

REGULAR MEETING MINUTES  
City Council of the City of Bath, Maine  
Wednesday, April 1, 2009 6:00pm  
City Council Chambers, Bath City Hall

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

Excused: Councilor Pagurko

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 by Robin Haynes and Jay Paulus regarding the Historical Markers project. The project consists of markers placed on streets/sites that point out items of historical or environmental significance in the City.

City Manager William Giroux stated there is a possibility of a \$30,000 grant monies, gift monies and some economic development TIF money that would go towards funding of the project.

Ms. Haynes began the presentation by sharing many historical events and sites that have made Bath rich in history. She began a brief history of the City by telling a story of Bath's downtown in the early 1800's which was mostly covered by water and many bridges. Ms. Haynes continued by stating in the 1850's Bath was booming with 19 major shipbuilding firms that were operating here making Bath 3<sup>rd</sup> nationally in wooden hull production and the 5<sup>th</sup> leading port in registered tonnage. She showed pictures of various buildings that were in the downtown during the 1800's such as the Universalist Church, Bank Block of William King and the Sagadahoc and Elliot Hotels.

Mr. Paulus stated that Bath has a lot of rich history that would be really interesting to tell in an interactive way. He showed some possible examples of signage.

Councilors expressed support of the project.

C. Public Hearings: 6:32 PM

1) Public Hearing Notice City of Bath CCBG Public Service Grant for C.H.O.I.C.E.S. Program

### **PUBLIC NOTICE**

The City of Bath will hold a Public Hearing on April 1, at 6:01 PM, in the City Council Chambers (3rd Floor) at City Hall to discuss an application being submitted to the State of Maine CDBG program for a Public Service Grant on behalf of the United Way of Mid Coast Maine. The purpose of the grant application is to assist two community-based organizations in providing free developmentally appropriate preschool programming to four-year old children from income eligible households. Both Family Focus and the Bath YMCA are partners in the C.H.O.I.C.E.S program (Children Having Opportunities In Collaborative Early Settings). This is part of a three year pilot that will lead to attainable preschool opportunities for all of RSU#1. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing.

Chairman Wyman opened the Public Hearing.

Al Smith, CDBG Coordinator, stated this is a Community Development Block Grant program like others the City has participated in such as the Jessie Albert Dental Clinic, Art Van, and Big Brothers Big Sisters. The funding would come through the Department of Economic and Community Development as federal money to the City. The public hearing is on the project of a public service grant that would go to the United Way Mid Coast Maine. This application will assist two community-based organizations – Family Focus and the Bath YMCA’s Child Care Program. They are partners in the C.H.O.I.C.E.S. Program, providing development training and appropriate pre-school programming for 4-year-old children from income-eligible households. Mr. Smith introduced Peter Lindsey from United Way Mid Coast Maine.

Peter Lindsey spoke on behalf of the CDBG grant. Mr. Lindsey stated that United Way of Mid Coast Maine had offered to be the physical agent for this grant. Therefore, the money would be going through them. This is a project that has been going on for a couple of years and the plan is to expand it as a pilot to reach more children, helping build capacity in the community for community-based programming. This is a collaborative between the schools and the community. The program would provide a number of low and moderate income families an option for quality Pre-K in the region. Mr. Lindsey explained how important it is to have quality education in the first years of life which will set foundations in a child’s brain that will be with them through life. He stated the planning team and school district want to ensure that Pre-K offerings are high quality by setting standards that a community based partner must meet in order to participate and to offer the quality Pre-K programs. The participating programs - Head Start, Family Focus and Bath Y’s Child Care - all meet national accreditation standards for child care. Mr. Lindsey shared a newspaper article that explained the importance of early childhood development. The article stated that this early childhood quality education is directly connected to economic development.

Mr. Lindsey stated that 12 eligible children would be funded by this \$40,000 grant. Six children would be at Family Focus and six children would be at the YMCA program.

Sheila Youmans of Family Focus said both the Bath Y and Family Focus currently use the creative curriculum which has an assessment component and a planning component. It focuses on the Maine early learning guidelines which include math, science, social studies, and everything they need to get ready for kindergarten. She said that they do it through play, social and emotional development, and they plan activities based on children’s interests. It is trial driven. In addition, some other programs they are looking at include “Tools of the Mind” which is Segosky based at teaching children self-regulation so they know how to control themselves by the time they reach kindergarten. She pointed out that they think nothing of sitting in circle time. It is child driven. She explained that they are required by the State of Maine for pre-kindergarten that their teachers hold teaching certifications with a 081, specifically for birth to 5 year olds. In addition, they need to be accredited – a year long health study process that they hold for 5 years with an annual review. Every 5 years they also have to have a validator validate them once again. Certain levels of staffing, education, health and safety, are required by validators and is very comprehensive.

Mr. Lindsey emphasized that people think the program is moving kindergarten down to 4 year olds, but he said it is a different credentialing. The curriculum is targeted specifically for 4-year olds, not for kindergarten at a 4-year old level.

Councilor Winglass said they looked at the choices for the grant application very extensively. He explained the Committee was for educating younger and younger children in a better environment. He questioned what would happen next year when the grant money runs out.

Mr. Lindsey stated that once a child is in a Pre-K, like this in the second year, they actually become part of the school formula for the following year. The problem is that in the first year the child is not

yet part of the school formula. Over time, the way this is sustained is that they become counted as part of the School Department. The first year they are not in the formula; thus they are not paid for.

Rosalie Perkins, C.H.O.I.C.E.S. Coordinator for RSU #1, explained the issue of having the children for the first year is lack of funding. The second year the EPS (Essential Programs and Services) formula identifies those children as public school children, so it drives down state funds for public education just as kindergarten children do. The school's plan is that for the years 2009 & 2010, they hope to have 50 children who are within the Pre-K program, and the year after that they hope to add 50 more, and the year after that 50 more, etc. She said they would be playing catch-up for a year but by the year 2012, they hope to be able to fund Pre-K programming for all of the children in RSU #1. In order for the package to go forward, they have to have the startup funds to get into the system, thus allowing for reimbursement to come back.

Councilor Winglass asked if the City of Bath would have to fund the program after the first year of the \$40,000 grant before the \$50,000 or does it go up to \$100,000 once there are a couple hundred children in the program.

Ms. Perkins said she hoped to use a number of different sources to get grant money from. The money will go directly to paying tuition for these low to moderate income children who can be part of a program to build the eventual large capacity of children that they will be able to serve in a 3-year period. She said that universal Pre-K is the goal down the road. After a 3-year period, the hope is to get ALL children covered in the Pre-k program. Ms. Perkins explained that this is an opportune time because there is federal money coming from Special Education, Title 1, etc. She concluded that hopefully, the United Way could help them with this portion of it so they can have full capacity of 50 children this year.

Councilor Rogers asked where the children were going to come from. Ms. Perkins said there are approximately 150 children who register in kindergarten every year in Bath and RSU #1. Mr. Lindsey added that "in time it is going to be offered, but it is not a mandatory". He explained that if you offer it you have to have the capacity there to accommodate them all. He concluded that it is a pilot project moving towards that end starting with 50.

Ms. Perkins said the program will be "pretty dependent" on federal funds over the next 4 years. She noted that the Obama administration says there are funds directed toward these programs, but not enough for start-up projects like this one.

Councilor Winglass emphasized the importance of pursuing education, but wanted to know if the School Board is going to follow-up and decide on these 150 students. He asked if choices will follow under the Department of Education. Ms. Perkins replied affirmatively. She said this is a movement that the State is going forward with – that 4-year old programs are being encouraged, and the RSU School Board is in favor of it. She pointed out that documented research is overwhelming in what pre-school education does for the overall life of people as they grow up, reducing Special Education referrals, public assistance, prison population, etc. Ms. Perkins stated that we now live in a culture and a society where children don't have the opportunities that "we had when we grew up", so as a society it becomes important for us to make sure our children have the opportunity that allows them to succeed in school. She said this will prepare children to learn by making them excited about learning and living– it's not taking kindergarten and moving it back to 4 year olds to make them learn more and quicker. She explained that sometimes low and moderate income families come with challenges where they have not had these opportunities at home and concluded that we need to offer it to everybody so we are not "stigmatizing" part of the population.

Councilor Rogers asked if there is a cost to the parents for this program. Ms. Perkins said there was not. Councilor Rogers also asked if any child can join. Ms. Perkins said yes. She explained that the

hours are a half day for three or four days/week. Councilor Rogers observed that it is essentially a half day of free day care. Ms. Perkins emphasized that it is quite different from child care and is based on certain standards that were research-based that are important for children to learn. She explained that you have to look at what child care is and what Pre-K is, noting that there is a big span there.

Councilor Winglass responded to Ms. Perkins and Mr. Lindsey saying that he felt the program should be monitored for results through the School Department. He was concerned that the State doesn't seem "totally together" on where they are going with education in general. He said that "usually" programs funded by the State come back on the local taxpayers at some point, in one form or another, and that concerned him. However, he said he is all for expanding the pilot project at this point.

Councilor Eosco expressed her concern about the long-term funding. She observed that we haven't let "the dust settle from RSU #1" yet. She expressed concern about future funding from the State because they can't fund the programs they already have. She questioned if a Pre-K program would really reduce special needs and lower crime and asked if we would really see that as tax relief. Councilor Eosco observed that the school takes up about 2/3 of our taxes now and pointed out that we've got roads, bridges and public utilities to take care of. She expressed concern that this will all come back down on the taxpayers. She said she is not against this program, but would like it to be made public that she has some very deep concerns about the funding. She stated that if it does go through to the school system, she wants to see cuts at the other end. Councilor Eosco concluded that she doesn't want to cut jobs but questioned if maybe they need to have fewer Special Education teachers.

Ms. Perkins said that it comes back on the taxpayer in a favorable way. She explained that for every dollar that's invested, there is a \$17 return, and there is research that shows those returns. Councilor Eosco observed that there is research available that can back anything that is said. Ms. Perkins reemphasized that the Obama administration is allowing for this type of funding. She said the tone in Augusta is to ask for federal funds and explained that the federal government has money set aside for these projects and it will be responsible for keeping the funding going for these types of projects. She questioned where they would be in four years.

Mr. Lindsey closed by saying the CDBG grant will help build community. He concluded that in the short-term, this is a project that makes good sense and is good use of CDBG money to go forward.

Chairman Wyman asked for any public comment.

Martha Mayo applauded this effort but was worried about its impact on other community based child care facilities.

Seeing no other public comment, Chairman Wyman closed the Public Hearing.

## **2) Public Hearing Notice City of Bath CCBG Public Infrastructure Grant Update**

The City of Bath City Council will hold a Public Hearing on Wednesday, April 1, 2009 at 6:05 P.M. on the third floor of City Hall in the City Council Chambers to provide citizens an update and to receive public comments concerning the substantially completed 2008 CDBG Public Infrastructure Project. The project was funded in part by a CDBG grant from the Department of Economic and Community Development. The project addressed needed: water upgrades, stormwater separation, sewer repairs, and sidewalk and street improvements on streets surrounding the Richardson Street and Western Avenue neighborhood area.

Chairman Wyman opened the Public Hearing.

Al Smith, CDBG Coordinator, stated this is a requirement in the process from the DECD where when you receive a grant and you develop a project you come back with a progress update public hearing giving the citizens more information and another opportunity to comment. This related to the 2008 infrastructure grant project which was for the Richardson Street and Western Avenue neighborhood. The major work on this project was completed this past Fall and consisted of stormwater, water and sewer, paving improvements and upgrading of sidewalks of Cottage, Elsinore, Farrin, Evergreen, Richardson, Cato Streets, Matty Way and Plum Lane. Mr. Smith reported that the final pieces will be completed this spring and summer seasons.

Chairman Wyman closed the Public Hearing.

**D. Consent Agenda: 7:10 PM**

\*3) Minutes of the previous Council meetings of March 4 and 26, 2009.

Motion by Councilor Rogers, second by Councilor Cochrane to accept the minutes as presented. All were in favor.

**E. Time Devoted to Residents to Address the City Council: 7:11 PM**

No one spoke at this time.

**F. Ordinances, Resolutions and Orders: 7:11 PM**

4) **Proclamation: Week of the Young Child**

Chairman Wyman read the following Proclamation:

**PROCLAMATION  
WEEK OF THE YOUNG CHILD**

WHEREAS, the Preschool Initiative Collaborative (PIC) and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the “Week of the Young Child”, April 19-25, 2009; and

WHEREAS, these organization are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to building better futures for everyone in our community; and

WHEREAS, all young children and their families across the country and in our community deserve access to high-quality early education and care; and

WHEREAS, in recognizing and supporting the people, programs and policies that are committed to high-quality early childhood education as the right choice for children;

NOW THEREFORE, we, the City Council of Bath, Maine, do hereby proclaim the week of April 19–25, 2009 as the “Week of the Young Child” in our community and encourage all citizens to work to make a good investment in early childhood care and education.

Motion by Councilor Omo, seconded by Councilor Eosco to proclaim the week of April 19-25, 2009 as the “Week of the Young Child”.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Proclamation passed unanimously. 7-0**

**5) Ordinance: Chapter 5. Businesses, Article 12. Regulating the Issuance of Special Amusement Permits for Establishments Licensed for the Sale of Liquor, Sections 5-201 and 5-210 (first 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 5. BUSINESSES

Article 12. Regulating the Issuance of Special Amusement Permits  
for Establishments Licensed for the Sale of Liquor

Amend Section 5-201 to read as follows:

Section 5-201. Purpose.

Purpose of this Article is to control the issuances of special permits for music, dancing or entertainment and facilities licensed by the State of Maine to sell liquor, as such special permits are required by ~~28 M.R.S.A. §702~~ 28-A M.R.S.A. §1054.  
(Ord. 6/18/78)

Amend Section 5-210 to read as follows:

Section 5-210. Appeal procedure.

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal board of appeals as defined in ~~30 M.R.S.A. § 2411~~ 30-A M.R.S.A. §2691. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality. (Ord. of 6-28-78)

Motion by Councilor Rogers, seconded by Councilor Eosco to put this Ordinance on the floor for discussion.

**ROLL CALL VOTE:**

**YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for May 6, 2009 at 6:01 PM.

There was a motion by Councilor Omo to waive the reading of items F6-F12 and have the Police Chief do a brief explanation of the changes to be made to each of the Ordinances. The motion was seconded by Councilor Eosco. All were in favor of the waiving of the reading and the explanation.

Chief Field explained each item as follows:

F6 and F8 - Deals with the Water Street and municipal parking lots by changing the wording to show that the permit parking is 6AM-6PM and those lots will be available for free parking after those times on weekends and holidays and Changing the parking time to 6am-5pm in the Municipal Parking Lot on Water Street as well as the downtown area. Solicitor Therriault stated that this Ordinance will open two lots in the Water Street Parking lot and one on Commercial Street to allow for overnight parking. These lots will be closed during the winter parking ban times though.

F7 – Changes the Denver boot wording of the ordinance to make the registered owner of the vehicle liable for any parking tickets instead of it being held against the vehicle.

F9 – Develops six 30-minute parking lots in the downtown area and deals with adding a loading zone and 4 parking spaces on the southend of Water Street

F10 – Adding 4 hr parking in Waterfront Park parking lot at the lower end of Broad Street during the winter parking ban hours.

F11 – Deals with changes to parking on the south side of School Street.

F12 – Changes wording to make the fines more uniform and increase them to a 6 month consecutive period city wide.

**6) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-260. Municipal Lots. (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 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-260. Municipal Parking Lots.

Amend as follows:

(d) Water Street parking lot - West side. ~~No vehicle shall park in the Water Street parking area between the hours of 11:00 p.m. and 6:00 a.m.~~ Parking on weekdays from 6:00 a.m. to 6:00 p.m. shall be permitted in the Water Street parking area upon obtaining a parking permit or stamp from the ~~Finance~~ Police Department, which shall be affixed on such vehicle in a conspicuous place. The fee for parking by said permit shall be set by Resolution of the City Council.

... Parking on weekends ~~from 6:00 a.m. to 11:00 p.m.~~ and on weekdays from 6:00 p.m. to ~~11:00 p.m.~~ 6:00 a.m is unrestricted. (Ord.4/19/00)

(Resolution 5-6-92 (fee for use of the Water Street Parking Lot - west side - shall be \$40.00 per month effective for all months commencing September 1, 1992 until further Resolution of this Council)

(e) Water Street parking lot - East side. Parking in excess of two (2) hours is prohibited in said municipal parking lot ~~to~~ between 6:00 a.m. and 1:30 a.m. 5:00 p.m., ~~and all parking is prohibited between 1:30 a.m. and 6:00 a.m.~~, subject to other ordinances, in effect. ...

(g) Commercial Street Parking Lot - West side under Sagadahoc Bridge.

... and shall require a parking permit or stamp issued by the ~~Finance~~ Police Department, ... ~~There shall be no parking in said lot from 11:00 p.m. to 6:00 a.m.~~ At all other times, parking shall be unrestricted. This Ordinance and any revision or amendment to this Ordinance shall be in effect as long as the License Agreement or any extension or amendment thereto between the State of Maine and the City of Bath, above-captioned, shall remain in full force and effect.(Ord.11/15/00)

Motion by Councilor Omo, second by Councilor Winglass to put this Ordinance on the floor for discussion.

**ROLL CALL VOTE:**

**YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for May 6, 2009 at 6:02 PM.

**7) Ordinance: Chapter 17. Vehicles and Traffic, Article 3. Impounding Vehicles, Section 17-105. Alternative to Towing and Impounding. (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 17. VEHICLES AND TRAFFIC**

**Article 3. Impounding Vehicles**

Section 17-105. Alternative to Towing and Impounding.

Amend as follows:

In instances where ~~a vehicle, which~~ the registered owner of a vehicle has three or more outstanding parking citations, ...

Motion by Councilor Omo, second by Councilor Eosco to put this Ordinance on the floor for discussion.

**ROLL CALL VOTE:**

**YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for May 6, 2009 at 6:03 PM.

**8) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. (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 17. VEHICLES AND TRAFFIC  
Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions.  
Amend as follows:

(a) In all areas where there is timed parking, such parking shall be in effect between the hours of 6:00 a.m. and 8:00 p.m., except Sundays and holidays, except in the Downtown Business District, where there is timed parking, such parking shall be in effect between the hours of 6:00 a.m. and 5:00 p.m., except Sundays and holidays, unless otherwise specified. For purposes of definition, the Downtown Business District is determined to be that area South of Oak Street, West of the Kennebec River, North of Vine Street, and East of Washington Street.

Motion by Councilor Omo, second by Councilor Winglass to put this Ordinance on the floor for discussion.

**ROLL CALL VOTE:**

**YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for May 6, 2009 at 6:04 PM.

**9) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions Centre Street, Front Street, Water Street. (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 17. VEHICLES AND TRAFFIC  
Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions.  
Amend as follows:

CENTRE STREET

North Side:

.....From a point 40 feet west of Front Street to a point 85 feet east of Washington Street, 2 hour parking, except that the last space before Water Street and the first space after Water Street shall be designated as 30 minute parking. ...

South Side:

From the corner of Front street and running westerly for a distance of 40 feet, no parking. From a point 40 feet from the intersection of Front Street to the first driveway, 2 hour parking, except that the first space shall be designated as 30 minute parking; from the first driveway to the Key Bank exit, no parking; From the Key Bank exit to Water Street, 2 hour parking, except that the last space before Water Street should be designated as 30 minute parking;...

FRONT STREET

West Side: From Vine Street to a point 30 feet south of Centre Street, 2 Hour Parking, except for the last space before Centre Street shall be designated as 30 minute parking. From a point 30 feet south of Centre Street to Centre Street, No Parking. From Centre Street to Summer Street, 2 Hour Parking, except that the first space North of Centre Street shall be designated as 30 minute parking...

WATER STREET

East Side: ~~From Vine Street to Centre Street, 1 Hour Parking;~~ From Vine Street and running northerly 40 feet, No Parking; From a point 40 feet northerly of Vine Street to Centre Street, 1 Hour Parking; From Centre Street to Elm Street, No Parking.

West Side: ~~From Vine Street to Elm Street, No Parking.~~ From Vine Street to a point 40 feet South of Centre Street, 1 Hour Parking; From a point 40 feet South of Centre Street to Centre Street, loading zone; From Centre Street to Elm Street, No Parking.

Motion by Councilor Omo, second by Councilor Winglass to put this Ordinance on the floor for discussion.

**ROLL CALL VOTE:**

**YEAS: Cochran, Omo, Paulhus, Rogers, Eosco, Sinclair, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman set second passage for May 6, 2009 at 6:05 PM.

**10) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. Commercial Street and Broad Street. (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 17. VEHICLES AND TRAFFIC**

**Article 6. Stopping, Standing and Parking**

Section 17-259. Parking Restrictions.

Amend as follows:

**COMMERCIAL STREET**

South and East Sides:

Delete the current text and replace with the following:

**COMMERCIAL STREET**

South and East Sides:

From Water Street to the South side of the Sagadahoc Bridge, No Parking; From the South side of the Sagadahoc Bridge and running North 303 feet, parking by permit only on weekdays between the hours of 6:00 a.m. and 6:00 p.m. Permits may be obtained from the Police Department in the same manner as permits are issued for the parking lot on the West side of Water Street. Parking on weekends and weekdays from 6:00 p.m. to 6:00 a.m. is unrestricted. From a point 303 feet North from the South side of the Sagadahoc Bridge to a point 170 feet North of the northerly side of Summer Street, No Parking, except the area on the West side of the Waterfront Park shall be designated as a 4 hour parking area from November 15th to March 15th of each year, and at all other times shall be designated as a 2 Hour Parking area. From a point 170 feet North of the northerly side of Summer Street and running North 275 feet, 4 hour parking. From a point 445 feet North of the northerly side of Summer Street to Front Street, No Parking.

**BROAD STREET**

North Side:

Delete the current text and replace with the following:

**BROAD STREET**

North Side:

From Front Street to the Kennebec River, 2 Hour Parking, except that the spaces from Commercial Street to the Kennebec River shall be designated as 4



**YEAS: Cochrane, Omo, Paulhus, Rogers, Eosco, Sinclair**  
**NAYS: Winglass**  
**Ordinance passed. 6-1**

Chairman Wyman set second passage for May 6, 2009 at 6:07 PM.

**12) Ordinance: Chapter 17. Vehicles and Traffic, Article 8. Penalties, Section 17-351. Penalties for Parking Violations. (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 17. VEHICLES AND TRAFFIC  
Article 8. Penalties

Section 17-351. Penalties for Parking Violations  
Amend as follows:

(c) Payment of waiver fee. Any person, firm or corporation accused of a violation of the provisions of the parking regulations in this chapter may voluntarily waive his right to appear and defend that matter before any court or judicial tribunal, by paying the City, in accordance with the following penalty schedule:

1. Parking in Wrong direction	\$ 5.00
2. Overtime Parking – Except Downtown Business District	
a. The first violation within a <del>7-day consecutive</del> <u>six-month</u> period	<del>\$ 5.00</del> <u>\$15.00</u>
b. The second violation within a <del>7-day consecutive</del> <u>six-month</u> period	<del>\$10.00</del> <u>\$20.00</u>
c. The third violation within a <del>7-day consecutive</del> <u>six-month</u> period	<del>\$15.00</del> <u>\$25.00</u>
d. The fourth violation within a <del>7-day consecutive</del> <u>six-month</u> period	<del>\$25.00</del> <u>\$30.00</u>
e. The fifth violation within a <del>7-day consecutive</del> <u>six-month</u> period (effective 10/1/91)	<del>\$30.00</del> <u>\$35.00</u>
2a. Overtime Parking – Downtown Business District Only	
The first violation within a six month period (Ord.3/20/02)(Ord.6/7/06)	Warning
b. The second violation within a six-month period (Ord.3/20/02) (Ord.6/7/06)	<del>\$5.00</del> <u>\$20.00</u>
c. The third violation within a six-month period (Ord. 3/20/02)	<del>\$10.00</del> <u>\$20.00</u>

(Ord.6/7/06)	<u>\$25.00</u>
d. The fourth violation within a six-month period (Ord. 3/20/02) (Ord. 6/7/06)	<del>\$15.00</del> <u>\$30.00</u>
e. The fifth violation within a six-month period (Ord. 3/20/02) (Ord. 6/7/06)	<del>\$20.00</del> <u>\$35.00</u>
f. The sixth or more violation within a six-month period (Ord. 3/20/02) (Ord. 6/7/06)	<del>\$25.00</del> <u>\$40.00</u>
3. Parking too far from curb	<del>\$ 5.00</del> <u>\$10.00</u>
4. Too Close to driveway	<del>\$ 5.00</del> <u>\$10.00</u>
5. Blocking driveway	\$ 50.00
6. No parking lot Permit	\$ 40.00
7. Parking on sidewalk: a. Sidewalk not blocked b. Blocking sidewalk	<del>\$ 5.00</del> <u>\$25.00</u> <del>\$15.00</del> <u>\$50.00</u>
8. No parking area	\$15.00
9. Parking too near hydrant	\$25.00
10. Parking in bus stop	\$15.00
11. Parking in fire zone or lane	<del>\$15.00</del> <u>\$25.00</u>
12. Parking too near corner	\$25.00
13. Parking on crosswalk	\$25.00
14. Blocking a public way	\$25.00
15. Blocking snow removal	\$25.00
16. All night parking	\$15.00
17. Parking in loading zone	\$15.00
18. Double Parking	\$15.00
19. Use of immobilization device (Ord. 6/7/06)	\$75.00
20. Parking in an area designated for handicap parking (Ord. 6/7/06)	\$200.00
20. All other parking violations	\$ 5.00

(Ord. 9/03/03)

Late Charges: Any person receiving a parking citation shall, within 30 calendar days from the date of issuance, pay the waiver fee as prescribed in Section 17-351. Failure to pay the waiver fee within the 30 calendar days of issuance of the parking citation will result in a late charge of double the original amount imposed on each violation not paid.(Ord.6/7/06)

Motion by Councilor Rogers, second by Councilor Sinclair to put this Ordinance on the floor for discussion.

**ROLL CALL VOTE:**

**YEAS: Cochrane, Omo, Paulhus, Eosco, Sinclair, Winglass**

**NAYS: Rogers**

**Ordinance passed. 6-1**

Chairman Wyman set second passage for May 6, 2009 at 6:08 PM.

**G. Petitions & Communications: 7:34 PM**

Councilor Rogers in the absence of Councilor Pagurko read the following letter and list of constituents that had sent the letter to her:

Dear Mrs. Pagurko:

As the City Council representative for our Ward, we the undersigned request that you convey to the City Council and the City Manager our concerns regarding the next City budget.

As we all know quite well, the current economic crisis is severely impacting many residents of our community. Some people are losing their jobs, and the market value of our homes is decreasing rapidly. People on fixed incomes and those who rely at least in part on investments for their retirement are being squeezed dramatically. Some are taking pay cuts to ensure they will even have a job. Many of us are finding it increasingly difficult to pay ever higher property taxes, and those who have homes on the market are finding our property taxes to be an overwhelming obstacle to the sale of their homes. -In this environment everyone is being very careful to limit unnecessary expenditures so they can meet their own personal needs.

It seems that every year the City Council routinely increases the budget at the rate of 3%, in accordance with the spending cap. It is not acceptable to increase the City budget by 3% this year. These are difficult times, and hard decisions must be made to reduce costs in the City budget. We are sure that many people in Bath are finding it difficult to pay their taxes which increase annually.

We, your constituents, live in North Bath, an area with a bare minimum of City services. Some of us plow and maintain our own roads, do not have cable television or high speed internet access; and are nearly always the last to have electric power restored following storm damage.

We urge you as our representative to convey our deeply felt concerns to the City Manager and the rest of City Council by reading this letter 'into the next City Council Meeting minutes. This indeed is a "time of change," and we need to focus part of that change on reducing the city budget.

List of constituents:

George and Dot Liakopoulos	Chuck Frohmiller	Tom York
William Voorhees	Francis Dillon	Elliot and Roslyn Zimmerman
John Johnston	Gordon Gillies	Walter Cantrell
Bonaday Beck	Sharon Robohm	Bath Country Club
Paul Fenton and Maureen Faraco	Robert and Janice Nelson	Jim and Susan Gillies

One had no name and one was unreadable.

Chairman Wyman stated all budget deliberations and the Budget Public Hearing times and dates will be published in the paper and the public is always welcome to attend these sessions.

## **H. City Manager's Report: 7:40 PM**

Mr. Giroux stated that the Preliminary Budget will be presented to the Council at the next regular meeting on May 6<sup>th</sup>.

Mr. Giroux explained there would be a televised workshop on April 15, 2009 to discuss the Roundabout at the Congress Avenue and State Road intersection and a discussion regarding the potential for a TIF on the new hotel that would fund the sidewalk infrastructure around the hotel and some work at the old YMCA.

### **13) Discussion regarding Bath Youth Meetinghouse and Skatepark Center**

Mr. Giroux reported that the structural problems at the old YMCA have made it necessary to make a decision on how to proceed with these issues. He gave a handout to Council with an outline of alternatives to solving the problem and the costs for each. Mr. Giroux suggested that the City should hold various public meetings to get input on how the citizens feel regarding this matter. After the information gathering process, it would then be decided whether to go to ballot in November for the people to vote on how the money should be spent.

## **I. Committee Reports: 8:00 PM**

Councilor Eosco invited everyone to buy tickets for the Main Street Bath's "So You Think You Know Bath" program on Friday, April 3, 2009 at 6:00 PM at the Winter Street Church. She reported that the Main Street Bath office would be moving to the Train Station in early summer. Councilor Eosco informed Council that the "Hot Chocolate Jubilee" hosted by the Chocolate Church held the previous weekend made \$10,000.

Councilor Omo reported that the Bath Trails group will be working on various trails throughout the City and invited the public to join them at a "Meet and Greet" on April 16 from 5pm – 6pm in Bath City Hall Auditorium. He asked Bath citizens that frequent the trails at Thorne's Head to please use the bags provided to clean up after their dogs.

Councilor Paulhus reported that the Sagadahoc Budget Advisory Committee will be meeting on April 2, 2009 at 5pm at the Sagadahoc County Courthouse.

Councilor Winglass reported that he had attended a Civil Preparedness Workshop at the West Bath Fire House and received his certification from FEMA thus allowing the City to be qualified to receive funds to pay for different emergency items such as defibrillators.

## **J. Unfinished Business: 8:05 PM**

There was no unfinished business.

## **K. New Business: 8:05 PM**

### **14) One member to the Bath Community Forestry Committee with a 3-year commitment.**

Councilor Rogers nominated Elizabeth Haskell to fill this position. All were in favor of the nomination.

**15) Two Members to the Mid Coast Center for Higher Learning Board of Directors term to expire March 2012.**

Councilor Rogers nominated Mark Calvin Smith and Julia DeBery to fill these positions. All were in favor of the nominations.

Motion by Councilor Rogers to go into Executive Session at 8:09 PM to discuss a Personnel Matter per 1 MRSA §405(6)(A). Motion was seconded by Councilor Eosco. All in favor.

Motion by Councilor Omo to come out of the Executive Session at 8:29 PM. Motion was seconded by Councilor Cochrane. All in favor.

The meeting adjourned at 8:30 PM with a motion by Councilor Omo, seconded by Councilor Cochrane. All were in favor.

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.*