

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, January 2, 2019 @ 6:00 p.m.
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

C. Appointment of City Clerk, pro tempore, per Bath City Charter, Sec. 220. City Clerk

D. Citizen of the Year Presentation for Darreby Ambler

E. Public Hearing:

- 1) Ordinance – Supplemental Appropriation for the 2008 Landfill Debt payment of \$194,000.00.
(second passage)
- 2) Ordinance – LUC Amendment, Article 16, by replacing Section 16.25 - 8 State Road District.
(second passage)

F. 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.)

*3) Minutes of the previous Council Organizational/Regular Meetings of December 5, 2018 and Items K7, K8 and K9. (Motion to Accept as Presented)

G. Time Devoted to Residents to Address the City Council

H. Ordinances, Resolutions and Orders

- 4) Order – Appointing Registrar of Voters with term ending December 2020
- 5) Approval of Federal Communications Letter

I. Petitions & Communications

J. City Manager's Report

K. Committee Reports

L. Unfinished Business

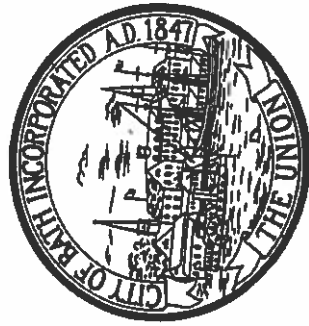
M. New Business

~ City of Bath, Maine ~

2018 CITIZEN OF THE YEAR

Darreby Ambler

With infectious positivity and boundless energy, Darreby Ambler is at the heart of Bath's spirit. Darreby is a supporter of the City's youth, helping two students for her 'Dream Team' generate Kindness Day, which has now become an annual event. Darreby also is a supporter of the Art Van and other local efforts to promote creative and spiritual growth. The City honors Darreby as the 2018 Citizen of the Year for her contagious cheerleading and goodwill to honor the good in Bath.



Oct. 6, 2018

MARIE OSKO, COUNCIL CHAIR

Oct. 6, 2018

PETER H. OWEN, P.E., CITY MANAGER

E1

ORDINANCE

SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council of the City of Bath desires to fund a debt payment for the 2008 Landfill Bond; and

WHEREAS, those funds were inadvertently left out of the current fiscal year Budget (2018/2019); and

WHEREAS, the payment is due in January; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, are available to fund the Bond payment and such funds constitute revenue in excess of those estimated in the Budget for the current fiscal year and are available for that purpose; and

WHEREAS, the sum to be appropriated by this Supplemental Appropriation totals One Hundred and Ninety-Four Thousand Dollars (\$194,000.00); and

WHEREAS, the City Manager has certified that there are available revenues for appropriation to at least the extent of One Hundred and Ninety-Four Thousand Dollars (\$194,000.00), pursuant to the requirements of Section 611 (A) of the Charter of the City of Bath; and

WHEREAS, this sum will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath.

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of One Hundred and Ninety-Four Thousand Dollars (\$194,000.00) be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account GF-2500) to the 2008 Landfill Bond Payment Account (Account 06-0667-707).

First Passage

CITY OF BATH MAINE
IN CITY COUNCIL
December 5, 2018

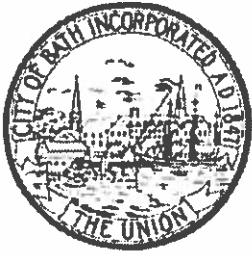
RECEIVED READ AND ACCEPT
 TABLED GRANTED PASSED FAILED
REFERRED TO _____
ATTEST *Mary A. White*
CITY CLERK

Second Passage

CITY OF BATH MAINE
IN CITY COUNCIL
January 2, 2019

RECEIVED READ AND ACCEPT
 TABLED GRANTED PASSED FAILED
REFERRED TO _____
ATTEST _____
CITY CLERK

E1



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

Linda McCourt, Staff Accountant

lmccourt@cityofbath.com

Susan Hunt, Payroll Supervisor

shunt@cityofbath.com

November 28, 2018

To: Bath City Council

From: Juli Millett, Finance Director

CC: Peter Owen, City Manager

Re: Supplemental appropriation – Landfill Debt

In your packet this month is a supplemental appropriation for THE 2008 Landfill Debt payment in the amount of \$194,000. This debt payment was omitted from the FY2019 Landfill Budget. The monies to fund the payment will be taken from the general fund balance.

SHIPS

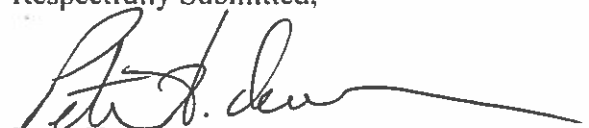
HERITAGE

PROGRESS

CERTIFICATION OF REVENUES IN EXCESS OF BUDGET ESTIMATES

I, Peter H. Owen, pursuant to Section 611 (A) of the Charter of the City of Bath, hereby certify to the City Council of the City of Bath that there are available for appropriation revenues in excess of those estimated in the Budget, to the extent of at least One Hundred and Ninety-Four Thousand Dollars (\$194,000.00). The source of these funds is additional surpluses in the General Fund Undesignated Fund Balance Account which have been verified over and above those included in revenue in the 2018/2019 Fiscal Year Budget. The amount of surplus has been verified by the Auditor and is available for supplemental appropriation pursuant to the opinion of the City Solicitor and Bond Counsel.

Respectfully Submitted,



Peter H. Owen
City Manager

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 replacing Section 16.25 with the following:

SECTION 16.25 - 8 STATE ROAD DISTRICT

A. 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.

B. 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 one structure along the 1.1 acre parcel. The proposed structure is 9,242 square feet and will consist of a 1,767 square foot laundromat, a 4,130 square foot exercise center, and a 3,345 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 (B) of the Land Use Code.
5. The project is consistent with the mandatory conditions set forth in Land Use Code Section 8.20 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.

City of Bath

55 Front Street
Bath, Maine 04530

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



E2

MEMORANDUM

Planning &
Development

TO: Mari Eosco, Chair
City Councilors

FROM: Ben Averill, City Planner

DATE: November 28, 2018

RE: Request for Contract
Rezoning at 8 State Road

Background

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 previously gained site plan approval and approval for contract rezoning in July, 2018 and September, 2018 respectively. The project, as approved, would have consisted of two buildings along the 1.1 acre parcel. The applicant has submitted a site plan amendment which would merge the two buildings into a single structure. The newly proposed site plan proposes a single structure of 9,242 square feet. The structure will included a 1,767 square foot laundromat, an 4,130 square foot exercise center, and a 3,345 square foot brewery and tasting room.

The project is located in the C4 zoning district. The site plan application was approved with 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 originally 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.

The amendment to the site plan was approved by the Planning Board on November 6, 2018.

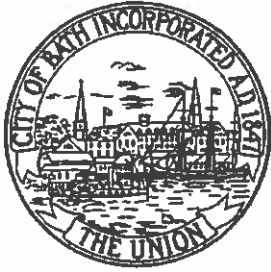
Additionally the Planning Board recommended review and approval of the Contract Zoning application for 8 State Road by the City Council at the Planning Board meeting held on July 10, 2018 and again at the Planning Board meeting of November 6, 2018. The conditions of approval for Contract Zoning recommended by the Planning Board include:

**ORDER
APPOINTING REGISTRAR OF VOTERS**

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Howe be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 31, 2020.

H5



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: December 21, 2018
From: Marc Meyers, Assistant City Manager
RE: Letter to the FCC

In September, the Federal Communications Commission released notice of a rulemaking proposal that could eliminate monetary franchise fees that the City of Bath receives from Comcast in lieu of in-kind contributions.

Per the City's franchise agreement, Comcast pays a franchise fee of 5% of its gross annual revenues in Bath to the City as a municipal benefit. These funds are used to support the operating budget of Bath Community Television and the General Fund. In FY 2018, the revenue generated from franchise fees was \$119,977.

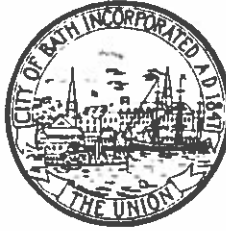
In-kind contributions may include channel capacity for PEG (public-education-government) stations, connections to government buildings and schools and electronic program guides. These investments already take place in Bath as part of the Franchise Agreement.

The City Council will be voting to approve sending a letter to Federal Communications Commission to express concern about the rulemaking proposal.

H5

CITY OF BATH, MAINE

City Hall, 55 Front Street
Bath, Maine 04530



OFFICE OF CITY COUNCIL

(207) 443-8332

January 2, 2019

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
455 12th Street, Southwest
Washington, DC, 20544

CC:
The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner

Dear Chairman Pai,

We, the City Council of Bath, Maine, write to express concern about the proposals set forth in the FCC's Further Notice of Proposed Rule Making in *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket 05- 311.

Bath Community Television is one of 72 Public, Education and Government television stations in the State of Maine. BCTV is tremendous asset to the City's 8,514 residents and surrounding communities, providing locally produced content from the City, Regional School Unit 1 and numerous non-profit organizations. This station provides an alternate method of disseminating information, including municipal meetings, and offers entertainment with distinct local appeal and value.

The Cable Act of 1984 included PEG provisions to provide support for the type of programming BCTV provides. The operational budget of BCTV is funded solely through franchise fees collected as part of the City's franchise agreement with Comcast. The potential elimination of these fees, in favor of "in-kind" contributions, would leave no financial support for BCTV and its programming.

Please support the residents of Bath, Maine, and Bath Community Television by choosing not to adopt these proposals. Without this financial support this critical resource to the community may be lost.

Sincerely,

Mari H. Eosco, Madame Chair – Councilor At Large

Phyllis Bailey, Councilor - Ward One

David Comeau, Councilor - Ward Five

Sean Paulhus, Councilor - Ward Two

Susan Bauer, Councilor - Ward Six

Terry Nordmann, Councilor - Ward Three

Aaron Park, Councilor - Ward Seven

Bernard Wyman, Councilor - Ward Four

Julie Ambrosino - Councilor At Large

Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for the City of Bath, for a period of one year, pursuant to 30-A M.R.S. Section 3601-A, with the explicit approval and authority of the Municipal Officers, to enforce the State Laws, duly adopted State Rules, or local Ordinances enacted pursuant to Title 25, Part 6, Chapter 313, Title 10, Part 14, Chapter 1103, and Codes enacted by the City of Bath, pursuant to Title 30-A, Part 2, Subpart 4, Chapter 141, regarding adoption of Codes by reference. (Motion to appoint.)

Annual Appointment of Thomas Lister as Alternate Codes Enforcement Officer and Alternate Plumbing Inspector for the City of Bath, for a period of one year, pursuant to 30-A M.R.S. Section 3601-A, with the explicit approval and authority of the Municipal Officers, to enforce any State Laws, duly adopted State Rules, or local Ordinances enacted pursuant to Title 25, Part 6, Chapter 313, Title 10, Part 14, Chapter 1103, and Codes enacted by the City of Bath, pursuant to Title 30-A, Part 2, Subpart 4, Chapter 141, regarding adoption of Codes by reference. (Motion to appoint.)

K-8*

Annual Appointments to Committees by Council Nominees:

Bath Housing Authority Board of Directors – Terry Nordmann

Midcoast Council of Governments – Mari Eosco, Bernard Wyman, David Comeau

Patten Free Library Board of Directors – Susan Bauer

Recreation Commission – Julie Ambrosino

Sidewalk Vending License Committee – Aaron Park

Student Community Liaison Council – Mari Eosco

Welfare Review Board – Phyllis Bailey, David Comeau, Terry Nordmann