

Portion of approved
CDC Minutes of
11-18-09 RE: Oak St.

Councilor Mavodones agreed, noting that this was clearly a water-dependent use on the Pier and congratulated the Ready Brothers and their “Catch a Piece of Maine” program.

Mr. Mitchell noted that because of the termination provision, the Committee could either forward this directly to the City Manager for execution or to the City Council to authorize the City Manager to enter into the lease.

On motion made and seconded, the Committee then voted unanimously to forward the lease in substantially the form as presented to the City Council with a recommendation that it authorize the City Manager to execute same.

Item #3: Review and recommendation regarding the discontinuance of a portion of Oak Street.

Mr. Mitchell said that this being brought to the Committee for its consideration and reaction.

James Katsiaficas, legal counsel at Perkins Thompson for Lafayette Hotels, said that Lafayette Hotels purchased the Holiday Inn by the Bay in May 2009, and then purchased the Anthem parking garage shortly thereafter. So, for the first time, one entity owns both parcels, which is separated by a City street – Oak Street, although it is not a functioning City Street. There is the opportunity, with the discontinuance of that portion of Oak Street between Spring and Pleasant Streets, for improved safety and operations for both the Hotel and the Garage. Safety issues include pedestrians and bikes using this portion of Oak Street, together with tractor trailers make deliveries to the Hotel. He noted that cars park there, but they are employees of the Hotel so that these vehicles can be moved quickly for all emergencies.

Mr. Katsiaficas said that plans include improving event parking for both the Hotel and overflow for Civic Center events. The Hotel, with added parking, is now planning larger events.

Regarding that portion of Oak Street, Mr. Katsiaficas said that the City has not maintained it; the hotel has. In a discontinuance, the City could maintain an easement, but the Hotel would request the discontinuance with no easement. It is not passable as a City street. The City would be relieved of any obligation for the street.

Councilor Mavodones said that with the discontinuance, would there be any pedestrian access, and Mr. Katsiaficas said that there would not. Plans include constructing an elevator in that area.

Chair Leeman asked if there was any public comment.

Stephen Scharf asked if there were any public utilities under the street and, if so, would they be moved. Other than that, he had no issues with the discontinuance.

Mr. Katsiaficas there are some utilities and they would need to be provided with easements – electrical and telephone.

Chair Leeman asked if there was any further public comment. There being none, the public comment session was closed.

Councilor Mavodones asked if, procedurally, this goes to the Planning Board, and Mr. Mitchell said that it would need Planning Board review as there is a legal process with street discontinuances, but it would ultimately end with the Council. This Committee could provide a recommendation to the Council to authorize the discontinuance pending Planning Board review and approval.

Chair Leeman said that this discontinuance would make the two properties function better.

Councilor Mavodones made a motion to move this street discontinuance forward through the Planning Board and City Council with a recommendation that it be approved. This motion was then seconded and passed unanimously.

Chair Leeman then noted that the Committee would take Item #5 out of order at this time.

Item #5: Review and recommendation to the City Council on proposed amendments to the Rules for Disposition of Tax-Acquired Property

Lori Paulette said that as the staff supported Tax-Acquired Property Committee (TAPC) was reformulating, she and Ann Freeman met to go over the Rules as they were adopted by the City Council on October 18, 1999. In order for TAPC to move forward, it was decided that after ten years, the Rules needed to be updated and made clearer as to the steps to be taken in the disposition of tax-acquired property.

Ms. Paulette indicated that the Land Bank Commission has reviewed the amended rules, as has the Housing Committee. The Land Bank Commission had two suggested additional amendments. The first regards the time given for review and recommendation to TAPC of those properties it wants to retain in the Land Bank be either February 28 of each year or within 60 days of receipt of the new tax-acquired property listing. This listing is generated at the end of December each year by the Treasury office.

The second regards Land Bank Commission being part of the Department wide survey as noted in IV(1)(B).

The Housing Committee's concern regarded those properties that could be in a business zone but have residential uses allowed. The Housing Committee would want a review of that property, as well as the CDC.