

**AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE**

Regular Meeting

**Wednesday, January 6, 2021 @ 6:00 p.m.
Remote Meeting**

We encourage your comments and views and appreciate your participation in your local government.

A. Pledge of Allegiance

B. Roll Call

Mr. Chairperson Park recognizes Pastor Bill Bliss of The Neighborhood Church United Church of Christ to offer the Invocation.

Presentation: Lois Skillings, CEO, Mid Coast Parkview Health and Mid Coast Hospital

C: Public Hearing:

- 1) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259 Parking Restrictions. (second passage)

D. Consent Agenda

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

*2) Minutes of the previous Council Organizational/Regular Meetings of December 2, 2020 and Items K5, K6 and K7 (Motion to Accept as Presented)

E. Time Devoted to Residents to Address the City Council

F. Ordinances, Resolutions and Orders

- 3) Order to appoint Registrar of Voters with term ending December 2022
- 4) Ordinance: LUC Amendment to Article 9 and 11, Short term rentals (first passage)

G Petitions & Communications

H. City Manager's Report

I. Committee Reports

J. Unfinished Business

K. New Business

- *5) Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes. (motion to appoint)
- *6) Annual Appointment of Tom Lister as Alternate Codes Enforcement Officer and Local Plumbing Inspector for the City of Bath for one year, pursuant to State Statutes. (motion to appoint)
- *7) Annual Appointments to Committees by Council Nominees:
 - Bath Housing Authority Board of Directors – Terry Nordmann
 - Midcoast Council of Governments – Aaron Park, Jennifer DeChant
 - Patten Free Library Board of Directors – Raye Leonard
 - Recreation Commission – Elizabeth Dingley
 - Sidewalk Vending License Committee – Elizabeth Dingley
 - Student Community Liaison Council – Aaron Park
 - Welfare Review Board – Phyllis Bailey, Terry Nordmann, Raye Leonard
- 8) Appointment of John Zittel to Climate Change Commission term to expire June 2023
Reappointment of John Desjardins to the Recreation Commission term to expire November 2023

L. Councilor Announcements

EXECUTIVE SESSION:

ADJOURN

ORDINANCE

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

CHAPTER 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Broad Street:

North Side:

Delete: "From Front Street to the Kennebec River, 2 Hour Parking, except that the spaces from Commercial Street to the Kennebec River shall be designated as 4 Hour Parking from November 15th through March 15th."

Replace With: "From Front Street to a point 20 feet from the East side of Front Street, no parking. From a point 20 feet East of Front Street and running for 25 feet, handicapped parking. From a point 45 feet from the East side of Front Street to the Kennebec River, 2 Hour Parking, except that the spaces from Commercial Street to the Kennebec River shall be designated as 4 Hour Parking from November 15th through March 15th."

Downtown Parking

30 minute parking

1 hour parking

2 hour parking

4 hour parking

Nov. 15 to Mar. 15: 4 hour parking
Rest of the year: 2 hour parking

15 minute parking

Permit parking*

2 hour parking lot

Bus stop

Loading zone

Handicap parking

Restrooms (ADA compliant)

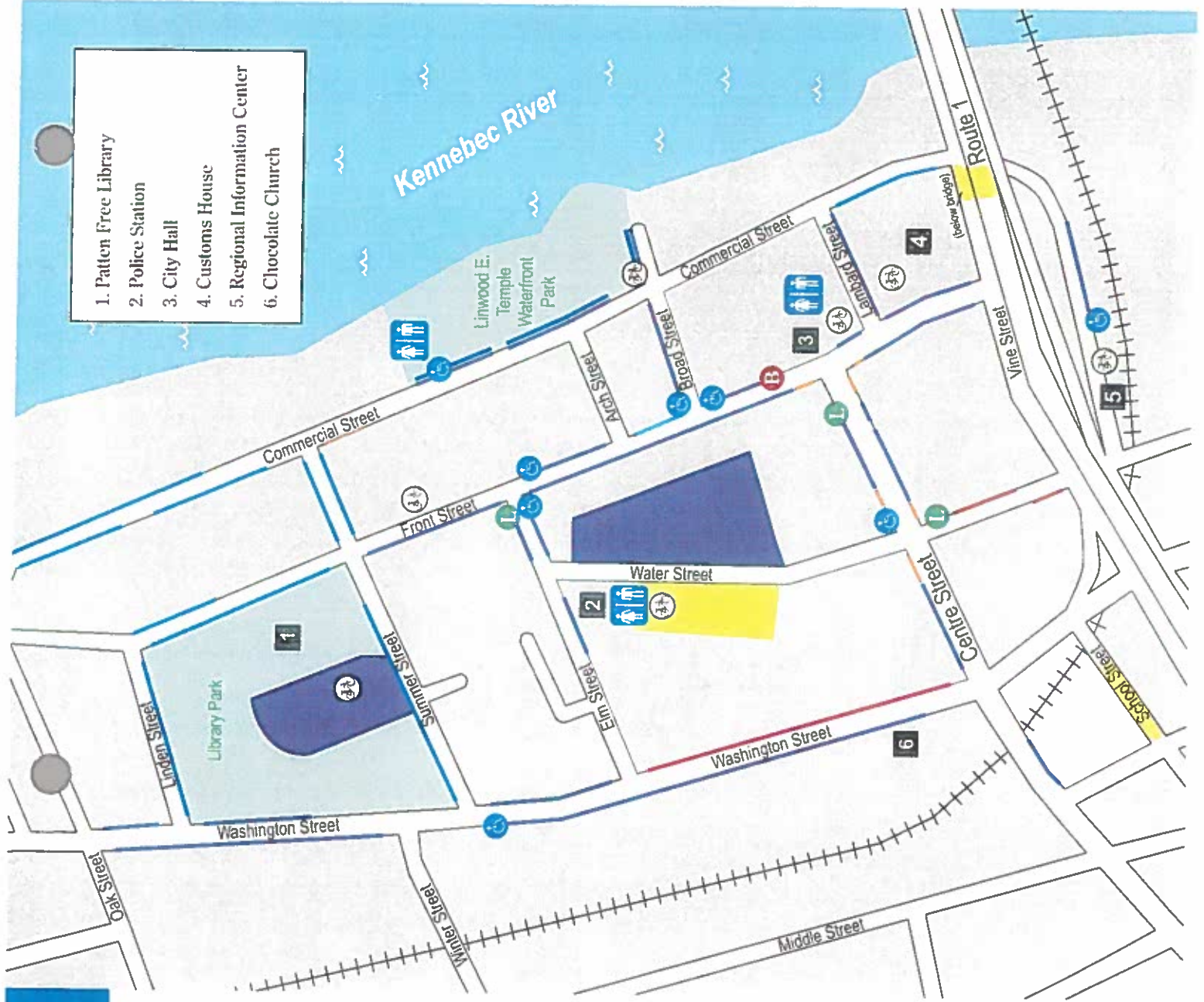
Bicycle racks

*Permit parking areas are unrestricted after 5pm and on weekends.

Bath has an annual Winter Parking Ban from November 15 to March 15. It is illegal to park overnight on any City street or Municipal Parking Lot during this time.

Questions about parking in Bath? Call the Bath Police Department at (207) 443-5563.

1. Patten Free Library
2. Police Station
3. City Hall
4. Customs House
5. Regional Information Center
6. Chocolate Church





ORGANIZATIONAL MEETING MINUTES CITY COUNCIL OF THE CITY OF BATH, MAINE

Wednesday, December 2, 2020 6:00 PM

Remote Meeting

Present: Councilor Ambrosino, Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor DeChant, Councilor Bauer, Councilor Park and Councilor Dingley.

Also, in attendance, the City Manager – Peter Owen, City Solicitor - Roger Therriault, City Clerk - Darci Wheeler.

- I. City Clerk, Darci Wheeler, called the meeting to order at 6:00pm

City Manager, Peter Owen, gave the introductions of City Council.

Councilor At Large

Julie Ambrosino

3 years completed, commencing her first year of a 2-year term as At Large Councilor

Councilor Ward One

Phyllis Bailey

3 years completed, commencing her first year of a 3-year term

Councilor Ward Two

Sean Paulhus

12 years completed, commencing his third year of a 3-year term

Councilor Ward Three

Terry Nordmann

5 years completed, commencing his third year of a 3-year term

Councilor Ward Four

Raye Leonard

Commencing her third year of a 3-year term

Councilor Ward Five

Jennifer DeChant

Commencing her second year of a 3-year term

Councilor from Ward Six

Susan Bauer

6 years completed, commencing her first year of a 3-year term

Councilor Ward Seven

Aaron Park

3 years and 9 months completed, commencing his second year of a 3-year term

Councilor At Large

Elizabeth Dingley

Commencing her first year of a 3-year term

- II. City Solicitor Therriault administers oath of office to Councilors Elect.
Councilor At Large Julie Ambrosino

Councilor At Large
Councilor Ward 1
Councilor Ward 6

Elizabeth Dingley
Phyllis Bailey
Susan Bauer

OATH OF OFFICE: *"Do you solemnly swear that you will support the Constitution and obey the laws of the United States and the State of Maine; that you will in all respects observe the provisions of the Charter and Ordinances of the City of Bath, and that you will faithfully discharge the duties of the office of Councilor of the City of Bath for the term of your election, and until your successor is duly elected and qualified?"*

III. Nominations in order for the Election of the Chairperson of the City Council to serve to the first Wednesday in December 2021, pursuant to the City Charter, Re: Section 212. (5 votes necessary for choice)

City Clerk Wheeler asked for nominations for the position of Council Chairperson on the floor. Councilor Bauer nominated Councilor Park. Councilor Bailey seconded the nomination. City Clerk Wheeler asked for any other nominations. Seeing none, City Clerk Wheeler asked for a motion to close the nominations. Councilor Bauer made the motion, with a second from Councilor DeChant.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Dingley

NAYS: None

Passed unanimously, 9-0

Then a vote to elect Councilor Park to Chairperson took place.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Dingley

NAYS: None

Passed unanimously, 9-0

City Clerk Wheeler asked Councilor Park to take his seat as Mister Chairperson to serve to the first Wednesday in December 2021.

Councilor Park declared duly elected as Chairperson of the City Council for term set forth above.

IV. Chairperson then asks for nominations for the Election of the Vice-Chairperson of the City Council to serve to the first Wednesday in December 2021, pursuant to the City Charter. Re: Section 212. (5 votes necessary for choice)

Mr. Chair asked for nominations for the position of Council Vice Chairperson on the floor. Councilor Bauer nominated Councilor Paulhus. Councilor Leonard seconded the nomination. Mr. Chair asked for any other nominations. Councilor Bailey nominates Councilor DeChant. Councilor Ambrosino seconded the nomination. Councilor Paulhus thanks the Council for the support and withdraws his nomination. Mr. Chair asked for a motion to close the nominations. Councilor Leonard gave motion, with a second by Councilor Ambrosino.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Dingley

NAYS: None

Passed unanimously, 9-0

Mr. Chair asked for a roll call vote to elect Councilor DeChant for Vice Chairperson.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Dingley

NAYS: None

Passed unanimously, 9-0

Councilor DeChant declared duly elected as Vice Chairperson of the City Council for term set forth above.

Having finished the business of the Organizational Meeting of the City Council, Mr. Chair closed the meeting at 6:12 pm.

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, December 2nd, 2020 6:00 PM**

Present: Councilor Ambrosino, Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Vice Chairman DeChant, Councilor Bauer, Councilor Park, Councilor Dingley.

Also, in attendance, the City Manager, Peter Owen, City Solicitor, Roger Therriault, City Clerk, Darci Wheeler, Assistant City Manager, Marc Meyers, City Planner, Ben Averill, Chief of Police, Michael Field

Mr. Chairperson Park led the Pledge of Allegiance. City Clerk Darci Wheeler called the Roll.

ROLL CALL:

Councilor Ambrosino, Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor DeChant, Councilor Bauer, Councilor Dingley, and Mr. Chairperson Park.

Presentation by the students of the Maine Maritime Museum's Alternative Expeditionary Learning Program

C. Public Hearing 6:45pm

1) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259 Parking Restrictions. (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 FURTHER AMENDED AS FOLLOWS:

CHAPTER 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

High Street:

East Side:

Delete: "From Winter Street to a point 327 feet north of Oak Street, no parking. From a point 327 feet north of Oak Street to a point 171 feet north of North Street, no restrictions."

Replace With: "From Winter Street to a point 265 feet north of Oak Street, no parking. From a point 265 feet north of Oak Street to a point 171 feet north of North Street, no restrictions."

Motion made by Councilor Ambrosino to accept as presented, seconded by Councilor DeChant.

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

Law in 21 days.

2) Ordinance: LUC Amendment to Article 8.12, Historic Overlay District (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 8: DISTRICT REGULATIONS

SECTION 8.12 HISTORIC OVERLAY DISTRICT (HO)

H. APPROVAL CRITERIA

Prior to approving any application for Historic District Review, the Historic District Approval Authority must find that the following criteria have been met:

(e) ... Alternate-energy Devices: ~~Wind generators, solar collectors, and similar alternate energy devices may be utilized only if they can be installed in a manner in which they are not visible from a public way.~~

1. *Solar arrays, whether photovoltaic or thermal, may be utilized on buildings; if the arrays are not visible from a public way or; if they are installed on a roof rack system which keeps the panels as close as possible to the roof, on the same plane as the roof, and do not intrude on the façade of the building.*
2. *Other alternate energy devices including wind generators may be utilized only if they can be installed in a manner in which they are not visible from a public way.*

Motion made by Councilor Bauer to accept as presented, seconded by Councilor DeChant.

Mari Eosco, 1016 Washington St., spoke in favor of the LUC Amendment to Article 8.12, Historic Overlay District.

Bill Bliss, 111 High St., spoke in favor of the LUC Amendment to Article 8.12, Historic Overlay District.

Mr. Chair closed public comment.

Councilor Bauer spoke that she is in favor of moving forward with this amendment.

Councilor DeChant explained her issues with the wording of the amendment being too vague.

Councilor Leonard expressed her concerns with looking at this project as a whole rather than as an individual project.

Mr. Chair asks for process from City Solicitor.

Councilor Nordmann made motion to table the LUC Amendment for 6 months sending it back to the Planning Board for review. Seconded by Councilor Leonard.

VOTE ON MOTION:

YEAS: Councilors Paulhus, Nordmann, Leonard, DeChant, and Dingley

NAYS: Councilors Ambrosino, Bailey and Bauer

Passed, 5-3

Mr. Chair closed Public Hearing at 7:30pm.

D. Consent Agenda 7:30 PM

*3) Minutes of the previous Regular Meeting of November 4, 2020 and Items 4,5,6,7,8, and 9 (Motion to Accept as Presented)

Councilor Bailey requested an edit to the minutes replacing the word “permanent” with the word “permit”.

Motion made by Councilor Bauer to accept as presented, seconded by Councilor Ambrosino.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

E. Time Devoted to Residents to Address City Council 8:05 PM

Jennifer Sandberg, 1189 High Street, requests that the Council look at the winter parking ban and reassess.

F. Resolutions, Orders and Ordinances 7:35 PM

*4) Order - Setting meetings of the City Council (motion to pass Order)

- *5) Order - Adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order)
- *6) Adoption Working Rules and Regulations for Council (motion to pass)
- *7) Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval)
- *8) Order - Appointing Wardens and Ward Clerks for Municipal Elections (annual appointment)
- *9) Order - Appointing Alternate Wardens and Ward Clerks for Municipal Elections (annual appointment)
- 10) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259 Parking Restrictions. (first passage)

ORDINANCE

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Motion made by Councilor Bailey to accept as presented, seconded by Councilor Leonard.

Chief Field spoke regarding the ordinance. Councilor Bailey gave the background as to how this came about.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

11) Order: Approving Land Swap and Easement (Mallard Road)

ORDER APPROVING LAND SWAP AND EASEMENT

WHEREAS, in the course of updating and managing the Butler Head Conservation Easement, it has been determined that there is an encroachment of a septic disposal system on property of the City for the benefit of a dwelling on adjacent property now owned by the Pine Irrevocable Trust dated December 19, 2014; and

WHEREAS, an agreement has been reached by all of the parties, the City of Bath, the Pine Trust, and the Kennebec Estuary Land Trust, that there be a swap of property that would place most of the septic disposal system on property to be acquired by the Pines, and to provide an Easement for the small additional area remaining on Bath property; and

WHEREAS, the Agreement also provides for the granting of an Easement for access to the Pine Trust property from the Mallard Road in order to relocate the access drive; and

WHEREAS, the land swap involves the identical amount of land, 7,990 square feet.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a swap of the property in equal amounts by and between the Pine Trust and the City of Bath, with the consent of the Kennebec Estuary Land Trust, to be accomplished by an exchange of Deeds, together with an Easement for a portion of the septic disposal system area still encroaching on the City of Bath property and to relocate the Pine Trust access drive, be and hereby is approved and the City Manager is authorized to execute such Deeds and Easement, in substantially the form as attached hereto, and such other documentation that may be necessary, appropriate or convenient to the consummation of this transaction and subject to his review and approval.

Assistant City Manager Marc Meyers spoke regarding the Order and the background and the actions that will take place regarding all three of the properties. City Solicitor Theriault gave description of the properties and the important pieces of the project. Mr. Chair commented that the Forestry Committee is behind the approval of these Orders.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

12) Order: Accepting Transfer of Real Estate (Osprey Road)

ORDER ACCEPTING TRANSFER OF REAL ESTATE

WHEREAS, the Kennebec Estuary Land Trust has acquired property designated as Tax Map 4, Lot 22, from Joseph L. Fontaine and Michelle M. Cyr, by Deed dated January 17, 2019, and recorded in the Sagadahoc County Registry of Deeds in Book 2019R, Page 00309, property designated as Tax Map 4, Lot 23, by virtue of Warranty Deed from Kristin S. Gowen f/k/a Kristin S. Neuman, dated October 10, 2018, and recorded in the Sagadahoc County Registry of Deeds in Book 2018R, Page 07319, and property designated as Tax Map 4, Lot 24, by virtue of Warranty Deed from Jason Lee Knight, dated October, 2018, and recorded in the Sagadahoc County Registry of Deeds in Book 2018R, Page 07318; and

WHEREAS, the Kennebec Estuary Land Trust is desirous of conveying this property to the City of Bath in order to include this property in the Butler Head Conservation Easement.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the proposed conveyance from the Kennebec Estuary Land Trust, in substantially the form attached hereto, be and hereby is approved and that the City Manager is authorized to execute such documents as are necessary, appropriate, or convenient to consummate the transaction.

Motion made by Councilor Nordmann to waive the reading, no second. Mr. Chair Park continued with the reading.

Motion made by Councilor Ambrosino to accept as presented, seconded by Councilor Leonard.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

13) Order: Approving Amended and Restated Butler Head Preserve Conservation Easement

**ORDER APPROVING AMENDED AND RESTATED
CONSERVATION EASEMENT ON BUTLER HEAD
BETWEEN THE CITY OF BATH AND
THE KENNEBEC ESTUARY LAND TRUST**

WHEREAS, the City of Bath and the Kennebec Estuary Land Trust executed a Conservation Easement by instrument dated February 24, 2014, and recorded in the Sagadahoc County Registry of

Deeds in Book 3578, Page 38, which established a Conservation Easement over and across property at Butler Head owned by the City of Bath; and

WHEREAS, circumstances since the approval of the Conservation Easement, including changes in land ownership and other land acquisitions, have made it appropriate to make amendments to the Conservation Easement; and

WHEREAS, the Kennebec Estuary Land Trust has proposed an Amended and Restated Conservation Easement for the Butler Head Property.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Amended and Restated Conservation Easement with the Kennebec Estuary Land Trust, in substantially the form attached, be and hereby is approved and that the City Manager is authorized to execute the Easement, and such other documents as may be necessary, appropriate, or convenient to the implementation and management of the Easement.

Motion made by Councilor Bauer to accept as presented, seconded by Councilor Ambrosino.

City Solicitor Therriault explained the Order. Carrie Kinne spoke regarding the involvement with KELT and their support of the Order.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

14) Resolution: Adopting Justice, Equity, Diversity, Inclusion (JEDI) Statement

**RESOLUTION ADOPTING
JUSTICE-EQUITY-DIVERSITY-INCLUSION (JEDI) STATEMENT**

WHEREAS, the Community Development Committee of the City of Bath has proposed for adoption by Council, a Justice-Equity-Diversity-Inclusion (JEDI) Statement, dated November 25, 2020 as included below; and

WHEREAS, the intention of the Statement is to adopt and confirm community goals and objectives around the issues of justice, equity, diversity, and inclusion; and

WHEREAS, this Statement serves as a standing and ongoing commitment to pursue the goals identified in the JEDI Statement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the JEDI Statement of November 25, 2020 is approved and adopted in order to foster and advance the goals of making the City of Bath just, equitable, diverse and inclusive community.

Community Development Committee
Justice-Equity-Diversity-Inclusion Statement

November 25, 2020

We believe Bath is a place for everyone. The City of Bath, Maine will foster a vibrant, inclusive, and sustainable community. Creating an environment of shared prosperity, equal access to opportunity, and inclusive engagement is a core mission of the City Council and Staff.

The Council and Staff are committed to proactively address racism directed at people who are Black, Indigenous, and any People of Color. Moreover, we strive to eliminate all forms of prejudice based on ethnicity, gender, sexual orientation, socio-economic status, age, physical ability, and religion in our government, programs, and processes. In a society with a history of structural racism and inequity, we recognize that our systems, practices, and policies may be exclusive or otherwise unjust.

We will encourage conversations in the community around justice, equity, diversity, and inclusion, and look for opportunities to collaborate with groups and organizations sharing our commitment to promote prosperity, innovation, and civic engagement. With openness and humility, we will continue to learn from each other and maintain an open community dialogue around diversity and inclusiveness.

We will continuously evaluate our City government and programs to ensure we are upholding these values and maintain our pledge to ourselves and those in our community to address racism and prejudice. This statement serves as a living, standing commitment toward making Bath a safe, welcoming community.

Motion made by Councilor Bailey to accept as presented. seconded by Councilor Ambrosino.

Councilor Bailey was asked to give the background as she had brought it forward preliminarily.

Public Comment from Carrie Kinne, Executive Director of KELT who was credited by Councilor Bailey for helping facilitate the Statement.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

G. Petitions and Communications (None)

H. City Manager's Report 8:16 PM

City Manager Owen mentioned the loss of 3 longtime employees. Max Dawson retired from the Police Department, Earl Hay, Public Works Foreman, and Pam Gray, Planning Department and City Clerk's office.

I. Committee Reports 8:17 PM

Councilor Bailey pointed out that there are 5 openings still available on Boards and Committees.

Councilor Ambrosino spoke about the ADA walks in process with the Forestry Committee.

Mr. Chair announced that on Jan 2 the annual bird walk will take place at Butler Head.

Councilor Leonard explained that Bike and Ped committee is working with Lee Leiner about a priority of plowing for sidewalks. Bath Water District is lifting the disconnect moratorium. There are payment plans available.

Councilor DeChant reports that the Economic Development Committee has been talking about the State releasing money to businesses regarding tourism, hospitality, and restaurants. DECD training was today and the portal to apply will open tomorrow at 9am. She also explains that the City Logo will be looking to be updated by the marketing department of the Economic Development Committee.

Councilor Bauer reports that the Library has returned to curbside service. Solid Waste Advisory Committee looking at ways to increase composting and decreasing organic matter to the landfill to increase the life of the landfill.

Mr. Chair Park reports that the Facilities Committee is working on having the Morse High School Reuse project information out soon. Main Street Bath's Old-Fashioned Christmas is in process.

J. Unfinished Business (none)

K. New Business 8:29 PM

15) Appointment of Isabella Jackson term to expire 4/2021 to Bath Development Corporation

Appointments of William Bramen and Jamie Pacheco terms to expire 4/2022 to Bath Development Corporation

Reappointment of William McKellar term to expire 11/2023 to the Bath Recreation Commission

Reappointment of Paul Perkins term to expire 07/2023 to the Solid Waste Committee

Reappointment of Lori Benson term to expire 12/2023 to the Winnegance River Herring Commission

Motion made by Councilor Ambrosino to accept as presented, seconded by Councilor Nordmann.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

L. Councilor Announcements 8:33 PM

Councilor Paulhus congratulated the Chair and the Vice Chair on their positions. The 130th Legislature met today and will begin to start full work in January, meeting in person.

Councilor Bailey stated that the Senior Center Newsletter is out around town.

Councilor Nordmann loves to see the Senior Center Newsletter on the Front and Center publication sent out by the City. He mentions supporting the Mockingbird Bookstore on Front Street.

Councilor Ambrosino reports that you can support a local bookstore online by visiting Bookshop.org.

Councilor Bauer reports that the Bath Police Department is working with NAMI and Sweetser on mental health initiatives.

Councilor Park reports that there will be a meeting in December regarding committee assignments.

EXECUTIVE SESSION: Not Necessary

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

Mr. Chair Park asked for a motion to adjourn the meeting.

Councilor Ambrosino motioned to adjourn, seconded by Councilor Bailey.

VOTE ON MOTION:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

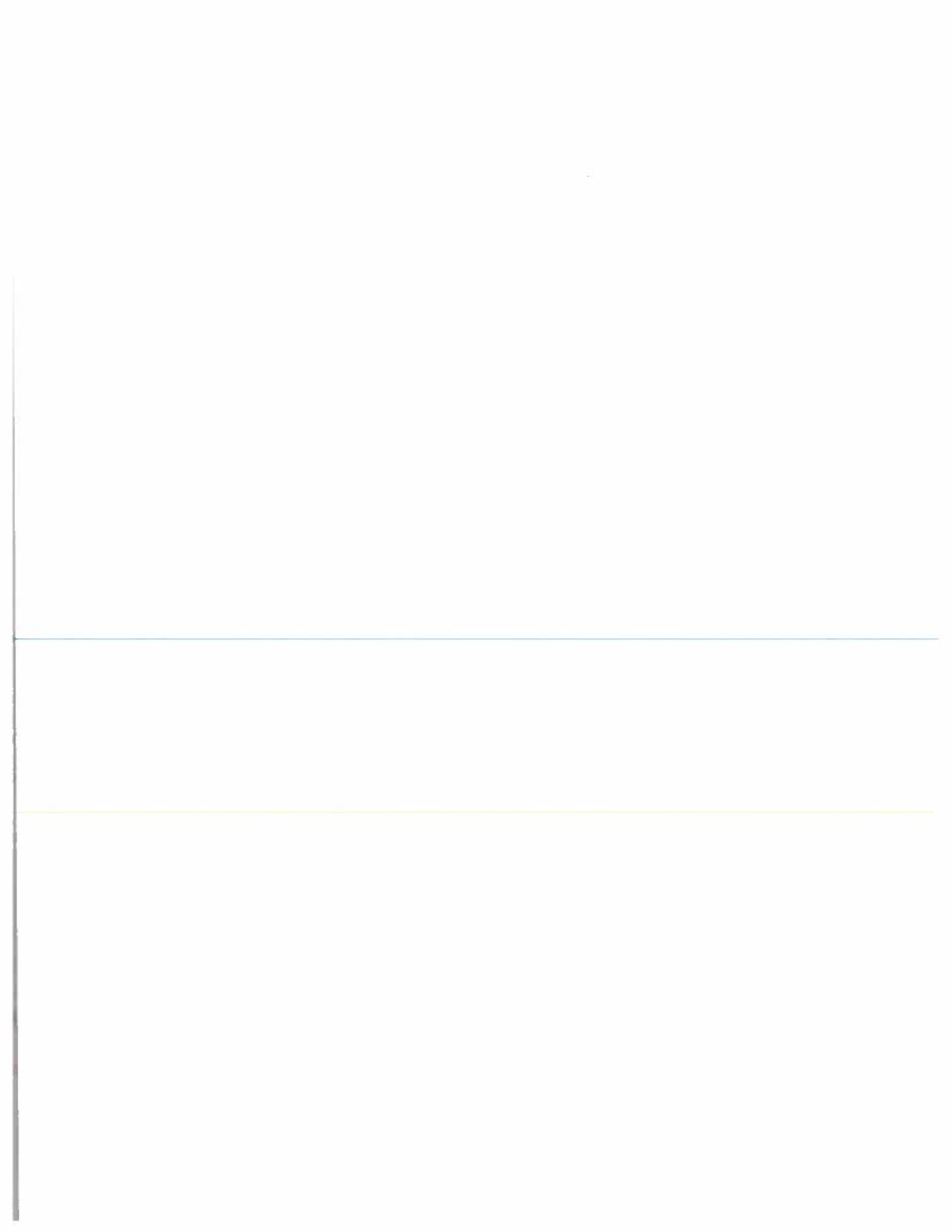
Passed unanimously, 8-0

Meeting adjourned at 8:42pm.

Attest:

Darci L. Wheeler

Darci L. Wheeler
City Clerk



**ORDER
APPOINTING REGISTRAR OF VOTERS**

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Darci Wheeler be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 31, 2023.

City of Bath

55 Front Street
Bath, Maine 04530

Dept: 207/443-8363
Fax: 207/443-8389



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MEMORANDUM

**Planning &
Development**

TO: Aaron Park, Chair, and City of Bath City Council members

FROM: Ben Averill, City Planner

DATE: December 28, 2020

**RE: Land Use Code Amendment to Articles 9 and 11 regarding
short term rentals**

Background

In 2019 the community development committee requested staff and the planning board to begin the process of amending the Land Use Code to create legislation for short term rentals after hearing concerns from a few residents and local business owners that there was not a process in place to ensure that short term rentals met basic life-safety requirements and were not causing undue hardships on the surrounding neighborhood. The request was to create an ordinance that would codify where short term rentals could operate and to determine appropriate performance standards to dictate how their operation would occur. The amendment would work in conjunction with current local and state guidelines on short term rentals.

The request for a Land Use Code Amendment was reviewed by the Planning Board in workshop setting beginning in late 2019. The Planning Board held workshops on the item both in person and remotely with a hiatus of a few months at the beginning of the pandemic. The Planning Board held two public hearings on the proposed ordinance during the August 25th and December 1st Planning Board meetings. In the December 1, 2020 meeting the Planning Board voted not to recommend the passage of the amendments to the Land Use Code regarding short term rentals to the City Council.

During workshop sessions the Planning Board spent a considerable amount of time reviewing ordinances from other communities (both from within Maine and from "away") and listening to concerns from residents and business owners both for and against any ordinance amendment. Throughout the process there seemed to be little consensus from those that attended workshops on how to best implement the policy. Throughout the process it has been hard to gauge how much impact short term rentals have (positively or negatively) as there is currently no way of knowing how many exist outside of a basic search of online platforms. The lack of citizen complaints related to short-term rentals (only one complaint has been submitted to the Codes office since the state building codes were updated to allow short term rentals (of which the City follows)) was certainly a point of conversation for the Planning Board and was central to the

intentions of the ordinance to create a very basic set of performance standards.

While the Board did not state a reason for voting not to recommend, there was much discussion during workshops around the appropriateness of creating performance standards on a use that does not currently cause many complaints. The Board also struggled with determining the correct locations to allow short term rentals (should they be allowed in some, all, or no residential areas) and struggled with the balancing of finding performance standards that would not be too overbearing but would allow for fewer disruptions of everyday life for neighborhoods where short term rentals operate.

Ultimately, the Planning Board determined that the current provisions in place in the Land Use Code and state building codes would be sufficient for now. Currently under the Land Use Code, a homeowner can rent out a bedroom in a single-family home to up to three individuals for a short- or long-term basis and meet the requirements of in-home lodging as defined in the Land Use Code. Entire dwelling units (single family, two family, or multi family dwellings) can be rented on a short- or long-term basis provided the dwelling meets certain building and potentially life-safety requirements. While the Land Use Code as it stands does not define short term rentals, nor does it require short term rentals to meet certain performance standards in order to operate, it does allow for individuals to operate short term rentals within the City of Bath.

Additionally, to hopefully not confuse things too much, I had shared with the Board that I expected a Land Use Code amendment to go hand in hand with a licensing process that would track short term rentals that are operating within the City. Any license provisions would be handled in the City Code similar to the regulations for any other licensing as detailed in Chapter 5 of the City Code. Portland, Rockland, and other communities (which staff and the Planning Board reviewed) have established licensing provisions that require registration and certification in order to operate a short-term rental. The City Council could direct staff or a council sub-committee to review and draft a short-term rental licensing ordinance as an amendment to the City Code with or without a Land Use Code component.

Council Action

The City Council can take several different approaches to the Planning Board's determination to recommend not approving the Land Use Code amendment. If the Council determines that the Land Use Code amendment has merit the Council can vote to approve the ordinance. If the Council agrees with the Planning Board and determines that the amendment lacks merit, then action on the amendment to the Land Use Code will cease. The Council could also vote to table review of the item in order to remand the Land Use Code amendment back to the Planning Board for review of specific sections of the proposed ordinance.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

AMEND ARTICLE 11: PERFORMANCE STANDARDS:SPECIFIC LAND USES BY ADDING:

SECTION 11.40 SHORT TERM RENTALS

Short-term rentals are the use of legally existing single family, two-family, and multi-family dwelling units for the accommodation of short-term guests, for compensation, for periods of less than one month. They are only allowed in legally existing dwelling units. The intent of this ordinance is to ensure the safety of the occupants of the short-term rental as well as to minimize the impact of such use on the surrounding neighborhood. All short-term rentals shall meet the applicable criteria listed within the Land Use Code, and must meet the following standards:

- A. A Short-term Rental Type A shall include a single-family dwelling where the rental includes at least one room for rent for a period of less than one month in an owner-occupied unit. A Short-term Rental Type A shall also include a dwelling unit in a two-family dwelling in which one dwelling unit is occupied by the owner and the other unit has at least one room for rent for a period of less than one month.
- B. A Short-term Rental Type B shall include the rental, for the period of less than one month, of an entire single-family dwelling or one or both dwelling units of a two-family dwelling, where the owner does not reside on site. A Short-term Rental Type B shall also include the rental of one or more dwelling units of a multi-family dwelling, where at least one room is available for rent for a period of less than one month.
- C. The maximum occupancy of a Short-Term Rental Type A shall be not more than two guests per bedroom and shall not exceed a total of three guests per dwelling unit.
- D. The maximum occupancy of a Short-term Rental Type B shall be not more than two guests per bedroom and shall not exceed ten guests per dwelling unit.
- E. The short-term rental may not produce any odors, noise, or other nuisances in excess of that produced by normal residential use.
- F. There may be no external alteration of the building or site that changes its residential character.

- G. The short-term rental shall comply with the parking requirements detailed in Section 10.06. Additionally, the short-term rental must ensure there is at least one additional parking space for each room to be rented on a short-term basis in addition to the requirements of Section 10.06.
- H. The short-term rental shall demonstrate compliance with applicable building, fire prevention, and life safety codes upon review from the Code Enforcement Officer and Fire Chief or their designee. In addition, no recreational vehicles, trailers, tents, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental.
- I. The applicant for a short-term rental shall provide the name, address, telephone number, and email address of a person who will be responsible for management of the short-term rental. A Short-Term Rental Type A shall provide proof that the owner resides at the property.
- J. The minimum stay period for any short-term rental shall be from one night up to less than one month.
- K. A Short-Term Rental Type A as defined by this ordinance shall be reviewed and may be approved by the Staff Review Committee.
- L. A Short-Term Rental Type B as defined by this ordinance shall be reviewed and may be approved by the Planning Board.
- M. To the extent necessary the Review Authority has the right to impose restrictions on maintenance activities and operations of a short-term rental where such restrictions are necessary or appropriate to prevent or mitigate the impact of the use on abutting or neighboring properties. Restrictions may include, but are not limited to, snow removal, refuse removal, and the use of parking facilities.

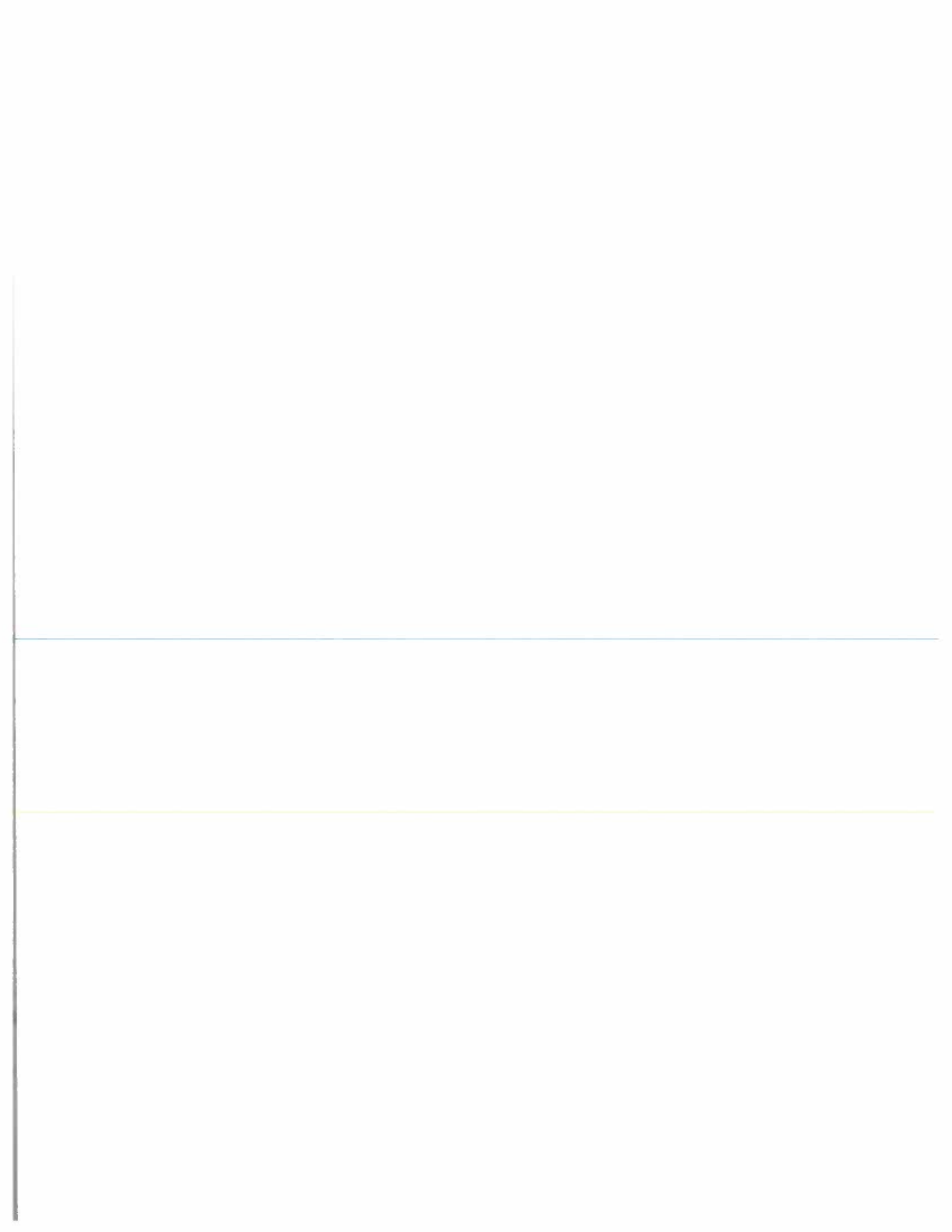
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

AMEND ARTICLE 9: USES; LAND USE CATEGORY 11.0 ACCOMMODATIONS TO ADD CATEGORY 11.5 SHORT TERM RENTALS

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
11.0 Accommodations																			
11.1 Hotel, motel, inn, tourist cabins, or similar business providing overnight accommodations																			
11.1.1 Those businesses that: may include accessory uses such as a restaurant, meeting facilities, a swimming pool, or exercise facilities; or have more than 40 rental rooms.	N	N	N	N	N	S	N	N	S	N	N	N	S	N	N	N	N	N	N
11.1.2 Those businesses that do not include accessory uses that serve customers who are not also renting a room and have no more than 40 rental rooms.	N	N	S	N	S	S	S	N	S	N	N	N	S	N	N	N	N	N	N
11.3 Rooming house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
11.4 Bed and Breakfast	S	S	S	S	S	N	S	N	N	N	N	N	N	S	N	N	N	N	N
11.5 Short Term Rentals																			
11.5.1 Short Term Rental Type A	S	S	S	S	S	S	S	N	N	N	N	N	N	N	N	N	S	N	N
11.5.2 Short Term Rental Type B	S	S	S	S	S	S	S	N	N	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for the City of Bath, for a period of one year, pursuant to 30-A M.R.S. Section 3601-A, with the explicit approval and authority of the Municipal Officers, to enforce the State Laws, duly adopted State Rules, or local Ordinances enacted pursuant to Title 25, Part 6, Chapter 313, Title 10, Part 14, Chapter 1103, and Codes enacted by the City of Bath, pursuant to Title 30-A, Part 2, Subpart 4, Chapter 141, regarding adoption of Codes by reference. (Motion to appoint.)



Annual Appointment of Thomas Lister as Alternate Codes Enforcement Officer and Alternate Plumbing Inspector for the City of Bath, for a period of one year, pursuant to 30-A M.R.S. Section 3601-A, with the explicit approval and authority of the Municipal Officers, to enforce any State Laws, duly adopted State Rules, or local Ordinances enacted pursuant to Title 25, Part 6, Chapter 313, Title 10, Part 14, Chapter 1103, and Codes enacted by the City of Bath, pursuant to Title 30-A, Part 2, Subpart 4, Chapter 141, regarding adoption of Codes by reference. (Motion to appoint.)

Positions elected by the City Council:

Bath Water District Board of Directors - Raye Leonard

Positions appointed by the City Council:

Bath Housing Authority Board of Directors – Terry Nordmann

Midcoast Council of Governments - Aaron Park, Jennifer DeChant

Patten Free Library Board of Directors – Raye Leonard

Recreation Commission – Elizabeth Dingley

Sidewalk Vending License Committee – Elizabeth Dingley

Student Community Liaison Council – Aaron Park

Welfare Review Board – Phyllis Bailey, Raye Leonard, Terry Nordmann

Positions appointed by the City Council Chairman:

Appointment Review Committee – Phyllis Bailey, Raye Leonard, Jennifer DeChant

Bath Bike and Pedestrian Committee – Raye Leonard

Bath Development Corporation – Aaron Park - Chairman, Jennifer DeChant – Vice Chairman

Budget Finance Committee - Julie Ambrosino, Terry Nordmann, Jennifer DeChant

Bath Recognition Committee – Sean Paulhus, Susan Bauer, Aaron Park - Chairman

Civil Emergency Preparedness Analysis Team – Aaron Park - Chairman, Jennifer DeChant - Vice-Chairman

Climate Action Commission - Julie Ambrosino

Community Development - Phyllis Bailey, Julie Ambrosino

Economic Development - Susan Bauer, Aaron Park, Jennifer DeChant

Forestry Committee - Aaron Park, Julie Ambrosino

Facilities Committee - Susan Bauer, Aaron Park, Jennifer DeChant

Main Street Bath Board of Directors – Jennifer DeChant, Aaron Park

Transportation Committee – Aaron Park, Elizabeth Dingley, Phyllis Bailey

Sagadahoc Budget Advisory Committee – Terry Nordmann, Phyllis Bailey

Sagadahoc County Communications Center Board of Directors – Jennifer DeChant

Solid Waste & Recycling Committee – Elizabeth Dingley, Aaron Park

Winnegance River Herring Commission – Terry Nordmann

K8

6/2023



City of Bath
Application for Appointment
to City Board/Commission/Committee

Full Name: John David Zittel

Street Address: 48 West Chops Point Rd., Bath ME 04530

I live in Council Ward # (circle one) 1 2 3 4 5 6 7

Phone #: 860-235-9150 E-mail address JZittel@outlook.com

Preferred Method of Contact? (circle one) phone email

I wish to be considered for appointment to the:

Climate Action Committee/Commission

(Name of Board/Commission/Committee)

Please outline past and present expertise/skills/employment that you think may be relevant
 (Resumes are welcome):

- My education in ocean science and engineering enables me to understand and interpret climate science.
- A 40+ year career in ocean science and engineering for the Navy equips me to turn understanding into action.
- Past service on a Conservation Commission (Groton CT) prepares me to work effectively on a city committee.
- A demonstrated personal commitment to understand and work collegially for climate action, e.g., a lecture given at Patten Free Library on 23 Sept 2019 and one-on-one tutorials with members of Bath City government.

Why do you want to be a member of this Board/Commission/Committee?

- Climate change is real and requires a long-term commitment to act at global, national and local levels.
- I have chosen to make Bath my home (I've lived here since 2005) and I want to be 'part of the solution' in helping Bath prepare, plan and act.
- I want to help establish a focal point for dealing with climate change in Bath.
- I want to learn from others in the community.
- I want to help elected officials craft and implement policies to adapt to climate change in a positive and constructive way.

Have you ever served on a City Board/Commission/Committee? (circle one) Y N

Not in
Bath

If yes, please list the Board/Commission/Committee and years of service:

How many months are you away from Bath in a 12-month period? 0

3/22/2020
 Date

John D Zittel
 Signature

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 3/26/2020

Received by: Darci

interviewed 12/21/20
Date application on City Council agenda: 1/6/21

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: _____



11/2023

City of Bath
Application for (Re)Appointment
to City Board/Commission/Committee

Full Name: JOHN G. DESJARDINS

Residence 1323 High St. Bath, Me 04530

Address:

I live in Council Ward # (circle one) 1 2 3 4 5 6 7

Phone #: 207-522-2986
address 1323 High St Bath, ME

E-mail

Preferred Method of Contact? (circle one) phone email

I wish to be considered for appointment to the:

Recreation Commission

(Name of Board/Commission/Committee)

Please outline past and present expertise/skills/employment that you think may be relevant (Resumes are welcome):

was on board last 3 years
worked @ Brunswick Rec Dept. from 14 yrs old
through my college years

Why do you want to be a member of this Board/Commission/Committee or list your accomplishments during your last term(s)?

Deep concern about the children in our
community

Have you ever served on a City Board/Commission/Committee? (circle one) (Y) N

If yes, please list the Board/Commission/Committee and years of service:

Recreation Commission

How many months are you away from Bath in a 12-month period? NONE

Date

Dec 3, 2020

Signature

[Signature]

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 12/3/2020 @ 10:29

Received by: Manly

Date emailed to Screening Committee: 12/3

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 1/6/21

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: _____