

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, September 6, 2000 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.

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

Thomas MacDonald, Board of Education Chairman, presented a plaque to Councilor John James for his six years of dedicated service to the Bath School System.

C. Public Hearings:

There were no Public Hearings.

D. Consent Agenda: 7:06 PM #219

Under the Consent Agenda, the Minutes for the August 2 and 9, 2000 Council Meetings and the reappointment of James Harper to the Bath Planning Board with a term expiration of September 2003 were motioned for acceptance by Councilor Wyman and seconded by Councilor Hayden.

VOTE:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:07 PM #238

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 7:07 PM

Item F2 - Ordinance: Chapter 17.Vehicles and Traffic, Article 5.Operations, Section 17-211 Stop Intersections - Oak Street (first passage) #250

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 17-211 Stop Intersections

Oak Street

Add:

“Eastbound at High Street”

“Westbound at High Street”

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

James Upham, City Planner, explained the reasons this Ordinance and the following Ordinance had been brought before the Council for action .

Kristie Hyde residing at 903 High Street spoke in favor of this ordinance.

VOTE:

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

Nays: 0

Ordinance passed unanimously.

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

Item F3 - Ordinance: Chapter 17. Vehicles and Traffic, Article 5. Operations, Section 17-211 Stop Intersections - Lincoln Street (first passage) #506

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 17-211 Stop Intersections
Lincoln Street

Add:

"Northbound at North Street"

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

VOTE:

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

Nays: 0

Ordinance passed unanimously.

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

Item F4 - Ordinance: Chapter 14. Sewers, Article 6. Charges for Sewer Service, Section 14-53. Billing; Failure to pay; Responsibility for Payment (first passage) #679

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 14. Sewers

Article 6. Charges for Sewer Service

Section 14-53. Billing; Failure to Pay; Responsibility for Payment Add new Section C:

"C. Charges for use of the sewerage system may be abated by action of the Bath City Council. The abatement process and standards for abatements shall be in accordance with the procedure for infirmity or poverty abatements as indicated in 36 M.R.S.A. Section 841 and shall be specifically subject to the confidentiality provisions of Section 841(2)(E)."

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

Roger Therriault, City Solicitor, gave an explanation as to the reason this change was needed.

VOTE:

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

Nays: 0

Ordinance passed unanimously.

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

Item F5 - Resolution: Establishing the Fee Schedule for Requests for Permits Required by the Land Use Code #771

Chairman Hall read the following Resolution:

RESOLUTION

Establishing the Fee Schedule for Requests for Permits Required by the Land Use Code

Whereas, the City Council on July 19, 2000, adopted a new Land Use Code, and
Whereas Section 3.11 of the new Land Use Code requires the City Council to set fees for requests for permits,
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the following Fee Schedule be and hereby is established.

**FEE SCHEDULE FOR REQUESTS FOR PERMITS
REQUIRED BY THE LAND USE CODE**

Request for Land Use Code Amendment according to §1.07	\$200.00
Request for Variance according to §4.12	\$100.00
Request for Administrative Appeal according to §4.13	\$100.00
Request for Approval of a Change to a Non-conforming Use according to §6.03, E, 2	\$100.00
Request for Planning Board Action on a Special Expansion Allowance according to §6.06, B	\$100.00
Request for Zoning Boundary Interpretation according to §7.03, F	\$100.00
Request for Waterbody or Wetland Boundary Interpretation according to §7.05	\$100.00
Request for Historic District Approval according to §8.11	\$100.00
Request for Approval of a Waterfront Setback Reduction Plan according to §8.17, D	\$100.00
Request for Approval from the Planning Board to keep Animals according to §11.03, C	\$100.00
Request for Approval of a Small Utility Structure according to §11.28	\$ 50.00
Request for Approval of a Temporary Use according to §11.31 A	\$ 50.00
Request for Site Plan Approval according to Article 12	\$100.00
Request for Approval of a Site Plan Amendment according to §12.13, A	\$ 50.00
Request for a Site Plan Minor Revision according to §12.13, B	\$ 25.00
Request for any of the above approvals if the work has begun before the approval is granted	5 times the normal fee

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

Motion by Councilor James, second by Councilor Tibbetts to amend the Resolution by replacing "Request for Land Use Code Amendment according to §1.07 - \$200.00" with "Request for Land Use

Code Amendment according to §1.07 - \$0.00 for a period of twenty-four months from the date of passage”.

VOTE: on Amendment to Resolution

Yeas: 2

Nays: 5

Abstention: 1

Amendment to Resolution failed.

VOTE: on Resolution

Yeas: 5

Nays: 3

Resolution passed.

Item F6: Order: Authorization of a Bond Ordinance for the purpose of funding an expenditure of \$500,000.00 toward the cost of construction and equipping the new Bath Area YMCA Facility on the November 7, 2000 ballot #1642

Chairman Hall read the following order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITIONS FOR THE ENACTMENT OF AN ORDINANCE FUNDING A PORTION OF THE COST OF CONSTRUCTING AND EQUIPPING OF THE NEW BATH AREA FAMILY YMCA FACILITY, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2000:

"SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$500,000.00 FOR THE PURPOSE OF FUNDING AN EXPENDITURE OF \$500,000.00 TOWARD THE COST OF CONSTRUCTING AND EQUIPPING THE NEW BATH AREA FAMILY YMCA FACILITY?"

Chairman Hall also read the Bond Ordinance Section 1.

Motion by Councilor Rogers, second by Councilor James to put this Order and attached Bond Ordinance on the floor for discussion.

Motion by Councilor Williams, second by Councilor James to make an amendment to the proposed Bond Ordinance Section 1. (C.) by adding “and members of the Clergy.” after “and/or members of social service staffs” in the second sentence.

VOTE: on amendment to the proposed Bond Ordinance:

Yeas: 8

Nays: 0

Amendment to proposed Bond Ordinance passed unanimously.

William Haggett, Chairman of the Building Committee, thanked the Council for their support of the project.

Motion by Councilor Williams, second by Councilor Reed to make an amendment to the proposed Bond Ordinance Section 1. (D.) by adding “without charge.” after “as use has been provided in the past”.

VOTE: on amendment to the proposed Bond Ordinance:

Yeas: 8

Nays: 0

Amendment to proposed Bond Ordinance passed unanimously.

Pamela Torrey of 704 High Street spoke in favor of this Order.

VOTE: on Order and twice amended Bond Ordinance:

Yeas: 9

Nays: 0

Order passed unanimously.

F7 - ORDER: Approval of application to conduct Bingo by the All Officers' Spouses' Club #2187

Chairman Hall read the following order:

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, IN ACCORDANCE WITH THE REQUIREMENTS OF 17 M.R.S.A. §313, THE APPLICATION TO CONDUCT BINGO OF THE ALL OFFICERS' SPOUSES' CLUB FROM THE BRUNSWICK NAVAL AIR STATION, TO BE HELD ON SUNDAY, SEPTEMBER 24, 2000, AT THE SEWALL HOUSE ON WASHINGTON STREET, IN BATH, BE AND HEREBY IS CONSENTED TO.

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

VOTE:

Yeas: 8

Nays: 0

Vote on Order passed unanimously.

G. Petitions and Communications: 8:08 PM #2227

Councilor Williams read a letter from Kevin Gildart of BIW regarding no Southend Neighborhood Meeting this month and that the dry dock is on its way from China.

H. City Manager's Report: 8:10 PM #2287

City Manager Bubier spoke on the following items:

- The bridge dedication of the new Sagadahoc Bridge.
- The gathering of the Motor Coach Association at BNAS and the revenues it brought to the area.
- The labor disagreement at Bath Iron Works.
- Middle School renovations.
- Meeting with other communities such as Lewiston, Bangor, Portland to discuss advocating for legislation dealing with education funds and revenues for highway funds as well as other concerns shared by the communities.
- The new hotel project update.
- Working with David Mahoney on the acquisition/use of the Coal Pocket.
- Working on the reuse of the former Mid Coast Hospital in Bath.
- Working on the connection of the Brunswick Bike/Walkway from Freeport to the Kennebec River.
- Working with the Superintendent's Office to institute an internship program in City Hall for Morse High School students.

- Working with Stinson's Seafood Company's new owners to make sure that previous agreements with Mr. Klingaman would be observed.
- Tax comment at \$21/\$1,000.
- Update on the Lilac Street area situation.

I. Committee Reports: 8:25 PM #2941

The Council appointed Councilor Tibbetts as their representative on the Board of Directors for the Joint Dispatch.

The Council directed the City Clerk to print an ad in the local newspaper for all committee expiration dates and/or vacancies and to notify any previous applicants to committees that were not appointed of these dates/vacancies.

J. Old Business: 8:35 PM #3140

Peter Owen, Public Works Director, gave an update on the street paving schedule. Councilors Wyman and Williams were selected by the Council to be their representation on the Street Advisory Committee to be formed by Mr. Owen.

K. New Business:

The appointment to the Planning Board was done under the Consent Agenda. See D. Consent Agenda.

Motion by Councilor Rogers, second by Councilor Reed to recess to Workshop on the Bath Middle School Project with William Michaud, Superintendent of Schools, as presenter. All in favor.

Motion by Councilor Tibbetts, second by Councilor Hayden to waive the rules and go into Executive Session. All in favor.

Motion by Councilor Williams, second by Councilor James to go into Executive Session regarding legal matter and property matters. All in favor.

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

The meeting adjourned at 10:50 PM with a motion made by Councilor Tibbetts and seconded by Councilor Reed. 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.