

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, November 1, 2000 7:00pm
City Council Chambers, Bath City Hall

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

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

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

C. Public Hearings: Ordinance - Chapter 9. Building and Electrical Codes, Article 1. Building Code, Section 9-2. Adoption, Amendments - Second Passage 7:02 PM #52

Chairman Hall read the following Ordinance:

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 9. BUILDING AND ELECTRICAL CODES

Article 1. Building Code

Section 9-2. Adoption, Amendments

Add to the revisions and exceptions to the 1996 BOCA National Building Code, the following:

Section 107.1. Delete exception 2 and replace with the following: "retaining wall(s), the design of which is not considered engineering by applicable state law require no permits or compliance with this code."

Section 302.1.1 Existing exception becomes exception #1. Add exception #2 as follows: "In buildings that are not otherwise required to be sprinklered, 2 hour separation can be substituted for sprinkler protection."

Section 507.2 Add exception #6 as follows: "Accessory buildings can be sited and constructed without regard to construction type, protection features, or fire separation distances, with the approval of the City Fire Chief, City Code Official or their designees."

Section 1006.3.1 Add exception #6 as follows: "Buildings of SB construction, less than 2000 square feet per floor, protected with an automatic fire detection system."

Chapter 11 Delete in its entirety.

Motion by Councilor Reed, second by Councilor Wyman to put this Ordinance on the floor for discussion.

VOTE: on the Ordinance:

Yeas: James; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

Chairman Hall stated that the Ordinance would become effective November 22, 2000.

D. Consent Agenda: 7:10 PM #155

Under the Consent Agenda, Councilor Wyman made a motion to accept the minutes of the October 4 and 18, 2000 Council Meeting as submitted, which was seconded by Councilor Reed.

VOTE:

Yeas: 7

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:13 PM #229

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 7:16 PM

Item F3 - ORDINANCE: Chapter 8A. General Assistance - First Passage #450

Chairman Hall read the following Ordinance:

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, 2000.

Motion by Councilor James, second by Councilor Wyman to put this Ordinance on the floor for discussion.

Cheryl Durgan, General Assistance Director, gave an explanation of the process by which the figures for the allowances are arrived at.

VOTE: on the Ordinance: (first passage)

Yeas: James; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

Chairman Hall set second passage for November 15, 2000 at 7:01 PM.

Chairman Hall at this time set a Special Meeting of the Bath City Council on November 8, 2000 at 7:00 PM to accept the Election Results from the November 7, 2000 State General/Referendum and Municipal Elections.

Item F4 - ORDINANCE: Chapter 14. Sewers, Article 6. Charges for Sewer Services, Section 14-53. Billing; failure to pay; responsibility for payment (a) - First Passage #1634

Chairman Hall read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CODE OF THE CITY OF BATH, ADOPTED SUBSEQUENTLY AMENDED, BE FURTHER AMENDED.

CHAPTER 14. SEWERS

Article 6. Charges for Sewer Service

Section 14-53. Billing; failure to pay; responsibility for payment. Amend in accordance with the following:

THE CITY OF BATH THAT FEBRUARY 2, 1977, AND AS FOLLOWS:

(a) Sewerage system uses charges shall be billed periodically as determined by the city council, by resolution, upon the recommendation of the finance director. Sewerage system rates, fees or use charges provided for herein not paid within thirty (30) days, shall be considered delinquent and interest shall commence to run on the 31st day at a rate set annually by the Bath city council but not to exceed the rate of interest allowed on delinquent real estate taxes. These rates, fees or charges and interest thereon shall be collected in accordance with Sections 3406, 3444, 3445 of Title 30-A, M.R.S.A.

Motion by Councilor Blake, second by Councilor Hayden to put this Ordinance on the floor for discussion.

Greg L'Heureux, Finance Director, gave an explanation as to why this amendment was being asked for.

VOTE: on the Ordinance: (first passage)

Yeas: 0

Nays: James; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

VOTE: Ordinance Failed Unanimously 7-0

Item F5 - ORDINANCE: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-260. Municipal Parking Lots, add subsection (g) - First Passage #2181

Chairman Hall read the following Ordinance:

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 17-260. Municipal Parking Lots Add subsection (g) as follows:

(g) Commercial Street parking lot - West side under Sagadahoc Bridge. The parking area which is shown in Exhibit "A" attached to the License Agreement by and between the State of Maine and the City of Bath, dated October 11, 2000 shall be restricted to permitted parking on weekdays from 6:00 a.m. to 6:00 p.m. and shall require a parking permit or stamp issued by the Finance Department, which must be affixed on the vehicle in a conspicuous place. The fee for parking by said permit shall be set by Resolution of the City Council. The procedure for acquiring the permit or stamp shall be in accordance

with those procedures designated for the Water Street parking lot - West side, Section 17-60(d) of this Ordinance. There shall be no parking in said lot from 11:00 p.m. to 6:00 a.m. At all other times, parking shall be unrestricted. This Ordinance and any revision or amendment to this Ordinance shall be in effect as long as the License Agreement or any extension or amendment thereto between the State of Maine and the City of Bath, above-captioned, shall remain in full force and effect.

Motion by Councilor Blake, seconded by Councilor Reed to put this Ordinance on the floor for discussion.

VOTE: on the Ordinance: (first passage)

Yeas: James; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

Chairman Hall set second passage for this Ordinance on November 15, 2000 at 7:02PM.

Item F6: ORDINANCE: Chapter 9. Building and Electrical Codes, Article 2. Electrical Code, Section 9-11. Adoption & Section 9-12. Administration and Enforcement. - First Passage #2327

Chairman Hall read the following Ordinance:

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 9. BUILDING AND ELECTRICAL CODES

Article 2. Electrical Code

Amend in accordance with the following:

Section 9-11. Adoption.

This article incorporates by reference file National Electrical Code, 1999 edition, as published by the National Fire Protection Association and all amendments thereto and as subsequently amended, as the standard for all electrical work within the City of Bath.

Section 9-12. Administration and enforcement.

Delete (c) in its entirety and replace with the following:

"(c) Permit. A local electrical permit is required for all new electrical work except for that accomplished within the boundaries of a State highway."

Motion by Councilor Reed, seconded by Council James to put this Ordinance on the floor for discussion.

Scott Davis, Codes Enforcement Officer, explained the reasons these amendments were needed.

VOTE: on the Ordinance: (first passage)

Yeas: James; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

Chairman Hall set second passage for this Ordinance on November 15, 2000 at 7:03PM.

Item F7 - ORDER: Approving amendment to Code's Fee Schedule #2647

Chairman Hall read the following Order:

**ORDER APPROVING AMENDMENT
TO CODE'S FEE SCHEDULE**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE FOLLOWING AMENDMENTS TO SECTIONS 6 AND 7 OF THE CODE'S FEE SCHEDULE BE AND HEREBY IS APPROVED TO BE EFFECTIVE UPON ADOPTION:

Change number 6 to read:

"Permit fees for projects begun before the permit is issued shall include a surcharge equal to the permit fee or the amount specified below, whichever is greater:

Single-family houses

Work done by the owner or occupant	\$0
Work done by someone other than the owner or occupant	\$100
Other residential occupancies	\$100
Non residential occupancies	\$100"

Add new number 7 as follows:

"At the time of application for the permits listed below, in addition to the permit fee the applicant shall pay an inspection deposit as specified. The deposit will be refunded to the applicant without interest when the work is completed, the final inspection is conducted, and the project is approved for use. For building permits, the fee is forfeited if the subject work is put into use/occupied before the inspection is conducted and the project approved. For other permits, the fee is forfeited if the final inspection is not arranged within 10 working days of the job being completed, and/or if work requiring inspection is concealed before being inspected. If a project is abandoned, the inspection deposit will be returned without interest to the applicant upon written request.

Building permits

Work at an existing single family house	\$100	
New single family house		\$300
Other occupancies-		
Work under \$10,000 value	\$100	
\$10,000 - \$100,000	\$300	
over \$100,000	\$500	

Plumbing permits

Fee up to \$50	\$50
Fee \$50 - \$150	\$100
Fee over \$150	\$300

Electrical permits

Fee up to \$50	\$50
Fee \$50 - \$150	\$100
Fee over \$150	\$300

Heating permits	
Fee up to \$50	\$ 50
Fee over \$50	\$100
Fill permits	\$100
Sign permits	\$ 50
Flood Hazard Area Development Permits	\$100"

Motion by Councilor Reed, second by Councilor Hayden to put this Order on the floor for discussion.

Scott Davis, Codes Enforcement Officer, gave an explanation of the reasons for need for these changes to the Code Fee Schedule.

VOTE: on Order:

Yeas: 3

Nays: 4

VOTE: Order Failed. 3-4

Item F8 - ORDER: Approving contract for Public Works Salt/Sand Building #3631

Chairman Hall read the following Order:

ORDER

**AWARDING BID
PUBLIC WORKS SALT/SAND BUILDING**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID FROM RUBB BUILDINGS INC. FOR THE PURCHASE AND CONSTRUCTION OF A GALVANIZED STEEL TRUSS SYSTEM RUBB BUILDING COVERED WITH A PVC COATED POLYESTER FABRIC TO BE USED FOR THE STORAGE OF WINTER SAND AND SALT, BE AND HEREBY IS ACCEPTED AND AWARDED, TO RUBB BUILDINGS INC.. CONSTRUCTION SHALL BE IN ACCORDANCE WITH BID SPECIFICATIONS. THE MANAGER IS AUTHORIZED TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS. THE PROJECT WILL BE FUNDED FROM AVAILABLE FUNDS FROM THE SALT STORAGE SHED REPLACEMENT CAPITAL ACCOUNT (PWO5-588) AND THE TIF SALT STORAGE SHED REPLACEMENT CAPITAL ACCOUNT (TIFO5-588).

Motion by Councilor James, second by Councilor Reed to put this Order on the floor for discussion.

John Bubier, City Manager, gave an explanation of this Order.

VOTE: on Order:

Yeas: 7

Nays: 0

VOTE: Order Passed Unanimously. 7-0

G. Petitions & Communications 9:00 PM #4140

Chairman Hall shared a copy of a petition from the residents of West Chops Point, Goose Cove and Eagle Point Roads to Sesquehanna Cable regarding cable accessibility to their area.

Councilor Tibbetts notified Council that they needed to appoint representatives to the Advisory Committee for the County Communication Center.

H. City Manager's Report: 9:10 PM #4376

City Manager Bubier spoke on the following items:

- The Council needs to appoint 4 Councilors and 3 non-municipal representatives to the General Assembly of MCBF and MCOG now known as Midcoast Business Development & Planning.
- Submitted application for Bath's portion of the trail which is envisioned to go from Freeport to the Kennebec River in Bath.
- Contract awarded for repair of the rail for the Brunswick to Rockland railway.
- Met with MDOT regarding the Rural Roads Initiative for the North Bath and Old Brunswick Roads.
- Increases in City of Bath personnel health insurance rates.
- Mr. McCarthy, Editor of the Times Record, has printed a correction of the Council/School Board story and has proposed to do another story regarding the relationship between the two boards.
- Met with the new District 5 MDOT representative Rhonda Waterman.
- Met with the Urban Cities Coalition. The group is interested in the funding of education and dealing with fair distribution of funds.
- Met with Debra Patten of the Shariki Committee regarding the exchange program and the path it should be taking regarding the school system's curriculum.
- Visited possible temporary skateboard park sites with Councilors Blake and Wyman and Police Chief Pete Lizanecz.

I. Committee Reports: 9:24 PM #5294

There were no Committee Reports.

J. Old Business: 9:25 PM #5310

Councilor James asked the status of the decoupling of the traffic lights on Washington Street. John Bubier, City Manager, stated that the City has been authorized to go forward with the decoupling but couldn't specify a time frame.

K. New Business: 9:26 PM #5365

9K Appointment of 3 Members to the Bath Recreation Commission - Term expirations in November 2003.

Candidates:

Julia DeBery

Susan Goodfellow

Kelly McKellar

Thomas Watson

10K Appointment of 1 Member to the Zoning Board of Appeals - Term expiration in September 2001.

Candidate:

Thomas Watson

It was the recommendation of the Interview Committee that Julia DeBery, Susan Goodfellow, and Kelly McKellar be appointed to the Board of Recreation and Thomas Watson be appointed to the Zoning Board of Appeals.

Motion by Councilor Reed, second by Councilor Wyman to accept the nominations to the Recreation Commission and Zoning Board of Appeals. All in favor.

Motion by Councilor Tibbetts, second by Councilor Rogers to go into Executive Session. All in favor.

Motion by Councilor James, second by Councilor Blake to come out of Executive Session. All in favor.

The meeting adjourned at 9:40 PM with a motion made by Councilor Reed and seconded by Councilor Rogers. 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.