

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE
Regular Meeting

Wednesday, July 11, 2018 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. Public Hearing:

1) CDBG Grant Application: To discuss the approval of a \$745,000 State of Maine CDBG Housing Assistance Grant to fund rehabilitation of existing multi-family housing units into affordable housing units.

D. Consent Agenda:

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

*2) Minutes of the Council Meetings of June 6 and 13, 2018 and Item K10 (Motion to Accept as Presented)

E. Time Devoted to Residents to Address the City Council

F. Resolutions, Orders, and Ordinances:

3) Approval of CDBG Block Grant Application

4) Order: Accepting bid from Hagar Enterprises, Inc. for Street Paving.

5) Order: Accepting bid from Hagar Enterprises, Inc. for North Street Reconstruction Project -Phase.

6) Ordinance: Proposal to establish a Vacant Buildings Ordinance. (first passage)

7) Ordinance: Proposed amendment to the curbside trash collection ordinance. (first passage)

8) Bond Ordinance: authorizing issuance of up to \$1,360,000 of General Obligation Refunding Bonds. (first passage)

G. Petitions & Communications

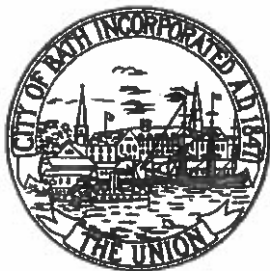
9) New Vision Statement

H. City Manager's Report

I. Committee Reports, if any

J. Unfinished Business

CI



CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

Memorandum

To: Chairman Eosco, Vice Chair Paulhus and Members of the City Council

CC: Peter Owen, City Manager

Date: July 6, 2018

From: Marc Meyers, Assistant City Manager

RE: CDBG Housing Assistance Grant

The State of Maine Department of Economic and Community Development, Office of Community Development, informed the City Manager that the City has been invited into the project development phase of the application process for its CDBG Housing Assistance Grant. This invitation is contingent upon receipt of 2018 funding from the federal Department of Housing and Urban Development (HUD). The State has reserved \$745,000 for this project.

This grant application is a partnership between the City and Bath Housing Development Corporation to rehabilitate approximately 18 multi-family residential apartments affordable to households at or below 80% area median income.

The project development phase of the application process includes a public hearing, to give members of the community a chance to comment on the project, and a City Council resolution to formally accept the CDBG funds. These will both take place at the July 11 meeting.

**Public Hearing Notice
The City of Bath**

The City of Bath will hold a Public Hearing on July 11, 2018, at 6:00pm, at the Bath City Hall Council Chambers to discuss the approval of a \$745,000 State of Maine CDBG Housing Assistance Grant to fund rehabilitation of existing multi-family housing units into affordable housing units. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: Marc Meyers, Assistant City Manager, 55 Front Street, Bath, Maine 04530 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call 207-443-8372, so that accommodations can be made.



City of Bath

F 4

CITY OF BATH, MAINE

450 Oak Grove Avenue
Bath, ME 04530



DEPARTMENT OF PUBLIC WORKS

Lee Leiner, P.E., Director
lleiner@cityofbath.com
207.443.8357
fax 207.443.8352

MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: COUNCIL APPROVAL OF CONSTRUCTION CONTRACT WITH HAGAR ENTERPRISES, INC. FOR STREET PAVING
DATE: JULY 2, 2018
CC: PETER OWEN, BATH CITY MANAGER

Bids were solicited from several contractors to perform street paving. The lowest responsible bid was received from Hagar Enterprises, Inc of Damariscotta, Maine. The bid amount is \$283,458.25.

The work is funded from a \$2.8 million street improvement bond approved by the voters of Bath in November 2017.

Hagar Enterprises is experienced in performing this work. Most recently they have performed street paving for the City in 2017. They have an excellent reputation and staff has a high level of confidence in their ability to perform the work in the allotted time and for the contract amount.

Staff recommends the council approve this order.

F4

ORDER

APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF HAGER ENTERPRISES, INC. FOR THE 2018 STREET IMPROVEMENT PROGRAM IN THE AMOUNT OF \$283,458.25 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HAGER ENTERPRISES, INC. IS HEREBY AUTHORIZED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY, APPROPRIATE, OR CONVENIENT TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT IS FUNDED FROM CITY CAPITAL (FUND 5) ACCOUNT 05-0520-531.

F 5

CITY OF BATH, MAINE

450 Oak Grove Avenue
Bath, ME 04530



DEPARTMENT OF PUBLIC WORKS

Lee Leiner, P.E., Director
lleiner@cityofbath.com
207.443.8357
fax 207.443.8352

MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: COUNCIL APPROVAL OF CONSTRUCTION CONTRACT WITH HAGAR ENTERPRISES FOR NORTH ST RECONSTRUCTION PHASE 2 PROJECT
DATE: JULY 2, 2018
CC: PETER OWEN, BATH CITY MANAGER

This project is the second phase of the reconstruction of North Street. The project limits are from High Street to Washington Street. The project includes reconstructed sidewalk, relocated utility poles and updated lighting, reconstructed road pavement, and new sewer infrastructure.

Several bids were received with Hagar Enterprises, Inc. of Damariscotta, Maine being the lowest. The bid amount is \$293,562.50.

The project is part of a \$2.8 million street improvement bond approved by the voters of Bath in November 2017. The project is approved for 50% funding from the Maine Department of Transportation Municipal Partnership Initiative program. The City and State will each pay half of the final project cost.

The project was engineered by Wright-Pierce Engineers, Inc. The company will perform construction inspection and testing services.

Hagar Enterprises is experienced in performing this work. Most recently they have performed street paving for the City in 2017. They have an excellent reputation and staff has a high level of confidence in their ability to perform the work in the allotted time and for the contract amount.

Staff recommends the council approve this order.

F 5

ORDER

APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF HAGER ENTERPRISES, INC. FOR THE NORTH STREET RECONSTRUCTION PHASE 2 PROJECT IN THE AMOUNT OF \$293,562.50 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HAGER ENTERPRISES, INC. IS HEREBY AUTHORIZED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY, APPROPRIATE, OR CONVENIENT TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT IS FUNDED 50% FROM CITY CAPITAL (FUND 5) ACCOUNT 05-0520-727 AND 50% FROM A MAINE DEPARTMENT OF TRANSPORTATION MUNICIPAL PARTNERSHIP INITIATIVE GRANT.

Fb

MEMO

Codes Enforcement Office

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

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

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

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

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

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

Thank you for your consideration.

attch: ordinance

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

F6

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.

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

Section 9-106. Violations and Penalties:

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

Section 9-107. Emergency Actions:

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

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

Section 9-108. Appeals:

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

ORDINANCE

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

CHAPTER 13. REFUSE

ARTICLE 1. GARBAGE AND REFUSE

Section 13-1. Definitions.

Amend (10) Household Refuse, as follows:

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

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

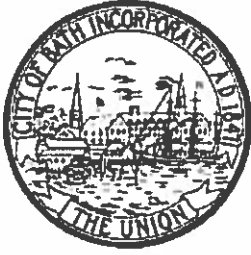
PAYT is Pay-As-You-Throw, a unit-based pricing program for the collection of solid waste whereby waste placed at the curb for city-provided collection must be placed inside an officially designated bag.

Section 13-42. Mandatory curbside pickup established.

Amend as follows:

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

FS



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

July 3, 2018

To: Bath City Council

From: Juli Millett, Finance Director

CC: Peter Owen, City Manager

Re: Refunding Wing Farm TIF Debt

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

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

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

F 8

BOND ORDINANCE

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

RECITALS

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

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

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

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

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

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.

Vision Statement for Downtown Bath

Imagine it's 10 years from now.

Downtown Bath retains much of its historic character and authentic charm, yet is even more vital and active than ever before. Not only are the street-level retail spaces filled but people live upstairs. The upper floors of the old downtown buildings are largely renovated, handicap accessible, and filled with both residents and service businesses. Downtown Bath has become known as not only a great place to spend time shopping, dining and recreating, but as a great place to live.

Many properties downtown have changed ownership and the new owners are community-minded, thoughtful and in it for the long run. Retail rents have increased to support investment, but higher foot traffic supports greater levels of commerce and, for the most part, merchants and other businesses stay and thrive.

Houses around downtown have been renovated, or are being restored and maintained by young families and retirees. These are people who value living close to the downtown and are willing to invest in older, relatively affordable homes and fix them up. It's part of the "do-it-yourself" culture of Bath. There is also new housing in and near downtown Bath that invites people to retire to Bath and/or age in place. Although not necessarily subsidized, such new housing is relatively affordable, accessible, and low maintenance.

Bath has become known for its artisan or "maker" culture, which encompasses a variety of trades and crafts. From the industrial to the artistic, building things on the waterfront is nothing new for the City of Ships; yet it's now being done in new ways, called the creative economy. Throughout the city there are shared maker-spaces, studios, and galleries where artists and craftspeople of all types work and sell things locally, and through wholesale channels. This culture attracts 25-45 year-olds and young families; it also appeals to older adults not really ready to leave work life, but eager for a new activity or career. The expanded creative economy drives activity for both locals and visitors throughout the year.

People visit downtown Bath from away because it has a history you can touch and feel. There is public art on the streets and private art and craft in studios and galleries. There are friendly owners and staff in the stores. You don't just buy things or eat things or see things, you enjoy and share experiences that are unique to Bath.

People visit downtown Bath from nearby neighborhoods and from nearby towns because, in addition to providing a fun and warm experience, it has everything we need at affordable prices. You can find a place to park and easily find your way around. The sidewalks and cross walks are safe for pedestrians. It is extremely bike-friendly with



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

*KID

Memorandum

To: Key Municipal Officials of MMA's Member Municipalities
From: Linda C. Cohen, President, Maine Municipal Association
Date: June 14, 2018
Re: Ballots for Election to MMA'S Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2018-2020 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the Committee. The election ballot is enclosed. The ballot must be completed by the Board of Selectmen or Town or City Council of your municipality.

Number of votes

Most municipalities are asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. *You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.*

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Feel free, also, to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name is not on the ballot by writing that person's name in. The write-in candidate need not be from your municipality, but must be an elected or appointed official from a municipality in your Senate/LPC District. *Check to be sure the write-in candidate is willing to serve if elected!* Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote if you know of someone who is willing to serve.

Deadline for returning ballot

Return ballot by 5:00 p.m. on August 2, 2018 to:

State and Federal Relations Dept.
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Your participation is important - Thank You!

OFFICIAL BALLOT – District 23

Maine Municipal Association's Legislative Policy Committee
July 1, 2018 – June 30, 2020

VOTE FOR TWO:

William Post, Manager, Town of Bowdoinham

Peter Owen, Manager, City of Bath

_____ (name) _____ (position) _____ (municipality) (write in)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: BATH DATE: July 11, 2018

 BY SELECTMEN/COUNCILORS:

_____	signature	_____	print name
_____	signature	_____	print name
_____	signature	_____	print name
_____	signature	_____	print name
_____	signature	_____	print name

Return by 5:00 p.m., August 2, 2018 to:

Laura Ellis, Maine Municipal Association
60 Community Drive, Augusta, ME 04330
Fax: 624-0129

(over)

_____	_____
_____	_____
_____	_____