

**AGENDA**  
**CITY COUNCIL OF THE CITY OF BATH, MAINE**

Regular Meeting

Wednesday, August 1, 2018 6:00pm

City Council Chambers, Bath City Hall

*We encourage your comments and views, and appreciate your participation in your local government.*

A. Pledge of Allegiance

B. Roll Call

*Proclamation recognizing "Kindness Day" on August 18, 2018.*

C. Public Hearings:

- 1) Ordinance: Chapter 8. Building and Electrical Codes, Add a new Article 9, Vacant Buildings Stands (second passage)
- 2) Ordinance: Chapter 13. Refuse, Amendments to Section 13-1 Definitions and Section 13-42. Mandatory curbside pickup established, (second passage)
- 3) Bond Ordinance: Authorizing up to \$1,360,000 of the City's General Obligation Refunding Bonds for the purpose of refunding outstanding debt of the City, (second passage)
- 4) Notice of Public Hearing, City of Bath, Regarding the second Amendment to the Municipal Tax Increment Financing Development Program for the District Known As the "Wing Farm/Enterprise Municipal Development Program"

D. Consent Agenda:

*(Items as marked with an asterisk (\*) on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)*

- \*5) Minutes of the previous meeting of July 11, 2018 Council Meeting (motion to Accept as Presented)

E. Time Devoted to Residents to Address the City Council:

F. Orders, Ordinances and Resolutions:

- 6) Order: Amending the Wing Farm/Enterprise Municipal Development Tax Increment Financing Development Program
- 7) Accepting Gift of Early Model Fire Truck
- 8) Order: Approving Purchase and Sale Agreement and Sale of Property - Court Street Right-of-Way
- 9) Ordinance: Land Use Code Amendment, Article 2: Definitions, Section 2.02. Definitions. Bed and Breakfast (first passage)

F. Orders, Ordinances and Resolutions: cont'd

10) Ordinance: Land Use Code Amendment Rezoning 8 State Road (first passage)

11) Ordinance: Extending Moratorium Prohibiting the Location and Operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs (first passage)

12) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking Section 17-259. Parking Restrictions, Commercial Street – North and West Sides and South and East Sides (first passage)

13) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking Section 17-259. Parking Restrictions, Summer Street – North Side (first passage)

G. Petitions & Communications:

H. City Manager's Report:

I. Committee Reports: if any

J. Unfinished Business:

K. New Business:

L. Councilor Announcements:

ADJOURN

# PROCLAMATION

**WHEREAS** Kindness Day is the dream of Morse High Senior Bryanna Ringrose, which evolved from a conversation with her best friend Taylor Bisson, and

**WHEREAS** the desire was to have a day in Bath where everyone could just focus on doing small acts of kindness for each other, and

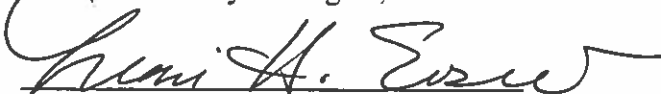
**WHEREAS** this event is co-ordinated by Jennifer McDorr and Darreby Ambler with the help and support from the community of merchants, area non-profits, Main Street Bath and a number of individuals jumping onboard to make this dream a reality, and

**WHEREAS** the power of kindness lies in every individual and by recognizing, understanding and actually using this power, we have the ability to send out a positive ripple that may travel for miles, and

**WHEREAS** no one, no matter how young or how small, is too little to make a difference in our own community and our world and through random acts of kindness, we can promote healthy behaviors and positive dynamics within our community, nourishing and strengthening our community with a celebration of simple kindness that encourages people to tap into their own human spirit;

**NOW THEREFORE BE IT PROCLAIMED** that August 18, 2018 shall be recognized as Bath Kindness Day remembering that simple day-to-day acts of kindness enable our community to be a kinder, safer and more secure place to live, work and play and to urge all citizens to participate in spreading kindness, and practicing respect, generosity, patience and consideration of others not just this day, but every day of the year.

Dated this 1<sup>st</sup> day of August, 2018.



Mari H. Eosco, Madame Chair  
Bath City Council





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## 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 8. BUILDING AND ELECTRICAL CODES

Add a new Article 9, Vacant Buildings Standards, as follows:

#### Article 9. Vacant Buildings Standards

##### Section 9-101. Purpose & Definition:

The purpose of this ordinance is to address or prevent negative effects that vacant buildings sometimes cause due to lack of maintenance. For the purpose of this ordinance, a vacant building is one that is unoccupied for more than thirty days, and the owner and/or mortgage holder have no specific plans or timeframe for the building to become reoccupied.

##### Section 9-102. Standards:

Roofs shall be structurally sound and such that birds or animals cannot enter the building through them. Repairs must be made with materials similar to the original construction. Tarps or plastic sheeting can only be used for temporary (less than thirty days) repairs.

Doors and windows shall be substantially weather tight and such that birds or animals cannot enter the building through them. Repairs must be made with materials similar to the original construction, or the opening can be covered with clear material such as polycarbonate. Sheet lumber products (such as but not limited to plywood, oriented strand board, and paneling), tarps or plastic sheeting can only be used for temporary (less than thirty days) repairs.

Vacant buildings with features that may be dangerous to emergency personnel shall be placarded at all exterior doors, with a placard of a type and size specified by the Fire Chief or his designee.

Fences and barriers shall be structurally sound.

Exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches, and balconies shall be structurally sound.

All projections from structures, such as awnings, signs, fire escapes, and ductwork shall be properly anchored and structurally sound.

Guard/guard rails shall be firmly fastened and capable of supporting normally imposed loads.

Buildings shall be secured as required by the City's Building Code.

The property shall be maintained in accordance with the standards in the City's Refuse Ordinance, Land Use Code, Building Code, and State law regarding junkyards and sanitation.

**Section 9-103. Vacant Building Registry:**

Owners of buildings that are vacant, as defined in this ordinance, or are to become vacant, shall provide the Codes Enforcement Office with the name, address, telephone number, and email address, if applicable, of a person to contact about problems with the building during its vacancy, and shall keep that information current if/as it changes.

**Section 9-104. Vacant Building Assessment Access:**

Owners of vacant buildings shall provide/facilitate access to the building(s) by Codes Enforcement and/or Fire Department personnel, for the purposes of assessing compliance with this ordinance, the condition of the building, and the existence of hazards to emergency services personnel, such as, but not limited to excessive or improper storage, inadequate floors, and collapsing ceilings. The owner or a designee shall meet City personnel at the site for these inspections. Notwithstanding, the Codes Enforcement Officer or his/her designee shall have the right of entry onto premises and into structures as provided under Maine Statutes and under the Maine Rules of Civil Procedure.

**Section 9-105. Administration:**

A.     **Enforcement.** This Ordinance shall be enforced by the Codes Enforcement Officer or his/her designee.

B.     **Notice of violation.** Any notice of violation or other notice required by this Ordinance shall be in written form and served by the Codes Enforcement Officer by certified mail, or hand delivery, electronic mail, or by Deputy Sheriff. Such notice shall explain the nature of the violation and the required corrective action with a time frame, not less than thirty (30) days, within which the corrective action must be completed. The enforcement provisions of Section 3.06 of the Land Use Code of the City of Bath shall further apply to enforcement actions under this Ordinance.

C.     **Corrective Action.** When notified by the Codes Enforcement Officer or his/her designee of a violation of any of the standards in this Ordinance or of any other applicable building related Code, it shall be the responsibility of the owner of the property to conduct repair, replacement or removal activities that will abate the violation and restore its condition in accordance with the standards in this Ordinance and to eliminate any threat to the public safety, health, and welfare, caused by the abatement of any nuisance, and eliminate any condition that diminishing neighborhood property values.

D. Application of other Codes/Conflicts. The terms and provision of this Ordinance are not intended to supersede or otherwise replace provisions of other City of Bath Codes or State Law (e.g. Dangerous Building Statute), as they are applied to properties and structures. Whenever a provision of this Ordinance conflicts with or is inconsistent with a provision of another Ordinance, Regulations, or Statute, then the provision imposing the greater restriction shall control.

#### Section 9-106. Violations and Penalties:

Any persons violating the provisions of this Ordinance, including noncompliance with notices issued by the Codes Enforcement Officer, or his/her designee, shall be penalized in accordance with the provision of 30-A M.R.S. Section 4452. This shall specifically include per diem penalties and injunctive relief. All penalties assessed against the violator shall be retained by the City of Bath together with its reasonable attorney's fees, expert witness fees, and all costs, including costs of remediation and emergency action required by the failure of the violator to take appropriate action.

#### Section 9-107. Emergency Actions:

A. Emergency Conditions. Where the Codes Enforcement Officer or his/her designee becomes aware of conditions on the premises or relating to the structure on the premises, that creates imminent danger to the occupant(s) of the property or structure or to the general public due to the failure or collapse of the building or structure or a possibility thereof, or the presence of explosives, explosive fumes or vapors, or toxic fumes, gases or materials, the Code Enforcement Officer or his/her designee shall take such action as is appropriate to secure the premises and prevent access to the premises. Under such circumstances, if a structure is involved, a notice to that affect that the building has been closed to occupancy shall be posted on each entrance. From the time of posting forward, entrance shall only be permitted to make required repairs, remove hazardous conditions, or demolish the structure.

B. Emergency Actions/Recovery of Costs. When the Codes Enforcement Officer or his/her designee observes an unsafe condition that causes imminent danger, he/she shall have the authority to cause the necessary work to be done that will provide relief from the imminent danger. Such work may be done on an immediate basis without further legal or administrative procedure, in order to protect the occupant(s) and/or the general public from the imminent danger. In such instances where the City of Bath has caused the work to be done, due to noncompliance by the owner, the costs for such work shall be recovered as a cost in any codes enforcement action or may alternatively be recovered through a civil action.

#### Section 9-108. Appeals:

A decision by the Codes Enforcement Officer in enforcing this Ordinance shall be considered an enforcement action that may only be appealed to the Superior Court.



Section 9-109. Severability:

If any section, subsection, clause, paragraph, phrase, or portion of this Ordinance is for any reason held invalid on Unconstitutional by any Court of competent jurisdiction, then such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity or enforceability of the remaining portions thereon.

*First Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
July 11, 2018  
RECEIVED READ AND ACCEPT  
☐ TABLED ☐ GRANTED ☒ PASSED ☐ FAILED  
REFERRED TO:  
ATTEST *Maureen D. Lane*  
Deputy CITY CLERK

*Second Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
August 1, 2018  
RECEIVED READ AND ACCEPT  
☐ TABLED ☐ GRANTED ☐ PASSED ☐ FAILED  
REFERRED TO:  
ATTEST *Maureen D. Lane*  
CITY CLERK



# MEMO

## Codes Enforcement Office

Scott Davis, Codes Enforcement Officer  
Debby Labrecque, Codes and Planning Assistant  
www.cityofbath.com

55 Front Street  
Bath, ME 04530  
(207) 443-8334

Date: June 28, 2018  
To: City Council  
From: Scott Davis, Codes Enforcement Officer  
Re: Vacant Buildings ordinance

On the July 11<sup>th</sup> City Council meeting agenda will be a proposal to establish a Vacant Buildings Ordinance. This ordinance applies a set of maintenance standards to vacant buildings to minimize the negative effect that these properties can have on a neighborhood, requires owners of the property to provide us with a contact person for problems, requires that the owner provide access for an inspection by Fire Department personnel to ascertain if there are any hazards in the building that they should be aware of, and allows the Fire Department to placard buildings with particular hazards.

The ordinance was crafted by staff, and reviewed and supported by the Community Development Committee.

I'll be at the meeting to discuss the ordinance and answer any questions.

Thank you for your consideration.

attch: ordinance

Cc: Peter Owen, City Manager  
Marc Meyers, Asst. City Manager  
Lawrence Renaud, Fire Chief  
Roger Therriault, City Solicitor  
Mary White, City Clerk



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

ARTICLE 1. GARBAGE AND REFUSE

Section 13-1. Definitions.

Amend (10) Household Refuse, as follows:

(10) Household Refuse shall include that refuse commonly generated by usual residential domestic activities and excludes material defined as demolition and construction debris, ~~and~~ furniture, white goods, tires, abandoned automobiles, and any other items that cannot completely fit into the officially designated PAYT bag. Household refuse shall specifically exclude refuse generated at properties with more than two (2) dwelling units on them (excluding condominiums), as well as refuse generated by bed and breakfast establishments and dwellings with Class B home occupation uses. Such refuse from these units shall be considered commercial for purposes of collection and shall not be collected as residential household refuse.

Officially designated bag shall mean the container designed and selected by and manufactured for the City for use by residents for the holding of household wastes for curbside collection as part of the PAYT program. The container is sold at retail establishments for residents' purchase and use. Household wastes not completely enclosed by this container will not be picked up by the curbside collection contractor.

PAYT is Pay-As-You-Throw, a unit-based pricing program for the collection of solid waste whereby waste placed at the curb for city-provided collection must be placed inside an officially designated bag.

Section 13-42. Mandatory curbside pickup established.

Amend as follows:

The City of Bath, either through its own offices and employees, or by virtue of contract(s) with Private refuse collection contractor(s), or any combination thereof, shall provide for the curbside pickup of all household refuse within the City of Bath as that term is defined in Section 13-1(10), and specifically excluding refuse generated at properties with more than two (2) dwelling units on them.

<p><i>Second Passage</i> CITY OF BATH MAINE IN CITY COUNCIL <i>August 1, 2018</i></p> <p>RECEIVED READ AND ACCEPT <input type="checkbox"/> TABLED <input type="checkbox"/> GRANTED <input type="checkbox"/> PASSED <input checked="" type="checkbox"/> FAILED</p> <p>REFERRED TO: <i>Mary White</i></p>	<p><i>First Passage</i> CITY OF BATH MAINE IN CITY COUNCIL <i>June 11, 2018</i></p> <p>RECEIVED READ AND ACCEPT <input type="checkbox"/> TABLED <input type="checkbox"/> GRANTED <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> FAILED</p> <p>REFERRED TO: <i>Mary White</i> ATTEST <i>Mary White</i> CITY CLERK</p>
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# MEMO

## Codes Enforcement Office

Scott Davis, Codes Enforcement Officer  
Debby Labrecque, Codes and Planning Assistant  
www.cityofbath.com

55 Front Street  
Bath, ME 04530  
(207) 443-8334

Date: June 28, 2018  
To: City Council  
From: Scott Davis, Codes Enforcement Officer  
Re: Curbside Collection Ordinance amendment

On the July 11<sup>th</sup> City Council meeting agenda will be a proposed amendment to the curbside trash collection ordinance clarifying that the program is only for one and two family dwellings (attached). The program was always intended to be for those occupancies, only, and our contract with Pine Tree Waste for curbside collection was priced based on that, but the text of the ordinance doesn't make that clear. We're proposing to add text to the ordinance to make that clear. This amendment is prompted by a couple of inquiries from tenants in multi family (more than three dwelling units) buildings whose owners are instructing them to put their trash out for City collection.

Lee Leiner and I will be at the meeting to discuss the ordinance and answer any questions.

Thank you for your consideration.

Encl: ordinance with amendment

Cc: Peter Owen, City Manager  
Lee Leiner, Director of Public Works  
Roger Therriault, City Solicitor  
Mary White, City Clerk



## EXHIBIT D

CITY OF BATH, MAINE  
COUNCIL ORDER**Amending the Wing Farm/Enterprise Municipal Development  
Tax Increment Financing Development Program**

**WHEREAS**, the City of Bath (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Wing Farm/Enterprise Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

**WHEREAS**, on February 6, 2008, the Bath City Council (the "City Council") designated the District, consisting of two separate non-contiguous parcels of land, the Bath Iron Works (BIW) Tract and the Wing Farm Tract and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on March 21, 2008; and

**WHEREAS**, on November 20, 2013 the City adopted the First Amendment to the Original Development Program ( the "First Amendment") in order to: (i) increase the percentage of captured assessed value of real property improvements retained in the District; (ii) authorize a credit enhancement agreement with Bath Iron Works ("BIW"); and (iii) include certain additional Public Improvements described below to be financed through the First Amendment, which received the approval from the Department on March 24, 2014; and

**WHEREAS**, the City desires to adopt this Second Amendment to the District and Development Program (the "Second Amendment") to continue to achieve the District's original goals; and

**WHEREAS**, the City Council has held a public hearing on August 1, 2018, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

**WHEREAS**, the City Council has considered the comments provided at the public hearing, regarding the Second Amendment, if any; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Department, approving the Second Amendment;

**NOW THEREFORE BE IT ORDERED AS FOLLOWS:**

**Section 1.** The City Council hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. § 5223(3); and



b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2017; and

d. The pursuit of the Second Amendment will generate substantial economic benefits for the City and its residents and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including stimulating new employment opportunities, a broadened and improved tax base and economic stimulus, and therefore the adoption of the Second Amendment constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to the Council with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the adoption of the Second Amendment.

**Section 2.** Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Wing Farm/Enterprise Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

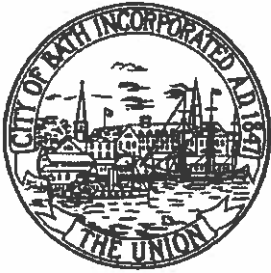
**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

**Section 4.** The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

**Section 5.** The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the 2 Second Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

**Section 6.** The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.

CITY OF BATH MAINE  
IN CITY COUNCIL  
*August 1, 2018*  
RECEIVED READ AND ACCEPT  
☐ TABLED ☒ GRANTED ☐ PASSED ☐ FAILED  
REFERRED TO:  
ATTEST *[Signature]*  
CITY CLERK



# CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

## Memorandum

**To:** Chair Eosco, Vice Chair Paulhus and Members of the City Council  
**CC:** Peter Owen, City Manager  
**Date:** July 27, 2018  
**From:** Marc Meyers, Assistant City Manager  
**RE:** Amendment to the Wing Farm TIF

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The City Council will be voting to approve an order to amend the Wing Farm/Enterprise Municipal Development Tax Increment Financing Development Program.

This amendment will remove properties acquired by Regional School Unit 1 for development of the new high school (Map 24, Lot 3; Map 24, Lot 7) and remove the City's ability to use TIF revenue on debt service that supported a bond for Wing Farm area infrastructure because the area is no longer intended to be used for economic development. This debt service has been moved to the General Fund (see Juli's memo regarding Wing Farm debt refinance).

This will be the second amendment to this TIF district. The original Wing Farm/Enterprise Agreement was created in 2008 and amended in 2013.

Shana Cook Mueller from Bernstein Shur, the City's TIF counsel, will be in attendance to answer questions.



**ECONOMIC DEVELOPMENT  
BATH, MAINE**

*An Application for a Municipal Development and Tax Increment Financing District  
Development Program*

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**SECOND AMENDMENT TO  
WING FARM/ENTERPRISE MUNICIPAL DEVELOPMENT  
TAX INCREMENT FINANCING DEVELOPMENT PROGRAM**

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*Presented to:*

**City of Bath, City Council**

**DATED: August 1, 2018**

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***Exhibits:***

A	Amended District Map
B	Amended Certificate of Original Assessed Value
C	Notice of Public Hearing
D	City Council Order
E	Minutes of Public Hearing and City Council Meeting
F	Statutory Requirements and Thresholds Form

## **I. Introduction**

The Wing Farm/Enterprise Municipal Development and Tax Increment Financing District (the “District”) was first approved by the Maine Department of Economic and Community Development (“DECD”) on March 21, 2008. The First Amendment to the District was approved by DECD on March 24, 2014. The existing development program consists of two separate non-contiguous parcels of land: the Bath Iron Works Tract and the Wing Farm Tract. The District was originally designated for the primary purpose of supporting the City’s infrastructure improvement projects in the Wing Farm Tract of the District. In 2014, DECD approved the City’s amendment to the District’s development program, which increased the percentage of captured assessed value of real property, authorized a credit enhancement agreement with Bath Iron Works (the “CEA”) and added public improvement project costs to the development program. Recently, the planned use of a portion of the Wing Farm Tract of the District has changed from a commercial use to a school district use with the transfer of such property to Regional School Unit 1 to be the site of a new high school.

## **II. Second Amendment to Development Program**

This Second Amendment seeks to remove Map 24, Lot 7<sup>1</sup>, Lot 3 and a portion of Lot 4 of the Wing Farm Tract of the District due to a planned noncommercial use of the property. The overall District acreage is being reduced from 62.56 acres to 37.66 acres. Please find an amended map attached hereto as Exhibit A. Also, as a result of the reduced area of the District, the original assessed value \$9,327,200 of the District will be changed to \$8,684,900. Please find an amended Assessor’s Certification of Original Assessed Value attached hereto as Exhibit B.

The existing Development Program shall remain in full force and effect in all other material respects except for the change described herein. To the extent any future debt service costs associated with the infrastructure built to serve the Wing Farm tract of the District is paid with TIF revenues (referred to as the “Wing Farm Business Park Expansion” project in Exhibit D to the First Amendment, the Comprehensive List of Public Improvements), the portion of such debt service costs paid with TIF revenues will be limited to an allocation associated with the parcels of the Wing Farm Tract that remains in the District following this Second Amendment.

## **III. Second Amendment Municipal Approvals**

### **A. Notice of Public Hearing**

Attached as Exhibit C hereto is a copy of the Notice of Public Hearing regarding adoption of the Second Amendment to the Development Program for the District, published in a newspaper of general circulation in the City, on a date at least ten (10) days prior to the public

<sup>1</sup> Tax Map 24, Lot 7 became lots 15,16,17,18, 19 and 20.

hearing. The public hearing on the Second Amendment to the Development Program was held on August 1, 2018, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

**B. Authorizing Votes**

Attached as Exhibit D hereto is a copy of the Bath City Council Order approving this Second Amendment to the Development Program, which Resolution was adopted by the Council at a meeting of the Council duly called and held on August 1, 2018.

**C. Minutes of Public Hearing Held by City Council**

Attached as Exhibit E hereto is a certified copy of the minutes of the public hearing held on August 1, 2018, at which time this Second Amendment to the Development Program was discussed by the public.

**D. Statutory Requirements and Thresholds Form**

Attached as Exhibit F hereto is a completed Statutory Requirements and Thresholds Form demonstrating the District's statutory compliance.

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## APPLICATION COVER SHEET

### MUNICIPAL TAX INCREMENT FINANCING

#### A. General Information

1. Municipality Name: City of Bath		
2. Address: 55 Front Street, Bath, ME 04530-2588		
3. Telephone: 207-443-8330	4. Fax: 207-443-8333	5. Email: bathme@cityofbath.com
6. Municipal Contact Person: Peter Owen, City Manager		
7. Business Name: Bath Iron Works - No change to CEA in this Second Amendment		
8. Address:		
9. Telephone:	10. Fax:	11. Email:
12. Business Contact Person:		
13. Principal Place of Business:		
14. Company Structure (e.g. corporation, sub-chapter S, etc.):		
15. Place of Incorporation:		
16. Names of Officers:		
17. Principal Owner(s) Name:		
18. Address:		

#### B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
<input type="checkbox"/> job creation ✓	<input type="checkbox"/> job retention ✓	capital investment ✓
<input type="checkbox"/> training investment	<input type="checkbox"/> tax base improvement ✓	public facilities improvement ✓
<input type="checkbox"/> other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
<input type="checkbox"/> real estate purchase ✓	machinery & equipment purchase ✓	<input type="checkbox"/> training costs
<input type="checkbox"/> debt reduction ✓	<input type="checkbox"/> other (list): infrastructure development; see Exhibit D to First Amendment	

#### C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*). N/A



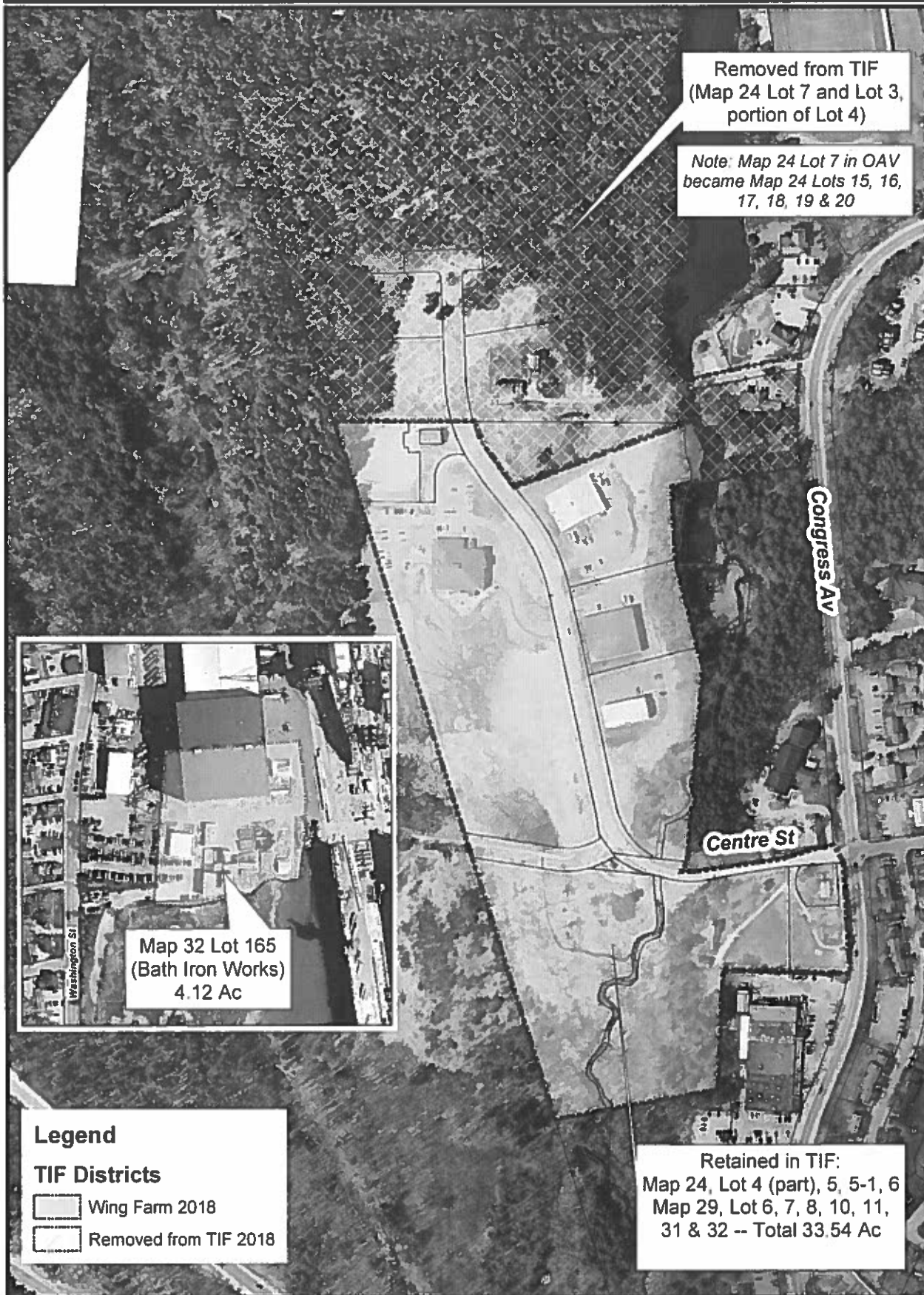
Map prepared by the City of Bath  
on 7/27/2018

# Wing Farm 2018 Revision

City of Bath



0 125 250 500 750 Feet



## EXHIBIT B

### AMENDED CITY OF BATH CERTIFICATION OF ORIGINAL ASSESSED VALUE

NOW COMES Brenda Cummings, duly constituted and acting Assessor in and for the City of Bath, and hereby constitutes, pursuant to the provisions of 30-A M.R.S.A. Section 5227(2) that the original assessed value as of March 31, 2007 (April 1, 2006) of the taxable real and personal property in the Wing Farm Enterprise Tax Increment Financing District was \$8,684,900. The assessed value of the taxable real and property in the district acreage removed in this Second Amendment was \$642,300 as of March 31, 2018 (April 1, 2017).

Wing Farm Tract	\$ 7,724,900
BIW Tract	<u>\$ 960,000</u>

Total Original Assessed Value	\$8,684,900
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IN WITNESS WHEREOF this Certificate has been executed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Brenda Cummings, Assessor  
City of Bath

#### Wing Farm Tract

Tax Map and Parcel Number	Acreage	Original Assessed Value as of March 31, 2007 (April 1, 2006)
24-004 <sup>1</sup>	3.03	\$881,300
24-005	1.46	\$353,100
24-006	1.83	\$1,080,000
29-011	9.65	\$3,888,000
29-031	3.03	\$408,200
29-010	4.80	\$5,500
29-008	4.95	\$177,600
29-007	0.29	\$139,400
29-006	0.83	\$115,700
29-032	0.61	\$0
Personal Property	-	\$676,100
Roadways	3.03	\$0
<b>Totals</b>	<b>33.54 acres</b>	<b>\$7,724,900</b>

<sup>1</sup> A portion of this lot is being removed from the District in this Second Amendment. The remaining portion is 3.03 acres and the remaining portion had an original assessed value of \$881,300.

**BIW Tract**

<b>Tax Map and Parcel Number</b>	<b>Acreage</b>	<b>Original Assessed Value as of March 31, 2007 (April 1, 2006)</b>
32-165	4.12	\$960,000
Personal Property	-	\$0
<b>Totals</b>	<b>4.12 acres</b>	<b>\$960,000</b>

**District Grand Totals**

<b>Grand Totals</b>	<b>37.66 acres</b>	<b>\$8,684,900</b>
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**NOTICE OF PUBLIC HEARING  
CITY OF BATH**

**Regarding**

**The Second Amendment to  
the Municipal Tax Increment Financing Development Program for the District Known As  
The “Wing Farm/Enterprise Municipal Development Program”**

Notice is hereby given that the Bath City Council will hold a public hearing on

**August 1, 2018**

**at the**

**City Council Chambers, 3<sup>rd</sup> Floor, 55 Front Street, Bath, Maine**

**The Public Hearing will be at [insert time] p.m.**

The purpose of the public hearing is to receive public comments on the approval of the Second Amendment to the municipal tax increment financing district and development program identified above, which is proposed to remove a portion of the Wing Farm tract of the District (originally identified as Municipal Tax Map 24, Lot 7 and Lot 3). The District was first approved on February 6, 2008 and first amended on November 20, 2013, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The existing Municipal Development and Tax Increment Financing District consists of 62.56 acres of property, known as the Wing Farm Business Park, near the intersection of Centre Street and Congress Avenue and an additional 4.12 acres of property within Tax Map 32, Lot 115. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. The Second Amendment is available for review by all interested parties at City Hall.

**CITY OF BATH, MAINE  
COUNCIL ORDER**

**Amending the Wing Farm/Enterprise Municipal Development  
Tax Increment Financing Development Program**

**WHEREAS**, the City of Bath (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Wing Farm/Enterprise Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

**WHEREAS**, on February 6, 2008, the Bath City Council (the "City Council") designated the District, consisting of two separate non-contiguous parcels of land, the Bath Iron Works (BIW) Tract and the Wing Farm Tract and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on March 21, 2008; and

**WHEREAS**, on November 20, 2013 the City adopted the First Amendment to the Original Development Program ( the "First Amendment") in order to: (i) increase the percentage of captured assessed value of real property improvements retained in the District; (ii) authorize a credit enhancement agreement with Bath Iron Works ("BIW"); and (iii) include certain additional Public Improvements described below to be financed through the First Amendment, which received the approval from the Department on March 24, 2014; and

**WHEREAS**, the City desires to adopt this Second Amendment to the District and Development Program (the "Second Amendment") to continue to achieve the District's original goals; and

**WHEREAS**, the City Council has held a public hearing on August 1, 2018, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

**WHEREAS**, the City Council has considered the comments provided at the public hearing, regarding the Second Amendment, if any; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Department, approving the Second Amendment;

**NOW THEREFORE BE IT ORDERED AS FOLLOWS:**

**Section 1.** The City Council hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. § 5223(3); and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2017; and

d. The pursuit of the Second Amendment will generate substantial economic benefits for the City and its residents and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including stimulating new employment opportunities, a broadened and improved tax base and economic stimulus, and therefore the adoption of the Second Amendment constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to the Council with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the adoption of the Second Amendment.

**Section 2.** Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Wing Farm/Enterprise Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

**Section 4.** The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

**Section 5.** The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the Second Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

**Section 6.** The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions



are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.

**EXHIBIT E**

**MINUTES OF PUBLIC HEARING AND COUNCIL MEETING**

**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**Wing Farm Municipal TIF District | AMD-2**

**EXHIBIT F**

<b>SECTION A.   Acreage Caps</b>		
1. Total municipal acreage;	4,480	
2. Acreage of proposed Municipal TIF District;	37.66 Wing Farm Tract: 33.54 Acres BIW Tract: 4.12 Acres	
3. Downtown-designation <sup>1</sup> acres in proposed Municipal TIF District;	0	
4. Transit-Oriented Development <sup>2</sup> acres in proposed Municipal TIF District;	0	
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;	37.66	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).	.84%	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: <sup>3</sup>  BIW I/10      Wing Farm/37.66 (proposed)      Huse School/2.49 BIW II/58 *      Downtown/66.72	Existing	137.21 **
	Proposed	37.66
	Total:	174.87
<b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;	66.72	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	0	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	109.15 -58.00* 51.15	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	1.14%	
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	37.66	100%
<b>TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)</b>		<b>100%</b>

\* This district is excluded from the acreage cap calculation under 30-A M.R.S.A 5223 (3)(c), ¶ 2.

\*\* This excludes the existing Wing Farm Enterprise District because it is included in the "Proposed" category.

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

<sup>3</sup> For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTDZ districts approved through December 31, 2008.

**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**Wing Farm Municipal TIF District | AMD-2**

EXHIBIT F

EXHIBIT 1

SECTION B.   Valuation Cap			
1. Total TAXABLE municipal valuation—use most recent April 1;	1,219,825,300		
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	8,684,900		
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <u>excluding</u> Municipal Affordable Housing Development districts:  BIW I/\$0                      Wing Farm/\$8,707,700 BIW II/\$128,011,800      Downtown/\$77,669,500	Existing	205,681,300**	
	Proposed	8,684,900	
	Total:	214,366,200	
30-A § 5223(3) EXEMPTIONS			
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	77,669,500		
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	0		
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	0		
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation <sup>6</sup> Municipal TIF districts:	128,011,800		
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) <u>excluding</u> any such OAV also factored in Exemptions 4-7 above:	0		
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	8,684,900		
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	.71%		

\*\* This excludes the existing Wing Farm Enterprise District because it is included in the “Proposed” category.

COMPLETED BY	
NAME:	Shana Cook Mueller
DATE:	July 30, 2018

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.



## **BOND ORDINANCE**

### **AUTHORIZING ISSUANCE OF UP TO \$1,360,000 OF GENERAL OBLIGATION REFUNDING BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING DEBT OF THE CITY.**

#### **RECITALS**

WHEREAS, the City of Bath has previously issued its 2008 General Obligation Bonds (Series B) in the original principal amount of \$635,000 (the "2008B Bonds") and its 2008 General Obligation Bonds (Series C) (Federally Taxable) in the original principal amount of \$1,365,000 (the "2008C Bonds") to finance, among other projects, the costs of land acquisition, relocation costs, administrative expenses and necessary infrastructure or utilities for the Wing Farm Enterprise Business Park Expansion Project (the "2008 Bonds"); and

WHEREAS, the 2008C Bonds have a bullet maturity on October 15, 2018 of \$940,000 that the City desires to refund and refinance through issuance of its general obligation refunding bonds;

WHEREAS, due to a drop in interest rates since the 2008 Bonds were issued, the City also desires to refund and refinance \$420,000 outstanding principal of the 2008B Bonds through issuance of its general obligation refunding bonds;

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

- Section 1. That a sum up to, but not to exceed, \$1,360,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of refunding the 2008 Bonds and of paying interest and redemption premium thereon and the costs of issuance therefore.
- Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes, in the stated principal amount of up to, but not to exceed, \$1,360,000 under and pursuant to the City Charter and 30-A MRSA §5772.
- Section 3. That any and all bonds/notes issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments or annual sinking fund installments, which need not be equal, pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed eleven (11) years.

- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. The City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds/notes issued pursuant to this Ordinance subject to call for redemption with or without premium or penalty prior to the stated maturity date, at the election of the City.
- Section 8. That if the Bonds, or some of them, are issued on a tax-exempt basis, the City Treasurer is hereby authorized to take all such action as may be necessary to designate some or all of the bonds/notes issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- Section 9. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds/notes.
- Section 10. That the bonds/notes issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to, if the Bonds, or some of them, are issued on a tax-exempt basis, an Arbitrage and Use of Proceeds Certificate and an IRS Form 8038-G, and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the refunding of the 2008 Bonds and the issuance and delivery by the City of the bonds/notes.
- Section 12. That if the City Treasurer, Chair of the City Council, the City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or any related financing documents, as authorized by this Ordinance, the person or persons then acting in such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- Section 13. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 11 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby



further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.

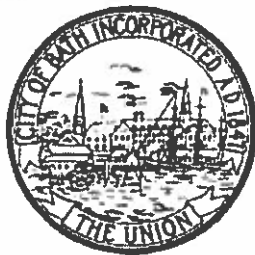
Section 14. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

*First Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
*July 11, 2018*  
RECEIVED READ AND ACCEPT  
☐ TABLED ☐ GRANTED ☒ PASSED ☐ FAILED  
REFERRED TO: \_\_\_\_\_  
ATTEST *[Signature]* CITY CLERK  
*Deputy*

*Second Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
*August 1, 2018*  
RECEIVED READ AND ACCEPT  
☐ TABLED ☐ GRANTED ☒ PASSED ☐ FAILED  
REFERRED TO: \_\_\_\_\_  
ATTEST *[Signature]* CITY CLERK



C3



## City of Bath

### Finance Department

Bath City Hall – 55 Front Street  
Bath, Maine 04530

Telephone: (207) 443-8338 - Fax: (207) 443-8397

**Juli Millett, C.P.A.**

**Finance Director**

Juli Millett, Finance Director

[jmillett@cityofbath.com](mailto:jmillett@cityofbath.com)

Linda McCourt, Staff Accountant

[lmccourt@cityofbath.com](mailto:lmccourt@cityofbath.com)

Susan Hunt, Payroll Supervisor

[shunt@cityofbath.com](mailto:shunt@cityofbath.com)

July 3, 2018

To: Bath City Council

From: Juli Millett, Finance Director

CC: Peter Owen, City Manager

Re: Refunding Wing Farm TIF Debt

In your packets you will find a borrowing ordinance for refunding the 2008 Series C & B Bonds. The Series C bonds have a balloon payment due in October 2018, and the refinancing will spread that payment over 10 years. Also, with the refunding the City will secure a lower rate on the Series B bonds.

These refinanced bonds are budgeted in the general fund for FY2019 and will no longer be part of the WingFarm TIF budget. Next month you will have the final passage of this Bond Ordinance as well as an amendment to the WingFarm TIF, removing the property sold to the RSU out of the TIF district.

Please let me know if you have any questions or concerns.



**EXHIBIT C****NOTICE OF PUBLIC HEARING  
CITY OF BATH****Regarding****The Second Amendment to  
the Municipal Tax Increment Financing Development Program for the District Known As  
The “Wing Farm/Enterprise Municipal Development Program”**

Notice is hereby given that the Bath City Council will hold a public hearing on

**August 1, 2018**

**In the  
City Council Chambers, 3<sup>rd</sup> Floor, 55 Front Street, Bath, Maine  
The Public Hearing will be at 6:04 p.m.**

The purpose of the public hearing is to receive public comments on the approval of the Second Amendment to the municipal tax increment financing district and development program identified above, which is proposed to remove a portion of the Wing Farm tract of the District (originally identified as Municipal Tax Map 24, Lot 7 and Lot 3). The District was first approved on February 6, 2008 and first amended on November 20, 2013, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The existing Municipal Development and Tax Increment Financing District consists of 62.56 acres of property, known as the Wing Farm Business Park, near the intersection of Centre Street and Congress Avenue and an additional 4.12 acres of property within Tax Map 32, Lot 115. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. The Second Amendment is available for review by all interested parties at City Hall.



## Memorandum

To: Members of the City Council  
From: Lawrence Renaud, Fire Chief  
Ref: Municipal Donation to the Fire Department  
Date: 07/26/18

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The State Law requires that the City Council, and only the City Council, has the authority to accept or reject a municipal donation.

Mr. Hogan is interested in donating an early model fire truck to the Bath Fire Department.

The truck that Mr. Hogan has offered to donate does not meet the NFPA standards.

We do not have the space to house any more equipment than we already have. Our current staffing model wouldn't allow us to adequately staff additional apparatus responding to a call.

We currently have mutual aid agreements with surrounding communities and these departments respond with water carrying vehicles when requested.

I am requesting that we respectfully decline his offer and any future offers of used fire apparatus from Mr. Hogan.

Thank you,  
Buddy

CITY OF BATH MAINE  
IN CITY COUNCIL  
*August 1, 2018*  
RECEIVED READ AND ACCEPT  
☒ TABLED ☐ REPEATED ☐ RESCIND ☐ FAILED  
REFERRED BY  
ATTEST *Mary J. White*





**ORDER  
APPROVING PURCHASE AND SALE AGREEMENT  
AND SALE OF PROPERTY – COURT STREET RIGHT-OF-WAY**

WHEREAS, the City of Bath owns, as part of the Court Street right-of-way, a retaining wall and other property that is necessary and appropriate for the development of the adjacent 137 Leeman Highway property; and

WHEREAS, the City of Bath has been approached by a potential buyer of premises designated as 137 Leeman Highway to acquire a portion of the Court Street right-of-way and retaining wall (approximately 2,400 square feet); and

WHEREAS, the City has received and considered an offer for purchase of the property; and

WHEREAS, the City has previously offered this property for sale and has had the property appraised with regard to its fair market value; and

WHEREAS, in accordance with the City's Sale of City Owned Property Policy, the original Appraiser has been contacted with regard to the previous Appraisal done and has indicated that there have been no significant changes in the market value of this type of property since the Appraisal, and that the original Appraisal continues to be valid; and

WHEREAS, under these circumstances, with a valid Appraisal in hand, the City has no need to have the property re-appraised.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Purchase and Sale Agreement, in substantially the form attached hereto, be and hereby is approved in accordance with the terms and conditions of the Agreement, that the City Manager be and hereby is authorized to sign the Purchase and Sale Agreement on behalf of the City of Bath and to sign such other documents as may be necessary, appropriate, or convenient to the transaction, including Municipal Quit-Claim Deeds and other documents of transfer.

CITY OF BATH MAINE  
IN CITY COUNCIL  
*August 1, 2018*  
RECEIVED READ AND ACCEPT  
☐ TABLED ☐ GRANTED ☐ PASSED ☒ FAILED  
REFERRED TO  
ATTEST *Mary J. White*  
CITY CLERK





# CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

## Memorandum

**To:** Chair Eosco, Vice Chair Paulhus and Members of the City Council  
**CC:** Peter Owen, City Manager  
**Date:** July 27, 2018  
**From:** Marc Meyers, Assistant City Manager  
**RE:** Court Street Right-Of-Way Purchase and Sale Agreement

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The City Manager's Office has reached a purchase and sale agreement with Integrity Holdings for 2,410 square feet from the existing City right-of-way on Court Street for \$9,000.00.

Integrity Holdings received conditional site plan approval from the Planning Board on July 5 for an Aroma Joe's franchise at 137 Leeman Highway (Tax Map 28, Lot 54-1 and part of 53). This portion of the existing City right-of-way abuts 137 Leeman Highway and has informally been used by that parcel in the past. The project will need contract zoning.

The City Council will be voting to approve the purchase and sale agreement and authorize the City Manager to execute said agreement.



## PURCHASE AND SALE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF BATH, a municipal corporation, located in Bath, in the County of Sagadahoc, and State of Maine, hereinafter called the Seller, in consideration of Nine Hundred Dollars (\$900.00) paid by INTEGRITY HOLDINGS, LLC, of Barrington, in the County of Strafford, and State of New Hampshire, hereinafter called the Buyer, the receipt whereof it does hereby acknowledge, does agree to bargain, sell and convey unto the said INTEGRITY HOLDINGS, LLC, its successors and assigns forever, the following property:

A certain lot or parcel of land, with the retaining wall thereon, which is a portion of the southerly side of the Court Street right-of-way. The property is more particularly described in the Sketch Plan entitled "Proposed Land Acquisition, 137 Leeman Highway, Bath, Maine," by Pine Tree Engineering, by the Property Description, and by Aerial with Survey Overlay, all attached hereto and made a part hereof. Court Street was reconfigured and reaccepted as a City Street in 1965.

As further consideration for the within agreement it is hereby agreed by and between the parties as follows, to wit:

1. Term. The sale of the within premises shall be consummated by delivery of a Municipal Quit-Claim Deed from the Seller to the Buyer and payment of the purchase price as specified hereunder on or before September 14, 2018.
2. Purchase Price. It is agreed that the Buyer will pay, and the Seller will accept the total sum of Nine Thousand Dollars (\$9,000.00) as the full purchase price for the purchase of the above described premises. The total purchase price is payable as follows:
  - A. Buyer shall receive credit at the time of the closing for the Nine Hundred Dollar (\$900.00) deposit paid with the execution of this Agreement.
  - B. The balance of Eight Thousand One Hundred Dollars (\$8,100.00) shall be paid to the Seller at the time of closing in the form of a certified check, bank check or wire transfer.

3. Status of Title. The Seller agrees to provide the Buyer with good and marketable title to the above-described premises free and clear of all liens and encumbrances of every kind, nature and description; the Seller further agrees that the payment of any mortgage or lien on the above described premises may be made from funds provided for the purchase of said premises. It is understood, however, that the subject premises are a portion of a long-standing City street.

4. Extension to Perfect Title. If Seller shall be unable to give good, clear marketable and insurable title in accordance with Paragraph 3 of this Agreement, or to make conveyance or to deliver possession of the property, or if at the time of the delivery of the Deed, the property does not conform with the provisions hereof, then the Seller shall use reasonable efforts to remove any defects in title or to deliver possession as provided herein or to make the property conform to the provisions hereof, as the case may be. Time for performance hereunder shall be extended for a period of ninety (90) days, which said time may be extended by mutual agreement of these parties if necessary, in order to cure any nonconforming condition or defect. Nothing herein shall preclude the Buyer from electing at either the original term or within any extended time for performance, from accepting such title as the Seller can deliver the property in its then condition.

5. Casualty Loss or Taking. If there is a loss or total taking due to a property condemnation on eminent domain proceeding, or if the property shall have been damaged by fire or other casualty, then the Buyer shall have the right, at the Buyer's election, to terminate this Agreement by written notice to the Seller in which event the deposit, together with all interest thereon, shall be refunded to the Buyer and all further rights and obligations of the parties under this Agreement shall terminate. If the Buyer does not elect to terminate this Agreement due to a casualty loss or taking, or if the damage can be repaired or restored in an amount not equal to the damage amount, the Buyer shall have the option of closing with full payment of the purchase price with the Seller assigning to the Buyer insurance proceeds or eminent domain or condemnation awards as the case may be.

6. Insurance. Until delivery of the Deed, the Seller shall maintain the property as presently insured.

7. Hazardous Waste. The Seller hereby represents and warranties to the Buyer the absence of any hazardous substance as that term is defined under applicable State and Federal Law and that the property is free from any such substances.

8. Brokers Fees. No broker has been involved in this transaction and, therefore, no broker's fees are due, payable or owing.
9. Taxes. The premises currently are utilized as a public way owned by the City. As such, no taxes have been assessed and no tax proration is contemplated.
10. Possession and Condition of the Premises. Possession of the premises shall be turned over to the Buyer at the time of closing. The property shall be then in the same condition as it is now, reasonable wear and tear excepted. The Buyer shall be entitled to inspection of the property prior to the delivery of the Deed in order to determine whether the condition thereof complies with the terms of this Paragraph.
11. Access to the Premises. Prior to the date of closing, the Buyer shall have access to the premises at reasonable and appropriate times.
12. Contingencies. This sale shall be subject to the following contingencies:
  - A. The retaining wall on the property shall continue to be maintained, kept in good repair, and structurally sound, and in a sightly manner and this shall be solely the Buyer's responsibility going forward.
  - B. This Buyer has proposed for development adjacent property that it owns or will be acquiring. The project has already been subject to Site Plan Approval and will need Contract Zoning. The premises being conveyed under this Purchase and Sale Agreement shall be subject to all of the terms, conditions, and restrictions of Planning Board approvals and Council approvals, to the extent that they shall apply to the subject premises.
  - C. The sale of this property is contingent upon the acquisition, by the Buyer, of adjacent property designated as 137 Leeman Highway.
13. Liquidated Damages. If the Buyer fails to perform any of the terms, covenants or conditions contained herein, then the amount of the deposit shall constitute liquidated damages and shall be retained by the Seller as the sole damages for breach of this Agreement by the Buyer. The parties recognize that it is difficult to estimate the loss suffered by Seller, so the liquidated damages amount is established as a good faith effort to predict that loss.

14. Survivorship. It is understood by and between the parties hereto that the provisions of this Agreement shall survive the consummation of this transaction to the extent necessary to insure compliance therewith.

15. Notices. Notices to the Seller, if required hereunder, are to be given by regular mail addressed to the Seller, City of Bath, Attention: Marc Meyers, Assistant City Manager, Bath City Hall, 55 Front Street, Bath, ME, 04530. Notices to the Buyer is to be given by regular mail addressed to the Buyer, Integrity Holdings, LLC, Attention: Michael Pelletier, 21 Red Fox Lane, Barrington, NH, 03825.

16. Binding Effect. This Agreement is intended to be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the CITY OF BATH, Seller, and INTEGRITY HOLDINGS, LLC, Buyer, have hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED, SEALED AND DELIVERED  
IN PRESENCE OF

CITY OF BATH

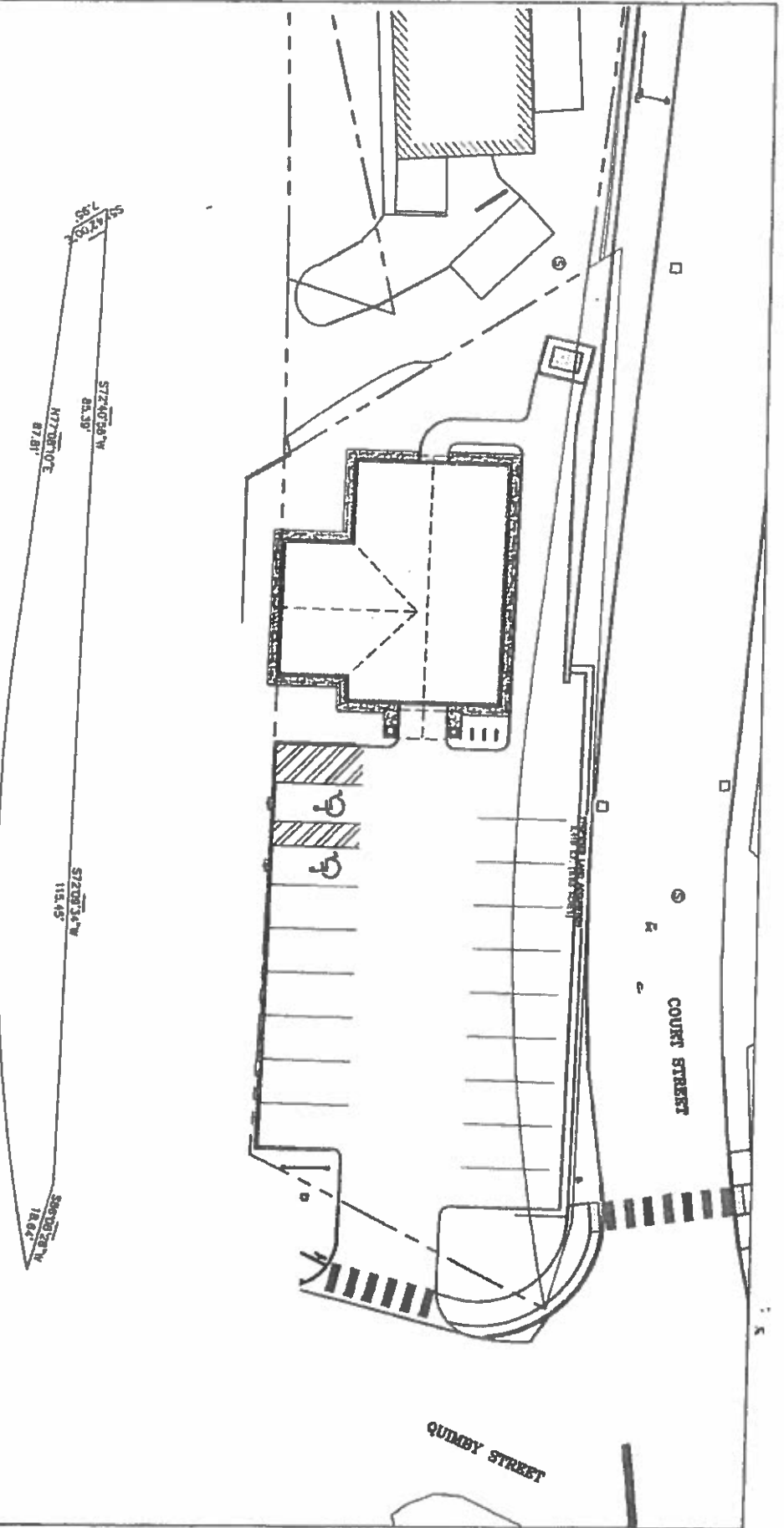
\_\_\_\_\_  
By: Peter H. Owen  
Its: City Manager  
EIN#

INTEGRITY HOLDINGS, LLC

\_\_\_\_\_  
By: Michael Pelletier  
Its: Registered Agent  
EIN#



BEGINNING AT A POINT INTERSECTING THE NORTH END OF THE QUIMBY STREET RIGHT OF WAY AND THE SOUTHERN RIGHT OF WAY OF COURT STREET. THENCE, SOUTH 86°08'28" WEST 18.64', THENCE SOUTH 72°09'34" WEST 115.45', THENCE, SOUTH 72°40'56" WEST 85.39', THENCE SOUTH 51°42'00" 7.95' EAST TO THE COURT STREET RIGHT OF WAY, THENCE ALONG THE COURT STREET RIGHT OF WAY APPROXIMATELY 215' BACK TO THE BEGINNING.



L=177.85  
R=106.87

**PROPOSED LAND ACQUISITION**  
137 LEEAMAN HIGHWAY  
BATH, MAINE

**FIGURE 1**

**Pine Tree  
Engineering**

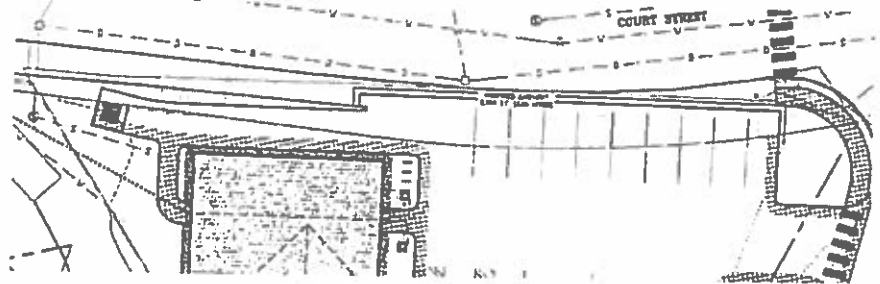
## Property Description

### SITE

**Information Sources:** Site Plan

**Total Site Size:** 2,368 square foot

**Site Shape:** Elongated Strip



**Road Frontage/Access:** 225' +/- Court Street

**Site Topography:** Varied, but mostly sloping down to Court Street

**Utilities:** Public utilities are available.

**Flood Zone:** The subject is located in an area mapped by the Federal Emergency Management Agency (FEMA). The subject is not located in flood hazard zone.

FEMA Map Number: 230118 0004 B

FEMA Map Date: January 17, 1986

FEMA Zone Classification: C

#### Easements/

**Encroachments:** No deed but likely encroachment issues to be addressed upon transfer.

**Zoning:** C4

**Site Comments:** The subject is an elongated strip of land located within the Court Street right of way. Grade variation between the road and the adjacent parcel to the south is extreme in some sections.

***Aerial with Survey Overlay (Image dated 9/27/2014)***





## 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 2: DEFINITIONS

#### SECTION 2.02. DEFINITIONS.

Amend as follows:

**Bed and Breakfast.** A dwelling ~~occupied by the owner as his/her principal place of residence~~ that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having less than 10 sleeping rooms; and in which some bath, sitting, and dining rooms are used in common by such guests. All dining facilities are limited to use by overnight guests of that particular establishment. The dwelling must be occupied by the owner or resident manager as his/her principal place of residence. For purposes of this definition, principal place of residence means that the owner or manager of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted. All of the bed and breakfast activities and the residence of the owner/manager must be in the same building and may only be in 1 building.

Additions are shown as underlined text and deletions with a strike-through.



## City of Bath

55 Front Street  
Bath, Maine 04530

Dept: 207/443-8363  
Fax: 207/443-8389



**Planning &  
Development**

# MEMORANDUM

**TO:** Mari Eosco, Chair  
City Councilors

**FROM:** Ben Averill, City Planner

**DATE:** July 26, 2018

**RE:** Request for land use code amendment

### Background

The Planning Department has received a request for an amendment to the text of the Land Use Code (LUC) to amend the definition of a Bed and Breakfast (Article 2.02, Page 3). The request is for an amendment to the text of the LUC to change the definition of a Bed and Breakfast to allow a manager or owner to reside on the premises. This amendment would allow the owner or a live-in manager to occupy the dwelling as their principle place of residence and to oversee all business activities of the bed and breakfast. Please see the current definition of Bed and Breakfast below as well as the amended ordinance in the attached document:

**Bed and Breakfast.** A dwelling occupied by the owner as his/her principal place of residence that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having less than 10 sleeping rooms; and in which some bath, sitting, and dining rooms are used in common by such guests. All dining facilities are limited to use by overnight guests of that particular establishment. For purposes of this definition, principal place of residence means that the owner of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted. All of the bed and breakfast activities and the residence of the owner must be in the same building and may only be in 1 building.

During the July 10, 2018 Planning Board meeting it was determined that the request to amend Article 2.02 of the LUC conformed to the Comprehensive Plan and met all applicable ordinance requirements. The Planning Board voted 4-2 to recommend approval of the land use code text amendment to change the definition of a bed and breakfast.

### Council Action

If the Council determines that the land use code text amendment has merit the council can vote to approve the change to Article 2.02. If the Council determines that the application lacks merit action on the application will cease.





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## 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:

Amend Article 16, by adding Section 16.25, as follows:

### SECTION 16.25 8 STATE ROAD DISTRICT

#### District Designation

The property designated for contract rezoning is the property located on State Road, being identified as Lot 65, on City of Bath Tax Map 31 dated April 1, 2016.

#### Findings

The property is located in the Route 1 Commercial Contract Zone (C-4) Zoning District. The City Council makes the following additional findings:

1. Contract Rezoning is allowed in the Route 1 Commercial Contract Zone.
2. The project consists of two buildings along the 1.1 acre parcel. The two proposed structures are 3,113 square feet and respectively and will consist of a 1,674 square foot laundromat, an 3,402 square foot exercise center, and a 3,162 square foot brewery and tasting room.
3. Without the creation of a contract zone, the minimum yard area is 20 feet from the side, front, and rear of the parcel. The parking lot is proposed to be constructed in the yard area, necessitating contract zoning.
4. Contract rezoning is allowed on the parcel per section 8.10 (D) of the Land Use Code.
5. The project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph D, 1.
6. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning. For the Contract Rezoning the applicant will:
  - Work to meet the City's goal of increased pedestrian access to services by installing a sidewalk along the property to connect with future expected development.
  - In addition to applicable zoning requirements the applicant will incorporate additional lighting along the front of the property to enhance the site.
  - Install a catch basin and related improvements to assist in stormwater management both on and offsite.
  - Improve the appearance of the State Road gateway with enhanced lighting and landscaping.



### **Zoning Provision Affected**

This contract zoning amendment is intended to relax the minimum setback and yard area requirements pursuant to Section 8.10 of the Land Use Code, by allowing the construction of the structures and other site improvements depicted on the Site Plan approved, with conditions, by the Bath Planning Board on July 10, 2018.

### **Conditions of Approval**

This Contract Rezoning Ordinance requires full and complete compliance with all conditions of approval, which are part of the Site Plan approval, granted to Mark Sewall, by the Bath Planning Board on July 10, 2018, including the following conditions:

- The applicant submit to the City Planner applicable DEP permitting as well as spec sheets for lighting.



# City of Bath

55 Front Street  
Bath, Maine 04530

Dept: 207/443-8363  
Fax: 207/443-8389



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## MEMORANDUM

**Planning &  
Development**

**TO:** Mari Eosco, Chair  
City Councilors

**FROM:** Ben Averill, City Planner

**DATE:** July 26, 2018

**RE:** Request for Contract  
Rezoning at 8 State Road

---

### Background

Pine Tree Engineering, on behalf of Mark Sewell submitted requests for Contract Rezoning and site plan amendment on the parcel located at 8 State Road (Map 31, Lot 65).

The proposed project would construct two buildings along the 1.1 acre parcel. The two proposed structures are 3,113 square feet and respectively and will consist of a 1,674 square foot laundromat, an 3,402 square foot exercise center, and a 3,162 square foot brewery and tasting room. The project is located in the C4 zoning district. The applicant is seeking waivers to landscaping and parking requirements. The project necessitates Contract Zoning in order to meet the yard area and setback requirements to allow for the placement of the parking area and landscaping.

The project received Site Plan approval at the Planning Board meeting held on July 10, 2018 with the following conditions:

- The applicant submit to the City Planner applicable DEP permitting as well as spec sheets for lighting.

Additionally the Planning Board recommended review and approval of the Contract Zoning application for 8 State Road by the City Council at the Planning Board meeting held on July 10, 2018. The conditions of approval for Contract Zoning recommended at the July 10, 2018 Planning Board meeting include:

- Work to meet the City's goal of increased pedestrian access to services by installing a sidewalk along the property to connect with future expected development
- In addition to applicable zoning requirements the applicant will incorporate additional lighting along the front of the property to enhance the site

- Install a catch basin and related improvements to assist in stormwater management both on and offsite
- Improve the appearance of the State Road gateway with enhanced lighting and landscaping

**Council Action**

If the Council determines that the Contract Rezoning request has merit the council can vote to approve the request and the subsequent amendment to Article 16 (16.25) of the Land Use Code. If the Council determines that the application lacks merit action on the application will cease.

[illegible]





**ORDINANCE**  
**EXTENDING MORATORIUM**  
**PROHIBITING THE LOCATION AND OPERATION OF RETAIL MARIJUANA**  
**ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS**

The City Council of the City of Bath, Maine hereby ordains as follows:

**1. Authority**

An initial Moratorium Ordinance was adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of 30-A M.R.S Section 301 (Home Rule), 30-A M.R.S Section 3001 (Ordinance Power), and 30-A M.R.S Section 4356 (Moratoria), effective February 14, 2018. This Moratorium Extension is specifically provided under 30-A M.R.S. Section 4356(2).

**2. Purpose**

The continuing purpose of this Moratorium Ordinance and Extension is to temporarily prohibit the location, operation, licensing or permitting of any retail marijuana establishment or retail marijuana social club, as those terms were originally defined under the Marijuana Legalization Act ("Act"), 7 M.R.S. Section 2441 (specifically Section 2442), *et seq.* The term retail marijuana establishment originally included retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana stores, and retail marijuana testing facilities. This terminology has been redefined in the recently adopted Legislation under LD1719. It now applies to adult use marijuana and adult use marijuana products as those terms are defined in Section 102(1)(2) of the Act and to marijuana establishments as defined in Section 102(29) of the Act which "...means a cultivation facility, a products manufacturing facility, a testing facility, a marijuana store or a marijuana social club licensed under this chapter."

**3. Statement of Necessity to Continue Moratorium**

As set forth in Section 3 of the original Moratorium Ordinance, entitled "Statement of Necessity," Municipalities are authorized to enact Moratoria under the provisions of 30-A M.R.S. Section 4356(1)(a) and (b). The Statement recognized then new Legislation regarding marijuana and allowed local Ordinances and Regulations that were permitted under the Legislation. These provisions have been recodified as Title 28-B, Subchapter 4, Section 401 et. seq., by LD1719 as adopted by the 128<sup>th</sup> Maine State Legislature.

This current Legislation permits municipalities initially is required to vote to authorize some or all of the marijuana establishments that might be licensed by the municipality. The municipality has the authority if opting in to regulate marijuana establishments, to enact land use regulations, to allow operations generally, or to limit operations of marijuana establishments and to establish licensing requirements consistent with current Legislative provisions and rules.

The recently adopted LD1719, a comprehensive revision of previous Legislation, which mandates that each department submit major substantive rules pursuant to the Act to the Legislature for review pursuant to the Maine Administrative Procedure Act on or before December 1, 2018. The necessity remains for the City of Bath to have an opportunity to adopt

comprehensive Ordinance and Regulations, should it choose to do so, governing retail marijuana and retail marijuana products.

The City has been unable to consider, during the current Moratorium Period, appropriate Ordinances, Regulation and Policies due to the uncertainty of the Legislation now adopted by the Legislature and the fact that the regulations adopted pursuant to the new Legislation will not be submitted to the Legislature until December 1, 2018. The City has continued to participate in various informational meetings with regard to the status of marijuana Legislation over the course of the previous Moratorium, in order to prevent public harm, continues to not be in a position to develop and consider laws, ordinances, plans or regulations addressing the Moratorium issue.

Therefore, in accordance with 30-A M.R.S. Section 4356(1)(a) and (b), and for the reasons stated above, the City Council of the City of Bath finds that a continuing moratorium on retail marijuana establishments is necessary and warranted and in the City's best interest in considering and adopting appropriate ordinances, policies and resolutions.

#### **4. Conflict With Other Ordinances**

The provisions of this Moratorium Extension Ordinance supersede any conflicting provisions of the Ordinances of the City of Bath.

#### **5. Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs**

During the time that this Moratorium Ordinance is in effect, no approval for retail marijuana establishments as that term is now defined, including but not limited to, site plan or subdivision approval, building permit, certificate of occupancy, or any other licenses or permits shall be issued for any such use on any property within the City of Bath. This shall apply to the requirement of municipal approval under 7 M.R.S. Section 2449(2) (now 28-B, Subchapter 4, Section 401 et. seq.)

#### **6. Effective Date and Duration**

This Moratorium Ordinance will become effective on August 13, 2018, assuming final approval after public hearing and second passage, as required under the provisions of Section 221 of the Charter of the City of Bath. The Moratorium Extension shall remain in effect for a period of one hundred and eighty (180) days from August 13, 2018 (February 9, 2019), after which it shall be repealed, unless extended in accordance with Section 8 below.

#### **7. Exclusion**

This Moratorium shall not apply to a registered medical marijuana dispensary licensed pursuant to Title 22, Chapter 558-C, Section 2428 *et. seq.*, the Maine Medical Use of Marijuana Act and as augmented by Maine Medical Use of Marijuana Program Rule, 10-144 Code of Maine Rules, Chapter 122.

#### **8. Extension**

Where the circumstances giving rise to the need for this Moratorium continue to exist and have not been fully resolved, this Moratorium may be extended by vote of the City Council for additional one hundred and eighty (180) day periods after appropriate notice and hearing and in accordance with the provisions of 30-A M.R.S. Section 4356(3) and Section 221 of the Charter of the City of Bath.

## **9. Separability**

If any section, subsection, or provision of this Ordinance is declared to be invalid for any reason by any competent court, such a decision shall not affect the validity of any other section, subsection, or provision of this Ordinance.

## **10. Violation**

Any violation of the terms of this Moratorium Ordinance shall be subject to the enforcement penalties under 30-A M.R.S.A. Section 4452. The violator shall be subject to the civil penalties contained therein and the City shall have the specific authority to obtain injunctive relief to prevent the licensing, location, establishment or operation of any recreational use facility within the City of Bath. This provision shall be in addition to, and not in lieu of, any other violation provisions or penalty provisions of applicable City Ordinances or State Law.



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## 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

Commercial Street                      North and West Sides:

Change captions to read: Commercial Street                      North, West and South Sides:

Commercial Street                      West Side:

Delete the following:

"From a point 82 feet south of Summer Street running north 55 feet, 30 minute Parking. From a point 27 feet south of Summer Street to Summer Street, No Parking. From the North Side of Summer Street running 186 feet, No Parking. From a point 186 feet North of Summer Street to a point 319 feet North of Summer Street, 4 hour Parking. From a point 319 feet North of Summer Street to Front Street, No Parking."

Replace with the following:

"From a point 82 feet South of the South side of Summer Street and running North 55 feet, 30 minute parking. From a point 27 feet South of the South side of Summer Street and running northerly along the West side of Commercial Street to the North side of the South entrance to the Hotel Property, No Parking; thence running from the North side of the South entrance of the Hotel Property and running northerly along the westerly side of Commercial Street to a point which is 140 feet from Front Street, 4 hour parking; thence running northerly and westerly along Commercial Street a distance of 140 feet to Front Street, no parking."

Commercial Street                      South and East Sides:

Change captions to read: Commercial Street                      South, East and North Sides:

Delete the following:

“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 15<sup>th</sup> to March 15<sup>th</sup> 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 to Front Street, No Parking.”

Replace with the following:

“From a point 303 feet North from the South side of the Sagadahoc Bridge to a point 170 feet North and across from 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 15<sup>th</sup> to March 15<sup>th</sup> of each year, and at all other times shall be designated as a 2 Hour Parking area. From a point 170 feet North and across from the northerly side of Summer Street and running 390 feet along the easterly side of Commercial Street to a point 186 feet northerly and westerly from Front Street, 4 hour Parking; thence running 186 feet along Commercial Street northerly and westerly to Front Street, No Parking.”

F12



**CITY OF BATH  
POLICE DEPARTMENT**


**MICHAEL W. FIELD**  
CHIEF of POLICE

250 Water Street

Bath, Maine 04530

(207) 443-5563

**Memorandum**

**To:** Members of the City Council  
**From:** Michael Field, Chief of Police   
**Ref:** Parking Ordinances Commercial St. and Summer St.  
**Date:** July 26<sup>th</sup>, 2018

I was approached by a local business owner that asked about the possibility of adding parking on the east side of Commercial St. north of the Kennebec Tavern. I brought this request to the June 2018 Transportation Committee. The Committee asked us to review and present the ordinance change at the July Transportation Committee meeting.

A proposal to add parking to the north side of Summer St. between Front and Commercial Sts. was also presented. The Department will report back on this also at the July meeting.

On July 25<sup>th</sup>, the Transportation Committee approved the above parking ordinance proposals. All the proposed parking above will be four (4) hour parking areas. It will add approximately 25 new parking spots.

If you have any questions, please contact me.





F12





**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**

Summer Street                      North Side:

Delete the following:

“From Commercial Street to Front Street, No Parking.”

Replace with the following:

“From Commercial Street to Front Street, 4 Hour Parking.”

