

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

Wednesday, April 4, 2018 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino and Madame Chair Eosco

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

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

Debora Keller Director of the Bath Housing Authority gave a presentation. Ms. Keller gave an overview of Bath Housing Authority, new laws governing the relationship between Housing Authorities and their municipalities shared some highlights of 2017 Bath Housing Authority Annual Report and the opportunities to get more Block Grants with the partnership of the City of Bath.

Ms. Keller handed out a pamphlet highlighting the programs and opportunities Bath Housing Authority has to offer.

C. Public Hearing: 6:18 PM

1) Ordinance: LUC Amendment to Article 9, Section 6.1.3 “Special Purpose School” (second passage)

Councilor Paulhus made a motion to waive the reading of the Ordinance. Councilor Bailey seconded the motion.

ORDINANCE

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

Amend Article 9--Uses, Section 6.1.3, as follows:

ZONING DISTRICTS																				
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	
5.0 Painting or Cleaning of Goods, Merchandise, or Equipment																				
5.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	N	N	S	S	N	N	S	N	N	N	N	N	N	N	
5.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	
6.0 Educational, and Cultural Use																				
6.1 Schools																				
6.1.1 Public or private elementary or secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S	
6.1.2 Public or private post-secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S	
6.1.3 Special-purpose schools	N	N	N	N	N	S	S	S	S	S	N	S	N	N	S	N	N	N	S	
6.1.4 Special education schools	N	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S	
6.2 Libraries and museums, including associated educational and instructional activities	S	N	N	N	N	S	S	N	N	S	N	S	N	S	S	N	N	N	S	
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	

City Planner Benjamin Averill stated this change would allow for Special Schools to be allowed in the Neighborhood Commercial Zone. He gave the details of the Ordinance concerning Special Purpose Zones.

Madame Chair Eosco opened the Public Hearing. Seeing no comments, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino

NAYS: None

Ordinance passed unanimously. 8-0

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

D. Consent Agenda 6:21 PM

***2) Minutes of the previous Council Meeting of March 7, 2018. (Motion to Accept as Presented)**

Councilor Wyman made a motion to accept the Consent Agenda. Councilor Bauer seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address The City Council 6:22 PM

No one spoke.

F. Ordinances, Orders and Resolutions 6:22 PM

3) Ordinance: Chapter 8. Fire Prevention, Article 2. Life Safety and Fire Prevention Codes, Sec. 8-102 and Sec. 8-103. (first passage)

Madame Chair Eosco read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 8. FIRE PREVENTION
Article 2. Life Safety and Fire Prevention Codes

Delete current Sec. 8-102, Standards – Life safety code and outdoor wood boilers.

Replace with new Sec. 8-102, Standards – Life safety code, as follows:

Sec. 8-102. Standards – Life safety code.

- (a) This article incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition, as amended by the State of Maine to avoid conflict with the *Maine Uniform Building and Energy Code* and to make the provisions specific to Maine, as set forth in the Rules of the State Fire Marshal, Chapter 20, Fire Safety in Buildings and Structures.

Sec. 8-103. Fire Prevention Code.

Add at the end of Sec. 8-103, Fire Prevention Code, the following:

In addition, this article incorporates by reference National Fire Protection Association (NFPA) #1, *Uniform Fire Code*, 2006 edition, as amended by the State of Maine, as set forth in the Rules of the State Fire Marshal, Chapter 3, Fire Prevention Code.

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

City Planner Benjamin Averill stated this will allow us to adopt NFPA 101 Fire Code which will bring us up to the State standards and match their Fire Code.

ROLL CALL VOTE on Ordinance:

YEAS: Ambrosino, Park Bauer, Comeau, Wyman, Nordmann, Paulhus, Bailey

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco set second passage for May 2, 2018 at 6:01PM.

4) Approval: Request Application to go to Planning Board regarding amendment to text of the LUC to change the definition of a Bed and Breakfast to allow a manager or owner to reside at the premises.

OFFICE USE ONLY
Check for \$275.00 ☒
Project Number: 18-11

**CITY OF BATH
PLANNING DEPARTMENT
(207) 443-8363
APPLICATION FOR LAND USE CODE AMENDMENT**

RECEIVED
MAR 28 2018
CITY OF BATH, MAINE

To: The City Council and the Planning Board of Bath, Maine
Date: March 28, 2018
Name: Elizabeth Knowlton Telephone #: 207.443.4294
Address: 969 Washington St, Bath

This is a request for an amendment of the text of the Land Use Code of the City of Bath, Maine.

Please describe in detail the proposed addition or deletion and refer specifically to the relevant code article, section and paragraph.

Article 2, page 3 - Definition of Bed & Breakfast
changing to include owner or manager in the
event that an owner would like a live in manager
for their Bed and Breakfast -
see attached

Signature: Elizabeth Knowlton

Return form to Planning Dept. - City Hall - Bath, Maine

Within 35 days of receipt of a completed application for a Land Use Code text amendment by the Planning Director, the application will be placed on the agenda of a City Council meeting. The City Council will review the request to determine if it has merit and whether it should be referred to the Planning Board. If the City Council determines by vote that the application has merit, it will be referred to the Planning Board for public hearing. Applications referred to the Planning Board by the City Council will be processed substantially according to Items D through F, following. If the City Council votes that the application lacks merit, it will not be referred to the Planning Board and action on the application will cease.

Q:\My Documents\Forms\Planning\Applications\App for Code text amend 080305.doc

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

City Planner Benjamin Averill explained this action is to see if Council wants to send this application for change to go on to the Planning Board for processing and then, if recommended by the Planning Board, it would come back to the Council for the final passage process.

Elizabeth Knowlton, owner of The Inn at Bath, spoke saying she is in the process of selling the Inn and someone that was looking at buying it asked if it was possible to buy and have a family member run it. As the Ordinance is now that couldn't happen so that is why she was asking for this change.

VOTE on Item:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

G. Petitions & Communications 6:35 PM

Madame Chair Eosco reminded everyone that on April 17th there would be a Public Hearing at 6PM in the Auditorium at City Hall to look at an application to be submitted to the State for a Housing Assistance Grant in corporation with the Bath Housing Authority.

H. City Manager's Report 6:35 PM

He congratulated Ashley Moody, the first female within the Fire Department to be promoted, to Captain.

Mr. Owen also recognized John Dietlin, of the Bath Police Department, who was named Officer of the Year and Devin Hook, also of the Bath Police Department, on becoming Employee of the Year.

Next Mr. Owen gave an update on the Richardson Street and Western Avenue traffic situation. He stated that a newly hired traffic consultant had come up with some options for traffic calming for the area. These options were presented to the public in a public hearing and to the Transportation Committee back in March. Mr. Owen said that the Transportation Committee would be coming to Council in April with what options that should be implemented this summer and in the fall will get feedback from the public on their thoughts regarding these options.

I. Committee Reports 6:40 PM

Councilor Bailey went to the all day session of the Sagadahoc County Budget Advisory Committee Review. She stated that folks were working hard to keep increases very low for county costs and was impressed with the measures taken over the long term. Next she reported the Transportation Committee met regarding Richardson Street and Western Avenue. There will be a chance for temporary testing of the options and the opportunity for feedback. She stated, the traffic study for Webber Avenue, Lamont and Washington Streets will continue to move forward, looking into volume and speed and the Bath Police Department will deploy a speed sensor this summer.

Councilor Bailey, also, attended the Age Friendly Livability Committee Workshop. They had a sub-group meeting of a steering committee. The attendees are starting to move into working groups. Councilor Bailey will work with the group dealing with assessment and structure.

Councilor Bauer spoke on behalf of the Solid Waste and Recycling Committee. She has 3,500 Bath shopping bags to give out. Councilor Bauer will be at Brackett's Market on April 19th from 4:00 p.m. to 6:00 p.m. and at Shaw's on April 22nd from 9:00 a.m. to 11:00 a.m. handing out the shopping bags. She has travelled to area businesses to be sure that they are aware of the new ordinance change. She, also, handed out 100 cash register signs so businesses can notify their

customers of the change. Councilor Paulhus questioned whether any reusable bags may be used. Councilor Bauer reiterated that, yes, any reusable bag will suffice and that the Bath bags were created to ease the transition.

Councilor Bauer reported on the Patten Free Library Board. She wanted to remind folks that on April 26th Maine Maritime Museum will have their annual dinner which is their biggest fund raiser of the year. There will be music, wonderful food and lots of conversation about books.

Councilor Park spoke on behalf of the Facilities Committee. He toured several buildings surrounding Bath. He said that this would be an ongoing event to learn more about the buildings in the City. Councilor Park wanted to remind people that the entire McMann complex report is, now, online for those who would like to see what has been proposed for that complex.

Councilor Park, also, spoke on behalf of the Forestry Committee stating Butler Head is open and usable. Thanks to a \$15,000 grant from Merry meeting Bay Trust which still will not complete all of the work that needs to be done.

Councilor Paulhus made a brief mention about the transportation issue on Richardson Street. He wanted to be clear that just because they were not discussing it at this meeting, it doesn't mean staff and councilors are not working on it. Now that good weather is almost here, he'll get out and speak with the neighbors for more feedback.

Madam Chair reported on the "Downtown Tomorrow" event collaboration between Maine Street Bath and the City. There was a Public forum in March. Since then, 160 people have come to talk about it. This process is still continuing. Craig Freshley is the contracted facilitator. He met with businesses and non-profits. Craig has held individual phone interviews. It has given people a chance to talk about what they're thinking for the City's future.

Council Nordmann spoke on the Winnegance River Herring Commission. There is still a discussion going on regarding the various locations of River Herring fishing in Bath, West Bath and Phippsburg. There was some progression of discussion for a gravity drain to reduce salinity. Councilor Nordmann stated that River Herring would be happier with less salinity and this would result in better production. They will be moving forward at some point with a plan.

J. Unfinished Business 6:58 PM

There was no unfinished business.

K. New Business 6:58 PM

5) Appointment of Karen Ray and Judy Martin to the Bath Housing Authority Board of Directors – Residence Representatives for a term commitment of 5 years.

Councilor Comeau nominated Karen Ray and Judy Martin to these positions. Councilor Wyman motioned and Councilor Paulhus seconded the motion to accept the nominations. All were in favor of the appointments.

L. Councilor Announcements 7:00 PM

Councilor Wyman started off with a public thank you to the Council, Staff and all for the support he and his wife have received during his absence.

Council Chambers erupted into applause in support of Councilor Wyman's return.

Councilor Paulhus made mention of the William King proclamation; he also gave an update regarding LD 1828 Bond Fix, which had passed the Senate and was now on to the Governor for signing within ten days. Councilor Paulhus also reminded all of the Council Budget Workshop Meetings, April 23-25. On a final note he stated April 4th was the 50th anniversary of Martin Luther King Junior's passing and that we may wish to reflect on his teachings.

The meeting adjourned at 7:02 PM with a motion by Councilor Wyman, seconded by Councilor Comeau. 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. You can also view them on BVTV14Video On Demand.com for up to a year.