

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, May 3, 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; Jenn Curtis, Director of Planning; Andrew Booth, Police Chief; and Pete Compagna, BCTV

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

Proclamation: Arbor Week, May 21st-May 27th

Proclamation: National Public Works Week, May 21st-May 27th

C. Public Hearing: 6:06 pm

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

Councilor Ambrosino moved, Councilor Bauer seconded, to waive the second reading. The motion carried with seven (7) yeas and one (1) nay.

Jenn Curtis, Director of Planning, gave background on revisiting the ordinance and responding to questions from Councilor Dunn.

No public comment.

Councilor Bauer moved, Councilor Dunn seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with eight (8) yeas and zero (0) nays.

YEAS: Councilors Dingley, Johnson, Bauer, DeChant, Dunn, Nordmann, Bailey, and Ambrosino.

NAYS: None

Law in 21 days.

- 2) ORDINANCE: LUC Article 2, Definitions, Aquaculture (second 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.

...

Councilor Ambrosino moved, Councilor Bauer seconded, to waive the second reading. The motion carried with six (6) yeas and two (2) nays.

Jenn Curtis, Director of Planning gave background on revisiting the ordinance.

No Council discussion. No public comment.

Councilor Bauer moved, Councilor Dunn seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with seven (7) yeas and one (1) nay.

YEAS: Councilors Ambrosino, Bailey, Nordmann, Dunn, DeChant, Bauer, and Johnson,

NAYS: Dingley

Law in 21 days.

- 3) ORDINANCE: LUC Article 11, Section 11.03 Performance Standards, Specific Activities and Land Uses, The Keeping of Animals (second 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, Director of Planning gave background on revisiting the ordinance.

No Council discussion. No public comment.

Councilor Bauer moved, Councilor Ambrosino seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with seven (7) yeas and one (1) nay.

YEAS: Councilors Johnson, Bauer, DeChant, Dunn, Nordmann, Bailey, and Ambrosino.

NAYS: Dingley

Law in 21 days.

4) ORDINANCE: LUC Article 9. USES, Section 9.02 Land Use Table, Aquaculture (second 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 ³	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 gave background on revisiting the ordinance.

No Council discussion. No public comment.

Councilor Dunn moved, Councilor Bailey seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with seven (7) yeas and one (1) nay.

YEAS: Councilors Ambrosino, Bailey, Nordmann, Dunn, DeChant, Bauer, and Johnson,

NAYS: Dingley

Law in 21 days.

5) ORDINANCE: Amendment to Chapter 17, Vehicles and Traffic, Parking Appendix (second passage)

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.

Councilor Bailey moved, Councilor Bauer seconded, to waive the second reading. The motion carried with seven (6) yeas and two (2) nays.

Andrew Booth, Police Chief gave background on revisiting the ordinance and responded to questions from Councilors DeChant and Bauer.

No Council discussion. No public comment.

Councilor Ambrosino moved, Councilor Dunn seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with seven (7) yeas and one (1) nay.

YEAS: Councilors Dingley, Johnson, Bauer, Dunn, Nordmann, Bailey, and Ambrosino.

NAYS: DeChant

Law in 21 days.

- 6) CDBG Housing Assistance Grant

Public Hearing Notice

The City of Bath

The City of Bath will hold a Public Hearing on May 3, 2023, at 6:00PM, at Bath City Hall Council Chambers to discuss an application being submitted to the State of Maine CDBG program for a Housing grant. The purpose of the grant application is to provide additional support to Bath Housing Development Corporation in constructing an 18-unit apartment building on 520 Centre Street in Bath. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: Emily Ruger, Director of Community & Economic Development, 55 Front Street, City of Bath, Maine 04530, at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's/Town's programs or services, please call (207) 443-8330, so that accommodations can be made.

D. Consent Agenda 6:19 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.)*

- 7) *Minutes of the Regular Meeting of April 5, 2023, Special Meeting of April 19, 2023, and Items F10 and F11 (Motion to Accept as Presented)

Councilor Nordmann moved, Councilor Bauer 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: 6:22 pm

Leann Smith, Winter Street Court, Street lights public demonstration

Russell Clark, 5006 Washington Street, street lighting

Peggy Chapman, Woolwich, dark sky ordinance

Jim Hummer, 20 Varney Mill Road, in support of street lighting demonstration

Edwin Morton, Phippsburg, Member of American Legion Post 21, requesting waiver of police detail for Memorial Day Parade

Betsy Chadwick, 997 Middle Street, in favor of public lighting demonstration

City Manager Marc Meyers explained the project and where we are in the process.

F. Resolutions, Orders, and Ordinances: 6:45 pm

- 8) RESOLUTION: CDBG Housing Assistance Grant

CITY OF BATH COUNCIL RESOLUTION
STATE OF MAINE COMMUNITY DEVELOPMENT 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: Housing Assistance

Amount: up to \$850,000

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, Community and Economic Director gave background on 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 eight (8) yeas and zero (0) nays.

- 9) RESOLUTION: Supporting LD 1821

RESOLUTION SUPPORTING LD 1821

WHEREAS, Sponsor Senator VITELLI of Sagadahoc and Cosponsors; Representative PAULHUS of Bath, Senator NANGLE of Cumberland, and Representative HEPLER of Woolwich have proposed LD 1821 "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath;" and

WHEREAS, the purpose of the Legislation is to validate the results of the referendum conducted in the

City of Bath on November 8, 2022, with regard to approval of a bond ordinance authorizing the issuance of up to \$13,050,000 of its general obligation bonds and notes to finance the construction and equipping of a new fire station; and

WHEREAS, the rationale for requesting Legislative relief is as a result of a legal technicality concerning the bond approval procedures that prevents the bond from being marketed; and

WHEREAS, the City Council has reviewed the Legislation and the representations in the Legislation regarding the nature of the procedural defect and the necessity for the requested Legislative relief; and

WHEREAS, the approval of this Legislation will render the bond issue marketable. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that its approval of this Resolution indicates its full support for the adoption of LD 1821.

Marc Meyers, City Manager gave background on the item and responded to questions and comments from Councilor Dunn.

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

- 10) *ORDER: Appointing City Arborist/Tree Warden (annual appointment)
- 11) *ORDER: Annual Appointment of Shane Kindlemann as Assistant Plumbing Inspector, pursuant to State Statutes (motion to appoint)
- 12) ORDER: Approving sale of Two Town Landing

ORDER
APPROVING SALE OF REAL ESTATE

WHEREAS, the City of Bath has determined that it is in the City's best interest to sell city-owned property generally known as Two Town Landing, located at 2 Town Landing Road; and

WHEREAS, The property was acquired by the City of Bath from Kennebec Landing, LLC dated January 4, 2005, and recorded in the Sagadahoc County Registry of Deeds in Book 2512, Page 349.

WHEREAS, the City has received an offer from Muddy River Farm Aquaponics, LLC to purchase the property for the sum of \$350,000.00; and

WHEREAS, Muddy River Farm Aquaponics, LLC will make use the property to significantly expand its aquaculture business. The business will bring new jobs to Bath within a growing industry, as well as provide additional property tax revenue to the City.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the offer from Muddy River Farm Aquaponics, LLC of three-hundred and fifty thousand dollars (\$350,000.00) be and hereby is accepted and that the property be conveyed to the 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.

Emily Ruger, Community and Economic Director gave background on the item and responded to questions and comments from Councilors DeChant, Dunn, Bailey, Johnson, and Bauer. Matt Nixon, property purchaser also responded to questions.

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

13) ORDER: Approving Sale of Former Bath Armory

ORDER
APPROVING SALE OF REAL ESTATE

WHEREAS, the City of Bath has determined that it is in the City's best interest to sell city-owned property generally known as the former Bath Armory, located at 4 Old Brunswick Road; and

WHEREAS, the property was acquired by the City of Bath by virtue of a Quit Claim Deed Without Covenant from the State of Maine, dated September 2, 2010, and recorded in the Sagadahoc County Registry of Deeds in Book 3223, Page 307; and

WHEREAS, the City has received an offer from Midcoast Community Alliance dba Midcoast Youth Center to purchase the property for the sum of \$285,000.00; and

WHEREAS, Midcoast Community Alliance dba Midcoast Youth Center, current lessee, plans to continue to use the building to provide programs and services to improve the lives of youth and prevent youth suicide in our community.; and

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City sell the former Armory property to Midcoast Community Alliance dba Midcoast Youth Center for the sum of \$285,000.00, and that the City Manager is authorized to execute a Purchase and Sale Agreement, documents of transfer, and such other documents as may be necessary, appropriate, or convenient to the transfer.

Marc Meyers, City Manager, gave background on the item and responded to questions and comments from Councilor Dunn.

Larry Bartlett, 5 Palmer Street, board of Trustees spoke in support of the order and expressed how it would expand and increase youth services.

Doran Wright, President of Board, in support of the sale.

Jamie Dorr, Executive Director, thank you for partnership.

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

G. Petitions & Communications: 7:26 pm

Councilor DeChant spoke in favor of request from Mr. Morton for \$1300 to be paid from Council Contingency. Will discuss at May 17th agenda. Councilor Nordmann and Dunn participated in the discussion.

H. City Manager's Report: 7:31 pm

Rain

5 inches

Flooding

High Street shoulder stabilized

Sewer Overflow

Wastewater stood up

May 30th-Southend Park, shoreland stabilization

Preconstruction meeting

Stage areas for construction

Director of Facilities Michael Peabody has retired

Position has been posted and advertised

I. Committee Reports: 7:35 pm

Councilor Bauer

SWAC- members will be weighing food waste

Councilor Ambrosino

Bike and Pedestrian- upcoming rides

Councilor DeChant

Main Street Bath

Spring into Summer sidewalk sales

Block Party Centre Street

Grant Building

20th anniversary Café Crème

Councilor Nordmann

Café Crème congrats 20 years

Bath Water District

March-20% increase in water bills

Winnegance River Herring

J. Unfinished Business: NONE

K. New Business: 7:47 pm

14) Appointments and Reappointments

~Appointment of Cory King to Economic Development Committee for a term to expire July 2024

~Appointment of Rob Gray to Community Development Committee for a term to expire July 2024
~Reappointment of Mandy Reynolds to Bath Development Corporation for a term to expire April 2025
~Reappointment of Gene Weimers to Bath Development Corporation for a term to expire April 2025
~Reappointment of Kevin Shute to Bicycle and Pedestrian Committee for a term to expire May 2026
~Reappointment of Kenneth Desmond to the Bath Water District Board of Directors for a term to expire November 2027

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

L. Councilor Announcements: 7:47 pm

Councilor Ambrosino- May 10 and 13, 8-10am Butler Head

Councilor Bailey-AARP shredding event May 13th

M. Executive Session: 7:49 pm

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

Personnel Matters per 1 MRS §405(6)(A)
Real Estate Matters per 1 MRS §405(6)(C)
Labor Negotiations per 1 MRS §405(6)(D)

8:31pm A motion to adjourn from Executive Session was made by Councilor Bauer and seconded by Councilor Dunn. All in favor.

Meeting adjourned at 8:31pm.

Motioned by Councilor Ambrosino and seconded by Councilor Bailey.

Attested:

Darci L. Wheeler, City Clerk

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