

**CITY OF BATH, MAINE**

**ORGANIZATION OF CITY COUNCIL**

**Wednesday, December 4, 2002 7:30pm**

**City Council Chambers, Bath City Hall**

- I. Meeting called to Order by the City Clerk
- II. Introduction of present Councilors and Councilors-elect by the City Manager, and administration of oath of office by the City Solicitor.

CouncilorAt Large	John E. Hall
Councilor-Elect Ward I	Andrew Winglass
Councilor Ward II	John W. James, IV
Councilor Ward III	Halcyon S. Blake
Councilor Ward IV	Bernard A. Wyman, Jr.
Councilor Ward V	John C. Hart, Jr.
Councilor-Elect Ward VI	James Daigle
Councilor Ward VII	Edwin A. Rogers
Councilor-Elect At Large	Leverett Mitchell

**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 Chairman of the City Council to serve to the first Wednesday in December 2003. (5 votes necessary for choice)

Councilor \_\_\_\_\_ declared duly elected as Chairman of the City Council for term set forth above.

- IV. Chairman then asks for nominations for the election of the Vice-Chairman of the City Council to serve to the first Wednesday in December 2003, pursuant to the City Charter, Re: Section 212.

- V. Chairman recognizes Reverend William Bliss of the United Church of Christ to offer the Invocation.

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

Regular Meeting  
Wednesday, December 4, 2002      7:30pm  
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**

*Presentation of Color Guard Flag by Jim Gillies of the Community Policing Advisory Group.*

**C. Public Hearings**

- 1) Ordinance: Chapter 17. Vehicles and Traffic, Article 5. Operations, Section 17-211. Stop Intersections. Subsection (b) Washington Street (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 Previous Meetings – November 6 and 20, 2002 and Items F6, F7, F8, F9 and K12.(motion to accept)

**E. Time Devoted to Residents to Address The City Council**

**F. Ordinances, Resolutions and Orders**

3. Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter

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

5. Council Appointments of Council Representatives to:

Bath Housing Authority  
Patten Free Library  
Recreation Commission  
Sidewalk Vending License Committee  
Student Community Liaison Council  
Welfare Review Board

\*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. Order - adopting Working Rules and Regulations for Council year 2002-2003 (motion to pass Order)

\*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. Ordinance – Chapter 3 Advertising, Article 2. Signs, Section 3.209 Wayfinding (first passage)

11. Ordinance – Chapter 15. Streets, Article 3. Street and Right-of-Way Openings (first passage)

#### **G. Petitions & Communications**

#### **H. City Manager's Report**

#### **I. Committee Reports, if any**

#### **J. Old Business**

#### **K. New Business**

\*12. Appointment of Registrar of Voters pursuant to Maine Election laws, Title 21-A, section 101 (motion to appoint City Clerk as the Registrar of Voters for a two year term)

13. Annual Appointment of Recreation Commission Member to Bath Meeting House and Skatepark Center Board of Directors Term to expire December 2003.

Candidate:

Julia DeBery

14. Appointment of one member to the Bath Meeting House and Skatepark Center Board of Directors term expiration October 2005.

Candidate:

Joseph Black

15. Appointment one member to the Bath Planning Board term to expire September 2003.

Candidates:

David King

Thomas Barrington

Gordon Reed

#### **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 7:00 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 policies, or as may be amended by this Council.

CITY COUNCIL FOR THE CITY OF BATH, MAINE  
WORKING RULES AND REGULATIONS FOR COUNCIL YEAR 2002-2003

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 10:00 P.M.

#### WAIVER

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



## **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 27, 2002

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:

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.  
West Bath Fire Department

The new letter of approval will be in force for one Council year - the Council year will end December 3, 2003.

December 4, 2002

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 4, 2002, 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:

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.  
West Bath Fire Department

This "Blanket Letter of Approval" will be in force for one Council year - the Council year will end on the first Wednesday in December, which will be December 3, 2003.

\_\_\_\_\_  
Andrew Winglass, Ward 1

\_\_\_\_\_  
James Daigle, Ward 6

\_\_\_\_\_  
John James, IV, Ward 2

\_\_\_\_\_  
Edwin Rogers, Ward 7

\_\_\_\_\_  
Halcyon Blake, Ward 3

\_\_\_\_\_  
John Hall, At Large

\_\_\_\_\_  
Bernard Wyman, Jr., Ward 4

\_\_\_\_\_  
Leverett Mitchell, At Large

\_\_\_\_\_  
John Hart, Jr., Ward 5

*Attest:* \_\_\_\_\_  
Mary J. White, City Clerk

## INTRODUCTION OF CITY COUNCIL

December 4, 2002

**Senior Councilor At Large**

**John E. Hall**

13 years completed, commencing his second year of a 3-year term

**Councilor Ward One**

**Andrew Winglass**

Commencing his first year of a 3-year term

**Councilor Ward Two**

**John W. James IV**

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

**Councilor Ward Three**

**Halcyon S. Blake**

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

**Councilor Ward Four**

**Bernard A. Wyman, Jr.**

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

**Councilor Ward Five**

**John C. Hart, Jr.**

1 year completed, commencing his second year of a 3-year term

**Councilor from Ward Six**

**James Daigle**

Commencing his first year of a 3-year term

**Councilor Ward Seven**

**Edwin A. Rogers**

4 years completed, commencing his second year of a 3-year term

**Councilor At Large**

**Leverett Mitchell**

Commencing his first year of a 3-year term

*If the newly elected Councilors will please, rise, our City Solicitor will have the honor of administering the Oath of Office to you.*

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?”*

## **SCRIPT NOTES FOR COUNCIL ORGANIZATIONAL MEETING OF NEW YEAR:**

### 1. CALL MEETING TO ORDER:

I would like to call to order the 2002-2003 Organizational Meeting of the Bath City Council.

I will now call on John Bubier, Bath City Manager to present an introduction of the City Councilors.

John does introductions of Councilors.  
Roger does Oath of Office for new Councilors.

I would now like to open the floor for nominations for the position of Chairman of the City Council to serve to the first Wednesday in December 2003. Are there any nominations?

Councilor John James IV has been nominated. Are there any other nominations for the position of Chairman?

Seeing none, could I have a motion to close nominations and that the City Clerk cast a unanimous ballot for Councilor John James IV to be Chairman of the Bath City Council for the 2002-2003 year. Is there a second? All those in favor, please signify by raising of hand.

I hereby declare Councilor John James IV as the Chairman of the Bath City Council to serve to the first Wednesday in December 2003.

Mr. Chairman, will you please come forward and take your seat?