

Regular Meeting Minutes
City Council of the City of Bath, Maine
Wednesday, August 4, 1999 7:00pm
City Council Chambers, Bath City Hall

ROLL CALL: Councilors Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed and Chairman Hall.

Also in attendance were the City Planner - Jim Upham, City Solicitor - Roger Therriault and Deputy City Clerk - Pam Schoonhoven.

Chairman Hall opened the meeting with the Pledge of Allegiance.

Public Hearings - \$300,000 Housing Assistance Grant from the Department of Economic and Community Development for the purpose of continuing to address the substandard housing conditions in multifamily housing and to promote low to moderate income homeownership

Community Development Director Al Smith explained that the City of Bath was selected out of 28 +communities around the State to receive a 1999 housing assistance grant for \$300,000. The purpose of the application is to initiate two types of activities which are being presented under the project name of Affordable Housing Initiative Project. The first activity is to continue the housing assistance loan program that was started with the first housing assistance grant a year or so ago. That is directed to multi-family housing to address health and safety issues and to generally upgrade housing and avoid negative impacts on neighborhoods. Those loans are given at a low interest rate of 3% and they are directed to property owners that do cooperate on those issues and are providing affordable housing in the community. The second and new initiative that will be started with this grant is to actually work with a number of partners in the community to promote low income home ownership opportunities. This is directed as a way of further upgrading single-family housing and further stabilizing neighborhoods by allowing for a better balance of home owners to renters in the community and in particular, low income neighborhoods.

The City has had experience with first year funding and has a very strong track record. With that program, the City was putting out about \$260,000. That money was matched by property owners and other housing funds. The City has been able to address 18 properties in the community, involving 51 affordable housing rental units. Those units have been brought up to health and safety standards. It represents in all eight projects around the City. The cross section in terms of the areas of the City was a good balance and also the size of the projects. There were a couple of fairly large projects and also with owners of one unit.

The purpose tonight is to have the Public Hearing. There was one when this proposal first came to the Council. During this Phase II process, there will be another Public Hearing and then the Council will entertain the resolution to go forward to accept the funds and to carry out the program.

There was no public comment on the grant, so Chairman Hall closed the public hearing session.

John James asked if the Committee or Bath Housing Development Corporation has a prioritized list of units or housing that has not yet been upgraded or renovated, and if there is such a list, he asked if that could be made available. Al Smith responded that when the program was started last year, they met with Scott Davis, advertised, had workshops and did a mailing to all of the property owners. There were definitely some properties that were targeted and the City felt that there were some of these properties that needed more attention, so they tried to interest those property owners. They came up with a list and prioritized it based on the program objectives. They looked at addressing properties that, when completed, they would have decent safe housing, properties that would make a positive impact on the neighborhood. They gave a priority to projects that involved substantial upgrade and would have a real significant positive impact as opposed to a project that would be addressing more moderate needs. They also looked at projects that were targeting affordable home ownership for 60% of median income. If that mix was in there, that was a priority as well. The projects were rated based on that. Where they stand now is that there are currently some projects in the pipeline that were looked at that they hope to be able to address with the second year funding. They have currently opened the application process, so are seeking additional applications.

John James asked out of the 51 affordable housing rental units, how many units have been converted to home ownership, which he noted is a key issue for the City. Al Smith concurred, adding that this is the initiative that has been added to the second year program, the program that is being considered this evening. Al explained that in the first year program, the decision was made that one of the things that was causing blight and negative influence on the neighborhood was some of the larger properties that had possibly been broken up and had a number of units that was over density. These were targeted with the concept that those were the units that were most difficult to address and that there had not been a lot of funding or attention on that, so they chose to go multi-family in the first year. With the second year, there was some added thinking that acknowledged there was still some need there which they would continue to need to address, but they also felt that they needed to start doing the home ownership thing. That is why this was added this time around. Al reported that the density was reduced in the first year program in a couple of the projects, which was one of the categories.

John Hall asked Al to explain the figures that the median income was based on. Al explained that it was based on Section VIII HUD income guidelines, which is 80% of the median which is County in Maine. In Sagadahoc County, the median income for this county is \$42,600 and 80% of that is based on the family size. For a family of four, the median income is \$34,100 but for a family of three it would be \$30,640. For a family of five it would be slightly higher. Guidelines were previously established and amended. In that, they are allowed to consider some costs to that family that can be deducted from the income so that if a family has costs in term of child care related to the job, for example, or high medical costs, some of these can be deducted. As a result, that household doesn't have to be exactly at \$34,100. Al explained that the other piece on the multi-family is that that they can do property that isn't 100%

eligible. If 51% or more of the building qualifies, it can be done. However, they can't put their money directly into a unit that will not be occupied by low-moderate income, but common area issues can be addressed and money can be put into the units that will be low-moderate income and then other funds can come in to help address the other units.

John James asked if when they go in to renovate and a unit is then owned, do they put covenants on that ownership such that those units will forever be by deed or title low income. He speculated that this would eliminate the ability for any neighborhood to ebb and flow, and that this would gradually lock in portions of neighborhoods as forever low income. Al Smith responded that the way it works with this program is that 51% of those units have to be affordable, so there can be other units that are presumably at a higher market range. With the loan situation, that affordability criteria is only on the property as long as that mortgage is on the property. Al Smith then concluded his presentation on the Housing Assistance Grant.

Consent Agenda

Chairman Hall introduced the Consent Agenda consisting of the following:

D2 - Minutes of Previous Meetings of July 7, 1999 (motion to approve as presented)

K8 - Committee Appointment: David King, Planning Board Associate Member - Term to Expire 9/99 (motion to appoint)

K9 - Committee Appointment: David Desmond, Old Customs House Board of Directors - Term to Expire 8/02 (motion to appoint)

K10 - Committee Appointment, Old Customs House Board of Directors - Term to Expire 8/02 (motion to appoint)

A MOTION WAS MADE BY COUNCILOR WYMAN AND SECONDED BY COUNCILOR BLAKE TO ACCEPT THE CONSENT AGENDA AS PRESENTED. VOTE: CONSENT AGENDA APPROVED BY UNANIMOUS VOTE: 8-0

Time Devoted for Residents to Address the City Council

No members of the public spoke, so Councilor Hall closed that part of the agenda.

Ordinances, Resolutions and Orders

**F3 - Resolution authorizing acceptance of Housing Assistance Grant
City of Bath, Maine**

CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and,

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

1. Is authorized and directed to submit a Community Development Block Grant Housing Assistance Application to the Department of Economic and Community Development on behalf of the City of Bath substantially in the form presented to this Council;
2. Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Signed this 4th day of August 1999 on behalf of the City Council of Bath.

COUNCILOR HAYDEN MADE A MOTION TO PUT THIS ITEM ON THE FLOOR, SECONDED BY COUNCILOR ROGERS AND WAS UNANIMOUSLY APPROVED.

There was no public comment on the resolution.

RESOLUTION AUTHORIZING ACCEPTANCE OF THE HOUSING ASSISTANCE GRANT WAS PASSED UNANIMOUSLY 8 - 0.

F4 - Order approving contract for Commercial Street Outfall Project

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY BATH THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND SCOTT CONSTRUCTION INC. FOR THE COMMERCIAL STREET OUTFALL PROJECT IN THE AMOUNT OF \$1,217,918. BE AND HEREBY IS AWARDED, SCOTT CONSTRUCTION BEING THE LOWER BIDDER, AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION.

COUNCILOR WYMAN MADE A MOTION TO PUT THIS ORDER ON THE FLOOR, WHICH WAS SECONDED BY COUNCILOR HAYDEN.

Chairman Hall referred to a memo from Peter Owens that was in the Council agenda package. Finance Director Greg L'Heureux came forward to address the Council on this issue. Greg gave a quick overview of the financial elements of the project and said he would turn it over to Peter Owens to handle some of the technical questions that may arise in regards to the project. Greg explained that the project has come in higher than anticipated and that the apparent low bidder is Scott Construction at \$1,217,918. After the bids came in, Peter Owens did some work to see if there were any items within the contract that could be changed. As a result of some restrictions that are placed on the contract and the bid itself, he has proposed a change order of about \$240,000, which he will be working with the contractor on after approval of the contract to re-establish the baseline of the contract after making certain modifications to the contract, which he believes will have no negative impact on the ultimate flow of the actual outfall project. The project was originally envisioned to be funded from two sources - the City's portion of the bond proceeds and some State money (about 30% of

those parts of the project that are eligible as part of the bridge project). The City has the option of re-bidding this project; however, he pointed out that Peter Owens and the management have thoroughly looked at that alternative and in this regard, would not be in favor of that due to a couple of issues. The first issue is that there is only a limited window of opportunity to put this line in to get certain parts of the contract to be funded by the State and the Federal Government, which would be a certain portion of the time during the bridge construction. If they were to re-bid that, it would most likely put the City out of that window. The second reason they are recommending that this contract be approved is that there is no assurances that this bid is going to come in at anything less, if not more. If it were to be done at a later date, they would have significant additional costs in which the State would not be doing some of the road rehab afterwards. There are several large cost items that would have to be done through the State which they would not be doing, and the City would have to absorb those costs, which would clearly put this project most likely well in excess of anything that they could propose even after the change orders on this contract.

Greg went on to say that the project will require the City to use a little bit more of the bond proceeds. He referred to the November referendum which authorized \$1,500,000 of bond proceeds for sewer construction projects. It was originally envisioned to use \$700,000 for this project. It is anticipated that they will probably have to use about \$800,000. With that in mind, there will probably be some additional resources, interest on the bond proceeds, that could be used to fund the second large item that was proposed with this bond issue - the Center Street project. A decision has been made to look at that Center Street project on its own merits and if need be, consider making changes to the scope of that work if the Council so desires. Greg then opened it to the Council for any questions of him or Peter Owens.

John James asked who Scott Construction is and where they are out of. He was informed that they are an earth work and large contractor in Newport, Vermont. They have done work all throughout New England and are currently doing projects in Saco and Wells.

John James then asked what the City is giving up for \$240,000 if they amend the contract. Peter Owens explained that he has provided a figure in the Council package (Figure 1) and tried to go over some of those items. He noted that it is mostly a pipeline project so it was difficult to see what could be removed. The items that were of large cost were where the structures were actually tying in existing pipelines and also flow control items in the structures. These structures are fairly expensive - he pointed out that one was about \$90,000 and the next was another \$70,000. There was also a railroad crossing and a pipeline itself. They evaluated to see if there was some way to either eliminate or reduce the structures. What they came up with was a concept that would basically connect from one bend and accomplish the same thing. They also looked at using a pre-cast structure versus a cast in place structure, which would be simpler to put in and would go a lot faster. They have eliminated two structures and combined them into one, with another connection. Eliminating the distance of pipe, the railroad crossing and those two structures results in a savings of about \$240,000. These can be eliminated from the contract.

Councilor Blake asked why the cast in place structures were originally thought to be necessary, and are not thought to be necessary now. Peter Owens responded that they primarily wanted to get these out of the middle of the street, which was the reason for locating them the way they were. They also felt that because of the structures, they thought it would be necessary to cast them in place. Peter called the contractor and he came up with the idea of casting them in place. This was a pre-cast structure that they didn't think would be possible, so they checked with some pre-cast companies and they said they could actually cast them big enough for these pipes.

A question was raised pertaining to the time structure and what type of disruptions would be caused. Peter Owens stated that they do not have the schedule yet from the contractor because he is waiting for approval to put that together. They were originally looking at a June 1 completion date of next year, but the project was planned to be underway by now. They looked at the majority of the project being from the river up to the Route 1 approach being done in the fall. The next portion would be done in the spring, which would be for the Route 1 approach. In discussions with the contractor, they would like to be able to start as soon as possible and get everything completed this fall. Peter Owens stated that he had doubts whether that could actually be done because one of the requirements is that everything be paved when they are done so that we don't have Washington Street with a gravel surface during the winter.

Councilor Rogers asked if this would be a major dig up or if it would be piece by piece. Peter Owens informed him that it would be a major dig up. Councilor Hall asked if the Council would be informed when there is a schedule. Peter Owens said that they are expecting a schedule potentially next week. They will sit down with Flatiron when they get that schedule just to find out how realistic that schedule is.

Councilor Tibbetts noted that the one thing he hadn't heard mentioned which was alluded to in the window of opportunity is the reason that window of opportunity is there is because of the on ramp to the new bridge, which has to go in at a certain time. The timing is such that they don't want to put that ramp in and then turn around and dig it back up again. Peter Owens concurred that the whole reason they are doing this project now is basically because of the work that is being done on the bridge. Otherwise, they would have held off just because of the obvious conflict they will have with Flatiron. The fact that they are tearing up the approach ramp and demolishing the approach ramp and then re-paving that whole area and re-building it looked like if the City could get their pipe in there, there would be a savings to the City in the long run because they wouldn't have to be paying for that area to be re-done.

John Hall asked if, since the cost was almost \$1.2 million, he asked Peter if he could briefly state for the public why it is important to do this project and what benefit would come of it. Peter Owen explained that this all goes back to the fact that the Treatment Plant is in the process of being re-constructed. Prior to the re-construction of the Plant, the City's sewer system was not able to handle the amount of stormwater that comes in the system, which is a combined system. What is significant about this location is that it has a flow control structure in which there is a 36 inch pipe and an 18 inch sewer pipe that come into a structure. It collects all of the catch basins along Leeman Highway. The pipe going out of that structure is an 18 inch sewer pipe, so

there is a 36, an 18 coming in and an 18 going out. What happens when it rains is that there is an enormous amount of water coming into that structure, and a small amount of water going out. That water flows directly to the Commercial Street pump station, which then pumps it to the Treatment Plant. What used to happen in the past was that the Treatment Plant just got flooded with all this flow and bypassed all of the raw sewage into the river because it could not handle all of the water coming to it. In order to prevent that from happening, a restriction was put in the system to hold back the amount of water flowing to the pump station. All of the water hits that structure and it starts to back up and it overflows into the existing stormwater pipe. At that point there is an overflow going to the river at that location. Now that the Treatment Plant has been upgraded, it can take more flow, but there is no way now to get the flow to it because there is a pipe in there that is too small. They decided to try to utilize the existing pipe that is there, which is a 42" outfall pipe. That is being converted to a transport pipe. That will now carry all the sanitary flow to the Commercial Street pump station, which will then transport it to the Treatment Plant. That will reduce the amount of overflows. They have now designed a 72" stormwater outfall pipe to take existing flows plus additional stormwater separation projects that are ongoing and in the planning stages to be done. It is a DEP requirement that the City reduce its combined sewer overflows in the river.

Gordon Reed asked what happens when we get to the Commercial Street pump station and if there is a bottleneck there, or will that be dealt with another time because it does not impact this particular project. Peter Owens responded that one of the things that has to be done here is, in order not to flood out the Commercial Street pump station, a flow restriction is being put inside the structure so it matches the amount of flow that used to go out of it before. There is an overflow so it can continue to overflow into the river. The next stage is the Commercial Street pump station, which will need to be upgraded to handle that increase in flow, which is already in the planning stages. This will be the next one to be done. Once that is done, the flow restriction can be taken out of the structure and all of the flow to the Commercial Street pump station can occur.

Councilor Blake asked if that is the reason that it would be a while before the stench leaves. Peter Owens confirmed this. Councilor Blake asked how long that would be. Peter Owens responded that it would be around 2003 before this is done.

Councilor James asked how many areas in Bath have a similar problem that is yet to be addressed, where we need to look at putting in a new large overflow into the river. Greg L'Heureux stated that Old Orchard Beach just finished an overflow project into the ocean, and he said that project was about a 4.5 million dollar project done about a year and a half ago. He added that the City of Lewiston is also looking at \$30-\$40,000 in cost to separate their sanitary from their stormwater, as well as a number of other communities, so massive amounts of money are being spent to accomplish this work. Councilor James again asked how many problem areas are there still in Bath that need to be resolved before we again have to upgrade our Wastewater Treatment Plant. Peter Owens explained that there are five different watersheds within the City of Bath, the largest one being the Harward Street drainage area. What was done to address that was the Lambert Park project and that is what identified that portion of that watershed that could eliminate or separate the most amount of stormwater. The next

location in the City to be addressed is the Commercial Street drainage area, which is the second largest, but has the greatest amount of CSOs. Part of that is because of the density of this drainage area, which represents the downtown area and also has Route 1. It has an enormous amount of impervious area. The third area is the Pleasant Street drainage area. That one has three separate outfalls, one of which was cleared while BIW was installing their 84" outfall for the land level facility. As a result, that particular drainage area is not planned to have any outfall work necessary. Councilor James asked if it would need it down the road, and Peter Owens responded that it would not, unless there is significant development planned in that area. He said that right now, it could handle more flow than it is getting. Councilor James asked what the two remaining areas were. Peter Owens responded that one is Rose Street and the other is Bridge Street, which are much smaller projects as they are less developed areas.

Councilor Reed asked if there is a "drop dead" date before a decision has to be made. He commented that it does not take a genius to figure out that we don't want to dig up the whole downtown area twice. He also noted that we are talking about a fairly sophisticated integration of several contractors here and asked what the potential pitfalls of that would be. Peter Owens responded that the drop dead is May, which is when Flatiron has told us they would be paving and finishing that whole approach area, so our pipe basically has to be in and completed so that they can start. If they are going to be paving in May, they will actually be doing the prep work in April, so we would have to be in and out of there by April. Councilor Reed asked if our work could be done in phases so that the adjacent part of what we need to get down before they pave is taken care of and they can work on either side of it if the schedule got to be a problem. Peter Owens confirmed this. He added that they have met with Flatiron and with the State and with Clark and with BIW a year ago and have kept them up to speed on a basis of every two months. As part of the actual bid package, we had Flatiron's traffic and construction schedule so the contractors could see right up front what they would be dealing with because Flatiron is doing work right down there on Commercial Street. They will impact this contract the most. Councilor Reed noted that in reality, some of that portion of the project will have to wait until they are out of the way. This was confirmed.

The issue of the smell was raised again and what is causing it. Peter Owens explained that sewer manholes and the whole sewer system is an enclosed system with solid covers. The fact that the catch basins and the stormwater are tied into that means that the sewer gas, which is lighter, flows up pipes instead of down and then when it gets to a catch basin grate comes out into the air and then you smell it. He added that it has been a lot worse this summer simply because there has not been a lot of rain and there is not a lot of water flowing into the system to rinse it out. Therefore, we are getting a lot of stagnant smells throughout the City, part of which is just stormwater in catch basins that has just gotten stagnant. Once this is all done, that problem should be eliminated. Peter Owens said that a separation was just done up on High Street and the smells got worse after the separation. Upon investigation, it was discovered that someone had a service connection in a catch basin and because it wasn't raining, it wasn't going anywhere. He commented that sometimes while doing projects, they discover things they didn't know before.

Councilor Hall then asked Finance Director Greg L'Heureux if he had commented on the shortfall of \$106,000 and how we propose to find that money. Greg L'Heureux explained that if we were to only use \$700,000 of the bond money, we have available to us \$1.5 million that was approved by the voters. In that sense, we could use up to \$1.5 million to fund this project. However, some of the other projects would have to be curtailed or eliminated that were envisioned to be done with this money. He said that the Center Street project was the other project that was envisioned to be used to use the \$1.5 million so that project will either have to be changed, or we will have to find additional resources to fund that project. As mentioned before, there will be some interest revenue on the bond proceeds that the Council will have the option to spend on this project. Greg explained that the budget for the Center Street project is an estimate. He said that the scope of the work done on Center Street will clearly have some effect on the total package price.

VOTE ON ORDER: APPROVED UNANIMOUSLY 8-0

F5 Ordinance amending Chapter 3. Advertising, Article 2. Signs, Section 3.206 Zoning District Standards, I. Central Business District (First Passage)

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 3.206. Zoning District Standards

1. Central Business District.

Number of Signs:

Delete: "2 per building face or occupant where there are multiple first floor occupants, plus one window, parallel or applied sign."

Replace With: "2 per building face per occupant."

Delete the following Section:

"C. Where there are multiple occupants for a building, each ground floor occupant of a structure, whether the same as the above floor tenant or different, may display two signs. It is intended that the major or primary sign, will be located at the establishment's main entrance.

Replace with the following Section:

"C. Each upper floor tenant may display two signs per building face and be included in a directional multiple sign at the entrance(s) to the upper floors.

Delete the following Section:

"D. Each occupant in an upper level of a building may display a window, projecting or parallel sign and be included in a multiple sign at the entrance to their building. The primary sign shall be restricted to 2' by 3' in size and shall be limited to one per business."

Reletter following Section E to Section D.

COUNCILOR JAMES MADE A MOTION TO TAKE THIS ITEM OFF THE TABLE AND PUT THE ORIGINAL VERSION ON THE FLOOR, WHICH WAS SECONDED BY COUNCILOR HAYDEN.

Codes Enforcement Officer Scott Davis explained that the original version of this item discriminates against upper floor tenants in the downtown. Scott stated that a gentleman had come in a while back who had just rented some space up on a second floor and his office space fronts on Front Street and on the parking lot behind the business block. He wanted to put a sign on the Front Street side and one on the parking lot side and according to the ordinance, he could not do this. Because he is an upper floor tenant, he is restricted to one sign no bigger than six square feet. A downstairs tenant in that same building is allowed to put up two signs per building face and not limited as to size, other than the total allowable signage for the entire building. Scott said that he and City Solicitor Roger Therriault met and crafted this amendment to the amendment to the ordinance to try to clarify the questions that people have. He referred to the cover memo of July 26 he had written which details the changes and why we have effected them. The upper floor tenants are also limited as to the types of signs they can put up; the first floor tenants are entitled to put up almost any kind of sign that is listed in the ordinance. Scott pointed out that the whole sign code itself needs a major overhaul. The process for this ordinance was started back in the early 90's, and a lot of things have changed since then, as well as the fact that the ordinance just doesn't meet our needs well today. He said that Jim Upham is prepared to launch into re-writing this ordinance as soon as the new Land Use Code is enacted, which should be in the coming months. This is just a band-aid fix to one of many problems with the sign ordinance. What it is intended to do is put the upper floor tenants on a more equal footing with the downstairs tenants. Scott pointed out that upper floor tenants are at a disadvantage from the get go because of visibility and access, and hopefully we can help them solve some of their visibility problems by giving them the same shot at signage as the first floor tenants.

John Hall asked for clarification that the only difference between the original version that was tabled and the amended version is that instead of deleting "C" and "D", we are replacing "C" with this new paragraph. Scott Davis confirmed this is the only change from the original amendments. After questions that were raised at the last meeting, Scott said that he and Roger had decided to leave Section C in for clarity and then deleted "D" and renumber "E" because "D" becomes superfluous once the new change is adopted. He said that the only thing that will change is that the upper floor tenants will be allowed to have the same number of signs as the downstairs tenants, that will not increase the total amount of signage that is allowed on a building. That is a function of the building's frontage on a street, which is not being changed.

John Hall said that he believed the concern that the Council had last time was that it said "each upper floor tenant may display two signs per building face". If a building

had four sides, which most of them do, they could have eight signs. However, since they are limited to six square feet, or they could have eight small signs all adding up to six square feet. Scott explained that the first floor tenants are not limited to six square feet. Their only limit is the total signage allowed for the building. A two story building with a tenant upstairs and a tenant downstairs, such as Halcyon's building is very indicative of the problem. Halcyon's building has six sides and the total allowed area for that building is 525 square feet - there could be that much signage on the whole building. A first floor tenant, such as the yarn shop, could put up two signs per face of the building (12 signs) and if someone rented the second floor of her building, they are allowed one sign, six square feet - that's all. Further discussion ensued on the ramifications of the ordinance as it pertains to Halcyon's building.

Councilor James asked if any of these signs could be backlit. Scott Davis said that in the downtown district, which is what is being considered, the answer is no. Lighting in the downtown can only be incandescent, external lighting - no neon tubes inside of plastic signs and there are historic material requirements, etc. Out in the other zones such as the commercial zones out on the highway, those signs can be plastic and backlit, etc. Councilor James said that he is concerned that we could get a series of signs from second and third floor merchants that stick out and that have lights in both directions so as you walk down Front Street, it could be a flood of blinding light. Scott Davis said that there are provisions in the Code that state all the lighting sources have to be shielded so that they are not visible by pedestrians or drivers. Typically, downtown fixtures are done with an incandescent fixture pointed up that just lights the sign.

Councilor Reed asked for clarification because he didn't see anything that states "cumulative six square feet". He said he read it and understood that a tenant could have a six foot sign. He read "upper floor tenant signs are limited in size to six square feet". Scott Davis explained that this is the part that is being deleted. There was some confusion over this from the version that was being presented. Councilor James suggested that perhaps it should read "upper floor tenants are limited to a total of six square feet for all upper floor tenants". Scott Davis said he was confused as to where this was being read from. He was told that this is what is in the amended version that the Council was presented with. Scott Davis stated that this is not part of the amendment and said he understood where there could be some confusion. He was told that this is part of the proposed amendment. Councilor Hall stated that the original version is on the floor now and they are trying to determine how to amend it to make it workable. Further discussion ensued regarding what is actually being looked at. City Solicitor Roger Therriault said that he believed he could clarify the issue. He referred to the next to the last paragraph of Scott's memo where people want upper floor signs to be limited to six square feet. City Solicitor Therriault stated that he did that - he put that in there. Scott Davis said he was not aware of this and said he understood now why everyone is confused. Roger Therriault said that this does not have to stay in there. Scott recommended that if you buy into the concept of putting the second floor tenants on an equal footing as far as the number and size of signs as the first floor tenants, he recommended doing away with the motion that is on the floor, replace it with the text that has been submitted with the exception of "upper floor tenant signs are limited in size to six square feet". This would accomplish what they are trying to accomplish. Further discussion ensued pertaining to this issue.

Chairman Hall then stated that the Chair would entertain a motion to replace the original version that is on the floor now, and amend that by instead of deleting Section C, this would be replaced with "each upper floor tenant may display two signs per building face and be included in a directional multiple sign at the entrance to the upper floors". Section D would then be deleted and Section E would be relettered to Section D. Chairman Williams made a motion to move this amendment, which was seconded by Councilor Blake. **VOTE ON AMENDEMENT: UNANIMOUS 8-0** Second passage of this item was set for August 18th at 7:01 p.m.

F6 Temporary Use Permit for Parking Lot

ORDER APPROVING TEMPORARY USE PERMIT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A TEMPORARY USE PERMIT BE AND HEREBY IS ISSUED TO THE CITY OF BATH IN ORDER TO USE THE PARKING LOT ADJACENT AND NORTH OF HAWKES FIELD AS A PARKING AREA FOR MORSE HIGH SCHOOL STUDENT VEHICLES. THIS AREA IS THE NORTHEASTERLY PORTION OF LOT #46 ON CITY OF BATH TAX MAP #25. THE PERMIT IS ISSUED PURSUANT TO SECTION 6.16 OF THE LAND USE CODE OF THE CITY OF BATH. THE LOT IS IN AN R-1 HIGH DENSITY RESIDENTIAL DISTRICT WHERE PARKING AS A PRINCIPAL USE IS NOT A PERMITTED OR CONDITIONAL USE. THE PARKING AS PROPOSED IS NOT RELATED TO ANY OF THE FACILITIES ON THE LOT OR ABUTTING PROPERTY AND MUST THEREFORE BE CONSIDERED A PRINCIPAL USE. THE TERM OF THIS TEMPORARY USE PERMIT SHALL COMMENCE ON AUGUST 30, 1999 AND RUN FOR A PERIOD NOT TO EXCEED ONE (1) YEAR.

Recreation Director Jack Hart addressed the Council and explained that what they have before them is the results of some work done by the School Administration at Morse High School, the Bath Police Department and the Recreation Department, with assistance from the Codes and Planning Department and the City Solicitor. He pointed out that most people are aware that there has been a problem with the parking in the high school area during the school year. It has been ongoing for a few years and there have been ways to try to alleviate that problem. One in particular that has come forward was put together by the Police Department. They searched the area surrounding the High School and found out there is a spot where the additional cars that students bring to school and don't have a place to park could. That lot is a City lot and is under the supervision of the Recreation Department and is on recreation facilities. This lot is on the upper ball field, which he indicated on a map that was in the Council's package. It is anticipated that they can get anywhere from 40 to 50 cars in there, but would have to do some work in terms of painting spaces and marking them, as well as work around the entry ways and the back side entrance. There was an informational meeting with the neighbors last week, who pretty much favored what is being proposed but did have some issues. The issues weren't so much with parking cars as it was with the problems that exist now, which is speeding on the street from cars who are speeding to games to and from the ballfield. The Police Chief will try to address this problem. The Police Department will be making a presence at the parking lot when the students arrive and when they leave. Rules have been set up which they will have to abide by to keep that parking space. It has not been decided yet whether it will be a lottery system or first come-first served. Morse High School has some 38

spaces and they allocate those quarterly based on if you are a senior and a little bit on academic standing as well.

Chairman Hall asked if this would be controlled and administered by the Recreation Department. Jack Hart confirmed this. Chairman Hall asked if there would be stickers, which was confirmed. He added that there will also be a fee. He said if it was decided to do this quarterly, which will probably be the case since this is how the High School does theirs, and they will probably be looking at something like \$5.00 a quarter, which would guarantee that spot for the quarter. They would have to have their sticker hanging off their rear view mirror and that would also correspond with the parking space therein so that they will know that the right car is in the right place.

A question was raised as to whether there was a gauge based on accessibility to Morse High School, distance and the charge from the students. Jack Hart explained that the input from the students came from the SCLC during the previous school year. It was brought to them as an issue and they were asked to help with the problem. The site was taken back to them and that group endorsed that.

Jack Hart was asked if students would walk to the location. He responded that there was some thought of looking at transportation but he said mostly that it would be a walk situation, or probably a run for most students. He then confirmed that this was a temporary permit that they are seeking.

Chairman Hall asked for confirmation that there are sidewalks on Lincoln Street but none on Sheridan Road, which was confirmed. The students will probably cut across Lincoln Street to Chestnut. The question came up whether Public Works would plow this in the winter time, and Jack Hart responded that they do this anyway. They also plow part of the bigger parking lot, which they have an agreement with the Church to do.

Councilor Williams asked if there was something in place that ensured that if a student should just flaunt what they are supposed to do, they would have their pass taken away, which Jack Hart confirmed. He added that there are about 9 or 10 draft rules in place, which the students will have to adhere to. Councilor Williams then asked if there was not a proposal in the works relating to these other streets and two hour parking. She said that she would hate to see providing all of that and then turning around and having the same problem that now exists on those streets abutting the High School. City Solicitor Roger Therriault explained that this is also part of this. He said that they want to encourage these students as much as possible to utilize these lots. It was noted that there have been a lot of problems on these streets around Morse High School. These streets will be looked at and it will be determined where to put timed parking, which will eliminate the all day parking by the students. He explained that this could not be done until there is some inventorying as to how many are out there. It is suspected that there is a whole lot more than 50, so they will have to be careful where they do this and how it will be done and to address the areas at least initially where the most serious problems are. He told the Council that they can be expecting in late September or October some ordinance changes with regard to parking in that general area once they have a chance to get some information. That will also be part of this process. Roger explained that we don't, at

this point in time, want to displace 150 cars and only provide spaces for 50, so they need to get a handle on these numbers.

Councilor Reed asked if, in the set of 10 rules, it will be made clear to the students that this is a privilege and not a right, which Jack Hart confirmed. He added that there will be something for them to sign and something for their parents to sign, as well, before they can get the permit so that everyone has an understanding of what is expected.

City Solicitor Roger Therriault stated that we want to have that lot available right at the beginning of the school year, which is why this is coming forth at this time.

VOTE TO APPROVE TEMPORARY USE PERMIT: UNANIMOUS 8-0

F7 Amendment to Permit Fee Schedule

Date- July 30, 1999
To- John Bubier, City Manager
From- Scott Davis, Codes Enforcement Officer
Re: Fee schedule

I'd like to make a couple of amendments to/fine tune our fee schedule that was adopted some months ago. One is to deal with electrical projects that don't involve buildings, one is to correct a typographical error, and two are to correct omissions from the previous schedule. The changes are boldfaced for clarity-.

1. In the Building Permits section, add a third category:
Parking lots - \$.01/square foot
2. Replace the Electrical Permits section with: (the changes are boldfaced)

New Buildings or additions

Single Family	\$.03/sq. ft., with a \$20.00 minimum
Other Occupancies	\$.05/sq. ft. up to 10,000 sq. ft. \$.025/sq. ft. above that \$20.00 minimum
Service upgrade/replacement	\$5/meter with a \$20 minimum up to 200 amps \$10/meter with a \$30 minimum over 200 amps or multiphase
Renovation/alteration	up to 30 fixtures - \$20.00 31-50 fixtures - \$30.00 over 50 fixtures - use square footage rates
General rewiring	Single family - \$25.00 Other occupancies - \$30.00

New commercial work not associated with a building

\$5/fixture with a \$30 minimum

3. In the Administrative Notes section, add:
 6. **Permit fees for permits obtained after the project has begun are calculated at twice the normal rate.**

These changes will make the fee schedule better serve our needs.

Motion by Councilor James, seconded by Councilor Rogers to place the item on the floor for discussion and consideration. There was no Council discussion or public comment on the proposed amendments to the fee schedule.

Vote on Order:

YEAS: Councilors Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

NAYS: None

Vote on Order: All in favor. Order passed by a vote of 8-0.

Petitions and Communications

None

City Manager's Report

Acting City Manager Jim Upham reported that City Manager John Bubier is in Toronto and will be returning next week. He stated that he has nothing to report at this time and suggested that, due to the number of workshops that are scheduled on the agenda, they move right on to these items.

Committee Reports

None

Old Business

None

New Business

Committee appointments were addressed as part of the Consent Agenda.

Adjourn: Motion by Councilor James, seconded by Councilor Rogers to recess to workshop at 9:00 p.m. All in favor.

A motion was made by Councilor Blake and seconded by Councilor James to adjourn at 11:45 p.m. All in favor.

Respectfully submitted:

Pamela J. Schoonhoven, Dep. City Clerk

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

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