

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 6, 2000 7:30pm
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 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: 7:45 PM #48

- 1) Grant Liquor License for the Oriental Restaurant located at the Bath Shopping Center on Chandler Drive.

VOTE on Granting the Liquor License:

Yeas: 7

Nays: 0

Passed unanimously.

- 2) Receive citizen comment on the City's proposed CDBG Public Infrastructure application to the CDBG that could provide up to \$400,000 toward sewer and water improvements in the Pine and Pleasant Streets' neighborhood.

Al Smith, Community Development Director, gave an overview for the purpose and process of the grant application.

Peter Owen, Director of Public Works, explained the need for the proposed upgrades to the sewer separation system that were planned for this area and how this grant could be useful.

- 3) Receive citizen comment on the City's proposed CDBG Public Infrastructure application to DECD that could provide up to \$50,000 toward a playground facility at Hyde Park neighborhood.

Al Smith, Community Development Director, gave an overview of this grant and application process.

Cheryl Young, President of the Hyde Park Community Council, spoke regarding the need for a playground for the children in this area as they now use the streets for play areas.

- 4) Completed Development Fund from the DECD that provided a \$200,000 grant for the low-interest loan to CED to assist in the development of an office facility and for the creation of new employment opportunities at the Wing Farm Business Park.

Al Smith, Community Development Director, gave an update on the status of this grant and it's results.

D. Consent Agenda: 8:08 PM #707

- 5) Under the Consent Agenda, Councilor James made a motion to accept the minutes for the November 1, 8 and 15, 2000 Council Meetings and Items F9, F10, F11, F12 and F13, which was seconded by Councilor Blake.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 8:09 PM #805

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 8:10 PM

Item F6 - RESOLUTION: Regarding CDBG Applications for Grants #821

Chairman Hall read the following Resolution:

CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for Community Development Block Grant Program funds to carry out community development programs;

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,

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

1. Is authorized and directed to submit Pre-applications for the following programs within the Maine Community Development Block Grant Program:
(1) a Public Infrastructure Grant for the Pine-Pleasant Streets Neighborhood Improvements and (2) a Public Facility Grant to establish a playground in the Hyde Park neighborhood. These pre-applications will be submitted to the Department of Economic and Community Development on behalf of the City of Bath; and
2. Are authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Are 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.

Signed this 6th day of December 2000 on behalf of the City Council of Bath.

Motion by Councilor Wyman, second by Councilor Rogers to put this Resolution on the floor for discussion.

VOTE on the Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

Item F7 - Nominations for the Election of a Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter #881

Chairman Hall asked for nominations for the position.

Councilor James nominated Councilor Gordon E. Reed for the position and it was seconded by Councilor Blake.

Motion by Councilor Rogers that nominations cease, second by Councilor Williams.

VOTE: on Councilor Reed as Representative to the Board of Education:

Yeas: 8

Nays: 0

VOTE: Councilor Reed Elected Unanimously 8-0

Item F8 - Nominations for the Election of a Councilor to attend the Bath Water District Board of Directors' meetings #910

Chairman Hall asked for nominations for the position.

Councilor Williams nominated Councilor Bernard Wyman, Jr. for the position and it was seconded by Councilor Blake.

Motion by Councilor Tibbetts that nominations cease and the Clerk cast the unanimous ballot for Councilor Wyman.

VOTE: on the Clerk casting a unanimous ballot for Councilor Wyman as Representative to the Bath Water District Board:

Yeas: 8

Nays: 0

VOTE: Councilor Wyman Elected Unanimously 8-0

Item F9 - ORDER: Setting Regular Meetings of the Bath City Council

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.

Passed Unanimously on Consent Agenda.

Item F10 - ORDER: Adopting Robert's Rules of Order for Parliamentary Procedure

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.

Passed Unanimously on Consent Agenda.

Item F11 - ORDER: Adopting Working Rules and Regulations for Council Year 2000-2001

A copy of these Working Rules and Regulations are filed in the Agenda materials for December 6, 2000.

Passed Unanimously on Consent Agenda.

Item F12 - ORDER: Council Approval on Annual Blanket Letter of Approval on all Renewals to Operate Games of Chance and/or Beano Games

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.

Passed Unanimously on Consent Agenda.

Item F13 - ORDER: Appointing Registrar of Voters for a 2-year Term to Expire in December 2002

ORDER APPOINTING REGISTRAR OF VOTERS

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Jane White be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 2002.

Passed Unanimously on Consent Agenda.

Item F14 - ORDINANCE: Chapter 17. Vehicles and Traffic, Article 5. Operations. Section 17-219. Commercial vehicles in excess of two axles. - First Passage #938

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 5. Operations**

Section 17-219. Commercial vehicles in excess of two axles.

All commercial vehicles having in excess of two (2) axles shall be prohibited from using Front

Street from Vine Street to Cedar Street, Windjammer Way, Floral Street,

Cottage Street, Elsinore Avenue or Ouimby Street except by permission of the police chief, with

the exception of service vehicles servicing said streets.

(Additions are underlined and deletions are are.)

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

VOTE: on the Ordinance: (first passage)

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

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for this Ordinance on December 20, 2000 at 7:01PM.

Item F15: ORDINANCE: Chapter 17. Vehicles and Traffic, Article 5. Operations. Section 17-219. Yield Intersection (Carlton Bridge). - First Passage #1102

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 5. Operations**

Section 17-212. Yield Intersections

Delete:

STREET	DIRECTION/INTERSECTION
Carlton Bridge Off Ramp	Northbound at Front Street

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

VOTE: on the Ordinance: (first passage)

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

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for this Ordinance on December 20, 2000 at 7:02PM.

Item F16: ORDINANCE: Chapter 17. Vehicles and Traffic, Article 5. Operations. Section 17-219. Yield Intersection (Summer Street). - First Passage #1154

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 5 Operations**

Section 17-212. Yield Intersections

Add:

Summer Street:

Eastbound at the eastern tip of the traffic island. Traffic eastbound on the northerly side of the traffic island shall yield to other traffic eastbound on the southerly side of the traffic island and westbound traffic.

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

Jim Upham, City Planner gave an explanation of the need for this change.

VOTE: on the Ordinance: (first passage)

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

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for this Ordinance on December 20, 2000 at 7:03PM.

Item F17: ORDINANCE: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking. Section 17-259. Parking Restrictions. High Street (north of North Street) East Side. - First Passage #1284

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 17-259. Parking Restrictions

High Street (north of North Street) East Side

Delete: From a point 265 feet north of Oak Street to termination, no restrictions.

Add: From a point 265 feet north of Oak Street to a point 171 feet north of North Street, no restrictions.
From a point 171 feet north of North Street to a point 400 feet north of North Street, no parking. From a point 400 feet north of North Street to termination, no restrictions.

Motion by Councilor Williams, second by Councilor Rogers to put this Ordinance on the floor for discussion.

Motion by Councilor Reed, second by Councilor James to table this Ordinance until the December 20, 2000 Council Meeting for the gathering of more information.

VOTE: to Table Ordinance:

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

Nays: 0

VOTE: To Table Ordinance Passed Unanimously 8-0

Item F18: ORDINANCE: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking. Section 17-259. Parking Restrictions. High Street (near Bath Fire Department) West Side. - First Passage #1584

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 17-259. Parking Restrictions

High Street (near Bath Fire Dept) West Side

Delete: From Chestnut Street to Green Street, no restrictions.

Add: From Chestnut Street to the entrance of the Bath Fire Department, no parking. From the entrance of the Bath Fire Department to Green Street, 2 hour parking.

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

VOTE: on the Ordinance: (first passage)

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

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for this Ordinance on December 20, 2000 at 7:04PM.

Item F19: RESOLUTION: Regarding Restoration of Winnegance Lake #1665

Chairman Hall read the following Resolution:

**RESOLUTION REGARDING
RESTORATION OF WINNEGANCE LAKE**

WHEREAS, the City has been contacted by its neighboring community regarding the possibility of restoration of the original condition of Winnegance Lake, and

WHEREAS, this would mean substantial reconfiguration of the causeway now leading from Bath to Phippsburg in order to restore the free flow of tidal waters, and

WHEREAS, there are a number of concerns and issues that would need to be examined before such an undertaking could be authorized.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that this Council indicates its support for a study designed to investigate and provide information regarding all aspects of the restoration of Winnegance Lake including, but not limited to, environmental concerns, traffic concerns, concerns with respect to abutting properties, and funding of the restoration.

Motion by Councilor James, second by Councilor Williams to put this Resolution on the floor for discussion.

Roger Therriault, City Solicitor, explained the reasons for this proposed restoration study.

VOTE: on the Resolution:

Yeas: 7

Nays: 1

VOTE: Resolution Passed 7-1

Motion by Councilor Blake, second by Councilor Wyman to waive the rules to introduce the following Resolution.

Chairman Hall read the Resolution:

RESOLUTION SETTING PERMIT PARKING FEES COMMERCIAL STREET LOT

WHEREAS, the City Council of the City of Bath has obtained authority to administer parking in the area on the West side of Commercial Street under the Sagadahoc Bridge, and
WHEREAS, the City Council gave final passage to an Ordinance amending Section 17-260, Municipal Parking Lots, to create permit parking for the parking lot on the West side of Commercial Street under the Sagadahoc Bridge, and
WHEREAS, Section 17-260(d) calls for the administration of permits and the setting of permit fees by Resolution of the City Council.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the fee for the use of the Commercial Street parking lot-West side under the Sagadahoc Bridge, shall be Forty Dollars (\$40.00) per month effective immediately and for all subsequent months until further Resolution of this Council. Any permit issued for the month of December, 2000 shall be prorated to reflect the number of days that the permit is actually in effect.

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

VOTE: on the Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed 8-0

G. Petitions & Communications 8:45 PM #1964

City Clerk White announced that it was now time for licensing dogs for the year 2001.

Chairman Hall read an announcement from the County Commissioners urging City Councilors to attend the December 12, 2000 comment session on the County Budget.

H. City Manager's Report:

There was no Manager's Report.

I. Committee Reports: 8:50 PM #2082

Chairman Hall announced that at the December 20, 2000 Council Meeting the Council Representatives to Council Appointed Committees would need to be done, and anyone not interested in continuing on the committee they were now on needs to let him know.

Councilor Wyman explained that the Skate Board Committee is now in the fundraising stage of the process to construct the new skateboard park. He stated there is a possibility of using a portion of the Coal Pocket as a temporary park until the new one is constructed.

Councilor Reed informed the group that the School Board and representatives from all the schools had met for the purpose of a goal setting session.

Councilor Williams stated that the Appointment Screening Committee had been very active and was very impressed with the interest from the public in serving on these committees.

Councilor Williams informed the group that the Youth Advocacy Committee will have a Web Site sometime in January.

J. Old Business:

There was no Old Business.

K. New Business:

There was no New Business.

The meeting adjourned at 9:09 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.