

Regular Meeting Minutes
City Council of the City of Bath, Maine
Wednesday, November 3, 1999 7:00pm
City Council Chambers, Bath City Hall

Present: Councilors Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed and Chairman Hall.

Also in attendance were the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

A./B. Chairman Hall led the Pledge of Allegiance and City Clerk White called the Roll.

C. Public Hearings

There were no public hearings.

D. Consent Agenda: 7:05 PM #72

Under the Consent Agenda, the Minutes for the October 6 and 20, 1999 Council Meetings, Approval of the tabulation of Election Results for the November 2, 1999 Election and the appointments of Susan Craney and Michele Cooper to the Recreation Commission. Terms to expire in November 2002 and Jeffery Shiers, Harbor Master, term to expire November 2000.

Motion by Councilor Wyman, seconded by Councilor Hayden to accept the Consent Agenda as presented.

VOTE: to accept Consent Agenda

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:07 PM #133

Robert Ford of Whiskeag Road addressed the Council in regards to the proposed Land Use Code change that would allow a site for a trailer park in the north Bath area.

F. Ordinances, Resolutions and Order 7:10 PM

Item F3 -Resolution: Adopting Public Access Channel Policies and Guidelines #286

**RESOLUTION ADOPTING
PUBLIC ACCESS CHANNEL POLICIES AND GUIDELINES**

WHEREAS, the City of Bath, in its Franchise Agreement with Casco Cable Television, has provided an opportunity to establish and develop a public, educational and governmental access channel, and

WHEREAS, the City Council of the City of Bath has established the Bath Community Television Committee to oversee the establishment and operation of this channel, and

WHEREAS, the Committee has proposed certain Policies and Guidelines for the use of the public access channel and development of material for the channel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Bath Community Television Policies and Guidelines attached hereto be and hereby are approved.

Motion by Councilor Blake, seconded by Councilor Rogers to put this Resolution on the floor for discussion.

Laura Brill, Chairman of the Bath Television Steering Committee, gave an overview of the document and answered question from the Council.

There were four amendments made to the main document of Policies and Guidelines.

Amendment No.1: Page 11, Second sentence, after the words “*requested use date*” insert “*except when requested by the City Manager or School Superintendent*”.

Motion by Councilor James, seconded by Councilor Rogers to accept Amendment No. 1.

VOTE: to accept Amendment No. 1

Yeas: 5

Nays: 3

Amendment No. 1 passed.

Amendment No. 2: Page 4, Section 4.2, First sentence, after the words “*requested playback date*” insert “*unless addressing an agenda item or issue of an upcoming City Council or School Board or other municipal event or meeting*”.

Motion by Councilor James, seconded by Councilor Rogers to accept Amendment No. 2.

VOTE: to accept Amendment No. 2

Yeas: 6

Nays: 2

Amendment No. 2 passed

Amendment No. 3: Page 6, last Paragraph, after the words “*BCTV programs may be*” of change the word “*two*” to “*three*” and after the word “*length*”, insert the words “*14, 28, or 58 minutes*” and delete the words “*28 minutes or 58 minutes*”.

Motion by Councilor James, seconded by Councilor Blake to accept Amendment No. 3.

VOTE: to accept Amendment No. 3

Yeas: 6

Nays: 1

Abstention: 1

Amendment No. 3 passed

Amendment No. 4: Page 8, Second paragraph, First sentence, after the words “*After candidates are certified by the*” delete “*City Manager*” and insert “*City Clerk*”.

Motion by Councilor James, seconded by Councilor Williams to accept Amendment No. 4.

VOTE: to accept Amendment No. 4

Yeas: 8

Nays: 0

Amendment No. 4 passed unanimously

VOTE: to accept the 4 time Amended Resolution

Yeas: 8

Nays: 0

The amended Resolution passed unanimously.

Item F4 - ORDINANCE: Amendment to Chapter 8A - General Assistance (First Passage) #1389

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 8A. GENERAL ASSISTANCE

Delete appendices to the Ordinance dealing with maximum allowances and replace with newly attached allowance appendices, Appendix A -Total Allowed CA Maximums, Appendix B - Food Maximums, Appendix C - Housing Maximums. Maximums shall be effective as of October 1, 1999.

Motion by Councilor Williams, seconded by Councilor Wyman to put this Ordinance on the floor for discussion.

Cheryl Durgan, General Assistance Director, spoke to the Council regarding the formulas for obtaining the maximums and answered the Council's questions.

There was a motion by Councilor James, seconded by Councilor Reed to table this item until further information was provided to Council regarding the HUD figures quoted in the document.

VOTE: on Tabling the Ordinance

Yeas: 3

Nays: 5

Tabling of Ordinance was defeated.

Roll Call VOTE: on Ordinance (first passage)

Yeas: Wyman, Hayden, Tibbetts, Reed

Nays: James, Rogers

Abstention: Williams, Blake

Ordinance passed.

Second Passage was set by Chairman Hall for November 17, 1999 at 7:01 PM.

Item F5: Approval of Discontinuation of Huse Street #3398

APPROVAL OF DISCONTINUATION

WHEREAS, the City Council of the City of Bath, by Order dated August 18, 1999, instructed the City Manager to bring before the said Council as the legislative body of the City of Bath, appropriate documentation for consideration of the Discontinuation of a portion of Huse Street, and

WHEREAS, the City Manager has filed with the City Clerk pursuant to 23 M.R.S.A. Section 3026, an Order of Discontinuation of said way, and

WHEREAS, all abutting property owners listed in that Order of Discontinuation have received notification of the pendency of these proceedings, and

WHEREAS, the Planning Board of the City of Bath has also received notification of the pendency of these proceedings.

NOW, THEREFORE, the City Council of the City of Bath hereby approves the Discontinuation Order submitted by the City Manager of the City of Bath to the Clerk of the City of Bath, and said City Council hereby Order the Discontinuation of a Portion of Huse Street, said portion of Huse Street being more particularly described as follows, to wit:

Beginning at a point marking the southeasterly termination of Huse Street at the location of a stonewall marking the northerly line of land formerly of Joshua Emmons, now of the Bath Area Senior Citizens, Inc. and running North Five Degrees East (N 50 E) along land of Bath Area Senior Citizens, Inc. a distance of One Hundred and Thirty Feet (130') to a point opposite the southerly side of the driveway on the property of Methyl Merry; said street is Twenty-Five Feet (25') wide and the above line describes its East course.

The City Council of the City of Bath further finds that no damages are to be paid to any of the abutters, and the said City Council further accepts the recommendation of the City Manager, and indicates that no public easement shall be retained in the way hereby discontinued.

Motion by Councilor Wyman, seconded by Councilor James to put this Approval on the floor for discussion.

VOTE: on Approval of Discontinuation

Yeas: 8

Nays: 0

Approval of Discontinuation passed unanimously.

G. Petitions and Communications: 8:45 PM #3536

There were no petitions or communications.

H. City Manager's Report: 8:46 PM #3550

City Manager Bubier spoke on the following items:

- Shared the Municipal Leadership Program Packet which is put on by the University of Southern Maine and the Maine Municipal Association
- Update on the High Street sidewalk - in place, Middle Street project - underway, and the Goddard Pond sidewalk - done
- Meetings concerning Bath Memorial Hospital with colleges and letters to industries proposing uses for the facility
- Conversation with DOT on the building of a platform on Route One for police cruisers to aid in the traffic control on that corridor
- Meetings with the Thornes Head Committee and the City working on access to the area
- Stinson Seafood had proposed limitations on truck traffic and noise control concerning the plant
- Continuing meetings with BIW regarding the ongoing construction of the land level facility and some other projects the City and BIW can work together on in that area
- Attended the Community Leaders Luncheon put on by the area clergy
- Met with Jayne Palmer, Deb Hayden and Bob Smith about bringing the Maine Town and City Managers' Annual Meeting to Sebasco Estates
- Had a series of meetings with DOT and prospective builders of the Praver Block and Coal Pocket project
- Working on the relocation of the Jessie Albert Clinic
- Held a meeting with the DEP representatives, State Legislators and area town and city representatives to discuss area issues
- City Planner, Public Works and himself have submitted a series of projects to be completed in the next six years to the DOT
- Met with Pine Tree Waste to discuss trash and recycling issues

I. Committee Reports: 9:07 PM #4434

No committee reports

J. Old Business: 9:08 PM

There was no old business.

K. New Business: 8:58 PM

The appointments to the Recreation Commission and the Harbor Master were done under the Consent Agenda. See D. Consent Agenda.

At 9:09 PM motion by Councilor James, seconded by Councilor Blake to recess into Workshop for a report on the Trolley Program from Joseph Byrnes, President Bath Trolley Company. **Vote: 8-0 passed unanimously**

At 9:33 PM motion by Councilor Rogers, seconded by Councilor Reed to enter into Executive Session to discuss personnel and development issues. **Vote: 8-0 passed unanimously**

At 11:03 PM motion by Councilor Rogers, seconded by Councilor Wyman to come out of Executive Session. **Vote: 8-0 passed unanimously**

The meeting adjourned at 11:04 PM with a motion made by Councilor Reed and seconded by Councilor Tibbetts. **All in favor.**

Respectfully submitted:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A tape recording of the meeting is available for review in the City Clerk's office during regular business hours.