**AMENDED**

# AGENDA

# CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, April 5, 2023 @ 6:00 p.m.

Council Chambers, City Hall

55 Front Street

A. Pledge of Allegiance

B. Roll Call

*Promotion of Kevin Santora, Detective, Bath Police Department*

*Promotion of Michael Jones, Corporal, Bath Police Department*

C. Public Hearing

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.)

*1) Minutes of the Regular Meeting of March 1, 2023 (Motion to Accept as Presented)

E. Time Devoted to Residents to Address the City Council

F. Resolutions, Orders, and Ordinances:

2) Approval of TIF Policy

3) ORDER: Accepting Scholarship and Scoreboard donation from Sons of the American Legion

3a) ORDER: Accepting donation from the Estate of Jeffrey Wingate

4) ORDER: Approving contract with Viewshed, Front/Elm Streetscape Project

5) ORDER: Sale of city property--10 Drummond Point

6) ORDINANCE: Amendment to LUC 11.30, Use-Specific Standards, Transit Shelters (first passage)

7) ORDINANCE: LUC Article 2, Definitions, Aquaculture (first passage)

8) ORDINANCE: LUC Article 11, Section 11.03 Performance Standards, Specific Activities and Land Uses, The Keeping of Animals (first passage)

9) ORDINANCE: LUC Article 9. USES, Section 9.02 Land Use Table, Aquaculture (first passage)

10) ORDINANCE: Amendment to Chapter 17, Vehicles and Traffic, Parking Appendix

11) ORDINANCE: Supplemental Appropriation-Landfill intermediate cover and gas mitigation project

G. Petitions & Communications

H. City Manager's Report

I. Committee Reports

12) Non-Profit Giving Adhoc Committee

J. Unfinished Business

K. New Business

13) Appointments and Reappointments
~Reappointment of Timothy Pratt to Personnel Services Committee for a term to expire January 2026

14) APPROVAL: Council to determine merit to move to Planning Board regarding amendment to use specific standards of the LUC regarding the definition of Beekeeping

15) APPROVAL: Council to determine merit to move to Planning Board regarding amendment to use specific standards of the LUC regarding the definition of EV Charging

16) APPROVAL: Council to determine merit to move to Planning Board regarding amendment to use specific standards of the LUC regarding the definition of Shoreland Zoning near Centre Street

L. Councilor Announcements

EXECUTIVE SESSION:

Personnel Matters per 1 MRSA §405(6)(A)
Real Estate Matters per 1 MRSA §405(6)(C)

ADJOURN

# Oath of City Official

# City of Bath
# State of Maine

I, **Kevin Santora, of Phippsburg, ME**, do swear that I will support the Constitution of the United States, The Constitution of the State of Maine and the Charter and Ordinances of the City of Bath. SO HELP ME GOD. (Constitution of the State of Maine, Article IX, Section 1)

I, **Kevin Santora**, do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent upon on me as **Detective for the City of Bath Police Department** according to the Constitution and laws of this State. SO HELP ME GOD.

Term expiration: **Indefinite**

**Kevin Santora**

(Before assuming the duties of office, a city official or deputy shall be sworn into office by the City Clerk, Deputy City Clerk, or any other person authorized by law to administer an oath. Unless the oath is administered in the presence of the City Clerk or Deputy City Clerk, the person who administers it shall give the City Clerk a certificate which he/she shall return to the Clerk for filing. Title 30, MRSA §2060(9)(A).)

***CAUTION: A person must make a separate oath for each office to which they are elected or appointed.***

Bath, Maine
**Date: April 5, 2023**

Subscribed and sworn to before me,

**City Clerk**

*CITY SEAL*

# Oath of City Official

# City of Bath
# State of Maine

I, **Michael Jones, of Woolwich, ME**, do swear that I will support the Constitution of the United States, The Constitution of the State of Maine and the Charter and Ordinances of the City of Bath. SO HELP ME GOD. (Constitution of the State of Maine, Article IX, Section 1)

I, **Michael Jones**, do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent upon on me as **Corporal for the City of Bath Police Department** according to the Constitution and laws of this State. SO HELP ME GOD.

Term expiration: **Indefinite**

**Michael Jones**

(Before assuming the duties of office, a city official or deputy shall be sworn into office by the City Clerk, Deputy City Clerk, or any other person authorized by law to administer an oath. Unless the oath is administered in the presence of the City Clerk or Deputy City Clerk, the person who administers it shall give the City Clerk a certificate which he/she shall return to the Clerk for filing. Title 30, MRSA §2060(9)(A).)

***CAUTION: A person must make a separate oath for each office to which they are elected or appointed.***

Bath, Maine
**Date: April 5, 2023**

Subscribed and sworn to before me,

**City Clerk**

*CITY SEAL*

C1

# REGULAR MEETING MINUTES
# CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, March 1, 2023, 6:00 PM

**Councilors Present:** Julie Ambrosino, Phyllis Bailey, Mary Ellen Bell, Terry Nordmann, Roo Dunn, Jennifer DeChant, Susan Bauer, Miriam Johnson, and Elizabeth Dingley

**Councilors Absent:** None

**City Staff Present:** Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director; Emily Ruger, Community and Economic Director; Andrew Booth, Police Chief; Roger Therriault, City Solicitor; and Pete Compagna, BCTV

Chairperson Bell led the Pledge of Allegiance, and Darci Wheeler, City Clerk, called the Roll.

Promotion of Corporal Eric Bryan to Sergeant by Chief Booth.
Hiring of Patrol Officer Hunter Raedel by Chief Booth.

C. Public Hearing: see below**

D. Consent Agenda 6:07 pm:

*(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.)*

1) *Minutes of the previous meetings of February 1, 2023, Regular Council Meeting, and Items F2, F3 and F4 (motion to accept as presented)

**Councilor Bauer moved, Councilor Dunn seconded, to approve as presented. The motion carried with eight (8) yeas and zero (0) nays.**

E. Time Devoted to Residents to Address the City Council: 6:10 pm

Marcy Leger, 49 West Chops Point, of the *Bath Fiber Optic Alliance* in favor of prioritizing fiber optics. Benefit to entire city, informational session will be held 3/29 in the auditorium at City Hall.

F. Resolutions, Orders, and Ordinances: 6:14 pm

*2) ORDER: Exercising the River Herring fishing rights at Winnegance Lake to be administered by the Winnegance River Herring Commission as per Harvest Plan.

**ORDER**

*Be It Ordered by the City Council of the City of Bath, Maine*, that the River Herring Fishing Rights at Winnegance Lake be operated by the Winnegance River Herring Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take river herring will be sold by the Commission. The Harvest Plan *(Condition and Regulations)* will be submitted by the Commission setting forth in detail the exact conditions under which river herring may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.

*3) ORDER: Exercising the River Herring fishing rights at Whiskeag Creek to "Rod and Line"

**ORDER**

*Be It Ordered by the City Council of the City of Bath*, as follows:

that, the taking of alewives at Whiskeag Creek will be restricted to "Rod and Line" only.

*4) RESOLUTION: Membership and Appointment of Voting Delegate Representative and Alternate for Maine Service Centers Coalition

## MAINE SERVICE CENTERS COALITION

## 2023 Resolution for Membership and Appointment of

## Voting Delegate Representative and Alternate

BE IT RESOLVED that the City Council of the City of Bath hereby authorize membership in the Maine Service Centers Coalition and designates:

Marc Meyers, City Manager

to be the appointed REPRESENTATIVE for the Maine Service Centers Coalition and is therefore authorized to vote at the Maine Service Centers Coalition business meetings.

BE IT FURTHER RESOLVED that the designated ALTERNATE is:

Juli Millett, Assistant City Manager/Finance Director

5) RESOLUTION: CDBG Downtown Revitalization Grant Application

***Chair Bell opened Public Hearing
No public Comment
Public Hearing was closed

**CITY OF BATH COUNCIL RESOLUTION**
**STATE OF MAINE COMMUNITY DEVELOMPENT BLOCK GRANT PROGRAM**

**WHEREAS**, the **City of Bath** wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

**WHEREAS**, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and **the community has conducted at least one duly advertised public hearing**; and

**WHEREAS**, the City of Bath is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

**NOW THEREFORE**, be it resolved by the Council of the Community of Bath that the City Manager:

1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

   Program: Downtown Revitalization Amount: up to $300,000

   To the Department of Economic and Community Development on behalf of the Community of Bath, substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the Community of Bath required as part of such applications, and

3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the Community of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Emily Ruger, Director of Community and Economic Development gave background on the item. Ms. Ruger responded to questions and comments from Councilors Dunn, Bauer and Bailey. There was discussion regarding public hearing piece for this item and before approval of council the public hearing would need to be opened and closed. Public hearing was opened and there was no public comment.

XXX

**Chairperson Bell requested a show of hands and the motion carried with eight in favor and zero against.**

G. Petitions & Communications: None

H. City Manager's Report: 6:23 pm

Introduced Jenn Curtis, Director of Planning
Explained that budget season is upon City Hall
March-conversations with Department Heads regarding capital and operation budgets
April 19th-public presentation of budget

April 24, 25, 26-budget workshops with council

I. Committee Reports 6:28 PM:

Councilor Bauer
SWAC- compost bins are gone
Sagadahoc Budget Committee-will be attending with Councilor Bailey
Councilor Bailey
Transportation Committee- revisit South end traffic study
Parking permit program
Community Development-Me State Housing mobile home replacement program
Councilor Johnson- Non profit giving Ad hoc Committee
No definitive conclusions
Create policy and practice
Councilor Bauer recommended PILOT (payment in lieu of taxes)

J. Unfinished Business 6:38 PM

9) 2023 Council Goals

Chairperson Bell read the 2023 summarized goals. Discussion continued with Councilors Bauer, Dunn, DeChant, Ambrosino, Nordmann and Dingley.

Councilor Dunn motioned to approve the summarized clustered 2023 council priorities and that a final report be generated by November 2023 and Councilor Nordmann seconded.

**Chairperson Bell requested a show of hands and the motion carried with six in favor and two against.**

K. New Business: 7:02 PM

6) ORDINANCE: LUC Article 2, Definitions, Aquaculture (first passage)

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**

...

**Aquaculture.**

The production of aquatic organisms under controlled conditions throughout part or all their lifecycle.

...

7) ORDINANCE: LUC Article 11, Section 11.03 Performance Standards, Specific Activities and Land Uses, The Keeping of Animals (first passage)

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 11: PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES**

...

Section 11.03 The Keeping of Animals

This standard does apply to agriculture—land use category 16.1—but does not apply to kennels, which are regulated by Section 11.16, <u>and does not apply to aquaculture</u>.

8) ORDINANCE: LUC Article 9. USES, Section 9.02 Land Use Table, Aquaculture (first passage)

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 9. USES**

...

9.02 Land Use Table

....

| | ZONING DISTRICTS | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LAND USE CATEGORY | R1 | R2 | R3 | R4 & R6 | R5 | C1 | C2 | C3 | C4 | C5 | NC | I | GC | PH | M | RP | NRPO | TMC | S |
| 4.0 Manufacturing, Processing, Creating, Repairing, Renovating, or Assembling of Goods, Merchandise, or Equipment | | | | | | | | | | | | | | | | | | | |
| 4.1 All operations conducted entirely within fully enclosed building | N | N | N | N | N | S[3] | N | S | S | S | N | S | N | N | N | N | N | N | N |
| 4.2 Operations conducted within or outside fully enclosed building | N | N | N | N | N | N | N | N | N | S | N | S | N | N | N | N | N | N | N |
| 4.3 Marijuana manufacturing/ testing | N | N | N | N | N | N | N | S | S | N | N | N | N | N | N | N | N | N | N |
| 4.4 Aquaculture | N | N | N | N | N | N | N | S | N | S | N | N | N | N | N | N | N | N | N |

Jenn Curtis, Director of Planning explained that the previous 3 items were not there for first passage but to have council find merit for items to move on to the Planning Board. They would then see them at a future meeting for passage. She responded to questions and comments from Councilors Johnson, Bailey, Dunn, and DeChant. Councilor Bauer motioned to send as a slate to the planning board, and Councilor Ambrosino seconded.

**Chairperson Bell requested a show of hands and the motion carried with eight in favor and zero against.**

10) APPROVAL: Request application to go to Planning Board regarding amendment to use specific standards of LUC regarding the definition of Transit Shelters

Jenn Curtis, Director of Planning explained that item for merit to move on to the Planning Board. She responded to questions and comments from Councilors Bailey, Ambrosino, and Dunn. Councilor Dunn motioned to send to the planning board, and Councilor Nordmann seconded.

**Chairperson Bell requested a show of hands and the motion carried with eight in favor and zero against.**

L. Councilor Announcements: NONE

M. Executive Session: 7:21 PM

**Chairperson Bell asked for a motion to adjourn to Executive Session. Councilor Bauer made the motion, which was seconded by Councilor Bailey. All in favor.**

Personnel Matters per 1 MSA §405(6)(A)

Real Estate Matters per 1 MRSA §405(6)(C)

7:42 PM **A motion to adjourn from Executive Session was made by Councilor Bauer and seconded by Councilor Johnson. All in favor.**

Meeting adjourned at 7:42

**Motioned by Councilor Bailey and seconded by Councilor Ambrosino.**

Attested:
Darci L. Wheeler, City Clerk

**Please note: These minutes are action minutes. The entire meeting can be viewed at www.cityofbath.com**

f2

BATH
MAINE City of Ships

OFFICE of the CITY MANAGER
Emily Ruger
Community and Economic Development Director
eruger@cityofbath.com

To: Chair Bell, Vice Chair Ambrosino, and members of the City Council

CC: Marc Meyers, City Manager; Juli Millet, Finance Director and Assistant City Manager

Date: March 24, 2023

From: Emily Ruger, Director of Community & Economic Development

RE: TIF Policy

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Tax Increment Financing (TIF) and Credit Enhancement Agreements (CEA) are two of the most important economic development financing tools the City has at our disposal to encourage good, high-quality development in Bath and attract and incentivize developers and business owners to make investments in the City. The City has a successful history of using TIF's as drivers of economic development, with the most recent projects including 31 Centre redevelopment and the Uptown Project.

The need for a TIF and CEA policy was identified after the most recent CEA process in Spring 2022. It was determined that a policy would clarify and streamline the process in creating a TIF district and/or creating a CEA and ensure that all parties involved understand the steps involved. The following outlines the process taken thus far to create TIF policy.

TIMELINE

Summer 2022:

- The Economic Development Committee and the Community Development Committee identified need for TIF policy to improve the process in the future.

November & December 2022:

- City staff (Emily Ruger, Dir. of Community & Economic Development, Marc Meyers, City Manager, and Juli Millet, Finance Dir. and Assistant City Manager) drafted a TIF policy using examples provided by legal counsel, Bernstein Shur.

January 2023:

- Legal counsel provided edits to the first draft TIF policy. City staff reviewed legal council's edits and incorporated in the document.

- On January 31st, staff held a TIF Overview educational event for members of the Community Development Committee, Economic Development Committee, and City Council.

February 2023:

- On February 15th, the Community Development Committee reviewed the policy and provided edits.

March 2023:

- On March 7th, the Economic Development Committee reviewed the policy and provided edits.
- Staff incorporated feedback from Committees into the policy.
- Council Workshop on TIF Policy*

*Policy Updates after 3/15 Council Workshop: After the council workshop on the draft TIF policy, staff revised the policy to include the additional step bringing TIF and CEA concepts to council to receive approval for the Community Development Committee and Economic Development Committee review the concepts.

**Economic Development and Affordable Housing Tax Increment Financing (TIF)**

**and Credit Enhancement Agreement (CEA) Guidelines**

**Adopted April 5, 2023**

## Tax Increment Financing (TIF) Districts Overview

### Background

Maine state law has established Development Districts - 30-A M.R.S. §5221 et seq. and 30-A M.R.S. §5245 et seq. (the "TIF Statute"), also referred to as Tax Increment Financing (TIF) Districts, as a program to promote local economic development and support municipal projects. TIF Districts allow municipalities to provide financial assistance to support:

1. Local economic development projects and programs including public infrastructure, public safety facilities, municipal economic development programs and staff, and business expansions.
2. Affordable housing projects including capital and operating costs of affordable housing and related public infrastructure improvements, support services for residents, costs of recreational and childcare facilities, public safety, and costs to establish a permanent housing development revolving loan or investment fund.

The City has the option of using the "incremental" taxes for:

- Economic development projects and activities
- To retire bonds the City has issued related to authorized projects within a TIF District
- Reimburse a developer or business for development project costs relating to a specific project using a Credit Enhancement Agreement (CEA).

A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy) and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no reduction in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

### Purpose

The purpose of these Tax Increment Financing (TIF) and Credit Enhancement Agreement (CEA) guidelines is to outline standards and processes that will be used by the City, in initiating or considering applications to establish Tax Increment Financing (TIF) Districts and to enter into Credit Enhancement Agreements (CEA) within a newly established or existing TIF District. Notwithstanding these guidelines, the creation of a TIF District or authorizing a CEA is a policy decision of the Bath City Council made on a case-by-case basis. The City Council may override these guidelines if it determines that a project merits such treatment. The approval of a TIF District application is not a right under Maine law and these

guidelines do not create a right or entitlement for any application, nor should they be interpreted to encourage any application.

**Guiding Principles**

The City of Bath's Tax Increment Financing District (TIF) and Credit Enhancement Agreement (CEA) Guiding Principles support investment in municipal economic development programs and activities, infrastructure investments, and site-specific project infrastructure or financing needs.

The primary principles for establishing a TIF District include:

1. To support Bath's Comprehensive Plan and other related plans and policies;
2. To stimulate the expansion of the City's property tax base;
3. To create and retain quality employment opportunities;
4. To encourage new affordable and market rate housing investment; and
5. To facilitate infrastructure improvements.

## Establishing a Tax Increment Financing (TIF) District

**Application Process**

TIF District applications may be either requested by a business owner or developer, or initiated by City staff. TIF District applications will be considered by the Community & Economic Development Director, Assistant City Manager, and City Manager, as well as the Economic Development Committee, Community Development Committee, and City Council. The Community & Economic Development Director will coordinate all activities regarding TIF applications and will assist the applicant throughout the TIF District application and approval process. The terms and specific details of each TIF District and any related CEA(s) will be developed on a case-by-case basis. City staff will develop an application, based on the merits of the project and this policy, following the process outlined within these guidelines. All representations of the Community & Economic Development Director and City staff are subject to approval by the City Council.

There are two types of TIF Districts: Economic Development TIFs and Affordable Housing TIFs. Each has a different application and are overseen by different State agencies. Economic Development TIFs are managed by the Maine Department of Economic & Community Development. Affordable Housing TIFs are managed by the Maine State Housing Authority.

The process in creating a TIF district, is as follows:

1. If initiated by a developer, the developer meets with City staff and has an initial conversation about the project and TIF process. Developer then submits a formal letter of interest and/or preliminary proposal to City staff. If initiated by the City, staff will develop concept.
2. City staff meet to discuss TIF concept, including proposed district area, capture rate, and if there would be a CEA.
3. Staff present TIF concept to city council for initial approval for Committee review.
4. Economic Development Committee and Community Development Committee review TIF concept and provide feedback.

5. City drafts TIF application.
6. Staff present concept to City Council.
7. City Council approve TIF District concept and application.
8. City staff submit application to state department (either Department of Economic & Community Development or Maine State Housing Authority). Required application fees must be paid prior to application submission.

**Application requirements**

TIF District applications that are initiated by a Developer (not initiated by the City) are subject to the following provisions:

1. Application fee. All interested parties requesting the designation of a TIF District shall pay a non-refundable application fee of $1,000 at the time of application.
2. Documentation. An interested party must submit a letter with all supporting documents to the Community & Economic Development Department outlining the proposed project.
3. Costs and fees. Interested parties shall pay for the City of Bath's legal fees and any other out-of-pocket costs associated with the development and approval of a TIF District regardless of whether it is approved or not.
4. Must meet the applicable statutory TIF District requirements

**Approval Process**

A two-step approval process is required to designate and approve any TIF District within the City. This process includes obtaining a recommendation from the Economic Development Committee and Community Development Committee and subsequent approval by the Bath City Council, including a First Reading, Public Hearing, and Second/Final Reading.

Following municipal support of the application, the City will submit the application to the applicable state review body for approval.

- Economic Development TIF District approval body – Maine Department of Economic and Community Development (DECD)
- Affordable Housing TIF District approval body – Maine State Housing Authority (MaineHousing)

**Tax Increment Financing Expenditures**

There are four categories of expenditures for revenues generated through Tax Increment Financing:

1. Municipal economic development programs funded directly through annual funding requests and/or appropriations. Examples of municipal economic development programs include but not limited to, administration and program costs, annual funding to Main Street Bath, the Bath Development Corporation, City and regional marketing/branding, and other activities allowed within the TIF District(s).
2. Municipal infrastructure and capital improvement investments can be funded directly through annual funding requests and appropriations. Additionally, projects that are financed by City

bond or debt issuance may use TIF revenue to pay the debt service. Allowable uses are spelled out in the TIF Statute.

3. Credit Enhancement Agreements (CEA). A CEA is a contract between a municipality and developer or other party to assist an individual development project by using an agreed-upon portion (up to all) of the tax revenue generated by the investment to pay certain authorized project costs, including site specific infrastructure or private individual project financing needs. Allowable project costs are spelled out in the TIF Statute.
4. Costs related to affordable housing development:
    a. Costs inside the AHTIF district: Capital and operating costs of affordable housing and public infrastructure improvements, related soft costs, support services for residents of the affordable housing, and costs of recreational and child care facilities.
    b. Costs outside the AHTIF district: Costs outside the AHTIF district can be funded with tax increment revenues from the district only if those costs are directly related to or made necessary by the establishment or operation of the district, and then only to a proportional extent. Examples include but are not limited to; infrastructure and public safety improvements, costs to mitigate adverse impacts (including to local schools), and costs to establish a permanent housing development revolving loan or investment fund.

Guidelines for municipal economic development programs

The process of allocating TIF revenues to approved project costs requires City staff to develop economic development programs and budgets to be approved through City Council financial appropriations.

Guidelines for Municipal infrastructure and capital improvement projects financed by City bond or debt issuance

Infrastructure investments should have applications beyond one individual project. Emphasis should be placed on supporting business and commercial development, redevelopment, or to support buildings in need of redevelopment. If one District is meant to fund a particular project under Tier 1 or Tier 2 of the TIF statute, then the infrastructure project would need to be directly related to or made necessary by such project in compliance with the TIF statute. In Affordable Housing TIF Districts, this would include housing development, address blight, or historic preservation in conformance with the TIF statute.

Guidelines for Credit Enhancement Agreements (CEA)

A Credit Enhancement Agreement (CEA) within a TIF district will be considered for investment in infrastructure or project financing needs. The process and guidelines for issuing a CEA are outlined in the next sections of this document: Credit Enhancement Agreement Overview.

## Credit Enhancement Agreement (CEA) Overview

**Background**

A Credit Enhancement Agreement (CEA) is a financial mechanism that may be used within a TIF district to compensate a developer or business fully or partially for approved development project costs using TIF funds. The CEA is a contract between the municipality and developer or business to assist the development project by using some or all the incremental tax revenues generated by the new investment to pay certain authorized project costs with payments made directly to the developer or business.

**Purpose**

These guidelines outline the standards and processes that the City of Bath will use in initiating or considering credit enhancement agreements (CEAs) within existing or proposed Tax Increment Financing (TIF) Districts. A CEA is as a financial mechanism, if chosen and approved by the City Council, to be one of Bath's economic development tools for business attraction, retention, and expansion.

Notwithstanding these guidelines, the creation of a CEA is a decision made by the City Council on a case-by-case basis after holding a public hearing. Obtaining a CEA is a not a right under Maine law, and meeting these guidelines should not be interpreted as creating any rights or entitlements in any application. The CEA approval process occurs concurrently with the TIF approval process. The CEA is included as a part of the new or revised TIF application.

**General priorities**

The priorities to consider for determining whether to create a CEA include:

1. Creates new jobs and/or assists existing business to retain jobs
2. Creates or expands public infrastructure beyond project, such as improvements to utilities, telecommunications, traffic patterns, parking facilities, green space, etc.
3. Introduces a unique or prestigious opportunity
4. Improves the local economy
5. Broadens the tax base
6. Improves blighted areas
7. Supports community projects
8. Creates public benefits for other workers and/or businesses

**<u>Establishing a Credit Enhancement Agreement (CEA)</u>**

**Eligibility**

The following criteria shall be considered in authorizing Credit Enhancement Agreements for economic development or affordable housing:

1. Project would not likely occur otherwise;
2. Creates or retains employment opportunities;
3. Expands the City's tax base; and
4. Conforms to the quality and types of development sought by the City as outlined in the Zoning Ordinances, Comprehensive Plan, the Tax Increment Financing District Development Programs, and other plans and policies adopted by the City Council; and
5. Developer must be current with payments to the City, including property taxes and permitting fees.

**Application process**

CEA applications will be considered by the City Manager, Community & Economic Development Director, and the City Council, with all final approvals granted after a public hearing, by the City Council. The Community & Economic Development Director will coordinate all activities regarding applications and will assist the applicant throughout the process. The terms and specific details of each CEA will be developed on a case-by-case basis. The City Manager or designee will negotiate for the City based on the merits of the project and these guidelines following the process laid out in this document.

1. Developer/Business completes and submits CEA application.
2. Staff present CEA concept to city council for initial approval for Committee review.
3. Economic Development Committee and Community Development Committee review application and make recommendation based on its alignment with CEA priorities.
4. Council workshop to learn about CEA as a component of the TIF application or existing TIF district. The council may discuss details, including sensitive financial information, in Executive Session.
5. Public hearing and council vote on the TIF application if applicable and the CEA.

**Application requirements**

Applicants for a CEA are subject to the following provisions:

1. Application fee. All applicants requesting the designation of a CEA shall pay a non-refundable application fee of $500 at the time of application.
2. Documentation. The following documentation shall be included in all applications for a CEA:
   - 2.1. An executed Administrative and Professional Fee Agreement;
   - 2.2. A completed Employment Goals Sheet, if applicable; and
   - 2.3. All financial disclosures, reporting, and other documentation as the City of Bath, the State of Maine, and/or what their legal counsel may require.
3. Capacity. The applicant must demonstrate financial capacity to undertake the project. All financial disclosures and financial capacity determinations will be conducted, reviewed, and certified by Midcoast Council of Governments. The applicant must be compliant with all statutory and regulatory guidelines of the City of Bath and the State of Maine. The applicant shall not have engaged in illegal or unfair labor and employment practices; unsafe employment practices; or adverse or illegal environmental practices.
4. Terms. The specific terms of each CEA are negotiated on a case-by-case basis between the City and the applicant. As a general guideline the tax recapture for any CEA should:
   - 4.1. Be less than any stated financing gap as set forth in an Applicant's Development/Project Financial Plan;
   - 4.2. State of Maine Statute allow for terms of between one (1) and thirty (30) years.
5. Costs and fees. All applicants shall pay for the City of Bath's legal fees and any other out-of-pocket costs associated with the development and approval of a CEA, regardless of whether it is approved or not.

**CEA Execution**

Upon approval by City Council, the applicant and the City will execute an agreement defining the terms and conditions of the CEA. The terms and conditions will include, but are not limited to:

1. Parcel identification and project description;
2. Term and performance standards;
3. Annual verification and reporting requirements;
4. Payment obligations and timing;
5. Defaults and remedies; and
6. Any other provisions deemed necessary by the City

F3

# MEMORANDUM

**TO:** BATH CITY COUNCIL
**FROM:** STEVE BALBONI, PARKS & RECREATION DIRECTOR
**SUBJECT:** SCOREBORD AND SCHOLARSHIP DONATION
**DATE:** 3/20/23

---

The Sons of the American Legion have been fund raising to replace the scoreboard on Legion Field. The current scoreboard works intermittently right now and is off more than on. The cost of the new scoreboard is approximately $9,000 and the Sons of the American Legion have raised close to $20,000 and would like to donate the funds to cover the scoreboard, recognition and donate the additional funds to the scholarship program.

If the Council accepts the gift, we will then work on recognition which will likely be in the form of an additional sign on the scoreboard and/or fence and go through the recognition Committee process.

**ORDER OF ACCEPTANCE OF GIFT**
**SONS OF THE AMERICAN LEGION**

WHEREAS, the City of Bath has been advised by the Sons of the American Legion that they have been fundraising for equipment on Legion Field; and

WHEREAS, it has been determined that the funds donated by the Sons of the American Legion will be used to replace the score board on Legion Field at an estimated cost of $9,000 and

WHEREAS, The Sons of American Legion have raised $20,000, the additional funding is being provided for recognition of the score board and donating the balance to the recreation scholarship program; and

WHEREAS, Title 30-A M.R.S. Section 5654 further authorizes municipalities to accept conditional gifts for any specific public purpose, the City having received notice from officials from The Sons of the American Legion of the donation of a conditional gift for the purpose outlined above.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the funds for the score board, recognition and recreation scholarships be and hereby are accepted and appropriated and the City Manager is authorized to execute such documentation as may be necessary, appropriate and convenient to the acceptance of the conditional gift.

The City Council thanks The Sons of the American Legion for their generosity in providing the funding for this equipment.

F3a

# MEMORANDUM

**TO:** BATH CITY COUNCIL
**FROM:** STEVE BALBONI, PARKS & RECREATION DIRECTOR
**SUBJECT:** WINGATE ESTATE
**DATE:** 3/30/23

---

The Estate of Jeffrey Wingate has willed $5000 to the Bath Parks & Recreation Department. Mr. Wingate was a long time resident of Bath who's family participated in many youth programs that the Parks and Recreation organized. After he passed we learned he willed us and a few other youth organizations money to help in programming. We are dedicating the funds to our scholarship fund to make programs more assessable.

I recommend that the Council accept the funds as stated above.

**ORDER OF ACCEPTANCE OF GIFT**
**ESTATE OF JEFFREY WINGATE**

WHEREAS, the City of Bath has been advised by the Estate of Jeffrey Wingate that the Bath Parks and Recreation Department has been willed $5,000, and

WHEREAS, it has been determined that the funds donated by the Estate of Jeffrey Wingate will be used for the recreation scholarship program, and

WHEREAS, Title 30-A M.R.S. Section 5654 further authorizes municipalities to accept conditional gifts for any specific public purpose

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the funds for the recreation scholarship program be and hereby are accepted and appropriated and the City Manager is authorized to execute such documentation as may be necessary, appropriate and convenient to the acceptance of the conditional gift.

The City Council thanks the Estate of Jeffrey Wingate for their generosity in providing the funding for making recreation programs more assessable through its scholarship program.

F4

**OFFICE of the CITY MANAGER**
Emily Ruger
Community and Economic Development Director
eruger@cityofbath.com

To: Chair Bell, Vice Chair Ambrosino, and members of the City Council

CC: Marc Meyers, City Manager; Juli Millet, Finance Director and Assistant City Manager

Date: March 24, 2023

From: Emily Ruger, Director of Community & Economic Development

RE: Viewshed Contract Approval – Front/Elm Streetscape Project

---

In 2019, the City identified the need for streetscape improvements to Elm Street and Front Street intersection as well as along Front Street (between Summer and Elm Streets), to achieve the following goals:

- Create a destination area
- Improve conditions for pedestrians and bicyclists
- Improve motor vehicle traffic flow
- Maintain current public parking conditions

The City contracted with Terrence J. DeWan & Associates (TJD&A), a Yarmouth-based landscape architecture firm, to create design concepts for the area and receive community feedback on the design concepts.

The initial concept phase has been completed. (To see the public presentation and community survey results, visit https://www.cityofbathmaine.gov/departments/PlanningDevelopment/Elm-FrontRedesignProject)

The next phase of this project is to create design and construction documents, which is expected to take one year. The company TJD&A has since become Viewshed. City staff, including the City Manager, Director of Community & Economic Development, Director of Sustainability, and Director of Public Works, have worked with Viewshed staff and consultant engineers to refine a scope for this next stage of the project.

The contract with Viewshed is for $194,850.

The contract includes the following work:

- Project Management
- Public Outreach
- Design Development
- Construction Documentation
- Bidding Support
- Boundary Survey

After design documents and construction documents have been developed, the final phase of the project is construction, which is expected to occur in spring/summer 2024.

# ORDER APPROVING CONTRACT WITH VIEWSHED

WHEREAS, the City of Bath has identified the need for streetscape improvements to Elm Street and Front Street for improved pedestrian, bicyclist, and vehicular traffic.

WHEREAS, The City of Bath hired TJD&A in 2019 to complete concept development and collect community feedback on the project.

WHEREAS, the City successfully completed concept development for the site in 2020.

WHEREAS, City staff have worked with Viewshed to create an appropriate scope of work for the next phase of the project, the creation of design and construction documents.

WHEREAS, this project will contribute to economic wellbeing within the City and support the growth and improvement of our downtown district.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath to approve the contract with Viewshed for $194,850.

# MASTER SERVICES AGREEMENT

## ELM STREET + FRONT STREET STREETSCAPE IMPROVEMENTS – BATH, MAINE

This Master Services Agreement ("Agreement") is entered into, and effective on April 6, 2023 between the City of Bath, 55 Front St, Bath, ME, (hereinafter referred to as "Client"), and VIEWSHED, located at 121 West Main Street, Yarmouth, Maine (hereinafter referred to as "Consultant") will provide professional services for design development and construction documentation of the City of Bath's Elm Street + Front Street streetscape enhancement project (hereinafter called the "Project").

1. Scope of Services. Consultant agrees to provide and complete the services ("Services") found in the Scope of Services as described within **Exhibit A.**

2. Period of Performance. Consultant and its Subconsultants will commence work on April 10, 2023 upon the execution of this Agreement and shall terminate upon the completion of the Services. The period may be extended upon written agreement between the Client and Consultant.

3. Standard of Care. Consultant shall perform its services with the skill and care in accordance with the applicable professional standards currently recognized by its profession, and shall be responsible for the professional quality, technical accuracy, completeness and coordination of all reports and materials furnished under this Agreement. The Consultant shall exercise usual and customary professional care in its efforts to comply with the applicable laws, codes and regulations in effect as of the Agreement date.

4. Client's Responsibilities. Client will provide the Consultant with materials needs to accomplish the work and be responsive to questions.

5. Independent Consultant. Throughout the performance of this Agreement, the Consultant is acting in an independent capacity and not as an officer, employee or agent of the Client. Additional personnel needed to the Consultant's duties under this Agreement shall be employed or retained by said Consultant. Consultant is also responsible for maintaining its vehicles and equipment in a safe and legal condition.

6. Contract Price and Payment. The Client shall pay the Consultant for the performance and completion of Services under this Agreement a fee pursuant to Consultant's Project Cost, up to the amount of **One-hundred ninety-four thousand eight-hundred and fifty dollars ($194,850)** ("Contract Price"). The Consultant shall

submit for Client's approval invoices for the Services performed hereunder. The Client shall pay Consultant such approved amounts within thirty (30) days from Client's receipt of said invoice. Payments due and unpaid thirty (30) days after submission shall bear interest from that date at the maximum rate permitted under Maine law at the time of the delinquency. Consultant will not bill Client for more than the Project Cost without prior written agreement on change of scope. The Client and Consultant may agree to changes in the scope that do not affect price.

7. Ownership of Documents. All final reports, map products, data or other material to be developed under this Agreement shall become the property of the Client and be promptly delivered to the Client upon the completion of Services under this Agreement or sooner upon Client's request or the termination of this Agreement. The Consultant shall be responsible for the protection and/or replacement of any work or materials in its possession, including work or materials provided to the Consultant by the Client.

8. Termination. Either party may terminate this Agreement for cause after giving the other party ten (10) days written notice and an opportunity to cure. In the event of termination, Consultant shall be paid for services performed to the date of receipt of such termination notice.

9. Insurance. Consultant at its own expenses, shall carry and maintain insurance during the term of this Agreement and satisfactory to the Client as follows:

| | | |
|---|---|---|
| Workers Compensation | Statutory | |
| Employer's Liability | Each Accident | $500,000 |
| | Disease (policy limits) | $500,000 |
| | Disease (ea. Employee) | $500,000 |
| Commercial General Liability | Per Occurrence | $1,000,000 |
| | Aggregate | $2,000,000 |
| Comprehensive Auto Policy | Combined single limit for bodily injury and property Damage on non-owned and hired vehicles | $1,000,000 |

10. Indemnification. The Consultant agrees to indemnify and hold harmless the Client, its officers, and employees from and against claims, damages, or costs including reasonable attorneys' fees, and defense costs, to the extent caused by the Consultant's negligent performance of the professional services as provided within this Agreement.

    The Client agrees to indemnify and hold harmless the Consultant, its officers, and employees from and against claims, damages, or costs, including reasonable attorney's fees and defense costs to the extent caused by the Client's own negligent acts in connection with the Project under this Agreement.

11. Assignment. Neither party to the Agreement shall assign this Agreement in whole or in part without the written consent of the other party.

12. Mediation. In an effort to resolve any conflicts that arise during the period of the Project or following completion of the Project, the Client and Consultant agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation.

13. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with Maine law, exclusive of conflicts or choice of law provisions.

14. Extent of Agreement. This Agreement, and any Exhibits, represent the entire and integrated Agreement between the Client and the Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Client and the Consultant.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

| | |
|---|---|
| Client: City of Bath | Viewshed |
| _____ | Judy Colby-George |
| By: | Judy Colby-George |
| Its: | Principal |
| Date: | 03/23/2023 |

# VIEWSHED

Landscape Architecture | Plannng | GIS

EXHIBIT A

March 1, 2023

Marc Meyers
City Manager
55 Front Street
Bath, ME 04530

**RE: ELM STREET + FRONT STREET STREETSCAPE IMPROVEMENTS**
**REVISED PROPOSAL FOR CONSTRUCTION DOCUMENTATION**

Dear Marc,

We are pleased to provide this revised proposal for the design development and construction documentation of the Town of Bath's Elm Street + Front Street streetscape enhancement project. The project will be guided and managed by our interdisciplinary team made up of landscape architects at **Viewshed (formerly TJD&A)** and engineers at **TYLin International**. Survey work will be provided by **Titcomb Associates**. This revised scope includes the following revisions by Task:

**TASK 1 Project Management**
- Addition of bi-weekly project review call with Viewshed, TYLin, and City.

**TASK 2: Public Outreach**
- Revision of meeting order (no scope change).

**TASK 3: Design Development**
- Addition of a Complete Streets Assessment.
- Additional staff scheduled for site visit related to increased scope.
- Additional hours for landscape architects based on re-review of design development scope.
- Parking Lot re-striping removed and listed as an additional service.

**TASK 4: Construction Documentation**
- Overlay plans and construction notes for Front Street, Elm Street, and Water Street

**TASK 5: Bidding Support**
- No revision or scope change.

**TASK 6: Additional Boundary Survey**
- New task related to revision of ROW boundaries.

Please feel free to call me if you have any questions or would like to discuss any portion of this proposal. We are very excited about the opportunity to continue work with the City of Bath and help in making improvements to its historic downtown center.

Sincerely,

Jessica M Kimball

Jessica Kimball, Director of Landscape Architecture
**VIEWSHED (formerly TJD&A)**
207.846.0757 | kimball@viewshed.net

# SCOPE OF SERVICES

## TASK 1: PROJECT MANAGMENT

Our team will provide on-going correspondence and coordination with City officials. This will include a digital kick-off meeting, regular project updates, and review sessions as the design work progresses, and bi-weekly calls to check in on project status. We anticipate coordination with the City Manager's Office, Planning, and Public Works.

## TASK 2: PUBLIC OUTREACH

Public opinion will be considered throughout the design process. Our team will review and summarize the public engagement feedback collected from the 2020 Concept Design process. The design approach for both Elm Street and Front Street received a clear consensus through the digital community survey:

- The design preference for Elm Street was Concept B: Perpendicular parking on both sides of Elm Street. Based on the digital community survey of 239 respondents: Concept A: 36% / Concept B: 64%.
- The design preference for Front Street was Concept B: Removal of eastern sidewalk (in front of parking lot) and replacement with street tree planting bed in favor of a wider western sidewalk (in front of shops). Based on the digital community survey of 231 respondents: Concept A: 31% / Concept B: 69%.

In addition to a general selection between the two concepts, we received 17 pages of unique comments that will be taken into consideration as we advance the design work.

In addition, we will work to ensure stakeholder engagement is incorporated into this design development process. Our work will take into consideration input from abutting property owners and the Bike and Ped Committee. Our design plans will be presented to City Council for feedback. We propose the following public outreach meetings / presentations:

1. **Abutting Property Owner Meeting #1**: Review preliminary concept and listen to feedback (digital meeting).
2. **26 Summer Street Housing Development meeting**: Review access on Elm Street and parking configuration (digital meeting).
3. **Bike and Ped Committee**: Review preliminary concept and listen to feedback (in-person meeting).
4. **Abutting Property Owner meeting #2**: Follow up discussion and review preliminary design plans (digital meeting).
5. **Presentation to City Council**: Presentation of final design plan to council (in-person presentation).

## TASK 3: DESIGN DEVELOPMENT

Our jumping off point for this design work is the concept design selected through the 2020 public engagement process (public meetings, interactive website, and digital community survey). In Design Development, we will progress the design approach and scope to its final iteration. The design development drawings will lay the groundwork for the construction documents. This work will include the following tasks:

**Site Visit.** Assess existing conditions in relation to proposed concept design. Site visit to include consultant team, City staff, and public works.

**Public Works and Water Department Meeting.** We understand this work may run in parallel with proposed water utility projects. We will discuss scope and coordination with water utility project (note: drawings for separate utility project not included in this proposed scope).

**Design Advancement.** Advance the selected concept design to address specific site conditions and arrive at the desired scope of improvements for construction. This will include items such as design of plaza space, material selection, site furnishings, determination of curb cuts to parking lot, accurate curb alignments, vehicular and ADA access points, stormwater management, etc.

As part of the Design Advancement phase, we will include the following items:

- **Plaza Design:** Included in the design advancement is a determination of a potential focal point in the plaza. In the preliminary concept design, we suggested an art feature be centrally located within the plaza space. If desired, we can work with an artist or help the City select a feature for this plaza. Our scope of work does not include the design of this art piece.
- **Evaluation of green infrastructure.** We will assess the potential for construction of Low Impact Development stormwater treatment and green infrastructure in the streetscape design. Possible incorporation of tree drainage boxes for both runoff treatment and street aesthetics.
- **Assessment of existing storm drain system.** Existing drainage systems will be inspected, and surface runoff patterns evaluated for capacity and performance. City Public Works maintenance records will be obtained and reviewed to confirm system materials and identify deficiencies and/or troublesome debris accumulation due to pipe profile, and depth relative to outfall trunk line to the river.

**1st Design Development Review Meeting:** Presentation of design to City staff / interested stakeholders to review the design. We will review preliminary plans and discuss approach, scope, and suggested site details. Specific site questions and an outlined approach for moving forward will be addressed.

**Material Research:** Select site component specifications. This includes research into hardscape options, tree grates, site furnishings, guardrail design, etc.

**Design Development Plans and Details:** The plans will be advanced based on feedback from the City and stakeholders. We will continue to refine the layout and determine which details will be needed in the construction documentation set. Drainage system improvements will be developed with the objective of increasing surface runoff capture, increasing system storage and conveyance capacity, and reducing

local surface ponding. This may involve careful placement of street curb inlets, replacement of certain existing City storm sewers, and replacement of deficient drainage structures as necessary.

**Utility Coordination:** We will coordinate with Bath Public Works and other utility carriers to obtain and review utility as-built plans or data to incorporate into site layout plans and improvement profiles.

**Complete Street Assessment.** A complete streets assessment will be conducted for project details and document design elements that do not meet complete street national practice standards. A brief memo will be prepared documenting this effort.

**Preliminary Cost Estimate:** An opinion of probable costs will be developed based on the design plans at this point in the process.

**2nd Design Development Review Meeting:** Our team will submit a final design plan, product specifications, and opinion of probable costs for review by City staff. We will present the materials and collect final feedback before moving into final documentation.

## TASK 4: CONSTRUCTION DOCUMENTATION AND SPECIFICATIONS

The team will complete a finalized drawing set, specifications document, and bid package based on the design development advancement. This work will include the following tasks:

**Construction Documentation Plan Set:** A construction document plan set and specification document to be used for bidding and construction of the proposed scope of work. We anticipate the plan set to include the following drawing sheets:

- Site Preparation and Demolition Plans
- Layout Plans
- Material Plans
- Grading and Drainage Plans (see assumptions below)
- Planting Plans
- Enlargement Plans – Plaza Design
- Amenities Plans/Sections/Details

**Milling and Paving:** Beyond the streetscape redesign on Front Street and Elm Street, we will also provide guidance on milling and paving Front Street (Summer Street to Elm Street); Elm Street (Front Street to Water Street); and Water Street (Elm Street to Vine Street).

- **Water Street Milling and Paving:** This includes establishing the limits of a 2" mill and overlay and identifying major features such as curbing and utility structures. A typical section will be created and construction notes outlining quantities and structures to be adjusted will be compiled. Special Provisions relating to the milling and paving will also be prepared.
- **Elm Street/Front Street Milling and Paving:** This includes establishing the limits of a 2" mill and overlay. A typical section will be created and construction notes outlining quantities and structures to be adjusted will be compiled. Special Provisions relating to the milling and paving will also be prepared.

**Quality Assurance/Quality Control (QAQC).** As part of our construction documentation, we will complete a thorough technical review of all design features and site components. The final plans will be stamped by a professional licensed civil engineer and/or landscape architect.

**Construction Documentation Meeting.** Meeting with City Staff to review construction document drafts and discuss specifications. Documents will be revised based on feedback.

**Specifications.** Preparation of a specifications document in MaineDOT format with reference to the City of Bath standard details and standard specs. The City Staff will be consulted on specification and format needed for the bidding process.

**Updated Cost Estimate.** We will update the opinion of probable costs to more accurately reflect the anticipated cost of construction. This will serve as a cost guide as we prepare the request for bidding.

**Bid Preparation Review Meeting.** Final meeting with City Staff to review the final Construction Documents and Bid Package prior to issuing request to bidders.

## TASK 5: BIDDING SUPPORT SERVICES

**Pre-Bid meeting.** Host pre-bid meeting on site with potential bidders to review site, plans, specifications, etc.

**Response to Bidder Questions.** Manage and address questions from contractors preparing bid submissions.

**Evaluate Bids.** Review bid submissions with City staff and assist in evaluation / selection of bidders.

## TASK 6: ADDITIONAL SURVEY WORK

Boundary Survey performed to the Standards of Practice as defined by the Maine Board of Licensure for Land Surveyors to determine the sidelines adjacent to Front Street and Elm Street for the Titcomb Associates proposal dated February 8, 2023. Additional boundary survey information to be integrated into drawing sets.

# PROJECT BUDGET

We anticipate the following estimated fee to complete the scope of services described above:

| | | |
|---|---|---|
| **TASK 1. PROJECT MANAGEMENT** | $ | 13,720 |
| **TASK 2. PUBLIC OUTREACH** | $ | 7,860 |
| **TASK 3. DESIGN DEVELOPMENT** | $ | 75,240 |
| **TASK 4. CONSTRUCTION DOCUMENTATION & SPECIFICATIONS** | $ | 79,915 |
| **TASK 5. BIDDING SUPPORT SERVICES** | $ | 8,840 |
| **TASK 6. ADDITIONAL BOUNARY SURVEY** | $ | 8,700 |
| **TRAVEL EXPENSES** | $ | 575 |
| **TOTAL FEE** | $ | **194,850** |

We propose to bill hourly based on our standard billing rates (provided upon request). The fees described above are estimates, as there are a variety of factors that may alter costs. The fee is a not to exceed cost without prior written authorization by the City.

# SCHEDULE

We anticipate the scope of work provided in this proposal will take approximately 6-7 months to complete. A start date of mid-March 2023 should allow the project to go to bid in late-September 2023. Construction will likely start spring 2024.

See the attached schedule chart at the end of this proposal for a detailed breakdown of the timeline for each task.

# ASSUMPTIONS

The above scope of work makes the following assumptions:

**Topographic Survey.** The survey prepared by Titcomb Associates and dated 9/22/2020 will be utilized for site design and plan production.

**Sea Level Rise Mitigation.** Mitigation of impacts due to sea level rise is not a Project objective and is not included in this Scope.

**Limited Drainage Improvements.** Evaluation and design of improvements to existing drainage systems will be limited those inside the Project limits and site survey. Hydraulic analysis and/or modeling and stormwater management are not included in this Scope.

**Site Grading.** Grading improvements will be limited to incorporation of green infrastructure measures meeting existing elevations at their perimeters. Re-grading and/or reprofiling of Elm Street or Front Street is not a Project objective and is not included in this Scope.

**Construction Administration:** Our design team can be available for Construction Administration based on the needs of the City and selected contractor. This work would fall under a separate contract based on the scope of work required during construction.

# ADDITIONAL SERVICES

The following services are not included in the proposal, but can be provided as an additional scope upon request:

**Parking Lot Striping and Curb Cuts.** The base scope assumes no change to the curb cuts on Front Street. We can provide a conceptual alternative for restriping the supermarket parking lot. The objective of this study would be to determine if an alternate parking layout can maintain parking capacity while improving pedestrian and vehicle circulation along Front and Commercial Streets.
Estimated cost: $4,800

**Construction Administration.** We can be available during construction to clarify design decisions, review field conditions, and answer questions to ensure the built streetscape is build according to plans and specifications. For these services, we typically bill on an hourly basis, and can provide an estimation for hours at the start of construction.

## ELM STREET + FRONT STREET STREETSCAPE IMPROVEMENTS
## DESIGN DEVELOPMENT / CONSRUCTION DOCUMENTATION / CONSTRUCTION BID SCHEDULE

March 1, 2023

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 13-Mar | 20-Mar | 27-Mar | 3-Apr | 10-Apr | 17-Apr | 24-Apr | 1-May | 8-May | 15-May | 22-May | 29-May | 5-Jun | 12-Jun | 19-Jun | 26-Jun | 3-Jul | 10-Jul | 17-Jul | 24-Jul | 31-Jul | 7-Aug | 14-Aug | 21-Aug | 28-Aug | 4-Sep | 11-Sep | 18-Sep | 25-Sep | 2-Oct | 9-Oct | 16-Oct | 23-Oct |

**TASK 1**
**PM**
**33 weeks**

**Project Management**
- Kick-Off Meeting
- Bi-Weekly Calls
- Internal / External Management

**TASK 2**
**Public Engagement**
**8 Weeks**

Public Engagement
Meet: Abutting Owners 1
Meet: Housing Development
Meet: Bike/Ped Committee
Meet: Abutting Owners 2
City Council Presentation

**TASK 3**
**DD**
**12 Weeks**

**Design Development**
- Concept Refinement
- Plaza Design
- Evaluate Green Infrastructure
- Assess Existing Storm Sewer Systems
- Material Research
- Utility Coordination
- Preliminary Cost Estimate
- Complete Street Assessment

Site Visit  Meet: DPW + Water  Meet: Review 1  Meet: Review 2

**TASK 4**
**CD**
**12 Weeks**

**Construction Documentation Plan Set**
- Water Street Mill and Overlay Plans and Construction Notes
- Elm Street & Front Street Mill and Overlay Plans and Construction Notes
- Specifications
- Updated Cost Estimate
- QAQC

Meet: CD Review  Meet: Bid Prep

**TASK 5**
**Bidding**
**5 Weeks (or standard bidding timeframe established by the City)**

**Bid Process**
- Host pre-bid meeting
- Response to questions
- Evaluate bids

**TASK 6**
**Survey**
**6 Weeks**

**Boundary Survey**
- Work by Titcomb
- Followup Coordination

F5

# ORDER FOR SALE OF PROPERTY

**WHEREAS**, the City of Bath has acquired, by Lien, property designated as 10 Drummond Point, in Bath, and further designated as Lot 324, on City of Bath Tax Map 20; and

**WHEREAS**, the initial Tax Lien for 2000 taxes matured on January 2003; a second Lien for 2001 taxes matured on January 2004; a third Lien for 2002 taxes matured on January 2005, a fourth Lien for 2003 taxes matured on January 29, 2006; a fifth Lien for 2004 taxes matured on March 28, 2007; a sixth Lien for 2005 taxes matured on March 28, 2008; a seventh Lien for 2006 taxes matured on April 2, 2009; an eighth Lien for 2007 taxes matured on March 29, 2010; a ninth Lien for 2008 taxes matured on March 24, 2011; a tenth Lien for 2009 taxes matured on March 26, 2012; an eleventh Lien for 2010 taxes matured on March 26, 2013, a twelfth Lien for 2011 taxes matured on March 24, 2014; a thirteenth Lien for 2012 taxes matured on March 20, 2015; a fourteenth Lien for 2013 taxes matured on March 23, 2016; a fifteenth Lien for 2014 taxes matured on March 22, 2017; an sixteenth Lien for 2015 taxes matured on March 23, 2018; a seventeenth Lien for 2016 taxes matured on March 22, 2019; an eighteenth tenth Lien for 2017 taxes matured on March 19, 2020; a nineteenth Lien for 2018 taxes matured on March 22, 2021; a twentieth Lien for 2019 taxes matured on March 22, 2022, and a twenty-first Lien for 2020 taxes matured on March 20, 2023 and

**WHEREAS,** Andrew Medeiros, the previous owner of the property, has offered to purchase the property for the sum of xxx dollars ($xxx).

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath that the property is hereby conveyed to Andrew Medeiros by Municipal Quit-Claim Deed and that the City Manager be authorized on behalf of the City of Bath to execute the Municipal Quit-Claim Deed, together with such other documents as may be necessary, appropriate, or convenient to the transaction.

F6

BATH
MAINE City of Ships

OFFICE of PLANNING & DEVELOPMENT

**Jennifer Curtis**
**Director of City Planning**
**jcurtis@cityofbath.com**

**Date:** March 23, 2023
**To:** Marc Meyers, Bath City Manager
**From:** Jenn Curtis, Director of Planning
**Re:** Code Amendment Request, Land Use Code 11.30, Use-Specific Standards, Transit Shelters

**Basis Statement:**
BIW expressed interest in developing transit shelters to a design detail that they shared with Planning staff. The design depicts a bus shelter that is nominally wider and taller than the existing standards allow.

**History:**
On January 16, 2023, Brian Salter, representing BIW, submitted a letter to the Planning Department with proposed amendment language.
On January 26, 2023, Director of Sustainability Rod Melanson, Code Enforcement Officer Scott Davis, and Public Works Director Lee Leiner met with Mr. Salter to discuss the proposed amendment. Staff recommended:

- Ensuring adequate space for sidewalks, where none exist
- A solid surface (pavement or concrete) apron area between the bus stop and shelter to prevent the area from becoming muddy
- Appropriate level of review should be considered
- On February 3, 2023 BIW Filed a Completed Code Amendment Request Form
- On March 1, 2023 the proposal was considered by the City Council and found to have merit for sending to the Planning Board for public hearing and recommendations. The Council suggested it be considered if solar energy generation could be encouraged on the shelters.
- On March 7, 2023 the Planning Board held a public hearing. There were no public comments. The Planning Director noted that solar energy generation (solar panels) are allowed on the transit shelters as an accessory use and that where existing economic incentives for solar energy generation on-site, and there may be times when it doesn't make sense to require it. The Board did not recommend any code incentives or requirements.

**Consistency (with plans, policies, and/or past practices):**
The proposal is consistent with the Multimodal Actions prescribed by the Comprehensive Action Plan adopted by the City of Bath September 2, 2009 as it encourages the development of a mode of transportation that ties the City to the Midcoast Region and the rest of Maine.

The proposal is consistent with the 2008 City of Bath Energy Inventory and Climate Action Plan incorporated by reference into the 2009 Comprehensive Plan, as it supports the utilization of alternative means of transportation such as City Buses, biking, walking and carpooling to reduce gas and diesel use, *provided that adequate right-of-way space is preserved for pedestrian and bicycle use.*

**Possible impacts of the change:**
If the change results in new bus shelters, it may promote bus usage.
If adequate sidewalk space is not preserved, it may impede pedestrian and bicycle traffic

**Staff Comments:**
Staff note that Site plan review is an appropriate level of review, and for projects only involving shelters, would likely result in staff review committee review process at Land Use Code (LUC) § 12.06, or if there is an existing plan, the minor revision process at LUC §12.13.B.
Solar energy generation (solar panels) are allowed on the transit shelters as an accessory use. In those places where existing tie-ins are not close by, it may be more economical to install solar energy generation on the shelters than to install new utility lines. Additionally, the recent high cost per kilowatt hour of grid electricity as compared to solar energy generation would provide another incentive for long-term use. Requiring solar energy generation use could end up being less economical and not make sense in some cases (for instance, if an existing electrical hookup is nearby and the electricity being supplied is purchased with carbon offsets or is purchased as part of a subscription to an off-site solar energy generation agreement). Because there are existing economic incentives and because it may not always make sense to require solar energy generation on-site, staff do not recommend incorporating solar energy generation into the standards.

Staff recommend:

- Not decreasing the maximum width or depth, and maintaining the depth at 10', to allow more flexibility
- Requiring a solid apron between the bus shelter and bus stop
- Maintaining adequate space for future sidewalks where none exist
- No changes related to solar energy generation

**Planning Board Recommendation(s):**

- The Planning Board voted on March 7, that the code amendment should be adopted, with staff recommended edits.

## Exhibit A: Proposed Land Use Code Amendment

**Introduction:** Planning Staff propose to amend the Land Use Code as follows:
[Sections that are underlined are intended to be added.
Sections that are ~~struck through~~ are intended to be deleted.
Sections represented by ellipsis, "..." are to remain unchanged.
Sections in brackets are explanatory notes]

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 11: PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES**

...

**SECTION 11.30 TRANSIT SHELTERS**

The Front Yard Area and Front Setback provisions of the district need not be met by a shelter for persons waiting for transportation, if the following criteria are met:

A. The structure is no more than ~~10~~ 14 feet wide as measured along the public right-of-way by 10 feet deep in horizontal dimension, and not more than ~~8~~ 10 feet tall.

B. Except of shelters for public transit, the structure is not located within the street right-of-way~~.~~ without the execution of an encroachment agreement or easement satisfactory to the City.

C. The structure is set back from the edge of the pavement a minimum of 5 feet to allow a sidewalk where none exists ~~no closer than 15 feet to the edge of the pavement~~.

D. The area between the street pavement and the entrance of the shelter shall be of a solid material such as asphalt or concrete.

E. The structure is adequately illuminated, either internally or by locating it in a well-lit area, such that at all times of day the interior of the shelter is sufficiently lit and can be clearly seen from the exterior.

F7

BATH
MAINE City of Ships

OFFICE of PLANNING & DEVELOPMENT

**Jennifer Curtis**
**Director of City Planning**
**jcurtis@cityofbath.com**

Date: March 23, 2023

To: Marc Meyers, City Manager
From: Jenn Curtis, Director of Planning & Emily Ruger, Director of Economic and Community Development
Re: Code Amendment Request, Addition of Aquaculture Use
Attachments: Exhibit A: Proposed Land Use Code Amendment

**Basis Statement:**

The City has been approached by a party interested in establishing an aquaculture project. Aquaculture is currently not allowed in the City, as Aquaculture is not currently defined or included in any Land Use Category, and §9.06 Prohibited Uses of Article 9 Uses, states that: "Uses that are not included in the Land Use Table or in Section 9.03, 9.04, or 9.05 are prohibited."
Staff find that land-based aquaculture seems appropriate to allow in some zoning districts as it would have similar impacts to other allowed uses, such as manufacturing; and aquaculture is a growing industry in Maine that could add new jobs within the City and add new diversity to the economy and tax base.

**History:**

In mid-January staff, including Marc Myers, City Manager; Emily Ruger, Economic and Community Development Director; Rod Melanson, Director of Sustainability and the Environment; and Jenn Curtis, Director of Planning, met with an interested party who presented a proposal for an aquaculture project they are developing. They expressed interest in locating the project in Bath because of the availability of existing buildings that seem appropriate for such use, the proximity to potential suppliers and customers, and ease of access to Route 1.

- On March 1, 2023 the proposal was considered by the City Council and found to have merit for sending to the Planning Board for public hearing and recommendations.
- On March 7, 2023 the Planning Board held a public hearing on the proposed amendment. There were no public comments.
- On March 7, 2023, the Planning Board voted to recommend that the proposed amendment be passed, with no recommended changes.

**Consistency (with plans, policies, and/or past practices):**

The proposal is consistent with the Actions recommended by the Economy section of the 2009 City of Bath Comprehensive Action Plan in that it promotes a diversified economy and high-tech industry and by capitalizing on the unique strengths of the mid-coast economy. Additionally, the type of use is consistent with several zoning types, as laid out in the Future Land Use Plan: Neighborhood Commercial, Business Park Area, and Low-Intensive Working Waterfront Area. These seem to correspond to the existing zones of Neighborhood (NC), Business Park (C3), and Marine Business (C5). Currently, uses with similar impacts, such as manufacturing, are not allowed in the NC in the table of uses at Article 9. Therefore, staff find the proposed aquaculture use most conclusively consistent with uses in the Business Park (C3), and Marine Business (C5) Districts.

**Likely impacts of the change:**

Aquaculture uses may locate in the C3 and C5 Districts.

**Staff Comments:**

- The existing General Performance Standards at Article 10 should do a fine job of managing the likely impacts of a project and ensuring that it would fit harmoniously into the community. No use-specific standards are recommended. Although odors are not addressed in Article 10, "Offensive smells" are included in Miscellaneous nuisances, crime described at Maine Law Title 17, Chapter 91, §2802

- The proposed definition matches the definition of aquaculture used by the U.S. Department of Agriculture and is inclusive of aquatic plants.

- The proposal to allow it in the Business Park District and Marine Business District, would limit it to land-based projects.

**Planning Board Recommendation(s):**

- On March 7, 2023, the Planning Board voted to recommend that the proposed amendment be passed, with no recommended changes.

**Introduction:** Planning Staff propose to amend the Land Use Code as follows:
[Sections that are underlined are intended to be added.
Sections that are ~~struck-through~~ are intended to be deleted.
Sections represented by ellipsis, "..." are to remain unchanged.
Sections in brackets are explanatory notes]

# 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**

...

**Aquaculture.**

The production of aquatic organisms under controlled conditions throughout part or all their lifecycle.

...

# 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 11: PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES**

...

Section 11.03 The Keeping of Animals

This standard does apply to agriculture—land use category 16.1—but does not apply to kennels, which are regulated by Section 11.16, <u>and does not apply to aquaculture</u>.

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 9. USES**

...

9.02 Land Use Table

....

| | ZONING DISTRICTS | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **LAND USE CATEGORY** | **R1** | **R2** | **R3** | **R4 & R6** | **R5** | **C1** | **C2** | **C3** | **C4** | **C5** | **NC** | **I** | **GC** | **PH** | **M** | **RP** | **NRPO** | **TMC** | **S** |
| **4.0 Manufacturing, Processing, Creating, Repairing, Renovating, or Assembling of Goods, Merchandise, or Equipment** | | | | | | | | | | | | | | | | | | | |
| **4.1 All operations conducted entirely within fully enclosed building** | N | N | N | N | N | S[3] | N | S | S | S | N | S | N | N | N | N | N | N | N |
| **4.2 Operations conducted within or outside fully enclosed building** | N | N | N | N | N | N | N | N | N | S | N | S | N | N | N | N | N | N | N |
| **4.3 Marijuana manufacturing/ testing** | N | N | N | N | N | N | N | S | S | N | N | N | N | N | N | N | N | N | N |
| **4.4 Aquaculture** | N | N | N | N | N | N | N | S | N | S | N | N | N | N | N | N | N | N | N |

F9

F10


**CITY OF BATH**
**POLICE DEPARTMENT**

**ANDREW M. BOOTH**
CHIEF of POLICE
**MICHELLE D. SMALL**
DEPUTY CHIEF

250 Water Street · Bath, Maine 04530 · (207) 443-5563


To: City Council
From: Chief Andrew Booth
Re: City Ordinance, Ch. 17, Vehicles and Traffic, Parking Appendix
Date: 3/23/23

Honorable Council members,

The purpose of this memorandum is to explain changes to the Parking Appendix of Chapter 17, Vehicles and Traffic, of the City Ordinances. Two changes were made under Commercial Street to bring the Appendix in compliance with the Ordinances.

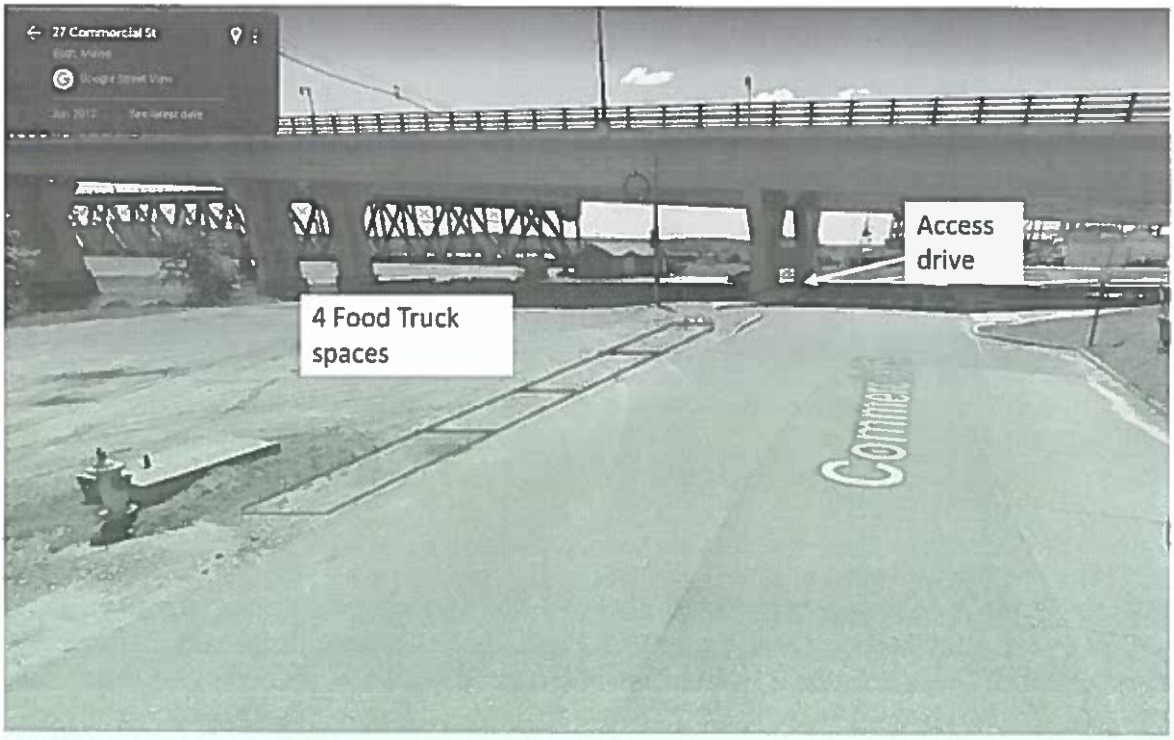
Change 1: I added language regarding the parking situation in the Railroad Station/Welcome Center lot on Commercial St, south of the bridge, as the Parking Appendix did not mention this area at all. This language is already in Chapter 17 section 17-266. It allows parking only for visitors to the welcome center.

Change 2: Last year, you approved changes to Chapter 5 of the City Ordinances, Business, under Vending on a Public Way, specifically, Mobile Food Truck vending parking spaces. In that change, four spaces on Commercial St. next to the new south end park, referred to in the ordinance as the Riverwalk Southern Terminus, were designated for Food Truck parking only. For some reason, we neglected to update the Parking Appendix which defines parking restrictions for each public street in the City. I would like to make that change now.

I used the current language in the City Ordinance regarding Mobile Food Truck vending parking and added some additional information to further clarify the designated parking area. See the attached "Proposed changes to the Parking Appendix for the Commercial Street section."

Once approved we will have Food Truck Parking only signs installed in the designated area. I have heard that there has already been interest from some Food truck vendors to use these spaces. Our parking enforcement officer will begin warning violators until these signs can be emplaced.

See below picture to clarify the specific food truck area. Note, the picture I used from Google Earth is an old street-view photo, but my overlays depict the general layout of the Food Truck spaces.




I have discussed this with the Transportation Committee prior to bringing this to council.

If you have questions, please let me know.

Chief Andrew Booth

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 HEREBY FURTHER AMENDED AS FOLLOWS:

CHAPTER 17. VEHICLES AND TRAFFIC

**Parking Appendix**

Commercial Street:

South, East and North Sides: From King Street to the South side of the Sagadahoc Bridge, No Parking except in designated parking lot adjacent to the Railroad Station/Welcome Center, see permitted use in Sec. 17-266, Vehicles and Traffic; From the South side of the Sagadahoc Bridge and running North 303 feet, parking by permit only on weekdays between the hours of 6:00 a.m. and 6:00 p.m. Permits may be obtained from the Police Department in the same manner as permits are issued for the parking lot on the West side of Water Street. Parking on weekends and weekdays from 6:00 p.m. to 6:00 a.m. is unrestricted. From the north side of the access drive of the Riverwalk Southern Terminus/Guilford Lot (East side of Bridge lot) to a point 62' feet north, no parking. From this point north 85' to a fire hydrant, in the four southern-most parking spaces located on the Easterly side of Commercial Street adjacent to the Riverwalk Southern Terminus/Guildford Lot, Mobile Food Truck vending parking only. In the two spots north of the fire hydrant, 4-hour parking. From this point 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 15th to March 15th of each year, and at all other times shall be designated as a 2 Hour Parking area.

F11

**FINANCE DEPARTMENT**
Juli Millett
Finance Director/Asst. City Manager
jmillett@cityofbath.com

March 23, 2023

To: Chair Bell and Members of the Bath City Council

From: Juli Millett, Finance Director, and Assistant City Manager

CC: Marc Meyers, City Manager
Lee Leiner, Public Works Director

Re: Supplemental appropriation – Landfill intermediate cover and gas mitigation project

In your packet this month is a supplemental appropriation of $133,000 to fund the intermediate cover and gas mitigation project required by DEP at the landfill. The project was budgeted at $185,000 and the lowest bid was $318,155.

We went out to bid for the LF intermediate cover project. We had a budget of about $185k. The lower of the two bids we received is from Crooker and is $286k, base bid plus Alt 1 gas piping. The higher bid was $484k. We discussed it with Crooker and the biggest driver of the price is the plastic geomembrane that is used as the cover. Even if we reduced the size of the area to be covered, the savings would be minor as the project is about as small as we can make it and still be effective. Pricing is not likely to go down on the geomembrane but is likely to go up. We cannot put the project off too much longer as MDEP has noticed that we have not done it yet.

## ORDINANCE

## SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council of the City of Bath desires to fund the intermediate cover and gas mitigation project required by DEP at the landfill; and

WHEREAS, the amount budgeted for the project is $185,000 and the lowest bid for the project is $318,155; and

WHEREAS, surplus funds in the Landfill Undesignated Fund Balance Account, are available to fund the project 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 Thirty--Three Thousand Dollars ($133,000.00); and

WHEREAS, the City Manager has certified that there are available revenues for appropriation to at least the extent of One Hundred and Thirty-Three Thousand Dollars ($133,000.00), 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 Thirty-three Thousand Dollars ($133,000.00) be and hereby is supplementally appropriated from the Landfill Undesignated Fund Balance (Account G06-2520-00) to the Intermediate Cover and Gas Remediation Project Account (Account 06-0665-570).

I12

# Non-Profit Ad Hoc Committee Report

**March 2023**

## Background

The need for a non-profit giving policy was identified by the Bath City Council during the 2022 budget process. Concerns were raised about the lack of a clear policy concerning city non-profit giving. It was noted that an application to request city funds by non-profits existed, but that there was no criteria available for Council to use when making decisions about giving to non-profits.

The ad hoc non-profit giving committee met four times: one planning meeting on January 6, and three meetings that were public and on the city calendar – February 2, February 16, and March 9, 2023.

Members: Council Chair Bell, Councilor Dunn, Councilor DeChant, Councilor Johnson, Juli Millett, Finance Director.

## Goal & Process

The committee recognizes the vital role that many non-profit organizations play in the city and region. The committee also recognizes the importance of having a policy or procedure set to clarify whether the city council would consider requests from non-profit groups for funding. If the city decides to fund non-profits, there must be clear selection criteria.

We reviewed policies and practices from a number of other similarly sized communities. We discovered that many of these do not have specific policies or simply do not fund non-profits.

We next examined the City of Bath's budgets for the past few years. We learned that there are a number of quasi-municipal organizations that are included as line items in the city budget. Those that are funded from time to time-include the Patten Free Library, Bath Area Seniors, the Bath Municipal Band, Tsugaru Sister City Program, and the Midcoast Youth Center.

In addition, there is a distinct budget item for council contributions that has been used for non-profits that are not quasi–municipal. During the last decade, that line item has included a number of grants to local non-profits. Grant amounts have varied from $500 to $5,000.

## Recommendations:

After lengthy discussion, we would like to propose the following:

1. As a general rule, we propose eliminating the use of budget line item identified as council contributions.

2. Some non-profits may still request funding if they fit or qualify under another part of the budget.

3. City Council may, from time to time, grant assistance to non-profits with special projects *as the need arises*. These needs may include widespread/regional disaster recovery, acute changes in community need, or other similarly scaled activities at the sole discretion of City Council.

4. Other support for special projects from non-profit organizations may, from time-to-time, be considered in the form of budgeted funding and/or support via grants and aid sought on behalf of, or provided by, other city departments. Any such funding provided under any circumstances is done so at the sole discretion of City Council.

**Rationale**

These recommendations are based on a consideration of the amount of City council/staff time must align with the amount of money involved (total of $4,750 in 2022) and is presently out of balance. We believe that if we, as a city, regularly accept non-profit applications for funding, this policy needs to be communicated, would likely increase the number and frequency of requests, and consequently there would need be a permanent Council committee created to review funding requests and organizations.

KB

## Darci Wheeler

**From:** no-reply@services.evo.cloud
**Sent:** Monday, February 27, 2023 8:11 AM
**To:** Darci Wheeler
**Subject:** Appointment Application - New Form Submission for Bath, Maine

### A new submission has been received for Appointment Application at 02/27/2023 8:10 AM

| | |
|---|---|
| **First Name::** | Timothy |
| **Last Name::** | Pratt |
| **Address::** | 10 garden St |
| **Phone::** | 2073500777 |
| **Your Council Ward Number::** | 4 |
| **Email Address::** | timpratt16@gmail.com |
| **Preferred Method of Contact::** | Email |
| **I wish to be considered for::** | Reappointment |
| **Name of Board/ Commission/ Committee::** | Personnel Services Committee |
| **Committee Experience:** | |
| **Date(s) you attended this Board/Commission/Committee's meetings::** | For the past three years |
| **Members of the Board/ Commission/ Committee with whom you spoke and when::** | Karla Gagnon, Brian Hatch |
| **How did these experiences affect your interest in the Board/ Commission/ Committee?:** | It was great and I felt able to bring my experience in interviewing and hiring into the role |
| **Have you every served on a City Board/ Commission/ Committee?:** | Yes |
| **If yes please list the Board/ Commission/ Committee and years of service:** | Forestry Committee 2017-2021 |
| **Please outline past and present expertise skills employment that you think may be relevant::** | Experience in all parts of hiring processes in my role as a facility manager |
| **Resume (Optional):** | No File Uploaded |
| **Why do you want to be a member of this Board/ Commission/ Committee or list your accomplishments during your last term or terms?:** | I want to continue to serve my community. |
| **How many months are you away from Bath in a 12 month period?:** | less than 1 |
| **Date:** | 2/27/23 |
| **Signature:** | Timothy Pratt |

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 2/27/2023

Received by: email

Date emailed to Appointment Review Committee: 2/27/2023

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 4/5/2023

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: Jan 2026

K14

BATH
MAINE City of Ships

OFFICE of PLANNING & DEVELOPMENT

Jennifer Curtis
Director of City Planning
jcurtis@cityofbath.com

Date: March 24, 2023

To: Marc Meyers, City Manager
From: Jenn Curtis, Director of Planning, & Rod Melanson, Director of Sustainability and the Environment
Re: Beekeeping
Attachment: Exibit A: Proposed Land Use Code Amendment and City Ordinances Amendment

**Background**

At their regularly scheduled March Meeting, the Climate Action Commission reviewed and approved sending a request for code text amendment to the City Council from a sub-committee. The request is to seek authorization to work with the Planning Board on finalizing text amendments to allow for the regulation of beekeeping.

**Consistency (with plans, policies, and/or past practices):**

The City Council of the City of Bath adopted the 2019 Climate Action Plan on November 6, 2019

In 2022, Bath joined the Maine Community Resilience Partnership. The Council resolution included this pledge: "the City of Bath has pledged to take a leadership role to minimize the City's energy use and emissions and maximize efficiency and sustainability."

**Staff Comments:**

The standards are intended to allow for safe and orderly keeping of apiaries, with built-in flexibility to adjust with the amount of space available on-site.

**Planning Board Recommendation(s):**

The Planning Board may consider this proposed amendment, and hold a public hearing on it, after the City Council has determined that the proposal has merit.

# Exhibit A: Proposed Land Use Code Amendment and City Ordinances Amendment

**Introduction:** Planning Staff propose to amend the Land Use Code as follows:
[Sections that are underlined are intended to be added.
Sections that are ~~struck-through~~ are intended to be deleted.
Sections represented by ellipsis, "..." are to remain unchanged.
Sections in brackets are explanatory notes]

**ARTICLE 2. DEFINITIONS**

...

Keeping of Bees. The establishment and maintenance by a person(s) of an apiary for their personal use and enjoyment.

...

**ARTICLE 11: PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES**

...

Section 11.03 The Keeping of Animals

This standard does apply to agriculture—land use category 16.1—but does not apply to kennels, which are regulated by Section 11.16, or the keeping of bees as defined in Section 2.02.

....

**CITY ORDINANCES**

....

CHAPTER 4 – ANIMALS

....

ARTICLE 4. OTHER ANIMALS

Section 4.401. Purpose.

The purpose of this Article is to provide standards for the keeping bees in urban, residential areas in the City of Bath. It is intended to enable and to regulate the keeping of bees on a non-commercial basis by residents while limiting the potential adverse effects on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of bees.

Section 4.402. Definitions.

The terms in this Article shall be in accordance with the definitions in the Land Use Code, Article 2, Section 2.02.

## Exhibit A: Proposed Land Use Code Amendment and City Ordinances Amendment

Section 4.403. Use Limitations and Restrictions.

All persons within City of Bath, who wish to keep bees, must adhere to the statutes of the state as described in M.S.R. Title 7, Part 6-A, as well as the following:

A. There shall be no more than two colonies on one-quarter acre or less.

B. There shall be no more than four colonies on one-quarter to one-half acre.

C. There shall be no more than six colonies on one-half to one acre.

D. There shall be no more than eight colonies on a tract of land greater than one acre.

E. All colonies' hives shall be located a minimum of 25 feet from any inhabited dwelling other than that of the person keeping such bees and may be not be closer unless a flyway barrier is erected, being an obstacle like a solid fence, wall, or vegetation, no less than six feet tall, used to force bees to fly upwards when they leave the hive to avoid contact with people.

F. There is adequate source of water available at all times to the bees on the owner's property.

K15

BATH
MAINE City of Ships

OFFICE of PLANNING & DEVELOPMENT

**Jennifer Curtis**
**Director of City Planning**
**jcurtis@cityofbath.com**

Date: March 24, 2023

To: Marc Meyers, City Manager
From: Jenn Curtis, Director of Planning, & Rod Melanson, Director of Sustainability and the Environment
Re: EV Charging
Attachment: Info Sheet on EV Charging Ordinance Information produced by the Climate Action Commission

**Background**

At their regularly scheduled March Meeting, the Climate Action Commission reviewed and approved sending a request for code text amendment to the City Council from their energy sub-committee. The request is to seek authorization to work with the Planning Board on finalizing text amendments to allow for the regulation of electric vehicle (EV) charging infrastructure.

The proposed text amendments will focus on setting standards for electric vehicle charging infrastructure. It will also require certain developments to install EV charging infrastructure.

**Introduction:**

The Energy Sub-Committee developed an information sheet (attached) that provides a purpose/ need statement, as well as an overview of the proposed amendment.

The committee has been discussing and working on this as part of a broader EV infrastructure planning process. To date, they have assisted in the Cities efforts to install public charging stations as well.

Comments are being received and reviewed by the committee and will be discussed with the Planning Board. The intent will be to develop a final product that is recommended by the Planning Board, and ready for Council review.

Sections of the Land Use Code that would likely be included in the changes include Article 10.06,F Parking Standards; Article 2, Definitions; Article 12 Site Plan Review.

**Consistency (with plans, policies, and/or past practices):**

The City Council of the City of Bath adopted the 2019 Climate Action Plan on November 6, 2019

In 2022, Bath joined the Maine Community Resilience Partnership. The Council resolution included this pledge: "the City of Bath has pledged to take a leadership role to minimize the City's energy use and emissions and maximize efficiency and sustainability."

**Staff Comments:**

Planning staff feel that the proposed threshold for requiring EV-capable or EV-installed parking being a new lot or reconstructed lot with 5 or more spaces is a good first step in the direction of making changes. Planning is an iterative process, and based on what we learn about implementing such a requirement, and how the adoption of the technology progresses, the city can further adapt the ordinance to suit.

**Planning Board Recommendation(s):**

The Planning Board may consider this proposed amendment, and hold a public hearing on it, after the City Council has determined that the proposal has merit.

# Why is this ordinance needed?

Maine municipalities play a crucial role in encouraging and directing Electric Vehicle (EV) infrastructure through zoning and other ordinances. Municipalities can facilitate EV infrastructure expansion by:

- Identifying EV Charging Stations as a permitted accessory and primary use in zoning districts
- Requiring EV charging stations in new and redeveloped parking facilities
- Setting general requirements for EV infrastructure standards
- Promoting EV charging station accessibility
- Clarifying regulations for EV parking spaces

**Background**

World climate is changing at an unprecedented rate as a result of human-caused greenhouse gas emissions. Reducing emissions from transportation – the source of more than half of all greenhouse gas emissions in Maine – is a key piece of Maine's overall effort to curb state emissions by 45% by 2030 – a goal which the City of Bath endorsed in a 2022 resolution. The State's climate action plan, *Maine Won't Wait,* estimates Maine needs 219,000 light-duty EVs on the road by 2030 to meet its emissions targets (20% of all vehicles on the road). While in 2021 there were only 3,040 EVs registered in Maine, the pace of transformation of the automotive industry to electric vehicles has quickened, and most manufacturers plan to phase out new internal combustion vehicles within the next ten years. To accelerate Maine's progress, Governor Janet Mills signed an executive order (PDF) calling for a "clean transportation roadmap" to achieve the state's climate plan goal of increasing the number of electric vehicles (EVs) on the road in Maine by 2030.

**Increased need for EV chargers**

Bath must prepare for these changes by increasing the availability of EV charging stations in new developments and major renovations. A high priority should be placed on residential charging as this allows for implementing gradual, overnight Level 2 charging to best match lifestyle and grid power availability.

## Levels of EV Charging


Lifewire

**Bath charging station regulations**

Currently Bath does not regulate in any manner EV charging stations. In anticipation of new development, redevelopment, and significant renovations, we believe there is an opportunity to begin a regulatory framework that accomplishes the following:

1. Adds definitions that address levels of required site preparation –
    a. **EV – Capable:** Conduit to every required space, panel capacity of 6.6 kW for every group of 4 required spaces
    b. **EV – Ready:** EV- Capable + dedicated branch circuit terminated in junction box, 240V outlet or EV charging unit.
    c. **EV – Installed:** EV-Ready + charger capable of level II charging.


City of South Portland EV Install Study

| EV Infrastructure Requirement | Cost During New Construction | Cost During Retrofit | Savings |
|---|---|---|---|
| EV-Capable (panel capacity + raceway) | $300 per space | $2,500 per space | $2,200 per space |
| EV-Ready (full circuit) | $1,300 per space | $6,300 per space | $5,000 per space |
| EV-Installed (level 2) | $2,300 per space | $7,300 per space | $5,000 per space |

2. Requires that all new EV chargers shall be Level 2 or greater.
3. Adds a new requirement in our site plan ordinance section that specifies location of employee parking spaces.
4. Requires all new or redeveloped parking structures or parking lots of 5+ parking spaces add EV infrastructure according to this table:

| Land Use | EV-capable parking spaces | EV-ready parking spaces | EV-installed parking spaces |
|---|---|---|---|
| 3 or more Dwelling Units on a Lot | 1 space per unit including EV-installed | - | 20% |
| Lodging, including Extended Stay Hotels | 40% | - | 20% |
| Non-Residential, Non-Employee Parking | 20% | - | 5% |
| Employee Parking | 40% | - | 10% |

K16

BATH
MAINE *City of Ships*

OFFICE of PLANNING & DEVELOPMENT

**Jennifer Curtis**
**Director of City Planning**
**jcurtis@cityofbath.com**

Date: March 29, 2023

To: Marc Meyers, City Manager
From: Jenn Curtis, Director of Planning, & Rod Melanson, Director of Sustainability and the Environment
Re: Shoreland Zoning Map Amendment
Attachments: Maps depicting the stream segment, and Maine DEP Letter dated March 10, 2023

**Basis Statement:**

Maine Department of Environmental Protection (DEP) establishes the guidelines for minimum shoreland zoning. Current shoreland zoning boundaries within Bath were assigned based on the best available data at the time. A closer inspection of the on-the-ground conditions in the area south of Centre St and west of Congress Ave resulted in a DEP determination that a segment of waterbody currently being treated as part of a larger tidal marsh area is by definition, a stream. The area is otherwise zoned as Route 1 Contract (C4) and Business Park (C3). DEP issued a letter concluding that, "The Department recommends the Map be amended to replace the shoreland zone with a 75-foot stream protection buffer."

**History:**

At the request of a local landowner, in early March 2023, Jeffrey Kalinich of DEP Bureau of Land Resources visited the area with City Director of Sustainability and the Environment, Rod Melanson. They visually surveyed the area and the hydrologic connectivity. Mr. Kalinich subsequently issued the determination letter on March 10, 2023 (attached) noting that he determined that the waterbody south of Centre Street meets the Stream definition and recommending a map amendment, accordingly.

Staff in the City Planning and Codes Department reviewed the letter and decided that it made sense to send the recommendation to City Council for consideration.

**Consistency (with plans, policies, and/or past practices):**

The proposed map amendment is consistent with State law and rules.
The proposal is consistent with the Actions recommended by the 2009 City of Bath Comprehensive Action Plan in that the area was designated as an area for future growth and development, and the proposed action allows the greatest potential for development in that

area, by increasing the amount of area that can be developed to the C2 and C4 District densities.

**Likely impacts of the change:**

The dimensional standards of the C2 and C4 would be applied without Shoreland Zone overlay in the reduced setback area, allowing higher density in those portions.

**Staff Comments:**

The State of Maine's Natural Resources Protection Act regulates activities adjacent to protected natural resources (including within 75' of a stream).

The City does not have an existing stream-protection buffer zone, but streams are included in the Shoreland Zone by definition, in the Land Use Code, at §2.02:

> "Shoreland zone. The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; **or within 75 feet, horizontal distance, of the normal high-water line of a stream.**"

Staff recommend reducing the mapped Shoreland zoning area around the stream segment south of Centre St to 75', in alignment with the code definition.

**Planning Board Recommendation(s):**

The Planning Board may consider this proposed amendment, and hold a public hearing on it, after the City Council has determined that the proposal has merit.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 10, 2023

Rod Melanson
Director of Sustainability and Environment
City of Bath
55 Front Street
Bath, Maine 04530

RE: Centre Street Shoreland Map Amendment

Dear Mr. Melanson,

You requested the Department review the shoreland zone mapping in the vicinity of 520 Centre Street. Currently the City Of Bath's Shoreland Zoning Map (Map) places a 250-foot zone on the waterbody Southerly of Centre Street. The Shoreland Zone is defined in the City of Bath's Land Use Code (Code) as *"The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high-water line of a stream."*

A review of aerial mapping indicates the waterbody in the area is not a great pond or river as defined by the Code. During our site visit we determined the head of tide is at the old mill dam between Old Brunswick Road and the railroad tracks and the area Southerly of Centre Street is not affected by tidal action. Based on observations of the wetland and measurements from aerial mapping the wetland adjacent to Centre Street was estimated to be 6.42 acres which is less what is required for a freshwater wetland as defined by the Code to be shoreland zoned. A review of the National Map on the website of the United States Geological Survey indicates the waterbody meets the Stream definition in the Code.

In consideration of these findings the Department has determined that the 250 shoreland zone mapped from Centre Street southerly to Route 1 is not supported by the Code. The Department recommends the Map be amended to replace the 250 shoreland zone with a 75-foot stream protection buffer.

Regards,

Jeffrey Kalinich
Assistant Shoreland Zoning Coordinator
Bureau of Land Resources

Centre St
Lark St
Central Av
Huse St
Congress Av
Drayton Rd
Bluff Rd
Chandler Dr


Centre St
Congress Av
Drayton Rd
Lark St
Bluff Rd
Central Av
WEST BATH
Maine GeoLibrary