

**REGULAR MEETING MINUTES**  
**CITY COUNCIL OF THE CITY OF BATH, MAINE**  
Wednesday, April 5, 2023, 6:00 PM

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

**Councilors Absent:** Jennifer DeChant

**City Staff Present:** Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director; Emily Ruger, Community and Economic Director; Steve Balboni, Director of Parks and Recreation; Jenn Curtis, Director of Planning; Rod Melanson, Environment and Sustainability Director; Andrew Booth, Police Chief; and Pete Compagna, BCTV

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

Promotion of Eric Bryan to Detective by Chief Booth.  
Promotion of Michael Jones to Corporal by Chief Booth.

C. Public Hearing: NONE

D. Consent Agenda 6:06 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 March 1, 2023, Regular Council Meeting (motion to accept as presented)

**Councilor Nordmann moved, Councilor Bauer seconded, to approve as presented. The motion carried with seven (7) yeas and zero (0) nays.**

E. Time Devoted to Residents to Address the City Council: 6:07 pm

Alyson Magian, 142 Butler Head Road, spoke in support of the Bath Fiber Optic Alliance Grant.

Steven Hollenbeck, 14 Trufant Street, spoke regarding a dangerous section of Washington Street

Karen D'Silva, 134 North Street, invited everyone to Our Stem City at Morse High School 5-7pm Thursday evening.

Alicia Romac, 370 Whiskeag Road, spoke in support of Bath Fiber Optic Alliance

**Nancy Zugahara**, 24 West Chops Point Road property owner, spoke in favor of Bath Fiber Optic Alliance

Christian Leger, 49 West Chops Point Road, spoke in favor of Bath Fiber Optic Alliance.

Connor English, 128 Whiskeag Road, spoke in support of Bath Fiber Optic Alliance

F. Resolutions, Orders, and Ordinances: 6:29 pm

2) Approval of TIF Policy

**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

### **Establishing a Credit Enhancement Agreement (CEA)**

#### **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

Emily Ruger, Community and Economic Director gave background on the item and responded to questions and comments from Councilors Dunn, Bailey, and Bell.

**Councilor Bailey moved, Councilor Ambrosino seconded, to approve as presented. The motion carried with seven (7) yeas and zero (0) nays.**

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

### **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.

Steve Balboni, Parks and Recreation Director introduced the item and Don Allisot, former recreation employee and member of the American Legion gave the background.

**Councilor Bauer moved, Councilor Bailey seconded, to approve as presented. The motion carried with seven (7) yeas and zero (0) nays.**

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

**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.

Steve Balboni, Parks and Recreation Director introduced the item.

**Councilor Dunn moved, Councilor Bailey seconded, to approve as presented. The motion carried with seven (7) yeas and zero (0) nays.**

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

**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.

Emily Ruger, Community and Economic Director gave background on the item and responded to questions and comments from Councilors Bailey, Bauer, Dunn, and Dingley.

**Councilor Bauer moved, Councilor Bailey seconded, to approve as presented. The motion carried with six (6) yeas and one (1) nay.**

Chair Bell asked for a motion to enter into Executive Session Real Estate Matters per 1 MRS §405(6)(C) before introducing the next item. Councilor Dunn moved, Councilor Ambrosino. seconded. All in favor.

Councilor Dunn moved, Councilor Johnson seconded to enter back into regular session at 7:28pm

Councilor Bauer left the meeting at 7:30pm.

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

#### **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 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 one hundred and two thousand dollars and zero cents (\$102,000.00).

**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.

Juli Millett, Finance Director introduced the item and responded to questions and comments from Councilor Bailey.

**Councilor Nordmann moved, Councilor Dunn seconded, to amend the order to include the price of \$102,000. The motion carried with six (6) yeas and zero (0) nays.**

**Councilor Nordmann moved, Councilor Dunn seconded, to waive an appraisal. The motion carried with six (6) yeas and zero (0) nays.**

**Councilor Bailey moved, Councilor Ambrosino seconded, as amended. The motion carried with six (6) yeas and zero (0) nays.**

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

Jenn Curtis, Planning Director introduced the item and responded to questions and comments from Councilor Dunn.

**Councilor Ambrosino moved, Councilor Bailey seconded, to approve as presented. The motion carried with six (6) yeas and zero (0) nays.**

7) 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.

...

Jenn Curtis, Planning Director introduced the item and responded to questions and comments from Councilor Bailey.

**Councilor Bailey moved, Councilor Nordmann seconded, to approve as presented. The motion carried with five (5) yeas and one (1) nay.**

8) 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, and does not apply to aquaculture.

Jenn Curtis, Planning Director introduced the item.

**Councilor Ambrosino moved, Councilor Nordmann seconded, to approve as presented. The motion carried with five (5) yeas and one (1) nay.**

9) 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  
....

LAND USE CATEGORY	ZONING DISTRICTS																			
	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 <sup>3</sup>	N	S	S	S	N	S	N	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	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	N
4.4 Aquaculture	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Jenn Curtis, Director of Planning explained the item. She responded to questions and comments from Councilor Dunn. Councilor Ambrosino motioned to approve and Councilor Bailey seconded.

**Chairperson Bell requested a show of hands and the motion carried with six (6) in favor and one (1) against.**

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

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/Guilford 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.

Andrew Booth, Police Chief introduced the item.

**Councilor Bailey moved, Councilor Johnson seconded, to approve as presented. The motion carried with six (6) yeas and zero (0) nays.**

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

### **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).

Juli Millett, Finance Director introduced the item, responding to questions from Councilor Dunn.

**Councilor Ambrosino moved, Councilor Dunn seconded, to approve as presented. The motion carried with five (5) yeas and one (1) nay.**

G. Petitions & Communications: NONE

H. City Manager’s Report: 7:55 pm

Congratulated Mike Orr on his retirement after 25 years of Service  
Clogged Sewers due to wipes  
Upcoming landfill/public works events  
    Spring Cleanup 4/10-4/15  
    Leaf Collection 4/24 and 4/25  
    Household Hazardous Waste Collection preregistration 4/1-5/7  
Our Stem City  
    Participating city departments are Police, Fire, and Clerk’s office

I. Committee Reports: 8:00 pm

12) Non-Profit Giving Adhoc Committee

Councilor Johnson gave background on work the committee had completed. Discussion continued among Councilors Bailey, Ambrosino, and Dunn.

**Councilor Dunn moved, Councilor Nordmann seconded, to amend the policy as follows.**

Funding Request Policy:

1. The city of Bath does not accept funding requests from non-profit organizations.
2. City council may from time-to-time grant assistance to organizations for special projects which rise to the level of widespread/disaster recovery, acute changes or community need.
3. Other support may from time to time be considered in the form of budgeted funding and/or other support via grants, and aid sought on behalf of or provided by other city departments and approved in the annual budget process.

**The motion carried with six (6) yeas and zero (0) nays.**

Councilor Dingley

SWAC- no meeting

Recreation-additional funding

Sports Card Show at Parks and Recreation on Saturday 4/18 from 9-2pm

Councilor Bailey

Sagadahoc Budget Advisory-almost complete 7.4% increase

Community Development-will be at the STEM event

Councilor Ambrosino

Forestry-June Bird and Mushroom walks scheduled at Butler Head

Climate Action-Efficiency Maine 5/3 Patten Free Library 5:30pm

J. Unfinished Business: NONE

K. New Business: 8:26 pm

13) Appointments and Reappointments

~Reappointment of Timothy Pratt to Personnel Services Committee for a term to expire

January 2026

**Councilor Bailey moved, Councilor Ambrosino seconded, to approve as presented. The motion carried with six (6) yeas and zero (0) nays.**

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

Rod Melanson, Environment and Sustainability Director, explained that item for merit to move on to the Planning Board. He responded to questions and comments from Councilors Ambrosino, and Johnson. All were in favor.

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

Rod Melanson, Environment and Sustainability Director, explained the item for merit to move on to the Planning Board. He responded to questions and comments from Councilors Bell, and Dunn. All were in favor.

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

Jenn Curtis, Planning Director, explained the item for merit to move on to the Planning Board. She responded to questions and comments from Councilors Bailey, Dunn, and Ambrosino. All were in favor.

L. Councilor Announcements: 8:40 pm

Councilor Dingley-urge citizens to be caution due to rabid animals in nearby towns

Councilor Bailey-AARP shredding event

Councilor Nordmann- Norway Maples produce sap

Chairperson Bell asked for motion to extend meeting past 9pm. Councilor Ambrosino moved, a second made by Councilor Bailey. The motion carried five (5) to one (1).

M. Executive Session: 8:45pm

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

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

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

**9:07pm A motion to adjourn from Executive Session was made by Councilor Dunn and seconded by Councilor Ambrosino. All in favor.**

Meeting adjourned at 9:07pm

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

Attested:

Darci L. Wheeler, City Clerk

**Please note: These minutes are action minutes. The entire meeting can be viewed at [www.cityofbath.com](http://www.cityofbath.com)**