

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, May 4, 2011 6:00 PM
City Council Chambers, Bath City Hall**

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

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

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

Presentation: Bath Heritage Days Festivities by Main Street Bath Director Jennifer Geiger.

Ms. Geiger stated this year's festivities will be following the same format and footprint as last year and the parade and fireworks would be held on July 4th. She stated that the Heritage Days Web site would be up and running in the coming week.

Presentation: CDBG Planning Grant by Planning Director Jim Upham.

Mr. Upham explained that this was in regards to applying for a grant to look into the feasibility of a link up with the Brunswick bus system to transfer riders between the two municipalities. He stated that Brunswick would be doing the actual application.

Mr. Upham reminded everyone that the week of May 16th-20th is "Commute Another Way Week" and the City would be offering free bus service for the week and people who ride the bus will be entered into a raffle with 3 prizes of a 1- year free pass, a 6-month free pass and a 3-month free pass.

Presentation: Community Wish List by Mark Schoninger, Owner Bath Natural Market.

Mr. Schoninger explained the concept of the Community Wish List as the City Staff or citizens would suggest items or ways to make the city better which would be compiled on a list. Interested people would look at the list and make donations of money to a specified City account or time donated to purchase/accomplish an item or items. The Community Development Coordinator would oversee the list/funding/carryout the wish. Council asked Mr. Schoninger to serve on the implementation committee. He agreed to serve.

C. Public Hearings 6:12PM

1) Ordinance: Chapter 7. Purchasing and Finance, Add Article 3. De Minimis Accounts, Section 7.301. De Minimis Accounts – Write-off (second passage)

Chairman Wyman read the following Ordinance:

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 7. PURCHASING AND FINANCE

Add a new Article as follows:

Article 3. De Minimis Accounts

Section 7-301. De Minimis Accounts – Write-off.

The Finance Director shall have the authority to write-off de minimis accounts that are deemed to be of such a nature that the effort and resources to collect the accounts are not justified. De minimis accounts shall be defined as accounts of Five Hundred Dollars (\$500.00) or less of revenue to the City that is not ad valorem property taxes, or sewer user fees. It shall also include interest and fees due with respect to the principal balance.

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

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman stated this Ordinance would become law in 21 days.

2) Liquor and Special Amusement Licenses for The Black Barnacle at 102 Front Street, Bath.

NOTICE

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT A PUBLIC HEARING FOR APPROVING:

A FULL LIQUOR LICENSE AND SPECIAL AMUSEMENT LICENSE FOR:

**The Black Barnacle Pub
102 Front Street
Greg Tisdale, President**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MAY 4TH, 2011 AT 6:02 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATION SHOULD OR SHOULD NOT BE APPROVED.

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

Greg Tisdale, owner of the Black Barnacle, spoke to Council reassuring them he was going to run a business that was sensitive to the neighboring businesses. He stated that he had a Zero-Tolerance Policy and wants no disruption. Mr. Tisdale said as far the Special Amusement he is trying to promote local talent, but doesn't intend to have Rock Bands.

VOTE Liquor License:

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

NAYS: Pagurko

Licenses passed. 7-1

Councilor Sinclair made a motion to table the amusement license for 3 months. Councilor Rogers seconded the motion.

Mr. Tisdale asked Council to give him a chance to showcase the public talent and if the Council wants to revoke the license later that would be fine.

Diane Simmler of Centre Street asked if someone tries to start a business the right way that it seems like that they should have an opportunity to do the best he can.

Skip Taylor, owner of a neighboring business Winter is Gone Alpaca Fashions, spoke against the special amusement license citing bars on the main street of a shopping district will have a devastating effect.

The tabling motion was voted down.

Councilor Winglass motioned that the special amusement license be granted on preliminary/temporary basis for the next three months to the day to the closest meeting that would allow entertainment at the Black Barnacle under Tisdale's presidency and the entertainment not to start until after 7 PM and would be strictly acoustic. Councilor Brackett seconded the motion.

VOTE on motioned Amusement License:

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

NAYS: Sinclair, Pagurko

Licenses passed.

D. Consent Agenda 6:46PM

***3) Minutes of the previous meeting of April 6, 2011. (Motion to Accept as Presented)**

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

E. Time Devoted to Residents to Address the City Council 6:46 PM

No one spoke.

F. Ordinances, Resolutions and Orders 6:47 PM

4) Arbor Week Proclamation

Chairman Wyman read the following Proclamation:

ARBOR WEEK PROCLAMATION

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 15-21 AS

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Proclamation passed unanimously. 8-0

5) National Preservation Month Proclamation

Chairman Wyman read the following Proclamation:

**PROCLAMATION
NATIONAL PRESERVATION MONTH**

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "Old is the New Green" is the theme for National Preservation Month 2011, cosponsored by the City of Bath and the National Trust for Historic Preservation

NOW, THEREFORE, we, the Bath City Council, do proclaim May 2011 as National Preservation Month, and call upon the people of Bath to join their fellow citizens across the United States in recognizing and participating in this special observance.

Proclamation passed unanimously. 8-0

6) Order: Establishing the Bath Bicycle and Pedestrian Committee

Council Rogers made a motion to waive the reading of the Order. Councilor Omo seconded the motion. All were in favor of the waiving motion.

**ORDER ESTABLISHING
THE BATH BICYCLE AND PEDESTRIAN COMMITTEE**

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CITY OF BATH BICYCLE AND PEDESTRIAN COMMITTEE BE AND HEREBY IS ESTABLISHED IN ACCORDANCE WITH THE FOLLOWING:

A. Purpose and Mission Statement: It is the purpose and mission of the Bath Bicycle and Pedestrian Committee to advocate for healthy and safe bicycling and walking in Bath and in the Bath region for the purposes of transportation, recreation, a vibrant economy, and improved health.

B. Appointment: The Committee members, other than the City Council member, are appointed by the City Council. All members must be Bath residents. The City Council member is appointed by the City Council Chair.

C. Committee Members: The Committee consists of seven members, plus a City Council member, and the following categories must be represented:

At least one member representing bicycling interests.

At least one member representing walking interests.

At least one member representing health interests.

One member representing Bath Trails.

D. Ex Officio Members: The Directors of the Parks and Recreation, Public Works, and Planning departments will serve as ex officio members with no voting authority.

E. Staff Support: Staff Support will be provided by the Planning Office.

F. Term: Each committee member serves a 3-year term and may be reappointed for additional terms. Initial appointments are 3 members for 3 years, 2 members for 2 years, and 2 members for 1 year. The City Council member serves a 1-year term.

G. Proceedings: The Committee has the authority to elect a Chair, Vice Chair, and other officers as may be needed and to determine its rules of procedure.

H. Tasks: The Committee is tasked with the following:

1.Overseeing the implementation of the 2011 Bicycle and Pedestrian Plan.

2.Updating the plan as needed.

3.Advising the Public Works, Planning, Police, and Parks and Recreation departments on new needs as circumstances change.

4.Recommending capital improvement projects to be submitted to the City Manager for possible inclusion in the City’s Annual CIP.

5.Advising the Planning Board, as appropriate, on Comprehensive Plan revisions and on their reviews of development proposals.

6.Working with representatives of the Regional School Unit 1 to accomplish the common goals of developing a healthy lifestyle for RSU 1 students.

- 7. Working with other committees and other municipalities to pursue regional bicycling and walking goals.
- 8. Identifying and pursuing outside funding opportunities to meet the priorities stated in the Plan.
- 9. Undertaking community outreach and education.

I. Quorum and Voting: A working quorum for the Committee is four members.

J. Initial Appointments: The following Bath residents are hereby appointed to the Bath Bicycle and Pedestrian Committee:

- | | |
|------------------------------|--------------------------|
| Robert McChesney for 3 years | John Mathieu for 2 years |
| Kevin Shute for 3 years | John Swenson for 1 year |
| Sharon Wilbraham for 3 years | Nancy Perkins for 1 year |
| Phyllis Wolfe for 2 years | |

Councilor Pagurko made a motion to put this Resolution on the floor for discussion. Councilor Omo seconded the motion.

City Planner Jim Upham explained the reason this committee needed to be officially appointed by Council was so they might be able to apply for grants and go forth with other activities that need an official status.

Mr. Upham introduced the nominated members of the new committee.

VOTE:

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

NAYS: None

Order passed unanimously. 8-0

7) Order: Authorization to Execute the Host Community Contract

Chairman Wyman read the following Order:

**ORDER
AUTHORIZATION TO EXECUTE HOST COMMUNITY CONTRACT**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CITY MANAGER BE AND HEREBY IS AUTHORIZED TO EXECUTE A PASS THROUGH CONTRACT AGREEMENT WITH EFFICIENCY MAINE TRUST FOR THE PURPOSE OF RECEIVING AND PASSING THROUGH PACE FUNDS. THE PURPOSE OF THIS AGREEMENT IS TO ALLOW THE CITY OF BATH TO RECEIVE FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA), THROUGH THE UNITED STATES DEPARTMENT OF ENERGY (USDOE), WHICH ARE INTENDED TO IMPLEMENT THE PACE PROGRAM TO ADDRESS AND MANAGE ENERGY EFFICIENCY AND CONSERVATION WITHIN MAINE COMMUNITIES, AND TO PASS THROUGH THOSE FUNDS TO THE EFFICIENCY MAINE TRUST WHO HAS BEEN DESIGNATED AS THE ADMINISTRATOR OF THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

Councilor Pagurko made a motion to put this Resolution on the floor for discussion. Councilor Winglass seconded the motion.

Dana Fisher, Residential Program Manager for Efficiency Maine and project lead for implementing PACE throughout the State gave an overview of purpose of this program. Mr. Fisher stated that this program enables residents to borrow funds to conduct projects that will save them money in their homes by reducing energy consumption. He explained that these are loans and need to be paid back. The applications and public education regarding these loans would be overseen through the City.

VOTE:

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

NAYS: Rogers

Order passed. 7-1

8) Reconsideration of Resolution: Regarding Installation of Smart Meters

Chairman Wyman read the following Resolution:

**RESOLUTION REGARDING
INSTALLATION OF SMART METERS
WITHIN THE CITY OF BATH**

WHEREAS, the Maine Public Utilities Commission issued an Order on February 25, 2010 (Docket No. 2007-2150 (II)) allowing the Central Maine Power Company to install advanced metering infrastructure, commonly known as wireless smart meters, to replace existing electric meters; and

WHEREAS, installation of wireless “smart meters” in nearby areas within the State of Maine has commenced; and

WHEREAS, a number of concerns regarding the installation and operation of the “smart meters” have been raised by numerous parties including, but not limited to, the following:

- Health concerns regarding medical devices and the effect of radiofrequency and microwave radiation associated with “smart meters” upon such medical devices; and
- Cyber safety concerns with respect to electronic devices within the home resulting in potential invasion of personal privacy and the compromise of confidential and secure information; and
- A potential fire hazard; and

WHEREAS, it has been alleged that the Maine Public Utilities Commission did not adequately consider the health and safety impacts as well as the impacts on security and privacy in granting Central Maine Power the authority to install “smart meters”; and

WHEREAS, there is currently pending before the Maine Public Utilities Commission a Petition/Complaint requesting that a moratorium be enacted regarding installation of “smart meters,” and that the Maine Public Utilities Commission reopen its case to allow for a thorough and independent analysis of the concerns that have been raised; and

WHEREAS, the reopening of the case, upon information and belief, has the support of the Public Advocates Office; and

WHEREAS, there is no provision for, nor has notice been given to residents, prior to the installation of the “smart meters” at their homes; and

WHEREAS, there has been inadequate information given to residents regarding their option to exercise their opportunity to opt out of the installation.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The Bath City Council urges Central Maine Power Company to refrain from the installation of any “smart meters,” repeaters, antennas and any other related wireless equipment within the City of Bath for a period of not less than one hundred and eighty (180) days in order to provide the residents of the City of Bath an opportunity in an open public forum to understand the issues relating to “smart meters.”
2. The Bath City Council urges Central Maine Power Company to require the provision of advance notice to any resident of Central Maine Power’s intent to install a “smart meter” and to provide to that resident adequate information regarding that resident’s ability to opt out, and how to exercise that option.
3. The Bath City Council urges the Public Utilities Commission to reopen the matter concerning installation of “smart meters” in order to allow for a full and frank discussion of the issues that have been brought forward regarding the use of these meters and based on that discussion to make such adjustments in its Order as may be appropriate to protect the interests of electric users, and in reconsidering the granting of permission, to provide appropriate mechanisms and forums for local residents to voice their opinions regarding “smart meter” installation.
4. The Bath City Council urges its citizens to become involved in this matter in order to understand the issues and provide the Public Utilities Commission with their opinions as to further appropriate regulation of the installation and use of “smart meters.”

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

Councilor Rogers made a motion to strike this item from the agenda. Councilor Sinclair seconded the motion. All were in favor of the striking motion.

9) Ordinance: Moratorium on Smart Meters (first passage)

Chairman Wyman read this Ordinance:

**MORATORIUM ORDINANCE
PROHIBITING THE INSTALLATION OF SO-CALLED “SMART METERS”**

The City Council of the City of Bath hereby Ordains as follows:

1. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of 30-A M.R.S.A. Section 301 (Home Rule), and 30-A M.R.S.A. Section 3001 (Ordinance Power).

2. Purpose

The purpose of this Ordinance is to prohibit the installation of so-called “smart meters” within the City of Bath until such time as the factors listed in Paragraph 3, Statement of Necessity, below, are properly addressed by the Maine Public Utilities Commission.

3. Statement of Necessity

A number of concerns regarding the installation and operation of “smart meters” have been raised, several of which have been addressed in a Resolution previously adopted by the City Council of the City of Bath. They include the following:

- Health concerns regarding medical devices and the effect of radiofrequency and microwave radiation associated with “smart meters” upon such medical devices; and

- Cyber safety concerns with respect to electronic devices within the home resulting in potential invasion of personal privacy and the compromise of confidential and secure information; and
- A potential fire hazard.

The City Council of the City of Bath believes that these concerns have not been properly addressed, although they are items within the scope of enabling Legislation under Title 35-A M.R.S.A. Section 3143. In addition, the Commission has not adequately addressed the issues of opting out and costs associated with that decision. The City Council of the City of Bath is not in favor of proceeding with installation of “smart meters” within the City of Bath until the Public Utilities Commission has fully addressed the issues and concerns outlined in this Moratorium Ordinance and those expressed in Complaints currently pending before the Public Utilities Commission regarding the installation of “smart meters” and implementation of the “smart grid.” Based on these circumstances, the City Council finds that it is premature to install “smart meters” until these issues and concerns have been properly addressed.

4. Applicability

This Ordinance applies in order to prohibit the installation of any “smart meter” within the City of Bath.

5. Conflict With Other Ordinances

The provisions of this Ordinance supersede any conflicting provisions of the Ordinances of the City of Bath.

6. Moratorium on Installation of “Smart Meters”

During the time that this Ordinance is in effect, no “smart meters” shall be installed on any property within the City of Bath.

7. Effective Date and Duration

This Moratorium Ordinance will become effective on the 21st day after the final approval by City Council in accordance with the provisions of Section 221 of the Charter of the City of Bath and shall remain in effect for a period of one hundred and eighty (180) days, after which it shall be repealed, unless extended in accordance with Section 8 below.

8. Extension

Where the circumstances giving rise to the need for this Moratorium continue to exist and have not been fully resolved, this Moratorium may be extended by vote of the City Council for additional one hundred and eighty (180) day periods after appropriate notice and hearing and in accordance with the provisions of 30-A M.R.S.A. Section 4356(3).

9. Separability

If any section, subsection, or provision of this Ordinance is declared to be invalid for any reason by any competent court, such a decision shall not affect the validity of any other section, subsection, or provision of this Ordinance.

10. Violation

Any violation of the terms of this Moratorium Ordinance shall be subject to the enforcement penalties under 30-A M.R.S.A. Section 4452. The violator shall be subject to the civil penalties contained therein and the City shall have the specific authority to obtain injunctive relief to prevent any installation of “smart meters” within the City of Bath. This provision shall be in addition to, and not in lieu of, any other violation provisions or penalty provisions of applicable City Ordinances or State Law.

Councilor Paulhus made a motion to put this Ordinance on the floor for discussion. Councilor Pagurko seconded the motion.

Theresa Swindlin, a complainant against Central Maine Power, spoke in favor of the moratorium stating she didn't agree with a utility company telling her how she is going to operate in her own residence and that there is no assurance that Smart Meters are OK and will do what they say they will.

Suzan Foley Ferguson of Scarborough spoke in favor of the moratorium citing health, cyber security and fire safety issues.

Alisha Boxer Cook from Scarborough spoke in favor of the moratorium citing that people are being forced to buy a product that some people deem unsafe.

John Carroll of Central Maine Power Company asked Council to rescind the Resolution and to vote down this Ordinance as it is detrimental to the community, it is unnecessary and an ineffective tactic and it is very likely preempted by Federal Law. Mr. Carroll explained how the Smart Meter worked. He stated the PUC was already working on the safety issues. Mr. Carroll said CMP has a secured cyber plan that has been approved by the PUC and Department of Energy and fire safety concerns do not relate to the Smart Meters. He stated this Ordinance is very unclear and will only delay CMP from completing their project, put them at odds with the community and has no resolution. Mr. Carroll stated the benefits from this program are bringing the late 1800's technology up to date, reduce energy use, integrate renewables into the grid, and save money.

City Solicitor Roger Therriault explained the legality concerning this Ordinance. Mr. Therriault stated that the courts would not side with the Ordinance.

Rabyrne Hutton of 195 High Street spoke in favor of the moratorium as it would give the Resolution some teeth.

Nancy Perkins of 52 Green Street spoke in favor of the moratorium as it would be an opportunity to send a message to the PUC of concerns in the City of Bath.

ROLL CALL VOTE:

YEAS: Brackett, Omo, Rogers, Sinclair, Pagurko

NAYS: Paulhus, Eosco, Winglass

Ordinance passed. 5-3

Chairman Wyman set second passage of this Ordinance for June 1, 2011 at 6:01PM.

City Manager's Report was taken up at this time.

G. City Manager's Report 8:51PM

The following topics were discussed:

- Presentation of the proposed City of Bath Budget of the Fiscal Year 2011-2012

Councilor Rogers made a motion to waive the Rules to go past 9:00 PM. Councilor Omo seconded motion. All Councilors were in favor of the motion.

10) Ordinance: Chapter 3. Advertising, Article 2. Signs, Section 3.209 – Wayfinding (first passage)

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

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 3. ADVERTISING

Article 2. Signs

Amend Section 3.209, as follows:

3.209 Wayfinding

I. Except as permitted in II. Below, all off-premises, directional signs must conform to the location and design standards of the Bath Wayfinding System adopted, and amended from time to time, by City Council Resolution.

II. The Codes Enforcement Office may approve independent directional signs for a business or organization provided the following criteria are met:

A. The business or organization must be located one half mile or more outside the Downtown Commercial (C1) Zoning District.

B. The business or organization is permitted more than one such sign only if the additional sign locations are associated with an intersection or directional change;

C. The cost of construction, placement and ongoing maintenance is borne by the business or organization.

D. A business or organization located within the one-half-mile- designation area may apply for a waiver for the installation of an independent sign subject to the conditions of this article.

E. The design of the sign must meet the standards adopted by City Council Resolution.

1. 4 feet by 12 inches in size. (12/18/02)
2. Constructed to Maine DOT standards.
3. Painted with a dark blue background with a red border, and ivory letters.
4. Be mounted on a black post. (09/04/02)

F. Signs for Goods and Services in the Downtown

The City may erect, or have erected, signs that indicate the direction to goods and services, which are offered for sale in the downtown, provided the following standards are met:

1. The signs are erected on the sidewalk near the corner of Centre and Front streets and near the corner of Front and Elm streets.
2. The signs do not block sight distance for pedestrians or motorists.
3. The signs meet the requirements of 23 MRSA, Sections 1901 through 1925 (Maine Traveler Information Services Act).
4. The signs are Sidewalk Sandwich Signs, as defined in Section 3.204.
5. The City Council must approve the design and colors of the signs.
6. The City Council may approve additional locations.

(Note: Additions are underlined.)

City Planner Jim Upham explained the intent of the Ordinance is to permit the City to establish sandwich boards in two locations.

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

Councilor Sinclair made a motion to amend the Ordinance in F1 to add after “Elm streets” the following wording “near the corner of Vine and Water streets and near the corner of Elm and Water streets”. Councilor Paulhus seconded the motion. All were in favor of the motioned amendment.

Councilor Eosco made a motion to amend the Ordinance by deleting F5. Councilor Sinclair seconded the motion. All were in favor of the motioned amendment.

ROLL CALL VOTE on the amended Ordinance:

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

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman set second passage of this Ordinance for June 1, 2011 at 6:02PM.

11) Ordinance: Chapter 3. Advertising Article 2. Signs Sections 3.203, 3.204 and 3.205 - Political Signs (first passage)

Councilor Rogers made a motion to waive the reading of this Ordinance. Councilor Omo seconded the motion. All Councilors were in favor of the waiving motion.

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 3. ADVERTISING

Article 2. Signs

Section 3.204 – Definitions.

Delete the following:

II. Temporary Signs. Signs advertising sales, products, events, theatre productions or a similar activity for periods of no more than 30 days. Such are permitted in store window and are exempt from total sign area, items of information or window coverage calculations.

Section 3.205 – General standards.

Delete the following:

II. Political signs.

A. Any person desiring to post or erect any political sign, including but not limited to signs advertising a political party, the candidacy of any individual shall, prior to the installation of any such sign, obtain the permission of the owner or appropriate agent of the private property. No such signs shall be posted or erected on any publicly owned property.

B. No political sign may be installed on any privately owned lot or parcel in the city more than six (6) weeks prior to the voting date to which it pertains and shall be removed within 2 weeks of the voting date.

C. For any illegal political signs, City Employees have the right to enter private or public property for the purpose of removing said signs. Failure to remove signs may leave candidate or group responsible for the sign subject to legal action in accordance with this ordinance; each day any sign is in violation shall be seen as a separate offense.

Section 3.204 – Definitions.

Add the following:

J. Temporary signs: Signs of a limited duration and purpose which advertise sales, products, events, theatre productions, or similar activity, including political signs. Such signs are subject to the standards in Section 3.203(V)(N) Temporary Signs.

Section 3.203 – Permits.

V. Exemptions.

The following regulated signs do not require a permit (unless otherwise specified), provided they are erected and maintained in accordance with the following specified requirements:

Add language as follows:

...

N. Temporary Signs. Temporary signs are permitted as free-standing signs, signs attached to buildings, or signs in windows, subject to the following:

1. Size: No temporary sign shall exceed sixteen (16) square feet.
2. Duration:
 - (a) Generally: No temporary signs shall be erected for a period longer than six (6) weeks, within a three (3) month period.
 - (b) Event Signs: If the temporary sign is intended to advertise a particular event such as a sale, theatre production, or political election, then the sign may be erected six (6) weeks prior to the event and must be removed one (1) week after the conclusion of the event.
3. Location: Where the sign is to be erected on private property, the person erecting the sign shall obtain the permission of the owner or appropriate agent of the private property. No such signs shall be posted or erected on any City of Bath property.

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

Councilor Rogers made a motion to table this Ordinance to workshop. There was no second to the motion. Councilor Rogers withdrew the tabling motion.

Rabyrne Hutton of 195 High Street explained he did not like the Ordinance and felt that is still unconstitutional. He didn't like the limitation of sizes and said there is a privacy issue with the signs inside the house. Mr. Hutton asked the Council to table this item to another meeting when it wasn't so late.

Councilor Rogers made a motion to remove Political Signs from Section 3.204.

Councilor Brackett seconded the motion.

After a short discussion, Councilors Rogers and Brackett removed their motions.

Diane Simmler of Centre Street asked Council how this Ordinance regulates her use of her private property.

ROLL CALL VOTE :

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

NAYS: Rogers, Winglass

Ordinance passed. 6-2

Chairman Wyman set second passage of this Ordinance for June 1, 2011 at 6:03PM.

H. Petitions & Communications 9:19PM

Councilor Eosco reported on May Fair Weekend.

Councilor Rogers stated that he wanted the public to realize that the City Council has nothing to do with the School Budget and that the City Council will do all it can to keep the City side of the budget down but the public needs to go to the Budget Hearing for the School Budget on May 31st and vote on their budget.

City Manager William Giroux stated that the City has received some Brownfield money approved to help tear down the carwash on Leeman Highway.

I. Committee Reports 9:20 PM

Councilor Paulhus reported Sagadahoc County Budget Advisory Committee will be meeting on May 12th instead of the previous listing of May 5th.

J. Unfinished Business 9:20 PM

There was no unfinished business.

K. New Business 9:20 PM

There was no new business.

Councilor Sinclair made a motion at 9:21PM to adjourn and address any Executive Session items at the next meeting or a special meeting. Councilor Pagurko seconded the motion. 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.