

**REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
Wednesday, August 1, 2018 6:00 PM  
City Council Chambers, Bath City Hall**

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

Excused: Councilor Park (in Japan – representing City of Bath)

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.

Madame Chair announced that agenda would have to be amended to add an Executive Session for a Real Estate Matter per 1 MRSA s/s 405 (6)C - Butler Head Property.

***Proclamation recognizing “Kindness Day” to be held on August 18, 2018.***

Madame Chair Eosco read the following Proclamation:

**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.

Jennifer McDorr, Coordinator, spoke in recognition of “Kindness Day”. She stated this is their 5<sup>th</sup> anniversary and on August 18<sup>th</sup> the community will be coming together on Front Street to share kindness.

**C. Public Hearings: 6:09 PM**

**1) Ordinance: Chapter 8. Building and Electrical Codes, Add a new Article 9, Vacant Buildings Standards (second passage)**

Councilor Ambrosino made a motion to waive the reading which was seconded by Councilor Bauer. All were in favor of the waiving motion.

**ORDINANCE**

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

**CHAPTER 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 effect 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.

Codes Officer Scott Davis stated that the Vacant Building Ordinance will allow the Bath Codes Office and emergency personnel to gain access for any hazards that the City should know about. There will be a registry for property owners' contact information, should contacting owners be necessary. He said there will be notices placed at the doors of buildings that are in question to warn emergency personnel of potential hazards in the building. Mr. Davis reported that he has a list of properties that are in need of attention for public viewing. The City's ordinance states the penalties and the State assesses the fines. Mr. Davis stated that he secures any questionable buildings and any costs are recovered after they prevail in court.

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

Madame Chair opened the public hearing.

Peter Kelley of 104 Winship Street and spoke regarding a property he owns at 1264 Washington Street that is vacant. Mr. Kelley stated that he had concerns regarding the new Ordinance being too restrictive for his repair plans. He said he would be repairing the property with plans to move in himself but would not be able to do all the work in 30 days.

Nancy Nellis of 985 High Street spoke regarding the vacant buildings in her neighborhood and that she and her neighbors extended gratitude to Council and Staff on their work regarding this Ordinance

Ann White of 3West Milan Street spoke regarding the abandoned buildings in her neighborhood and expressed concern that the Ordinance didn't go far enough in making sure these issues are taken care of. She asked how the fines would be assessed and was told it would be on a daily basis.

Pamela Murray of 5 Page Street spoke regarding a neighboring property, asking if this Ordinance will be able to protect her property from issues caused by the other property.

Judy Barrington of 46 Rocky Ridge Road and representing Sagadahoc Preservation Inc. stated SPI was concerned that the vacant houses that have architectural significance would not be protected soon enough by this Ordinance before they became too rundown to be saved. She urged the Council to pass this Ordinance.

Kay Cavanaugh of 977 High Street thanked the Council and Staff for their efforts and hard work in put this Ordinance together.

Seeing no further comment from the public, Madame Chair Eosco closed the Public Hearing.

City Manager Peter Owen explained this Ordinance came about due to people reporting problems with vacant properties throughout the City. After much research and hard work, this Ordinance was produced with the idea not to be too heavy handed but to be able to keep these problem properties up to some normal appearance.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

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

**2) Ordinance: Chapter 13. Refuse, Amendments to Section 13-1 Definitions and Section 13-42. Mandatory curbside pickup established, (second passage)**

Councilor Wyman made a motion to waive the reading which was seconded by Councilor Ambrosino. All were in favor of the waiving motion.

**ORDINANCE**

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

**CHAPTER 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, 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.

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

Codes Officer Scott Davis stated that the curbside collection program is intended for one or two family houses, not for businesses or apartment buildings. This amendment is an effort to clarify the ordinance to read that the curbside collection program is in place for one or two family residences only.

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

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

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

**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)**

Madame Chair Eosco read a portion of the following Bond Ordinance:

**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

***Councilor Ambrosino motioned to waive the reading of the rest of the Ordinance. The motion was seconded by Councilor Comeau. All were in favor of the waiving motion.***

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.

Finance Director Juli Millett stated that the City will be refinancing loans. She explained that in the government finance world, refinancing is refunding. It's the concept of pay and higher cost bond with a lower cost bond. The City currently has two 2008 series bonds that the City will refund. Series C, Millett noted, is a balloon payment. The proper term is a bullet maturity or lump sum payment. The City is not in the position to pay the lump sum. The intent is to group the C series with the B series so that the City can get a lower interest rate and to refinance the remaining 10 years, originally approved for the bonds.

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

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

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



**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”**

Madame Chair Eosco read the following:

**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 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.

Finance Director Juli Millett explained that this was to make an amendment to the Wing Farm TIF agreement to make sure it is in compliance with State Statutes. She stated that the amendment would remove the property acquired by the RSU#1 for the development of the new high school and this would remove the City’s ability to use the TIF revenue to pay on debit service that was approved at the last election.

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

**D. Consent Agenda 6:49PM**

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

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

**E. Time Devoted to Residents to Address the City Council 6:50 PM**

No one spoke at this time.

**F. Orders, Ordinances, Orders and Resolutions 6:50 PM**

**6) Order: Amending the Wing Farm/Enterprise Municipal Development Tax Increment Financing Development Program**

Councilor Comeau made a motion to waive the reading which was seconded Ambrosino . All were in favor of the waiving motion.

**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.

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

Finance Director Juli Millet introduced Shana Muller, the City's TIF Counsel of the law firm of Bernstein Shur.

Shana Muller of the law firm of Bernstein Shur explained this proposal was to do some clean-up to the Wing Farm Development Program and District due to the City changing the use and future use of that portion of the Wing Farm area for the school. She stated that in order to maintain compliance with the Maine State Statutes governing TIF's we need to remove that and you already got plans in place to take care of the TIF revenue not being spent on the debt service that services that area.

She stated that the Wing Farm Development program will continue to exist. There will be a Wing Farm Track and a BIW Track which has always been the case. Ms. Muller said the BIW Track will remain the same and the only change will be the removal of the RSU #1 land from the Wing Farm portion.

Madame Chair opened the floor to public comments, seeing none she asked for a raise of hands vote.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**7) Accepting Gift of Early Model Fire Truck**

**Memorandum**

**To:** Members of the City Council

**From:** Lawrence Renaud, Fire Chief

**Ref:** Municipal Donation to the Fire Department

**Date:** 07/26/18

The State Laws 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

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

City Manager Peter Owen explained the has received the donation of a fire truck and State law stipulates that any kind of donation to a municipality must be accepted or rejected by the Council.

Fire Chief Lawrence Renaud explained the details of the item stating that due to staffing, maintenance and spacing limitations and the mutual aid pack with neighboring communities that have water tankers, he would not recommend the acceptance of this truck.

Councilor Paulhus motioned to decline the offer. The motion was seconded by Councilor Bauer.

**VOTE on motion to decline offer:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously. 7-0**

**8) Order: Approving Purchase and Sale Agreement and Sale of Property – Court Street Right-of-Way**

Madame Chair Eosco read the following Order:

**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.

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

Assistant City Manager Marc Meyers explained the details of this sale and the site referenced to.

**VOTE on Order:**

**YEAS: 7**

**NAYS: 0**

**Order passed unanimously. 7-0**

**9) Ordinance: Land Use Code Amendment, Article 2: Definitions, Section 2.02. Definitions. Bed and Breakfast (first passage)**

Madame Chair Eosco read the following Ordinance:

#### **ORDINANCE**

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

#### **ARTICLE 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.

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

City Planner Benjamin Averill explained the details and history of the Ordinance and how the Ordinance relates to other communities' laws. He stated that the Planning Board has passed this through their process and recommends its passage by Council. Mr. Averill stated that other municipalities have very similar Ordinances covering this issue.

Elizabeth Knowlton of the Inn at Bath at 969 Washington Street explained the reason she brought this issue forward was because she had times she had gone away leaving someone else in charge but realized that according to the present Ordinance that was illegal. She stated to make it easier for owners of Bed and Breakfasts to go on vacations or be away on emergency situations this amendment would make that possible.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

Madame Chair Eosco set the Public Hearing for September 5, 2018 at 6:01 PM.

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

Madame Chair Eosco read the following Ordinance:

**ORDINANCE**

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

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.

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

City Planner Benjamin Averill explained this amendment had gone through the Planning Board and they have sent it to Council with their support. He gave an overview of details of the site layout regarding the sidewalk, parking and building placement.

## ROLL CALL VOTE:

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

Madame Chair Eosco set the Public Hearing for September 5, 2018 at 6:02 PM.

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

Madame Chair Eosco read a portion of the following Ordinance:

**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.

*Councilor Bauer made a motion to waive the reading of the rest of the Ordinance. The Motion was seconded by Councilor Ambrosino. All were in favor of the waiving motion,*

#### **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.

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

City Solicitor Roger Therriault went over the details of the first passage of this moratorium and then gave an update on where the State is at this time with legislation process. He stated it was time for the City to decide whether to extend the moratorium again to February 2019 otherwise the moratorium would expire on the August 13<sup>th</sup> date. He urged Council to pass the extended moratorium due to the State still working on rules and regulations governing this issue.

Police Chief stated that Mr. Therriault had covered the present status points. He reported that the changes by the Legislature on Medical Marijuana retailers are not under the same rules as these retailers mentioned in the moratorium. Chief Field also urged Council to pass the moratorium until the State figured out the plan and then the City could follow their lead.

Councilor Paulhus asked if it would be possible for Council to be kept up to dated on what was happening with this issue in the future.

City Manager Peter Owen stated the staff would make sure that would happen.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

Madame Chair Eosco set the Public Hearing for September 5, 2018 at 6:03 PM.

**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)**

Madame Eosco read the following Ordinance:

**ORDINANCE**

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

**CHAPTER 17. VEHICLES AND TRAFFIC**

**Article 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.”

***Councilor Comeau made a motion to waive the reading of the rest of the Ordinance. The Motion was seconded by Councilor Bauer. All were in favor of the waiving motion,***

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.”

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

Police Chief Michael Field explained the history of the request for this change. He gave details regarding the location and Ordinance. Chief Field stated the Transportation Committee endorsed this Ordinance amendment.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

Madame Chair Eosco set the Public Hearing for September 5, 2018 at 6:04 PM.

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

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

Police Chief Michael Field stated the map and process was the same as in the previous Ordinance. He said this would make another 4 parking spaces available behind Brackett’s Market. Chief Field stated the Transportation Committee endorsed this Ordinance amendment also.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously 7-0**

Madame Chair Eosco set the Public Hearing for September 5, 2018 at 6:05 PM.

**G. Petitions & Communications 8:00 PM**

There were no comments.

**H. City Manager’s Report 8:00 PM**

City Manager Owen made a Shout Out to 2 Police Officers that received commendations for their lifesaving efforts in preventing 2 suicides on the Sagadahoc Bridge. He gave recognition to Sgt. Nathan Gould and Police Officer Nicholas Green.

He gave an update on the Richardson Street and Western Avenue Traffic Issues.

## **I. Committee Reports 8:02 PM**

Councilor Comeau reported that the Finance Committee met on the 26<sup>th</sup> of July. H. M. Payson and Company did an investment review and the City is still sound.

Councilor Bailey gave an update on the South End Traffic Study and the first public meeting will be on September 20<sup>th</sup>. There will be postcards sent out and a notice in the paper.

Councilor Ambrosino reported that the Bath Forestry Committee has its annual meeting coming up next Wednesday, August 8<sup>th</sup>. We are going over items to be reviewed. The Harvest Dinner will be coming up on September 22<sup>nd</sup>. There will be posters put up soon for this event and tickets are now available for purchase.

Councilor Nordmann reported that the Bath Housing Board of Directors met this month. A church group from the St. Paul UCC Church, Fleetwood, PA sent church members to do improvements at 842 Middle Street. They, also, did improvements at Dikes Landing. Councilor Nordmann encouraged people to check out their good work.

## **J. Unfinished Business 8:06 PM**

No Unfinished Business was taken up at this time.

## **K. New Business 8:06 PM**

No New Business was taken up at this time.

## **Councilor Announcements 8:06 PM**

Councilor Bauer announced that Head Start is accepting applications for children from 0 to 5 years old for preschool. Their goal is to get children ready for kindergarten. Councilor Bauer stated that it's a fantastic program and that she would be leaving fliers on the lower level of City Hall for anyone who wants to learn more about it.

Councilor Comeau made mention of the rabies crisis in Brunswick. He suggested that we all be aware of our surroundings when outdoors.

Councilor Bailey gave a "thank you" to Council for the letter of support concerning the AARP Age Friendly Network Initiative. The application has been sent off to AARP and they are interested in doing a presentation. She gave a reminder that the deadline for signing up for the Tax Club is August 15<sup>th</sup> for anyone that might want to make monthly payments on their taxes. She gave thanks to the Bath Police Department for setting up the solar signs in the Winnegance area stating it had really slowed people down in that area.

Councilor Nordmann announced that Maine Department of Transportation met on July 31<sup>st</sup> to discuss the topic of the Paul Davis Bridge repairs. He stated that Paul Davis was a World War II Veteran and the bridge was built in 1947. The Maine DOT estimates reconstruction will begin in 2020. Councilor Nordmann is hoping that once improvements to the bridge are complete, they can rededicate it to the memory of this Mr. Davis. He stated that a representative from BIW was at the meeting to offer information on their website as to how traffic will flow during the construction phase.

Council Paulhus announced for anyone in need of food, to go to the Head Start Building. The food is donated by the Merrymeeting Gleaners.

Madam Chair Eosco announced that “Set for Success” put on by the Midcoast Community Alliance and on August 19<sup>th</sup>, children from the Bath area will be able to get school supplies to prepare for the school year at the Bath Middle School. Madam Chair Eosco, also, reminded everyone that “Kindness Day” will be observed on August 18<sup>th</sup> and there will be a fund raiser for Main Street Bath, on August 11<sup>th</sup> with a “Mad Hatter’s Ball” at the Gazebo. Tickets are available online or at stores throughout the Bath area.

Madam Chair Eosco, also, wanted to remind the Council to make sure that they read newsworthy articles about the City of Bath. She mentioned Nathan Strout had an article in the Time’s Record, regarding a large portion of the downtown area being offered for sale for the first time in decades. Sagadahoc Real Estate Association will be, thoughtfully, selling buildings to stakeholders in the community. Madam Chair Eosco stated that it is important that the Council keeps current on what’s going on in the City.

Councilor Bauer made a motion to waive the rules to amend the agenda to add an Executive Session. Councilor Wyman seconded the motion. All were in favor of the waiving motion.

Councilor Bauer made a motion at 8:16 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C) - Butler Head. Councilor Comeau seconded the motion. All were in favor of the motion.

Councilor Comeau made a motion at 8:34 PM to come out of Executive Session. Councilor Bailey seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:35 PM with a motion by Councilor Bailey, seconded by Councilor Ambrosino. 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.*