



CITY COUNCIL AGENDA



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lisa.goodwin@bangormaine.gov

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 11, 2024

PLEDGE OF ALLEGIANCE

Currently, the public has the choice to participate in meetings in person at City Hall now located at 262 Harlow Street or remotely through Zoom. Meetings are available to view through Youtube website, and the Government Channel 1303, after the fact. Public comment, whether in person or through Zoom, requires a person to state their name and town of residence, and any inappropriate or offensive remarks may be removed or interrupted, 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 February 26, 2024, Finance Committee Meetings of February 21, 2024 and March 4, 2024, Infrastructure Committee Meeting of February 21, 2024, and Government Operations Committee Meeting of March 4, 2024**

LIQUOR LICENSE RENEWALS: **Application for Liquor License Renewal, Malt, Wine, Spirits of Smith Towle Inc. d/b/a 11 Central, 11 Central Street** **SCHAEFER**

24-092 ORDER **Authorizing City Manager to Execute MaineDOT Modification 2 to a Locally Administered Project Agreement for WIN #023114.00 Penobscot Bridge Corridor Traffic Signal Improvements - Bangor** **YACOUBAGHA**

Executive Summary: This Order will authorize the City Manager to execute Modification 2 to the Locally Administered Project Agreement with the Maine Department of Transportation for the Penobscot Bridge Corridor Traffic Signal Improvements.

This Modification will increase the total funding for the project from \$908,615.00 to \$943,615.00. The Federal Share is 80% or \$754,892.00, The State Share is 10% or \$94,361.50, & the City Share of 10% or \$94,361.50. This item was reviewed and recommended for approval by the Finance Committee on March 4, 2024.

24-093 ORDER **Authorizing City Manager to Execute MaineDOT Modification 3 to a Locally Administered Project Agreement for WIN #023573.00 State Street & Forest Avenue Intersection Improvements** **DEANE**

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 11, 2024

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order will authorize the City Manager to execute Modification 3 to the Locally Administered Project Agreement with the Maine Department of Transportation for the State Street & Forest Avenue Intersection Improvements.

This Modification will reduce the total funding for the project from \$310,000.00 to \$140,000.00. The Federal Share is 80% or \$112,000.00, The State Share is 10% or \$14,000.00, & the City Share of 10% or \$14,000.00. This item was reviewed and recommended for approval by the Finance Committee at the March 4, 2024 meeting.

24-094 ORDER Authorizing City Manager to Execute MaineDOT Modification 1 to a Locally Administered Project Agreement for WIN #026354.00 Kenduskeag Avenue and Griffin Road Intersection Improvements FOURNIER

Executive Summary: This Order will authorize the City Manager to execute Modification 1 to the Locally Administered Project Agreement with the Maine Department of Transportation for the Kenduskeag Avenue & Griffin Road Intersection Improvements.

This Modification will increase the total funding for the project from \$265,589.00 to \$400,589.00. The Federal Share is 80% or \$320,471.20, The State Share is 10% or \$40,058.90, & the City Share of 10% or \$40,058.90. This item was reviewed and recommended for approval by the Finance Committee on March 4, 2024.

24-095 ORDER Authorizing the City Manager to Execute an Agreement with the Maine Department of Transportation, Overweight Construction Vehicles - MDOT Projects: 2610100, 2610300, 2648200 US Route 1A & Washington, Bangor/Hampden Overlay, Mill & Fill LEONARD

Executive Summary: This Order would allow overweight construction vehicles on City streets in conjunction with MaineDOT project 2610100, 2610300, & 2648200 Route 1A & Washington - Bangor/Hampden Overlay Mill & Fill, as part of routine action.

The projects 3/4 Overlay & 1 1/4 Overlay, & Mill & Fill at the following locations:

#2610100 located on US Route 1A in Hampden, beginning 0.05 of a mile northeast of Carriage Lane, extending northeast 1.77 miles.

#2610300 is located on Washington Street in Bangor, beginning at Washington Street Bridge extending east 0.37 of a mile. Includes an additional 0.22 of a divided highway.

#2648200 is located on US Route 1A in Hampden, beginning at the Winterport town line and extending north 3.16 miles. This item was reviewed and recommended for approval by the Finance Committee on March 4, 2024.

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 11, 2024

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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<u>24-096</u>	<u>ORDER</u>	Authorize Contract Award to Copia Specialty Contractors, Inc. - Pickering Square Parking Garage, Phase 9 Repairs	YACOUBAGHA
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Executive Summary: This Order will authorize execution of a contract with Copia Specialty Contractors, Inc for repairs to Pickering Square parking garage. Three contractors submitted proposals for the project and bids ranged from \$769,470.00 to \$296,300.00. The low bid for the work was provided by Copia Specialty Contractors, Inc of Bangor, Maine. The City’s Engineering Consultant for this project (Thornton Tomasetti) is currently working with Copia Specialty Contractors, Inc. on a parking garage in the Portland area and have had a positive experience with them.

The Engineering Department recommends awarding the Pickering Square Parking Garage – Phase 9 Repairs to Copia Specialty Contractors Inc. for the proposed fee of \$296,300.00.

This item was reviewed and recommended for approval by the Finance Committee on March 4, 2024.

<u>24-097</u>	<u>ORDER</u>	Authorizing the Execution of Memorandum of Understanding (MOU) with Tandem Mobility, LLC (Tandem) for Tandem to Conduct a Campaign for a Bike Share Program in the City of Bangor	SCHAEFER
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Executive Summary: This Order will authorize the execution of a memorandum of understanding with Tandem Mobility, LLC to conduct a campaign for a bike share program. City Staff have been meeting with Tandem to create a bike share system that would connect neighborhoods, parks, downtown areas and the waterfront in Bangor with each other as part of a regional bike share network connecting to adjacent cities and towns.

The 2023 Comprehensive Plan and the MDOT Pedestrian Action Plan both call for creating bicycle facilities in the City where possible and feasible, as well as numerous studies from the Bangor Area Community Transportation Systems (BACTS).

This item was reviewed and recommended for approval by the Business & Economic Development Committee meeting on March 4, 2024.

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.	ASSIGNED TO COUNCILOR
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<u>24-098</u>	<u>ORDINANCE</u>	Amending Chapter 223, Property Maintenance, Section 223-12, to Clarify That the Director of Community and Economic Development has Authority to Sign Administrative Consent Agreements on Behalf of the City (First Reading)	SCHAEFER
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REGULAR MEETING BANGOR CITY COUNCIL – MARCH 11, 2024

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

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Ordinance amendment, if passed, would revise the City’s Vacant Buildings Ordinance to permit the Director of Community and Economic Development to sign administrative consent agreements on behalf of the City.

Under the current ordinance, there is no City official designated to sign administrative consent agreements. A City official must be specifically designated in order to have authority to sign administrative consent agreements on behalf of municipalities under Maine state law. In order to make enforcement of the Vacant Buildings Ordinance more efficient, this amendment will authorize the Director of Community and Economic Development to sign administrative consent agreements on behalf of the City to resolve violations of the Vacant Buildings Ordinance without court involvement. In the absence of the Director of Community and Economic Development, the City Solicitor and the City Manager will be given this authority.

The proposed amendment would also clarify that the City may enforce violations of the Vacant Buildings ordinance in court. This proposed amendment was unanimously recommended at the March 4, 2024 Government Operations Committee meeting.

24-099 ORDINANCE Amending Chapter 165, Land Development Code, to **LEONARD
Reduce Off-Street Parking Minimums for Residential
Dwellings and to Allow the Planning Board to
Authorize Reductions in Parking Minimums for Uses
Requiring a Land Development Permit (First Reading
and Referral to Planning Board Meeting on March
19, 2024)**

Executive Summary: This Ordinance amendment would update the City’s Code of Ordinances to reduce off-street parking minimums for residential dwellings (unless otherwise specified) from one and one half (1.5) spaces per dwelling unit to one (1) space per dwelling unit. It would also empower the Planning Board to authorize a reduction in the number of required parking spaces for any project requiring a Land Development Permit if the applicant provides a parking study or other method of demonstrating a lesser parking demand for the project.

A need has been expressed in the City for this reduction as parking is often raised as a barrier to affordable housing. Off-street parking minimums can disincentivize development as parking is expensive to construct and maintain, and it occupies space that could otherwise be used to place additional units. Reducing minimum parking requirements can also help address the negative impacts that excess parking has on water quality, urban heat, and sprawl. The 2022 Comprehensive Plan suggests that the City “revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing.” The Plan also suggests reducing parking minimums generally as a way to reduce excess parking in the City.

24-100 ORDINANCE Amending the Code of the City of Bangor, by **DEANE
Clarifying the Definitions of Hosted and Non-Hosted
Short-Term Rentals (First Reading and Referral to
Planning Board Meeting on March 19, 2024)**

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 11, 2024

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

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Ordinance amendment would update the City’s Code of Ordinances to clarify the definitions of Hosted and Non-Hosted Short-Term Rentals. The current definitions state that in order to qualify as a hosted short-term rental, the owner or operator must be on the premises while a rental is occupied, and a non-hosted rental is where the owner or operator is not on the premises. The updated definitions state that a hosted rental is where the property is the primary residence of the owner or operator and a non-hosted rental is where the property is not the owner or operator’s primary residence. This change aligns with the intent of the original ordinance adopted in October of 2023.

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

<p><u>24-069</u></p>	<p><u>ORDINANCE</u></p>	<p>Amending Chapter 165, Land Development Code, District Map to Re-zone the Property Located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD)</p>	<p>SCHAEFER</p>
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Executive Summary: This Ordinance amendment would amend the Land Development Code, District Map to re-zone the property at Map-Lot 002-009, located at 108 Odlin Road, from a combination of Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to only Urban Service District (USD). The total area requested to be changed is approximately 6.27 acres. The applicant and owner of record is Bangor Lodge #244 B.P.O. Elks (also known as Bangor Elks Lodge).

The area around the property consists primarily of commercial and residential uses. The zoning in the area is primarily USD to the west and north and URD-1 to the east. This area is within the growth boundary shown in the 2022 Comprehensive Plan, and the future land use map in the Plan shows this property in the Airport Commercial area, which consists of “commercial and industrial areas in proximity to Bangor’s airport that support, complement, or benefit from the airport’s proximity.” This item was reviewed and recommended not to pass by a vote of two in favor of passage and five against at the Planning Board meeting on March 5, 2024.

<p><u>24-089</u></p>	<p><u>ORDINANCE</u></p>	<p>Amending the Code of the City of Bangor, by Creating Regulations and Allowances for Co-living Dormitories</p>	<p>DEANE</p>
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Executive Summary: This Ordinance amendment would update the City’s Code of Ordinances to define the use of “co-living dormitories” and allow this use in the M&SD, NSD, DDD, WDD, HDR, S&PS, and GC&S zones. This use is a flexible form of housing that falls under the single-room occupancy housing type, where bedrooms are considered individual living quarters and there are typically shared kitchen facilities. This housing type is differentiated from boarding homes in that it would be larger in size (eight (8) or more rooms) and there would be no minimum stay length for a portion of the building (boarding homes require stays of at least 30 days). This creates allowances for more transient workers or people who are transitioning from one residence to another, as well as more permanent residents. An on-site manager would be required for this use, as well as proximity to transit and either business or short-term rental licensing.

REGULAR MEETING BANGOR CITY COUNCIL – MARCH 11, 2024

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

A need has been expressed in the City for this type of living arrangement since it can provide a much more affordable type of workforce housing. The 2022 Comprehensive Plan suggests that the City to “revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing.”

**24-090 ORDINANCE Amending Chapter 165, Land Development Code, to YACIOUBAGHA
Change the Square Footage Requirement of
Warehousing/Wholesaling Uses in the General
Commercial & Service District (GC&S)**

Executive Summary: This Ordinance would amend the Land Development Code to change the square footage requirement for the “warehousing or wholesaling of goods and materials” conditional use in GC&S to match the requirement for the same use in the Shopping and Personal Service District (S&PS). The S&PS and GC&S zones are somewhat similar commercial zones, except that GC&S allows more intensive uses than S&PS. In contrast, the current square footage allowance for warehousing is more restrictive in GC&S than for the same use in S&PS. The proposed language would change this to make the square footage requirement the same in both zones for the same use.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING:

24-101 ORDER Expanding the Downtown Special Assessment District LEONARD

Executive Summary: This Order would expand the boundaries of the Downtown Special Assessment District in accordance with 30-A MRS Section 5228. Properties within the boundaries are assessed an additional amount, which is utilized to fund activities and events within the boundaries. The municipal development program and financial plan for the Bangor Center Development District, is prepared and implemented by the Downtown Bangor Partnership, following review and adoption by the City Council. A public workshop was held on February 26, 2024.

**24-102 ORDER Authorizing Execution of a Contract with Eurovia FOURNIER
Atlantic Coast, LLC d/b/a Northeast Paving in the
Amount of \$45,526,149 for the Runway Rehabilitation
Project**

This Order will authorize the contract with Eurovia Atlantic Coast, LLC d/b/a Northeast Paving in the amount of \$45,526,149 for the runway rehabilitation project. Bangor International Airport's sole runway (Runway 15-33) is in need of rehabilitation in order to ensure the continued safe use for airport operations.

Staff is recommending to award the contract to Eurovia Atlantic Coast, LLC d/b/a Northeast Paving in the amount of \$45,526,149. Northeast Paving was the sole bidder for this project.

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**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

This will be a two year construction project scheduled to commence with contractor mobilization and site prep work in April of 2024 and in April of 2025. Construction will continue until October of each year with final completion in October of 2025.

Preparation of this project began over a year ago with extensive coordination and communications with the FAA, Maine DOT and the Maine Air National Guard as well as key stakeholders including air carriers, airport tenants, and concessionaires. This construction contract will be funded using a combination of funds to include \$26,632,797 in Federal funds, \$15,934,152 MEANG funds, \$1,479,600 State MDOT funds and \$1,479,600 Local Share.



CONSENT AGENDA

*Meeting called to order at 7:30 PM
 Chaired by Council Chair Pelletier
 Councilors Present: Deane, Fish (via Zoom), Fournier,
 Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier
 Councilors Absent: None
 Meeting adjourned at 9:07 PM*

PUBLIC COMMENT

Faculty members and students from the University of Maine Augusta spoke regarding the safety of their campus and the stress it was causing students.

Robert Perocchi spoke regarding the consolidation plan for the USPS and invited Councilors to attend a public meeting on February 29th at Jeff's Catering.

Several residents spoke regarding the proclamation for a cease fire and hoped that this would be discussed further.

**CONSENT AGENDA
 ITEM NO.**

**ASSIGNED TO
 COUNCILOR**

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MINUTES OF: *Bangor City Council Regular Meeting of February 12, 2024, and Finance Committee Meeting of February 5, 2024*

LIQUOR LICENSE RENEWALS: *Application for Liquor License Renewal, Malt, Wine, Spirits of Family Fun Lanes, Inc. d/b/a Back Alley Bar & Restaurant LLC, 15 Hildredth Street* **HAWES**

Application for Liquor License Renewal, Malt, Wine, Spirits of BAFS, Inc. d/b/a BAFS, Inc., 61 Florida Avenue **HAWES**

24-084 **ORDER** *Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at Odlin Road* **YACIOUBAGHA**

24-085 **ORDER** *Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 80 Fruit Street* **DEANE**

24-086 **ORDER** *Authorizing Execution of Lease Renewal Agreement with the Transportation Security Administration (TSA) for Space at Bangor International Airport* **HAWES**

24-087 **ORDER** *Authorizing Applying for a Grant up to \$30,000 from the Maine Historic Preservation Commission Certified Local Government (CLG) Program* **LEONARD**

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>24-088</u>	<u>ORDER</u>	<i>Authorizing Execution of a Three Year Agreement with BangorBirdies LLC to Operate Concessions at Bangor Municipal Golf Course</i>	HAWES
	<i>Action:</i>	<i>Motion made and seconded for Passage Vote: 9 – 0 Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier Councilors Voting No: None Passed</i>	
REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>24-089</u>	<u>ORDINANCE</u>	<i>Amending the Code of the City of Bangor, by Creating Regulations and Allowances for Co-living Dormitories</i>	DEANE
	<i>Action:</i>	<i>Motion made and seconded for First Reading and Referral to Planning Board Meeting on March 5, 2024 Vote: 9 – 0 Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier Councilors Voting No: None Passed</i>	
<u>24-090</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development Code, to Change the Square Footage Requirement of Warehousing/Wholesaling Uses in the General Commercial & Service District (GC&S)</i>	YACIOUBAGHA
	<i>Action:</i>	<i>Motion made and seconded for First Reading and Referral to Planning Board Meeting on March 5, 2024 Vote: 9 – 0 Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier Councilors Voting No: None Passed</i>	
<u>24-091</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located on Grandview Avenue from Park & Open Space (P&O) to Multifamily & Service District (M&SD)</i>	FOURNIER
	<i>Action:</i>	<i>Motion made and seconded for First Reading and Referral to Planning Board Meeting on March 5, 2024 Vote: 9 – 0 Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier Councilors Voting No: None Passed</i>	

UNFINISHED BUSINESS ITEM NO.	ASSIGNED TO COUNCILOR
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<u>24-083</u>	<u>RESOLVE</u>	<i>Authorizing the City Manager to Accept and Appropriate \$150,000 in Grant Funds from Maine Department of Health and Human Services for an Overdose Response Program</i>	FISH
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*Action: Motion made and seconded for Passage
Vote: 9 – 0
Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier
Councilors Voting No: None
Passed*

NEW BUSINESS ITEM NO.	ASSIGNED TO COUNCILOR
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<u>PUBLIC HEARING:</u>	<i>Application for Special Amusement Permit Renewal of Family Fun Lanes, Inc. d/b/a Back Alley Bar & Restaurant LLC, 15 Hildredth Street</i>	HAWES
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*Action: Motion made and seconded to Open Public Hearing
Vote: 9 – 0
Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier
Councilors Voting No: None
Public Hearing Opened*

*Motion made and seconded to Close Public Hearing
Vote: 9 – 0
Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier
Councilors Voting No: None
Public Hearing Closed*

*Motion made and seconded for Approval
Vote: 9 – 0
Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier
Councilors Voting No: None
Approved*

<u>PUBLIC HEARING:</u>	<i>Application for Renewal Casino Operator License of HC Bangor LLC d/b/a Hollywood Casino Bangor, 500 Main Street</i>	HAWES
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*Action: Motion made and seconded to Open Public Hearing
Vote: 9 – 0
Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier
Councilors Voting No: None
Public Hearing Opened*

*NEW BUSINESS
ITEM NO.*

*ASSIGNED TO
COUNCILOR*

Motion made and seconded to Close Public Hearing

Vote: 9 – 0

*Councilors Voting Yes: Deane, Fish, Fournier, Hawes,
Leonard, Schaefer, Tremble, Yacoubagha, Pelletier*

Councilors Voting No: None

Public Hearing Closed

Motion made and seconded for Approval

Vote: 9 – 0

*Councilors Voting Yes: Deane, Fish, Fournier, Hawes,
Leonard, Schaefer, Tremble, Yacoubagha, Pelletier*

Councilors Voting No: None

Approved

ATTEST:


Lisa J. Goodwin/MMC, City Clerk



**Finance Committee Minutes
February 21, 2024
Council Chambers, 262 Harlow St.**

**Councilors in Attendance (Committee Members): Fournier, Deane, Leonard
Other Councilors in Attendance: Hawes, Pelletier, Fish
Staff in Attendance – Little, Huotari, Laurie, Szewczyk, Willette, Rickman**

Meeting Start: 5:15 pm
Meeting End: 5:38 pm

1. Consent:

a. Workout Agreement – Butler – 72, 181, and 424 State Street

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

2. Bids/Purchasing

a. Golf Course Concessions – Golf – Bangor Birdies LLC - \$29,500

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

3. Matured Lien Policy Discussion

Staff provided an update to forthcoming changes to the Matured Lien Policy. The changes are necessary to comply with changes to Maine Law which went into effect in 2023 regarding the disposal of property acquired by matured liens. Staff is working through the necessary changes and will provide a revised policy for approval at a later meeting.

The Committee was also updated that a working group provided the Legislature with recommended changes to the new law which if enacted would necessitate additional changes later in the year.

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

- Procurement Policy Recommendations (TBA)



**Finance Committee Minutes
March 4, 2024
Council Chambers, 262 Harlow St.**

Councilors in Attendance (Committee Members): Tremble, Fournier, Deane, Leonard, Yacoubagha

Staff in Attendance – Little, Huotari, Laurie, Emerson, Theriault

Meeting Start: 6:33 pm

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

Motion made to enter Executive Session; motion passed unanimously.

2. Open Session – Hardship Abatement Application Decisions

Motion made to approve staff recommendation; motion passed unanimously.

3. Consent:

a. Workout Agreement – Cleveland – 71 Harvard Street

Motion made to approve consent agenda; motion passed unanimously.

4. Bids/Purchasing

a. Columbia Street Parking Deck Repairs – Engineering – Structural Preservation Systems, LLC - \$139,603

Motion made to approve contract; motion approved unanimously.

b. Pickering Square Parking Garage, Phase 9 Repairs – Engineering – Copia Specialty Contractors Inc. - \$296,300

Motion made to recommend contract; motion approved unanimously.

5. Council Order – Overweight Construction Vehicles – Maine Department of Transportation

Motion made to recommend Order; motion made unanimously.

6. Council Order – Modification 1 to Kenduskeag Avenue and Griffin Road Improvements

Motion made to recommend Order; motion made unanimously.

7. Council Order – Modification 2 to Penobscot Bridge Corridor Traffic Signal Improvements

Motion made to recommend Order; motion made unanimously.

8. Council Order – Modification 3 to State Street and Forest Avenue

Motion made to recommend Order; motion made unanimously.

Meeting End: 6:55 pm

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

- Procurement Policy Recommendations (TBA)
- Matured Lien Policy (March 18, 2024)
- Abatement Policy (TBA)

Infrastructure Committee Minutes February 21, 2024

ATTENDEES

Councilors:

Susan Hawes sitting in for
Gretchen Schaefer
Susan Hawes

Susan Deane
Joseph Leonard

Richard Fournier
Carolyn Fish

Staff:

John Theriault

Aaron Huotari

Amanda Smith

Member of Public:

Kate Dickerson, Executive Director
Maine Discovery Museum

AGENDA ITEMS

1. Children's Museum Stormdrain Art

Richard May presented: that the Maine Discovery Museum (MDM) has recently completed a renovation and have a new exhibit featuring the Penobscot River. This exhibit includes a water feature representing the River, wall art depicting the River's route from the inland to the sea, and educational storm water materials. In order to expand on the focus on stormwater awareness and water quality, MDM is proposing a storm drain art contest for young artists.

MDM proposes to launch a contest for a design at the Maine Science Festival in March to local students in three groups from grades K-2, grades 3-5, and grades 6-8. Entries would be accepted through early May, and a winner would be selected in each grade category. The final artwork would be painted in the street by museum staff based on inspiration from the contest winners' submittals.

The storm drain proposed to be painted is located near the entrance to the MDM at 74 Main Street. The art will surround the storm drain in an approximate 4-foot radius and is meant to create interest, and educate the public about stormwater, while also culturally enriching the downtown through art. This contest is meant to be a pilot project, which may be repeated annually in this location. If substantial interest exists, the Museum would be open to expanding this project to additional storm drains in the future.

A few safety concerns have been brought up during the discussion of this project including providing a safe work area for painting around the drain, possible confusion with art covering pavement striping for parking stalls and the "No Parking" area, and slippery surfaces due to paint being more slippery than bare pavement. Given the location of this particular drain which is not in a high traffic area for pedestrians or vehicles, these concerns will be easily addressed, or should not create a problem.

Vote: No Vote, update purpose only.

2. Update on Winter Operations

Aaron Huotari outlined his winter operations:

New Sidewalk Plowing Plan

The Public Works Department has started operating under the new sidewalk plowing plan as presented in October. While there has been a bit of a learning curve due to new routes and new employees, I believe the changes have resulted in an improvement to the sidewalks used by students to get to school. Fortunately, the weather this winter has allowed us time to get used to the new routes without having to contend with excessive ice and heavy snowfall.

Deposits of Snow on Streets or Sidewalks

Despite the lack of heavy snowfall, we have seen a significant number of residents pushing snow in a manner which blocked the sidewalk. We posted approximately 150 signs letting residents know that this is in violation of City of Bangor Ordinance 234-6.

We've received numerous calls from residents and businesses letting us know that they didn't put the snow there, that the snow had already been removed, or to inform us that they have no other place to put the snow. The majority of the snow was removed by our sidewalk plow in the course of their normal operations.

The ordinance has two provisions for resolving the issue of residents and businesses who plow snow onto a public way.

Chapter 234-6.1 requires additional work from Public Works. If the City Manager were to direct Public Works to clear the snow, the work will be done by the sidewalk plows. Performing this additional snow clearing will delay the clearing of the remaining sidewalks. This is the situation we have been in for years. If we were to issue an invoice for the work performed it would be under \$100, assuming we charged a 1 hour minimum.

Chapter 234-12 would allow for a minimum \$100 fine to be issued for each offense where snow is deposited on a public way, with each day the snow remains constituting a separate offense. Enforcement of this provision will require the sidewalk plow to leave the sidewalk to avoid spending time clearing the deposited snow, so that they may continue clearing unobstructed sidewalks. A separate employee(s) will need to inspect the site, document the violation with pictures, post the violation, and attempt to inform the resident. Our administrative staff will need to create and issue fines on a daily basis. We will then need to inspect the site daily until the violation is corrected, which will terminate the daily fines.

With 150 potential violations posted after the recent small storms we experienced, either option is still a significant investment of time. With our continued emphasize to enhance pedestrian safety as well as the walkability of our neighborhoods, staff will be reviewing the current enforcement mechanisms to determine how to best meet the needs of the community. Any recommendation for amendment will come forward to this committee prior to the start of the 2024-2025 winter season. We wanted to provide this update publicly so that interested parties and City Councilors could begin to provide input.

Winter Parking

The City has operated with winter parking regulations for decades. Currently, nighttime parking is prohibited on all city streets between midnight and 6:00 am from the time the first snow clearing order is issued (this year that occurred on December 3rd) until March 31st. During this period of time, daytime parking is allowed on city streets from 6:00 am to midnight using the odd even scenario (even numbered day, even numbered side of the street). The existing Ordinances also prohibits on-street and public lot parking in the Downtown Parking Management District when a parking ban is announced, and generally prohibits any parking that interferes with City snow removal operations at any time of the day or night.

In order to efficiently perform snow management operations when a parking ban is in place, the Public Works storm supervisor calls the police department and asks them to ticket and have towed all vehicles that are parked illegally. This is a time-consuming and challenging undertaking both for our police officers and the towing company, depending on the volume of calls for other service. All parked vehicles that are not removed require Public Works plow trucks to navigate around them, usually forcing them to lift the plow wing in order to fit by. This leaves a pile of snow around each of the vehicles, slowing down plow operations, and extending the time it takes for an operator to complete their assigned route.

The daytime odd/even parking rules should allow us the opportunity to clean up these leftover snow and ice piles, but daytime parking rules are difficult to consistently enforce and many narrow streets already have posted No Parking on one side, leaving vehicles no other place to park during the day except where we need to clean.

We recognize the current Ordinance is not always viewed positively by the public, but it is our goal to ensure our streets are cleared throughout the City.

Vote: No vote, update purpose only.

3. Update on Hampden Waste Processing Facility

Aaron Huotari presented:

The MRC is an organization formed in 1991, currently representing 115-member communities to secure affordable, long-term, and environmentally sound disposal of municipal solid waste. It is a nonprofit organization managed by a volunteer board made up of 9 members, serving at-large. Combined waste volume for all member communities is over 100,000 tons, annually.

In 2017, ground was broken on a new facility in Hampden, ME. In a partnership with Fiberight, they would build a facility that would process and remove recyclable materials from an "dirty", or unsorted, waste stream. In 2019, the facility passed processing goals and was handling all waste from member communities. In 2020, operations were suspended due to financial uncertainties brought on by the rapid spread of COVID-19. At this point, over \$80MM had been invested in the facility and grounds. The property was owned by MRC. The building and equipment were owned by shareholders who had invested in the Fiberight venture.

Over the next two years, the shareholders attempted to find a buyer for the facility who would make them whole for their investment. After failed attempts to sell the facility, the MRC was able to force sale of the facility. With a stalking-horse bid of \$1.5MM, the MRC purchased the \$80MM facility, finally securing total ownership of the facility, equipment, and land.

The non-profit MRC formed an ownership company called Municipal Waste Solutions (MWS). Vetting multiple partners, MRC chose Innovative Resource Recovery (Innovative) as a partner to re-start MWS. Innovative is wholly owned by White Oak Global Advisors, an SEC-registered investment advisor and private credit firm that provides small and middle market businesses with creative financing solutions, with funds ready to support the re-start. They have significant experience turning around distressed and “un-loved” assets. Innovative’s CEO, James Condela, brings extensive waste industry experience, specifically in recovering valuable resources from waste streams. In exchange for Innovative’s investment in MWS, they now have 90% ownership of MWS. MRC retains 10% ownership of the facility, 100% ownership of the land, and a voting seat on the management board of MWS.

Innovative started investing in the MWS facility during the due diligence phase of the partnership and has consistently ramped up from there. Innovative, along with a cadre of engineers and waste professionals conducted their first waste processing trials in July, 2023. Currently the facility is processing sample waste from multiple member communities each week, to assess the components of the waste and determine how to best recover value from our waste stream.

The facility will easily pull recyclable commodities from the waste stream, for example, paper, cardboard, plastic, and metals. However, a major focus for Innovative is the much-hyped organic component of waste. As the volume of organic waste going to landfills increases, it presents MWS with an opportunity to create additional value. Initial samples indicate that additional investment in anaerobic digesters (AD) is warranted. Organic waste fed into an AD creates biomethane. Biomethane, or renewable natural gas (RNG) can be fed into the Bangor Natural Gas pipeline to displace fossil fuels and be used to heat homes. RNG can also be used to power heavy vehicles, such as plow trucks, without using fossil fuels, as we do now. We could be using Bangor’s trash to power Bangor services, almost like using trash to power the DeLorean in “Back to the Future” film.

Innovative is eager to get the plant up and running but their approach is to plan well and get it right the first time. The effort and time they are investing in the trials informs their plan to make appropriate facility investments, ensuring success when they open back up for full commercial operations. Construction on upgrades should take place this year. Trials of the new equipment will start this year and full commercial operations should be reached next year. At full operations, the facility will be able to process 180,000 tons of waste annually, diverting well over 50% of material from landfills. Innovative is already looking at novel uses of the remaining waste stream, with the goal of one day reaching 100% diversion of waste.

In the meantime, City of Bangor residential waste is contracted to go to Crossroads Landfill in Norridgewock. In an effort to reduce transportation costs and vehicle emissions, the MRC negotiated a waste swap agreement between Casella and Waste Management. In this agreement, City of Bangor residential waste that was destined for Crossroads Landfill, goes to Juniper Ridge Landfill because it is closer, and waste that was destined for Juniper Ridge Landfill, but is closer to Crossroads Landfill, goes to Norridgewock because that is closer. This results in no net increase in tonnage for one landfill over the other and saves a great deal of fuel and reduces carbon emissions from those big trucks. To clarify, the closure of the Hampden waste processing facility has caused no increase in material going to Juniper Ridge Landfill, therefore has not contributed to it reaching capacity prematurely.

Vote: Not Vote, update purpose only.

4. EPA Consent Decree – Annual Report on Compliance and Annual Combined Sewer Overflow (CSO) Report

John Theriault and Amanda provided the background history and stated the report was submitted the EPA Consent Decree submitted January 31, 2024. The reports from 2015 to current is available on the City website. He spoke the requirements under the Long Term Control Plan in the consent decree: the Davis Brook CSO Tank at 30 million, the miles of city camera, clean and inspection 10% of sewer lines, 10% of manholes. For reference of magnitude there are approximately 150 miles of sewer line, 3,500 manholes. Still two other sizeable projects to complete: Barkersville at Bass Park & Broad Street Park, along with Meadowbrook Sewer Project, and some minor separation projects throughout the City. The goal is to reduce combined sewer overflows to four events a year, prior it was around 20-30 overflows a year. New under the LTCP is the SCADA, implementing asset management software, study for Perry Road pump station & Kmart pump station, small sewer projects that are based from the inspections.

Vote: No vote, update purpose only.

5. **Planned 2024 Engineering Department Construction Projects**

MaineDOT Projects

- 21663.00 – Broadway Center Earle Ave. and I-95 Safety Project – **Ongoing 2024 to 2026**
Concurrent with MaineDOT Broadway Bridge Project
- 023573.00 - Intersection Traffic Signal Removal – State Street and Forest Avenue
- 025379.00 - BACTS - Oak Street Overlay – Broadway to Penobscot Bridge
- 026354.00 - BACTS – Intersection Kenduskeag/Griffin Road Traffic Signal Replacement
- 06053.06 - Ohio St. MaineDOT 50/50 Project – Bailey Street to Crestwood place
- 06053.05 - Ohio St. MaineDOT 50/50 Project – I-95 to Thomas Hill Road
- 026932.00 - BACTS – Outer Hammond Street – Hammond St. Ext. to Hermon Possible Sewer and Stormwater Improvements
- 028474.00 - Fourteenth Street Extension Multi-Use Trail – **Fall 2024**
- 027746.00 - BACTS – Main Street – Village Partnership Initiative - **Ongoing 2025**
- 026930.00 - BACTS – Union Street – Griffin Road to Davis Road – **Const. 2025**

City Road Projects/Sidewalk Projects/Miscellaneous

- Pickering Square Phase 3 Landscape improvements
- Fifteenth Street/Union Street and Union Street/Beecher Park Improvements
- Downtown Sidewalk Improvements – Main Street, Exchange Street, Pleasant Street
- Eaton Place Repave project
- City Hall First Floor Renovations- **2024 - 2025 Construction**
- Ohio Street Bridge over Birch Stream Project – **Const. 2024 (possibly)**
- Kenduskeag Stream Retaining Walls – **Const. 2025 Likely**

Note: No vote, update purpose only.



CITY OF BANGOR
Government Operations Committee
Monday, March 4, 2024
Minutes

Councilors Present: Dina Yacoubagha (Chair), Susan Dean, Carolyn Fish, Daniel Tremble, and Gretchen Schaefer

Non-Committee Council Members: Richard Fournier, Joseph Leonard

Staff: David Szewczyk, Grace Innis, Courtney O'Donnell, Debbie Laurie

Committee Chair Yacoubagha opened the meeting at 6:17p.m.

1. Administrative Consent Agreements – Vacant Properties

City Solicitor Szewczyk provided an overview of this item. The item is a proposed ordinance change in the relevant section of code to give the Director of C&ED authority to sign agreements, based on the recommendation of the Code Enforcement Director, that would allow us to enforce the vacant property registration outside of court action. It is a practical measure that would allow staff to act in a more efficient manner. Solicitor Szewczyk recommends approval. Councilor Leonard said he sees this as a method to prevent gentrification.

A motion was made by Councilor Tremble, seconded by Councilor Schaefer, all in favor for recommending approval to the full Council.

2. Community Connector Update

Assistant City Manager Courtney O'Donnell provided an update on the Community Connector, including fixed stop transition, staffing levels, and ridership.

Staff originally anticipated starting the transition period from flag stop to fixed stop in March but in an effort to be proactive, we are working closely with the contractor to ensure placement of each sign is in the best possible location. We hope to begin the transition period in April. There will be a six-month transition period with lots of notice posted to ensure riders are aware of the change. She also explained that while we are close to “fully staffed” on paper, we are evaluating our current structure because between folks being out on medical, needing training, callouts, and vacation time, we often need multiple employees to work doubles to ensure coverage. There was significant discussion about ADA paratransit service, reasonable accommodations on fixed route, bus barn renovations, technology, as well as ridership. In particular, it is noteworthy that ridership is rebounding to pre-pandemic numbers which is great news as our funding take that into account.

The meeting was adjourned at 6:32 pm. Main Street parking request



CITY OF BANGOR ORDER

03/11/2024 24-092

Date: 03/11/2024

Item No: 24-092

Assigned to Councilor: Yacoubagha

Authorizing City Manager to Execute MaineDOT Modification 2 to a Locally Administered Project Agreement for WIN #023114.00 Penobscot Bridge Corridor Traffic Signal Improvements - Bangor

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

the City Manager is hereby authorized to execute the Modification 2 to a Locally Administered Project Agreement with the Maine Department of Transportation for WIN #023114.00 Penobscot Bridge Corridor Traffic Signal Improvements, Bangor.

This Modification will increase the total funding for the project from \$908,615.00 to \$943,615.00. The Federal Share is 80% or \$754,892.00, the State Share is 10% or \$94,361.50, & the City Share is 10% or \$94,361.50.



<i>MaineDOT use only</i>	
AMS ID: <u>20201021000000000213</u>	_____
CSN: <u>42219</u>	_____
PROGRAM: <u>Multimodal</u>	_____

MAINE DEPARTMENT OF TRANSPORTATION
Modification 2 to a Locally Administered Project Agreement
 With the
City of Bangor
 Regarding
Traffic Signal Improvements on the Penobscot Bridge Corridor

<i>Locally Administered Project – Federal Funds (Payable)</i>	
Modified Agreement Amount: <u>\$943,615.00</u>	MaineDOT WIN: <u>023114.00</u>
Federal Share: <u>\$754,892.00</u>	Federal Project #: <u>2311400</u>
State Share: <u>\$94,361.50</u>	Construction Authorization Date: <u>07/19/2022</u>
Local Match: <u>\$94,361.50</u>	Vendor ID: <u>VC1000007010</u>
Agreement Begin Date: <u>10/21/2020</u>	Federal Unique Entity ID: <u>MLLMBKS2LVQ5</u>
Agreement End Date: <u>12/31/2024</u>	Federal Assistance Listing #: <u>20.205</u>

Modification 2 amends an Agreement with the City of Bangor executed on October 21, 2020 to accommodate the purchase of additional traffic cameras on the above-referenced Project, as follows:

- Increased Project Cost.** The total estimated Project Cost shall be increased by \$35,000.00 – from \$908,615.00 to \$943,615.00.
- Increased Payable Amount.** The maximum payable to the Municipality at the rate of 90 percent of participating costs incurred shall be increased by \$31,500.00 – from \$817,753.50 to \$849,253.50.
- Increased Local Match.** The Municipality’s 10 percent share of participating costs incurred shall be increased by \$3,500.00 – \$90,861.50 to \$94,361.50. Additionally, the Municipality shall be responsible for all costs exceeding the maximum amount of this Agreement, unless MaineDOT and the MPO approve additional federal, state and local funding and the Parties further modify this Agreement.

All other terms and conditions of the original Agreement shall remain in effect without a gap. MaineDOT and City of Bangor, by their duly authorized representatives, have executed this modification to the original Agreement on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Debbie Laurie, City Manager *

By: _____
Daniel M. Loring, Project Manager *

Date: _____

Date: _____

** I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9502, et seq. – that the signature, if electronic: (a) is intended to have the same force as a manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my sole control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*

Laberge, Michael

From: Paige Nadeau <paige.nadeau@bactsmmpo.org>
Sent: Tuesday, February 20, 2024 4:07 PM
To: aaron.huotari; Amy Ryder; Bill Mayo; Chris Backman; Winter, Claire; Belz, Darryl; David Pardia; Doughty, Dale; EJ Roach; Eric Papetti; Jacob Stein; Farn-Guillette, Jarod; Jeremy Caron; John Rouleau; john.theriault; Kristie Hostetter; Laurie Linscott; Linda Johns; Sekulich, Lisa; madeline.jensen; Mark Leonard; Melissa Doane; Melissa Doane; Laberge, Michael; Mitch Stone; O'Donnell, Courtney; Paige Melius; Paula Scott; Public Works Director; Barrows, Randall; Rob Yerxa; sara.devlin; Sarah Commeau; Scott Perkins; Stephen Bost; Ted Trembley; Victor Smith; Loring, Daniel M
Subject: BACTS TIP - Administrative Modification

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

As discussed at the BACTS Policy Committee meeting earlier today, BACTS is proposing the following administrative modification to our TIP. An administrative modification requires a three day comment period for members of the Policy Committee before it would be added to the 2024-2027 errata sheet.

The City of Bangor received a quote for the Penobscot Corridor project that requires additional funding of \$35,000 related to additional cameras needing to be installed in both Bangor and Brewer to get the adaptive signal system fully functional. WIN 23573.00 (State Street/Forest Avenue), has a projected surplus in the WIN of around \$180,000.

The City of Bangor would like to request that \$35,000 be transferred from WIN 023573.00 to WIN 23114.00.

The City of Bangor is also working on the design plans for the traffic signal upgrade at the intersection of Kenduskeag Avenue and Griffin Road, WIN 026354.00. This project is currently funded for \$265,589. Based on recent discussions with traffic signal installers as well historical pricing, we believe this project is underfunded.

The City of Bangor would like to transfer \$135,000 from WIN 023573.00 to 026354.00.

If you have any questions, please let me know.

Thank you!
Paige

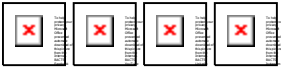
--

Paige Nadeau
Office Manager

12 Acme Road, Suite 204, Brewer, ME 04412

(207) 974-3111

www.bactsmmpo.org





CITY OF BANGOR ORDER

03/11/2024 24-093

Date: 03/11/2024

Item No: 24-093

Assigned to Councilor: Deane

Authorizing City Manager to Execute MaineDOT Modification 3 to a Locally Administered Project Agreement for WIN #023573.00 State Street & Forest Avenue Intersection Improvements

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

the City Manager is hereby authorized to execute the Modification 3 to a Locally Administered Project Agreement with the Maine Department of Transportation for WIN #023573.00 State Street & Forest Avenue Intersection Improvements.

This Modification will reduce the total funding for the project from \$310,000.00 to \$140,000.00. The Federal Share is 80% or \$112,000.00, the State Share is 10% or \$14,000.00, & the City Share is 10% or \$14,000.00.



MaineDOT

<i>MaineDOT use only</i>	
CSN: 39284	_____
AMS ID: 20180706000000000010	_____
PROGRAM: Multimodal	_____

<i>MaineDOT Use Only: Payable Agreement</i>	
Modified Agreement Amount: <u>\$140,000.00</u>	MaineDOT WIN: <u>023573.00</u>
Federal Share: <u>\$112,000.00</u>	Vendor ID: <u>VC1000007010</u>
State Share: <u>\$14,000.00</u>	Federal Unique Entity ID: <u>MLLMBKS2LVQ5</u>
Local Share: <u>\$14,000.00</u>	Federal Assistance Listing #: <u>20.205</u>
Agreement Begin Date: <u>07/02/2018</u>	Agreement End Date: <u>10/31/2024</u>

MAINE DEPARTMENT OF TRANSPORTATION
Modification 3 to a Locally Administered Project Agreement
 With the
City of Bangor
 Regarding
Intersection Improvements at State Street and Forest Avenue

Modification 3 amends an Agreement with the City of Bangor that was executed on July 2, 2018, for the project referenced above. This modification reduces the total funding to account for transfers to two other Bangor projects – WINs and 023114.00 and 026354.00 – that were approved by the Bangor Area Comprehensive Transportation System (BACTS), as follows:

- Reduced Project Cost.** The total estimated Project Cost shall be reduced by \$170,000.00 – from \$310,000.00 to \$140,000.00.
- Reduced Payable Amount.** The maximum payable to the City at the rate of 90 percent of participating costs incurred shall be reduced by \$153,000.00 – from \$279,000.00 to \$126,000.00.
- Reduced Local Match.** The City’s 10 percent share of participating costs incurred shall be reduced by \$17,000.00 – from \$31,000.00 to \$14,000.00.

IN WITNESS WHEREOF, MaineDOT and the City of Bangor, by their duly authorized representatives, have executed this modification on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Debbie Laurie, City Manager *

By: _____
Daniel M. Loring, Project Manager *

Date: _____

Date: _____

** I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9502, et seq. – that the signature, if electronic: (a) is intended to have the same force as a manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my sole control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*



CITY COUNCIL ACTION

03/11/2024 24-094

Council Meeting Date: 03/11/2024

Item No: 24-094

Responsible Dept: Engineering

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing City Manager to Execute MaineDOT Modification 1 to a Locally Administered Project Agreement for WIN #026354.00 Kenduskeag Avenue and Griffin Road Intersection Improvements

Summary

This Order will authorize the City Manager to execute Modification 1 to the Locally Administered Project Agreement with the Maine Department of Transportation for the Kenduskeag Avenue & Griffin Road Intersection Improvements.

This Modification will increase the total funding for the project from \$265,589.00 to \$400,589.00. The Federal Share is 80% or \$320,471.20, the State Share is 10% or \$40,058.90, & the City Share is 10% or \$40,058.90.

City Staff recommends approval.

This item was reviewed and recommended for approval by the Finance Committee at the March 4, 2024 meeting.

Committee Action

Committee: Finance Committee
Action: Recommend for passage

Meeting Date: 03/04/2024

For: Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

03/11/2024 24-094

Date: 03/11/2024

Item No: 24-094

Assigned to Councilor: Fournier

Authorizing City Manager to Execute MaineDOT Modification 1 to a Locally Administered Project Agreement for WIN #026354.00 Kenduskeag Avenue and Griffin Road Intersection Improvements

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

the City Manager is hereby authorized to execute the Modification 1 to a Locally Administered Project Agreement with the Maine Department of Transportation for WIN #026534.00 Kenduskeag Avenue and Griffin Road Intersection Improvements.

This Modification will increase the total funding for the project from \$265,589.00 to \$400,589.00. The Federal Share is 80% or \$320,471.20, the State Share is 10% or \$40,058.90, & the City Share is 10% or \$40,058.90.



<i>MaineDOT use only</i>	
AMS ID:	<u>20220829000000000111</u>
CSN:	<u>44341</u>
PROGRAM:	<u>Multimodal</u>

MAINE DEPARTMENT OF TRANSPORTATION Modification 1 to a Locally Administered Project Agreement

With the
City of Bangor

Regarding

Intersection Improvements at Kenduskeag Avenue and Griffin Road

<i>Locally Administered Project – Federal Funds (Payable)</i>	
Modified Agreement Amount: <u>\$400,589.00</u>	MaineDOT WIN: <u>026354.00</u>
Federal Share: <u>\$320,471.20</u>	Federal Project #: <u>2635400</u>
State Share: <u>\$40,058.90</u>	PE/RoW Authorization Date: <u>07/21/2022</u>
Local Match: <u>\$40,058.90</u>	State Vendor ID: <u>VC1000007010</u>
Agreement Begin: <u>08/29/2022</u>	Federal Unique Entity ID: <u>MLLMBKS2LVQ5</u>
Agreement End: <u>12/31/2027</u>	Federal Assistance Listing #: <u>20.205</u>

Modification 1 amends an Agreement between MaineDOT and the City of Bangor that was executed on August 29, 2022, for the federally funded project referenced above, as follows:

- Increased Project Cost.** The total estimated Project Cost shall be increased by \$135,000.00 – from \$265,589.00 to \$400,589.00.
- Increased Payable Amount.** The maximum payable to the City at the rate of 90 percent of participating costs incurred shall be increased by \$121,500.00 – from \$239,030.10 to \$360,530.10.
- Increased Local Match.** The City’s 10 percent share of participating costs incurred shall be increased by \$13,500.00 – from \$26,558.90 to \$40,058.90. Additionally, the City shall be fully responsible for all costs exceeding the total amount of this Agreement, unless MaineDOT and the Bangor Area Comprehensive Transportation System (BACTS) approve additional funding.

All other terms and conditions of the original Agreement shall remain in effect without a gap. MaineDOT and the City of Bangor, by their duly authorized representatives, have executed this modification to the original Agreement on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Debbie Laurie, City Manager *

By: _____
Jeff Tweedie, Program Manager *

Date: _____

Date: _____

** I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9502, et seq. – that the signature, if electronic: (a) is intended to have the same force as a manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my sole control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*

Laberge, Michael

From: Paige Nadeau <paige.nadeau@bactsmmpo.org>
Sent: Tuesday, February 20, 2024 4:07 PM
To: aaron.huotari; Amy Ryder; Bill Mayo; Chris Backman; Winter, Claire; Belz, Darryl; David Pardia; Doughty, Dale; EJ Roach; Eric Papetti; Jacob Stein; Farn-Guillette, Jarod; Jeremy Caron; John Rouleau; john.theriault; Kristie Hostetter; Laurie Linscott; Linda Johns; Sekulich, Lisa; madeline.jensen; Mark Leonard; Melissa Doane; Melissa Doane; Laberge, Michael; Mitch Stone; O'Donnell, Courtney; Paige Melius; Paula Scott; Public Works Director; Barrows, Randall; Rob Yerxa; sara.devlin; Sarah Commeau; Scott Perkins; Stephen Bost; Ted Trembley; Victor Smith; Loring, Daniel M
Subject: BACTS TIP - Administrative Modification

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

As discussed at the BACTS Policy Committee meeting earlier today, BACTS is proposing the following administrative modification to our TIP. An administrative modification requires a three day comment period for members of the Policy Committee before it would be added to the 2024-2027 errata sheet.

The City of Bangor received a quote for the Penobscot Corridor project that requires additional funding of \$35,000 related to additional cameras needing to be installed in both Bangor and Brewer to get the adaptive signal system fully functional. WIN 23573.00 (State Street/Forest Avenue), has a projected surplus in the WIN of around \$180,000.

The City of Bangor would like to request that \$35,000 be transferred from WIN 023573.00 to WIN 23114.00.

The City of Bangor is also working on the design plans for the traffic signal upgrade at the intersection of Kenduskeag Avenue and Griffin Road, **WIN 026354.00**. This project is currently funded for \$265,589. Based on recent discussions with traffic signal installers as well historical pricing, we believe this project is underfunded.

The City of Bangor would like to transfer \$135,000 from WIN 023573.00 to 026354.00.

If you have any questions, please let me know.

Thank you!
Paige

--

Paige Nadeau
Office Manager



CITY OF BANGOR ORDER

03/11/2024 24-095

Date: 03/11/2024

Item No: 24-095

Assigned to Councilor: Leonard

Authorizing the City Manager to Execute an Agreement with the Maine Department of Transportation, Overweight Construction Vehicles - MDOT Projects: 2610100, 2610300, 2648200 US Route 1A & Washington, Bangor/Hampden Overlay, Mill & Fill

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

The City Manager is hereby authorized and directed to execute an agreement with the Maine Department of Transportation for transport of construction equipment that exceeds legal weight limits over municipal roads in conjunction with MaineDot's project #2610100, 2610300, & 2648200 Bangor & Hampden for the purpose of 3/4 Overlay, 1 1/4 Overlay & Mill & Fill on Route 1A & Washington Street.

A copy of the Agreement is attached.

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016



Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

Lisa Goodwin, City Clerk
Re: City of Bangor
262 Harlow Street
Bangor, ME 04401

1/30/2024

Subject: ¾" Overlay, 1 ¼" Overlay, & Mill & Fill
Project Nos.: 2610100, 2610300, & 2648200
Location: Bangor & Hampden
Roadway: US Route 1A & Washington Street

Dear Ms. Goodwin:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area." A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, **which requires signature by the municipal officers**, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers.*" In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 207 624-3410.

Sincerely,

A handwritten signature in blue ink that reads 'George Macdougall'.

George M.A. Macdougall, P.E.
Contracts & Specifications Engineer
Bureau of Project Development

Please return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project No.: 2610100, 2610300, &
2648200

Location: Bangor & Hampden

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the City of Bangor agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The MaineDOT will assist in determining the amount of the bond if requested. A suggested format for a general construction *overlimit bond* is attached. A suggested format for a construction *overlimit permit* is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

CITY OF BANGOR
By the Municipal Officials

SPECIAL PROVISION 105
CONSTRUCTION AREA

Construction Areas located in the Town of Hampden and the City of Bangor have been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

The section of highway under construction in Penobscot County:

Project 2610100 is located on US Route 1A in Hampden beginning 0.05 of a mile northeast of Carriage Lane and extending northeast 1.77 miles.

Project 2610300 is located on Washington Street in Bangor beginning at the Washington Street Bridge and extending east 0.37 of a mile. Includes an additional 0.22 of a divided highway.

Project 2648200 is located on US Route 1A in Hampden beginning at the Winterport town line and extending north 3.16 miles.

Per 29-A § 2382 (7) MRSA, the MDOT may “issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.”

The Municipal Officers for the Town of Hampden and the City of Bangor agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area.”

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit “*for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation*”. According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

December 10, 2004
Supercedes February 7, 1996

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. County and municipal permits. A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

December 10, 2004
Supercedes February 7, 1996

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

December 10, 2004
Supercedes February 7, 1996

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207- _____; fax: 207- _____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____
for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over
ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT
project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207- _____; fax: 207- _____

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN
EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____
for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over
ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT
project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit
will automatically expire at the physical completion of the above construction project. The original permit will be
held on file at the municipality.

Signed:

Municipal Official

BOND # _____

Date:

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
_____ and the Municipality of _____, as
principal, and.....
, a corporation duly organized under the laws of the State of and having a
usual place of business
as Surety, are held and firmly bound unto the Treasurer of the Municipality of
_____ in the sum of
_____ and 00/100 Dollars (\$))
to be paid said Treasurer of the Municipality of _____ or
her/his successors in office, for which payment well and truly to be made, Principal and
Surety bind themselves, their heirs, executors and administrators, successors and assigns,
jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of
_____ promptly and faithfully performs the Contract,
without damage to the municipal ways, other than normal wear and tear; then this
obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
beyond normal wear and tear, in the construction of the above project through the use of
legal weight, legal dimension trucks or equipment; or overweight or over-dimension
equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
may be used to guarantee that the contractor either repairs or pays for the damage caused
by the use of its equipment or trucks. The degree of damage beyond normal wear and
tear will be determined by municipal officials with the assistance of the Maine
Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____

BOND # _____

Date:

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
_____ and the Municipality of _____, as
principal, and.....
, a corporation duly organized under the laws of the State of and having a
usual place of business
as Surety, are held and firmly bound unto the Treasurer of the Municipality of
_____ in the sum of
_____ and 00/100 Dollars (\$)
to be paid said Treasurer of the Municipality of _____ or
her/his successors in office, for which payment well and truly to be made, Principal and
Surety bind themselves, their heirs, executors and administrators, successors and assigns,
jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of
_____ promptly and faithfully performs the Contract,
without damage to the municipal ways, other than normal wear and tear; then this
obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
beyond normal wear and tear, in the construction of the above project through the use of
legal weight, legal dimension trucks or equipment; or overweight or over-dimension
equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
may be used to guarantee that the contractor either repairs or pays for the damage caused
by the use of its equipment or trucks. The degree of damage beyond normal wear and
tear will be determined by municipal officials with the assistance of the Maine
Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20..... .

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____





CITY COUNCIL ACTION

03/11/2024 24-096

Council Meeting Date: 03/11/2024
Item No: 24-096
Responsible Dept: Engineering
Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing Contract Award to Copia Specialty Contractors, Inc. - Pickering Square Parking Garage, Phase 9 Repairs

Summary

Three contractors submitted proposals for the project and bids ranged from \$769,470.00 to \$296,300.00. The low bid for the work was provided by Copia Specialty Contractors, Inc. of Bangor, Maine.

The City's Engineering Consultant for this project (Thornton Tomasetti) is currently working with Copia Specialty Contractors, Inc. on a parking garage in the Portland area and has had a positive experience with them.

The Engineering Department recommends awarding the Pickering Square Parking Garage – Phase 9 Repairs to Copia Specialty Contractors Inc. for the proposed fee of \$296,300.00.

Committee Action

Committee: Finance Committee
Action: Recommend for passage

Meeting Date: 03/04/2024
For: Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

03/11/2024 24-096

Date: 03/11/2024

Item No: 24-096

Assigned to Councilor: Yacoubagha

Authorizing Contract Award to Copia Specialty Contractors, Inc. - Pickering Square Parking Garage, Phase 9 Repairs

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

Copia Specialty Contractors, Inc. is hereby awarded the contract for Pickering Square Parking Garage, Phase 9 Repairs for \$296,300.00



DEPARTMENT OF ENGINEERING

CITY OF BANGOR

JOHN THERIAULT PE, PTOE
CITY ENGINEER

To: Finance Committee
From: Engineering Department, John Theriault, PE
Date: February 27, 2024

Re: Contract Award to Copia Specialty Contractors, Inc. for
Pickering Square Parking Garage – Phase 9 Repairs

Dear Councilors,

Contractor Bids were received by the City of Bangor on February 21, 2024 for the Pickering Square Parking Garage - Phase 9 Repairs. The proposed work is to include concrete repair, installation of joint sealant, and miscellaneous repairs.

Three contractors submitted proposals for the project and bids ranged from \$769,470.00 to \$296,300.00. The low bid for the work was provided by Copia Specialty Contractors, Inc of Bangor, Maine.

The City's Engineering Consultant for this project (Thornton Tomasetti) is currently working with Copia Specialty Contractors, Inc. on a parking garage in the Portland area and have had a positive experience with them.

The Engineering Department recommends awarding the Pickering Square Parking Garage – Phase 9 Repairs to Copia Specialty Contractors Inc. for the proposed fee of \$296,300.00.

I look forward to discussing this project with you at the March 4, 2024 Finance Committee Meeting.

Sincerely,

John Theriault, PE
Bangor City Engineer



City of Bangor Bid Tabulation
Bid: Pickering Square Parking Garage- Phase 9
Proposal No. P24-31

Bid Opening: February 21, 2024

CITY OF BANGOR

				Contracting Specialists Incorporated		Copia Specialty Contractors, Inc.		Structural Preservation Systems LLC	
				North Attleboro, MA		Bangor, ME		Chelmsford, MA	
Item	Description	Est Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A	General Conditions	1	Lump Sum	N/A	263,155.00	N/A	15,000.00	N/A	70,696.60
B.1	Double Tee Flange Overhead Spall Repair	100	SF	330.00	33,000.00	250.00	25,000.00	148.20	14,820.00
B.2	Double Tee Full Depth Repair	25	SF	445.00	11,125.00	400.00	10,000.00	137.50	3,437.50
B.3	Double Tee Stem Repair	50	SF	484.00	24,200.00	250.00	12,500.00	445.20	22,260.00
B.4	IT Beam Repair	25	SF	280.00	7,000.00	150.00	3,750.00	195.55	4,888.75
B.5	Joint Sealant Replacement	4,250	LF	17.50	74,375.00	11.50	48,875.00	13.80	58,650.00
B.6	Crack Chase Repair	50	LF	15.00	750.00	12.00	600.00	9.70	485.00
B.7	Epoxy Crack Injection	50	LF	146.00	7,300.00	50.00	2,500.00	67.45	3,372.50
B.8	Joint Edge Repair	50	SF	200.00	10,000.00	100.00	5,000.00	85.45	4,272.50
B.9	Concrete Repair at Connection	710	SF	264.00	187,440.00	90.00	63,900.00	122.10	86,762.00
B.10	Overhead Supplemental Connection	40	EA	1,133.00	45,320.00	400.00	16,000.00	518.70	20,748.00
B.11	Concrete Sealer	33,600	SF	1.75	58,800.00	1.75	58,800.00	1.60	5,376.00
B.12	Corrosion Inhibitor at DT Stem Repair	350	SF	8.50	2,975.00	8.50	2,975.00	4.55	1,592.50
B.13	Spandrel to Column Connection Repair	7	EA	390.00	2,730.00	1,500.00	10,500.00	241.40	1,689.80
B.14	HD Traffic Membrane Recoat	1,500	SF	17.00	25,500.00	10.00	15,000.00	6.70	10,050.00
B.15	HD Traffic Membrane Full System	100	SF	32.00	3,200.00	24.00	2,400.00	28.85	2,885.00
B.16	Expansion Joint Support Tighten	7	Joint	1,800.00	12,600.00	500.00	3,500.00	315.55	2,201.85
C	Total Estimated Bid Amount (Items A + B)			769,470.00		296,300.00		*362,572.00	
D	Estimated Mobilization/Start Date			May 13, 2024		May 13, 2024		May 31, 2024	
E	Number of Working Days			85		70		80	
			Unit	Addition Unit Price	Deductions Unit Price	Addition Unit Price	Deductions Unit Price	Addition Unit Price	Deductions Unit Price
F.1	Double Tee Flange Overhead Spall Repair		SF	\$ 360.00	\$ 295.00	\$ 250.00	\$ 200.00	\$ 148.20	\$ 128.86
F.2	Double Tee Full Depth Repair		SF	\$ 490.00	\$ 410.00	\$ 250.00	\$ 200.00	\$ 137.50	\$ 119.56
F.3	Double Tee Stem Repair		SF	\$ 530.00	\$ 440.00	\$ 250.00	\$ 200.00	\$ 445.20	\$ 387.10
F.4	IT Beam Repair		SF	\$ 300.00	\$ 250.00	\$ 150.00	\$ 125.00	\$ 195.55	\$ 170.04
F.5	Joint Sealant Replacement		LF	\$ 18.00	\$ 15.00	\$ 12.00	\$ 10.00	\$ 13.80	\$ 12.00
F.6	Crack Chase Repair		LF	\$ 16.00	\$ 13.00	\$ 12.00	\$ 10.00	\$ 9.70	\$ 8.43
F.7	Epoxy Crack Injection		LF	\$ 160.00	\$ 130.00	\$ 60.00	\$ 50.00	\$ 67.45	\$ 58.65
F.8	Joint Edge Repair		SF	\$ 205.00	\$ 170.00	\$ 100.00	\$ 80.00	\$ 85.45	\$ 74.30
F.9	Concrete Repair at Connection		SF	\$ 290.00	\$ 235.00	\$ 100.00	\$ 80.00	\$ 122.20	\$ 106.26
F.10	Overhead Supplemental Connection		EA	\$ 1,250.00	\$ 1,050.00	\$ 600.00	\$ 500.00	\$ 518.70	\$ 451.04
F.11	Concrete Sealer		SF	\$ 1.90	\$ 1.55	\$ 1.80	\$ 1.50	\$ 1.60	\$ 1.39
F.12	Corrosion Inhibitor at DT Stem Repair		SF	\$ 9.30	\$ 7.60	\$ 8.50	\$ 8.00	\$ 4.55	\$ 3.95
F.13	Spandrel to Column Connection Repair		EA	\$ 430.00	\$ 360.00	\$ 1,500.00	\$ 1,200.00	\$ 241.40	\$ 209.91
F.14	HD Traffic Membrane Recoat		SF	\$ 18.50	\$ 15.00	\$ 10.00	\$ 8.00	\$ 6.70	\$ 5.82
F.15	HD Traffic Membrane Full System		SF	\$ 36.00	\$ 30.00	\$ 24.00	\$ 20.00	\$ 28.85	\$ 25.08
F.16	Expansion Joint Support Tighten		Joint	\$ 1,900.00	\$ 1,500.00	\$ 750.00	\$ 650.00	\$ 341.55	\$ 27.43

*Note: Individual pricing is listed as outlined in the bid document, not by actual calculations.



CITY COUNCIL ACTION

03/11/2024 24-097

Council Meeting Date: 03/11/2024

Item No: 24-097

Responsible Dept: Community & Economic Development

Requested Action: Order

Map/Lot:

Title, Order

Authorizing the Execution of Memorandum of Understanding (MOU) with Tandem Mobility, LLC (Tandem) for Tandem to Conduct a Campaign for a Bike Share Program in the City of Bangor

Summary

City Staff have been meeting with Tandem to create a bike share system that would connect neighborhoods, parks, downtown areas and the waterfront in Bangor with each other as part of a regional bike chare network connecting to adjacent cities and towns.

The 2023 Comprehensive Plan and the MDOT Pedestrian Action Plan both call for creating bicycle facilities in the city where possible and feasible, as well as numerous studies from the Bangor Area Community Transportation Systems (BACTS).

Committee Action

Committee: Business & Economic Development Committee

Meeting Date: 03/04/2024

Action: Recommend for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

03/11/2024 24-097

Date: 03/11/2024

Item No: 24-097

Assigned to Councilor: Schaefer

Authorizing the Execution of Memorandum of Understanding (MOU) with Tandem Mobility, LLC (Tandem) for Tandem to Conduct a Campaign for a Bike Share Program in the City of Bangor

WHEREAS, the city's Comprehensive Plan calls for improved access to bicycling in the city;

WHEREAS, other plans by Maine DOT and the Bangor Area Community Transportation Systems (BACTS) also call for improvements to bicycling facilities and access in the city;

WHEREAS, Tandem Mobility LLC is a potential partner to undertake a campaign to implement a bike share program within the City:

WHEREAS, the MOU establishes the City's support of the initiative with a commitment to execute a contract upon completion of their sponsorship program;

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

The City of Bangor is hereby authorized to execute a Memorandum Of Understanding with Tandem to campaign for a bike share program in Bangor, with the document subject to final approval by the City Solicitor.



**REFERRALS TO
COMMITTEES
& FIRST READING**



CITY COUNCIL ACTION

Council Meeting Date: March 11, 2024

Item No: 24-098

Responsible Dept: Legal

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 223, Property Maintenance, Section 223-12, to Clarify That the Director of Community and Economic Development has Authority to Sign Administrative Consent Agreements on Behalf of the City.

Summary

This ordinance amendment, if passed, would revise the City's Vacant Buildings Ordinance to permit the Director of Community and Economic Development to sign administrative consent agreements on behalf of the City.

Under the current ordinance, there is no City official designated to sign administrative consent agreements. A City official must be specifically designated in order to have authority to sign administrative consent agreements on behalf of municipalities under Maine state law. In order to make enforcement of the Vacant Buildings Ordinance more efficient, this amendment will authorize the Director of Community and Economic Development to sign administrative consent agreements on behalf of the City to resolve violations of the Vacant Buildings Ordinance without court involvement. In the absence of the Director of Community and Economic Development, the City Solicitor and the City Manager will be given this authority.

The proposed amendment would also clarify that the City may enforce violations of the Vacant Buildings ordinance in court.

This proposed amendment was unanimously recommended at the March 4, 2024 Government Operations Committee meeting.

Committee Action

Committee: Government Operations

Meeting Date:

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: March 11, 2024

Assigned to Councilor: Schaefer

ORDINANCE, Amending Chapter 223, Property Maintenance, Section 223-12, to Clarify That the Director of Community and Economic Development has Authority to Sign Administrative Consent Agreements on Behalf of the City

WHEREAS, at present, the Vacant Building Ordinance does not designate any city official to sign administrative consent agreements on behalf of the City to resolve violations without court involvement; and

WHEREAS, enforcement of the Vacant Buildings ordinance would be more efficient and effective if the Director of Community and Economic Development and, in her absence, the City Solicitor or the City Manager, were authorized to sign administrative consent agreements on behalf of the City to resolve violations of the Vacant Buildings ordinance out of court; and

WHEREAS, the proposed ordinance revision would also clarify that the City may enforce violations of the Ordinance in court;

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

Chapter 223 of the Code of the City of Bangor is amended as follows:

§ 223-12 Violations and penalties.

Any person who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty and the enforcement provisions as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense. The Director of Community and Economic Development is authorized to sign administrative consent agreements on behalf of the City to resolve violations of this Article. In the absence of said Director, the City Solicitor or the City Manager have the authority to sign administrative consent agreements on behalf of the City. The City may also enforce violations of this Article in court.

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



CITY COUNCIL ACTION

Council Meeting Date: March 11, 2024

Item No: 24-099

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 165, Land Development Code, to Reduce Off-Street Parking Minimums for Residential Dwellings and to Allow the Planning Board to Authorize Reductions in Parking Minimums for Uses Requiring a Land Development Permit

Summary

The proposed change would update the City’s Code of Ordinances to reduce off-street parking minimums for residential dwellings (unless otherwise specified) from 1.5 spaces per dwelling unit to 1 space per dwelling unit. It would also empower the Planning Board to authorize a reduction in the number of required parking spaces for any project requiring a Land Development Permit if the applicant provides a parking study or other method of demonstrating a lesser parking demand for the project.

A need has been expressed in the City for this reduction as parking is often raised as a barrier to affordable housing. Off-street parking minimums can disincentivize development as parking is expensive to construct and maintain, and it occupies space that could otherwise be used to place additional units. Reducing minimum parking requirements can also help address the negative impacts that excess parking has on water quality, urban heat, and sprawl. The 2022 Comprehensive Plan suggests that the City “revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing.” The Plan also suggests reducing parking minimums generally as a way to reduce excess parking in the City.

Committee Action

Committee: Planning Board

Meeting Date: March 19, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: March 11, 2024

Assigned to Councilor: Leonard

ORDINANCE, Amending Chapter 165, Land Development Code, to Reduce Off-Street Parking Minimums for Residential Dwellings and to Allow the Planning Board to Authorize Reductions in Parking Minimums for Uses Requiring a Land Development Permit.

WHEREAS, the proposed changes would update the City's Land Development Code to reduce off-street parking minimums for residential dwellings from 1 1/2 spaces per dwelling unit to 1 space per dwelling unit and would authorize the Planning Board to allow a reduction in parking minimums for projects requiring a Land Development Permit;

WHEREAS, a need has been expressed in the City for more affordable housing and parking can serve as a barrier to producing said housing;

WHEREAS, the 2022 Comprehensive Plan suggests that the City "revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing" and suggests reducing parking minimums generally as a way to reduce excess parking in the City;

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:

§ 165-72. Required number of spaces.

A minimum number of off-street parking spaces shall be provided and maintained by the owner of every building or property hereafter erected, altered or changed in use, in accordance with the following requirements:

- ...
- B. ~~Other governmental subsidized, low income housing and tiny home parks: one space per dwelling unit, unless otherwise determined by the Planning Board per § 165-139C(5). (Reserved)~~
- ...
- E. All other dwellings: 1 space per dwelling unit. ~~1 1/2 spaces per dwelling unit, except that in the Multifamily and Service District, the requirement is one space per dwelling unit.~~
- ...
- O. Other provisions: Uses not listed in this schedule: The Code Enforcement Officer, in consultation with the Planning Officer and City Engineer, shall determine the number of spaces required based on Institute of Transportation Engineers standards for the most similar use or uses, or may accept an empirical determination of overall parking needs of a use as prepared by a qualified parking analyst.
- (1) Uses not listed in this schedule: The Code Enforcement Officer, in consultation with the Planning Officer and City Engineer, shall determine the number of spaces required based on Institute of Transportation Engineers standards for the most similar use or uses, or may accept

an empirical determination of overall parking needs of a use as prepared by a qualified parking analyst.

- ~~(2)~~ Combination of above uses in §165-72: the sum of the requirements of the various uses computed separately if the peak hour use is similar in the opinion of the Code Enforcement Officer, or in the opinion of the Planning Board if a Land Development Permit is required; otherwise, the number of parking spaces required for the use requiring the greatest number of spaces.
- ~~(3)~~ In addition to the above requirements, sufficient spaces shall be provided to accommodate parking requirements of employees and company vehicles as may be needed.
- ~~(4)~~ The Planning Board may authorize a reduction in the required number of parking spaces for any use requiring a Land Development Permit per §165-111 if the applicant provides a parking study or other method of demonstrating a lesser parking demand for the use.

Additions underlined, deletions ~~struck through~~



CITY COUNCIL ACTION

Council Meeting Date: March 11, 2024

Item No: 24-100

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending the Code of the City of Bangor, by Clarifying the Definitions of Hosted and Non-Hosted Short-Term Rentals.

Summary

The proposed changes would update the City's Code of Ordinances to clarify the definitions of Hosted and Non-Hosted Short-Term Rentals. The current definitions state that in order to qualify as a hosted short-term rental, the owner or operator must be on the premises while a rental is occupied, and a non-hosted rental is where the owner or operator is not on the premises. The updated definitions state that a hosted rental is where the property is the primary residence of the owner or operator and a non-hosted rental is where the property is not the owner or operator's primary residence. This change aligns with the intent of the original ordinance adopted in October of 2023.

Committee Action

Committee: Planning Board

Meeting Date: March 19, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: March 11, 2024

Assigned to Councilor: Deane

ORDINANCE, Amending the Code of the City of Bangor by Clarifying the Definitions of Hosted and Non-Hosted Short-Term Rentals.

WHEREAS, the proposed changes would update the City’s Code of Ordinances to clarify the definitions of Hosted and Non-Hosted Short-Term Rentals.

WHEREAS, the current definitions state that in order to qualify as a hosted short-term rental, the owner or operator must be on the premises while a rental is occupied, while the updated definitions state that a hosted rental is where the property is the primary residence of the owner or operator;

WHEREAS, this change aligns with the intent of the original ordinance adopted in October of 2023;

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:

§ 254-3 Definitions.

...
PRIMARY RESIDENCE

The dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and/or government identification purposes.

...
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 ~~is the primary residence of the owner or operator 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 ~~is neither the primary residence of the owner nor the operator during the period when the short-term rental unit is occupied, whether or not, regardless of whether~~ 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.

...
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:

...

- (c) Property location and short-term rental details.

...

- [4] For hosted short-term rentals, attestation or documentation demonstrating that the premises where the short-term rental is located is the primary residence of the owner or operator. ~~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.~~

Additions underlined, deletions ~~struck through~~.



UNFINISHED
BUSINESS



CITY COUNCIL ACTION

Council Meeting Date: January 22, 2024

Item No: 24-069

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: 002-009

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone the Property Located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD).

Summary

This Ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot 002-009, located at 108 Odlin Road, from a combination of Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to only Urban Service District (USD). The total area requested to be changed is approximately 6.27 acres. The applicant and owner of record is Bangor Lodge #244 B.P.O. Elks (also known as Bangor Elks Lodge).

The area around the property consists primarily of commercial and residential uses. The zoning in the area is primarily USD to the west and north and URD-1 to the east. This area is within the growth boundary shown in the 2022 Comprehensive Plan, and the future land use map in the Plan shows this property in the Airport Commercial area, which consists of "commercial and industrial areas in proximity to Bangor's airport that support, complement, or benefit from the airport's proximity."

Committee Action

Committee: Planning Board

Meeting Date: February 6, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: January 22, 2024

Assigned to Councilor: Hawes

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone the Property Located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD).

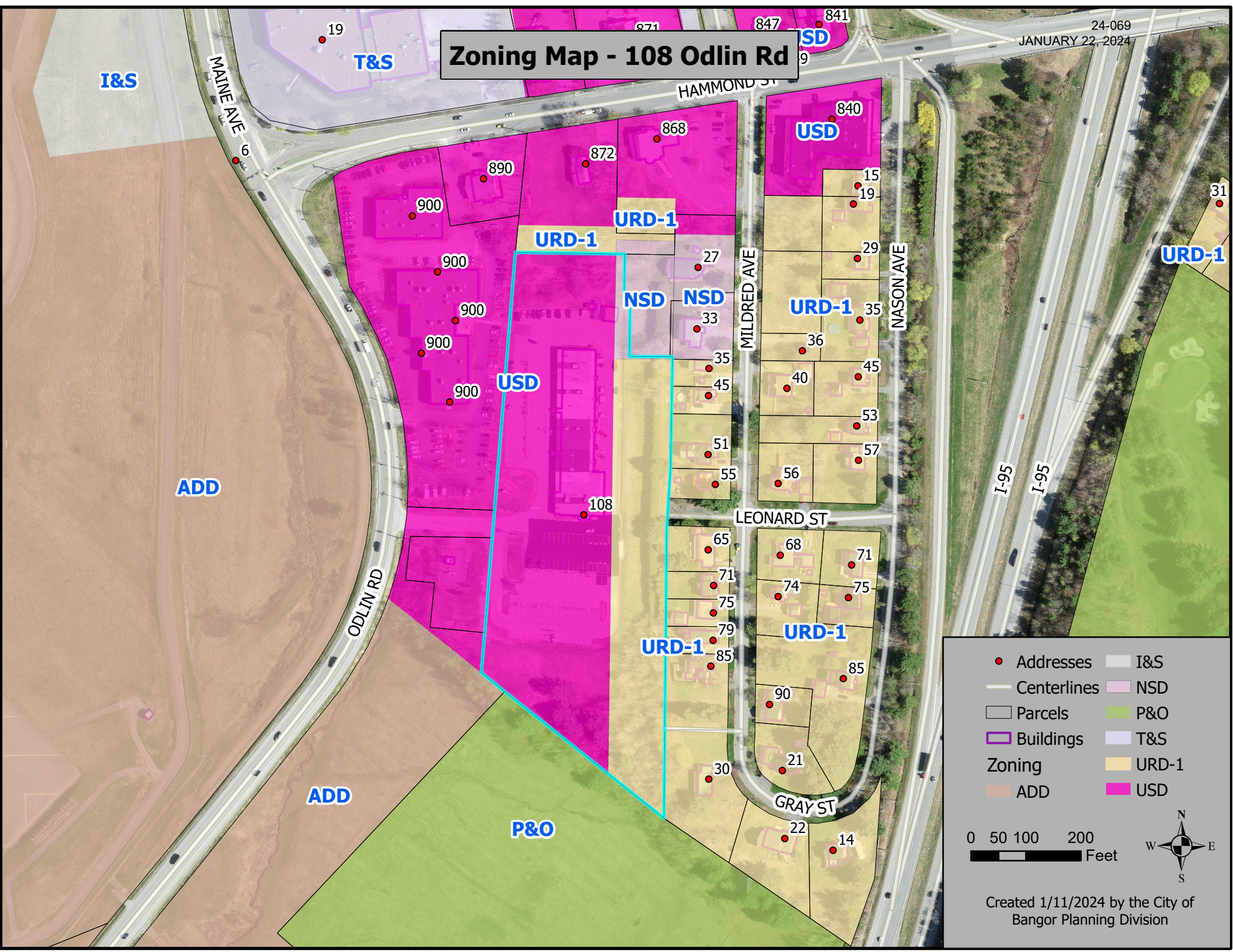
WHEREAS, the area around the subject property consists primarily of commercial and residential uses, and the zoning in the area is primarily USD to the west and north and URD-1 to the east; and

WHEREAS, the 2022 Comprehensive Plan shows this property in the Airport Commercial area, which consists of "commercial and industrial areas in proximity to Bangor's airport that support, complement, or benefit from the airport's proximity";

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 002-009, located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD). The total area requested to be changed is approximately 6.27 acres and is shown in the attached exhibit.

Zoning Map - 108 Odlin Rd



● Addresses	I&S
— Centerlines	NSD
□ Parcels	P&O
▭ Buildings	T&S
Zoning	URD-1
ADD	USD

0 50 100 200 Feet

Created 1/11/2024 by the City of Bangor Planning Division



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Officer

Date: March 6, 2024

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

Re: Planning Board Recommendation March 5, 2024
Zone Change – Map-Lot 002-009 – Urban Residence 1 District (URD-1),
Neighborhood Service District (NSD), and Urban Service District (USD) to Urban
Service District (USD)

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 March 5, 2024.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Chair Reese Perkins and Members Don Meagher, Jonathan Boucher, Trish Hayes, Mike Bazinet, and Joshua Saucier. Alternate Member Janet Jonas was present on Zoom, filling in for Member Brush, who was absent.

Jason Worster explained the Elks' Lodge plans for the property and why they need to expand into the area zoned URD-1, along with why it would not be feasible for them to build the parking elsewhere on the lot. Worster also stated that the hedges in the URD-1 strip could be removed if the property changes hands.

From the staff memo:

- A. This item is a continuation of the zone change request for 108 Odlin Road to re-zone the entire lot from a mix of NSD, URD-1, and USD, to entirely USD. The decision on this request was deferred to this meeting to allow staff additional time to search for files related to previous zone changes for this property.
- B. Since the previous meeting, staff have been unable to access City Hall to search for hard files due to ongoing asbestos abatement. However, in the Council action from 2013 that changed a portion of the lot to NSD, staff have found reference to the history of the URD-1 zoning for this lot. This order is included in your packets. It does appear that the URD-1 zone was left in order to provide a buffer between the Elks Lodge property and the adjacent residential lots. However, the subsequent change to NSD for the area behind 27 and 33 Mildred Avenue did remove any provision for a buffer for those two lots.

- C. There are several options available to the Board to require that a buffer remain between the Elks Lodge parking lot and the abutting residences:
1. The Board could recommend approval of the zone change, but when the applicant reappears before the Board for site plan approval, the Board could consider conditioning approval on the applicant providing a wider vegetative buffer than would typically be required for off-street parking in this situation. In this case, the Board would work with the applicant to determine a reasonable width for the buffer.
 2. The Board could vote not to recommend the zone change and instead ask the applicant to apply for a contract zone change, with one of the contract conditions being a wider vegetative buffer along the eastern property line. Another contract condition could be a restriction on operating hours if that is also a concern of the Board.
 3. The Board could vote not to recommend the zone change and instead recommend to leave the current zoning as is. However, it should be noted that this method would only result in a buffer between the Elks Lodge and the residential lots that are zoned URD-1. There would not be a required buffer between the Lodge and the two lots zoned NSD (unless conditioned as part of a site plan approval). The first two options above though could potentially result in a vegetative buffer for these two lots as well. This third option would result in the applicant not being able to extend their parking or any other commercial development into the area zoned URD-1.

Public comments primarily addressed the need for a buffer between the Elks Lodge use the adjacent residences and expressed concerns about noise. Comments were made about the original zoning of URD-1 being left in order to provide a buffer for the adjacent neighborhood. Some members of the public felt that the applicants could create parking elsewhere on the property in locations that would not impact the neighbors; others felt that the Elks' Lodge has sufficient parking and therefore that the zone change is unnecessary. Member Saucier echoed the latter comments.

The applicant responded to some of the concerns expressed, stating that it wouldn't be feasible to put parking in the other areas of the property noted by the abutters. The applicant also pointed out other lots in the City zoned USD that abut residential that do not have a zoning buffer similar to the one located on this lot. The applicant stated a willingness to maintain a 50-foot buffer between their use and the neighborhood and expressed disagreement about noise issues based on a decibel test during a recent event.

Member Saucier expressed that he didn't feel the situation has substantively changed since the URD-1 buffer was originally created; therefore, he supported option 3 in the staff memo. Other members stated a preference for option 1. Chair Perkins expressed concerns about potential changes of use and therefore preferred option 2. Member Meagher concurred. Members asked clarifying questions of staff.

Staff provided clarification to the Board on the potential outcomes of options 2 and 3. With option 2, a contract zone change could not be used to limit the allowed uses on the lot, but it could be used to restrict dimensional requirements, require a wider buffer, or restrict the hours of operation; however, any of the commercial uses in USD would be allowed anywhere on the lot (provided they meet those stipulations). With option 3, leaving the zoning the same could still mean a bar or similar use could come into the portion zoned USD, but no commercial would be allowed in the URD-1 strip; however, residential uses (anything allowed in URD-1) could be put in that strip.

Based on Board discussion and staff clarification, some of the members that had previously desired option 1 instead expressed a desire for option 2 as stated in the staff memo, regarding a contract zone change with stipulations on a wider buffer between uses on the Lodge lot and the adjacent properties, and restrictions on hours of operation.

Member Meagher made a motion to recommend to the City Council that the proposed zone change ought to pass. Member Boucher seconded the motion. The motion failed to pass 5:2 with the members voting as follows:

- Alternate Member Jonas – No; prefers the applicant return for a contract zone change
- Member Bazinet – No; prefers the applicant return for a contract zone change
- Member Meagher – No; prefers the applicant return for a contract zone change
- Chair Perkins – No; prefers the applicant return for a contract zone change
- Member Saucier – No; prefers that the zoning remain the same
- Member Boucher – Yes; prefers to stipulate conditions during the site plan process
- Member Hayes – Yes; prefers to stipulate conditions during the site plan process

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed zone change ought **not** to pass.

Anja Collette



CITY COUNCIL ACTION

Council Meeting Date: February 26, 2024

Item No: 24-089

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 Co-living Dormitories.

Summary

The proposed changes would update the City's Code of Ordinances to define the use of "co-living dormitories" and to allow this use in the M&SD, NSD, DDD, WDD, HDR, S&PS, and GC&S zones. This use is a flexible form of housing that falls under the single-room occupancy housing type, where bedrooms are considered individual living quarters and there are typically shared kitchen facilities. This housing type is differentiated from boarding homes in that it would be larger in size (8 or more rooms) and there would be no minimum stay length for a portion of the building (boarding homes require stays of at least 30 days). This creates allowances for more transient workers or people who are transitioning from one residence to another, as well as more permanent residents. An on-site manager would be required for this use as well as proximity to transit and either business or short-term rental licensing.

A need has been expressed in the City for this type of living arrangement since it can provide a much more affordable type of workforce housing, particularly for younger people and the transient workforce. The 2022 Comprehensive Plan suggests that the City to "revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing".

Committee Action

Committee: Planning Board

Meeting Date: March 5, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: February 26, 2024

Assigned to Councilor: Deane

ORDINANCE, Amending the Code of the City of Bangor by Creating Regulations and Allowances for Co-living Dormitories.

WHEREAS, the proposed changes would update the City's Code of Ordinances to create a new land use called "co-living dormitories", which is a type of single-room occupancy housing;

WHEREAS, a need has been expressed in the City for this type of living arrangement since it can provide a much more affordable type of workforce housing, particularly for younger people and the transient workforce;

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

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

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

§ 165-13 Definitions.

...

BOARDINGHOUSE

A single-family dwelling or a portion of a mixed-use building where at least three, ~~or~~ but no more than 7, rooms are provided for living quarters for stays 30 days or longer. Meals may or may not be provided, but there is at least one common kitchen facility. The dwelling shall be occupied by the owner or operator. The building may also have a common room.

...

CO-LIVING DORMITORY

A building in which group sleeping accommodations are provided within 8 or more individual secure bedrooms, under joint occupancy and single management, occupied by no more than 2 persons per room. Each bedroom within a Co-living Dormitory is considered a separate living quarter and at least 75% of the rooms must be rented for a period of at least 30 days, per room. Meals may or may not be provided, but there shall be at least one, adequately sized common kitchen facility, which must include a stove, oven, refrigerator, and sink, to be shared with other residents of the building. No room may have individual cooking facilities, except for microwaves. Communal areas must be provided and accessible to all residents and can include, but are not limited to, lounges, recreation rooms, resident laundry facilities, kitchen facilities, and dining areas. A minimum of 10% of the gross floor area of the building must consist of common amenity space, which shall not include bathrooms, hallways, maintenance areas, or storage areas. On-site management shall be provided at all times.

...

§ 165-72 Required number of spaces.

...

- C. Congregate housing for the elderly, ~~and boardinghouses,~~ and co-living dormitories: one space per three dwelling units or rooms.

...

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

...

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

...

(7) Co-living dormitory, provided that:

- (a)** The facility is located within 1/2 mile of a public transit route at the time of approval by the Planning Board.
- (b)** In accordance with Chapter 85 of the City Code of Ordinances, a business license is required to rent rooms for 30 days or longer.
- (c)** In accordance with Chapter 254 of the City Code of Ordinances, a short-term rental license is required to rent rooms for less than 30 days.

...

§ 165-91 Neighborhood Service District (NSD).

...

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

...

(14) Co-living dormitory, provided that:

- (a)** The facility is located within 1/2 mile of a public transit route at the time of approval by the Planning Board.
- (b)** In accordance with Chapter 85 of the City Code of Ordinances, a business license is required to rent rooms for 30 days or longer.
- (c)** In accordance with Chapter 254 of the City Code of Ordinances, a short-term rental license is required to rent rooms for less than 30 days.

- (15-14)** Accessory uses on the same lot that are customarily incidental to and subordinate to the above uses.

...

§ 165-93 Downtown Development District (DDD).

...

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

...

(6) Co-living dormitory, provided that:

- (a) The facility is located within 1/2 mile of a public transit route at the time of approval by the Planning Board.**
- (b) In accordance with Chapter 85 of the City Code of Ordinances, a business license is required to rent rooms for 30 days or longer.**
- (c) In accordance with Chapter 254 of the City Code of Ordinances, a short-term rental license is required to rent rooms for less than 30 days.**

...
§ 165-94 Waterfront Development District (WDD).

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

...
(5) Co-living dormitory, provided that:

- (a) The facility is located within 1/2 mile of a public transit route at the time of approval by the Planning Board.**
- (b) In accordance with Chapter 85 of the City Code of Ordinances, a business license is required to rent rooms for 30 days or longer.**
- (c) In accordance with Chapter 254 of the City Code of Ordinances, a short-term rental license is required to rent rooms for less than 30 days.**

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

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

...
(10) Co-living dormitory, provided that:

- (a) The facility is located within 1/2 mile of a public transit route at the time of approval by the Planning Board.**
- (b) In accordance with Chapter 85 of the City Code of Ordinances, a business license is required to rent rooms for 30 days or longer.**
- (c) In accordance with Chapter 254 of the City Code of Ordinances, a short-term rental license is required to rent rooms for less than 30 days.**

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

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

(21) Co-living dormitory, provided that:

- (a)** The facility is located within 1/2 mile of a public transit route at the time of approval by the Planning Board.
- (b)** In accordance with Chapter 85 of the City Code of Ordinances, a business license is required to rent rooms for 30 days or longer.
- (c)** In accordance with Chapter 254 of the City Code of Ordinances, a short-term rental license is required to rent rooms for less than 30 days.

(22 ~~21~~) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

...

Additions underlined, deletions ~~struck through~~.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Analyst

Date: March 6, 2024

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

Re: Planning Board Recommendation March 5, 2024
Amending Chapter 165, Land Development Code, Attachment 2, Schedule A Urban
Developed Area by Increasing the Maximum Height in the Multifamily and Service
District (M&SD)

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 March 5, 2024.

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

Chair Perkins briefly reviewed the proposed amendments and stated they were discussed at a previous meeting.

From the staff memo:

- A. This item is for the formal adoption of language to create regulations and allowances for co-living dormitories. Staff discussed this with the Board at the February 6th meeting. These proposed changes to the Land Development Code would involve creating a definition for the use and would allow this use in the M&SD, NSD, DDD, WDD, HDR, S&PS, and GC&S zones. While GC&S isn't called out specifically in the language, the Code currently allows any permitted by right use in S&PS to also be permitted in the GC&S zone.
- B. This use is a flexible form of housing that falls under the single-room occupancy housing type, where bedrooms are considered individual living quarters and there are typically shared kitchen facilities. This housing type is differentiated from boarding homes in that it would be larger in size (8 or more rooms) and there would be no minimum stay length for 25% of the building (boarding homes require stays of at least 30 days). Stipulations on this use are that on-site management would be required at all times, at least 10% of the building would need to be used as common space, a full kitchen would need to be provided, and the facility would need to be located no more than ½ mile from a public

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 3.5.2024
Land Development Code – Co-living Dormitories

transit route. The parking requirement is proposed to be the same as boardinghouses, which is 1 space per 3 rooms. Additionally, a business license would be required for the rooms rented long term and a short-term rental license for the rooms rented short term.

- C. A need has been expressed in the City for this type of living arrangement since it can provide a much more affordable type of workforce housing, particularly for younger people and the transient workforce. The 2022 Comprehensive Plan suggests that the City to “revise zoning regulations to remove barriers to development for a variety of housing types including single-room occupancy housing, tiny homes, and transitional housing”.

Member Bazinet asked if the Board had any recommendations previously that were incorporated into the language. Planning Officer Collette stated that there were not any.

Member of the public, Andy Hamilton, spoke in support of the proposed changes and stated that there was interest in developing this use in the S&PS and GC&S zones near the mall.

Planning Officer Collette clarified that since the previous workshop, the minimum percentage of the building required to be used for common space had been reduced to 10%, that a full kitchen was stipulated as a requirement, and that common space could not include storage areas or hallways. Member Hayes asked if shared bathrooms were considered part of the common space. Planning Officer Collette stated there could either be shared bathrooms or an individual bathroom per room; stated that the definition focused more on the shared kitchens being a requirement for fire safety purposes and to match the definition of dormitory in the building and fire codes as much as possible.

Member Boucher asked a clarifying question on the fire safety requirements. Planning Officer Collette stated that it would be the same as what is required for any other type of dormitory, such as college dormitories.

Member Saucier moved to recommend to City Council that the proposed amendments ought to pass. Member Bazinet seconded the motion. The motion passed 7:0 with all members voting in favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed amendments ought to pass.

Anja Collette



CITY COUNCIL ACTION

Council Meeting Date: February 26, 2024

Item No: 24-090

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 165, Land Development Code, to Change the Square Footage Requirement of Warehousing/Wholesaling Uses in the General Commercial & Service District (GC&S).

Summary

This Ordinance would amend the Land Development Code to change the square footage requirement for the "warehousing or wholesaling of goods and materials" conditional use in GC&S to match the requirement for the same use in the Shopping and Personal Service District (S&PS). The S&PS and GC&S zones are somewhat similar commercial zones, except that GC&S allows more intensive uses than S&PS. In contrast, the current square footage allowance for warehousing is more restrictive in GC&S than for the same use in S&PS. The proposed language would change this to make the square footage requirement the same in both zones for the same use.

Committee Action

Committee: Planning Board

Meeting Date: March 5, 2024

Action:

For:

Against:

Staff Comments & Approvals


City Manager


City Solicitor


Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: February 26, 2024

Assigned to Councilor: Yacoubagha

ORDINANCE, Amending Chapter 165, Land Development Code, to Change the Square Footage Requirement of Warehousing/Wholesaling Uses in the General Commercial & Service District (GC&S).

WHEREAS, the S&PS and GC&S zones are somewhat similar commercial zones, except that GC&S allows more intensive uses than S&PS; in contrast, the current square footage allowance for warehousing is more restrictive than for the same use in S&PS.

WHEREAS, the proposed language would make the square footage requirement the same in both zones for the same use;

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:

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

...

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

...

(5) Warehousing or wholesaling of goods and materials, provided that:

...

(b) The gross floor area of a building housing such uses shall not exceed 20,000 square feet, except on a lot with a yard that abuts Bangor Mall Boulevard, Longview Drive, Stillwater Avenue or Hogan Road, where more than 20,000 square feet of floor area may be allowed.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Analyst

Date: March 6, 2024

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

Re: Planning Board Recommendation March 5, 2024
Amending Chapter 165, Land Development Code, to Change the Square Footage Requirement of Warehousing/Wholesaling Uses in the General Commercial & Service District (GC&S)

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 March 5, 2024.

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

Planning Officer Collette reviewed the proposed change, stating that it is a minor policy change that would result in the square footage stipulations for warehouse uses in G&CS to match the same use in S&PS.

From the staff memo:

- A. This proposed change would update the square footage stipulation for warehousing and wholesaling uses in GC&S to match that of the same use in S&PS. The current condition in GC&S for this use (§165-102(D)(5)) is that the gross floor area of a building housing the use shall not exceed 20,000 square feet. The S&PS zone restricts these uses to the same square footage generally, but makes an exception for buildings on lots that abut Bangor Mall Blvd, Longview Dr, Stillwater Ave, or Hogan Rd, in which case, a building can exceed 20,000 square feet.
- B. The S&PS and GC&S zones are somewhat similar commercial zones, except that GC&S allows more intensive uses than S&PS. In contrast, the current square footage allowance for warehousing is more restrictive in GC&S than for the same use in S&PS since it does not make an exception for uses located on the roads listed above. The proposed language would change this by adding this exception to the use in GC&S.

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 3.5.2024
Land Development Code – GC&S Square Footage Requirements for Warehousing/Wholesaling Uses

There were no comments from the public or the Board.

Member Saucier moved to recommend to City Council that the proposed amendment ought to pass. Member Bazinet seconded the motion. The motion passed 7:0 with all members voting in favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed amendment ought to pass.

Anja Collette



NEW BUSINESS



CITY COUNCIL ACTION

03/11/2024 24-101

Council Meeting Date: 03/11/2024

Item No: 24-101

Responsible Dept: Community & Economic Development

Requested Action: Order

Map/Lot:

Title, Order

Expanding the Downtown Special Assessment District

Summary

PUBLIC HEARING: Prior to voting on this Order, the Council is required to hold a Public Hearing to expand the existing boundaries of the Downtown Special Assessment District.

If approved, the attached Order would expand the boundaries of the Downtown Special Assessment District in accordance with 30A MRS Section 5228. Properties within the boundaries are assessed an additional amount, which is utilized to fund activities and events within the boundaries. The municipal development program and financial plan for the Bangor Center Development District, which is prepared and implemented by the Downtown Bangor Partnership, following review and adoption by the City Council.

A public workshop was held on February 26, 2024.

Committee Action

Committee: Business & Economic Development Committee

Meeting Date: 03/04/2024

Action: Recommend for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



Date: 03/11/2024

Item No: 24-101

Assigned to Councilor: Leonard

Expanding the Downtown Special Assessment District

WHEREAS, the Downtown Assessment District was created to coordinate activities, events and marketing;

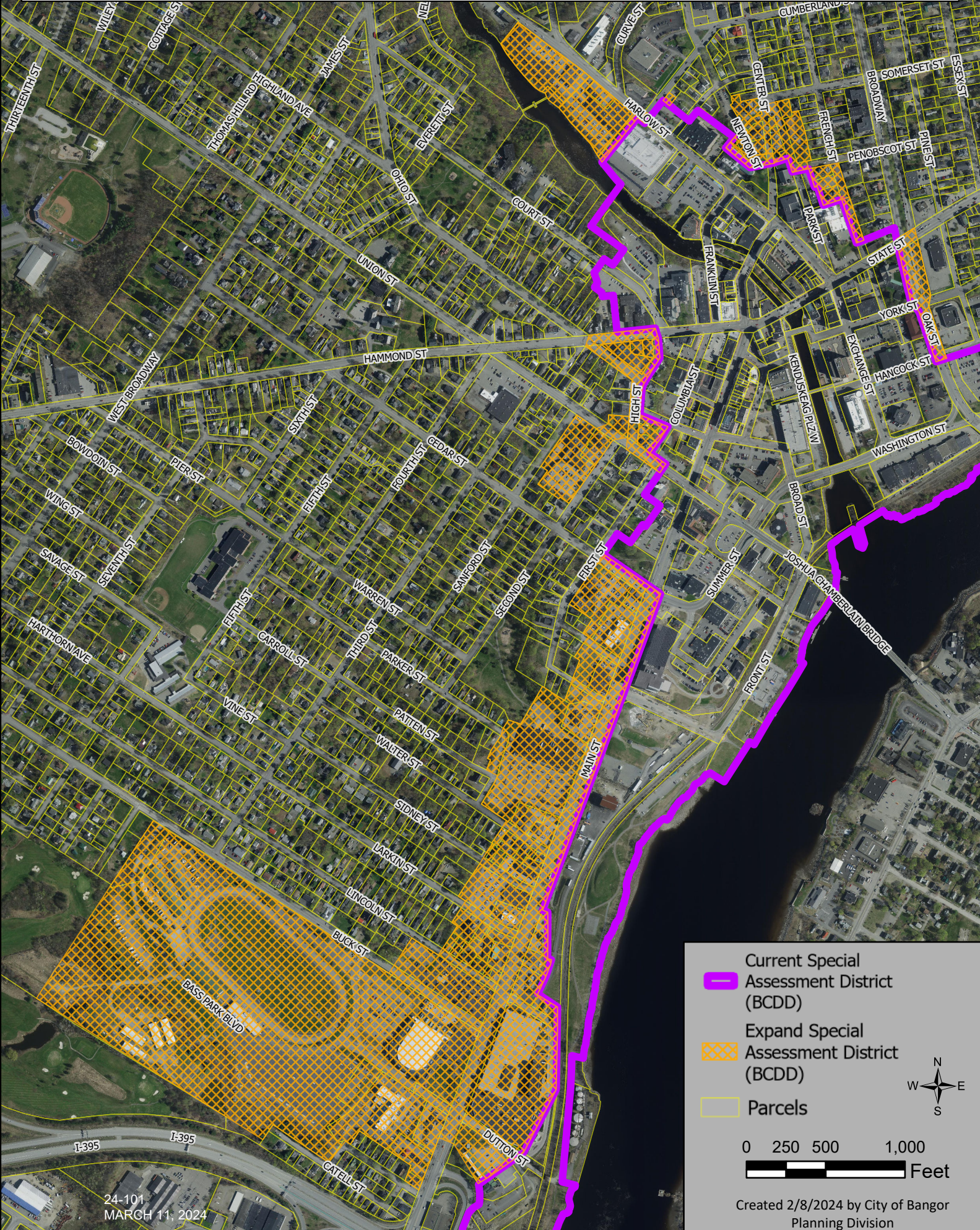
WHEREAS, the developments on the waterfront and edges of the downtown district have expanded the downtown;

WHEREAS, these properties wish to be part of noted coordinated efforts to promote the downtown

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

The City of Bangor Downtown Special Assessment district is hereby expanding to include the following properties (listed by Map-Lot and address): 024-011/Buck St; 025-014/491 Main St; 025-053/59 Lincoln St; 025-054/55 Lincoln St; 025-055/51 Lincoln St; 025-056/43 Lincoln St; 025-057/Lincoln St; 025-058/469 Main St; 025-060/14 Larkin St; 025-060-A/461 Main St; 025-061/Main St; 025-062/Larkin St; 025-063/24 Larkin St; 025-117/427 Main St; 025-117-A/441 Main St; 025-133/27 Sidney St; 025-134/Sidney St; 025-135/Sidney St; 025-137/417 Main St; 025-138/411 Main St; 025-139/407 Main St; 025-140/6 Walter St; 025-140-A/12 Walter St; 025-141/16 Walter St; 025-142/20 Walter St; 025-142-A/9 Walter St Ct; 025-143/26 Walter St; 025-159/23 Walter St; 025-160/15 Walter St; 025-163/395 Main St; 025-175/466 Main St; 025-176/458 Main St; 025-179/444 Main St; 026-001/515 Main St; 026-001/107 Bass Park Blvd; 026-001-C/Bass Park Blvd; 026-035/575 Main St; 026-036/547 Main St; 026-044/545 Main St; 026-045/22 Bass Park Blvd; 026-046/570 Main St; 026-058/500 Main St; 026-088/Lincoln St; 026-089/11 Lincoln St; 035-139/353 Main St; 035-141/329 Main St; 035-142/Main St; 035-174/Main St; 035-179/10 Barker St; 035-191/289 Main St; 035-193/263 Main St; 035-194/42 Cedar St; 040-001-D/324 Harlow St; 040-001-E/Harlow St; 040-002/292 Harlow St; 040-003/252 Harlow St; 040-061/11 Cumberland St; 041-097-A/Harlow St; 041-100/44 Center St; 041-101/48 Center St; 041-104/56 Center St; 041-114/164 Park St; 041-115/144 Park St; 041-116/132 Park St; 041-120/173 Park St; 041-121/157 Park St; 042-013/166 Union St; 042-014/17 Second St; 042-074/159 Union St; 042-085/146 Hammond St; 042-087/128 Hammond St; 042-088/140 Hammond St; 042-101/56 High St; 042-102/62 High St; 042-103/145 Union St; 042-104/111 Columbia St; 049-001/208 French St; 049-008/194 French St; and 049-009/200 French St. Alignment to the following roadways from said lots are also part of the proposed changes: Oak St (from State St to Hancock St), French St (from Penobscot St to Map-Lot 049-015), Harlow St at the intersection with Cumberland St, Hammond St (from Court St to the intersection of Ohio St and High St), High St (from Hammond St to Union St), Union St (from High St to First St), Heller St (from Patten St to Parker St).

Areas Proposed to be Added to Special Assessment District



- Current Special Assessment District (BCDD)
- Expand Special Assessment District (BCDD)
- Parcels

0 250 500 1,000 Feet



CITY COUNCIL ACTION

03/11/2024 24-102

Council Meeting Date: 03/11/2024

Item No: 24-102

Responsible Dept: Airport

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing Execution of a Contract with Eurovia Atlantic Coast, LLC d/b/a Northeast Paving in the Amount of \$45,526,149 for the Runway Rehabilitation Project

Summary

Bangor International Airport's sole runway (Runway 15-33) is in need of rehabilitation in order to ensure the continued safe use for airport operations.

Staff is recommending to award the contract to Eurovia Atlantic Coast, LLC d/b/a Northeast Paving in the amount of \$45,526,149. Northeast Paving was the sole bidder for this project.

This will be a two year construction project scheduled to commence with contractor mobilization and site prep work in April of 2024 and in April of 2025. Construction will continue until October of each year with final completion in October of 2025.

Preparation of this project began over a year ago with extensive coordination and communications with the FAA, Maine DOT and the Maine Air National Guard as well as key stakeholders including air carriers, airport tenants, and concessionaires.

This construction contract will be funded using a combination of funds to include \$26,632,797 in Federal funds, \$15,934,152 MEANG funds, \$1,479,600 State MDOT funds and \$1,479,600 Local Share.

Committee Action

Committee: Finance Committee

Action:

Meeting Date: 03/11/2024



For:

Against:

Staff Comments & Approvals

This item will be reviewed by the Finance Committee prior to tonight's meeting

City Manager

City Solicitor

Finance Director

Introduced for: New Business





CITY OF BANGOR ORDER

03/11/2024 24-102

Date: 03/11/2024

Item No: 24-102

Assigned to Councilor: Fournier

Authorizing Execution of a Contract with Eurovia Atlantic Coast, LLC d/b/a Northeast Paving in the Amount of \$45,526,149 for the Runway Rehabilitation Project

Be it Ordered by the City Council of the City of Bangor that, the Finance Director is hereby authorized to execute a contract with Eurovia Atlantic Coast, LLC d/b/a Northeast Paving in the amount of \$45,526,149.