

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 19, 2000 7:00 PM
City Council Chambers, Bath City Hall

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

Also Present: City Manager Bubier, City Solicitor Therriault and City Clerk White

Chairman Hall called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

City Clerk White called the Roll.

I. Public Hearing - Ordinance: Acceptance of the New Land Use Code - Second Passage - 7:02 PM #95

Chairman Hall read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE
LAND USE CODE PLACED IN EFFECT ON DECEMBER 3, 1953 AND SUBSEQUENTLY
AMENDED, BE AND HEREBY IS RESCINDED AND REPLACED WITH A NEW LAND USE
CODE CONSISTING OF CHAPTERS 1 THROUGH 16 A COPY OF WHICH IS APPENDED TO
AND MADE A PART OF THIS ORDINANCE.

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

Motion by Councilor Reed, second by Councilor James to amend the Land Use Code with the recommended changes from Jim Upham, City Planner.

Chairman Hall asked for a Roll Call vote.

Roll Call Vote on the Amendments to the Land Use Code:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts and Reed

Nays: None

Abstention: Rogers

VOTE: to Approve Amendments to the Land Use Code Passed 7-0-1

Jim Upham, City Planner gave a background on the process and thanked everyone involved in its creation.

Chairman Hall asked for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall stated that this would become effective in 21 days.

II. Approval - Liquor License for the Harbor Light Café at 164 Front Street - 7:16 PM #537

Motion by Councilor Blake, second by Councilor Wyman to take this item off the table and put it on the floor for discussion.

Vote to Remove Item from Table:

Yeas: 8

Nays: None

VOTE: to Remove Item from Table Unanimously 8-0

Police Chief, Pete Lizanecz addressed the Council as to the reasons he would be withdrawing his approval of this liquor license.

Lori Lee Roberts, Manager of the Harbor Light Café, spoke to Council regarding questions that were raised and pleaded with Council to approve the application.

Motion by Councilor Reed, second by Councilor Wyman to approve the Liquor License.

Vote to Approve Liquor License:

Yeas: 6

Nays: 2

VOTE: to Approve Liquor License Passed 6-2

III. Approval - Special Amusement License for the Harbor Light Café at 164 Front Street - 7:20 PM #1230

Motion by Councilor Blake, second by Councilor James to take this item off the table and put it on the floor for discussion.

Vote to Remove Item from Table:

Yeas: 8

Nays: None

VOTE: to Remove Item from Table Unanimously 8-0

Motion by Councilor Reed, second by Councilor Wyman to approve the Special Amusement License.

Vote to Approve Special Amusement License:

Yeas: 6

Nays: 2

VOTE: to Approve Special Amusement License Passed 6-2

IV. Resolution - Establishing Bath City Clocks Maintenance Fund - 7:40 PM #1241

Chairman Hall read the following Resolution:

***RESOLUTION Establishing Bath City Clocks Maintenance Fund**

WHEREAS, the City of Bath, in accepting possession of the Seth Thomas Clock on the corner of Front and Centre Streets has also accepted maintenance responsibilities for the time piece, and

WHEREAS, the City also has maintenance responsibilities for the official City Clock located in the steeple of the Elm Street Church, and

WHEREAS, the City has received and hopes to receive in the future, donations and funding outside City funds for the maintenance of the clocks, and

WHEREAS, it is appropriate that funds for the maintenance and repair be handled through a Special Purpose Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Bath City Clocks Maintenance Fund is established as a Special Purpose Fund and that all donations and monies received by the City of Bath designated for the purpose of clock maintenance, together with any funds appropriated by the City for that purpose, be and hereby are allocated to that Special Purpose Fund and expenditures from that Special Purpose Fund for the purpose of clock maintenance and repair is hereby specifically authorized and the funds in the account are appropriated for that specific purpose.

*This is the amended Resolution.

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

Motion by Councilor Blake, second by Councilor Hayden to make an amendment to add the Elm Street Clock located in the Baptist Church to the Resolution.

Vote to Amend the Resolution:

Yeas: 7

Nays: 1

VOTE: to Approve Amendment to the Resolution Passed 7-1

Vote to Accept the Amended Resolution:

Yeas: 7

Nays: 1

VOTE: to Approve the Amended Resolution Passed 7-1

Chairman Hall directed the City Solicitor to make the appropriate amendments to the Resolution to have it include both clocks.

V. Ordinance - Middle School Bond - First Passage - 7:45 PM #1424

City Solicitor explained that items V, VI and VII needed to be published in a local paper after they were passed at election. This was not done so they needed to be readopted by Council. They would become effective 15 days after the publication takes place upon second passage.

Motion by Councilor Tibbetts, second by Councilor Wyman, to waive the reading of all three Ordinances.

Vote to Waive Reading of Ordinances:

Yeas: 8

Nays: 0

VOTE: to Waive Reading of Ordinances Passed 8-0

BOND ORDINANCE

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$5,600,000.00 FOR THE PURPOSE OF MAKING RENOVATIONS AND IMPROVEMENTS TO THE BATH MIDDLE SCHOOL AND ADJACENT PROPERTIES.

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

Roll Call Vote on Ordinance - First Passage:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for August 2, 2000 at 7:01PM.

V. Ordinance - Comply with ADA Requirements Bond - First Passage - 7:49 PM #1531

BOND ORDINANCE

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$300,000.00 FOR THE PURPOSE OF THE REPAIR, RENOVATION, RECONSTRUCTION, IMPROVEMENT AND UPGRADE, AS WELL AS RENOVATIONS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AT THE BATH CITY HALL AND THE SMALL SCHOOL.

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

Roll Call Vote on Ordinance - First Passage:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for August 2, 2000 at 7:02PM.

VII. Ordinance - Cemeteries and Parks Garage Bond - First Passage - 7:51 PM #1566

BOND ORDINANCE

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$220,000.00 FOR THE PURPOSE OF THE CONSTRUCTION AND EQUIPPING OF A NEW GARAGE FACILITY FOR THE CEMETERIES AND PARKS DEPARTMENT.

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

Roll Call Vote on Ordinance - First Passage:

Yeas: Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers and Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set second passage for August 2, 2000 at 7:03PM.

VIII. Order - Approving Contract for the year 2000 Street Improvement Plan - 7:53 PM #1648

Chairman Hall read the following Order:

ORDER

APPROVING CONTRACT - 2000 STREET IMPROVEMENT PLAN

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HARRY C.CROOKER & SONS, INC. FOR THE 2000 STREET IMPROVEMENT PLAN IN THE AMOUNT OF \$774,035.00 BE AND HEREBY IS AWARDED, HARRY C. CROOKER & SONS, INC. BEING THE LOWEST BIDDER, AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE FUNDED FROM AVAILABLE FUNDS FROM THE 1999 STREETS CAPITAL IMPROVEMENT PROGRAM ACCOUNT (CIP01-875).

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

Peter Owen, Public Works Director, gave an overview of the schedule and details of the paving program.

Chairman Hall called for a vote.

Vote to Approve Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

IX. Resolution - Approving 401(a) Money Purchase Retirement Plan - 8:45 PM #3487

Chairman Hall read the following Resolution:

**RESOLUTION
AUTHORIZATION OF MSR 401(a) PLAN**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT THE MANAGER IS AUTHORIZED TO EXECUTE THE EMPLOYER ADOPTION AGREEMENT FOR THE MAINE STATE RETIREMENT SYSTEM DEFINED CONTRIBUTION 401(a) PLAN AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. ELIGIBLE EMPLOYEES TO PARTICIPATE IN THE 401(a) PLAN WILL INCLUDE ONLY THE CITY MANAGER, DEPARTMENT HEADS AND ASSISTANT DEPARTMENT HEADS. ELIGIBLE EMPLOYEE OF THE CITY OF BATH MAY ELECT TO PARTICIPATE IN THE 401(a) PLAN AND SHALL MAKE PRE-TAX CONTRIBUTIONS TO THE PLAN AT 6.5%. THE PLAN WILL BE AVAILABLE STARTING AUGUST 1, 2000. THE CITY OF BATH WILL MAKE EMPLOYER DISCRETIONARY CONTRIBUTIONS ON BEHALF OF PARTICIPANTS WHO ARE NOT MEMBERS OF THE MAINE STATE RETIREMENT SYSTEM DEFINED BENEFIT PLAN AT 4% OF PARTICIPANT'S COMPENSATION AND WILL MAKE EMPLOYER DISCRETIONARY CONTRIBUTIONS ON BEHALF OF PARTICIPANTS WHO ARE MEMBERS OF THE MAINE STATE RETIREMENT SYSTEM DEFINED BENEFIT PLAN AT 0% OF PARTICIPANT'S COMPENSATION.

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

Greg L'Heureux, Finance Director, gave a brief explanation of the 401(a) and 457 programs.

Chairman Hall called for a vote.

Vote to Approve Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

Chairman Hall read the following Resolution:

**RESOLUTION
AUTHORIZATION OF MSR 457 PLAN**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, THAT THE MANAGER IS AUTHORIZED TO EXECUTE THE EMPLOYER ADOPTION AGREEMENT FOR THE MAINE STATE RETIREMENT SYSTEM DEFERRED COMPENSATION 457 PLAN AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. ALL CITY EMPLOYEES WILL BE ELIGIBLE TO PARTICIPATE. THE PLAN WILL BE AVAILABLE STARTING AUGUST 1, 2000.

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

Chairman Hall called for a vote.

Vote to Approve Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

Chairman Hall shared correspondence he had received with the Council:

First was Councilor James' letter of resignation from the School Board. Chairman Hall expressed regret in acceptance of this resignation and thanked him for his six years of dedicated service to the Board. Chairman Hall stated that a replacement will have to be appointed at the August 2, 2000 meeting.

Second was a landfill tipping fee waiver request from 55 Oliver Place which he referred to the City Manager to proceed with the appropriate procedure for addressing such requests.

Motion by Councilor Blake, seconded by Councilor Rogers to Adjourn.

Chairman Hall called for a vote.

VOTE: to Adjourn Unanimous 8-0

The meeting adjourned at 9:00 PM.

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.