a true snow event of less than one foot, with little to no ice or sleet activity, this work takes approximately one week to complete. The sidewalk clearing rate is dependent not only on the type of precipitation, but also the obstructions encountered (snow piled on sidewalks or hidden objects in the snow or ice). Last winter was particularly difficult due to mechanical issues and lack of staffing.

City staff spent the summer months revising the assigned sidewalk routes to better serve the needs of pedestrians in our community, which was reviewed and discussed at the Infrastructure Committee meeting of October 3rd. Our ability to clear sidewalks in a timely manner is impacted by the types of weather systems, staffing levels and equipment issues. While the City has no ability to control the weather systems, at this time the department has adequate staff to operate all five sidewalk plows. To limit the impact of mechanical failures, the Infrastructure Committee indicated support of allocating \$400,000 in ARPA funds to expand the fleet of sidewalk plows. During a City Council workshop on October 11th, the Council indicated their support to allocated ARPA funds to expand the fleet of sidewalk plows, thereby further minimizing the impact to the public due to mechanical failures.

This allocation is eligible for funding within the government services category.

This item was reviewed at a Council Workshop on October 11, 2023.

23-335 ORDER **Establishing Council Chair Selection Process **DAVITT****

Executive Summary: This Order would establish the process by which the City Council elects a Chair of the Council for the ensuing year. Article II, Section 3 of the City of Bangor Charter states, "At the first meeting, or as soon thereafter as possible, the City Council shall elect one of its members as Chair of the Council for the ensuing year..."

The long-standing practice of the City Council has been to accept nominations and vote on the election at an organizational meeting which has typically been held at the first meeting required by Charter, which occurs at ten o'clock AM on the first Monday in November following the regular City election, where councilors-elect are sworn into office. Over the years, many City Councilors have expressed a desire to have a more open and transparent process as it relates to the selection of the Council Chair.

As the elected body, the City Council has the authority to establish the protocol it wishes to employ when selecting a Council Chair. The proposed process to be adopted by the City Council as it relates to the selection of the Council Chair is as follows:

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Following the swearing in of councilors-elect, the organizational meeting shall begin where the City Clerk will call for nominations to serve as City Council Chair for the ensuing year. Each member of the City Council will be permitted to nominate one (1) person, and nominations will not require a second. A nominee who wishes to decline the nomination will do so at the time of nomination. Once all nominees have been put forth, a motion must be made to close nominations which will not require a vote unless the motion is doubted. Nominees will be asked to provide a statement of qualifications to serve as Council Chair. As a body, the City Council will determine if the nominations should be voted on at the time of nomination or if the organizational meeting should be postponed to a time certain of 7:00 PM on the same day.

This process was reviewed at a City Council workshop on October 11, 2023.

<u>23-336</u>	<u>ORDER</u>	Authorizing the City Manager to Execute a Lease with Penquis C.A.P., Inc. for Property Located at 262 Harlow Street	PELLETIER
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Executive Summary: This Order will authorize the City Manager to execute a lease with Penquis C.A.P., Inc. for a portion of the building located at 262 Harlow Street, including 10 employee parking spaces.

The Bangor City Council has approved a project to renovate the current City Hall building, located at 73 Harlow Street. The renovation plan is to fully remodel the first floor and to install a new elevator and a new HVAC system for the entire building.

The renovation requires the minimum relocation of the first floor staff, however, for the safety of all employees and the general public the City will take advantage of cost savings proposed by the contractor to relocate all staff from the building.

The Penquis C.A.P. building on Harlow Street has available space to house the City Hall employees as well as meeting space for Committee and Council meetings while being in close proximity to the current City Hall, which will reduce the impact on the general public. The lease includes thirteen thousand four hundred and six (13,406) square feet at eighteen dollars (\$18.00) per square foot, including utilities, for an annual cost of two hundred forty one thousand three hundred and eight dollars (\$241,308). The term will be for two (2) years with an option to terminate early if the renovations are completed within the anticipated eighteen (18) month schedule.

The Finance Committee reviewed and approved staff finalizing the terms of the lease at the October 16, 2023 meeting.



CONSENT AGENDA

*Meeting called to order at 7:30 PM
 Chaired by Council Chair Fournier
 Councilors Absent: Hawes, Schaefer
 Meeting adjourned at 8:02 PM*

PUBLIC COMMENT

Ryan Robbins stated there have been no inspections of the renovations done at Bradford Commons by the Code Enforcement Office and thought it should be investigated.

Mike Stanzilis of Orono stated there would be a Trunk or Treat in Orono on October 24th to benefit Raise Active Minds. He hoped that the event could spread to Bangor.

**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*

Action: Approved

**LIQUOR LICENSE
 RENEWALS:**

Application for Liquor License Renewal Malt, Wine, Spirits of Dysart’s Service d/b/a Dysart’s, 1110 Broadway **HAWES**

Action: Approved

Application for Liquor License Renewal Malt, Wine, Spirits of Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, 504 Stillwater Avenue **HAWES**

Action: Approved

Application for Liquor License Renewal Malt, Wine, Spirits of Judy’s Restaurant d/b/a Judy’s Restaurant, 125 State Street **HAWES**

Action: Approved

Application for Liquor License Renewal Malt, Wine of Some Theatre Company, LLC d/b/a Some Theatre Company, 557 Stillwater Avenue **HAWES**

Action: Approved

Application for Liquor License Renewal Malt, Wine, Spirits of China Harbor Restaurant, Inc d/b/a China Harbor Restaurant, 547 Main Street **HAWES**

Action: Approved

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 11, 2023

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
	<i>Application for Liquor License Renewal Malt, Wine, Spirits of Tesoro Restaurant, LLC d/b/a Tesoro's, 118 Harlow Street</i>
	HAWES
	<i>Action: Approved</i>
	<i>Application for Liquor License Renewal Malt, Wine, Spirits of HC Bangor, LLC d/b/a Hollywood Casino Hotel and Raceway, 500 Main Street</i>
	HAWES
	<i>Action: Approved</i>
<u>23-302</u>	<u>ORDER</u>
	<i>Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate located at 15 Royal Road</i>
	YACIOUBAGHA
	<i>Action: Passed</i>
<u>23-303</u>	<u>ORDER</u>
	<i>Amending the Schedule of Fees by Adding Inland Fisheries & Wildlife Agent Fee</i>
	PELLETIER
	<i>Action: Passed</i>
<u>23-304</u>	<u>ORDER</u>
	<i>Authorizing the City Manager to Sell City Lot R11-011-A to Abutting Property Owner, Duane Williams, for \$3,005</i>
	LEONARD
	<i>Action: Passed</i>
<u>23-305</u>	<u>ORDER</u>
	<i>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</i>
	DAVITT
	<i>Action: Passed</i>
<u>23-306</u>	<u>ORDER</u>
	<i>Authorizing an Amendment to the Employment Agreement of City Clerk Lisa Goodwin</i>
	SCHAEFER
	<i>Action: Passed</i>
REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.	ASSIGNED TO COUNCILOR
<u>23-307</u>	<u>ORDINANCE</u>
	<i>Amending the Code of the City of Bangor, by Creating Regulations and Allowances for Emergency Shelters</i>
	DAVITT
	<i>Action: First Reading and Referral to Planning Board Meeting on October 17, 2023</i>

<u>REFERRALS TO COMMITTEE AND FIRST READING</u>	<u>ASSIGNED TO</u>
<u>ITEM NO.</u>	<u>COUNCILOR</u>
<p><u>23-308</u> <u>ORDINANCE</u> <i>Amending the Code of the City of Bangor by Creating Regulations and Allowances for Short-Term Rentals</i></p> <p><i>Action: First Reading and Referral to Planning Board Meeting on October 17, 2023</i></p>	YACOUBAGHA
<p><u>23-309</u> <u>ORDINANCE</u> <i>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</i></p> <p><i>Action: First Reading and Referral to Planning Board Meeting on October 17, 2023</i></p>	SCHAEFER
<p><u>23-310</u> <u>ORDINANCE</u> <i>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</i></p> <p><i>Action: First Reading and Referral to Planning Board Meeting on October 17, 2023</i></p>	SPRAGUE
<p><u>23-311</u> <u>ORDINANCE</u> <i>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)</i></p> <p><i>Action: First Reading and Referral to Planning Board Meeting on October 17, 2023</i></p>	TREMBLE
<p><u>23-312</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 Low-Density Residential (LDR)</i></p> <p><i>Action: First Reading and Referral to Planning Board Meeting on October 17, 2023</i></p>	HAWES

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 11, 2023

REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-313</u>	<u>ORDINANCE</u>	<i>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</i>	TREMBLE
	<i>Action:</i>	<i>First Reading</i>	
<u>23-314</u>	<u>RESOLVE</u>	<i>Accepting and Appropriating \$20,478,297 in State and Local Fiscal Recovery Funds (aka ARPA)</i>	PELLETIER
	<i>Action:</i>	<i>First Reading</i>	
<u>23-315</u>	<u>RESOLVE</u>	<i>Appropriating \$11,000 from the Federal Seizure Trust Account for the Purpose of Purchasing Fitness Equipment</i>	LEONARD
	<i>Action:</i>	<i>First Reading</i>	
UNFINISHED BUSINESS			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>Motion made and seconded for Passage</i>	
		<i>Vote: 6 – 0</i>	
		<i>Councilors Voting Yes: Davitt, Pelletier, Sprague, Tremble, Yacoubagha, Fournier</i>	
		<i>Councilors Voting No: None</i>	
		<i>Passed</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>Motion made and seconded for Passage</i>	
		<i>Vote: 6 – 0</i>	
		<i>Councilors Voting Yes: Davitt, Pelletier, Sprague, Tremble, Yacoubagha, Fournier</i>	
		<i>Councilors Voting No: None</i>	
		<i>Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – OCTOBER 11, 2023

UNFINISHED BUSINESS ITEM NO.	ASSIGNED TO COUNCILOR
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<u>23-296</u>	<u>ORDINANCE</u>	<p><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></p>	DAVITT
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*Action: Motion made and seconded for Passage
Vote: 6 – 0
Councilors Voting Yes: Davitt, Pelletier, Sprague, Tremble, Yacoubagha, Fournier
Councilors Voting No: None
Passed*

<u>23-297</u>	<u>RESOLVE</u>	<p><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></p>	PELLETIER
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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>	<p><i>Application for Special Amusement License Renewal of Tesoro’s Restaurant, LLC d/b/a Tesoro’s, 118 Harlow Street</i></p>	DAVITT
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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>	<p><i>Application for Special Amusement License Renewal of Dysart’s Service d/b/a Dysart’s, 1110 Broadway</i></p>	DAVITT
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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 HC Bangor, LLC d/b/a Hollywood Casino and Raceway, 500 Main Street</i>	DAVITT
	<i>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</i>	
<u>PUBLIC HEARING:</u>	<i>Application for Special Amusement License Renewal of Evenrood's d/b/a Evenrood's, 25 Broad Street</i>	DAVITT
	<i>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</i>	
<u>23-316</u>	<u>ORDER</u>	
	<i>Authorizing the Award of \$350,748 in State and Local Fiscal Recovery Funds to Support Renovation of the Bangor Children's Home</i>	DAVITT
	<i>Action: Motion made and seconded for Passage Passed</i>	
<u>23-317</u>	<u>ORDER</u>	
	<i>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 on Downtown Bangor to Meet the Needs of our Community</i>	SPRAGUE
	<i>Council Chair Fournier had a conflict of interest and left the meeting during this item. Councilor Pelletier chaired the meeting during his absence.</i>	
	<i>Action: Motion made and seconded for Passage Passed</i>	
<u>23-318</u>	<u>ORDER</u>	
	<i>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</i>	TREMBLE
	<i>Action: Motion made and seconded for Passage Passed</i>	

*NEW BUSINESS
ITEM NO.*

*ASSIGNED TO
COUNCILOR*

23-319

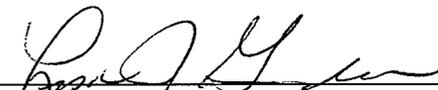
ORDER

*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

*Action: Motion made and seconded for Passage
Passed*

ATTEST:



Lisa J. Goodwin, MMC, City Clerk

Government Operations Committee Minutes

Monday, May 15, 2023

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

Non-Committee Member Councilors: None.

Staff in Attendance: D. Laurie, T. Higgins, E. Pelletier, R. Carr, A. Collette, L. Linscott.

The meeting was called to order by Committee Chair Tremble.

1. Resolve: Authorizing the City Manager to Accept and Execute a Grant Amendment with the State of Maine in the Amount of \$48,609 for the Overdose Prevention and Naloxone Distribution Program

Bangor Public Health employee Robin Carr provided an overview of this item.

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

2. Resolve: Authorizing the City Manager to Accept and Appropriate \$2,083,130.43 from the State of Maine Department of Health and Human Services to Support an Overdose Prevention and Naloxone Distribution Program

Bangor Public Health employee Robin Carr provided an overview of this item.

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

3. Railroad Safety Discussion with Bangor Fire Chief

Fire Chief Higgins provided an overview of this in that our department trains for scenarios and has adequate equipment should an event happen. The Regional Response Team and DEP has a response team in the City should something occurs. Chief Higgins mentioned that out west, trains run at high speed as opposed to here generally it's a roll and not as catastrophic. The recent one that occurred in Maine was as a result of a washout of the tracks. Fire Chief discussed response to fuel spills and things of that nature should an event occur here in Bangor.

4. Presentation & Update of the Regional Climate Action Planning Process

BACTS Planner Maddie Jenson, Executive Director Sara Devlin and Consultant Sarah Saydun were present to provide an update on the regional climate action plan. They gave a brief presentation regarding Phase II which is currently underway and focuses on input and feedback from the community. It is not expected to wrap up until early 2024.

5. Community Connector Service Update

Bus Superintendent Laurie Linscott was present to announce the return of Saturday Service beginning in June. In celebration, a free fare day will be offered the first Saturday on June 3.

6. Request for Honorary Street Sign on Main St. in Recognition of Pride Month

Councilor Pelletier requested an honorary street sign of be placed on a section of Main Street in honor of June Pride Month. Councilor Tremble mentioned a policy brought forward in the future to address this with guidelines would be prudent. There was discussion about what the street could be called. City Manager Laurie mentioned discussing it with the organizers of Pride. Councilor Pelletier provided an overview of Bangor's long history of supporting LGBTQ community.

A motion was made to authorize the sign by Councilor Leonard, seconded by Councilor Sprague, all in favor.

With no further business, the meeting was adjourned.

Government Operations Committee Minutes

Monday, June 5, 2023

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

Non-Committee Member Councilors: Fournier, Yacoubagha

Staff in Attendance: C. O'Donnell, D. Szewczyk

The meeting was called to order by Committee Chair Tremble at 6:05 pm.

1. Resolve: Authorizing the City Manager to Accepting and Appropriating a Grant Amendment in the amount of \$459,704 to the Women, Infants, and Children (WIC) Nutrition Program from the Maine Department of Health and Human Services

Assistant City Manager O'Donnell provided an overview of this item. She explained it additional funding for an existing program long offered by Bangor Public Health.

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

2. Order: Order – Amending the Schedule of Fees - Adding a Fee for Medical Marijuana Establishment License

City Solicitor Dave Szewczyk provided an overview of the update. He described that with the changes of law, there is a need to amend our ordinance to address lack of a fee for medical marijuana. This was brought to staff's attention as part of the code clean up project. Councilor Trembled requested looking into the fees as they appeared low to him in comparison with other municipalities.

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

3. Ordinance – Revising & Updating City Code

City Solicitor Dave Szewczyk provided an overview of this item. This project has long been in the works to clean up housekeeping items due to changes over time that created inconsistencies. The proposed ordinance change would formally adopt the changes to code. He provided some examples of the items.

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

With no further business, the meeting was adjourned at approximately 6:30 pm.

Government Operations Committee Minutes

Monday, July 3, 2023

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

Non-Committee Member Councilors: Fournier, Yacoubagha

Staff in Attendance: C. O'Donnell, D. Laurie, R. Carr, P. Hamilton

The meeting was called to order by Acting Committee Chair Tremble at 6:09 pm.

1. Resolve: Authorizing the City Manager to Accept and Appropriate \$1,151,932 McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD)

Bangor Public Health Director Patty Hamilton and PH employee Robin Carr provided an overview of shelter plus care and the assistance this funding provides. They stated this program has been held by Bangor Public Health for 25 years.

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

2. Resolve -- Authorizing the City Manager to Accept and Appropriate \$100,000 for a Two-Year Maine Health Access Foundation Systems Improvement and Innovation Responsive Implementation Grant Beginning June 1, 2023. This item will include an overview of Planning Results from related grant.

Robin Carr provided an overview of this grant describing 60 interviews with those who have used or are actively drugs. She explained the overlap with those experiencing homelessness or are otherwise housing insecure. The goal was to build trust and include those who are targeted by certain programs but are largely excluded from providing feedback. She shared some topics they had learned during the process including stigma, unmet needs, and hopelessness.

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

3. Opioid Update – Public Health Director Patty Hamilton

PH Director Patty Hamilton shared an update largely connected with Community Health Leadership Board (CHLB). She stated they were working on developing a plan for outreach. Many groups are involved. The update was brief in nature.

4. Syringe Waste Proposal

Public Health Director Patty Hamilton explained the partnership with Health Equity Alliance (HEAL) to provide an avenue for citizens to call for assistance for syringe disposal. The proposal will be for a year as part of a pilot so that we can then evaluate the need, data, and other factors. The position will be half time and include data collection. Staff is working on education to public, how to report, and help get out the word. Not expected to start until later this year as we work out details.

With no further business, the meeting was adjourned at approximately 6:33 pm.

Government Operations Committee Minutes

Monday, July 17, 2023

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

Non-Committee Member Councilors: Fournier, Yacoubagha, Schaefer

Staff in Attendance: C. O'Donnell, J. Comstock, T. Willette

The meeting was called to order by Acting Committee Chair Tremble at 5:45 pm.

1. Resolve: Authorizing City Manager to Accept, Appropriate, and Execute a Grant Amendment in the Amount of \$86,441 to the Maine Prevention Network Grant

Bangor Public Health Promotions Manager Jamie Comstock gave an overview of this grant which started earlier this year. Maine CDC added funding to an existing grant we had received which is largely used for tobacco prevention programs.

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

2. Resolve: Acceptance and Execution of a Grant Amendment in the Amount of \$103,000 for Bangor Public Health and Community Services' Public Health Infrastructure Enhancement Grant with Maine Center for Disease Control

Jamie Comstock have an overview of this items stating the additional funding will go to the existing grant. She explained these dollars will be used to "expand, train, and sustain response-ready public health work force," will support portions of several existing positions within the department currently funded by this grant, and will support Bangor Public Health and Community Services' efforts towards becoming nationally accredited by the Public Health Accreditation Board.

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

3. Order: Authorizing the City Manager to Apply for \$1,151,932 in McKinney-Vento Homeless Assistance Funds from the US Department of Housing and Urban Development in Support of the Shelter Plus Care Program for the next grant period August 2023 through November 2025.

Jamie Comstock provided an overview of this items stating that the item from the last meeting was the same funding but for a different time period. This is a program that helps folks get housing and supportive services and is one that Bangor Public Health has held for a long time.

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

4. Order: Authorizing the Parks and Recreation Department to Participate in the Winterkids Downhill 24 Outdoor Fund Grant Program for Opportunity to Receive Funding

Parks & Recreation Director Tracy Willette provided an overview of the WinterKids program that seeks to get kids outdoors. This opportunity is one to receive funding that supports that mission through a voting process open to the public. If chosen, Bangor P & R will use the funding to replace some cross-country ski equipment and groom Essex Street trails.

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

5. Maine Municipal Association Annual Election – Vice President and Executive Committee Members

Assistant City Manager O'Donnell provided an overview of this item. Voting occurs every year and there are only as many candidates running as there are seats. Councilor Tremble stated he'd like to see representation on the MMA board from larger communities. Councilor Leonard stated he'd like to be made aware of when nominations occur.

Public Health Director Patty Hamilton explained the partnership with Health Equity Alliance (HEAL) to provide an avenue for citizens to call for assistance for syringe disposal. The proposal will be for a year as part of a pilot so that we can then evaluate the need, data, and other factors. The position will be half time and include data collection. Staff is working on education to public, how to report, and help get out the word. Not expected to start until later this year as we work out details.

With no further business, the meeting was adjourned at approximately 5:56 pm.

Government Operations Committee Minutes

Tuesday, August 8, 2023

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

Non-Committee Member Councilors: None.

Staff in Attendance: C. O'Donnell, M. Hathaway

The meeting was called to order by Acting Committee Chair Tremble at 6:10 pm.

1. Order: Authorizing the Execution of a Memorandum of Understanding with the Penobscot County Sherriff's Office to Jointly Apply for Edward Byrne Memorial Grant Program Funding in the Amount of \$21,771

Bangor Police Chief Mark Hathaway provided an overview of this item describing the joint effort is typically an annual effort by both parties. If awarded, the funding will used to install security locks for police cruisers and to install previously purchased gun racks in cruisers.

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

2. Discussion of Council Appointee Evaluation Process

Assistant City Manager/HR Director Courtney O'Donnell provided an overview of the historical approach for appointee evaluation process and the proposed changes that would include feedback from internal and stakeholders with some tailoring based on the nature of the position. There was discussion by the Council on this approach and the consensus appeared to be supportive of the proposed timeline and approach with the understanding it can be updated in the future.

With no further business, the meeting was adjourned at approximately 6:27 pm.



CITY OF BANGOR

Government Operations Committee - Minutes Monday, August 21, 2023 @ 5:15 PM

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

Staff in Attendance: D. Little, T. Higgins, E. Pelletier, P. Drew

The meeting was called to Order by Committee Chair Tremble at 5:15 pm.

1. Use of Emergency Sirens in Downtown: Fire Chief Tom Higgins

Fire Chief Tom Higgins and Deputy Chief Eric Pelletier provided information to explain why the Fire Department utilizes Main Street through downtown as the best and most direct route to other locations of the City. The current street layout and geography of the downtown area creates sharp turns or steep hills which the fire apparatus cannot quickly or safely navigate leaving Main Street as the best option. As such, the Fire Department utilizes the sirens and air horns as necessary when navigating the downtown corridor and intersections to alert pedestrians and drivers that emergency vehicles are approaching. The use of these sirens is for the protection of the citizens and the Fire personnel. Domenic Rizzo, a Bangor citizen, addressed the Committee and requested that the City and Fire Department find a compromise to reduce the use of the air horns. Chief Higgins indicated that procedures will be reviewed with personnel to ensure both sirens and air horns are used properly.

No action was taken by the Committee.

2. Request by Maine Rail Group

Councilor Leonard excused himself from the discuss due to a conflict of interest. Peter Cole of the Maine Rail Group and Bruce Sleeper of Train Riders Northeast requested the City Council issue a letter of support to the State Legislature and MaineDOT in support of preserving the rail link between Brunswick and Augusta. Preservation of the line could lead to passenger rail service becoming available in Bangor in the future.

A motion to recommend to the full Council that a letter be issued in of support preserving the rail line as a dual purpose Rail and Trail for both passenger rail service and a walking/bicycling trail was made by Councilor Pelletier, seconded by Councilor Hawes, all in favor.

3. Revaluation RFP Update: Assessor Phil Drew

City Assessor Phil Drew provided an update to the Committee regarding the approved City-wide Revaluation Project. The updated indicated that the Request for Proposals (RFP) was currently being reviewed and would be issued within the next few weeks. The RFP will outline the City's expectations and requirements for the revaluation and new appraisal software. The project is expected to take two years with an implementation date of the new values being April 1, 2026. Councilor Sprague inquired if it would be possible to complete the revaluation in time to meet the April 1, 2025 valuation date. Staff indicated that such a request would be added to the RFP as an alternative bidding option.

No action was taken by the Committee.

With no further business the meeting was adjourned at 5:56 pm.

Government Operations Committee Minutes

Wednesday, September 6, 2023

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

Non-Committee Member Councilors: None.

Staff in Attendance: C. O'Donnell, D. Laurie

The meeting was called to order by Acting Committee Chair Tremble at 6:48 pm.

1. BCAT Update

City Manager Debbie Laurie gave an overview of the BCAT program that was originally presented in April 2022. The program is a response to a growing need for a response to certain calls that do not require a police presence but often there is no other agency or place to call. She outlined success including integration with both police and public health staff for appropriate responses, reciprocal relationships with outreach caseworker, GA, police's community services and mental health providers and more to provide intervention and better responses to overdose, exposures, and welfare checks. She provided a summary of calls responded to that included 529 calls year to date. Lessons learned included communication gaps and access to resources and supports for both departments is essential. Opportunities include communication, reporting, and access and integration to other programs such as the Park Ranger Program.

There was discussion about being "less permissive" toward those not engaging in services and the larger picture based on what can be learned from the types of calls. There was also discussion about shopping cart management and other issues experienced by the general public. No formal action was taken at this meeting.

2. Homelessness Action Plan

This plan was created and presented by Councilor Jonathan Sprague. He provided an overview of the document he created that was included in the packet. There was significant discussion by the Committee that included: challenges landlords face, the housing specialist position, difference between goals and strategic plan, and support was expressed for having a plan and other disagreed as to whether or not it was best to approve at this point. No formal action was taken at this meeting.

With no further business, the meeting was adjourned at approximately 8:00 pm.

Government Operations Committee Minutes

Monday, September 18, 2023

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

Non-Committee Member Councilors: Yacoubagha, Davitt

Staff in Attendance: C. O'Donnell, D. Laurie, A. Huotari, L. Linscott, D. Szewczyk

The meeting was called to order by Acting Committee Chair Tremble at 5:45 pm.

1. Order: Authorizing the City Manager to Accept a Donation to the City of Bangor of Six Trees to be Planted on Public Property at the intersection of Center and Park Streets

Public Works Director Aaron Huotari provided an overview of this request. The donation would be by Bangor Beautiful and helps to stretch PW budget. This area has been identified as needing trees and he's worked closely with Greg Edwards of Bangor Beautiful to make this happen. Thanks were given by staff and Councilors to Bangor Beautiful for this work.

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

2. Order: Authorizing the City Manager to Donate a Retire Police Cruiser to the United Technologies Center (UTC)

Public Work Director Aaron Huotari, who oversees the Fleet Division, and worked with Police Chief Mark Hathaway on this, provided an overview of this request. Typically, such a vehicle would be auctioned, but is viewed as a way to support local students seeking education in automotive, composite fabrication, and law enforcement. Staff believe this donation is of great community value. Representative Kyle Smart from UTC was present to say a few words, including that their current car is quite dated and this donation will significantly help multiple programs of UTC.

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

3. Public Transportation Agency Safety Plan (PTASP): Community Connector

Bus Superintendent Laurie Linscott and Assistant City Manager Courtney O'Donnell provided an overview of this plan that was newly required in 2020 for transit agencies. It is meant to increase safety in the workplace and provide front line workers a say in how to keep their work environment safer. This plan must be updated and approved yearly.

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

4. Discussion: Policy direction related to Use of City Owned Property Policy – e.g. signage, flags, etc.

Assistant City Manager O'Donnell and City Solicitor Dave Szewczyk provided an overview of a proposed policy based on a previous request for staff to look into a policy to ensure fair and consistent treatment of requests for things like use of city flag poles, honorary street names, and more. There was significant discussion around the designation of "government speech" and a public forum and how it may be distinguished in the policy. The Committee gave direction to staff to designate Pierce Park as a public forum with a process for requests and the rest of the items as government speech only. Based on this conversation, a draft policy will be presented at the next Gov Ops meeting.

With no further business, the meeting was adjourned at approximately 6:22 pm.

Government Operations Committee Minutes

Monday, October 2, 2023

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

Non-Committee Member Councilors: Yacoubagha, Fournier

Staff in Attendance: C. O'Donnell, P. Hamilton, D. Szewczyk

The meeting was called to order by Committee Chair Tremble at 5:40 pm.

1. Order: Authorizing the City Manager to Accept and Appropriate \$406,222 for the Supplemental Nutrition Education Grant Program from the University of New England

Public Health Director Patty Hamilton provided an overview of this funding that provides much needed support to those eligible. It is a program long held by the Public Health Department.

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

2. LD 202 – Specified Event Permit Discussion

City Solicitor Dave Szewczyk provided an overview of this law that essentially allows off-site marijuana consumption as part of an event, provided the municipality approves it. Councilor Leonard expressed support for it provided it wasn't near a park. Councilors Yacoubagha, Sprague and Tremble expressed a desire to prevent this given how many stores there are in town. Consensus was not to allow it. Solicitor Szewczyk will draft an order to that effect for a future Council meeting for approval.

3. Community Connector Update

Assistant City Manager provided an update on staffing, service, transit center, and ridership. There was discussion about easier access to tickets, use of ambassador program, and interest in seeing hours expanded. The hope is to get sticks in the ground this fall to move toward fixed stops with a six plus transition period.

4. Other business – Councilor Sprague brought up a number of items he believed to be outstanding including: ARPA, what a quorum is, homelessness plan, public health's community assessment, and more. Councilor Leonard agreed and would like to see the process related to electing a new chair evaluated, along with their duties and how committees are selected.

With no further business, the meeting was adjourned at approximately 6:15 pm.

Government Operations Committee Monday, October 17, 2023

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

Non-Committee Member Councilors: Fournier

Staff in Attendance: C. O'Donnell, P. Hamilton, D. Szewczyk, T. Willette, M. Flynn, D. Laurie

The meeting was called to order by Committee Chair Tremble at 5:33 pm.

1. Resolve: Authorizing the City Manager to Accept and Appropriate \$5,968,828 in grant funds from the Maine Department of Health and Human Services for the Women, Infants, and Children Program

Director Patty Hamilton gave overview of this item. The City has held this grant for approximately 20 years and it provides vouchers for assistance that are now electronic at locations that accept EBTs. Councilor Sprague expressed interest for a checklist to ensure PH continues its planning process and stated he believes a lot of good work is happening.

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

2. Resolve: Authorizing the City Manager to Accept and Appropriate \$526,876 in Grant Funding from the Maine Center for Disease Control to Support Public Health Infrastructure

Director Patty Hamilton explained that this was provided to public health departments in Maine to support staff through conferences, development, administrative support and more.

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

3. **Climate Action Plan Update**

Maddie Jensen from Bangor Area Comprehensive Transportation System (BACTS) joined the committee. BACTS is the project manager of the regional climate action planning process. Last time she joined we were gearing up for public input to focus on input for plan. As part of the process, we've spoken to over 30 stakeholder meetings, done 2/3 surveys with hundreds of responses, and held many pop-up events which was great to speak to with folks. Working groups have worked on five specific topic areas identified as important to our area. In response to a question, Maddie shared that UM is involved, just not financially

but their expertise has been important. We are on schedule to have deliverables ready for next year with implementation early next year. Final report will be available march 2024.

Deliverables will include a summary report with 20 strategies, not all will apply to Bangor and some we may have already done. Also working on 10 tool kits – with targeted action items and gave example of what they would look like including specific projects, programs, or policies to further action items and may include cost figures. Some items will be easy to implement but others are high impact but can determine priorities. Tool kits are dedicated to ones that need more support. Drafted topics with 13 items related to housing, transportation, environment, health, and local economies.

There was discussion regarding rail service. BACTS does a lot of transportation planning and it comes down to what can be done at local level. There was discussion about next steps including refining the strategies and toolkits to be released by end of year. It was noted Councilor Sprague will need to be replaced on the committee as his term is ending. Councilor Leonard recommended reaching out to the County related to this process.

4. **Marijuana Licensing Fees Recommendation**

City Solicitor Dave Szewczyk and Legal Assistant Mary Flynn provided overview stating that last summer changes were made to cannabis ordinances and as part of that it was raised that we should look at fees. They did an in-depth study looking at fees, as they need to be tied to costs legally speaking. Looked at what other cities charge and evaluated our own including staff time and costs. They recommend updating the fees based on real costs, but the increases are not significant. Councilor Fournier and Tremble both expressed support for the fees.

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

5. **Draft Policy for Use of Certain City Property**

Assistant City Manager O'Donnell and Solicitor Szewczyk gave an overview of the policy based on the last discussion. It clarifies that Pearce Park will be a public forum with a written process to request use and the rest of the items will be designated government speech. Councilor Pelletier stated she has reviewed the policy and believes it is representative of the discussion.

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

6. Homelessness Plan (by Councilor Sprague)

Councilor Sprague stated this is follow up to previous discussion and that staff provided helpful information to each point. He would like to see this used as a guide for the next year, considers it a legacy item and noted that most items are work in progress. Councilor Sprague spoke at length about homelessness, and his plan, including items he believes are missing or not being addressed. Mentioned a firmer hand regarding those who will not accept assistance and likely should be added to the list.

Councilor Leonard believes its proactive and likes the plan. Councilor Tremble stated that its not a bad starting point for discussion. Councilor Pelletier agrees we need a FT person for housing. City Manager Laurie pointed out its a good starting point for the next Council. She stated it can be used as part of goals discussion for the new Council and they can to determine if they want to move forward with the plan or not (or what pieces). Councilor Sprague disagrees – thinks it should be adopted and plan for ongoing working document.

7. Open Issues Document (by Councilor Sprague)

(Time Allocation: 10 minutes)

Councilor Sprague reiterated intention to have items on the list to move forward. He asked for comments/questions. Councilor Leonard said more time is needed but agrees a document hand off is helpful to ensure future success. There was significant discussion of the importance of having a document.

The meeting was adjourned at approximately 6:15 pm.

FINANCE COMMITTEE MINUTES

September 6, 2023

Councilors in Attendance – Sprague, Leonard, Pelletier, Tremble, Hawes, Yacoubagha

Staff in Attendance – Little, Laurie, Hathaway, Pelletier, Morin, Willette, Thomas

1. Executive Session – 36 MRSA Section 841(2) – Hardship Abatement Applications

Motion made and seconded to enter executive session; motion passed unanimously.

2. Open Session – Hardship Abatement Application Decisions

Motion made to award hardship abatements; motion passed unanimously.

3. Consent Agenda

- a. 1 Ton Dump Plow – Public Works – Varney GMC - \$74,585
- b. Parking Enforcement Vehicle – Airport – Darling's Honda - \$37,231

Motion made and seconded to approve consent agenda; motion passed unanimously.

4. Bids/Purchasing

- a. Central Fire Renovation – Fire – DP Porter – \$104,296

Motion made and seconded to recommend contract; motion passed unanimously.

- b. Central Fire Renovation – Fire – PDQ - \$26,250

Motion made and seconded to approve contract; motion passed unanimously.

- c. Essex Woods Parking Lot Improvements – Engineering – C&C Lynch Excavating LLC - \$191,100

Motion made and seconded to recommend contract; motion passed unanimously.

- d. Airport Hanger 1 – 154 Maine Avenue – Airport – Johnstone Supply - \$16,978

Motion made and seconded to approve purchase; motion passed unanimously.

- e. Emergency Boiler Repair – Airport – CCB Construction Services – \$88,203

Motion made and seconded to approve contract; motion passed unanimously.

f. Harbor Master Boat – Parks & Rec. – North Atlantic Inflatables - \$29,197

Motion made and seconded to approve purchase; motion passed unanimously.

g. Central Kitchen Design Services – Community & Economic Development – Paul Designs Project – not to exceed \$375,000

Motion made and seconded to recommend contract; motion passed unanimously.

h. City Hall Renovations – Finance – Benchmark - \$8,910,000

Motion made and seconded to recommend contract; motion passed unanimously.

5. Resolve, Accept and Appropriate Guard Bureau Funding for Runway Project

Motion made and seconded to approve resolution; motion passed unanimously.

Meeting adjourned 6:45 pm

FINANCE COMMITTEE MINUTES

September 18, 2023

Councilors in Attendance – Sprague, Leonard, Pelletier, Tremble, Yacoubagha, Davitt

Staff in Attendance – Little, O'Donnell, Courtney, Huotari, Linscott, A. Huotari

1. Consent Agenda

- a. Operations Vehicle – Airport – Darling's Chevrolet – \$48,129

Motion made and seconded to approve consent agenda; motion passed unanimously.

2. Bids/Purchasing

- a. Server Relocation – Information Services – Triumph Modular - \$95,042

Motion made and seconded to approve purchase; motion passed unanimously.

- b. Data Switches – Information Services – Consolidated Communications Inc. - \$50,000

Motion made and seconded to approve purchase; motion passed unanimously.

- c. Website Design – Executive – CivicPlus - \$59,324

Motion made and seconded to approve contract; motion passed unanimously.

3. Review of Interim Financials

Staff presented a quarterly financial report to the Committee depicting year to date revenues and expenditures through May 2023.

Meeting adjourned 5:45pm

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

- Transit Technology – Community Connector (October 2, 2023)
- Cyber Security Consultant – Airport (October 2, 2023)
- Procurement Policy Recommendations (TBA)

FINANCE COMMITTEE MINUTES

October 2, 2023

Councilors in Attendance – Leonard, Pelletier, Tremble, Sprague, Yacoubagha, Fournier

Staff in Attendance – Little, Thibodeau, Hathaway, Emerson, Rickman, Goodwin, Szewczyk

1. Consent Agenda

- a. Workout Agreement – 190 Union Street – Marshall

Motion made and seconded to approve consent agenda; motion passed unanimously.

2. Bids/Purchasing

- a. Deicing Stormwater Treatment – Phase III – Airport – Sargent Corporation - \$373,450

Motion made and seconded to recommend contract; motion passed unanimously.

3. Sale of City Property

Motion made and seconded to recommend sale; motion passed unanimously.

4. Order - Change in the Schedule of Fees – Inland Fisheries & Wildlife Agent Fees

Motion made and seconded to recommend approval of order; motion passed unanimously.

5. Resolve – Appropriating Federal Seizure Funds

Motion made and seconded to recommend approval of resolve; motion passed unanimously.

Meeting adjourned: 5:39 pm

FINANCE COMMITTEE MINUTES

October 16, 2023

Councilors in Attendance – Fournier, Hawes, Sprague, Leonard, Pelletier, Tremble

Staff in Attendance – Little, O'Donnell, Laurie, Aaron Huotari, Aimee Huotari, Collette, Linscott

1. Bids/Purchasing

a. Transit Technology – Community Connector – Passio - \$578,273

Motion made and seconded to recommend contract; motion passed unanimously.

b. Sidewalk Tractor – Public Works – HP Fairfield - \$199,865

Motion made and seconded to approve purchase; motion passed unanimously.

c. Forest Ave/State Street – Engineering – Frazier Signals - \$99,976

Motion made and seconded to approve; motion passed unanimously.

d. Village Partnership – Engineering – James Sewall Company - \$182,604

Motion made and seconded to approve contract; motion passed unanimously.

2. City Hall Relocation – Penquis Cap Lease

Staff provided information regarding discussions with Penquis Cap regarding leasing a portion of their building on Harlow Street as a relocation area for City Hall employees during the approved City Hall renovations. Staff requested Committee authority to negotiate the lease terms.

Motion made and seconded to approve staff request; motion passed unanimously.

Meeting adjourned – 5:30 pm

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

- Parking Management Services (November)
- Cyber Security Consultant – Airport (November)
- City-Wide Revaluation – Assessing (November)
- Procurement Policy Recommendations (TBA)

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, September 5, 2023 @ 5:15 PM
City Council Chambers

MEETING MINUTES

City Councilors Present: Davitt, Fournier, Schaefer, Sprague, Tremble, Yacoubagha.

City Staff Present: Collette, Krieg, Laurie.

Chair Sprague called the meeting to order at 6:15 P.M.

Development Director Anne Krieg asked to discuss the Committee's previous direction on the inclusion of a cap in the proposed ordinance regarding short-term rentals (STRs).

Councilor Tremble suggested a city-wide cap of 250 on non-hosted properties.

Councilor Schaefer asked to clarify whether a license would be issued to a property or to an individual/entity. Expressed that there should be life-safety inspection standards. Expressed that she is in support of a cap, but is unsure of the number.

Councilor Davitt expressed support for a city-wide cap on non-hosted properties.

Councilor Fournier expressed support for there being no cap on hosted properties, but that he is on the fence in regards to non-hosted properties and would like more information. Krieg asked to clarify whether the additional information required is in regards to the day-to-management of the ordinance. Councilor Schaefer responded that it would be helpful to look at examples of what has been enacted in other municipalities. Wants to make sure that neighborhoods are preserved.

Councilor Yacoubagha expressed support of a cap on non-hosted properties due to concerns of possible neighborhood erosion, and support of there being no cap on hosted properties.

Chair Sprague expressed a need to understand the basis of the projected numbers, and suggested asking how many STRs are needed in the City. Krieg responded that it may also be helpful to ask what percentage of housing the City is willing to use for STRs. Sprague added that he would need to better understand the staff's reasoning for any proposed numbers.

Krieg clarified that licenses would be issued to both the property and its owner on a first-come, first-serve basis.

1. EMERGENCY SHELTERS, Action requested to provide staff direction

Development Director Krieg presented to the Committee. Stated that previously expressed concerns had been primarily focused on the areas included in the proposed allowance, so staff has re-addressed this and written a new proposal.

Planning Analyst Anja Collette presented to the Committee. Stated that new proposal is based on follow-up with existing shelters, public feedback, and research about the regulations in other

municipalities. Staff looked at siting and whether more details would be needed in the definition of emergency shelters.

Councilor Yacoubagha expressed approval of Portland's approach in requiring on-site services. Feels that this might mitigate concerns regarding security.

Councilor Schaefer expressed agreement. Appreciates that Hope House would become conforming under this new proposal.

Councilor Tremble asked for clarification on the definition of a shelter vs. an emergency shelter. Krieg responded that the primary difference is that an emergency shelter is not intended to be considered a residence by those using it. Noted that the definition of permanent supportive housing is meant to include residential-style, longer-term housing and services. Tremble asked if there is any limit on the length of an individual's stay at an emergency shelter. City Manager Debbie Laurie confirmed that there is not, but that there is also no lease that would define a stay as longer-term.

Chair Sprague asked to clarify the definition of "emergency" in this use, as longer stays would not seem to be urgent. Laurie and Krieg responded that the text of the proposal can be amended to make this clearer.

Collette asked to clarify that the Committee does not wish to see any minimum or maximum lengths of stay defined in the proposal. Sprague responded that he feels there needs to be clarification on what is actually needed in the City. Krieg noted that the current proposed ordinance is only intended to address zoning and not to analyze needs. Sprague expressed understanding but noted that there has been a significant amount of discussion around growth of this use and public feedback reflecting opposition to an increase in available shelter beds. Does not feel that this can be disregarded in considering this proposal.

Councilor Davitt stated approval of not capping the number of individuals allowed in an emergency shelter, and approval of the proposed locations for allowance.

Councilor Tremble asked to clarify the Planning Board's role in this decision. Krieg responded that the Board cannot make amendments to the proposal but they can provide comments, perspective, and recommendations.

Committee members agreed to move the proposal forward to the Planning Board for review.

2. PERMANENT SUPPORTIVE HOUSING, Action requested to provide staff direction

Planning Analyst Collette presented to the Committee. Stated that this is a similar use to emergency shelters, but would be defined as longer-term stays. Noted that there has been an interest expressed in adding this use to traditionally residential zones. Noted that the proposal includes it only as a conditional use, similar to transitional housing and boardinghouses.

Councilor Schaefer asked to clarify the definition and whether this use is already occurring in the City under another definition. Development Director Krieg and City Manager Laurie confirmed that Penquis is developing their Pine Street housing to align with this use, and that it is already an allowed use in some areas. Krieg clarified the difference between this permanent supportive housing and group homes – in permanent supportive housing, individuals would live independently, typically in an efficiency apartment, but with on-site services, whereas a group home is not independent living.

Councilors Schaefer and Davitt expressed support of the proposed ordinance.

Committee members agreed to move the proposal forward to the Planning Board for review.

3. REQUEST FOR CONSIDERATION OF DEDICATING 2 PARKING SPOTS FOR COMMERCIAL USE AT 2 HAMMOND STREET, Action requested to forward to Parking Committee for review and possible recommendation

Development Director Krieg presented to the Committee. Stated that a speakeasy-style bar is being developed at the rear of this building, and the business owner would like to use parking spaces for outdoor seating. Clarified that the Committee can decide to take no action or to send the proposal to the Downtown Parking Advisory Committee for review/recommendation.

Councilor Davitt stated approval of moving the proposal forward to the Parking Committee.

Councilor Schaefer expressed agreement and a desire to be mindful of the location's close proximity to the Charlie Howard Memorial.

Chair Sprague asked to clarify if the outdoor seating is a newly proposed use for this business. Krieg confirmed that it is, and that they will still have the indoor portion of their business.

Councilor Schaefer noted that this use would also remove a handicap-accessible parking space and may be somewhat dangerous due to its location.

Councilor Fournier stated approval to still move the proposal forward to the Parking Committee.

Chair Sprague noted that it would be helpful to have a visual site plan.

4. UPDATES

A. COMMERCIAL KITCHEN

Development Director Krieg reported that staff has recommended the contract be awarded to Paul D Designs, and this recommendation will be presented to the Finance Committee tomorrow. The consultant's report will be presented to this Committee at an October meeting.

Chair Sprague expressed concern that the architectural plan is going forward before the consultant's report is finalized. Krieg clarified that the timeline is still staggered as originally planned, and that the architect will not move forward with any work until the plan is finalized with both the consultant and this Committee.

B. ECONOMIC DEVELOPMENT STRATEGY

Development Director Krieg reported that the draft of the addendum regarding healthcare still needs to be reviewed, but will go onto a future Committee agenda.

Chair Sprague asked to clarify whether the addendum regarding technology/science is still pending – Krieg responded that it is. Sprague also asked to clarify that staff is still following up with academic institutions – Krieg responded that they are.

C. ARCHITECTURAL PLANS REQUEST FOR QUALIFICATIONS

Development Director Krieg reported that the proposed plans are almost ready to release, and that they are intended to be pre-approved plans for accessory dwelling units (ADUs) and multi-unit dwellings. This will help expedite the issuance of building permits for these types of projects.

Councilor Fournier asked if there would also be plans for single-family homes. Krieg responded that this can be discussed, but that previous direction had been only for ADUs and multi-unit dwellings, as a way to encourage these uses.

D. HOUSING PRODUCTION STUDY – REQUEST FOR PROPOSALS

Development Director Krieg reported that staff is currently working on this project.

Meeting adjourned at 6:52 P.M.

Meeting minutes respectfully submitted,

Sarah Maquillan
Admin. Asst.
C&ED

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Monday, September 18, 2023 @ 5:15 PM
City Council Chambers

MEETING MINUTES

City Councilors Present: Davitt, Leonard, Schaefer, Sprague, Tremble,
Yacoubagha.

City Staff Present: Collette, Krieg, Laurie, Stanicki.

Chair Sprague called the meeting to order at 6:25 P.M.

1. REPORT ON COMMUNITY DEVELOPMENT BLOCK GRANT SPENDING PROJECTS, No action requested

Community Development Officer Robyn Stanicki presented to the Committee. Reported that staff looked at the next four quarters of the CDBG budget to meet timeliness requirements in regards to award expenditures. Reported that benchmarks will now be met by the first quarter rather than by the third quarter as previously projected. Staff is also completing the reporting from FY22 on expenses, projects, and accomplishments. This information has been updated on the City website.

Councilor Davitt expressed appreciation. Noted that it has been helpful to split grant expenditures between CDBG funds and ARPA funds.

Councilor Yacoubagha stated that this seems to be the best way to invest this amount of money in the community, especially in regards to housing efforts.

Chair Sprague outlined the various housing projects that have been funded.

Stanicki added that \$872,000 was invested in housing projects during FY22.

2. HOUSING DISCUSSION, Action requested to review and edit

Development Director Anne Krieg presented to the Committee. Stated that staff took Chair Sprague's draft of the housing action plan and created two supplementary documents – an FAQ for the public, and a table for staff to compare and track projects and tasks.

Chair Sprague stated that it is helpful to have concrete documents reflecting the City's plan. Asked for a timeline on the projects/tasks outlined by staff in the table. Krieg responded that the table is an early draft and intended to be a rough outline at this point in time, and that staff capacity will dictate next steps and project assignments.

Councilor Yacoubagha stated that Sprague's action plan was a helpful outline to start the conversation, and that it is helpful to now see a coinciding outline of specific actions.

Chair Sprague requested that a final draft with timelines be brought back to this Committee and to the full City Council. Also noted that it may need review by the Planning Board. Krieg responded that any actions that pertain to zoning would require Planning Board review, but that otherwise it would depend on the specific action whether it requires their review or not.

Chair Davitt asked if the Advisory on Committee on Racial Equity, Inclusion and Human Rights would also be asked to review the plan. Krieg responded that it will be brought to their meeting next week.

City Manager Debbie Laurie asked that Committee members submit their edits to staff before it is posted on the City's website and social media for the public. Chair Sprague responded that this will likely be helpful for the public and that staff may want to highlight the data on approved housing projects that are pending development. Councilor Davitt asked if these numbers include the individual units in multi-dwelling projects. Krieg confirmed that they do. Councilor Schaefer asked if they include projects that are presently being challenged legally. Krieg confirmed that they do.

3. SHORT-TERM RENTALS, Action requested to provide staff direction

Planning Analyst Anja Collette presented to the Committee. Noted that the primary questions presented by the Committee previously were in regards to the caps instituted in other municipalities, how licenses would be issued, and the enactment of a grace period for existing short-term rentals (STRs) vs. a sunset clause. Reported that staff looked at the ordinances in four other municipalities – Portland, Kittery, Kennebunkport, and Bar Harbor. Portland only instituted a cap on non-hosted properties, and determined it by using the number of existing STRs at the time of adoption and adding an additional amount to allow for growth. Noted that their cap has consistently been met since the time of adoption and that they presently have a waiting list for further licenses. Kittery used the same formula, but instituted their cap on all STRs, hosted and non-hosted. Kennebunkport also instituted their cap across all STRs, but determined it by using the ratio of existing STRs at the time of adoption to the total number of housing units. They establish a new cap number annually. Bar Harbor instituted their cap on non-hosted properties only, and determined the number as 9% of their total dwelling units. Their cap is also met consistently. All four municipalities issue their licenses on a first-come, first-serve basis. Staff spoke with a consultant in New Hampshire who advised that it is standard practice to enact a grace period at the time of policy adoption. Staff is currently proposing a 6-month grace period. The drafted ordinance presented to the Committee includes language for both a first-come, first-serve issuance of licenses, as well a lottery method. The current data in Bangor shows that there are 129 STRs total, 52 that are non-hosted, 28 that are hosted, and 49 that are unknown. Staff recommends using the number of unknown

plus the number of non-hosted as a baseline for determining the cap. There are several options included in the drafted ordinance.

Councilor Davitt stated support for a cap on non-hosted properties only, a 6-month grace period, first-come, first-serve issuance of licenses, and that licenses be non-transferrable upon the sale of a property. Asked if staff had a recommendation on which formula should be used for determining the cap, and how this cap would be increased over time. Development Director Krieg responded that 5% might be an advisable growth rate.

Councilor Tremble asked what figure would be the baseline for determining the cap. Councilor Yacoubagha asked how the “unknown” properties would be factored in. Collette responded that staff recommends treating these properties as non-hosted.

Councilor Schaefer asked to clarify the purpose of the grace period. Collette responded that STR owners would be given 6 months to become compliant with the regulations. Schaefer asked to confirm that a lottery system of license issuance would not allow for this same grace period. Krieg responded that this would be the case. Schaefer asked if staff has yet considered that individuals could join the lottery with the intent of taking a license that they do not intend to use, with the purpose of reducing the number of STRs in the City. Krieg responded that this has been a problem in other municipalities, such as Bar Harbor, but that the requirement of a life-safety inspection of one’s property may deter individuals from doing this. Schaefer expressed support on capping non-hosted properties at 1% of the City’s total dwelling units. Feels it would be beneficial to be able to say to the public that 99% of the City’s dwelling units are not being used for this. Asked for clarification on whether accessory dwelling units (ADUs) and duplexes would be considered hosted or not – staff confirmed that they would be considered hosted as long as the property owner uses either the primary dwelling unit or half of the duplex as their permanent residence.

Krieg noted that feedback has indicated that most hosted properties belong to those who wish to supplement their income and that they have had fewer issues and complaints due to the presence of supervision.

Councilor Schaefer expressed support for the current draft, issuing licenses on a first-come, first-serve basis, and defining STRs as being used for 28 days or less.

Chair Sprague asked Councilor Schaefer for an opinion on whether there should be an expiration date on the use of a license. Schaefer responded that she has not considered it. Sprague suggested that this may be a way of preventing abuse of the system by those who wish to apply for a license without the intent of ever using it. Schaefer responded that this also coincides with the City’s discussion of handling vacant properties.

Chair Sprague asked if there has been any differentiation between workforce and non-workforce housing for this use. Asked if it may be useful to grant licenses based on documented need for these two uses. Schaefer responded that this may

be too complicated and that these two uses could be hard to define. Krieg noted that an evaluation of the regulations will be conducted at the end of each year and presented to City Council.

Chair Sprague noted that the upcoming Housing Production Study may help hone in on an appropriate cap percentage.

Councilor Schaefer asked if there would be a cap on the number of licenses issued to one individual/entity. Collette responded that there would be a cap of no more than 5 licenses per individual/entity, and that the language in the ordinance also addresses possible loopholes related to LLCs. Noted that there is also a cap of 50% in multi-unit dwellings. Also noted that the lottery method may be better for preventing "hoarding" of licenses.

Councilor Yacoubagha expressed concern that the lottery method had not previously been recommended due to its being contested legally in other municipalities. Chair Sprague added that it would be best to choose the method that will expose the City to the least amount of legal issues.

Councilor Tremble asked to clarify the annual license renewal process. Does not feel that it should be necessary for property owners to renew their licenses and stated that he would not be in support of this requirement. Also stated support for licenses being transferrable to new ownership upon the sale of a property. Collette responded that the license renewal requirement is primarily for the sake of inspections, to ensure property safety.

City Manager Laurie clarified Tremble's feedback. Upon the initial issuance of a license, renewal and inspection should be required annually, but property owners should not need to apply for a new license annually. Councilor Schaefer and Chair Sprague expressed agreement with this. Collette clarified that this is how the proposal is presently written. Noted that the lottery method would not be able to allow for this, however. Tremble responded that he would support a first-come, first-serve method.

Councilor Schaefer asked if licenses would be able to be revoked if there were repeated issues with a property. Collette confirmed that they would be.

Councilor Davitt expressed agreement with Tremble's points regarding the renewal process. Asked to clarify his support of licenses being transferrable upon the sale of a property. Tremble confirmed that this is what he would like to see but that it is not as important to him as other aspects.

Collette asked to clarify the Committee's direction on the institution of a cap. Committee members confirmed their direction that the cap be on non-hosted properties, determined by 1% of the total number of dwelling units city-wide.

- 4. PROPOSED ORDINANCE CHANGE TO DOWNTOWN PARKING ADVISORY COMMITTEE**, Action requested to provide staff direction or recommend proposed changes to City Council

Development Director Krieg presented to the Committee. Stated that the current ordinance requires that any recommendations from the Downtown Parking Advisory Committee be forwarded to City Council for recommendation to a Council committee. Recommends that this be amended to allow for Parking Committee recommendations to be forwarded directly to a Council committee.

Councilor Schaefer moved acceptance of staff recommendation to amend the Downtown Parking Advisory Committee ordinance, seconded by Councilor Davitt. Vote unless doubted, no doubt.

5. OTHER BUSINESS

Development Director Krieg introduced new Economic Development Officer, Stefanie MacLagan.

Meeting adjourned at 7:01 P.M.

Meeting minutes respectfully submitted,

Sarah Maquillan
Admin. Asst.
C&ED

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, October 3, 2023 @ 5:15 PM

City Council Chambers

MEETING MINUTES

City Councilors Present: Davitt, Leonard, Schaefer, Sprague, Yacoubagha.

City Staff Present: Collette, Krieg (via Zoom), Laurie, Stanicki.

Chair Sprague called the meeting to order at 5:40 P.M.

1. OUTSTANDING ISSUES FOR FOLLOW-UP DISCUSSIONS AND ACTIONS, Overview from Committee Chair Sprague

Chair Sprague presented to the Committee. Noted that there are only two more Committee meetings before the end of the Council year. Reported that he went through previous meeting agendas and summarized outstanding issues. Noted that no substantive discussion required this evening, only intended to review and present as overview to the next set of Committee members at the start of the new Council year. Reported that Development Director Anne Krieg has identified several items that will be included on the next meeting's agenda. Noted that this summary is only reflective of his own opinions and that he welcomes any edits from other Committee members. Can be discussed at the next meeting after all members have had a chance to review. Asked Committee members for any questions or comments at this point in time.

Councilor Davitt expressed that the summary seems comprehensive and that she does not feel that there is anything missing. Expressed gratitude for this effort as she will not be returning to City Council after the end of the Council year. Expressed a desire to resolve as many outstanding issues as possible before the end of the Council year, but understands that this may be dictated largely by staff capacity.

Councilor Leonard expressed agreement with Davitt. Stated that he has nothing to add. Expressed a desire that this become the precedent for Committee Chairs to present this summary at the end of each Council year. Noted that this will help the next Committee Chair prioritize issues.

Councilor Yacoubagha expressed appreciation. Noted that it is helpful to see how much has been accomplished over the last year.

Chair Sprague confirmed that this will be brought back to the next meeting for further comment.

2. EMERGENCY OVERNIGHT SHELTERS, Action requested to provide staff direction

Planning Analyst Anja Collette presented to the Committee. Reported that a proposal has been drafted based on the Committee's previous recommendations. Primary edits were to include a provision that emergency shelters be located a minimum of 100 feet from residential zones, and the addition of further stipulations regarding transportation plans, operations security, etc. Noted two Committee recommendations which staff elected not to include: (1) did not rename the use due to Emergency Overnight Shelters being the term used by HUD, and staff recommending alignment with their terminology, and (2) did not eliminate the cap on maximum capacity due to discussions with existing

shelters indicating that there is no expectation to exceed the current limit. Staff would like to present this proposal to the Planning Board on October 17th.

Councilor Schaefer asked that the definition be included in any public notices to prevent confusion over the Emergency Overnight Shelters term.

Councilor Davitt moved acceptance of staff recommendation to forward the proposal to the Planning Board, seconded by Councilor Yacoubagha. Vote unless doubted, no doubt.

Councilor Yacoubagha expressed hope that the Planning Board hearing will be respectful and open-minded, as she is concerned given previous negative feedback from the public. Does not feel that there is any further improvement that can be made to this proposal. Davitt responded that public feedback, both positive and negative, will be present regardless, but noted that the Planning Board is tasked with not making an emotional decision regarding their recommendation. Also noted that the cap on maximum capacity, as well as the fact that there no current plans to develop new shelter space, may help appease those members of the public that were previously opposed to this as an allowed use. Collette added that previous pushback from the public may have been due to the larger amount of proposed siting for this use, but that staff has narrowed this down quite a bit in their newest proposal.

Councilor Schaefer expressed that it will be important to emphasize with the public that this proposal has been amended since the last public hearing.

Chair Sprague commented that he does not wish to discourage public comment.

Collette confirmed that staff will send a public notice with the recommended clarifications and a link to the City's webpage on the topic.

Chair Sprague added that it may be helpful to personally reach out to those members of the public who commented at the last public hearing.

3. RENTAL REGISTRY LICENSE PILOT PROGRAM – CONTINUED DISCUSSION, Action requested to provide staff direction

Community Development Officer Robyn Stanicki presented to the Committee. Reported that staff aims to balance the interests of stakeholders with those of the City in implementing a pilot program for rental registry licenses. Highlighted the importance of how this program is presented to the public, so as not to appear adversarial or punitive. Expressed a desire to collaborate with Committee members to capture as many hypothetical scenarios as possible regarding possible barriers, so that these can be proactively addressed. The pilot program discussed previously was intended to be implemented during a period before the full valuation of the City's housing stock takes place, and during which it could be assessed for efficacy and regulations made permanent incrementally. Noted that examples are provided in the Committee's meeting packet.

Councilor Davitt expressed support for this approach and feels that it will show good faith to the community. Feels the approach of a voluntary buy-in to the program will be especially helpful.

Councilor Yacoubagha commented that she is especially supportive of the specific inclusion of collaboration with landlords and feels this outreach is important.

Councilor Schaefer asked if rental registration could be a requirement for TIF and CDBG funding. Also noted that the City could proactively offer this assistance during the inspection process.

Councilor Leonard expressed a desire to establish a rental advisory committee for the City.

Chair Sprague noted that, while the City's housing plan has not yet been finalized, this is an important component of it. Outlined the City's previously stated goals in regards to the timeline for housing efforts. Recommended that the enactment of registration strictly for inventorying purposes be implemented immediately, outside of the full pilot program. Feels this will also reflect that the City is serious about addressing housing.

Councilor Davitt expressed support for Sprague's recommendation.

Councilor Schaefer expressed support for Sprague's recommendation and asked if full buy-in to the pilot program could be incentivized by offering a discounted rate on license fees upon full implementation.

Chair Sprague expressed support for Schaefer's recommendation and noted that ARPA funds may be able to subsidize these incentives. Also recommended that the City use this opportunity to define the various types of housing, as referenced in comments made to Council by Planning Board member Don Meagher.

Meeting adjourned at 6:20 P.M.

Meeting minutes respectfully submitted,

Sarah Maquillan
Admin. Asst.
C&ED

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, October 17, 2023 @ 5:15 PM

City Council Chambers

MEETING MINUTES

City Councilors Present: Davitt, Leonard, Schaefer, Sprague, Tremble.

City Staff Present: Krieg, Laurie, Stanicki.

Chair Sprague called the meeting to order at 5:15 P.M.

1. OUTSTANDING ISSUES FOR FOLLOW-UP DISCUSSIONS AND ACTIONS, Overview from Committee Chair Sprague

Chair Sprague presented to the Committee. Brought this overview to the previous Committee meeting. Reported that Development Director Anne Krieg has responded to several items on this list and noted which ones are pending additional staffing, warrant further discussion, etc. Noted that one of the highest-priority items is the final draft of a 12-14 month housing action plan. The current status of projects has been provided by staff. Recommended formal adoption of a housing action plan by the next City Council. Asked Committee members for any questions or comments.

Councilor Schaefer clarified that all listed projects are ones that take much longer than one Council year to complete, so this list of outstanding items does not reflect any failure on the part of this Committee and Council. This list is merely intended to be a status update on ongoing projects.

Councilor Leonard expressed that any housing strategy should not be treated as insular to the City, and that collaboration should occur with neighboring municipalities and County leadership.

Chair Sprague noted that the Government Operations Committee recently recommended regular meetings between the City Council and County Commissioners. Recommended to Development Director Krieg that the draft be updated to reflect the Committee's recent recommendation to implement rental registration immediately, separate from the full licensure pilot program. Asked if staff needs any additional guidance on this – Krieg responded that they do not.

Councilor Leonard added that, in regards to the section on childcare, it may be helpful to establish a relationship with a liaison on the School Board. Chair Sprague expressed agreement and noted that adequate childcare is essential to the City's workforce.

2. DOWNTOWN NEEDS ASSESSMENT – CONTINUED DISCUSSION, No action requested

Development Director Krieg presented to the Committee. Reported that she has been meeting monthly with City Manager Debbie Laurie and Betsy Lundy and Eric Mihan of the Downtown Bangor Partnership (DBP). Feels this has been very beneficial in reviewing pending events, projects, etc. Currently working on year-round sidewalk accessibility, safety & security measures, increased landscape & asset maintenance, and investing in inactive properties.

Betsy Lundy, Downtown Bangor Partnership, presented to the Committee and expressed agreement that this has been helpful in moving issues forward.

Chair Sprague expressed that he is glad to see the establishment of meaningful communication between the City and DBP, as there have not always been such positive collaboration in the past. Lundy responded that this is reflected by how many long-outstanding projects have begun to move forward all at once. Sprague recommended regular updates be presented to the Committee moving forward. Noted that the Government Operations Committee has not finalized a package on response to homelessness in the City, but that he is hopeful this is forthcoming as it will be helpful for DBP.

Lundy stated that she wrote a summary of outstanding projects that was not included in this evening's meeting packet – Krieg distributed hard copies to Committee members.

City Manager Debbie Laurie stated that re-districting efforts are the highest-priority item on this list presently. Reported that Krieg met with the DBP Board on this topic. Hoping to have this finalized before tax assessment begins on April 1st.

Lundy and Krieg noted that they are putting together a stakeholder group as outreach. Krieg outlined the points in Lundy's memo.

Councilor Tremble asked if the Umbrella Sky Project has been taken down for the season. Lundy confirmed that it has. Tremble asked if there was much damage to it and what efforts have been made to prevent future damage. Lundy responded that this will be a continued discussion leading up to re-installation in May.

Councilor Schaefer asked if there any plans to re-install the kinetic sculptures along the waterfront. Lundy responded that she was not sure; Laurie added that many of them stopped working but the City would like to look into repairing them.

3. HAMLIN PARK BANNERS, Action requested to accept proposed design

Committee members discussed with Lundy the positive effects of the bistro lighting downtown.

Councilor Tremble mentioned some brickwork that needs to be repaired. Chair Sprague asked where this request should be directed to. City Manager Laurie responded that repairs have not been done to this yet as there are plans for extensive work on this section of the park next year. Lundy clarified that she received a recent update from staff that there will be a study conducted next year and construction is expected to start the following year. Laurie stated that Public Works can be asked to make minor repairs in the meantime.

Councilor Schaefer moved acceptance of the proposed banner design, seconded by Councilor Davitt. Vote unless doubted, no doubt.

4. HOUSING DATA SHEET UPDATE

Development Director Krieg presented to the Committee. Reported that Planning Analyst Collette and Cody Vigue have been working on creating page with this information on the City's website. Collette opened the webpage to show to Committee members.

Councilor Schaeffer stated approval of the webpage and noted that it helpful to see a comprehensive list of the City's housing actions.

Collette confirmed that the webpage will be kept updated by the staff.

Councilor Davitt commented that it would be helpful to integrate links for additional assistance resources.

Chair Sprague emphasized the importance of presenting a positive message on housing to the public.

5. PARKING COMMITTEE RECOMMENDATION RE: 2 HAMMOND STREET, Action requested to provide decision on Committee's recommendation

Chair Sprague noted that he may have a conflict of interests on this agenda item, as his son wrote a letter of support regarding this proposal. Asked Committee members to discuss if he should recuse himself or not.

Councilor Leonard stated that, since Sprague's son does not have any direct business affiliation or financial interest in the proposal and only expressed support, he does not feel there is a conflict of interests.

Councilor Schaefer expressed agreement and noted that she trusts Sprague to be impartial; does not feel that support expressed by his son indicates that Sprague will share the same opinion or have any inherent bias.

Development Director Krieg presented the proposal and summarized the recommendations of the Downtown Parking Advisory Committee at their September 28th meeting.

Councilor Tremble asked if the proposed use would be year-round or seasonal. Krieg responded that it would likely be seasonal, and applicant Dash Davidson confirmed this. Tremble stated that he is open to the proposal but feels it should be presented to the Parking Committee. Schaefer clarified that this has already been done, and that the Parking Committee did not recommend approval of the proposal at this time.

Applicant Dash Davidson presented to the Committee via Zoom. Noted that he was unable to attend the Parking Committee and is concerned that the Parking Committee members were not aware of his broader intentions and commitment to being respectful of the Charlie Howard Memorial. Hopes to give a more comprehensive overview to this Committee now. Described the ongoing development of the building and the projects that have occurred thus far, including extensive renovations and the addition of eight apartments. Goal is to finalize building development by creating a mixed-use of housing, the Chamber of Commerce, and a speakeasy-style bar. Noted that a significant amount of negative and/or criminal activity has been observed on security camera footage directly outside of the building, and feels that utilizing the outdoor space for the business will help deter this by "filling in the void." Emphasized that great care will be taken to both continue and increase maintenance of the Memorial area.

Councilor Schaefer stated that she is not in support of the proposal at this time, and expressed agreement with the Parking Committee's recommendation to hold off a decision pending the establishment of a comprehensive parking plan. Still concerned about the location's close proximity to the Memorial and stated that the location is the primary issue, rather than the proposed use itself.

Councilor Leonard expressed agreement with this. Recommended that the proposal be presented to the Advisory Committee on Racial Equity, Inclusion and Human Rights for review and noted that a positive recommendation from them would impact his opinion.

Councilor Davitt expressed agreement with this.

Chair Sprague asked to clarify that the Committee's desire is to pause any decision on the proposal for now, rather than deny it outright. Schaefer confirmed this and recommended the next steps be the creation of a visual site plan and the establishment of the comprehensive parking plan, prior to referral to the Advisory Committee on Racial Equity.

Chair Sprague noted that the speakeasy-style bar is not a new business proposal and that this has already been approved during the initial development process. Asked Development Director Krieg for a timeline on the creation of a comprehensive parking plan – Krieg responded that it could take up to a year. Sprague stated that he does not feel that the parking plan is essential to moving forward with this proposal if more detailed site plans are presented and approved by additional Advisory Committees in the interim.

Councilor Schaefer confirmed that the Committee is only concerned with the specific location of the proposed "parklet" and not the overall business model – there are no concerns about the indoor portion of the business. Asked if the parklet use is essential to the business.

Zack Pike, project manager, presented to the Committee. Stated that the outdoor seating is considered a vital component in terms of business profitability. Noted that they have been respectful of the Memorial throughout the building development process and only to seek the better the area and highlight the Memorial's presence and importance. Gave an in-depth overview of the goals of the development and parklet proposal.

Councilor Schaefer responded that the creation of a visual site plan will be essential to any further decision-making. Emphasized the difference between enjoying the Memorial space and showing reverence for it; feels it is a space that calls for reverence.

Davidson reiterated his concerns about negative activity in the outdoor space surrounding the building and his belief that better utilizing this space will mitigate these activities. Expressed a desire to continue working with both Development Director Krieg and Betsy Lundy on the proposal.

Chair Sprague expressed support for continued collaboration with Krieg and Lundy. Noted that the City is working to rein in the amount of negative activity in the downtown area. Expressed agreement with Council Schaefer that a detailed site plan is needed.

Councilor Davitt expressed agreement with this and clarified that the Committee's direction is to pause on making any decision at this time.

Councilor Tremble expressed agreement with Davidson that more positive activity in the outdoor space will be beneficial. Asked staff and Committee members for clarification on the parklet approval process, as was under the impression that this is already an allowed use. Krieg responded that this proposal was brought to the Committee for approval due to the location of the parking spots within a municipal parking lot – did not think that this fit under the existing guidelines for parklet permits. Tremble stated that he does think this proposal fits into the existing guidelines.

Pike expressed agreement that this is a unique location and that a detailed site plan would benefit all parties.

Chair Sprague asked the applicant if adequate guidance has been given or if further clarification is needed. Pike asked for a description of the process for establishing a parking plan. Krieg explained this and added that she will work with the applicant in the meantime.

Councilor Schaefer added that the efforts to create a parking plan, a detailed site plan for this proposal, and obtain Advisory Committee input could happen concurrently.

Councilor Tremble added that a recent State law allows for liquor in outdoor areas that are not directly adjacent to the business, and that the applicants may also want to look into this and see if there are alternative outdoor spaces that could be used for their parklet.

6. CHECK-IN FROM STAFF

A. CDBG ALLOWANCES FOR MOBILE HOMES

Community Development Officer Robyn Stanicki presented to the Committee. Described efforts to meet home ownership goals outlined by CDBG and that HUD has made allowances for mobile home purchases under the program guidelines, including replacing mobile homes that were built prior to 1976. Allowances have also been made for 1-4 unit buildings, rather than 1-2 units as originally outlined.

Councilor Davitt moved acceptance of staff recommendation to allow mobile home purchases under CDBG program guidelines, seconded by Councilor Schaefer. Vote unless doubted, no doubt.

Councilor Schaefer asked why mobile homes built prior to 1976 can be replaced. Stanicki responded that prior to 1976 there were different building codes in place that allowed for use for more flammable materials. Schaefer asked if the same allowance guidelines apply for tiny homes. Stanicki responded that they have different definitions under HUD guidelines and therefore were not included in this proposal.

Chair Sprague asked how this affects the annual CDBG action plan presented to HUD, and whether an amendment to the plan would be required. Stanicki responded that no amendment is needed as they will be staying within HUD guidelines and are not asking to substantially re-program this year's funding. Sprague asked for a projected impact on available program funding. Stanicki responded that the City has historically fallen 50% short of home ownership goals, so the budget allows for 50% more than what is typically used.

Councilor Tremble asked if mobile homes will be required to be owner-occupied. Stanicki confirmed that they will. Tremble asked if they will need to be located on land owned by the home owner. Stanicki responded that this is not required but that it can be mandated by the City if desired. Tremble stated that he is not favoring of requiring this as feels it could be a barrier to home ownership. Stanicki added that there is an allowance for mobile homes to be located in mobile home parks as long as the home owner's lease extends through the duration of the mortgage terms.

Councilor Leonard asked how mobile homes are defined and whether the emerging technology of 3D printed homes could potentially fall under this definition. Stanicki responded that this was not addressed at this time as goal was to take incremental steps in opening up funding allowances, but this could be added to program definitions in the future.

Committee members discussed the next steps and agreed to move the request forward to the full City Council.

Councilor Schaefer moved to forward staff's recommendation to City Council for approval, seconded by Councilor Davitt. Vote unless doubted, no doubt.

Stanicki presented an additional proposed change to the program's subsidy language that attempts to address affordability. Reported that HUD has expanded allowances for subsidies to be applied towards

a down payment, indirectly to buy down the interest rate, directly to reduce principle, or towards the mortgage insurance. Noted that this allows for flexibility in determining what method of subsidy application will be most impactful for home owners on a case-by-case basis.

Councilor Schaefer moved to forward staff's recommendation to City Council for approval, seconded by Councilor Davitt. Vote unless doubted, no doubt.

B. STAFF OUTREACH AND TRAINING

Development Director Krieg presented to the Committee and gave an overview of trainings and outreach events that staff has attended recently.

C. C&ED STAFFING

Development Director Krieg reported that the department still has several open positions – Economic Development Officer and Business Development Specialist.

Chair Sprague encouraged Development Director Krieg to be open with the Committee about the need for temporary assistance to fill in the gaps until full staff capacity is reached.

D. RELEASE OF THE STATE OF MAINE HOUSING PRODUCTION NEEDS STUDY

Development Director Krieg noted that this study was included in the Committee's meeting packets for review.

7. OTHER BUSINESS

Chair Sprague reported that a special meeting to discuss the Commercial Kitchen consultant's report needs to be scheduled. Recommended it be scheduled for Monday, November 6th. Committee members and staff in agreement.

Meeting adjourned at 6:48 P.M.

Meeting minutes respectfully submitted,

Sarah Maquillan
Admin. Asst.
C&ED

Infrastructure Committee Minutes

August 8, 2023

ATTENDEES

Councilors: Gretchen Schaefer, Joseph Leonard, Cara Pelletier, Jonathan Sprague

Staff: Aaron Huotari, John Theriault, Amanda Smith

AGENDA ITEMS

1. **WWTP Sewer Abatement Quarterly Report – Quarters 3 & 4**

Amanda provided an outline of the sewer abatements for January 1 to June 30th.

The department may abate up to \$3,000.00, over that amount must go to Committee for approval or denial. Abatement requests were lower this year due to milder winter.

One abatement request exceeded the \$3,000.00 threshold and was presented to the Committee. After Amanda detailed the circumstances, the Committee voted.

Vote: Moved and seconded to approve the abatement request.

2. **Update: Wastewater Treatment Plant Fiscal Sustainability Presentation**

The Department of Water Quality recently updated its Fiscal Sustainability Plan (FSP) for the wastewater treatment plant. The plan is a compilation of asset inventory, condition assessments, an asset management plan and a capital improvement plan.

This presentation informed the Committee on the updated FSP in comparison with the 2017 version, review the progress made over the past five years and provide an overview of planned capital projects to ensure the sustainability of the wastewater treatment plant in the coming years.

Amanda provided the Committee with a Powerpoint presentation of the FSP. Councilors made recommendations to collaborate with Planning regarding the City's comprehensive plan. There was discussion of funding and timeline of replacing those assets.

Vote: No vote necessary, update only.

3. **Public Works Dept.: Sidewalk Plowing Priorities**

Aaron Huotari explained he presented the current operations to the Committee in March. Recapping that the City has a list of approximately 85 miles of sidewalks that are plowed after each storm. In the best of conditions, it takes us about a week to complete all assigned routes. Challenging conditions, such as ice and very cold weather, can extend that time frame considerably. Major roads, such State, Broadway, Union, and Hammond get sidewalk plowing on both sides of the road. Residential areas generally get only one sidewalk plowed. Sidewalks are split into Priority 1 and Priority 2. Priority 1 sidewalks are designated to open up major walking routes in each neighborhood. Not every street with a sidewalk gets plowed.

The Infrastructure Committee asked him to review sidewalk plowing around schools to determine if better service could be provided for students who walk to school. Aaron contacted Ray Phinney, Director of Community Outreach and Safety for the Bangor School system, to determine whether individual schools collect data regarding the number of students who walk and where they walk from. He was able to pull together data on the elementary and middle schools. He did not have data for the high school or schools outside the Bangor school system. Many high school students use alternate transportation. The data from walking routes was then overlaid onto our existing sidewalk plowing map. Only 5 ½ miles of sidewalks in "walker neighborhoods," across the whole city, were not being plowed. Many of the sidewalks that were plowed would need to be moved to a Priority 1 status and the new sidewalks added. At present, 73% of sidewalks are Priority 1 (62 miles) and 27% are Priority 2 (23 miles).

The implementation options affect the outcomes:

1. Add 5.5 miles of sidewalks to the existing list and make all walking routes into Priority 1 routes. Resulting in 87% of sidewalks at Priority 1 (79 miles) and 13% at Priority 2 (11.5 miles). This would also result in additional time to get through a complete cycle. As with last winter, storms were closely spaced together, resulting in going back to Priority 1 streets and taking weeks to get the Priority 2 streets cleared. The City could look into adding additional equipment and personnel. If in making walking routes Priority 1, we should reduce the current number of Priority 1 sidewalks. This will likely impact residents who walk to work/recreate outside of the school walker routes.
2. Add 5.5 miles of sidewalks, make all walking routes into Priority 1 routes, remove 5.5 miles of existing sidewalks, and change 11.5 miles of Priority 1 down to Priority 2. This would match our current allocation of Priority 1 and Priority 2 sidewalks. Eliminating 5.5 miles of sidewalks could be easily accomplished by discontinuing snow removal on the second sidewalk on the major thoroughfares. This would result in more residents having to cross our busiest streets in the winter in order to get to the plowed side of the street. In order to make walking routes Priority 1, we have to reduce the current number of Priority 1 sidewalks. This will likely impact residents who walk to work/recreate outside of the school walker routes.
3. Prior meetings it was briefly discussed additional solutions such as implementing an ordinance requiring residents to shovel sidewalks in from of their homes, similar to what is required in the Downtown District.

Public Works staff recommends solution #2, with additional actions. Staff is currently exploring route optimization with several vendors. Inputting our current data into route optimization software can configure a best-case scenario to accomplish all routes with the least amount of overlap or backtracking. Additionally, Staff is looking at turn-by-turn navigation options that will reconfigure on-the-fly when the operator runs into problems.

Until routing optimization is accomplished, the new prioritization documents would be created, posting them on the City's website, use QNotify messaging to subscribers, and use social media outreach to notify residents of the changes and why we are prioritizing children's paths to school.

Staff would work on Option 2, look into public discussion, and provide firmer number for more equipment and come back with an update to Committee.

Vote: No vote necessary, update only.

**Infrastructure Committee Minutes
August 21, 2023**

ATTENDEES

Councilors: Gretchen Schaefer, Joseph Leonard, Susan Hawes, Cara Pelletier, Clare Davitt, Jonathan Sprague

Staff: John Theriault, Debbie Laurie

AGENDA ITEMS

1. Discussion: Traffic Calming Policy & Unattended Crosswalk, Flashing Pedestrian Beacon Policy

John outlined the criteria & threshold details of the Traffic Calming Policy Council Order 08-252 & Unattended Crosswalk & Flashing Pedestrian Beacon Policy Council Order 16-211.

There was Committee discussion of John's data and particular locations that could benefit from these policies.

Vote: No vote necessary, discussion only.

**Infrastructure Committee Minutes
October 3, 2023**

ATTENDEES

Councilors: Gretchen Schaefer, Joseph Leonard, Cara Pelletier, Dina, Yacoubagha, Clare Davitt, Jonathan Sprague

Staff: Aaron Huotari

AGENDA ITEMS

1. Discussion: Sidewalk Plowing

Aaron provided a handout and an update on sidewalk plowing requested by the Committee's meeting from August 21st. 4.5 miles were added to the plow list.

The Committee had discussion regarding community outreach regarding existing ordinances, along with an after-action analysis for a potential future ordinance update. And, Public Works looking into adding extra equipment and staff as they move forward with this pilot program.

Vote: No action necessary, discussion only.



CITY COUNCIL ACTION

10/23/2023 23-320

Council Meeting Date: 10/23/2023

Item No: 23-320

Responsible Dept: Legal

Requested Action: Order

Map/Lot: 030-011

Title, Order

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 60 Kossuth Street

Summary

This Order will authorize the execution of a municipal quitclaim deed for real estate located at 60 Kossuth Street. Tax, sewer, and stormwater liens have matured on the property owned by Victor W. Vardamis, at 60 Kossuth Street. 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: 10/23/2023

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/23/2023 23-320

Date: 10/23/2023

Item No: 23-320

Assigned to Councilor: Hawes

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 60 Kossuth Street

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 tax, sewer, and stormwater liens recorded in the Penobscot County Registry of Deeds in Book 14871, Page 322; Book 14544, Page 281; Book 14186, Page 165; Book 13906, Page 329; Book 13561, Page 54; Book 14040, Page 133; Book 13892, Page 143; Book 14269, Page 66; Book 14041, Page 237; and Book 13893, Page 233. Said deed shall be directed to Victor W. Vardamis and shall be in final form approved by the City Solicitor or the Assistant City Solicitor.



CITY COUNCIL ACTION

10/23/2023 23-321

Council Meeting Date: 10/23/2023

Item No: 23-321

Responsible Dept: Legal



Requested Action: Order



Map/Lot: N/A

Title, Order

Amending the Schedule of Fees for Marijuana Establishment Licenses

Summary

This Order would amend the City's Schedule of Fees for marijuana establishment licenses.

The proposed fee increases for marijuana establishments were based upon an estimate of staff time required to process the application as well as to perform inspections. Marijuana license fees are also updated July 1 of each year to match the Consumer Price Index (CPI-U).

As a result of a recent audit of the staffs' time to process the application and perform inspections, payroll and benefit changes, and anticipated 2024 health insurance cost increases, the current fees are no longer commensurate with our estimated costs.

This Order will amend the Schedule of Fees effective January 1, 2024.

Committee Action

Committee: Government Operations Committee

Action: Recommend for passage

Meeting Date: 10/23/2023

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent





Date: 10/23/2023

Item No: 23-321

Assigned to Councilor: Tremble

Amending the Schedule of Fees for Marijuana Establishment Licenses

WHEREAS, § 177-3.1.B. of the City Code requires citizens to pay a fee for a Medical Marijuana Establishment License; and

WHEREAS, § 177-8.B. of the City Code requires citizens to pay a fee for a Retail Marijuana Establishment License; and

WHEREAS, Fees are set by Council Order in the City's Schedule of Fees in accordance with 28-B M.R.S. § 401(3); and

WHEREAS, Fees are based on an estimate of staff time required to process the application and perform inspections; and

WHEREAS, Current fees are no longer commensurate with the City's estimated costs;

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

The Schedule of Fees, as authorized under Chapter 177 of the Code of the City of Bangor, is hereby amended effective January 1, 2024 as follows:

Marijuana License (Medical) § 177-3.1.B.

Cultivation (up to 400 sq. ft.)	\$ 344
Cultivation (more than 400 sq. ft.)	\$ 859
Store	\$ 344
Products Manufacturing	\$ 344
Testing	\$ 344
Registered Dispensary	\$ 859

Marijuana License (Retail) § 177-8.B.

Cultivation (up to 400 sq. ft.)	\$ 304
Cultivation (more than 400 sq. ft.)	\$ 761
Store	\$ 304
Products Manufacturing	\$ 304
Testing	\$ 304



CITY OF BANGOR ORDER

10/23/2023 23-322

Date: 10/23/2023

Item No: 23-322

Assigned to Councilor: Davitt

Authorizing Contract with Passio Technologies for Transit Technology in the Amount of \$578,273

Be it Ordered by the City Council of the City of Bangor that, the Finance Director is hereby authorized to execute a contract with Passio Technologies for Transit Technology in the amount of \$578,273.



CITY COUNCIL ACTION

10/23/2023 23-323

Council Meeting Date: 10/23/2023

Item No: 23-323

Responsible Dept: City Clerk

Requested Action: Order

Map/Lot: N/A

Title, Order

Appointing Airport Constables for the Year 2023

Summary

This Order authorizes the appointment of Fred Dwyer and Camden Perkins as Constables for the Airport to enforce City Ordinances.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/23/2023 23-323

Date: 10/23/2023

Item No: 23-323

Assigned to Councilor: Yacoubagha

Appointing Airport Constables for the Year 2023

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

the City Council hereby confirms the appointment of Fred Dwyer and Camden Perkins as Constables for the Airport for the City of Bangor for the Year 2023.



CITY COUNCIL ACTION

10/23/2023 23-324

Council Meeting Date: 10/23/2023

Item No: 23-324

Responsible Dept: City Clerk

Requested Action: Order

Map/Lot: N/A

Title, Order

Appointing Nominees to Various Boards, Commissions and Committees

Summary

This Order will authorize the appointments to the various Boards, Commissions and Committees contained in the report of the Personnel Committee. Vacancies were advertised in a variety of ways and the applicants were interviewed by the Council's Personnel Committee on September 12, 2023, and October 10, 2023. The Committee has completed the process of interviewing applicants for these positions and has developed the attached recommendations for full Council consideration. This item was reviewed in executive session on October 17, 2023, and put forth for approval by the Personnel Committee.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/23/2023 23-324

Date: 10/23/2023

Item No: 23-324

Assigned to Councilor: Sprague

Appointing Nominees to Various Boards, Commissions and Committees

WHEREAS, the City of Bangor has taken applications from citizens for a variety of vacant positions on City Boards, Committees, and Commissions; and

WHEREAS, the Personnel Committee of the City Council has interviewed these applicants and made recommendations as to the various appointments;

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

the recommendations of the Personnel Committee of the City Council are hereby accepted, and the individuals listed on the report of the Personnel Committee are hereby appointed to the positions and for the terms designated.

**PERSONNEL COMMITTEE REPORT
2024 SUBCOMMITTEE RECOMMENDATIONS**

23-324
OCTOBER 23, 2023

Committee	# of Vacancies	Term Begins	Year of Term Expiration (Dec. 31st)	Recommended Appointment	Type
Advisory Committee on Racial Equity, Inclusion and Human Rights	5	10/24/2023	2024	Evelyn Marasco	Student
		10/24/2023	2024	Jason Canniff	Regular
		1/1/2024	2026	Kathryn Robinson	Regular
		1/1/2024	2026	Theron Letterlough	Regular
		1/1/2024	2026	Melissa Bucholz	Regular
Board of Appeals	3	10/24/2023	2026	Edward Gould	Regular
		1/1/2024	2026	Jordan Labouff	Regular
		1/1/2024	2026	Donald McCann	Associate
Board of Assessment Review	3	1/1/2024	2026	George Burgoyne	Regular
		1/1/2024	2026	Ryan Collins	Regular
		1/1/2024	2026	Jacky Binette	Associate
Board of Ethics	2	1/1/2024	2026	Stephen Brough	Regular
		1/1/2024	2026	Hilari Simmons	Associate
Commission on Cultural Development	5	10/24/2023	2024	Field Glover	Regular
		1/1/2024	2026	Kelly Chenot	Regular
		1/1/2024	2026	Smantha Schipani	Regular
		1/1/2024	2026	Nina Earley	Regular
		1/1/2024	2026	Kathy (Kal) Elmore	Regular
Downtown Parking Advisory Group	2	1/1/2024	2026	Vacant	Resident-District
		1/1/2024	2026	Sara Luciano	Resident-Outside Dist.
Firearms Discharge Committee	3	10/24/2023	2026	Ron Jack	Regular
		1/1/2024	2026	Gerry Palmer	Resident - Zone
		1/1/2024	2026	Jamie Hight	Hunter
Historic Preservation Commission	2	10/24/2023	2026	Peter Keebler	Associate
		1/1/2024	2026	Rebecca Krupke	Regular

**PERSONNEL COMMITTEE REPORT
2024 SUBCOMMITTEE RECOMMENDATIONS**

23-324
OCTOBER 23, 2023

Committee	# of Vacancies	Term Begins	Year of Term Expiration (Dec. 31st)	Recommended Appointment	Type
Housing Authority Commission	2	1/1/2024	2028	Sarah Loyd	Regular
		1/1/2024	2028	Ellen Adams	Tenant
Parks & Recreation Committee	3	1/1/2024	2026	Jon Hyatt	Regular
		1/1/2024	2026	William Warner	Regular
		1/1/2024	2026	Vacant	Course User
Penjajawoc Marsh/Mall Management	2	1/1/2024	2026	Jane Bragg	Regular
		1/1/2024	2026	Vacant	Regular
Planning Board	2	1/1/2024	2026	Edwin Brush	Regular
		1/1/2024	2026	Josh Saucier	Regular
		1/1/2024	2025	Janet Jonas	Associate
Tree Board	3	10/24/2023	2024	Dominick Rizzo	Regular
		1/1/2024	2026	Vacant	Arborist or Landscape Architect
		1/1/2024	2026	David Ludwig	Regular
Water District Trustees	2	1/1/2024	2026	Gerry Palmer	Regular
		1/1/2024	2026	Ralph Foss	Regular



CITY COUNCIL ACTION

10/23/2023 23-325

Council Meeting Date: 10/23/2023

Item No: 23-325

Responsible Dept: Legal

Requested Action: Resolve

Map/Lot:

Title, Resolve

Ratifying Staff's Execution of a Legal Services Agreement with SL Environmental Law Group PC and Associated Law Firms In Connection With PFAS Litigation

Summary

This Resolve will ratify staff action on October 16, 2023, in executing a Legal Services Agreement with SL Environmental Law Group PC and the law firms associated with SL for the purpose of investigating and assessing potential claims arising out of the presence of per- and polyfluoroalkyl contaminants in biosolids or effluent in the City's wastewater treatment systems, and to provide for the terms and conditions for the representation of the City in a civil action whereby the City would join other governmental entity, water treatment facility, and wastewater treatment facility plaintiffs in multi-district PFAS litigation against manufacturers and distributors of products that contain PFAS compounds.

Per and poly-fluoroalkyl substances ("PFAS") are a diverse group of thousands of chemicals used in hundreds of types of products. PFAS are mobile, persist indefinitely in the environment, and are associated with multiple and significant adverse health affects in humans.

In the PFAS multi-district litigation, the governmental entity, water treatment facility, and wastewater treatment facility plaintiffs allege that global manufacturers and distributors of products that contain PFAS compounds designed, manufactured, distributed, and/or sold these products with knowledge that these toxic compounds would be released into the environment, even when used as directed and intended. This litigation does not impact local companies which may have used the products. The sole purpose of the litigation is to provide an opportunity for governmental entities and water and wastewater treatment facilities to recover any expenses they have incurred, or may incur in the future, for testing, treatment, and remediation related to PFAS.

The City's wastewater treatment plant has incurred expenses, and is anticipated to incur significant expenses in the future, related to PFAS testing, treatment, remediation, and disposal activities.

Time is of the essence in joining the PFAS litigation in that the litigation is proceeding to trial and defendants are currently in the process of settling with litigating plaintiffs. As such, it is in the City's interests to become one of the litigating plaintiffs rather than a non-participating party, as litigating plaintiffs are likely to receive a greater share of settlement proceeds than non-litigating government entities.

The legal rights and duties of the City with respect to this contemplated litigation, and the need for expedient action, were discussed in Executive Session by the City Council, the City Solicitor, and the City Manager, and the City Manager executed the Legal Services Agreement in accord with the Council's desires as expressed during those discussions.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



Date: 10/23/2023

Item No: 23-325

Assigned to Councilor: Schaefer

Ratifying Staff's Execution of a Legal Services Agreement with SL Environmental Law Group PC and Associated Law Firms In Connection With PFAS Litigation

WHEREAS, Per and poly-fluoroalkyl substances ("PFAS") are a diverse group of thousands of chemicals used in hundreds of types of products; and

WHEREAS, PFAS are mobile, persist indefinitely in the environment, and are associated with multiple and significant adverse health affects in humans; and

WHEREAS, There may be a presence of per- and polyfluoroalkyl substances ("PFAS") contaminants in biosolids or effluent produced by the City's wastewater treatment systems, and

WHEREAS, A financial settlement or recovery against the global manufacturers and distributors of products that contain PFAS would provide an opportunity for the City to recover expenses it has incurred or may incur in the future for testing, treatment, and remediation of PFAS contamination, and

WHEREAS, Currently pending multi-district litigation seeks to establish a fund that will be available for years to come, which will help governmental entities and water and wastewater treatment facilities recover compensation that would mitigate the costs associated with addressing current and future PFAS contamination; and

WHEREAS, Becoming a party to the existing litigation is time sensitive as settlements with some defendants are anticipated very soon and/or it is anticipated the Court would establish a cutoff date for filing cases and/or bankruptcy filings would trigger specific deadlines for filing claims, and

WHEREAS, Participation in the existing litigation is beneficial to the City,

Be it Resolved by the City Council of the City of Bangor that, staff action to execute the Legal Services Agreement with SL Environmental Law Group PC and their associated law firms is hereby ratified and confirmed.



CITY COUNCIL ACTION

10/23/2023 23-326

Council Meeting Date: 10/23/2023

Item No: 23-326

Responsible Dept: Community & Economic Development

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing Changes to the CDBG Homeownership Programs to Add Eligible Expenses for Homebuyer Assistance

Summary

The CDBG Homeownership Program offers assistance to first-time buyers to purchase a Bangor home and is designed to increase the rate of ownership among low- and moderate-income residents. This Order would expand the Program's eligible subsidy types for homebuyer assistance to include both direct and indirect subsidy paid to the primary lender as allowed by CDBG regulations. This increase in subsidy types improves access to ownership and can help buyers qualify with affordable payments. City Staff will work with the primary lender to evaluate the best use of these funds, and may include offsets to:

- Down Payments
- Closing Costs
- Interest Rate ("points" buy-down)
- Principal Reduction
- Up-front Mortgage Insurance

Subsidies are limited to \$25,000 and/or the minimum required by the lender to approve the loan. Down payments may be subject to a 50% match. Assistance with CDBG funds is for owner-occupied, residential dwellings and is subject to primary residence, occupancy and affordability rules as required by the U.S. Department of Housing and Urban Development, and the CDBG Program guidelines.

Committee Action

Committee: Business & Economic Development Committee

Meeting Date: 10/17/2023

Action: Recommend for passage

For: 5

Against: 0

Staff Comments & Approvals

The Community Development Officer has reviewed the applicable federal guidelines to ensure that this order is consistent with CDBG regulations, and recommends this Order's passage.

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/23/2023 23-326

Date: 10/23/2023

Item No: 23-326

Assigned to Councilor: Yacoubagha

Authorizing Changes to the CDBG Homeownership Programs to Add Eligible Expenses for Homebuyer Assistance

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

WHEREAS, Homeownership is an effective approach to housing affordability for low- and moderate-income households, offers stability to families and children, and alleviates pressure on the supply of rental housing; and

WHEREAS, the City of Bangor uses Community Development Block Grant funding to increase homebuyer opportunities and has set annual goals as a high priority in its 2020-2025 Consolidated Plan; and

WHEREAS, the Homebuyer Assistance Program is authorized by the U.S. Department of Housing and Urban Development to use CDBG for specific subsidy types and uses; and

WHEREAS, City staff will work with the primary lender to evaluate the best use of these funds, which may include offsets to down payments, closing costs, interest rate (points buy down), principal reduction, or up-front mortgage insurance; and

WHEREAS, subsidies are limited to \$25,000 and/or the minimum required by the lender to approve the loan; and

WHEREAS, down payments may be subject to a 50% match;

Now, Therefore, Be it Ordered by the City Council of the City of Bangor that CDBG funds be used for indirect subsidy to lenders making loans to eligible buyers for the purpose of gaining mortgage approval.



CITY COUNCIL ACTION

10/23/2023 23-327

Council Meeting Date: 10/23/2023

Item No: 23-327

Responsible Dept: Community & Economic Development

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing Changes to the CDBG Homeownership Program's Eligible Property Types for Homebuyer Assistance

Summary

This Order would make changes to the CDBG Homebuyer Assistance which is designed to increase Homeownership among low- to moderate-income residents. The changes are in response to housing availability and market conditions, and will increase the housing types that participants may request assistance to purchase. These allowances will ensure that the Program is consistent with other first-time home buyer programs, and assists to provide low- and moderate-income residents a pathway to attainable homeownership.

The Homeownership Program will increase the size of multifamily buildings from 1-2 to 1-4, and will add a subtype of manufactured housing. The CDBG Program defines manufactured housing as "residential structures that are primarily built off-site," and includes, but is not limited to, modular homes, mobile homes (i.e. trailers), tiny homes, and 3D printed dwellings.

This order will also add mobile homes to the program, which may be assisted with CDBG funds if they meet lender-specific guidelines, including:

The unit was constructed after 1976.

The unit is permanently affixed to a foundation or slab, with its towing hitch and running gear removed. The homeowner will own the land or lease a park lot on which the home is installed for a duration of three years or the term of the mortgage, whichever is less.

Committee Action

Committee: Business & Economic Development Committee

Meeting Date: 10/17/2023

Action: Recommend for passage

For: 5

Against: 0

Staff Comments & Approvals

The Community Development Officer has reviewed the applicable federal guidelines to ensure that this order is consistent with CDBG regulations, and recommends this Order's passage. This Order expanded eligibility to include mobile homes within parks based on Committee feedback.

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/23/2023 23-327

Date: 10/23/2023

Item No: 23-327

Assigned to Councilor: Schaefer

Authorizing Changes to the CDBG Homeownership Program's Eligible Property Types for Homebuyer Assistance

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

WHEREAS, Homeownership is an effective approach to housing affordability for low- and moderate-income households, offers stability to families and children, and alleviates pressure on the supply of rental housing;

WHEREAS, the City of Bangor uses Community Development Block Grant funding to increase homebuyer opportunities and has set annual goals as a high priority in its 2020-2025 Consolidated Plan; and

WHEREAS, the U.S. Department of Housing and Urban Development has determined that communities may use funds to assist homebuyers to purchase manufactured housing; and

WHEREAS, the most common form of this type of housing available in Bangor are mobile homes; and

WHEREAS, this Order will add mobile homes as an eligible property type for homebuyer assistance provided they meet lender-specific guidelines including: post 1976 construction, the unit is permanently affixed to a foundation or slab, with its towing hitch and running gear removed, and the homeowner will own the land or lease a park lot on which the home is installed for a duration of three years or the term of the mortgage, whichever is less;

Now, Therefore, Be it Ordered by the City Council of the City of Bangor that CDBG funds be used to purchase manufactured housing when it is determined that the housing unit is part of the City's permanent housing stock as outlined above.



CITY COUNCIL ACTION

10/23/2023 23-328

Council Meeting Date: 10/23/2023

Item No: 23-328

Responsible Dept: City Manager

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the Adoption of a Use of Certain City Property Policy

Summary

This Order will authorize the approval of a policy related to use of certain city property including but not limited to flag poles, Pierce Park, illumination of City Hall, honorary street names and more.

This policy was drafted to establish a clear understanding of the conditions, standards, and guidelines for use of certain city property that: 1) ensures use is consistent with the values and character of the City, 2) ensures process is fair and consistent, and 3) minimizes conflict and provides a forum for meaningful discussion with a process for public displays.

This policy will supersede Order 18-382 Policy for Use of City Property for the Purpose of Temporary Holiday Displays and Order 97-372 Guidelines for Use of City of Bangor Monuments and Statues for Ceremonial Purposes.

Committee Action

Committee: Government Operations Committee

Meeting Date: 10/16/2023

Action: Recommend for passage

For: 4

Against: 0

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

10/23/2023 23-328

Date: 10/23/2023

Item No: 23-328

Assigned to Councilor: Leonard

Authorizing the Adoption of a Use of Certain City Property Policy

Be it Ordered by the City Council of the City of Bangor that, the attached Use of Certain City Property Policy is hereby adopted and shall replace Orders 18-382 and 97-372.



CITY OF BANGOR

Use of Certain City Property Policy

1.0 PURPOSE

The purpose of this policy is to establish a clear understanding of the conditions, standards, and guidelines for use of certain city property that:

- Ensures that use of City property is consistent with the values and character of the City;
- Ensures that the process for use of City property is consistent and fair;
- Minimizes conflict and provides a forum for meaningful discussion about the use of City Property.

2.0 USE OF A DESIGNATED AREA OF PIERCE PARK FOR TEMPORARY DISPLAYS

Any citizen may request the use of a designated area in Pierce Park for the purpose of a temporary display. This designated area of Pierce Park will be considered a public forum with respect to such displays, and the granting of any permit by the City allowing a temporary display in this designated area of Pierce Park shall not be deemed as official support of the display by the City of Bangor.

- 2.1 The area of Pierce Park designated for temporary displays by citizens is shown on Exhibit A, attached hereto.
- 2.2 All requests for a public display in the designated area of Pierce Park shall be made in writing to the City of Bangor Parks and Recreation Department via a display permit application (Exhibit B, attached hereto).
 - 2.2.1 All requests shall be submitted 30 calendar days prior to the creation of the display. The deadline may be waived at the discretion of the Director of Parks and Recreation if the nature of the display allows for more rapid review.
 - 2.2.2 Any request made that is deemed to be an event by the Director of Parks and Recreation shall fall under the City of Bangor Event Permit policy, and the applicant shall be required to follow the procedure(s) set forth in said policy.
- 2.3 The Parks and Recreation Department reserves the right to bring requests for public display before the Government Operations Committee, or City Council Workshop, of the Bangor City Council.
- 2.4 Requirement for insurance coverage: Proof of comprehensive general liability insurance must be provided at the request of the City. When insurance is

required, a valid certificate of insurance must be provided naming the City of Bangor as an additional insured and must be received before the City will issue an approved permit. The insurance policy should be specific to the proposed display and/or cover all activities of the sponsoring organization. The insurance coverage must be, at a minimum, \$1,000,000 per occurrence. A higher amount may be required.

2.5 General requirements for temporary displays:

- a) Displays shall not be illuminated by periphery, flashing, intermittent, rotating, or moving lights. Any lighting shall not produce glare upon streets or adjacent property.
- b) No flames, including but not limited to candles or fires, may be used in the display.
- c) Displays must be placed in the designated location and may not be moved while displayed without the written approval of the Director of Parks and Recreation.
- d) No signs or banner shall be permitted except that a single, stationary, non - illuminated sign shall be displayed to identify the person or organization sponsoring the display. Said sign shall not exceed two (2) square feet in area.
- e) Displays shall not obstruct or impede pedestrian traffic.
- f) Displays shall not be larger than ten (10) feet in height, ten (10) feet in width (length) or six (6) feet in depth.
- g) Displays shall not include a sound reproduction device or produce noise of any kind. No sound amplificatory equipment shall be used by the sponsor of the display or any person involved with the display.
- h) Displays shall be permitted for a period not to exceed eight (8) consecutive days, and shall be immediately removed at the expiration of the time allowed. By execution of the agreement, any organization or person using property of the City of Bangor expressly grants permission to the City of Bangor to remove the display after the expiration of the time allowed and to pay the City of Bangor the cost of such removal.
- i) The use of generators or other similar equipment is prohibited.
- j) Environmental impacts such as those caused by helium balloons shall be minimized. Mylar balloons are prohibited, and no helium balloons shall be released into the air.

3.0 Ceremonial Use of Statues and Monuments

- 3.1 The ceremonial use of statues and monuments are not intended to serve as a forum for free expression by the public, but rather as a non-public forum and an expression of the City of Bangor's official sentiments (government speech).

- 3.2 No flags, signs, clothing, or articles of any kind may be placed upon or hung from any City of Bangor statue or monument.
- 3.3 The use of Bangor monuments or statues to advertise or otherwise call attention to an event or celebration to be held at Bass Park or elsewhere within the City of Bangor shall not be permitted.
- 3.4 Pursuant to the Event Permit Policy, with the appropriate permitting, events may be held in City of Bangor parks containing statues and monuments, providing said statues and monuments are not altered in any way.

4.0 Commemorative or Ceremonial Flags

- 4.1 The flying of commemorative or ceremonial flags are not intended to serve as a forum for free expression by the public, but rather as a non-public forum and an expression of the City of Bangor's official sentiments (government speech).
 - 4.1.1 Definition: commemorative flag means a flag that honors or celebrates an event, group, or cause.
 - 4.1.2 Definition: ceremonial flag means a flag associated with a special observance, public ceremony or other similar event.
- 4.2 Flags flown on City flagpoles constitute an expression of the City's official sentiments. Flag displays throughout the City have traditionally consisted of some or all of the following flags: The United States flag, the flag of the State of Maine, the City of Bangor flag, and the Canadian flag. It is the policy of the City Council that this traditional display should remain, except in rare circumstances in which the City wishes to honor and show support for a different governmental entity, or express its support for an event or holiday associated with such other governmental entity.
 - 4.2.1 The only flags which can be a part of the traditional display are those of legally recognized and currently existing governments. Commemorative or ceremonial flags shall not be part of the traditional display on the front of City Hall. However, at the Council's request, they may be flown on free-standing poles not associated with a traditional display.
- 4.3 Requests for a commemorative or ceremonial flag may be made by a City Councilor in accordance with section 4.4. Outside requests from individuals or organizations will not be entertained.
- 4.4 Ceremonial or commemorative flags must be approved by the City Council by adoption of an order prior to the display, and shall be displayed for a period of time not to exceed thirty (30) continuous days within one (1) calendar year.
- 4.5 All ceremonial and commemorative flags shall be no larger than three feet by five feet and no smaller than two feet by four feet.
- 4.6 The following are not allowed as commemorative or ceremonial flags and will not be considered for display:

- Flags of a particular religious movement or creed, to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
- Flags of a political party, to avoid the appearance of City government endorsing a political party; and
- Flags advocating a certain outcome in an election.

5.0 Honorary Street Name Designation

- 5.1 The designation of honorary street names is not intended to serve as a forum for free expression by the public, but rather as a non-public forum and an expression of the City of Bangor's official sentiments (government speech).
- 5.2 Requests for an honorary street name may be made by a City Councilor and voted on during a regularly scheduled Council meeting prior to posting of the sign. Outside requests from individuals or organizations will not be entertained.
- 5.3 A designated naming after an individual who has served as a City official or City employee shall occur only after the person has separated from City service.
- 5.4 Honorary street name designations must be approved by the City Council by adoption of an order prior to posting and shall remain in place no longer than 30 days from the day of installation.
- 5.4.1 All honorary street signs will be of a standard size and shape. The City Manager or designee shall approve the final design of all signs, and installation shall be conducted by the Public Works Department.
- 5.4.2 The City has final authority to determine what, if any, location is deemed acceptable for an honorary street name sign. All approved honorary street name signage shall be placed above an existing street sign in such a way as not to impede motorists' ability to read the street sign.
- 5.4.3 The proposed honorary street name shall not duplicate any existing street name, nor shall it be similar either phonetically or in spelling to any other honorary or actual street name.

6.0 Alteration of City Logo or Seal

- 6.1 The alteration of the City logo or seal is not intended to serve as a forum for free expression by the public, but rather as a non-public forum and an expression of the City of Bangor's official sentiments (government speech).
- 6.2 The City Council retains the right to create variations of the City seal and City logo and to adopt and establish other official seals and logos. Such variations may include, but are not limited to, centennial seals or other seals that mark anniversaries, events, and any other event the City Council wishes to commemorate.

- 6.3 Alteration of the City logo or seal can be made at the request of the City Council only and must be voted by adoption of an order at a City Council meeting. Outside requests from individuals or organizations will not be entertained.
- 6.4 Should the City Council alter the City logo or seal, any such alteration will remain in place for the period of commemoration but no longer than 30 days.

7.0 Illumination of City Hall

- 7.1 The illumination of City Hall is not intended to serve as a forum for free expression by the public, but rather as a non-public forum and an expression of the City of Bangor's official sentiments (government speech).
- 7.2 The illumination of City Hall is reserved for the celebration of international, national, and community events and causes as recognized or proclaimed by the City of Bangor.
- 7.3 Illumination will not be considered for commercial entities, personal occasions, or religious observances.
- 7.4 Illumination for a given purpose may occur for a maximum of 30 days in a calendar year at the request of a City Councilor and approved by an order during a City Council meeting in accordance with this policy. Any decision to extend the illumination beyond 30 days lies solely with the City Council. Outside requests from individuals or organizations will not be entertained.
- 7.5 The City of Bangor may override any existing and confirmed illuminations in support of citywide, statewide, national, or world emergency observances.

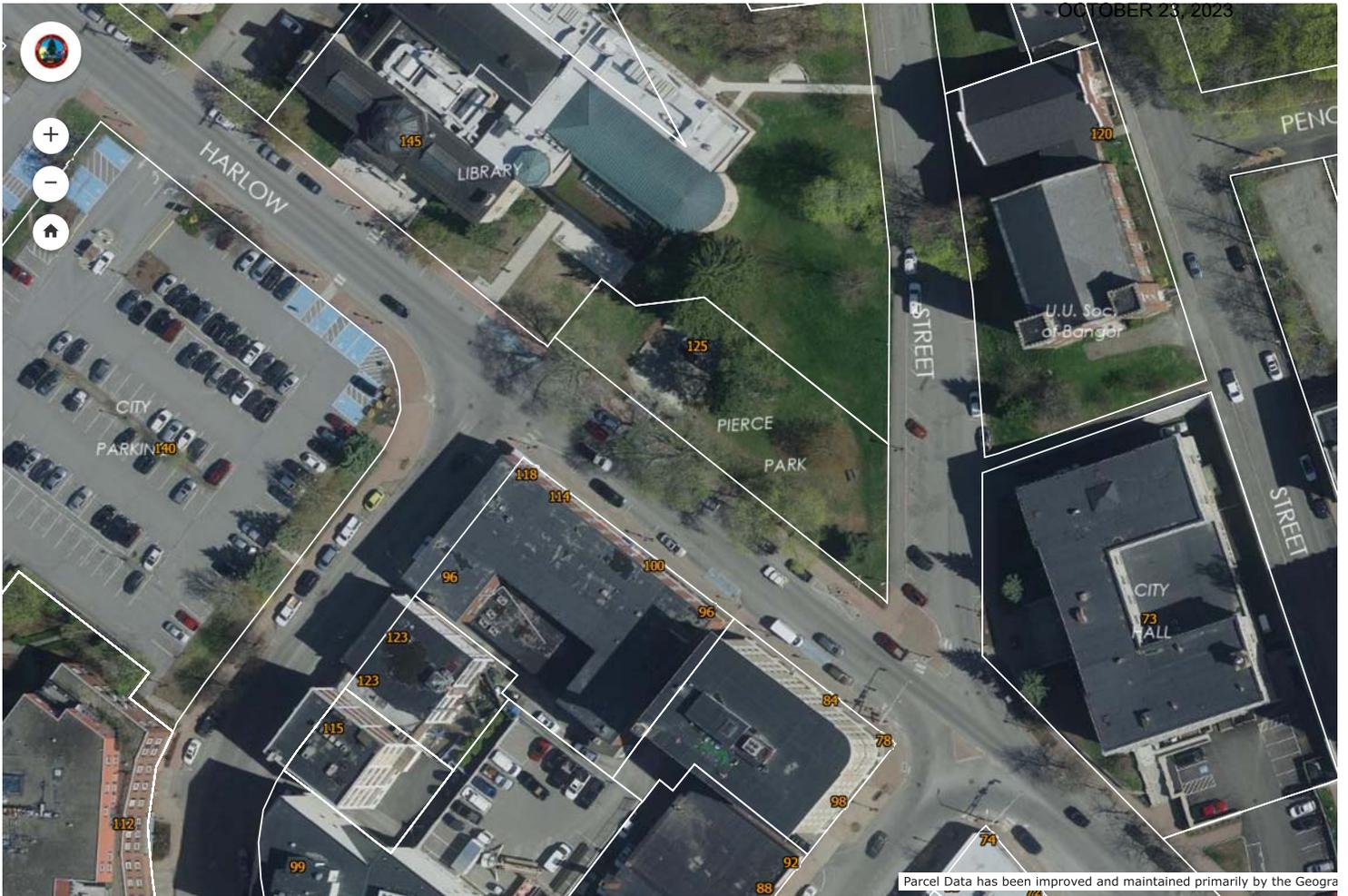
8.0 Banners

- 8.1 The designation of banners on poles is not intended to serve as a forum for free expression by the public, but rather as a non-public forum and an expression of the City of Bangor's official sentiments (government speech).
- 8.2 For the purpose of this policy, a banner is defined as a strip of cloth bearing a design or slogan hung on a pole with four points secured.
- 8.3 Requests for a banner may be made by a City Councilor and approved by the City Council by adoption of an order prior to posting. Outside requests from individuals or organizations will not be entertained.
- 8.4 Banners shall remain in place no longer than 30 days from the day of installation, with the exception of holiday banners placed annually in downtown between November and January each year.
 - 8.4.1 All banners will be of the same size and shape. The City Manager or designee shall approve the final design of all banners, and installation shall be conducted by the Public Works Department.
 - 8.4.2 The City has final authority to determine what, if any, location is deemed acceptable.

9.0 LIABILITY AND INDEMNIFICATION

- 9.1 Organizations or persons using City of Bangor property for displays shall be responsible for returning the areas used to their condition prior to any display being made and shall be responsible for the cost and repair for any vandalism, damage, breakage, loss, or other destruction caused by their activities.
- 9.2 Organizations or persons using City of Bangor property for displays shall execute a release releasing the City of Bangor, its officers, agents, and employees from any and all damages, claims, or other liabilities due to personal injury or death, or damage to or loss of property to others arising out of their use of property of the City of Bangor for a display, except to the extent of the sole negligence of the City of Bangor, as a condition of permitting.

This policy supersedes previously approved Holiday Display policy (Order 18-382) and Monuments & Statues policy (Order 97-372).





REFERRALS TO
COMMITTEES
& FIRST READING



CITY COUNCIL ACTION

10/23/2023 23-329

Council Meeting Date: 10/23/2023

Item No: 23-329

Responsible Dept: Health & Community Services

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Authorizing the City Manager to Accept and Appropriate \$526,876 in Grant Funding from the Maine Center for Disease Control to Support Public Health Infrastructure

Summary

This Resolve will authorize the City Manager to accept and appropriate \$526,876 from the Maine Center for Disease control through the Public Health Infrastructure grant. Bangor Public Health and Community Services held a Public Health Infrastructure grant with the Maine CDC that ended on September 30, 2023. The funds appropriated under this contract will allow for the continuation of that work for the of October 1, 2023 through September 30, 2027.

These funds will be used to increase the capacity of Bangor Public Health and Community Services, specifically to "expand, train, and sustain response-ready public health work force," and will also support Bangor Public Health and Community Services' efforts towards becoming nationally accredited by the Public Health Accreditation Board.

Committee Action

Committee: Government Operations Committee

Meeting Date: 10/16/2023

Action: Recommend for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

10/23/2023 23-329

Date: 10/23/2023

Item No: 23-329

Assigned to Councilor: Pelletier

Authorizing the City Manager to Accept and Appropriate \$526,876 in Grant Funding from the Maine Center for Disease Control to Support Public Health Infrastructure

Be it Resolved by the City Council of the City of Bangor that, the City Manager is authorized to accept and appropriate \$526,876 from the Maine Department of Health and Human Services to implement a public health infrastructure grant.



CITY COUNCIL ACTION

10/23/2023 23-330

Council Meeting Date: 10/23/2023

Item No: 23-330

Responsible Dept: Health & Community Services

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Authorizing the City Manager to Accept and Appropriate \$5,968,828 in Funding from the Maine Department of Health and Human Services for the Women, Infants, and Children Program

Summary

This Resolve will accept and appropriate a total of \$5,968,828 in grant funds for the Women, Infants, and Children (WIC) Program for a coverage period of October 1, 2023 through September 30, 2025.

Public Health and Community Services, WIC Nutrition Program currently services a monthly average of 2,600 participants and has been operating the program since 1974. The proposed agreement provides \$5,842,275 for WIC services; \$81,065 for Breastfeeding Peer Counseling services; and \$45,488 for Farmers' Market Nutrition Program services.

Committee Action

Committee: Government Operations Committee

Meeting Date: 10/16/2023

Action: Recommend for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

10/23/2023 23-330

Date: 10/23/2023

Item No: 23-330

Assigned to Councilor: Hawes

Authorizing the City Manager to Accept and Appropriate \$5,968,828 in Funding from the Maine Department of Health and Human Services for the Women, Infants, and Children Program

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

The City Manager is hereby authorized to accept and appropriate \$5,968,828 from the Maine Department of Health and Human Services to administer the WIC Nutrition Program during the period of October 1, 2023 through September 30, 2025.



UNFINISHED
BUSINESS



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~~.



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 18, 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 17, 2023
Amending the Land Development Code by creating regulations and allowances for Emergency Shelters

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 17, 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 Don Meagher, Trish Hayes, Jonathan Boucher, and Ken Huhn.

Planning Analyst Collette presented the changes and explained the background on this proposal.

From the staff memo:

- A. 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. Primarily, any parcel where a shelter is proposed would need to be at least 100 feet from a parcel in a residential zone and there would need to be on-site support services, a management plan, and a plan for transportation for residents. Additionally, the clarification of the definition seeks to differentiate this type of shelter from temporary shelters designated during a declared local emergency, such as during a natural disaster.
- B. At present, emergency shelters are defined but are not allowed in any zone in the City. However, there are existing shelters in the City (operating as legally non-conforming uses), 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.

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 10.17.23
Land Development Code – Emergency Shelters

- C. 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”.

A member of the public, Dianna Young, asked if shelters would be required to have trash pickup and mentioned issues related to trash observed in existing locations. Planning Analyst Collette confirmed that trash pick-up would be provided for these locations and noted that any issues related to trash on the property would be a Code violation that could be reported.

Member Boucher made a motion to recommend to the City Council that the proposed amendments ought to pass. Member Huhn seconded the motion. The motion passed 6:0 with all members voting to approve.

Anja Collette



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~~.



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 18, 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 17, 2023
Amending the Code of the City of Bangor by creating regulations and allowances for Short-Term Rentals

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 17, 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 Don Meagher, Trish Hayes, Jonathan Boucher, and Ken Huhn.

Development Director Krieg presented a PowerPoint describing the background on this proposal and summarizing the proposed language.

From the staff memo:

- A. This code change was part of the recommendations from the 2019 Affordable Housing Work Group. The recommendation was for the city to create a policy for this use. Additionally, the 2022 Comprehensive Plan suggests that the City regulate short-term rentals. Staff has been working on this code along with other planning efforts on and off over the least 3 and a half years.
- B. The overall guidance from this policy is to recognize that short term rentals in Bangor serve multiple functions that include the traveling public for visitation and tourism, but also for temporary employment in the medical and construction industry. These are important elements which support our economy. It is also recognized that there are concerns with the use in terms of displacement of housing units, erosion of neighborhood connections and in some cases, public safety. These concerns need address because we are seeking to create more housing units, our neighborhoods are a huge draw for people that want to live and work in Bangor, and we look to prevent situations where public safety is at risk.

In listening to the public, the Board and the Business & Economic Development Committee, staff worked to create a policy that seeks to provide balance.

- C. Many people that rent to traveling workers often are renting a room. This use, called hosted rentals, will remain allowed without a cap under this change. Registration and an inspection would be required. We heard from people 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.
- D. Tourists often travel in groups when they are seeking vacation rental homes and thus prefer a whole house rental. We want to encourage tourism and we want to show off our great neighborhoods, but not without more protections. For those whole house rentals where the owner is not on the premises, called non-hosted, there will be a cap on the permits. The cap is proposed to be 1% of the number of dwelling units overall in Bangor as set by the assessing data. This means the first year will be about 153 permits.
- E. In terms of displacement of units, a cap of 50% of an apartment building can be used for short term rentals.
- F. Registration and inspection ensures that there is a local manager to contact if there are issues with the rental and the inspection ensures basic life safety measures have been met. This addresses public safety issues.
- G. Specifically, 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, there is no set of regulations or allowances for short-term rentals in the City. It is not considered a customary use of a dwelling.
- H. The difference between short-term rentals and long-term rentals is that long-term rentals are considered a customary use of a dwelling and are residential in nature. Therefore, it is not necessary to define long-term rental as this use is allowed in any type of residence allowed by the zoning. Many issues that are often heard in reference to long-term rentals could also occur with owner-occupied housing. Short-term rentals are considered commercial in nature and are therefore not considered a customary use of a dwelling, hence the need to create special regulations for them when used in residential buildings. However, it should be noted that staff are currently working on a rental registry program for long-term rentals to ensure that they meet life safety requirements.

- I. For an additional point of clarification, the primary difference between short-term-rentals, as defined in the proposed ordinance, and bed-and-breakfasts, hotels, motels, and inns is that the latter uses require a license from the State to operate. Conversely, short-term rentals do not require licensing from the state. Additionally, bed-and-breakfasts in particular usually have some type of on-site owner or operator, similar to hosted short-term rentals, which are proposed to be licensed, but not capped in the proposed language.

Board members asked staff clarifying questions on the proposal, including questions about what qualifies as a hosted rental, how the apartment building cap would function, how LLCs are accounted for, and how the City-wide cap of 1% was decided upon.

Many members of the public commented in opposition to the ordinance due to concerns about the effect on housing supply, particularly affordable housing; concerns about the effects on neighborhoods from the transient nature of the use and issues experienced with trespassing, littering, and parties with guests in existing short-term rentals; concerns about lack of parking; concerns about illegal activity and the lack of knowledge of the people using potential rentals; and concerns about rentals being concentrated in one part of the City.

Some members of the public commented in support of the language, some of whom are existing short-term rental hosts. Points articulated included that the income brought in from their rentals allows them to make ends meet, that many of the guests are visiting family or work at the hospital, and that some of the issues described by others, such as lack of parking, have been seen in their neighborhoods with single-family homes. Several people pointed out the economic development impact of short-term rentals.

There were a few questions about the cost to the City for enforcing the policy and the proposed fee structure. Development Director Krieg explained that the proposed licensing fees are intended to cover all of the costs involved with monitoring, inspection, and other administrative work to enforce the policy, and that the fees may be increased later on if it's found that they do not cover all of the costs.

Member Meagher stated that he would be voting ought to pass with the confidence that licensing, registration, and inspection of long-term rentals would be coming forthwith. Stated that the primary concern of the City is public safety and the safety of long-term renters is equally as important as short-term renters.

Member Boucher stated his approval of the cap on non-hosted rentals and his opinion that 1% (of all dwelling units) is a clear threshold and provides room for growth. He stated his feeling that getting

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 10.17.23
Land Development Code – Short-Term Rentals

something in place now is a good beginning point for discussion and stated the need for stability and clear rules in place now. He stated that he is overall positive on the language, but it will be a work in progress.

Vice Chair Brush expressed his opinion that this is a phenomenon that is already happening and that it's necessary to regulate it and have City control on it. He felt that this proposal is a very good start.

Member Hayes stated that she was on the fence. She felt better about the cap on the non-hosted rentals but had experience with issues living next to a rental without supervision. She also felt better about hosted rentals and felt that it is a good start and that the City can broaden the regulations as needed. She also felt good about the safety regulations given that there's revolving clientele through the homes.

Member Huhn agreed with Members Boucher and Meagher that short-term rentals are already happening and there could be all kinds of dangerous things occurring with them. He stated that he is favorable to regulations on these rentals for safety reasons and to get a handle on what's currently happening.

Chair Perkins stated that he has had favorable experiences with using short-term rentals. Bangor has a lot of old housing stock and he also has an old home. He stated that he may need to do a short-term rental to be able to stay in his home in the future. He expressed that he leans towards being in favor of the proposal.

Member Boucher asked other members about the possibility of doing a 0.5% or 0.75% cap rather than a 1% cap. Member Meagher felt that 1% of the dwelling units is as low as one can get without prohibiting it; felt that 1% is inconsequential. Member Huhn expressed his feeling that 1% is a good start.

Member Huhn made a motion to recommend to the City Council that the proposed amendments ought to pass. Vice Chair Brush seconded the motion. A roll-call vote was conducted with members voting as follows:

Vice Chair Brush - Yes

Member Meagher - Yes

Member Huhn - Yes

Member Hayes - Yes (prior to voting, asked if the policy would be evaluated every year; Krieg confirmed)

Member Boucher - Yes

Chair Perkins - Yes

The motion passed 6:0 with all members voting to approve.



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;

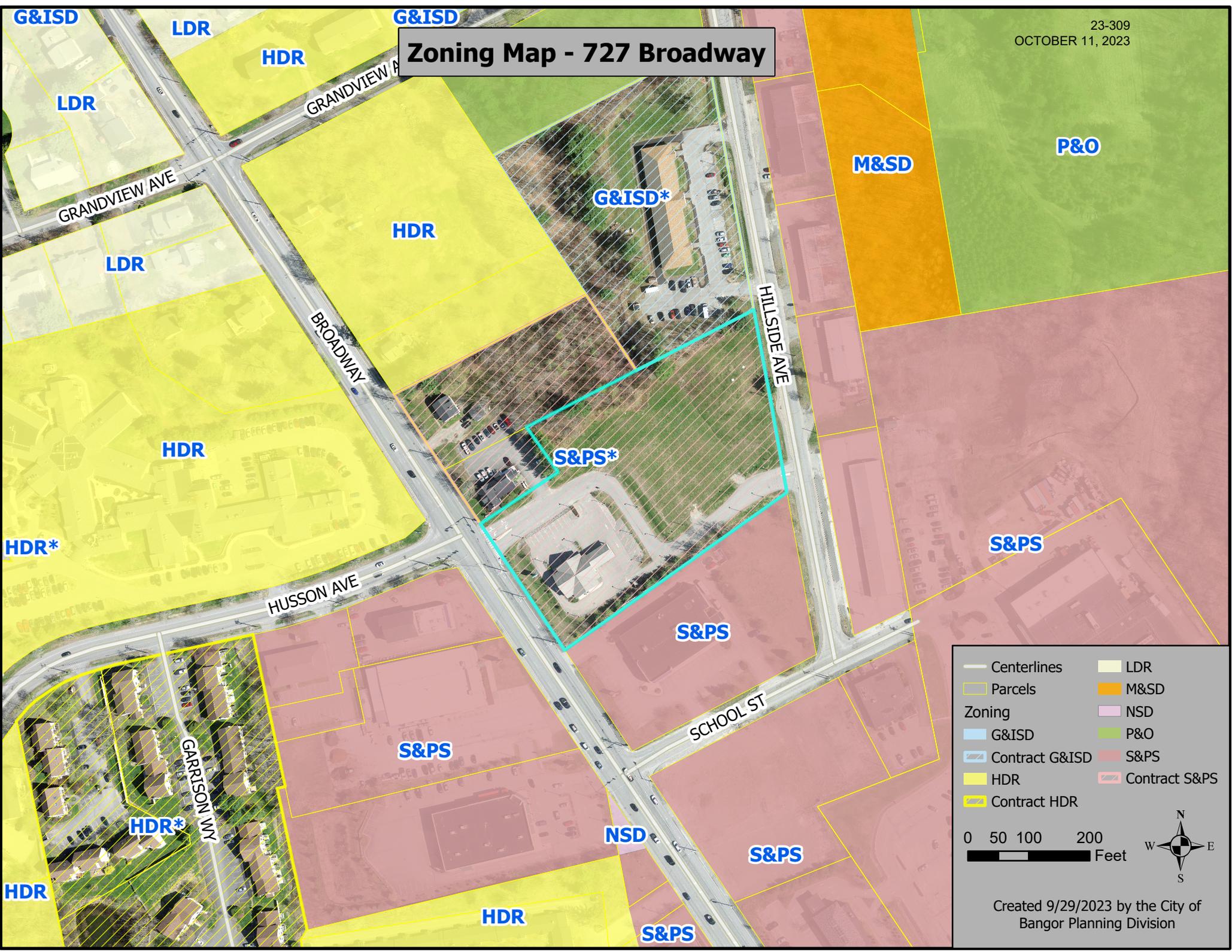
WHEREAS, removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone;

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.

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



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 18, 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 17, 2023
Zone Change – Map-Lot R41-020 – 727 Broadway - Contract Shopping & Personal Service District (S&PS) to Shopping & Personal Service District (S&PS) Without Contract Overlay

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 17, 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 Don Meagher, Trish Hayes, Jonathan Boucher, and Ken Huhn.

Fred Marshall presented the application. Stated that there would be no difference between this application and that for 743/759 Broadway except that there is a rather sizeable piece of land behind the existing bank that the owners would like to develop; this zone change would provide flexibility for that.

From the staff memo:

- A. 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. This property is adjacent to the ones considered in the zone change above in Item 1; however, the ownership is different for the two locations, hence the two separate applications.
- B. The contract conditions for the property are the same as those listed in Item 1 above. As with the zone change above, removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone.

- C. This property is located closer to the Broadway shopping center area; therefore, 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”.

There were no comments from staff or from the public.

Vice Chair Brush made a motion to recommend to the City Council that the proposed zone change ought to pass. Member Boucher seconded the motion. The motion passed 6:0 with all members voting to approve.

Anja Collette



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

ASTOR PL

GRANDVIEW AVE

GRANDVIEW AVE

G&ISD*

HDR

LDR

HILLSIDE AVE

HDR

BROADWAY

S&PS*

HDR*

S&PS

HUSSON AVE

S&PS

S&PS*

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



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 18, 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 17, 2023
Zone Change – Map-Lots R41-019-B and R41-018 – 743 & 759 Broadway –
Contract Shopping & Personal Service District (S&PS) to Shopping & Personal
Service District (S&PS) Without Contract Overlay

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 17, 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 Don Meagher, Trish Hayes, Jonathan Boucher, and Ken Huhn.

Member Huhn stated that the applicants were his dentists and asked if other Board members felt that this was a conflict. City Solicitor Szewczyk advised that the members could discuss whether they felt it was a conflict. All members except for Member Huhn voted to allow Huhn to remain as a voting member on this item.

Fred Marshall presented the application and described the history of the site and the contract zoning of the area.

From the staff memo:

- A. The applicant is seeking a zone change for the properties 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.
- B. The contract conditions for these two properties reduce the maximum impervious surface ratio and floor area ratio; limit curb cuts onto Broadway; prohibit straight-through access from Broadway to Hillside Avenue; prohibit retail fuel storage or garage facilities, motor vehicle servicing, wholesale storage or warehousing, outdoor display or storage of goods

taking up more than 1% of the gross floor area of the building, and enclosed recreation or entertainment facilities; require a C-type vegetative buffer along the Broadway frontage and the northern property line; and require additional landscaping and setbacks for parking lots on the site. The full contract language is included in your packets. Removal of these conditions would allow for future development on the site to follow the standard development requirements of the S&PS zone.

- C. 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”.

There were no comments from staff or from the public.

Member Boucher asked if this change aligned with the Comprehensive Plan. Development Director Krieg stated that the site is within the growth boundary.

Member Huhn made a motion to recommend to the City Council that the proposed zone change ought to pass. Member Meagher seconded the motion. The motion passed 6:0 with all members voting to approve.

Anja Collette



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;

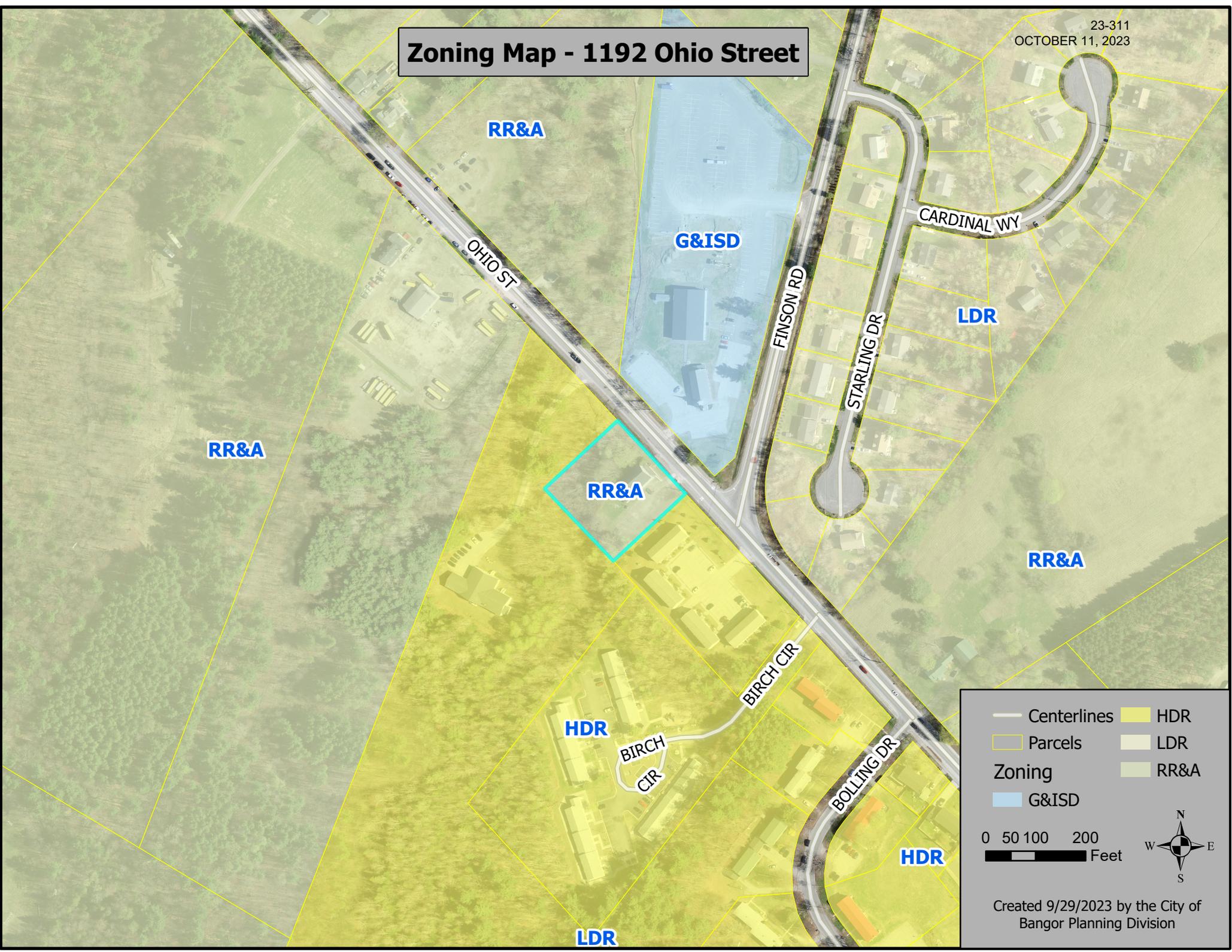
WHEREAS, the 2022 Comprehensive Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

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

RR&A

G&ISD

LDR

RR&A

HDR

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



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 18, 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 17, 2023
Zone Change – Map-Lot R23-001 – 1192 Ohio Street – Rural Residence & Agricultural District (RR&A) to Neighborhood Service District (NSD)

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 17, 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 Don Meagher, Trish Hayes, Jonathan Boucher, and Ken Huhn.

The applicant was not present to describe the application.

From the staff memo:

- A. 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).
- B. 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. Therefore, this zone is often not located contiguous to other NSD parcels, but located in scattered “pockets” within residential areas.
- C. 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

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 10.17.23
1192 Ohio Street – Map-Lot R23-001

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”.

A member of the Grange presented to the podium and explained that the purpose of the change is to allow the Grange to put in a small antique store to help make money for the organization so that they can stay afloat financially.

There were no other public comments.

Vice Chair Brush made a motion to recommend to the City Council that the proposed zone change ought to pass. Member Meagher seconded the motion. The motion passed 6:0 with all members voting to approve.

Anja Collette



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;

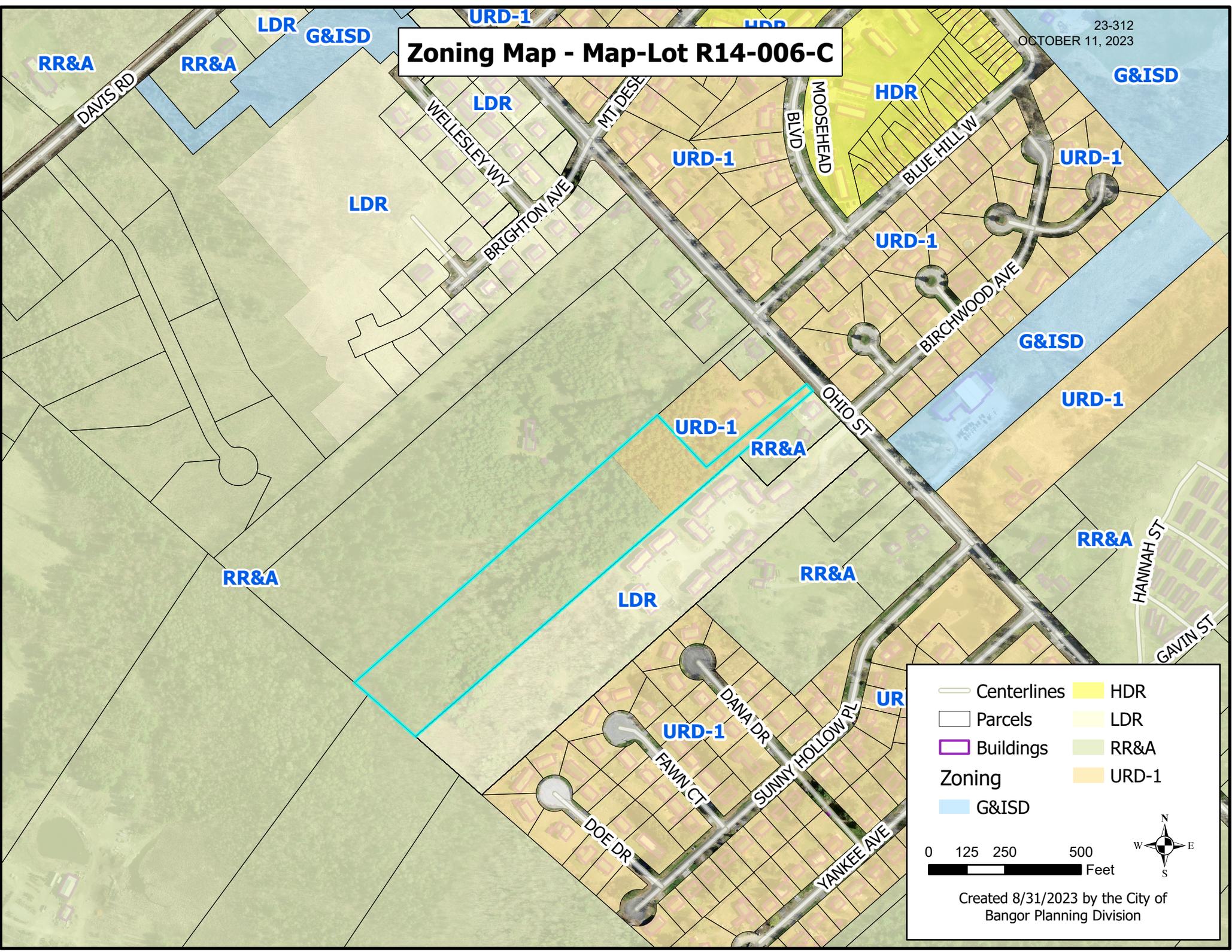
WHEREAS, the 2022 Comprehensive Plan shows this area as consisting of "medium-density residential development with limited commercial and institutional uses that are complementary to the surrounding residential land uses";

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



Centerlines
Parcels
Buildings
Zoning
G&ISD

HDR
LDR
RR&A
URD-1

0 125 250 500 Feet

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



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 18, 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 17, 2023
Zone Change – Map-Lot R14-006-C – Ohio Street – Urban Residence 1 District (URD-1) and Rural Residence and Agricultural District (RR&A) to Low-Density Residential (LDR)

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 17, 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 Don Meagher, Trish Hayes, Jonathan Boucher, and Ken Huhn.

The applicant was not present to describe the application. Chair Perkins asked other Board members if they wished to evaluate the application or table it for another meeting. Member Huhn suggested moving through the process to hear the neighbor's comments and then evaluate tabling it. Board members did not express any objection to this proposal.

From the staff memo:

- A. 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 applicant originally submitted an application to change the property to HDR, which was heard at the September 19th Planning Board meeting. As this change did not pass, the applicant is returning with a new application to change the property to LDR.
- B. 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.

- C. 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”.

Development Director Krieg noted that the Board previously reviewed and recommended that the change to High-Density Residential for this property ought not to pass and therefore, the applicant has returned with a change to Low-Density Residential as a way to do something more in keeping with the surrounding development.

There were no public comments.

Member Perkins stated that he felt comfortable moving forward since the Board received a lot of information last time. Member Meagher expressed agreement.

Member Huhn made a motion to recommend to the City Council that the proposed zone change ought to pass. Vice Chair Brush seconded the motion. The motion passed 6:0 with all members voting to approve.

Anja Collette



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.



NEW BUSINESS



CITY COUNCIL ACTION

10/23/2023 23-331

Council Meeting Date: 10/23/2023

Item No: 23-331

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Ratifying the City Manager's Appointment of Jose Saavedra as Airport Director

Summary

This Resolve will ratify the execution of an employment agreement with Jose Saavedra to serve as the City of Bangor's Airport Director. Jose received his Bachelor's degree in Business Administration, majoring in Airport Management from the University of North Dakota, his Masters Degree from Western Carolina University, in Innovation Leadership and Entrepreneurship. He has worked in a number of capacities across the airport industry including; internships at Chicago Rockford International Airport, Gerald R Ford International Airport, worked as a Transportation Security Officer at Grand Forks International Airport, Senior Airport Operations Agent at Midland International Air & Space Port, Operations Officer at Raleigh-Durham International Airport and he has served as the Director of Industry Programs at the American Association of Airport Executives for the last two years. Jose's extensive and varied Airport Management background will be a great fit to lead our operation at BGR.

The proposed employment contract will authorize a starting salary of \$120,203. The term of this agreement is two (2) years and shall be automatically extended on an annual basis unless either party provides notice sixty (60) days prior to the expiration.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR RESOLVE

10/23/2023 23-331

Date: 10/23/2023

Item No: 23-331

Assigned to Councilor: Yacoubagha

Ratifying the City Manager's Appointment of Jose Saavedra as Airport Director

Whereas, the City of Bangor has a vacancy in the position of Airport Director, and

Whereas, Jose Saavedra has the requirements for the position;

Be it Resolved by the City Council of the City of Bangor that, the employment contract for Jose Saavedra is hereby ratified.

EMPLOYMENT CONTRACT

THIS Agreement, made and entered into this _____ day of _____ 2023, by and between the CITY OF BANGOR (Penobscot County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "Employer", and Jose Saavedra, of _____, _____, hereinafter sometimes referred to as " Employee."

WITNESSETH:

WHEREAS, the City of Bangor desires to employ the services of said Jose Saavedra as Airport Director of the City of Bangor; and

WHEREAS, the parties have reached agreement as to the benefits, conditions of employment, and working conditions of said Employee;

NOW, THEREFORE, in consideration of the mutual covenants therein contained, the parties agree as follows:

Section 1. Duties

Employer thereby agrees to employ Jose Saavedra said to perform the functions and duties of Airport Director of the City of Bangor as specified under the Charter and the Ordinances of the City of Bangor, the laws of the State of Maine, and applicable federal laws, and to perform such other duties and functions as the City Manager shall from time to time assign. Subject to the provisions contained therein, Employee shall serve at the pleasure of the City Manager.

Section 2. Term

- A. Subject to the provisions of Section 6 of this Agreement, Employee agrees to remain in the exclusive employ of the Employer until October 31, 2025 and neither to accept other employment nor to become employed by any other employer so long as this Agreement shall be in effect.
- B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from their position with Employer, upon sixty (60) days' notice to Employer, subject only to the provisions set forth in Section 3 of this Agreement.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Manager to immediately terminate the services of Employee at any time, subject only to the provisions set forth in Section 3 of this Agreement.
- D. In the event written notice is not given by either party to this Agreement to the other thirty (30) days prior to _____, this Agreement shall be extended on the same terms and conditions providing for an additional term of one (1) year. Said Agreement shall continue for successive one (1) year periods unless either party thereto gives thirty (30) days' written notice to the other party that the party does not wish to extend this Agreement for an additional one (1) year term.

Section 3. Termination and Severance Pay

In the event Employee is terminated by the City during, or at the expiration of the aforesaid term of employment, or during any extension thereof, and during such time that Employee is willing and able to perform their duties under this Agreement, then in that event Employer agrees to pay Employee a lump sum cash payment equal to three (3) months' aggregate salary. Employee shall vacate their position with Employer immediately upon notice of termination, provided that the Employee and Employer may negotiate an alternate date that Employee vacates their position with Employer. In the event Employee is terminated because of willful misconduct or intentional wrongdoing related to their employment with Employer, or because of their conviction of any illegal act involving personal gain to him, then Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph or to continue Employer provided benefits, except to the extent that such benefits are required by law or the Personnel Rules and Regulations of the City of Bangor.

Section 4. Salary

- A. Employer agrees to pay Employee for their services rendered pursuant to the Executive pay schedule (Executive Pay Grade 2, Step 6) of the City of Bangor with an initial annual base salary of one hundred and twenty thousand and two hundred and three dollars (\$120,203), payable in installments at the same time as other employees of the Employer are paid.
- B. Employer agrees to handle future salary increases beyond that outlined in A above in the same fashion as salary increases are handled for other Executive Level Employees.

Section 5. Performance Evaluation

- A. On an annual basis, the City Manager and Employee shall define such goals and performance objectives which they deem necessary for the proper operation of City Departments and shall reduce said goals and objectives to writing. They shall generally be attainable within the time limitations specified and the annual operating and capital budgets and appropriations provided.
- B. The City Manager shall review and evaluate the performance of the Employee annually on or about the Employee's date of hire as Airport Director with the City. Said review and evaluation shall be in accordance with the goals and performance objectives jointly developed by the City Manager and Employee and the normal standards used to evaluate the performance of other City employees which are applicable to Employee's position. A work plan for the first year may be developed outlining the above referenced goals and objectives.
- C. In effecting the provisions of this Section, the City Manager and Employee mutually agree to abide by the provisions of applicable law.
- D. Employee agrees and understands that the term of their employment as Airport Director shall be subject to the City's Personnel Rules and Regulations as they currently exist and as they may be modified from time to time except where provisions of this Agreement modify or supersede the Personnel Rules and Regulations.

Section 6. Outside Activities

Employee shall not participate in any non-Employer connected business or employment without prior notification to and the approval of the City Manager.

Section 7. Fringe Benefits

- A. Employer agrees to allow the employee to accumulate three (3) weeks of vacation upon hire. The employee will receive one (1) week of their annual leave bank immediately upon hire.
- B. Employer agrees to pay or reimburse for professional development, education, and training expenses that are related in scope of position, to the extent that such costs are budgeted and approved by the Employer's governing body.
- C. Employer agrees to provide Employee with all categories of fringe benefits in the same amounts and coverages as are provided from time to time by employer to other employees of the City of Bangor at the Executive Level.
- D. Employer agrees to pay up to five thousand dollars (\$5,000) in relocation assistance to move from their current residence to the State of Maine.

Section 8. Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claims or demand or other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the performance of Employee's duties as City Solicitor. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 9. Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 10. Other Terms and Conditions of Employment

The City Manager, in consultation with the Employee, shall fix any such other terms and conditions of employment, as may be determined from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter or any other law.

Section 11. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

Employer: City of Bangor
73 Harlow Street Bangor, Maine 04401
Attn: City Manager

Employee: Jose Saavedra
5101 8th Road South #102
Arlington, NA 22204

Alternately, notices required pursuant to this Agreement may be personally served in the same manner as is prescribed for personal service of process under the Maine Rules of Civil Procedure. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 12. General Provisions

- A. The text therein shall constitute the entire Agreement between the parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.
- C. This Agreement shall become effective commencing or when Employee assumes the position as Airport Director, whichever shall occur first.
- D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WTHEIREOF, The City of Bangor has caused this Agreement to be signed and executed in its behalf by its City Manager, and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

CITY OF BANGOR

Deborah Laurie
City Manager

Jose Saavedra

ATTEST:

City Clerk (Seal)

APPROVED AS TO FORM:

City Solicitor



CITY OF BANGOR ORDER

10/23/2023 23-332

Date: 10/23/2023

Item No: 23-332

Assigned to Councilor: Pelletier

Authorizing the Award of \$694,700 in State and Local Fiscal Recovery Funds to Health Equity Alliance to Fund Start Up Costs Associated with a Resource Center and Outreach Efforts to Serve Houseless or Unstably Housed Individuals with an Emphasis on Downtown

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 Health Equity Alliance (HEAL) to create a resource center and expand outreach work ranked highly in the initial citizen panel review process; and

WHEREAS, the project proposed by HEAL would provide a necessary resource to address the needs of individuals within our downtown; and

WHEREAS, HEAL revised their proposal to locate the resource center outside of the downtown based on community feedback and is committed to working collaboratively with other outreach efforts; and

WHEREAS, HEAL will utilize the 340b program as a means to sustain this project beyond the one-year start up funding being provided with this award; and

WHEREAS, the City Council determined that this request supports disproportionately impacted community members, enhances access to substance use treatment and recovery as well as mental health services, and improves public health;

Now, Therefore, Be it Ordered by the City Council of the City of Bangor that, \$694,700 in State and Local Fiscal Recovery Funds is awarded to Health Equity Alliance to fund the first year start up costs associated with the establishment of a resource center and outreach efforts to service houseless or unstably housed individuals with an emphasis on downtown.



CITY COUNCIL ACTION

10/23/2023 23-333

Council Meeting Date: 10/23/2023

Item No: 23-333

Responsible Dept: City Manager

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the Award of \$441,540 in State and Local Fiscal Recovery Funds to Wellspring to Fund Capital Costs Associated with a New and Expanded Facility

Summary

This Order will authorize the award of \$441,540 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Wellspring to fund additional exterior work at a new facility. On July 18th, the City Councilors recommended to award funding to Wellspring for capital costs associated with a new facility that would add 2-4 medically supervised withdrawal beds and up to 14 stabilization beds, which can provide up to 45 days of treatment and care post "detox" or while awaiting admission for a higher level of care. The initial recommendation was subject to a final determination from the State of Maine on the status of a state funding application.

Wellspring recently received notice that the State of Maine Office of Behavioral Health has agreed to fund the proposed renovations included in the original submission to the City. With the availability of State funding, Wellspring reviewed the site and requested that the City Council consider allowing an amendment to their initial application. The amended request to fund work that would not be eligible for funding through the State of Maine award includes outdoor space with fencing, upgrades for accessibility (i.e. doors, steps), air conditioning, signage, and exterior lighting.

The intent is to ensure a new facility is one that conveys a sense of welcome and respect for the people being served. Not only is it important to ensure that the interior space communicates a safe, welcoming and professional impression, but so too it is important that the exterior communicate these values. The premise being that people need to get outside as part of their overall treatment plan, which is so important for addressing the mental health side of addiction. The facility is helping people prepare for their life in recovery. A healthy life in recovery includes physical exercise and time for spiritual reflection.

This award is in support of the following:

- Investment in facilities to support disproportionately impacted communities
- Investment in access to substance use disorder treatment and recovery and mental health services
- Investment in public health measures

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date: 10/11/2023
For: 5 Against: 2

Staff Comments & Approvals


City Manager


City Solicitor


Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

10/23/2023 23-333

Date: 10/23/2023

Item No: 23-333

Assigned to Councilor: Leonard

Authorizing the Award of \$441,540 in State and Local Fiscal Recovery Funds to Wellspring to Fund Capital Costs Associated with a New and Expanded Facility

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 Wellspring to expand treatment and stabilization beds ranked highly in the initial citizen panel review process; and

WHEREAS, the City Council recommended funding for the original project submitted subject to a final determination as to any funds that would be awarded by the State of Maine; and

WHEREAS, the State of Maine funded 100% of the work requested by Wellspring in its original application; and

WHEREAS, Wellspring reviewed the site and requested the City Council to consider allowing an amendment to their original application to fund work that would not be eligible for funding through the State of Maine award including outdoor space with fencing, upgrades for accessibility (i.e. doors, steps), air conditioning, signage, and exterior lighting; and

WHEREAS, the City Council determined that this request supports disproportionately impacted community members, enhances access to substance use treatment and recovery as well as mental health services, and improves public health;

Now Therefore Be it Ordered by the City Council of the City of Bangor that, \$441,540 in State and Local Fiscal Recovery Funds is awarded to Wellspring to fund capital costs associated with a new and expanded facility.



CITY COUNCIL ACTION

10/23/2023 23-334

Council Meeting Date: 10/23/2023

Item No: 23-334

Responsible Dept: City Manager

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the Allocation of \$200,000 in State and Local Fiscal Recovery Funds and \$200,000 of Interest Earnings Thereon to Fund the Acquisition of Two Sidewalk Plows

Summary

This Order will authorize the allocation of \$200,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) and \$200,000 of interest earnings thereon to acquire two additional sidewalk plows.

Historically, the City has utilized 5 sidewalk plows to clear over 85 miles of sidewalks. Assuming a true snow event of less than one foot, with little to no ice or sleet activity, this work takes approximately one week to complete. The sidewalk clearing rate is dependent not only on the type of precipitation, but also the obstructions encountered (snow piled on sidewalks or hidden objects in the snow or ice). Last winter was particularly difficult due to mechanical issues and a lack of staffing.

City staff spent the summer months revising the assigned sidewalk routes to better serve the needs of pedestrians in our community, which was reviewed and discussed at the Infrastructure Committee meeting of October 3rd. Our ability to clear sidewalks in a timely manner is impacted by the types of weather systems, staffing levels and equipment issues. While the City has no ability to control the weather systems, at this time the department has adequate staff to operate all five sidewalk plows. To limit the impact of mechanical failures, the Infrastructure Committee indicated support of allocating \$400,000 in ARPA funds to expand the fleet of sidewalk plows. During a City Council workshop on October 11th, the Council indicated their support to allocated ARPA funds to expand the fleet of sidewalk plows, thereby further minimizing the impact to the public due to mechanical failures.

This allocation is eligible for funding within the government services category.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date: 10/11/2023
For: 7 Against: 0

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

10/23/2023 23-334

Date: 10/23/2023

Item No: 23-334

Assigned to Councilor: Sprague

Authorizing the Allocation of \$200,000 in State and Local Fiscal Recovery Funds and \$200,000 of Interest Earnings Thereon to Fund the Acquisition of Two Sidewalk Plows

WHEREAS, the State and Local Fiscal Recovery Funds Act identifies government services as an eligible expenditure category; and

WHEREAS, the City Council has indicated its support in utilizing any interest earnings on the State and Local Fiscal Recovery Funds in a similar manner as the grant funds themselves; and

WHEREAS, being a pedestrian-friendly city supports our neighborhoods, livable community work, community action plans, and the health and well-being of our residents; and

WHEREAS, insuring adequate equipment is available to meet this expectation is in the best interests of the city;

Now, Therefore, Be it Ordered by the City Council of the City of Bangor that, \$200,000 in State and Local Fiscal Recovery Funds and \$200,000 of interest earnings thereon are allocated for the purpose of acquiring two sidewalk plows.



CITY OF BANGOR ORDER

10/23/2023 23-335

Date: 10/23/2023

Item No: 23-335

Assigned to Councilor: Davitt

Establishing Council Chair Selection Process

WHEREAS; Article II, Section 3 of the City of Bangor Charter states, "At the first meeting, or as soon thereafter as possible, the City Council shall elect one of its members as Chair of the council for the ensuing year..."; and

WHEREAS; as the elected body, the City Council has the authority to establish the protocol it wishes to employ when selecting a Council Chair; and

WHEREAS; over the years, many City Councilors have expressed a desire to have a more open and transparent process as it relates to the selection of the Council Chair;

NOW THEREFORE BE IT ORDERED THAT; Following the swearing in of councilors-elect, the organizational meeting shall begin. As the first order of business, the City Clerk will call for nominations to serve as City Council Chair for the ensuing year. Each member of the City Council will be permitted to nominate one (1) person, and nominations will not require a second. A nominee who wishes to decline the nomination will do so at this time. Nominations are then closed. Nominees will be asked to provide a statement of qualifications to serve as Council Chair. As a body, the City Council will determine if the nominations should be voted on at the time of nomination or if the organizational meeting should be postponed to a time certain of 7:00 PM on the same day.

At the time decided upon by the City Council, the City Clerk will read all nominee names and call the roll, asking each councilor to vote for the nominee they wish to support as Chair. To be elected, a nominee must receive a majority vote of the Councilors present.



CITY COUNCIL ACTION

10/23/2023 23-336

Council Meeting Date: 10/23/2023

Item No: 23-336

Responsible Dept: Finance

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the City Manager to Execute a Lease with Penquis C.A.P., Inc. for Property Located at 262 Harlow Street

Summary

This Order will authorize the City Manager to execute a lease with Penquis C.A.P., Inc. for a portion of the building located at 262 Harlow Street, including 10 employee parking spaces.

The Bangor City Council has approved a project to renovate the current City Hall building, located at 73 Harlow Street. The renovation plan is to fully remodel the first floor and to install a new elevator and a new HVAC system for the entire building.

The renovation requires the minimum relocation of the first floor staff, however, for the safety of all employees and the general public the City will take advantage of cost savings proposed by the contractor to relocate all staff from the building.

The Penquis C.A.P. building on Harlow Street has available space to house the City Hall employees as well as meeting space for Committee and Council meetings while being in close proximity to the current City Hall, which will reduce the impact on the general public. The lease includes thirteen thousand four hundred and six (13,406) square feet at eighteen dollars (\$18.00) per square foot, including utilities, for an annual cost of two hundred forty one thousand three hundred and eight dollars (\$241,308). The term will be for two (2) years with an option to terminate early if the renovations are completed within the anticipated eighteen (18) month schedule.

The Finance Committee reviewed and approved staff finalizing the terms of the lease at the October 16, 2023 meeting.

Committee Action

Committee: Finance Committee
Action: Recommend for passage

Meeting Date: 10/16/2023
For: 4 Against: 0

Staff Comments & Approvals

The City Council has made a previous determination that Councilor Leonard has a conflict on this item.

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

10/23/2023 23-336

Date: 10/23/2023

Item No: 23-336

Assigned to Councilor: Pelletier

Authorizing the City Manager to Execute a Lease with Penquis C.A.P., Inc. for Property Located at 262 Harlow Street

WHEREAS, the City Council has approved a renovation project for the current City Hall building at 73 Harlow Street; and

WHEREAS, the renovation project requires the relocation of the first floor employees; and

WHEREAS, it has been determined that for safety concerns for all employees and the general public, the entire building staff should be relocated; and

WHEREAS, the contractor has proposed a cost savings if all staff were relocated; and

WHEREAS, City staff has determined that the Penquis C.A.P. building located at 262 Harlow Street has sufficient space for City Hall employees and meeting space for Council and Committee meetings;

Now Therefore, be it Ordered by the City Council of the City of Bangor that the City Manager is hereby authorized to execute a two (2) year lease with Penquis C.A.P. in the amount of eighteen dollars (\$18.00) per square foot including utilities for an annual cost of two hundred forty one thousand three hundred and eight dollars (\$241,308).