

**REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
November 2, 2016  
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Page, Paulhus, Nordmann, Wyman, Bauer, Mitchell, Omo and Madame Chair Eosco

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.

**C. Consent Agenda 6:02 PM**

**\*1) Minutes of the previous meeting of October 5, 2016. (motion to Accept as Presented)**

Councilor Wyman 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 6:03 PM**

No one spoke.

**F. Orders, Resolutions and Ordinances 6:03 PM**

- 2) Ordinance: Chapter 10 Public Safety, Article 4. Tobacco-Free Parks and Recreation Facilities, Amend Section: 10.402, Purpose, by adding (and/or vaping products and electronic nicotine delivery devices, Section 10.403, Definitions, by adding definition of vaping products, and Section 10.404, Tobacco Product Use Prohibited by adding vaping products. (first passage)**

Madame Chair 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 10. PUBLIC SAFETY  
ARTICLE 4. TOBACCO-FREE PARKS AND RECREATION FACILITIES

**Amend Section 10.402, Purpose, by adding the underlined text:**

Section 10.402. Purpose. This ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the City of Bath's parks and outdoor recreation facilities. The purpose of this ordinance is to decrease exposure of individuals, and children in particular, to secondhand smoke or vapor and the associated detritus from the use of tobacco products, and/or vaping products and electronic nicotine delivery devices, as defined below.

**Amend Section 10.403, Definitions, by adding the definition of “vaping products,” as follows:**

*Vaping products* means an electronic nicotine delivery device intended to mimic tobacco and containing tobacco flavoring or delivering nicotine including, but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen, or any other product name or description and includes any battery operated devices that are used to inhale a vaporized liquid solution that frequently contains nicotine and also contains additional ingredients that are suspected of being harmful to humans. This product does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

**Amend Section 10.404, Tobacco Product Use Prohibited, by adding the underlined text:**

Section 10.404. Tobacco Product Use Prohibited. It shall be unlawful for any person to use tobacco products, or vaping products, at any time, at or within twenty five (25) feet of all parks and outdoor recreation facilities owned and/or maintained by the City of Bath, including, but not limited to, the following: Library Park, Waterfront Park, South End Park, all City Boat Launch Facilities, all City Trails and/or Easements, McMann Field Complex, inclusive of all Facilities, Track, Tennis/Basketball Courts, and Fields, Donnie Small Athletic Complex, Varnum Field. There will be no designated areas in the aforementioned properties allocated for use of tobacco products.

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

Recreation Director Steve Balboni stated that this was straightforward as it was just adding vaping and e-cigarettes language to the current Ordinance limiting tobacco use on recreational facilities.

**ROLL CALL VOTE on Ordinance:**

**YEAS: Brackett, Page, Paulhus, Nordmann, Wyman, Bauer, Mitchell, Omo**

**NAYS: None**

**Passed unanimously. 8-0**

Madame Chair Eosco set second passage for December 7, 2016 at 6:01pm.

**G. Petitions & Communications 6:08 PM**

No one spoke.

**H. City Manager’s Report 6:08 PM**

City Manager reported on the following:

- The possible future City legislation regarding the marijuana question on the ballot.
- **3) The possibility of asking for RFP’s for the Old YMCA Property.**
- Update on the North Street sidewalk paving project.

**I. Committee Reports 6:18 PM**

There were no Committee Reports.

**J. Unfinished Business 6:18 PM**

There was no unfinished business.

#### **K. New Business 6:18 PM**

##### **4) Appointment of 2 members to the Bath Recreation Commission with terms to expire in November 2019.**

Councilor Mitchell nominated William Gilson and Jennifer DeChant for these positions on behalf of the Appointment Interview Committee. All were in favor of the nominations.

##### **5) Appointment of 1 member to the Bath Water District Board of Directors with a term to expire in November 2021.**

Councilor Mitchell nominated Dana McCurdy for this position on behalf of the Appointment Interview Committee. All were in favor of the nomination.

#### **L. Councilor Announcements 6:19 PM**

Councilor Paulhus commended the neighborhoods and businesses around the construction of the viaduct project for their tolerance of the construction noise and disruption. He also commended Councilor Brackett for his many years of service to the citizens of Bath.

Councilor Nordmann reported that the Volunteer Transportation Network at Togus was looking for volunteer drivers for the DAV Vans. He stated this is a great way to support the veterans in our community.

Madame Chair Eosco reported that on Veterans' Day there would be a small parade from the American Legion Hall to the Cemetery where a 21 gun salute would take place. She gave an update on the progress of reconfiguring the Parking Committee into a Parking and Transportation Committee. She reminded everyone that November 15<sup>th</sup> would be the last day to park on the streets until March 15<sup>th</sup> and there would be a Special Council Meeting on Wednesday, November 9<sup>th</sup> at 6:00 PM to grant a liquor license and ratify the election totals from the elections held on November 8<sup>th</sup>.

The meeting adjourned at 6:25 PM with a motion by Councilor Wyman, seconded by Councilor Mitchell. 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.*