

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, December 3, 2008 7:30 PM
City Council Chambers, Bath City Hall

Residents of the City of Bath are always welcome to meetings of the Bath City Council. After the Consent Agenda at each meeting, there is time for residents to address the Council on any matter of concern or interest, whether the Council will be considering that matter during the meeting or not; after each agenda item is introduced, there will be a time for residents to speak on that particular agenda item. If you wish to address the Council, please raise your hand, and when recognized by the Chairman, move to the lectern or microphone and give your name and address to speak.

If, at any other time during the meeting, any member of the public wishes to speak on a specific item under consideration by the Council at that time, he or she may do so by a majority consent of the Council.

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

A. Pledge of Allegiance

B. Roll Call

C. Public Hearings

- 1) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2008 to September 30, 2009 (second passage)
- 2) Ordinance: LUC Article 6, Section 6.05 – Nonconforming Structures (second passage)
- 3) Ordinance: LUC Article 8, Section 8.12 – Historic Overlay District (second passage)
- 4) Ordinance: LUC Article 8, Section 8.01 High-Density Residential District – R1 (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.)

*5) Minutes of Previous Meetings - November 5, 2008 and Items F6, F7, F8, F9 and F10. (motion to accept)

E. Time Devoted to Residents to Address The City Council

F. Ordinances, Resolutions and Orders

*6) Order - setting regular meetings of the City Council (motion to pass Order)

*7) Order - adopting Robert's Rules of Order for parliamentary procedure (motion to pass Order)

*8) Adoption Working Rules and Regulations for Council year 2008-2009 (motion to pass)

*9) 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)

*10) Order – Appointing Register of Voters for January 2009- December 2010 (motion to pass Order)

11) Ordinance: Authorizing Permanent Financing in the amount of \$60,000.00 for the purpose of funding the purchase of defibrillators for the Fire Department (first passage)

12) Nominations for the Election of Councilor to attend the Bath Water District Board of Directors meetings.

G. Petitions & Communications

H. City Manager's Report

I. Committee Reports

J. Unfinished Business

K. New Business

13) Appointment one member to the Winnegance Alewife Committee with a 3-year term.

14) Appointment of Donald McPherson as the Alternate Codes Enforcement Officer and Plumbing Inspector for the City of Bath until January 2010.

EXECUTIVE SESSION:

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

ADJOURN

ORDER

Be It Ordered by the City Council, as follows:

That, in accordance with Section 214 of Chapter 2 of the Charter of the City of Bath, the City Council will conduct its regular meetings in the Council Room, Third Floor at City Hall, on the first Wednesday of each month at 6:00 o'clock PM.

ORDER

Be It Ordered by the City Council, as follows:

That, the Rules of Parliamentary Practice comprised in Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable, and in which they are not inconsistent with the City Charter, and any Orders or Resolutions passed or adopted by the City Council to govern certain procedures or polices, or as may be amended by this Council.

CITY COUNCIL FOR THE CITY OF BATH, MAINE
WORKING RULES AND REGULATIONS FOR COUNCIL YEAR 2008-2009

PUBLIC TO ADDRESS COUNCIL

At the beginning of each regular monthly meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer, of the City of Bath to address the Council regarding any item that is not on the agenda for that meeting.

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Council sponsor, the City Manager, shall first be allowed to present their initial comments for consideration by the public and other Councilors. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the City Manager regarding the agenda item which any Councilor may have which would help to clarify the question presented by the agenda item. The Chair shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the City Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the City of Bath to address the Council regarding this particular agenda item.

After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for any debate of the issue among Councilors. The Chairman may, if the topic warrants, allow a second period of public comment no longer than two minutes per person, prior to final Council vote. Second comments by the public must be to furnish new or undisclosed information or viewpoints. The Chairman will then close public debate, provide for a second period of Council debate followed by Council vote, and then proceed to further action.

Any individual wishing to address the council, after being recognized by the Chairman, will move to the lectern to speak and give his or her name and address before beginning remarks.

If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point.

Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the Chair. In no instance shall debate of an agenda item be allowed between members of the public and the Council. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Councilor, and this rule shall be liberally construed and strictly enforced.

All individuals addressing the Council shall limit their remarks to five (5) minutes or less. No individual shall be permitted to address the Council more than twice on any agenda item.

WORKSHOP SESSIONS

Workshop sessions may be scheduled by the Chairman or City Manager, for the purpose of disseminating information for Council enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, Council will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

ABSENCE OF CHAIRMAN

A Vice Chairman shall be elected on the first Wednesday in December pursuant the City Charter. The Vice Chairman shall carry out the duties of the Chairman in the absence of the Chairman.

In a situation where the Chairman and the Vice Chairman of the City Council are absent, the Council shall appoint by affirmative majority vote of its members present, a temporary Chairman of the Council to serve until such time as the Chairman or Vice Chairman returns to the Chair. The temporary Chairman is to have and exercise any and all powers conferred upon the permanent Chairman of the said City Council by Charter or otherwise.

EXECUTIVE SESSIONS

All motions for Executive Sessions shall state the nature of matters to be dealt with. No topic other than that referred to in the Motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by Councilors and shall not be discussed with or divulged to any person other than a fellow Councilor or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Councilor to sanction by the Council as set forth in Section 213 of the City Charter.

AGENDA ITEMS

All agenda items shall be, under normal circumstances, submitted to the City Clerk's Office 6 days prior to any regular or special meeting. In the event that a matter shall arise which was not submitted to the Clerk's Office within the proper time frame, then that item, in proper form to be submitted to the City Council, shall be presented to the Council Chairman and City Manager as soon as possible. The Council Chairman may present the matter to be considered by the Council, with a majority vote of Councilors present required for it to be included on the agenda.

CONSENT AGENDA

On any agenda for the City Council for the City of Bath, one item may be the Consent Agenda and may consist of-

- a. Minutes of the City Council meetings.
- b. Such items as may be marked with an asterisk (*) on the agenda for the meeting, which in the opinion of the City Council Chairman shall be considered routine matters not requiring debate.

Any Councilor wishing to have any item so marked 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 considered within the normal course of the meeting.

In the case of items included, the motion to approve shall be considered to have been passed by the City Council as part of its vote to approve the Consent Agenda.

COUNCILOR COMMENTS - 5 MINUTE RULE

No individual Councilor shall speak for more than 5 minutes on any one motion before the Council. For the purpose of this rule, Councilors shall be allowed to speak for 5 minutes on any amendments proposed, as well as to the original motion. No individual Councilor shall speak more than twice on any given motion or amendment. These rules may be waived by a majority-vote of the Councilors present and such motion may be made by the Councilor wishing the additional time. Councilors are encouraged to explain the rationale for their vote during their comments. No comments shall be allowed which have the effect of embarrassing or attacking the character of any fellow Councilor or member of the public, and this rule shall be liberally construed and strictly enforced.

MEETING LENGTH

All Council meetings, workshops or executive sessions shall, except in extraordinary circumstances, adjourn at or before 9:00 P.M.

WAIVER

Any of these rules may be waived for any meeting, or portion thereof, by a majority vote of Councilors present.

TABLING MOTIONS

Although tabling motions under Robert's Rules of Order are not designated as motions which are debatable this Council shall allow debate on a tabling motion. Any such debate, however, will be limited to the reasons for the tabling motions and shall not be a continuation of the merits of the motion or any amendments that may be offered to the motion.

ORDER

Be It Ordered by the City Council of the City of Bath,

That, the City Clerk be authorized to send a “Blanket Letter of Approval” on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

MEMORANDUM

TO: Honorable Chairman and Councilors

FROM: Mary J. White, City Clerk

DATED: November 21, 2008

SUBJ: Council's Action on Annual Blanket Letter of Approval on Renewals to operate Games of Chance and/or Beano Games

As the "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of R.S. 1964, T. 17, Chapter 14, Sec. 330-346, has expired, a new approval is necessary to be sent to the Chief of the Maine State Police on the following organizations:

Bath Area Senior Citizens
American Legion, Smith Tobey Post #21
Bath Lodge of Elks
Veteran's of Foreign Wars (VFW)
Veteran's of Foreign Wars (VFW) Auxiliary #7738
Knights of Columbus
Lincoln Club of Bath, Inc.
All Officers' Spouses' Club, BNAS
West Bath Fire Department

The new letter of approval will be in force until December 31, 2009.

December 3, 2008

Chief of State Police
Games of Chance Division
State House
Augusta, ME 04330

Dear Sir,

Please be advised that at the Regular Meeting of the Bath City Council held on December 3, 2008, the undersigned Municipal Officers hereby certify that they consent to a "Blanket Letter of Approval" of all renewals to operate a Game of Chance and/or Beano Games in accordance with the provisions of R.S. 1964, T. 17, Chapter 14, Sec. 330-346, as amended, to the following organizations:

Bath Area Senior Citizens
American Legion, Smith Tobey Post #21
Bath Lodge of Elks
Veteran's of Foreign Wars (VFW)
Veteran's of Foreign Wars (VFW) Auxiliary #7738
Knights of Columbus
Lincoln Club of Bath, Inc.
All Officers' Spouses' Club, BNAS
West Bath Fire Department

This "Blanket Letter of Approval" will be in force through December 31, 2009.

James Omo, Ward 1

David Sinclair, Ward 6

Sean Paulhus, Ward 2

Ruthe Pagurko, Ward 7

Kyle Rogers, Ward 3

Wayne Cochrane, At Large

Bernard Wyman, Ward 4

Andrew Winglass, At Large

Mari Eosco, Ward 5

Attest: _____
Mary J. White, City Clerk