

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, January 7, 2004 6:00 pm
City Council Chambers, Bath City Hall

Present: Councilors Hall, Quimby, Blake, Wyman, Hart, Daigle, Rogers, Mitchell and Chairman Winglass.

Also in attendance were the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

Chairman Winglass opened the meeting at 6:00 PM with the Pledge of Allegiance and City Clerk White called the Roll.

C. Public Hearings: 6:01 PM #69

1. To receive citizen input for the City of Bath's 2004 CDBG Downtown Revitalization Grant Application for up to \$400,000 to address spot Blight conditions, provide business assistance and in-fill housing.
2. To receive citizen input for the City of Bath's 2004 CDBG Community Enterprise Grant Program for up to \$100,000 to a Business Façade Grant Program to assist downtown business to address exterior improvements and signage.

Al Smith, CDBG Coordinator, stated that the City wanted to apply to the Maine Community Development Block Program for a \$400,000 Downtown Revitalization Grant and a \$100,000 Community Enterprise Grant. Mr. Smith explained that the Downtown Revitalization Program provides funds to communities to implement comprehensive, integrated, and innovative solutions to problems facing their downtown. Building and businesses assisted by the downtown Revitalization Program must be in a designated blighted area or must qualify as "spot blight" as defined by the Department of Housing and Urban Development. Spot Blight is the condition of blight and physical decay existing only at a specified building or site where specific conditions required remediation for public health and safety.

The grant will enable the City to remove the blight and hazardous conditions at the "Harbor Light" building located at 164-166 Front Street and at the old YMCA building on Elm Street. It will also provide business assistance for reconstruction of the "Harbor Light" building and support development of in-fill housing.

The City would also seek a Business Façade grant under the Community Enterprise Grant Program. These funds would be available to assist downtown businesses to address exterior improvements and signage. Businesses assisted by this grant must be located in the designated blighted area.

Chairman Winglass opened the Public Hearing.

Martha Mayo of Green Street spoke in favor of the applications for these grants and the opportunity this would give the downtown business owners.

Chairman Winglass closed the Public Hearing.

D. Consent Agenda: 6:15 PM #380

3)* Under the Consent Agenda, Councilor Rogers made a motion to accept the minutes for the December 3 and 17, 203 Council Meetings and Items K7, K8 and K9, which was seconded by Councilor Mitchell.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 6:16 PM #418

No one from the public spoke.

F. Ordinances, Resolutions and Orders: 6:16 PM

Item F4 – Order: Declaring Spot Blight #428

Chairman Winglass read the following Order:

ORDER DECLARING SPOT BLIGHT

WHEREAS, there exists within the City of Bath areas that are deemed to be depressed areas and which meet the definition of a blighted area under 30-A M.R.S.A. Section 5201(1), and

WHEREAS, the existence of such areas require the disproportionate expenditure of public funds for the preservation of public health and safety, police and fire protection and other public services, and

WHEREAS, such areas impair the growth of a community, and

WHEREAS, these areas are not subject to remediation by regulatory processes and private enterprise has not been able to relieve the depressed status of the areas, and

WHEREAS, it is deemed in the best interests of the health, safety and welfare of the Inhabitants of the City of Bath and of the development of the City to identify and remediate the spot blighted areas,

NOW, THEREFORE, by this Order of the City Council of the City of Bath it is hereby declared that there exists an area of spot blight within the City of Bath which is described as the property designated as Lot 247 on Map 26 and being premises at 164-166 Front Street, and premises formerly of the Bath Area Y.M.C.A. and now of the City of Bath at 24 Summer Street and being Lot 218 on City of Bath Tax Map 26, and being more particularly the southerly and easterly portions of that lot housing the old Y.M.C.A. locker room and the pool and adjacent areas. The condition of these areas and more particularly of the structures conform to and are consistent with CDBG Regulations, 30-A M.R.S.A. Chapter 205 Section 5202(1) and the United States Department of Housing and Urban Development Regulations, 24 CFR Part 570. The conclusion regarding the condition of the property as set forth in this Declaration is based on the thorough examination of the areas and buildings. The buildings generally suffer from neglect with portions in a state of disrepair having not been properly maintained and in a deteriorating condition. As a whole, the buildings are unsightly, dilapidated and deteriorating and wholly incompatible with surrounding downtown and waterfront areas and the proposed development of those areas. Private sector owners of both properties have failed to properly maintain these properties and at present there appears to be no other reasonable alternative to their remediation and upgrade other than the process of the declaring them spot blight areas and addressing them with Community Development Block Grant (CDBG) funds and other funds through eligible activities, in accordance with all CDBG regulations and Maine State

Statute 30-A M.R.S.A., Chapter 205, Sections 5201 through 5205.

This Declaration is hereby enacted on the 7th day of January, 2004, and is effective from this day forth until such conditions have been remedied through completion of the CDBG project.

Motion by Councilor Blake, second by Councilor Wyman to put this Order on the floor for discussion.

William Nelson, owner of the building at 131 Front Street, had questions as to how the building in question had gotten in the condition it is in and that he felt this solution may have been governmental function that was let go and the public is picking up the tab for the remedy of the problem. He stated he would not stand in the way of this designation as it would benefit the downtown area as a whole.

VOTE on Order:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

Item F5- Ordinance: LUC, Adding Section 16.09 – C.N. Brown – Route One – Contract Zone (first passage) #864

Chairman Winglass read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JUL Y 19, 2000, AND

SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

By adding SECTION 16.09 -C. N. BROWN -ROUTE 1 -CONTRACT ZONE, as follows:

SECTION 16.09 C.N. BROWN -ROUTE 1 -CONTRACT ZONE

A. District Designation

The property designated for this contract zoning amendment is the property located at 150 Leeman Highway (Route 1) being identified as Lots 48 and 49 on City of Bath Tax Map 28, dated April 1, 2003.

B. Findings

The City Council finds that: (1) the project consists of demolishing the existing building on lot 49 and removing the fuel pumps and tanks on lot 48, constructing a 5,000 square foot building for restaurant and/or retail use(s), a detached 4,050 square foot canopy with 6 fuel C pump islands and 12 fueling stations, and a 1,000 square foot car wash; (2) the project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph D, 1; (3) the applicant is proposing to reduce the number of curb cuts onto Leeman Highway (Route 1) and Western Avenue so that the project will result in improved traffic safety; (4) the facades of the buildings proposed to be compatible with the neighborhood and will help to create an improved Gateway image for Bath; (5) the project will have appropriate screening and landscaping in addition to that normally required by Article 10; (6) the applicant will install decorative lighting, like that on the Sagadahoc Bridge, at the Leeman Highway edge of the site; and (7) the applicant will construct a sidewalk and grassed esplanade with street trees along a portion of Western Avenue.

C. Zoning Provisions Affected

This contract zoning amendment is intended to change the Setback and Yard Area requirements pursuant to Section 8.10 to the Setbacks and Yard Areas as approved in the Site Plan Approval granted to C. N. Brown, Company, by the Bath Planning Board on December 16, 2003.

D. Conditions of Approval

The approval is subject to all conditions of approval, which are part of the Site Plan. Approval, granted to C. N. Brown, Company, by the Planning Board on December 16, 2003.

Motion by Councilor Hart, second by Councilor Quimby to put this Ordinance on the floor for discussion.

Jim Upham, City Planner, explained the process of the contract zoning and gave an overview of the project and design.

Charlie Sheen, Representative of CN Brown, answered Council questions and stated that the extra spaces located in the proposed building would be leased to other franchises.

ROLL CALL VOTE on Ordinance:

Yeas: Hall, Quimby, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

Ordinance Passed Unanimously (first passage) 8-0

Chairman Winglass set second passage for the Ordinance for February 4, 2004 at 6:01 PM.

Item F6 – Ordinance: Chapter 17. Vehicle & Traffic, Article 1. General Provisions, Section 17-1. Definitions, (1) (18A)/Article 7. Offenses, Section 17-311. Limitation of use of motorbikes, all-terrain vehicles and snowmobiles (first passage) #1429

Chairman Winglass 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 17. VEHICLES & TRAFFIC

Article 1. General Provisions

Section 17-1. Definitions. Add the following:

(1) All-terrain vehicle (ATV): A motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this definition, an "all terrain vehicle" does not include an automobile, personal assistive mobility device, a truck, a snowmobile, an airmobile, a construction or logging vehicle used in performance of its common functions, a farm vehicle used for farming purposes, or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Change (1) authorized emergency vehicle to (1A) authorized emergency vehicle. Add the following:

(18A) Snowmobile: Snowmobile shall mean any vehicle propelled by mechanical power that is primarily designed to travel over ice or snow supported in part by skis, belts or cleats.

Article 7. Offenses Change Section 17-311 to read as follows:

Section 17-311. Limitation of use of motorbikes, all-terrain vehicles and snowmobiles.

All motorbikes, all-terrain vehicles and snowmobiles as defined, shall be prohibited from operating in any

park, recreational area, school grounds, public parking lot or cemetery within the City of Bath. The operator of such motorbike. all-terrain vehicle or snowmobile shall be subject to the penalties set forth in section 17-352. Nothing herein, however, shall prevent the operation of lawfully registered motorbikes. all-terrain vehicles or snowmobiles from operating and parking in those areas of the parks, recreational areas, cemeteries, school grounds or public parking lots of the City, as are specifically designated for such purpose.

New text underlined.

Motion by Councilor Mitchell, second by Councilor Quimby to put this Ordinance on the floor for discussion.

ROLL CALL VOTE on Ordinance:

Yeas: Hall, Quimby, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

Ordinance Passed Unanimously (first passage) 8-0

Chairman Winglass set second passage for the Ordinance for February 4, 2004 at 6:02 PM.

G. Petitions & Communications: 6:55 PM #1615

There were no petitions or communications.

H. City Manager's Report: 6:55 PM #1625

The City Manager spoke on the following topics:

- Working with the School Dept. on areas for the Vocational School to continue building their houses.
- Economic Development District Application for Lincoln/Sagadahoc Counties has been approved by the Counties and ship off to the Economic Development Administration.
- Report on the inspection of City owned boilers.
- Report on final detail meeting on Waterfront Pier Project.
- Report on the Ceremony of the Ringing of the Paul Revere Bell located at City Hall on December 31, 2003.
- Agreement with West Bath for Bath to provide GA services for West Bath.
- Paramedic Status given to Firefighters Hudson, Thomas, Chandler, McCole and Cummings.
- D.O.T. Certificates given to Public Works personnel Hays, Williams, Hodgden, Wing, Frasier, Leiner.

I. Committee Reports: 7:05 PM #2020

There were no Committee Reports.

J. Old Business: 7:05 PM #2023

There was no Old Business taken up.

K. New Business: 7:06 PM

***K7 – Appointment J. Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

Passed on Consent Agenda.

***K8 – Appointment : Robert Williamson as Alternate as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year.**

Passed on Consent Agenda.

***K9– Appointment: Anne Banger as Assistant Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year.**

Passed on Consent Agenda.

K10 – Annual Appointments of Council Representatives to Committees by Council. #2038

Nominees:

- Bath Housing Authority – Bernard Wyman
- Patten Free Library – Andrew Winglass
- Recreation Commission - Edwin Rogers
- Sidewalk Vending License Committee - Bernard Wyman, Leverett Mitchell
- Student Community Liaison Council – John Hart
- Welfare Review Board – John Hart, Leverett Mitchell, John Hall
- Midcoast Business Development & Planning Organization - William Quimby, Halcyon Blake, Bernard Wyman, Edwin Rogers

Motion by Councilor Mitchell, second by Councilor Hart to accept the list of nominees.

VOTE on Appointments:

Yeas: 8

Nays: 0

Appointments Passed Unanimously 8-0

K11 – Appointments to the Midcoast Center for Higher Education. #2072

Nominees:

- | | |
|----------------------------------|------------|
| Elena Vandervort, Bath | Exp 3/2006 |
| Cheryl Rust, Wiscasset | Exp 3/2006 |
| Francis Dillon, Bath | Exp 3/2007 |
| Sandra Morrell Rooney, Brunswick | Exp 3/2007 |

Motion by Councilor Wyman, second by Councilor Mitchell to accept the list of nominees.

VOTE on Appointments:

Yeas: 8

Nays: 0

Appointments Passed Unanimously 8-0

Chairman Winglass announced there would be a Special Meeting to be held on January 21, 2004 at 6:00 PM in the Second Floor Conference Room with an Executive Session regarding labor contract negotiations and Workshop to follow regarding 2004 Council Goals and Objects and the City's position on State Tax Reform.

Motion by Councilor Mitchell, second by Councilor Wyman to go into Executive Session to discuss an Abatement Matter at 7:10 PM. All in favor.

Motion by Councilor Daigle, second by Councilor Quimby to come out of Executive Session at 7:18 PM. All in favor.

The meeting adjourned at 7:19 PM with a motion by Councilor Rogers, second by Councilor Mitchell. All in favor.

Respectfully submitted:

Mary J. White, 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.