

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE**

Wednesday, May 3, 2017 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, 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.

Madame Chair Eosco read the following Proclamation:

**PROCLAMATION
ARBOR WEEK**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 21st - 27th AS

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 3rd day of May 2017

Council unanimously approved the Proclamation.

C: Public Hearing: 6:02 PM

1) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping , Standing and Parking, Section 17-259. Parking Restrictions, Washington Street, East Side. (second passage)

Councilor Omo made a motion to waive the reading of the following Ordinance. Councilor Comeau seconded the motion. All were in favor of the motion.

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

Washington Street East Side

Delete the following:

From a point across from the north side of Bath Street and running 60 feet northerly, 6:00 a.m. to 1:00 a.m., fifteen-minute parking. From a point across from the north side of Bath Street and running 60 feet northerly, 6:00 a.m. to 1:00 a.m., fifteen-minute parking. From a point 60 feet north of Bath Street to South Street, 2 hour parking. From South Street running northerly to a point 100 feet north of the southerly entrance to the BIW Panel Shop, 2 hour parking. From a point 100 feet north of the southerly entrance to the BIW Panel Shop to a point 195 feet south of the northerly entrance to the BIW Panel Shop, No Restrictions. From South Street to a point 195 feet south of the south side of the northerly entrance to the BIW Panel Shop, No Restrictions. From a point 195 feet south of the southerly side of the northerly entrance of the BIW panel shop for a distance of 185 feet, 6:00 a.m. to 5:00 p.m., Bus Parking; From 5:00 p.m. to 2:00 a.m. no restrictions; from 2:00 a.m. to 6:00 a.m., No Parking. From a point which is the northerly terminus of the bus parking area to Union Street, 2 hour parking.

Replace with the following:

From a point across from the northerly side of South Street and running northerly 480 feet, permit Parking; From a point 480 feet northerly from a point across from the northerly side of South Street and running northerly 250 feet to the southerly side of Union Street, 2 hour parking.

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

Devin Hook, Bath Police Department Parking Officer, stated this Ordinance change had been worked on since 2015 to clean up the parking zone between South and Union Streets. He stated that this change will allow about 20 permitted spaces for the City.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco stated the Ordinance would become law in 21 days.

2) Ordinance: Chapter 17. Vehicles and Traffic, Article 4. Pedestrians, Section 17-154. Crosswalks – Richardson Street (second 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 17. VEHICLES AND TRAFFIC
Article 4. Pedestrians

Section 17-154. Crosswalks.

Add:

“Crosswalk across Richardson Street, at the intersection of Western/Redlon and Richardson Streets.”

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

City Planner Andrew Deci explained the Hyde School had asked that a crosswalk be striped at the intersection of Redlon Road and Richardson Street and the Bike and Pedestrian and the Transportation Committees also were recommending this be done.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco stated the Ordinance would become law in 21 days.

3) Ordinance: Land Use Zoning Map Code Change - Adding Zoning District “S” School (second passage)

Madame Chair Eosco read the following Ordinance:

ORDINANCE

WHEREAS, the City Council of the City of Bath, as part of the adoption of the Bath Land Use Code on July 19, 2000, effective August 9, 2000, depicted the boundaries of all Land Use Districts on a Zoning Map of the City of Bath, also dated July 19, 2000, incorporated by reference into the Land Use Code pursuant to the provisions of Section 7.02 of the said Code; and

WHEREAS, it is necessary and appropriate that the boundaries of the Land Use Districts be, from time to time, adjusted and amended, in order to create new Districts and adjust boundary lines of existing Districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the Zoning Map of the City of Bath, dated July 19, 2000, be and hereby is amended in accordance with the new official Zoning Map of the City of Bath, affixed hereto and made a part hereof and a part of the Land Use Code. The specific adjustments are as follows:

Rezoning of property located under and around the following facilities, to a new zoning district ("S" - School) for public and private school facilities:

- a. Bath Middle School and McMann Athletic Complex, located at 6 Old Brunswick Road, Tax Map 22, Lot 17
- b. Wing Farm Business Park, Phase II, located at the northern terminus of Wing Farm Parkway, Tax Map 24, Lots 15, 16, 17, 18, 19, 20, and portions of 4

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

City Planner Andrew Deci explained that the present zoning at the proposed site of the new high school is under the C3 Business Park Zoning District, which does not allow schools. He stated that the Planning Board has proposed establishing a new School Zoning District which would include the proposed site of the new school, Bath Middle School and McMann Field.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco stated the Ordinance would become law in 21 days.

4) Ordinance: Land Use Code Amendments - Article 8: District Regulations and Article 9: Uses (second passage)

Councilor Omo made a motion to waive the reading of the following Ordinance. Councilor Park seconded the motion. All were in favor of the motion.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ARTICLE 8: DISTRICT REGULATIONS

Add a new Section 8.25 as follows:

SECTION 8.25 School District – S

A. Purpose

The School District provides for the location and establishment of public and private school facilities and their ancillary needs.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All single uses	6,000 square feet
2. Mixed or multiple uses	6,000 square feet for each use
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACK	
1. Front	10 feet
2. Side	10 feet
3. Rear	15 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS	
1. Front	6 feet
2. Side	6 feet
3. Rear	6 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
All uses	80 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	75 feet

ARTICLE 9: USES

Amend Section 9.02 by inserting the underlined text, as follows:

SECTION 9.02 LAND USE TABLE

The following Land Use Table indicates which uses of land or structures are allowed with no review, allowed with review by only the CEO, allowed after Site Plan Approval, or not allowed in the various zones. The most specific land use category always controls. It is the responsibility of the CEO to determine the land use category of any new or existing use.

KEY:

R1 - High-density Residential District
R2 - Medium-density Residential District
R3 - Low-density Residential District
R4 - Waterfront High-density Residential District [amended May 16, 2001]
R5 - Waterfront Activity District
R6 – Waterfront Medium-density Residential District [added May 16, 2001]
C1 - Downtown Commercial District
C2 - Mixed Commercial and Residential District [amended September 22, 2010]
Neighborhood Commercial District – NC [added May 26, 2010]
C3 - Business Park District
C4 - Route 1 Commercial Contract District C5 - Marine
Business District
I - Industrial/Shipyard District GC - Golf
Course District
PH – Plant Home District [added March 24, 2010]
M – Museum District [added August 25, 2010]
RP - Resource Protection District
NRPO - Natural Resource Preservation Overlay District TMC - Trufant
Marsh Contract District
S – School District

“A” = the use is allowed with no review

“C” = the use is allowed with review by and approval from the CEO “S” = the use may require Site Plan Approval. See Article 12.

“N” = the use is not permitted; therefore, prohibited in that zone

A copy of the SECTION 9.02 LAND USE TABLE is on file in the City Clerk's Office at 55 Front Street, Bath, Maine with the Agenda Materials for the April 5, 2017 Regular Council Meeting.

Councilor Paulhus made a motion to put these Ordinances on the floor for discussion. Councilor Omo seconded the motion.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco stated the Ordinance would become law in 21 days.

D. Consent Agenda 6:11PM

*5) Minutes of the previous Council meeting of April 5, 2017 and Item F6. (motion to Accept as Presented)

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

E. Time Devoted to Residents to Address the City Council 6:12 PM

No one spoke.

F. Orders, Ordinances and Resolutions: 6:12 PM

F6*) Order: Appointing City Arborist/Tree Warden (annual appointment)

Madame Chair Eosco read the following Order:

ORDER

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the City's infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a City Arborist/Tree Warden annually and,

WHEREAS, said law gives the Arborist/Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7, 1993 and,

WHEREAS, Kyle Rosenberg has worked in the capacity of the City Arborist and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Kyle Rosenberg is qualified by virtue of his experience, licensure and position as City Arborist/Tree Warden,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Kyle Rosenberg is hereby appointed as the City Arborist/Tree Warden for one year from this date.

7) Drug Forfeiture

STATE OF MAINE
Sagadahoc, ss

UNIFIED CRIMINAL COURT
Docket No. CR-17-225

State of Maine	}	
v.	}	Municipality of Bath
	}	Approval of Transfer
Dashawn Gill,	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
And	}	
One Diamondback .380 ca. handgun,	}	
Defendant(s) In Rem #1	}	
\$1,011.00 U.S. Currency	}	
Defendant(s) In Rem #2	}	

NOW COMES the municipality of Bath, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem #2 (\$505.50 U.S. Currency), or any portion thereof, on the grounds that the Bath Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Bath, Maine does hereby approve of the transfer of the Defendant(s) In Rem #2, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Bath municipal legislative body on ~~or about~~
May 3, 2017.

Councilor Omo made a motion to put this Item on the floor for discussion. Councilor Wyman seconded the motion.

Lieutenant Robert Savary explained the details of this forfeiture and where the money would go.

VOTE:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

8) Order: Establishment of Facilities Committee

Madame Chair Eosco read the following Order:

ORDER ESTABLISHING MUNICIPAL FACILITIES COMMITTEE

WHEREAS, the City of Bath has numerous buildings and facilities which require ongoing maintenance, repairs, renovations and, in some cases, new construction; and

WHEREAS, it is of benefit to the City that there be established a Council Committee which shall be responsible to monitor the condition of those facilities and to establish protocols for necessary maintenance, repairs, renovations, or replacement; and

WHEREAS, attention needs to be paid to long-term planning for City facilities as well as addressing the funding necessary to assure their functionality in order to effectively serve the public and for maintenance, repairs, renovations, and new construction of such facilities; and

WHEREAS, this Committee will provide a formal structure to address issues related to municipal facilities.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Municipal Facilities Committee be and hereby is established in accordance with the following:

- It shall be the mission of the Committee to create a Master Plan for municipal buildings as listed below, in order to assure sustainable financing and assure proper due diligence for potential and ongoing rehabilitation, repairs and/or new construction of municipal facilities within the City of Bath. It shall be the further responsibility of the Committee to evaluate and make recommendations to the City Council on projects aimed at improving, or replacing, the following municipal buildings and/or the infrastructure that supports such buildings:
 - ◆ Bath Fire Department
 - ◆ Bath Police Department
 - ◆ Bath Public Works Garage and accessory buildings
 - ◆ Bath Recreation Department
 - The Donald N. Small School
 - The Cemetery Barn
 - The Bath Youth Meetinghouse and Skate Park
 - Edward J. McMann Outdoor Athletic Complex and auxiliary parking
 - ◆ Bath City Hall
 - ◆ Any current or future vacant school facilities
 - ◆ Any other buildings or facilities acquired by the City

The Council reserves the right to add to or remove from this list any buildings and/or facilities as deemed appropriate.

- The membership of the Committee shall consist of not less than 3 or more than 5 City Councilors appointed annually by the City Council Chair at the time of other City Council appointments.
- Ex-Officio Members shall include: City Manager; Police Chief; Fire Chief; Public Works Director; Recreation Director; Facilities Director; City Planner.
- Meetings shall occur as determined by the Chair of the Committee. The Chair shall be elected by the Committee.
- The Committee may adopt its own Rules of Procedures, set its meeting time and location, provide for appropriate public notice of its meetings, and to determine its own internal management.

Councilor Paulhus made a motion to put this Item on the floor for discussion. Councilor Omo seconded the motion.

City Manager Giroux explained the details of the reasons for the establishment of this committee.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

G. Petitions & Communications 6:20 PM

There were no petitions or communications.

H. City Manager's Report 6:20 PM

There was no City Manager's Report.

I. Committee Reports 6:20 PM

Councilor Paulhus reported the Transportation Committee is working very hard on how Councilors and City Staff should respond to citizens with questions and they are going over the Traffic Study for the South End.

Councilor Comeau reported for the Bicycle and Pedestrian Committee that May is National Bike Month and Bath would be holding a Tour de Bath on Bike to Work Day Friday, May 19th starting at 7AM at the Bath YMCA and there would be a Bath Road Safety Forum held at Bath City Hall Auditorium Thursday, May 11th at 6-8PM.

Councilor Park reported the Community Forestry Committee would be holding an Invasive Species Workshop on June 17th at Butler Head and gave an update on how the Tree Warden was doing getting rid of the Brown Tail Moths on City properties. He urged residents to take care of any infestations on their properties in the next couple of weeks. Councilor Nordmann stated that a volunteer group was getting together to help the Tree Warden fight this infestation throughout the City.

Madame Chair Eosco reported for Main Street Bath regarding the May Fair Weekend Events to be held on May 6th and 7th.

J. New Business 6:28 PM

9) Appointment of 3 members to the Bath Bicycle and Pedestrian Committee with term expirations of May 2020.

On behalf of the Appointment Interview Committee, Councilor Wyman nominated Kevin Shute, Robert McChesney and Sharon Wilbraham to these positions. All were in favor of the nominations.

K. Councilor Announcements 6:29 PM

Councilor Paulhus reported that on May 20th there would be the dedication of a bench in Waterfront Park in memory of Sergeant Merle D. Niles, a Bath Police Officer, whose 1961 death was from an injury in the line of duty.

Councilor Comeau recommended a letter from the Council be sent to Maine Department of Transportation regarding the outstanding work that had been done on getting the viaduct opened 25 days ahead of schedule. Madame Chair added that congratulations should go off to Reed and Reed of Woolwich, the company that did the excellent and expedient work on the viaduct. City Manager Giroux stated that a letter would be drafted and brought to Council for approval to be sent.

Councilor Comeau complimented the City Staff and City Manager on the excellent presentation of the Preliminary 2018 Budget to Council.

Councilor Nordmann requested that the City somehow let all eligible citizens be notified of property tax exemptions that they may be eligible for. City Manager Giroux stated that City Staff would look into getting that done.

Councilor Eosco stated there would be a City Budget Public Hearing on May 17th at 6PM in the Bath City Hall Auditorium.

Councilor Comeau reminded the public of the RSU #1's Public Budget Hearing to be held on May 30th at 6PM in the Bath Middle School Gymnasium.

L. Unfinished Business 6:36 PM

10) Presentation of Responses to RFP Request for 26 Summer Street

Scott LaFlamme gave a brief history on the RFP process and stated there were two RFP's received - one from The Szanton Company and Bath Housing and one from The NewHeight Group.

Their RFP proposals are on file with the Agenda Materials for the May 5, 2017 Meeting in the City Clerk's Office.

Barbara Gaul of 838 Washington Street, Wayne Cochran of 33 Lincoln Street and Nancy Carlton, Realtor in Bath, spoke in favor of the Szanton Company's proposal citing the need for low to medium rentals in Bath.

Thomas Rice of 40 Summer Street expressed his concerns regarding downtown and winter parking issues that could arise from the creation of the rental units.

Councilor Page made a motion at 8:05 PM to go into Executive Session to continue the discussion on the Real Estate Matter per 1 MRSA §405(6)(C) – 26 Summer Street. Councilor Bauer seconded the motion. All were in favor of the motion.

Jeffrey Knuckles of Phippsburg spoke as a member of Bath Housing Board giving credit to the BHA staff for the wonderful job they do maintaining the properties they oversee and would bring this same experience to the rentals proposed by Szanton Company.

CR Davis of Woolwich asked what the next step in the process would be. City Manager William Giroux explained the Council would review the proposals in Executive Session. He stated this could be a long process and there was no timetable to making a decision.

Councilor Comeau made a motion at 8:49 PM to come out of Executive Session. Councilor Omo seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:50 PM with a motion by Councilor Comeau, seconded by Councilor Omo. All were in favor of the adjournment.

Attest:



Mary J. White, City Clerk

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

