

REGULAR MEETING
City Council of the City of Bath, Maine
Wednesday, May 5, 1999 7:00 PM
City Council Chambers, Bath City Hall

The Regular Meeting of the Bath City Council was called to order by Chairman Hall at 7:00 PM on Wednesday, May 5, 1999 for the purpose of conducting business as listed an the agenda.

Chairman Hall opened the meeting with the Pledge of Allegiance.

ROLL CALL: Present: Councilors Tainter, Rogers, Tibbetts, Hayden, Wyman, James, Williams and Chairman Hall. **Absent:** Councilor Blake

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

C. PUBLIC HEARING:

- 1) **Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions (Washington Street West Side - Lemont/Robinson Streets)
Second Passage - 7:01 PM**

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

Washington Street West Side

Delete:

"From Lemont Street to a point 20 feet south of Marshall Street, no restrictions."

Replace With:

"From Lemont Street to Robinson Street, no restrictions;

From a point 20 feet north of the northerly side of Robinson Street to a point 70 feet south of the southerly side of Hunt Street no trailers allowed at anytime;

From Hunt Street to a point 20 feet south of Marshall Street, no restrictions."

Motion by Councilor Wyman. seconded by Councilor Tainter to put Ordinance on the floor for discussion.

Seeing no preliminary Council comment or public comment, Chairman Hall closed the Public Hearing and asked for further Council comment.

Councilor Tibbetts asked if the reference to Hunt Street was both sides. Chairman Hall answered no.

VOTE on Ordinance

Yeas: Williams, James, Wyman, Hyden, Tibbetts, Rogers and Tainter

Nays: None

Ordinance Second Passage passed unanimous 7-0.

2) Hyde Park Neighborhood Improvement Project to be funded in part by a \$400, 000 CDBG 2nd year Public Facilities/Infrastructure Grant from the Department of Economic and Community Development. - 7:08 PM

City Planner Jim Upham gave a brief update on the project. Some of the major work that will take place on this project will consist of the following:

- Upgrade pump station
- New sewer lines for Bluff Road
- New waterlines in the whole neighborhood

This project will be funded by two CDBG grants and assistance from the City and the Bath Water District.

The roads will be torn up, ground up and repaved. The street and utility systems will be spruced up at this time.

Chairman Hall asked for council and public comment. Seeing none, he closed the public hearing.

3) Development fund request to the Department of Economic and Community Development Office of Community Development for a \$200,000 grant to provide a pass through low-interest loan to Coastal Economic Development to assist in the development of an office facility and for the creation of new employment opportunities at the Wing Farm Business Park. - 7: 1 0 PM

City Planner Jim Upham explained that the funding for this project would be coming from Rural Development Administration which has a policy not to fund projects that impact wetlands. Therefore the CED building will have to be moved as its proposed location does have a slight amount of impact to a wetland area. The CED building site move will result in an increase in construction costs. To assist in covering this increased construction cost, the CDBG Development Fund would be given in the form of a loan to CED. The City will not have any financial obligation concerning this grant.

Chairman Hall asked for Council and public comment. Seeing none, he closed the public hearing.

D. CONSENT AGENDA: - 7:13 PM

Chairman Hall introduced the Consent Agenda consisting of the following:

- 1) **Minutes of Previous Meetings of April 7 and 14, 1999** (motion to approve as presented)

VOTE: Consent Agenda approved by unanimous vote 7-0

E DEVOTED TO RESIDENTS TO ADDRESS THE CITY COUNCIL: - 7:14PM

No members of the public spoke at this time.

F. ORDINANCES, RESOLUTIONS AND ORDERS: - 7:15 PM

- 4) **Resolution** authorizing and directing the submission of a grant application for the Hyde Park Neighborhood Infrastructure Project. (motion to pass)

Chairman Hall read the following Resolution:

City of Bath, Maine
CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBO 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,

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

- I Is authorized and directed to submit an application for the 1999 Public Facilities/Infrastructure Grant within the Small Cities Block Grant to the Department of Economic and Community Development on behalf of the City of Bath substantially in the form presented to this Council for the Hyde Park Neighborhood Infrastructure
2. Is authorized to make assurances on behalf of the City of Bath required as applications, and
3. Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Motion by Councilor Williams, seconded by Councilor Wyman to put this resolution on the floor.

Chairman Hall asked for Council and public comment. Seeing none he asked for a vote.

VOTE: on Resolution Passed by unanimous vote 7-0

- 5) **Resolution** authorizing and directing the submission of a pass through grant application for the Wing Farm Business Park (motion to pass)

Motion to waive reading of the parts of the Resolution that are the same as the preceding resolution by Councilor James, seconded by Councilor Williams.

VOTE: on waiving reading of Resolution Passed by unanimous vote 7-0

City of Bath, Maine
CITY COUNCIL, RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Small Cities 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 Department of Economic and Community Development has established the Development Fund Program;

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

- I Is authorized and directed to submit a Community Development Block Grant Development Fund Application to the Department of Economic and Community Development on behalf of the Coastal Economic Development, Inc. to assist in the development of an office facility and for the creation of new employment opportunities at the Wing Farm Business Park, substantially in the form presented to this Council;
2. Is authorized to make such assurances on behalf of the City 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 said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Motion by Councilor Williams, seconded by Councilor James to put this Resolution on the floor.

Chairman Hall asked for Council comment.

Councilor James asked if this grant preempts any CDBG dollars for any further projects.

City Manager Bubier stated it did not charge itself against any other grants in the future.

Chairman Hall asked for any other Council or public comment. Seeing none he called for a vote.

VOTE: on Resolution passed by unanimous vote 7-0

6) Proclamation honoring the week of May 16-20, 1999 as Arbor Week.(motion to pass)

Chairman Hall read the following Proclamation:

ARBOR WEEK PROCLAMATION

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 16-22 AS

ARBOR WEEK

In the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Motion by Councilor James, seconded by Councilor Williams to put this Proclamation on the floor.

Chairman Hall asked for Council and Public comment. Seeing none he called for a vote.

VOTE: on Proclamation passed by unanimous vote 7-0

7) **Resolution** approving Bath Heritage Days. (motion to pass)

Chairman Hall read the following Resolution:

RESOLUTION

WHEREAS, the Bath Area Chamber of Commerce annually sponsors Bath Heritage Days; and

WHEREAS, Heritage Days provides the City of Bath with marvelous entertainment for its citizens, visitors who spend their dollars here, and an opportunity for residents to celebrate their community; and

WHEREAS, the use of City streets, public spaces, and personnel is necessary for conducting Heritage Days

NOW, THEREFORE, BE IT RESOLVED THAT THE BATH CITY COUNCIL approves of the attached correspondence from the Chamber of Commerce Heritage Days Committee and directs the City Manager to fulfill the intent of the request as best meets the needs of the community.

Motion by Councilor Williams, seconded by Councilor Wyman to put this Resolution on the floor.

Chairman Hall asked for Council and public comment.

Shane McKenna spoke on behalf of the Bath Heritage Days Committee. He stated that everything was going to continue pretty much as it had in the past. Mr. McKenna stated that the trash pickup has been donated free of charge by Pine Tree Waste.

Councilor James stated that the City of Bath was very fortunate to have such a wonderful event to celebrate the 4th of July and thanked the Chamber of Commerce and Shane for putting it on.

Chairman Hall asked for a vote on this Resolution.

VOTE: on Resolution passed by unanimous vote 7-0

- 8) **Resolution** approving street closing and traffic pattern proposed by the Bath Area Chamber of Commerce in connection with Bath Heritage Days. (motion to pass)

Chairman Hall read the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT, pursuant to the provisions of Section 17-220 of the Bath City Code, the street closing and traffic pattern proposed by the Bath Area Chamber of Commerce in connection with the celebration of Bath Heritage Days are hereby approved. The City Manager is hereby authorized to implement these street closing and traffic pattern adjustments with appropriate signing.

Motion by Councilor Williams, seconded by Councilor Wyman to put this Resolution on the floor.

Chairman Hall asked for Council and public comment.

Shane McKenna spoke in regards to the Triathlon to be held on July 3, 1999. There will be a flat tide; therefore, the swim section may have to be rerouted to go from the City Pier toward the Sewage Treatment Plant causing a change in the street closing for a couple of hours. The final details will be discussed with the City Manager closer to time of the event.

Seeing no further comment from Council or the public, Chairman Hall asked for a vote on the Resolution.

VOTE: on Resolution passed by unanimous vote 7-0

- 9) **Order** approving Temporary Use Permit for property designated as Lots 260 and 262 providing vendor parking for Heritage Days activities. (motion to pass)

Chairman Hall read the following Resolution:

ORDER APPROVING TEMPORARY USE PERMIT

It is hereby ordered by the City of Bath, pursuant to the authority granted Council in Section 6.5 of the Land Use Code of the City of Bath that temporary use permit be and hereby is issued for property designated as Lots 260 and 262, on the City of Bath Tax Map 26, being also described as the northerly end of the Old Praver Block. This temporary use permit is granted for the sole purpose of providing vendor parking for those vendors participating in the City of Bath Heritage Days activities. This temporary use permit shall commence on July 2 and shall expire at midnight July 5, 1999.

Motion by Councilor Wyman, seconded by Councilor James to put this Order on the floor.

Chairman Hall asked for Council and public comment. Seeing none, Chairman Hall asked for a vote on the Order.

VOTE: on Order passed by unanimous vote 7-0

Chairman Hall moved Item 13 into the Item 10 slot.

Councilor James gave an overview of the procedure for adopting the following Landfill Fee-Waiver Policy that he and Councilor Williams were putting forth for passage. The Landfill Director and Habitat for Humanity had be contacted for input. It was decided by the concerned parties that the amount of \$3,000 over a ten year period would be appropriate.

13) Resolution declaring a Landfill Fee Waiver Policy. (motion to pass)

Chairman Hall read the following Resolution:

RESOLUTION

DECLARING A LANDFILL FEE-WAIVER POLICY

Acknowledging that non-profit institutions are a vital resource to the City of Bath and an important part of the fabric of the community,

Realizing that the City of Bath's landfill is one of the few operating landfills left in Maine and has a finite life-span remaining,

Understanding that there are real personnel and overhead costs associated with its operation and its eventual closure,

Further realizing that most non-profits are tax-exempt and do not pay property or business taxes to the City, yet they do utilize City services from time to time,

Further realizing that forgiving tipping fees is, in effect, a donation to a particular non-profit from the taxpayers of Bath,

And understanding that the City must be as fair and equitable as possible to all non-profits doing business within City limits, and not favor any one non-profit over another,

The City Council hereby declares that tipping fees may be waived for any requesting non-profit, for construction or demolition-related projects only, for an amount not to exceed an equivalent of \$3,000 over any ten-year period as assessed at the scales of the City Landfill. Materials delivered to the landfill must be separated and include no toxic or volatile organic compounds (VOC's). Requests for waivers for each construction or demolition project must be made in writing ******(and include all prior waiver(s) granted that organization and its value certified by the Landfill Director) and passed by Resolution of the Bath City Council. Nothing herein shall require approval of any particular request and the Council reserves the right to consider and act on each individual request on its own merits.

*Amendment #1 - An Annual Report by the Landfill Director will be made to the City Council for all waived non-profits.

** Amendment #2

Motion by Councilor James, seconded by Councilor Williams to put this Resolution on the floor.

Chairman Hall asked for Council comment.

Councilor Tainter asked how stumpage was figured in.

Councilor James replied that the Landfill Director had told him stumpage was not allowed to be brought into the landfill.

Councilor James asked for clarification on the last sentence of the Resolution from the City Solicitor. He wanted to know if this meant that at a later date the Council could go back and override this Resolution and change the amount.

City Solicitor Therriault stated that the reason for the inclusion of the last sentence was to give the Council the ability to take each request on a separate basis and not give the impression that the waiver was a given.

Chairman Hall asked for public comment. Seeing none he went back to Council comment.

Councilor Williams stated that to get a visual on the \$3,000 amount, that would come up to about 60 tons.

Councilor Tibbetts asked for an amendment to the Resolution that would deal with the total monies for each non profit at the time a waiver was applied for.

After a lengthy discussion, Amendment #1* was adopted.

Motion by Councilor James, seconded by Councilor Tibbetts to pass Amendment #1*.

VOTE: on Amendment #1 to Resolution passed by unanimous vote 7-0

Councilor Tibbetts asked to have a second amendment to the Resolution that would request a documentation of amount used at the time the request for waiver is submitted.

After discussion of this second amendment, City Solicitor Therriault suggested the following amendment: after the word "writing" add "and include all prior waiver(s) granted that organization and its value certified by the Landfill Director".

Motion by Councilor Tibbetts, seconded by Councilor Wyman to pass Amendment #2.

VOTE: on Amendment #2 to Resolution passed by unanimous vote 7-0

Chairman Hall asked for a vote on the twice amended Resolution.

VOTE: on Resolution passed by unanimous vote 7-0

10) **Order** waiving Building Permit and Demolition Disposal Fees for Bath YMCA project. (motion to pass)

Chairman Hall read the following Order:

ORDER WAIVING FEES

WHEREAS, the City of Bath is supportive of the Bath Area Family YMCA campaign to construct a new facility on the Huse School property, and

WHEREAS, the City has received a request for waiver of fees for the building permit and landfill, costs,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the building permit fee associated with the construction of the new YMCA facility on the Huse School site be and hereby is waived; BE IT FURTHER ORDERED by the City Council of the City of Bath that all landfill tipping fees associated with the construction of the new YMCA facility also be waived *in accordance with the City of Bath's Landfill Fee-Waiver Policy.

Motion by Councilor James, seconded by Councilor Williams to put this Order on the floor.

Chairman Hall asked for an amendment to this order dealing with the previously passed Landfill Fee-Waiver Policy.

Motion by Councilor Williams, seconded by Councilor James to amend the Order as follows: after "YMCA facility also be waived" add -"in accordance with the City of Bath's Landfill Fee-Waiver Policy".

Chairman Hall asked for a vote on the Amendment.

VOTE: on Amendment to Order passed by unanimous vote 7-0

Chairman Hall asked for Council and public comment.

Wendy Stanley, YMCA Building Committee Representative, expressed their appreciation to the Council for any help they could give to help the Committee keep the cost of this project within budget.

Chairman Hall asked for further Council and public comment. Seeing none he asked for a vote.

VOTE: on Order passed by unanimous vote 7-0

11) **Clerk's Certification of Referendum Petitions for Cottage Street.** (motion to accept)

Chairman Hall read the following:

CLERK'S CERTIFICATION

I, Mary J. White, duly elected and acting City Clerk of the City of Bath, pursuant to Section 1005 of the Charter of the City of Bath, have examined a Referendum Petition filed at the City Clerk's Office by the citizens and the voters of the City of Bath, challenging approval by City Council of a Land Use Amendment changing the zoning designation of certain lots on or near Cottage Street from a C 11 Commercial District to a C IV Commercial District. My examination has determined that the Petition

accurately states the question upon which the Referendum is sought and contains 674 valid signatures of registered voters in the City of Bath. The number required, being 10% of the registered voters at the last municipal election, was 578 signatures. Based on this examination, I hereby certify that the Petition has met the Referendum requirements of the Charter of the City of Bath and hereby certify same to the Bath City Council. The Referendum Petition is attached hereto and made a part of the Council Record.

Chairman Hall explained what the procedure would be after acceptance of the Certification. The decision to change the zone classification for the Cottage Street would have gone into effect 21 days after approval if it had not been appealed. With receipt of these petitions, the Council has 60 days to act on this matter. They may either vote to rescind the ordinance or put the question out to referendum during the election held the first Tuesday in November 1999. He stated that a couple of procedural questions have come up since passage of this Ordinance. With the passage of the Comprehensive Plan in August 1997, the next step was to adopt a new Land Use Code. The new code is to come to Council for passage in late July to early August. If passed, the new Land Use Code would make the old Land Use Code null and void. This would mean that the referendum question would be based on a Land Use Code which was null and void. Chairman Hall suggested that the Council take the 60 day time period to investigate this problem fully and not take action on rescinding or standing by this Ordinance at this time.

City Solicitor Therriault made the point that because of the time frame involved for passage of the new Land Use Code, the dilemma of the referendum question is unavoidable.

Motion by Councilor Tibbetts, seconded by Wyman to put on the floor for discussion the acceptance of the Clerk's Certification of petitions and that no further action be taken at this time.

Councilor Rogers asked why this problem had not come up before.

Councilor Tibbetts noted that the City Planner had mentioned during the previous hearings on the Cottage Street matter that the new Land Use Code would permit such uses in this area, but the time frame of passage of the new code had not been brought up.

City Solicitor Therriault stated that it was a good thing that Mr. Upham had recognized this time problem now and not later.

Gary Anderson, a citizen that had helped to gather the signatures for the petitions, asked if there would be a danger of the signatures becoming invalid due to this passage of time of inaction by the Council.

City Solicitor Therriault stated that this inaction time period has no bearing on the validity of the petitions and the signatures will still stand.

Councilor James stated that he would go over the Comprehensive Plan and new Land Use Code with a microscope to make sure the wishes of the community, shown by these petitions, will be addressed.

Wendy Stanley of 13 Allen Street stated that during her gathering of names for these petitions people expressed discontent with the Council's decision to change the zoning in the Cottage Street area and the citizens would very much appreciate the Council's reconsideration of the zone change.

Chairman Hall asked for a vote on the motion to accept the Clerk's Certification.

VOTE: on Clerk's Certification passed by unanimous vote 7-0

- 12) **Ordinance Chapter 18, LUC Art. 8. District Regulations, Sec. 8.18 Conditional and Contract Rezoning, amend Art. 7. Zoning District, Sec. 7.25 and Art. 17. Contract Zoning Districts - 2 Davenport Circle.** (first passage)

Chairman Hall read the following:

ORDIINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH, ADOPTED DECEMBER 7,1983 AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS.

Amend Section 8.18- Conditional and Contract Rezoning, Subsection B - Description of Property, by adding the underlined text:

B. Description of Property

Property eligible for rezoning under conditional and contract rezoning provisions of this Section shall be the property described in Section 7.18(B) of this Code together with all of the property described in Section 7.16 of this Code designated as Highway Business District - C IV, and the property included in the Special Purpose Commercial Overlay District.

And amend Article 7, Section 7.25 by adding,

and, that area consisting of parcels of land designated by the Tax Maps of the City of Bath dated April 1, 1998, as Map 14 Lots 96-1 and 96-2."

and Amend Article 17 - Contract Zoning Districts by adding, "Section 17.06-2 Davenport Circle

A. District Designation

The property designated for contract zoning amendment is the property located at 2 Davenport Circle, being identified as lots 96-1 and 96-2 on City of Bath Tax Map 14, dated April 1,1998.

B. Findings

The building at 2 Davenport Circle is in the Special Purpose Commercial Overlay Zone. The present use of the building is medical office which the Zoning Board of Appeals has determined is allowed as an accessory use to the Mid Coast Hospital. The City Council makes the following additional specific findings:

1. The building was built as a medical office building associated with the Mid Coast Hospital.
2. Medical office use would not be allowed if not accessory to the hospital.
3. The building was specifically constructed for offices and has only limited utility for uses found in the R-2 Zone.
4. General office uses would be appropriate in the building and would be as compatible with the surrounding neighborhood as the medical office use. However, not all of the C I uses, which would generally be allowed in the Special Purpose Commercial Overlay District, would be appropriate.

5. The owner of the property has voluntarily offered to limit the number and type of authorized uses of the property as allowed in Land Use Code Article 8, Section 8.18 D, 2, a.

For all of these reasons, the City Council feels justified in rezoning this parcel as a Special Purpose Commercial Overlay District and to designate the area as a Contract Zone.

C. Zoning Provisions Affected

This contract zoning amendment is intended to limit the number and type of authorized uses of the property as would otherwise be permitted under a C1 designation under a Special Purpose Commercial Overlay District, but which would be inappropriate on this site given the residential character and designation of surrounding property. (Reference Section 8.19)

D. Conditions of Approval This contract zone is approved subject to the following specific conditions:

The only uses allowed are the uses presently allowed by the Land Use Code in the underlying Residential 2 Zoning District, plus the following C I uses:

Business Services

- Finance, Insurance, and Real Estate Offices
- Professional Offices
- Art and Craft Studios
- Accessory Uses
- Business Office
- Schools, and
- Day Nursery, Kindergarten, or Nursery School.

Motion by Councilor Wyman, seconded by Councilor Hayden to put this Ordinance on the floor.

City Planner Upham gave a brief definition of a Commercial Overlay District and its purpose. The purpose of such a zone is to give flexibility to a building that has been built in a residential district, but was never intended to be used for housing, to be able to have a viable economic use. Because the building at 2 Davenport Circle was considered an accessory to the hospital, it was zoned for medical office use only.

By using this Commercial Overlay District zone this building could be more useful economically if the zone change occurred. This change was recommended by the Planning Board and neighbors of 2 Davenport Circle.

Councilor James asked if when the hospital building itself is vacated if the uses for it be the same as the ones for 2 Davenport Circle.

City Planner Upham replied that it was very likely the uses would be similar, but first there has to be a planning process for the hospital building's use.

Councilor Rogers asked if the same problem with the Cottage Street rezoning would be applicable here.

City Planner Upham stated that there were no similarities between the two rezoning questions. This amendment fits with the Comprehensive Plan and will not be impacted by the adoption of a new Land Use Code.

Chairman Hall asked for any public comment.

David Andrews, owner of the building, assured Council they would not see any difference in the occupants of the office spaces. They would just be changing from doctors to possibly lawyers. Without this change though and if the hospital does vacate the hospital building, there would be no reason for doctors to use the space leaving 2 Davenport Circle empty and not doing anyone any good.

Chairman Hall asked for Council comments. Seeing none he asked for a vote on the Ordinance.

VOTE: on Ordinance-first passage

Yeas: Williams, James, Wyman, Hayden, Tibbetts, Rogers and Tainter

Nays: None

Chairman Hall set the Public Hearing and second passage on this Ordinance May 19, 1999 at 7:01 PM.

G. PETIONS & COMMUNICATIONS: - 8:40 PM

Chairman Hall read a letter of resignation from Councilor At Large Arthur Tainter because he will serving as a County Commissioner. Chairman Hall accepted the letter with regret and expressed the City's appreciation for the many years of service to the City of Bath that Councilor Tainter had performed. He also stated that the Council knew they had someone at the County level that would look out for the City's best interest and wished him well in his new position.

Chairman Hall stated that the vacancy will be advertised in the newspaper after June 2, 1999 and an interview process will follow. The appointment would come in late June.

Councilor Tibbetts pointed out that this will be an At Large Seat and anyone within the City will be able to apply.

Councilor James stated that the appointment would continue only through November and whoever was appointed would not be guaranteed the seat, but would have to go through the election process to retain the seat.

H. CITY MANAGER'S REPORT: - 9: 50 PM

The City Manager presented the 1999-2000 Budget at this time. (an overview of the budget is on file with the agenda materials for May 5, 1999)

Chairman Hall explained that during the month of May the Council would be meeting with the Department Heads concerning their budgets. There will be a Public Hearing on the budget at the end of May and then the first couple of weeks in June the Council will do the fine tuning for passage in June.

I. COMMITTEE REPORTS - 9:13PM

There were no committee reports

J. OLD BUSINESS: - 9:13 PM

There was no Old Business.

K. NEW BUSINESS: - 9:14 PM

City Manager Bubier thanked the Rotary Club for sponsoring the Bike Race held in Bath on May 2, 1999. It proved to be very successful with 41 entries and there were hopes that next year that number could be increased to 80+.

EXECUTIVE SESSION: 9:15 PM

- 1) Labor Negotiations

Motion by Councilor Tibbetts, seconded by Councilor Williams to go into Executive Session

VOTE: to go into Executive Session Approved by Unanimous Vote 7-0

Motion by Councilor Tibbetts, seconded by Councilor Tainter to come out of Executive Session.

VOTE: to come out of Executive Session Approved by Unanimous Vote 7-0

ADJOURN:

On motion by Councilor Wyman, seconded by Councilor James, it was moved to adjourn the meeting.

VOTE: To Adjourn Approved by Unanimous Vote 7-0

Meeting Adjourned at 9:43 PM.

Mary J. White, City Clerk

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.