

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, September 2, 2015 6:00 PM
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Page, Paulhus, Wyman, Bauer, Mitchell, Madame Chair Eosco
Excused: Councilor Omo

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

Madame Chair Eosco led the Pledge of Allegiance and City Clerk White called the Roll.

Update on City Investment Funds by Daniel Lay, Esq. Managing Director with HM Payson.

Mr. Lay reported that since the City's investment in May of 2012 the value had grown from \$9,641,000 to \$11,290,000 and a distribution of \$1,644,000 had been made to the City's General Fund from the account. He stated the growth of the funds will be muted for the next few years due to the predicted volatility in the market.

C. Consent Agenda 6:14 PM

***1) Minutes of the previous Council meetings of August 5 and 19, 2015 (pass as presented)**

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

D. Time Devoted to Residents to Address the City Council 6:15 PM

No one spoke.

E. Orders, Resolutions and Ordinances 6:15 PM

2) Order: Tar Box Property Appraisal

Madame Chair Eosco read the following Order:

**ORDER
REGARDING APPRAISAL**

WHEREAS, the City of Bath is the owner of a vacant parcel of land approximately .58 acres in size located on Tarbox Street and designated as Lot 12 on City of Bath Tax Map 34; and

WHEREAS, the Corporation owns an adjacent 1.97 acre parcel of land that has been approved for the development of housing; and

WHEREAS, the Bath Housing Development Corporation has communicated with the City concerning the possibility of donating this property to the Corporation; and

WHEREAS, the Corporation is looking to the donation of the parcel primarily to provide access to their adjacent parcel but would also be interested in owning the City parcel; and

WHEREAS, the City of Bath has a Policy in place regarding the handling of requests for purchase and/or donations of City owned land; and

WHEREAS, this Policy requires the City to have the property appraised before any final decision is made regarding the disposition of the property, unless an appraisal is affirmatively waived by action of the Council; and

WHEREAS, that Policy applies to the requested property designated as Lot 12 on Map 34; and

WHEREAS, unless this waiver is adopted, the property will be appraised in accordance with the Policy.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that, in accordance with its Policy regarding requests for City owned land, the appraisal of this property, as part of the process of determining its proper disposition, is hereby waived.

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Page seconded the motion.

City Manager William Giroux reported that it had been previous practice for the City to donate small parcels of land to the Bath Housing Authority for development. He stated the BHA has a development project going on in that location and has asked the City to consider a donation, in the future, of a small portion of land adjacent to the project area. Mr. Giroux explained that due to the history of the parcel of land it would probably not be worth doing an appraisal.

Madame Chair Eosco, Councilor Brackett and Councilor Wyman recused themselves from the item as they are members of the Bath Housing Development Corporation.

VOTE on Order:

YEAS: 4

NAYS: 0

Recused: 2 (Brackett, Wyman)

Order passed 4-0-2

3) Order: Approving Wastewater Bond Referendum

Madame Chair Eosco read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING WASTEWATER INFRASTRUCTURE IMPROVEMENTS, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015:

“SHALL A BOND ORDINANCE BE APPROVED AUTHORIZING ISSUANCE OF THE CITY’S GENERAL OBLIGATION BONDS IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$9,800,000.00 FOR THE PURPOSE OF FUNDING WASTEWATER INFRASTRUCTURE IMPROVEMENTS?”

THE BOND QUESTION SHALL ALSO CONTAIN A TREASURER’S STATEMENT AS REQUIRED UNDER 30-A MRS § 5772 (2-A).

Councilor Wyman made a motion to put this Order on the floor for discussion. Councilor Mitchell seconded the motion.

City Manager William Giroux gave an overview of the history, financing to date and the Council funded study of the infrastructure of the Wastewater Treatment Plant.

Public Works Director Peter Owen spoke regarding the importance of this upgrade to the infrastructure as being critical.

Chris Dwinal, PE of Wright Pierce gave a presentation which is summarized as follows:

- The City has done exceptional work operating, maintaining, and upgrading their wastewater infrastructure.
- Numerous and substantial projects are required in the coming years.
- Aging infrastructure, regulatory compliance, and a constantly evolving regulatory picture drives upgrades.
- A \$9.8 million wastewater bond will allow the City to continue to reliably collect and treat wastewater in the coming years.

VOTE on Order:

YEAS: 6

NAYS: 0

Order passed unanimously. 6-0

4) Ordinance: Chapter 3, Advertising, Article 2. Signs, Section 3.205 – General Standards (First Passage)

Madame Chair Eosco 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 3. ADVERTISING

Article 2. Signs

Section 3.205 – General Standards.

I. Signs generally:

Amend (F) as follows:

(F) Measurement of sign area. The area of a sign is determined by computing the space within the exterior limits of the face of a sign, whatever the geometrical shape, including the official business name, limited additional information and other associated details such as background, dead space, symbols or trademarks. Such area shall not include supports, posts and the dead space between them, unless the area of the supports and posts exceeds twenty-five percent (25%) of the sign area as defined above. If the supports and posts exceed twenty-five percent (25%) of the defined area of the sign, then only the area in excess of twenty-five percent (25%) shall be included in the total area of the sign. Where a supporting structure bears more than one sign, all signs shall be considered one sign and be so measured.

Councilor Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Mitchell seconded the motion.

Codes Enforcement Officer Scott Davis explained the details of this Ordinance amendment and stated this would make the City's Sign Ordinance more consistent with the sign codes of other municipalities in the area and to protect the size of the sign by not giving carte blanche to the frame work.

Chairman of the Zoning Board of Appeals William Truesdell stated that this was brought forward by the Board because this would make the signs more aesthetically pleasing and business friendly.

ROLL CALL VOTE:

YEAS: Brackett, Page, Paulhus, Wyman, Bauer, Mitchell

NAYS: 0

Ordinance passed unanimously. 6-0

Madame Chair Eosco set second passage of the Ordinance for October 7, 2015 at 6:01 PM

F. Petitions & Communications 6:54 PM

There were no petitions or communications.

G. City Manager's Report 6:54PM

Fire Chief Lawrence Renaud reported the Federal Government had awarded the Fire Department an "Assist to Firefighter's Grant" in the amount of \$163,810 to replace the hoses and 20 air packets within the Department. Chief Renaud congratulated Fire Captain Chris Cummings, Former Administrative Assistant Cassandra Brown and Community Development Director Scott LaFlamme on the great accomplishment in getting this grant for the City. Councilors also gave a hearty thank you to the team on their wonderful accomplishment.

City Manager William Giroux reported RSU#1 got an extra \$200,000 from the School Funding Formula from the State and the School Board gave money back to Bath and that with the change in the Betty Law the proposed 4.5% tax rate increase this year is now at 2.5%.

City Manager William Giroux reported Bath Clean-Up Week at the Landfill for Bath residents will be Monday, October 19th through Friday, October 23rd 7:30 AM to 4:00 PM and Saturday, October 24th 8:30AM to 4:00PM. He stated that details on what can be disposed of can be obtained on the City's Facebook and Web Page or by calling the Landfill.

H. Committee Reports 7:02 PM

Councilor Page gave an update to the progress of the South End Park project and stated the delay in work had been due to the DEP having some questions regarding runoff from the expanding parking lot.

I. Unfinished Business 7:04 PM

There was no unfinished business.

J. New Business 7:04 PM

5) Appointment 1 member to the Bath Old Customs House Board of Directors with term to expire in August 2018.

On behalf of the Appointments Committee, Councilor Mitchell nominated Herman Nichols for this position. All were in favor of the nomination.

6) Appointment 2 members to the Bath Planning Board with terms to expire in September 2018.

On behalf of the Appointments Committee, Councilor Mitchell nominated Andrew Omo and Russell Martin for these positions. All were in favor of the nominations.

7) Appointment 3 members to the Bath Zoning Board of Appeals with term to expire in September 2018.

On behalf of the Appointments Committee, Councilor Mitchell nominated Bruce Goodwin, Albert Ferguson, Jr. and Pamela Murray for these positions. All were in favor of the nominations.

K. Councilor Announcements 7:07 PM

Councilor Paulhus reported there have been reports from his constituents of issues with boats speeding on the river and causing a wake. The City Manager stated that the City recently added some "NO WAKE" signs in the river and due to the Harbor Master's boat being broke down, patrols of the river had been limited, but he was in hopes there would be a fix to that issue soon. Councilor Paulhus thanked Councilor Bauer for representing the Council during the recent visit to the Sister City in Japan and hoped the public had been able to interact with the Japanese students that visited Bath. He stated that he would like to see even more participation of the City in this program as it was a very worthwhile venture.

Madame Chair Eosco made the public aware that Nomination Papers for Council Positions for Wards 2, 3 and 4 were available at the City Clerk's Office and needed to be filed back there by September 15th. She wanted to bring attention to the beautiful new Pocket Park between Dot's Ice Cream and Lisa Marie's and hoped more citizens would take advantage of this wonderful asset to the downtown.

The meeting adjourned at 7:15 PM with a motion by Councilor Wyman, seconded by Councilor Paulhus. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

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