

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE**

Wednesday, January 5, 2011 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Rogers, Eosco, Sinclair, Winglass and Chairman Wyman.
Late: Councilors Omo, Paulhus
Excused: Councilor Pagurko

Also in attendance were the City Manager – William Giroux, City Solicitor - Roger Therriault and City Clerk - Mary White.

Election of Chairman Pro Temp to serve until January 19, 2011 Organizational Meeting.

City Clerk White opened the meeting with the request for nominations of a Chairman Pro Temp.

Councilor Sinclair nominated Councilor Wyman. The nomination was seconded by Councilor Rogers. There were no other nominations. All were in favor of Councilor Wyman to serve as Chairman Pro Temp to the January 19, 2011 Organizational Meeting.

Chairman Wyman led the Pledge of Allegiance and City Clerk White called the Roll.

Presentation to Former Councilor Wayne Cochrane for his years of service to the City of Bath.

C. Public Hearings 6:03 PM

Councilor Omo took his seat at this time.

1) Bond Ordinance - authorizing issuance of general obligation bonds for the City of Bath, Maine, in the stated principal amount of up to, but not to exceed, \$1,100,000 for the purpose of funding waterfront park improvements and pier restoration, Vine Street project and downtown parking improvements. (second passage)

Councilor Winglass made a motion to waive the reading of the Bond Ordinance. Councilor Eosco seconded the motion.

Vote on waive motion:

Yeas: Brackett, Omo, Eosco, Winglass

Nays: Rogers, Sinclair

Motion Passed. 4-2

BOND ORDINANCE

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$1,100,000 FOR THE PURPOSE OF FUNDING WATERFRONT PARK IMPROVEMENTS AND PIER RESTORATION, VINE STREET PROJECT AND DOWNTOWN PARKING IMPROVEMENTS.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$1,100,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of funding Waterfront park improvements and pier restoration, Vine Street project and downtown parking improvements and of paying the costs of issuance therefore.

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$1,100,000 under and pursuant the City Charter and 30-A MRSA §5772.

Section 3. That any and all bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.

Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed twenty (20) years.

Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

Section 7. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 9. That the proceeds of any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds.

Section 10. That the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds/notes or notes in anticipation thereof.

Section 12. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Winglass made a motion to put this Ordinance on the floor for discussion. Councilor Rogers seconded the motion.

City Manager Giroux explained this would allow the borrowing of money to fund the Waterfront Park Improvements and Pier Restoration and the Vine Street Project.

Chairman Wyman opened the hearing to the public.

Rabyrne Hutton of 195 High Street stated his opposition to making Vine Street cosmetically pleasing when there are other things that are more important.

Seeing no more public comment, Chairman Wyman closed the Hearing.

Councilor Paulhus took his seat at this time.

ROLL CALL VOTE:

YEAS: Brackett, Omo, Paulhus, Eosco, Sinclair, Winglass

NAYS: Rogers

Ordinance passed. 6-1

Chairman Wyman stated this would become law in 21 days.

2) Bond Ordinance - authorizing issuance of general obligation refunding bonds for the City of Bath, Maine, in the stated principal amount of up to, but not to exceed, \$2,425,000 for the purpose of refunding outstanding debt of the city. (second passage)

Councilor Omo made a motion to waive the reading of the Bond Ordinance. Councilor Winglass seconded the motion. All were in favor of the motion.

BOND ORDINANCE

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$2,425,000 FOR THE PURPOSE OF REFUNDING OUTSTANDING DEBT OF THE CITY.

RECITALS

WHEREAS, on or about May 13, 1999, the City of Bath issued its 1999 General Obligation Bonds in the stated principal amount of \$4,500,000 to finance the costs of certain combined sewer overflow abatement improvements and certain street and sidewalk improvements (the "1999 Bonds"); and

WHEREAS, on or about March 1, 2010, the City of Bath issued its Sidewalk Payment Note in the stated principal amount of \$400,000 to finance the costs of certain sidewalk improvements around the City's Praver Block, so-called (the "2010 Note" and together with the 1999 Bonds, the "Prior Bonds"); and

WHEREAS, due to a drop in interest rates since the Prior Bonds were issued, the City desires to refund and refinance the outstanding principal on the Prior Bonds through issuance of its general obligation refunding bonds;

Councilor Rogers made a motion to waive the reading of the rest of the Ordinance. Councilor Winglass seconded the motion. All were in favor of the waiving motion.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$2,425,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of refunding the Prior Bonds and of paying the costs of issuance therefore.

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes, in the stated principal amount of up to, but not to exceed, \$2,425,000 under and pursuant to the City Charter and 30-A MRSA §5772.

Section 3. That any and all bonds/notes issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.

Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed twenty (20) years.

Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

Section 7. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds/notes issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 9. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds/notes.

Section 10. That the bonds/notes issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the refunding of the Prior Bonds and the issuance and delivery by the City of the bonds/notes.

Section 12. That if the City Treasurer, Chairman of the City Council, the City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or any related financing documents, as authorized by this Ordinance, the person or persons then acting in such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Winglass made a motion to put this Ordinance on the floor for discussion. Councilor Omo seconded the motion.

Finance Director Millett explained this is to refinance old bonds for sewer, Praver Block and general obligation bonds. She stated this refunding would give the City a lower rate and the bond will be financed over the remaining time of the current bond.

Chairman Wyman opened the hearing to the public. Seeing no comment, he closed the public hearing.

ROLL CALL VOTE:

YEAS: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass

NAYS: None

Ordinance passed unanimously. 7-0

Chairman Wyman stated this would become law in 21 days.

3) CDBG Public Facilities Grant application for the purpose of assisting Maine Maritime Museum in addressing needed remediation work on the historic Paint & Treenail Building built in 1897.

PUBLIC HEARING

The City of Bath will hold a Public Hearing on January 5, 2011, at 6:01 PM, at City Hall in the City Council Chambers on the third floor to discuss an application being submitted to the State of Maine CDBG program for a Public Facilities Grant. The purpose of the grant application is to assist Maine Maritime Museum in addressing needed remediation work on the historic Paint & Treenail Building. Built in 1897, this is the oldest of five historic Percy and Small Shipyard structures, that are part of the non-profit museum. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: The CD Office at City Hall 55 Front Street, Bath, Maine 04530 or call 443-8372 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call The City Clerk Office at 207-443-8332, so that accommodations can be made.

Community Development Coordinator Al Smith explained this would begin the process of the application process for a grant to assist with remediation of the Paint & Treenail Building.

Maine Maritime Director Amy Lent gave an overview of the restoration needs. She cited the building's uneven settling and becoming unsafe for people to enter.

The Council did a consensus vote of approval to go forward with the grant application process.

D. Consent Agenda 6:26 PM

***4) Minutes of the previous meeting of December 1, 2010 Council Meetings and Items K9 and K10. (Motion to Accept as Presented)**

Councilor Rogers made a motion to accept the Consent Agenda as presented. Councilor Paulhus seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address the City Council 6:27 PM

No one spoke

F. Ordinances, Resolutions and Orders 6:27 PM

5) Ordinance: Chapter 9. Building and Electrical Codes Property Maintenance Ordinance, Section 9-101 through 9-114 (first passage)

Chairman Wyman read the following:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

**CHAPTER 9. BUILDING AND ELECTRICAL CODES
Article 5. Property Maintenance Ordinance**

Sections 9-101 through 9-114.

Add the attached Ordinance designated as the Property Maintenance Ordinance, as follows:

G. PROPERTY MAINTENANCE ORDINANCE

Section 9-101 Authority

This Ordinance is adopted pursuant to Home Rule Authority granted to Maine Municipalities under the Maine Constitution and the provisions of 30-A M.R.S.A. Section 2101; it is further enacted under specific Ordinance authority granted to Municipalities under the provisions of 30-A M.R.S.A. Section 3001.

Section 9-102 Purpose

The purpose of this Ordinance is to establish minimum standards for the protection of the public health, safety and welfare, protect property values, and to prevent nuisance conditions.

Section 9-103 Applicability

A. Properties. The provisions of this Ordinance shall apply to the exterior of all existing structures and accessory buildings, regardless of the nature of the use, and to all premises regardless of land use designation, located in the C IV Zoning District.

B. Parties. Owners, shall be responsible operators and occupants of properties, as their interests may appear, shall be jointly and severally responsible for compliance with the maintenance standards in this Ordinance and for any corrective actions that may be required in order to meet specific maintenance standards, or correct any violations.

Section 9-104 General Maintenance Requirements

The exterior of all buildings and accessory structures, and all properties, including structures on properties such as walls and fences, shall be maintained in a safe, sanitary, and non-hazardous condition, and in good working order so as to prevent deterioration and/or unsightliness or nuisance conditions, whereby the appearance creates a negative impact on the neighboring property values or a risk to the health and safety of the occupants or the general public. Should any condition be deemed to exist which violates these general maintenance requirements or the specific maintenance standards set forth below, or the applicable sections of any other building, health, safety, or fire code, then the responsible party shall take such steps as are necessary to cure the violation and bring the property or building up to appropriate property maintenance and code standards.

Section 9-105 Maintenance Standards – Premises and Yards

A. Generally. The grounds of any premises or yards shall be maintained so as to prevent unsafe, unsanitary and/or nuisance conditions and unsightliness.

B. Weeds and Growth. All premises and exterior properties shall be maintained free from weeds and growth in excess of ten inches (2.54mm), and all noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation other than trees or shrubs, provided, however, that this term shall not include or apply to cultivated flowers and gardens. After notice of violation and the failure of the owner or responsible party to cut, destroy and remove weeds, and in addition to prosecution of the violation, the City of Bath through its agents, employees, or contractors, shall be authorized to enter the premises in violation and cut, destroy and remove the weeds growing thereon and the cost of such removal shall be paid by the owner or person responsible for the property. The recovery of the costs, shall be allowed to the Municipality as a cost associated with the prosecution of any violation, or may be recovered independently through a civil action.

C. Sanitation, Rubbish and Garbage. The exterior portions of all premises and properties shall be maintained in a manner that is clean, safe, secure and sanitary. Such areas shall also be kept free from accumulations of trash, garbage, refuse, junk or any other noxious or offensive material which may cause sanitation issues, fire hazards, or act as a breeding place for vermin or insects. (This provision shall operate in addition to, and shall not supersede, the requirements of Chapter 13 of the Code of the City of Bath dealing with refuse.) All properties shall be kept free from rodent harborage and infestation and, where found, they shall be promptly exterminated by an approved process not injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

D.Sidewalks, Driveways and Similar Exterior Structures. All driveways, sidewalks, fences, retaining walls and other similar structures shall be firmly anchored into the ground and maintained in good structural repair, and free from hazardous conditions. Wooden elements of such structures subject to deterioration from weathering or moisture shall be maintained with appropriate materials such as chemicals or paint to preserve the element and retard deterioration.

Section 9-106 Maintenance Standards – Buildings and Structures

A.Exteriors. All exterior components of every structure, whether primary or accessory, shall be maintained in good repair so as to be structurally sound and sanitary and not pose a threat to the public health, safety or welfare, diminish adjacent property values, or create a nuisance. All exterior surfaces shall be maintained free from deterioration, including, but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone or mortar, and peeling, scaling or deteriorating paint.

B.Foundations. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be maintained in a condition that will prevent the entry of rodents or other pests.

C.Stairways, Decks, Porches and Balconies. All exterior stairways, decks, porches and balconies and all appurtenances attached thereto, shall be maintained in a structurally sound manner in good repair, properly anchored and sufficient to support anticipated loading.

D.Building Security. Doors, windows, hatchways or any other openings that provide for entry into the building, shall be provided with devices designed to provide security for building occupants and property within the building.

E.Defacement. No person shall willfully or wantonly damage, mutilate, deface, or compromise any exterior surface of any structure or building by placing thereon any marking, carving or graffiti or engage in any activity that diminishes the structural integrity of the building.

Section 9-107 Corrective Action

When notified by the Codes Enforcement Officer or his designee, of a violation of any of the maintenance standards of this Ordinance or of any other applicable building related code, it shall be the responsibility of the owner of the property to conduct repair, replacement or removal activities that will abate the violation and restore the property to a proper maintenance level and eliminate any threat to the public safety, health and welfare, cause the abatement of any nuisance, and eliminate any condition that diminishes neighborhood property values.

Section 9-108 Emergency Actions

A.Emergency Conditions. Where the Codes Enforcement Officer, or his designee, becomes aware of conditions on the premises or relating to the structure on the premises, that creates an imminent danger to the occupants of the property or structure or to the general public, due to the failure or collapse of the building or structure or a possibility thereof, or the presence of explosives, explosive fumes or vapors or toxic fumes, gases or materials, the Codes Enforcement Officer, or his designee, shall take such action as is appropriate to secure the premises and prevent access to the premises. Under such circumstances, if a structure is involved, a notice to the effect that the building has been closed to occupancy shall be posted on each entrance. From the time of posting forward, entry shall only be permitted to make required repairs, remove the hazardous condition, or demolish the structure.

B.Recovery of Costs. When the Codes Enforcement Officer, or his designee, observes an unsafe condition that causes imminent danger, he shall have the authority to cause the necessary work to be done that will provide relief from the imminent danger. Such work may be done on an immediate basis without further legal or administrative procedure, in order to protect the occupant(s) and/or the general public from the imminent danger. In such instances where the City of Bath has caused the work to be done, the costs for such work shall be recovered as a cost in any codes enforcement action or may alternatively be recovered through a civil action.

Section 9-109 Right of Entry

The Codes Enforcement Officer, or his designee, shall have the right of entry onto premises and into structures as provided under Maine Statutes and under the Maine Rules of Civil Procedure.

Section 9-110 Enforcement and Notices

This Ordinance shall be enforced by the Codes Enforcement Officer, or his designee. Any notices required for a violation of this Ordinance shall be in written form and served by the Codes Enforcement Officer by certified mail or hand delivery. Such notice shall explain the nature of the violation, the required corrective action, and a time frame within which corrective action must be taken. The enforcement provisions of Section 3.06 of the Land Use Code of the City of Bath shall further apply to enforcement actions under this Ordinance.

Section 9-111 Violation and Penalties

Any persons violating the provisions of this Ordinance, including noncompliance with notices issued by the Codes Enforcement Officer, or his designee, shall be penalized in accordance with the provisions of 30-A M.R.S.A. Section 4452. This shall specifically include per diem penalties and injunctive relief. All penalties assessed against the violator shall be retained by the City of Bath together with its reasonable attorney's fees, expert witness fees, and all costs, including costs of remediation and emergency action required by the failure of the violator to take appropriate action.

Section 9-112 Appeals

A decision by the Codes Enforcement Officer in enforcing this Ordinance shall be considered an enforcement decision and may only be appealed to the Superior Court.

Section 9-113 Application of Other Codes – Conflicts

The terms and provisions of this Ordinance are not intended to supersede or otherwise replace the provisions of other City of Bath Codes as they are applied to properties and structures. Wherever a provision of this Ordinance conflicts with or is inconsistent with a provision of another Ordinance, Regulation or Statute, then the provision imposing the greater restriction shall control.

Section 9-114 Severability

If any section, subsection, clause, paragraph, phrase, title or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, then such portion shall be deemed to be a separate, distinct and independent provision and such holdings shall not affect the validity or enforceability of the remaining portions thereof.

Councilor Omo made a motion to put this Item on the floor for discussion. Councilor Rogers seconded the motion.

Councilor Sinclair made a motion to waive the 5-Minute Rule. Councilor Rogers seconded the motion. All were in favor of the waiving motion.

Rabyrne Hutton of 195 High Street stated some concerns he had with the Ordinance. Some of the concerns are as follows: not being applied equally throughout the City, who is going to define what is unsightly and what are weeds or flowers, weathering is sometimes desired, how or who will decide what foundations are plumb or cracked, Codes Enforcement Officer decisions could become subjective and there should be one comprehensive ordinance.

Councilor Sinclair made a motion to amend the Ordinance in Section 9-103A by striking the text “located in the C4 Zoning District” with the intention the Ordinance would apply City-wide and along with a change to Section 9-112 rather than forcing appeals to go directly to court, appeals should first come to the City Council with the idea that if there is a property owner whose property is in violation rather than punishing that owner if that owner is not able to rectify the situation the City Council would have the opportunity to hear the appeal, decide whether it is a violation and see if there is some way the City should help the owner rather than imposing a penalty.

There was no second to this motion so amendment failed.

Councilor Sinclair made a motion that a change to Section 9-103B be made as it is in disagreement with Section 9-107 by striking the text “operators and occupants, as their interests may appear, shall be jointly and severally responsible”.

Councilor Rogers seconded this motion.

Vote on Amendment:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair

Nays: Winglass

Amendment passed. 6-1

Councilor Sinclair made a motion to amend Section 9-105B change the text “(2.54mm)” to “(25.4 cm)”.

Councilor Eosco seconded the motion.

Vote on Amendment:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair

Nays: Winglass

Amendment passed. 6-1

Councilor Sinclair made a motion to amend Section 9-106A by striking the text “ and peeling, scaling or deteriorating paint.

There was no second on this motion.

Councilor Sinclair made a motion to amend Section 9-106D by striking the entire section.

Councilor Rogers seconded the motion.

Vote on Amendment:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair

Nays: Winglass

Amendment passed. 6-1

Councilor Sinclair made a motion to amend Section 9-106E by striking the entire section.

Councilor Omo seconded the motion.

Vote on Amendment:

Yeas: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair

Nays: Winglass

Amendment passed. 6-1

Councilor Sinclair made a motion to amend Section 110 by inserting the text “not less than 30 days” after the text “a time frame”.

Councilor Rogers seconded the motion.

Vote on Amendment:

Yeas: Brackett, Omo, Paulhus, Rogers, Sinclair

Nays: Eosco, Winglass

Amendment passed. 5-2

Councilor Rogers made a motion to amend Section 9-103A by adding the text “excluding single family homes”.

Councilor Rogers withdrew his motion to amend 9-103A.

Councilor Paulhus made a motion to table this Ordinance to workshop to be held on Wednesday, January 12, 2011 at 6:00 PM in Council Chambers.

Councilor Omo seconded the motion.

Vote on tabling motion:

Yeas: Brackett, Omo, Paulhus, Rogers

Nays: Eosco, Sinclair, Winglass

Tabling passed. 4-3

6) Resolution: Establishing Property Maintenance Committee

**RESOLUTION TO ESTABLISH
PROPERTY MAINTENANCE COMMITTEE**

WHEREAS, the City Council of the City of Bath is contemplating the enactment of a Property Maintenance Ordinance for the CIV Zoning District that would provide general maintenance standards and requirements for properties in that District; and

WHEREAS, property maintenance can be an issue with regard to properties throughout the City that may have negative effects on neighborhoods and property values; and

WHEREAS, there are potential resources available to property owners to address maintenance issues.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Property Maintenance Committee be and hereby is established in accordance with the following:

1.The Property Maintenance Committee shall consist of five (5) members, two (2) of whom shall be City Council members appointed by the Council.

2.The general purpose of the Committee shall be to connect property owners who, because of financial constraints or physical limitations, are unable to keep up with general maintenance requirements of property ownership, with resources that are available to address property maintenance needs.

3.The Committee shall develop a mission statement and rules of procedure, including application procedures, in order to govern its activities. Due to the sensitive nature involving potential financial disclosures, the activities of the Committee shall be considered confidential and information regarding particular applicants shall not be disclosed.

Councilor Rogers asked if the public could make comments regarding the Ordinance before it went to workshop.

Chairman Wyman asked for comments from the public regarding the Ordinance.

Diane Simmler of 253 Centre Street asked what had been done to remedy the nuisance property on Route One.

Code Enforcement Officer Scott Davis explained that there are codes for buildings that become structurely or securely in need of attention but there are no codes that say the building has to be painted and the lawn has to be cut and the property owner for the subject property on Route One has been contacted and made to comply with current codes.

Ms. Simmler stated that if the purpose of this Ordinance was to regulate single family homes throughout Bath she would be moving out of the City as she didn't move to Bath to be in a homeowner's association.

Councilor Sinclair made a motion to table this Resolution until after the Property Ordinance has been addressed.

Councilor Winglass seconded the motion.

Vote on tabling motion:

Yeas: Brackett, Paulhus, Rogers, Eosco, Sinclair, Winglass

Nays: Omo

Tabling passed. 6-1

7) Order: Accepting Grant from Model Forestry Policy Programs

Chairman Wyman read the following Order:

ORDER Accepting GRANT

WHEREAS, the Parks and Recreation Department applied for a grant from the Model Forestry Policy Program; and

WHEREAS, the purpose of this grant is to support communities' work to develop sustainable land, water, and forestry policies; and

WHEREAS, the Comprehensive Plan adopted by the Bath City Council on September 2, 2009, calls for the development of an open space plan; and

WHEREAS, the Model Forestry Policy Program has offered the City a grant in the amount of \$10,000 to assist in the development of sustainable land, water, and forestry policies in an open space plan;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the \$10,000 grant be accepted and the City Manager be authorized to enter into an agreement with the Model Forestry Policy Program and to expend the grant funds and administer the grant program in accordance with the agreement and grant requirements and for the purpose designated in the agreement.

Councilor Omo made a motion to put this Order on the floor for discussion. Councilor Paulhus seconded this motion.

City Arborist/Tree Warden Tom Hoerth explained that this grant would help the committee with direction in developing and administering the model forestry policy program.

VOTE:

YEAS: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass

NAYS: None

Order passed unanimously. 7-0

8) Order: Approving Lease for Sugarbush Project at Butler Head

Chairman Wyman read the following Order:

ORDER APPROVING LEASE

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE SUGARBUSH LEASE AGREEMENT BY AND BETWEEN THE CITY OF BATH AND DAVID JEWELL AND WILLOW SCHWARZ, FOR CERTAIN MAPLE TREES LOCATED UPON PROPERTY AT BUTLER HEAD, SAID LEASE BEING ATTACHED HERETO, BE AND HEREBY IS APPROVED FOR THE TERM BEGINNING JANUARY 1, 2011 AND EXTENDING THROUGH DECEMBER 31, 2020. THE LEASE CONTAINS A PROVISION FOR A FIVE YEAR EXTENSION BY AGREEMENT OF THE PARTIES AND THE MANAGER IS HEREBY AUTHORIZED TO EXERCISE THAT EXTENSION AUTHORITY. THE MANAGER IS FURTHER AUTHORIZED TO EXECUTE THE ORIGINAL LEASE ATTACHED HERETO ON BEHALF OF THE CITY OF BATH.

Councilor Rogers made a motion to put this Order on the floor for discussion. Councilor Omo seconded the motion.

City Arborist/Tree Warden Tom Hoerth gave an overview of the project.

Willow Schwarz explained the process of sap collection.

VOTE:

YEAS: Brackett, Omo, Paulhus, Rogers, Eosco, Winglass

NAYS: Sinclair

Order passed. 6-1

G. Petitions & Communications 7:45 PM

There were no petitions or communications.

H. City Manager's Report 7:45 PM

The following topics were discussed:

- Landfill License has been approved.
- City Council Finance Committee Meeting and Workshop

I. Committee Reports 7:49 PM

There were no Committee Reports.

Councilor Winglass reported that the Morse High School Girls Basketball Team is undefeated and if possible, everyone should get out and see them play.

J. Unfinished Business 7:50 PM

There was no unfinished business.

K. New Business 7:50 PM

***9) Annual Appointment of J. Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

This item was passed on the Consent Agenda.

***10) Annual Appointment of Tom Lister as the Alternate Codes Enforcement Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

This item was passed on the Consent Agenda.

11) Appointment one member to the Bath Recreation Commission term to expire November 2013

Councilor Paulhus nominated Wayne Cochrane to fill the position. Councilor Rogers seconded the nomination. All were in favor of the nomination.

12) Annual Appointments of Council Nominees to Committees:

Bath Housing Authority – Bernard Wyman

Midcoast Council of Governments - David Sinclair, Sean Paulhus, Kyle Rogers

Patten Free Library – Andrew Winglass

Recreation Commission – James Omo

Sidewalk Vending License Committee – Ruthe Pagurko

Welfare Review Board – Bernard Wyman, Ruthe Pagurko, Mari Eosco

Councilor Rogers made a motion to accept the slate of nominees as presented. The motion was seconded by Councilor Paulhus. All were in favor of the motion.

The meeting adjourned at 7:53 PM with a motion by Councilor Rogers, seconded by Councilor Paulhus. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours by appointment.