

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
October 4, 2017
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 Interim City Manager – Peter Owen, City Solicitor- Roger Therriault and City Clerk - Mary White.

Madame Chair Eosco led the Pledge of Allegiance.

Madame Chair asked for a moment of silence for the people involved in the Las Vegas Massacre.

City Clerk White called the Roll.

Steve August, Chairman of the Board of Education for the RSU #1, gave an update regarding the new high school project. Mr. August explained the upcoming Bond Vote in November and the Funding process. He stated that the hope is to have the school open by the Fall of 2020. Mr. August introduced Ron Lamar, Architect at Lavelle/Bensenger Architects, who gave an overview of the details of the project.

C. Consent Agenda 6:31 PM

***1) Minutes of the previous Council Meeting of September 6 and 18, 2017 and Items E5, E6 and E7. (motion to Accept as Presented)**

Madame Chair stated that Item E7 would be removed from the Consent Agenda and taken up in its regular place on the Agenda.

Councilor Omo made a motion to accept the Consent Agenda with Item 7 removed. Councilor Park seconded the motion. All were in favor of the motion.

D. Time Devoted to Residents to Address the City Council 6:32 PM

No one spoke at this time.

E. Orders, Resolutions and Ordinances 6:32PM

2) Order – Approving Authorization BIW TIF District Budget (FY 2018)

Madame Chair Eosco read the following Order:

ORDER
APPROVING AUTHORIZATION
BIW TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2018)

Be It Hereby Ordered By the City Council of the City of Bath that one million six hundred thirty-nine thousand eight hundred fifty-one and 00/100 (\$1,639,851) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2017 and terminating on June 30, 2018 for the following purposes:

TIF REVENUE	
INCREMENT	<u>\$1,673,255</u>
TOTAL REVENUE	<u>\$1,673,255</u>
EXPENSES	
DEBT SERVICE	\$790,151
CONTRIBUTION TO BATH LOCAL DEVELOPMENT CORPORATION	\$172,000
CONTRIBUTION TO MAIN STREET BATH	\$30,000
ECONOMIC DEVELOPMENT PROJECTS ACCOUNT	\$633,500
TRAIN STATION/TROLLEY FUNDING-TRANSFER	<u>\$14,200</u>
TOTAL	<u>\$1,639,851</u>
SURPLUS	<u>\$33,404</u>

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

Interim City Manager Peter Owen explained that there are three TIFs and this is an annual process.

Finance Director Juli Millett explained that these TIFs are taken up at this time because assessment has been completed so that the increment is known and what monies are available for projects. She gave a detailed list of some of the projects that would be funded under this TIF.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

3) Order – Approving Authorization Wing Farm TIF District Budget (FY 2018)

Madame Chair Eosco read the following Order:

**ORDER
APPROVING AUTHORIZATION
WING FARM TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2018)**

Be It Hereby Ordered By the City Council of the City of Bath that three hundred six thousand three hundred sixty - eight and 00/100 (\$306,368) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2017 and terminating on June 30, 2018 for the following purposes:

REVENUE	
INCREMENT	<u>\$121,693</u>
TOTAL REVENUE	<u>\$121,693</u>

EXPENSES

DEBT SERVICE PAYMENT**	\$178,719
PUBLIC WORKS ALLOC**	\$6,000

STREET BOND DEBT PAYMENT	\$42,649
PUBLIC WORKS ALLOC	\$79,000

TOTAL EXPENSES	<u>\$306,368</u>
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SURPLUS	<u>\$(184,675)</u>
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**From previous year's surplus

Councilor Omo made a motion to put the Order on the floor for discussion. Councilor Bauer seconded the motion.

Finance Director Juli Millett explained that this TIF looked a little different due to the Council voting in June to change the percentage captured in the assessed value due to a surplus in the TIF. She said the City is not allowed to build up a surplus and noted the two expenses that will come from the surplus and the two expenses that will come from the increment.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

4) Order – Approving Authorization Downtown TIF District Budget (FY 2018)

Madame Chair Eosco read the following Order:

ORDER APPROVING AUTHORIZATION DOWNTOWN TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2018)

Be It Hereby Ordered By the City Council of the City of Bath that one hundred five thousand sixty-one dollars and 00/100 (\$105,061) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2017 and terminating on June 30, 2018 for the following purposes:

REVENUE

INCREMENT	<u>\$179,112</u>
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TOTAL REVENUE	<u>\$179,112</u>
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EXPENSES

DEBT SERVICE PAYMENT	<u>\$105,061</u>
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TOTAL EXPENSES	<u>\$105,061</u>
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SURPLUS

\$74,051

Councilor Omo made a motion to put the Order on the floor for discussion. Councilor Comeau seconded the motion.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

***5) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a State Referendum Election to be held on Tuesday, November 7, 2017 (motion to pass Order)**

Madame Chair Eosco read the following Order:

ORDER

In City Council
October 4, 2017

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road, on Tuesday, November 7, 2017 for the purpose of determining the following:

Questions To Be Voted On:

Questions 1 & 2: Citizen Initiatives; Question 3: Bond Issue; Question 4: Constitutional Amendment

A person may register to vote and/or enroll in a political party on or before election day. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on November 6, 2017 at City Hall Auditorium beginning at 9:00 AM until finished. Any and all remaining absentees received on election day, November 7, 2017, will be processed at 8:00 PM at the Bath Middle School, 6 Old Brunswick Road.

The polls shall be opened at 8:00am and closed at 8:00pm.

This Item was passed on the Consent Agenda.

***6) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a Municipal Election to be held on Tuesday, November 7, 2017 to vote for the following: One Councilor for a 3-year term from each: Ward 1, Ward 6 and At Large, 1 Bond Ordinance Question and 2 Charter Change Questions. (motion to pass Order)**

Madame Chair Eosco read the following Order:

ORDER

In City Council
October 4, 2017

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Candidate/Referendum Election (Wards 1-7) will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 7th day of said month, in the year of our Lord Two Thousand Seventeen, at 8 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward One One to be Elected for a three year term
Ward Six One to be Elected for a three year term
Ward At Large One to be Elected for a three year term

Referendum Bond Ordinance – Question One

“SHALL A BOND ORDINANCE BE ENACTED AUTHORIZING GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,800,000.00 TO FINANCE SIDEWALKS AND STREET AND ROAD CONSTRUCTION, RECONSTRUCTION AND PAVING PROJECTS?”

Charter Change – Questions

QUESTION ONE

“SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SHOWN BELOW?”

SUMMARY: This proposed Charter amendment brings City elections concerning nomination deadlines for municipal candidates in line with State Law.

QUESTION TWO

“SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SHOWN BELOW?”

SUMMARY: This proposed Charter amendment allows the City Manager to reside outside the City limits but only with the specific approval of a majority of the City Council.

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

This Item was passed on the Consent Agenda.

7) Order - Prepare Election Warrant to notify inhabitants of City of Bath of the RSU #1 Election to be held on Tuesday, November 8, 2016 for the following: one (1) Unrestricted Residence Position –One to be Elected to position for a 3-year term. (motion to pass Order)

Madame Chair Eosco read the following Order:

ORDER

In City Council
October 4, 2017

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath RSU #1 School District qualified to vote, said Election will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 7th day of said month, in the year of our Lord Two Thousand Seventeen, at 8 O'clock in the forenoon, then and there, to cast their votes for:

BOARD OF DIRECTORS FOR RSU #1 TO BE ELECTED:

One (1) Arrowsic Municipal-Residence Position for a two-year term
One (1) Bath Municipal-Residence Position for a three-year term
One (1) Phippsburg Municipal-Residence Position for a three-year term
One (1) Woolwich Municipal-Residence Position for a three-year term

BOND QUESTION:

“Do you favor authorizing the School Board of Regional School Unit No. 1: Lower Kennebec Region School Unit (the “RSU”) to construct and equip a new high school to be located on the site described below (the “Project”) with the total Project cost not to exceed \$75,328,411; to issue bonds or notes in the name of the RSU for school construction project purposes in an amount not to exceed \$47,628,411 (the “Bonds”); and to raise and expend gifts and donations, as described below, to find the balance of Project costs, to reduce the amount of Bonds Issued for the Project, and/or to pay debt service on the Bonds?”

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

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

Councilor Page made a motion to amend the second amount in the Order from \$47,628,411 which was a typo to the correct amount of \$74,628,411. Councilor Omo seconded the motion.

VOTE on Amendment:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

VOTE on Amended Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

8) Order - Setting hourly schedule of the Office of Voting Registrar (motion to pass Order)

Madame Chair Eosco read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State of Maine Referendum Election, City of Bath Municipal Candidate/Referendum Election and RSU #1 Candidate/Referendum Election to be held Tuesday, November 7, 2017 except for Monday, October 23, 2017 from 5:00pm to 7:00pm at the City Clerk's Office, 55 Front Street.

Voters may register on the Day of the Election from 8:00AM to 8:00PM at the polls at the Bath Middle School, 6 Old Brunswick Road.

Councilor Bauer made a motion to put the Order on the floor for discussion. Councilor Park seconded the motion.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

9) Order – Authorizing the Sale of City Property – Fire Department Pumper Truck and 2 Cars (motion to pass Order)

Madame Chair Eosco read the following Order:

ORDER AUTHORIZING THE SALE OF CITY PROPERTY

WHEREAS, the City of Bath is the owner of a City pumper designated as "Engine 6;" and

WHEREAS, Engine 6 is out of service; and

WHEREAS, the purchase of a new pumper to take the place of Engine 6 has been approved and is in process; and

WHEREAS, the City also owns two 2005 Ford Crown Victoria vehicles which were donated to the City of Bath, VIN #2FAFP71W45X126720 and VIN #2FAFP71W45X125535; and

WHEREAS, the vehicles have been out of service for years and the City no longer has any need for these vehicles; and

WHEREAS, the Purchasing and Finance Ordinance of the City of Bath requires that any City property that may exceed the value of \$1,500.00 be authorized for sale by Order of Council; and

WHEREAS, the sale of the designated City equipment needs to be conducted in accordance with Section 7.105 of the Purchasing and Finance Ordinance; and

WHEREAS, said Section 7.105 requires a bid procedure.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sale of the equipment designated herein be and hereby is authorized and that the sale shall be conducted in accordance with the provisions of Section 7.105, and BE IT FURTHER ORDERED that the City Manager shall have the authority to sign such documentation as may be necessary, appropriate or convenient to the solicitation of bids and sale of the property.

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

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

10) Order – Confirming Purchase of Real Estate – 22 Willow Street Property (motion to pass Order)

Madame Chair Eosco read the following Order:

**ORDER
CONFIRMING PURCHASE OF REAL ESTATE
22 WILLOW STREET, BATH, MAINE**

WHEREAS, the property at 22 Willow Street has been advertised for purchase; and

WHEREAS, the property was the subject of a foreclosure; and

WHEREAS, the current owner of the property is Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities, Inc., pursuant to Stipulated Judgment of Foreclosure and Order of Sale entered on May 19, 2017 in the Maine District Court, Division of West Bath, Docket No. WESDC-RE-17-7, and by Deed recorded in the Sagadahoc County Registry of Deeds on August 2, 2017, in Book 2017R, Page 05178; and

WHEREAS, acquisition of the property provides a public purpose to the City in addressing flooding issues on Willow Street; and

WHEREAS, the owner of the property has elected to dispose of the property by offering it for sale by auction bid; and

WHEREAS, the City of Bath was the successful bidder at a bid of \$30,000.00 (the property being assessed for \$70,000.00); and

WHEREAS, the process for entering into a Sales Contract is abbreviated and with a turnaround time of 24 hours from the receipt of confirmation of the successful bid and the Purchase and Sale Agreement; and

WHEREAS, the purchase price is funded through certain Community Development Block Grant (CDBG) funds currently appropriated for this purpose. (See Account No. 20-2201-240 CD/HA.)

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the purchase of the property at 22 Willow Street be and hereby is confirmed, the execution of the Purchase and Sales Agreement by the City Manager on behalf of the City is also confirmed, the purchase of the property together with other expenses of acquisition are to be funded out of appropriated CDBG funds designated above, and the City Manager is further authorized hereunder to proceed with the purchase and closing on the property and to sign any and all further documents that may be necessary, appropriate, or convenient, in the acquisition of the property.

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

Interim City Manager Peter Owen explained that this property has had a continual flooding problem for previous owners. He stated that the City would like to remove the building and use the property to help make the flooding issue better for that area.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

11) Order – Amending Procedure of Disposition or Interest in City Owned Real Property (motion to pass Order)

Madame Chair Eosco read the following Order:

**ORDER
AMENDING PROCEDURE FOR DISPOSITION OF
INTERESTS IN CITY OWNED REAL PROPERTY**

WHEREAS, the City of Bath has developed a procedure for the disposition of interests in City owned real property; and

WHEREAS, the City Council has deemed it appropriate to clarify a portion of the procedure relating to the enforcement of any terms and conditions of transfer of property to provide for enforcement of those terms and conditions.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Procedure for Disposition of Interests in City Owned Real Property be and hereby is amended as follows:

C.City Council Level

2.Determine the following:

c.Amend Subparagraph ii by adding the unlined text, as follows:

ii.Determine whether or not the transfer or the disposition of the property requires any special conditions, covenants or restrictions that need to be imposed on the transfer in order to protect the interests of the City, interests of abutters, and interest of any other parties who might be affected by the transfer. Where the City Council, either through the bidding/sale process, or otherwise, makes a determination that certain construction activities including, but not limited to, repairs, renovations, remediation, new construction, demolition, or other similar activity, are appropriate, then the terms and conditions of the required activity may be enforced by a covenant to run with the land placed in the document of transfer, to be enforced as a separate covenant or as a right of reversion. The Council may set a time frame for completion of the required activities and for good cause shown, may extend that time frame.

Councilor Omo made a motion to put the Order on the floor for discussion. Councilor Park seconded the motion.

Councilor Page explained the history of the procedure and why this Order for amendment to the process is being brought forth. He stated that sometimes when someone takes over these distressed properties say they will fix them up but don't. This amendment will help the City to be able to have a way to hold the owner to do what they said they'd do,

City Solicitor Roger Therriault explained the City has the authority to put conditions on sales and this amendment will give the City an enforcement mechanism to have the purchasers follow through with the conditions of the sale in an allotted time frame or the title on the property could revert back to the City.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

Councilor Wyman requested that he be able to make a presentation to Council regarding a plaque he had received from the Maine Town and City Clerk Association on September 12th at the swearing in ceremony in Waterville of City Clerk White as the 2017-2018 President of the Association. He read the following:

With Appreciation to the City of Bath for its Generous Support of the Maine Town & City Clerks' Association and Mary White, City Clerk MTCCA President 2017-2018.

and then presented the plaque to Madame Chair Eosco.

12) Ordinance – General Assistance Maximums for 2018 (first passage)

**GENERAL ASSISTANCE ORDINANCE
2017-2018**

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 8A. GENERAL ASSISTANCE

Amend the City's General Assistance Ordinance in accordance with the amended portions attached hereto. Deletion's are shown in red (or crossed out), addition's are shown in blue (or underlined.)

Also delete appendices to the ordinance dealing with maximums allowances and adopt the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2017 - September 30, 2018. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

A complete copy of this Ordinance is on file in the City Clerk's Office with the agenda materials for the 10/4/2017 meeting.

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

Finance Director Juli Millett explained this is an annual order of business of Council to approve these maximums.

VOTE on Ordinance:

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

NAYS: 0

Passed unanimously. 8-0

Madame Chair Eosco stated second passage of this Ordinance would be held on November 1, 2017 at 6:01PM.

13) Ordinance – Chapter 13. Refuse, Article 5 – Single Use Carry-Out Bags, Sections 13-61 through 13-69 (first passage)

Councilor Omo made a motion to waive the reading of the Ordinance and have the details explained by staff. Councilor Comeau seconded the motion.

VOTE ON WAIVE MOTION:

YEAS: Nordmann, Comeau, Bauer, Park, Omo

NAYS: Page, Paulhus, Wyman

Waive motion passed. 5-3

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 13. REFUSE

Add a new Article 5 entitled “Single Use Carry-Out Bags,” as follows:

Article 5 - Single Use Carry-Out Bags

Section 13-61. Purpose.

It is in the best interest of the citizens and visitors to Bath to protect the environment and natural resources of the City of Bath and the State of Maine by: discouraging the distribution and use of disposable, single- use, carryout paper shopping bags, prohibition of single-use carry out plastic bags and encouraging the use of reusable shopping bags in stores, as defined below. The purpose of this ordinance is to:

- Reduce litter arising from single use bags;
- Reduce taxpayer expenses to clean-up or otherwise manage litter and its impact;
- Reduce the environmental impact of their manufacture, transportation, and disposal;
- Create a citizenry informed about the impact of plastic in the environment; and,

Encourage a culture of sustainability and discourage a culture of disposability

A complete copy of this Ordinance is on file in the City Clerk’s Office with the agenda materials for the 10/4/2017 meeting.

Councilor Omo made a motion to put the Ordinance on the floor for discussion. Councilor Bauer seconded the motion.

Public Works Director Lee Leiner gave a detailed explanation of the Ordinance and the process and procedures that would happen with this matter. He stated that the hope was to have this Ordinance implemented in April 2018 on Earth Day with an educational push on the Ordinance of the public between now and then.

The following people spoke in favor of this Ordinance: Ruth Lawson-Stopps of 1444 High Street and member of the Solid Waste and Recycling Committee, Mark Mahnke of 1027 Washington Street, Gretta Wark of 25 Meadow Way, Adair Delamater of 44 East Milan Street, Sarah Wright of 17 Seekins Drive.

Jessica Mahnke of 1027 Washington Street and Denise Mungen of 1 Union Street gave some ideas on obtaining reusable shopping bags.

VOTE on Ordinance:

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

NAYS: 0

Passed unanimously. 8-0

Madame Chair Eosco stated second passage of this Ordinance would be held on November 1, 2017 at 6:02PM.

14) Ordinance – Chapter 13. Refuse, Article 6 – Consumer Packaging, Sections 13-91 through 13-100 (first passage)

Councilor Park made a motion to waive the reading of the Ordinance and have the details explained by staff. Councilor Comeau seconded the motion.

VOTE ON WAIVE MOTION:

YEAS: Nordmann, Comeau, Bauer, Park, Omo

NAYS: Page, Paulhus, Wyman

Waive motion passed. 5-3

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 13. REFUSE

Add a new Article 6 entitled “Consumer Packaging,” as follows:

Article 6 - Consumer Packaging

Section 13-91. Purpose.

It is in the best interests of the citizens and visitors to Bath to protect the environment and natural resources of the City of Bath and the State of Maine and the waterbodies within and surrounding the City by prohibiting the use and distribution of polystyrene food service ware and promoting and requiring the use of biodegradable, recyclable, and compostable alternatives. Therefore, the purpose of this Ordinance is to ban the use of polystyrene foam food service ware in order to reduce litter, to minimize the impact on the City’s landfill, reduce the necessity to manage litter and the impact of that litter, and reduce the expense to the taxpayers for cleanup and to reduce the environmental impact of the use of polystyrene foam food service ware.

A complete copy of this Ordinance is on file in the City Clerk's Office with the agenda materials for the 10/4/2017 meeting.

Councilor Omo made a motion to put the Ordinance on the floor for discussion. Councilor Bauer seconded the motion.

Public Works Director Lee Leiner explained details of the Ordinance and stated this Ordinance follows the same idea of the previous Ordinance.

Councilor Park made a motion to amend the Ordinance Section 1396 A to include raw meat. Councilor Omo seconded the motion.

VOTE on Amendment:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

VOTE on Amended Ordinance:

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

NAYS: 0

Passed unanimously. 8-0

Ruth Lawson-Stopps stated that the Solid Waste and the Recycling Committee felt this is the right time to go forward with this Ordinance in conjunction with the previous Ordinance.

Madame Chair Eosco stated second passage of this Ordinance would be held on November 1, 2017 at 6:03PM.

15) Ordinance – Amendment Land Use Code Flood Plain (first passage)

Madame Chair Eosco 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 JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ARTICLE 15: FLOODPLAIN MANAGEMENT ORDINANCE

[NEW ARTICLE JULY 16, 2015]

Amend the following Sections by adding the underlined text and omitting the crossed out text, as follows:

SECTION 15.02 PERMIT REQUIRED

Before any construction or other development (as defined in Section 15.04~~14~~), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 15.01, a Flood Hazard Development Permit must be obtained except as provided in Section 15.07. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Bath, Maine.

SECTION 15.05 REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 15.09-10 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Section 15.03, 15.06, and Section 15.08 of this Ordinance.

SECTION 15.06 DEVELOPMENT STANDARDS

- J. **Accessory Structures** - Accessory Structures, as defined in Section 15.14, located within Zones ~~A and AE, AO, AH and A~~, shall be exempt from the elevation criteria required in Section 15.06.F. & G. above, if all other requirements of Section 15.06 and all the following requirements are met. Accessory Structures shall:

- ~~1. be 500 square feet or less and have a value less than \$3000;~~
- 21. have unfinished interiors and not be used for human habitation;
- 23. have hydraulic openings, as specified in Section 15.06.L.2., in at least two different walls of the accessory structure;
- 34. be located outside the floodway;
- 45. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- 56. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

SECTION 15.105 ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

Councilor Omo made a motion to put the Ordinance on the floor for discussion. Councilor Bauer seconded the motion.

Director of Planning and Development Andrew Deci explained the details of the changes of this amendment.

VOTE on Ordinance:

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

NAYS: 0

Passed unanimously. 8-0

Madame Chair Eosco stated second passage of this Ordinance would be held on November 1, 2017 at 6:04PM.

F. Petitions & Communications 8:16 PM

There were no petitions or communications.

G. City Manager's Report 8:16 PM

Interim City Manager Peter Owen announced that due to the resignation of the Community Development Director Scott LeFlamme it had been decided to put Andrew Deci into a newly created position of Director of Planning and Development and start a search for a new City Planner, who will be attending Planning Board Meetings and maintaining the Land Use Code and will be reporting to the Director of Planning and Development.

Mr. Owen shared that Bath Police Officer Charles Reese, the Bath School Resource Officer, had been recognized by the Times Record readers as the "Best Police Officer in the Mid Coast Region".

He announced that Fire Captain David Hudson had recently retired from the Bath Fire Department after 31 years and was give a ride home on his last day in the Fire Engine, which is a tradition of the Fire Department.

H. Committee Reports 8:18 PM

Councilor Paulhus reported the Transportation Committee had met and had some very good discussions regarding parking issues around BIW and in the South End of the City.

Councilor Page reported on the newly formed Facilities Committee. He stated the Committee had been out looking at different City facilities and buildings, doing inventories and working towards putting a strategic plan in place. These inventories included the Fire and Police Departments and getting feedback on what they would like to see done in the future.

Councilor Park reported on the Bath Community Forestry Committee recent Winter Moth Workshop. He stated the arborist had a demonstration tree in Library Park for people to see how the protection from the moth was done. Councilor Park stated there was a video on local television of the workshop.

Councilor Bauer reported the Bath Patten Free Library would be holding a presentation on October 12th at 6:30PM by Bowdoin alumnus and New York Times bestselling author Rinker Buck, sharing details of writing about his epic journey along the Oregon Trail in a covered wagon with his brother. Madame Chair Eosco stated the Library was planning a laser tag and haunted house event around Halloween time.

Councilor Comeau reported for the Bike and Pedestrian Committee and stated they are close to finalizing the B&P Plan and will be printed soon to share with Council. He brought to the Council's attention the details of a City sidewalk inventory that had been done by a group on the B&P Committee.

Madame Chair Eosco reported that the Student Council Liaison Committee is working on getting involved with volunteer opportunities.

I. Unfinished Business 8:27 PM

There was no unfinished business.

J. New Business 8:27 PM

There was no new business.

K. Councilor Announcements 8:27 PM

Councilor Paulhus spoke regarding Citizen Involvement Day to be held on October 7th in the Waterfront Park Area.

Madame Chair Eosco added there would be 40 non-profits attending Citizen Involvement Day and an award ceremony for citizens that have been a big asset to the City. She announced that "Autumn Fest" would also be held on October 7th in the area around Brackett's Market. She stated there would be a Block Party with music, dancing, kid's activities and local shops celebrating as well.

Councilor Page asked what the status of the Centre Street railroad track rehab project was. Interim City Manager Owen stated the City had been in touch with the Railroad which stated that there was no plan at this time to rehab the tracks at that point.

Councilor Omo made Council aware of the speeding issues on North Street that had resulted in a cat being run over, causing a lot of pain to the family and neighborhood. Interim City Manager Owen stated the City was looking into adding additional bump outs on the street to help calm traffic speeds. It was agreed this was not just a North Street issue but is being experienced throughout the City.

Madame Chair Eosco told Council about the conference she had just attended in Augusta which dealt with the stereotyping of people and how we should be thinking about how we can change that frame of mind. She also spoke about another session she attended dealing with new hire and said she was willing to share the information with Council. She encouraged everyone to attend Morse Football games if they could as it was so much fun for families.

The meeting adjourned at 8:37 PM with a motion by Councilor Page seconded by Councilor Wyman. 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.