

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, July 3, 2019 – 6:00 PM
City Council Chambers, Bath City Hall**

Present: Councilor Bailey, Councilor Paulhus was excused, Councilor Nordmann was, also, excused, Councilor Leonard, Councilor Comeau, Councilor Bauer, Councilor Park and Councilor Ambrosino

Also in attendance, the City Manager – Peter Owen, City Solicitor - Roger Therriault and Interim City Clerk – Mary C. Howe.

Madame Chair Eosco led the Pledge of Allegiance and Mary C. Howe, Interim City Clerk called the Roll.

Madame Chair Eosco read the following order:

ORDER ELECTING CITY CLERK

**PURSUANT TO THE PROVISIONS OF SECTION 220 OF THE CHARTER OF THE
CITY OF BATH, MARY C. HOWE IS HEREBY ELECTED TO SERVE THE CITY AS
ITS CITY CLERK FOR AN INDEFINITE TERM.**

VOTE:

YEAS: 6

NAYS: 0

All were in favor of the order.

Madame Chair Eosco read the following proclamation:

**PROCLAMATION
30/130**

WHEREAS, In 1889, the Bath-built ship *Cheseborough* wrecked off the coast of Aomori Prefecture, Japan, and

WHEREAS, this event sparked a friendship and eventual sister-city relationship between Bath and Tsugaru City, Japan, and

WHEREAS, this year, 2019, marks the 30th year since the Bath-Tsugaru Student Exchange Program began sending and receiving students to and from Japan and the 130th year since the wreck of the *Cheseborough*, and

WHEREAS, this relationship has led to the enrichment of many Bath students and families through the opportunity of travel to Japan and reciprocal hosting of Japanese students, and

WHEREAS, the Bath-Tsugaru Student Exchange Program and City of Bath seek to recognize the City of Tsugaru for their ongoing support of our student exchange program,

NOW THEREFORE, BE IT PROCLAIMED that the City Council of the City of Bath extends thanks and appreciation to the City of Tsugaru and Prefecture of Aomori for all they have done to make our citizens feel welcome in Japan and for their continued support of our friendship through these many years.

DATED this 3rd day of July 2019

Mari H. Eosco, Madame Chair

City Council of Bath, Maine

Madame Chair Eosco asked for a motion to put the proclamation on the floor for discussion.

Councilor Bauer made the motion and it was seconded by Councilor Bailey.

Councilor Park stated that every year a Councilor or City staff member goes to Japan with the exchange program. This year marks the 30th anniversary of the relationship between the City of Bath and Tsugaru and 130 years since the Cheseborough wrecked off the coast of Japan. The City of Bath's proclamation will be taken over with the delegation and presented to the Mayor. The State's proclamation will be given to their Governor. We have gotten permission from the Recognition Committee to create a memorial which will be celebrating this relationship. There will, also, be a celebration at the Maine Maritime Museum on Monday, July 22nd at 2:45 p.m. All the students will be there as well as some of the delegates.

VOTE:

YEAS: 6

NAYS: 0

All were in favor of the proclamation.

D. Consent Agenda: 6:08 P.M.

1*) Minutes of the Council Meetings of June 5, 2019 and June 12, 2019 (Motion to Accept as Presented)

Madame Chair Eosco asked for a motion to accept the minutes of June 5th and June 12th.

Councilor Park made the motion and it was seconded by Councilor Bailey.

All were in favor of accepting the minutes.

E. Time Devoted to Residents to Address the City Council: 6:09 P.M.

2) ORDINANCE: Amend, Article 16, by adding Section 16.28, Bath Iron Works Contract Zone, Number 3 (*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 16.28, as follows:

SECTION 16.28 BATH IRON WORKS CONTRACT ZONE, NUMBER 3

A. District Designation

The property designated for contract rezoning is the property located on Washington Street, being identified as Lot 142, on City of Bath Tax Map 27 and a portion of Lot 165 on City of Bath Tax Map 32 dated April 1, 2018.

B. Findings

The property is located in the Industrial / Shipyard(I) Zoning District. The City Council makes the following additional findings:

1. Contract Rezoning is allowed in the Industrial/ Shipyard Zoning District.
2. The project consists of adding a canopy over the four existing turnstile units located at each of the four main entry gates to Bath Iron Works.
3. The structures are accessory to the industrial use.
4. Without the creation of a contract zone, the minimum yard area is 25 feet from the front, and 5 feet from the side and rear of the parcel. Two of the canopies are proposed to be constructed in the yard area, necessitating contract zoning.
5. Without the creation of a contract zone, the minimum setback is 50 feet from the front lot line, and 25 feet from the side and rear lot lines. The canopy proposed over two of the existing turnstiles is within the front setback necessitating contract zoning. The contract zone will relax the front setback to 0 feet from the front lot line.
6. Contract rezoning is allowed on the parcel per section 8.14 (D) of the Land Use Code.
7. The project is consistent with the mandatory conditions set forth in Land Use Code Section 8.20 paragraph D1.

8. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning. For the Contract Rezoning the applicant will:
 - The applicant will provide \$15,000 worth of pedestrian improvements along Washington Street as outlined in the South End Transportation Study.

C. 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 canopies and other site improvements depicted on the Site Plan approved, without conditions, by the Bath Planning Board on June 4, 2019.

D. 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 Bath Iron Works, by the Bath Planning Board on June 4, 2019.

Madame Chair Eosco asked for a motion to put the ordinance on the floor for discussion.

Councilor Bauer made the motion and it was seconded by Councilor Park.

Ben Averill, City Planner, stated that this is a request for contract rezoning at 700 Washington Street. This particular amendment was reviewed by the planning board at the June 4th meeting. The essence of the request is the installation of canopies over the turnstiles and two of them will require relaxing the setbacks to allow the canopy portion to be on the turnstile. If approved, the applicant is willing to include \$15,000.00 towards pedestrian improvements on Washington Street along the gates.

Peter Owen, City Manager, stated that the south end traffic study has not been completed and it's on the verge of being printed by the engineering firm. A number of things have been identified and pedestrian walk ways is one of them. The fact that they're willing to move forward on this, when there hasn't been a meeting, is a positive step.

ROLL CALL VOTE:

Councilor Bailey, Councilor Leonard, Councilor Comeau, Councilor Bauer, Councilor Park and Councilor Ambrosino

VOTE:

YEAS: 6

NAYS: 0

Madame Chair Eosco stated that *second passage* for this ordinance will be on August 7, 2019 @ 6:01 p.m.

3) ORDER: Approval of Transfer, 15 M.R.S.A.

Madame Chair Eosco read the following order.

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-19-1755

State of Maine	}	
	}	
v.	}	Municipality of Bath
	}	Approval of Transfer
Unique Doughlin,	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$4,622.00 U.S. Currency,	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Bath, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem (\$1,155.50 U.S. Currency), or any portion thereof, on the grounds that the Bath Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Bath, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Bath municipal legislative body on or about

Dated: _____

Municipal Officer
Bath, Maine

(Impress municipal legislative body seal here)

Madame Chair Eosco asked for a motion to put order on the floor for discussion.

Councilor Bauer made the motion and it was seconded by Councilor Bailey.

Michael Field, Police Chief, stated that the order, for the transfer of funds, is for a drug raid that occurred in Brunswick on March 27th where 80 grams of a cocaine based drug (crack) and \$4,600.00 in cash were seized. MDEA's, Mid-Coast Task Force, Brunswick Police Department and the Bath Police Department participated in the raid. The Bath Police Department is hoping to receive a portion of the forfeited funds, \$1,155.50 for their contribution to this case. Chief Field asked that the Council, respectfully, approve the order.

VOTE:

YEAS: 6

NAYS: 0

All were in favor of the order.

4) ORDER: For Sale of Property by Sealed Bids, (26 Summer Street)

Madame Chair Eosco read the following order:

ORDER FOR SALE OF PROPERTY BY SEALED BIDS

WHEREAS, the City of Bath, in 2002, acquired property at 26 Summer Street (Map 26, Lot 218) from the Bath Area Family YMCA; and

WHEREAS, the property has been vacant, after the demolition of the building on the property in 2012; and

WHEREAS, the property has been appraised in accordance with the City's Policy regarding the disposition of City owned property; and

WHEREAS, the property has been reviewed by the City Manager, City Staff, and Department Heads; and

WHEREAS, the City has determined that there is no beneficial interest to the City in retaining title to the property and that it is in the best interests of the City that the property be developed.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property be offered for sale by sealed bid. It is further **ORDERED** that the City of Bath reserves the right to negotiate with bidders, to reject any and all bids, and to deal with the bids in whatever manner the City Council deems to be in the best interest of the City.

Councilor Bauer made the motion to put the order on the floor for discussion and it was seconded by Councilor Bailey.

Marc Meyers, Assistant City Manager, spoke.

The City Manager's Office is recommending the sale of 26 Summer Street by sealed bids which is located at the former Bath YMCA. This property was acquired by the City in 2002. Earlier this year, there was one request to purchase this property which was not accepted. This property is land only. The deadline for bids would be August 23rd. If the City receives bids, the discussion will continue at the September Council Meeting.

Kathleen O'Brien, of the Times Record asked if the City would post a minimum bid on this property. Peter Owen, City Manager, said that the City had no intention of posting a minimum bid at this time.

Madame Chair Eosco asked if there were any final Council comments on this.

All were in favor of the order.

VOTE:

YEAS: 6

NAYS: 0

G. Petitions & Communications: 6:39 P.M.

H. City Manager's Report: 6:39 P.M.

Peter Owen, City Manager, stated that the City has been looking at a potential contractor to assist the City with renewable energy alternatives for electricity. We are reviewing a current proposal from a solar energy outfit. This is being brought about because the governor signed a bill LD1711 which is an act to promote solar energy. The finance director is going through the proposal to see if it will be beneficial to the City.

Mr. Owen, also, spoke about the Richardson and Western public meeting that reviewed another idea about traffic calming. The City talked to the State and presented a new concept to the public and we will take the results of the comments we received to the transportation committee.

There was a meeting to present to the public the concept of how we may reuse Morse High School. There were no specific ideas within that meeting. Several groups were formed sharing ideas of how Morse High School could be used and suggestions will be presented to the facilities committee, community development committee and the economic development committee. There will be a consultant who will review the building and will recommend the best way to use the building. Once that is completed, it will go before the public with the overall findings. It's hopeful that the recommendation will be complete by January 2021 when the RSU vacates the building.

I. Committee Reports: 6:45 P.M.

Councilor Bailey reported that the Bath Community Development Committee met and how they talked about Air B & B's and short term rentals. Ben Averill, City Planner, did a great job giving information about how other cities and towns are dealing with these businesses. The committee will continue to assess whether they will need to take any action. Councilor Bailey, also, complimented City staff with the Morse High School discussions on how to utilize the building.

The transportation committee continues to discuss ways to improve parking in the downtown areas. Councilor Bailey commented on the positive changes to parking on Summer Street and Linden Street.

Madame Chair Eosco City staff did a great job getting the planters in for Heritage Days. She, also, commented on the new design of the alewives crosswalk. Area business owners, residents and tourists seem to be enjoying the uniqueness of this new crosswalk.

Councilor Comeau reported on the Bath Bicycle and Pedestrian Committee. There have been no new proposals offered but they've been working hard covering what's happened in the last year. Their next meeting will be in August.

Councilor Park reported on the facilities committee and its review of Morse High School. The public will have more opportunities to weigh in as this project will require time. The forestry committee just finished the float for the parade. Councilor Park thanked Mari Eosco for all of her hard work putting together Heritage Days.

L. Councilor Announcements: 6:52 P.M.

J. Unfinished Business: 6:52 P.M.

K. New Business: 6:52P.M.

Madame Chair Eosco put the two re-appointments on a slate.

Councilor Bailey spoke enthusiastically about the re-appointments of Gretchen Jaeger and Sally Johnstone and highly recommended them for the re-appointments.

All were in favor of the re-appointments.

L. Councilor Announcements: 6:54 P.M.

Councilor Bailey thanked Mari Eosco and her team for their work on Heritage Days.

The AARP Age Friendly Committee continues to work through the summer getting their reports and their events ready for the fall.

Councilor Bauer announced that the exchange students are coming and need one more host family.

Councilor Park announced that the exchange students will be here for two weeks beginning, July 21st. Councilor Park hopes that everyone will make them feel welcome during their stay in Bath.

Madame Chair Eosco mentioned her pride in the City of Bath's people and their dedication to this City

Madame Chair Eosco announced the success of 5th graders forming the RSU's new Solid Waste Advisory Group, a/k/a, S.W.A.G.

Madame Chair Eosco, also, wanted to thank public works, recreation department and maintenance for all of their hard work in making the City look beautiful for Heritage Days.

Madame Chair Eosco ended by stating that an executive session would follow the meeting.

Councilor Park made the motion to adjourn and it was seconded by Councilor Bailey.

All were in favor of the adjournment at 6:59 PM

ADJOURN:

EXECUTIVE SESSION: Title 1, Section 405 (6) (D), Labor Negotiations

Councilor Bauer made the motion to end the executive session and it was seconded by Councilor Bailey at 7:25 p.m.

Councilor Bailey made the motion to adjourn and it was seconded by Councilor Ambrosino at 7:27 p.m.

Attest:

Mary C. Howe

Mary C. Howe, 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.