

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 4, 2000 7:00 PM
City Council Chambers, Bath City Hall

ROLL CALL: 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 Deputy City Clerk - Pam Gray.

Chairman Hall led the Council in the Pledge of Allegiance and Deputy City Clerk Gray called the Roll.

C. Public Hearings

There were no public hearings.

D. Consent Agenda - 7:05 PM #0079

Motion by Councilor Wyman, seconded by Councilor Williams to accept as presented the Minutes to the September 6, 2000 Council Meeting, Orders F2, F3, F4, and F5 (See individual orders) and the Old Bath Customs House Annual Report.

Vote:

Yeas: 8

Nays: 0

Passed unanimously 8-0

E. Time Devoted for Residents to Address the City Council #0127

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders - 7:05 PM #0148

F2 - Order - Prepare Notice of Election to notify inhabitants of the Maine State General Election to be held on Tuesday, November 7, 2000

ORDER

City Council
October 4, 2000

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine General Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the General Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, November 7, 2000 for the purpose of determining the following questions:

STATE OFFICES:

President and Vice President of the United States
United States Senate
Representative to Congress: District I
State Senate - District 19
Representative to the Legislature - Districts 54 and 55

COUNTY OFFICES:

Judge of Probate
Register of Probate
Sheriff

and to determine six (6) Referendum Questions.

Absentee Ballots shall be processed Election Day at 10:00am, 1 1:00am, 1:00pm, 2:00pm, 3:00pm and 7:00pm.

The polls shall be opened at 9:00am and closed at 8:00pm.

This order was passed unanimously under the Consent Agenda.

F3 - Order - Prepare Election Warrant to notify inhabitants of City of Bath Municipal Election to be held on Tuesday, November 7, 2000 to vote for the following: One Councilor from Ward 2, Ward 3 and Ward 4 (three year terms); One member Board of Education (four year term) and two Bond Ordinance Questions.

ORDER

In City Council
October 4, 2000

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Election will be held at their respective Ward Rooms 1-7 inclusive, on the Tuesday following the first Monday of November, the same being the 7th day of said month, in the year of our Lord Two Thousand, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward One	None to be Elected
Ward Two	One to be Elected for a three year term
Ward Three	One to be Elected for a three year term
Ward Four	One to be Elected for a three year term
Ward Five	None to be Elected
Ward Six	None to be Elected
Ward Seven	None to be Elected

At Large	None to be Elected
At Large	None to be Elected

1 Member to the Board of Education - At Large - 4 year term

· 2 Bond Ordinance Questions

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

This order was passed unanimously under the Consent Agenda.

F4 - Appointment of Wardens and Ward Clerks for the November 7, 2000 Election

ORDER

Be It Ordered by the City Council of the City of Bath,

that the following be appointed for the Maine State General Election and the City of Bath Municipal Election to be held on Tuesday, November 7, 2000:

Ward	Warden	Ward Clerk
1	Cynthia Mitchell	Marion Craige
2	Paula Adam	Donna Hays
3	Betsy McPhee	Dorothy McKenna
4	Carol Duehring	Marie Peaslee
5	Cindy Gabelmann	Judith Lemoine
6	Barbara Day	Ruthe Pagurko
7	Jackie Dwinal	Rachel Bennett

This order was passed unanimously under the Consent Agenda.

F5 - Order - Setting hourly schedule of the Office of Voting Registrar

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State General Election and City of Bath Municipal Election to be held Tuesday, November 7, 2000 except for Election Day when the Office will be opened from 8:30am to 8:00pm.

This item, Order F5, was passed unanimously under the Consent Agenda.

F6 - Ordinance - Chapter 17, Vehicles and Traffic, Article 5, Operations, Section 17-210 One-Way Streets - Lilac Street/Leonard Court/Quimby Street/Elsinore Avenue/Cottage Street (first passage) #0148

Chairman Hall read the following Ordinance:

ORDINANCE

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 17-210 One-Way Streets

Add:

"LILAC STREET

Southwesterly, from Western Avenue to Richardson."

Add:

"LEONARD COURT

Southerly, from Route 1 to Quimby Street."

Add.-

"QUIMBY STREET

Easterly, from Leonard Court to Elsinore Avenue."

Add-

"ELSINORE AVENUE

Southerly, from Route 1 to Western Avenue."

Add:

"COTTAGE STREET

Southerly, from Route 1 to Western Avenue."

Councilor Hall opened the meeting to the public for comments.

Betsy Donovan stated that she is a property owner on Lilac Street and expressed her feelings that this is the wrong thing for Richardson Street because there would be a problem with the entrance. She also requested that the sign be tipped or adjusted so that people could see it better.

Dawn Orr of 3 Elsinore Avenue stated that the biggest problem that needs to be addressed is a speeding problem and said that she won't come down Leeman Highway because of the speed issue. She pointed out that it would be very inconvenient to have to use Leeman Highway to get in and noted that she doesn't believe trucks and buses on Elsinore is a problem. She said the biggest problem would be getting off Leeman Highway in the summer to get on these streets. She reiterated that there needs to be more controls on traffic and speeding.

Bill Price stated that he is a home owner on Lilac Street. He said that he is not in favor of the one way street or a dead end street, adding that there are some serious safety issues that need to be addressed, specifically a number of children and pets, and a very blind corner on Lilac Street. He noted that most of the traffic is from Pine Hill. Mr. Price also said that in the winter, there are snow banks on both sides, and that you can't pass when fuel deliveries, mail trucks or any types of deliveries are being made. He concluded that the issue is not the amount of traffic on Lilac Street but the speed, because people do not want to use Richardson St.

Barbara Plant stated that she lives on the corner of Cottage Street and Western Avenue and explained that people use Cottage Street as a ramp to get onto Leeman Highway. She said that two cars can't pass each other there and that it is terrible in the winter with all the buses, front loaders, etc. She said that she has major property damage on a regular basis and has even had her porch ripped off.

Bruce Garbin of 8 Cottage Street stated that he would like to see the street closed off completely as well as the entrance to Cumberland Farms.

Jill Fox of 25 Western Avenue concurred that speed and truck traffic getting out to Leeman Highway are major issues. She pointed out that if Lilac Street is not taken care of, the traffic will spill over onto Richardson Street.

Dale Hinds of Leonard Court stated that he has a problem with making a dead end street one way! He said he believes the problem is with the traffic going to Western Avenue, not the other way. He noted that charter buses sometimes miss the Holiday Inn and try to get there via Quimby Street and Leonard Court.

Deborah Ross of 5 Elsinore Avenue said that her complaint is the cars coming off the highway down Elsinore Avenue. She said that she is opposed to making it one way. Ms. Ross said that the blind spot on the corner of Richardson Street by the Holiday Inn where the big bush is also is a major problem because of poor visibility, combined with the speeding issue on Richardson Street.

Julie Anderson of 11 Elsinore Avenue stated that she is totally opposed to making this a one way street, and said that the planters right in front of her house would be a poor idea also because she would have to find a way to get around them; she also questioned who would maintain them.

Joe Reynolds of Lilac Street said that he feels that they should have the one way street coming through from Western Avenue to Richardson Street. He stated that the major problems there are the width of the street where two cars cannot pass, a hill, traffic from Pine Hill, a very blind spot, and children playing in the street there, which result in some serious safety issues.

Alice Robbins stated that she lives on the corner of Cottage Street and Western Avenue and has lived there for 45 years. She stated that she is very opposed to making Cottage Street one way and that she would not like to have to get out via the Holiday Inn. She said that she feels that the buses that come through there drive very carefully there, but that speed on Western Avenue is an issue.

Terry Nordmann of 69 Western Avenue concurred with the speed issue. He said that he walks his dogs frequently and pointed out that there are no sidewalks from Elsinore Avenue to the Holiday Inn and it is very dark there at night. He observed that the people coming out of the Holiday Inn at closing time can be noisy and annoying, but doesn't believe they deserve the death penalty. He felt that extra lighting and a sidewalk there would be warranted. He concluded that the Hyde School and the Bounty generate a lot of foot traffic.

Bill Reed stated that he has run the Exxon station on Leeman Highway for 48 years. He said that if his buses created a problem, they should place a weight restriction on the street and handle the speed problem, which are both enforcement issues. He said that if they wanted to request him to not have his buses and trucks go down that street, he would accommodate them, but he did not feel converting it to one way would solve the issue.

Hearing no further comments, John Hall closed the public comment portion of this agenda item.

Councilor James stated that after hearing all the comments this evening, he believes this issue is too complicated for City Council to address and believes it should be turned over to the professional staff people to handle these issues and come up with an acceptable resolution. It was determined that there will be some additional neighborhood meetings and then City staff would address the issues. Councilor James made a motion to table the issue, which was seconded by Councilor Blake. Councilor Hall stated that they would need to set a date that they should table this item to. City Solicitor Roger Therriault stated that he believes the item should be tabled indefinitely so that it does not come back, as it will be addressed on a staff level. Councilor James made a motion to table this item indefinitely, which was seconded by Councilor Blake. The motion was passed unanimously.

VOTE: 8 in favor, passed unanimously

F7 - Order Approving License Agreement with Maine Department of Transportation - #1935

Chairman Hall read the following order:

ORDER APPROVING LICENSE AGREEMENT

WHEREAS, the City of Bath is desirous of acquiring control of premises on the North side of Commercial Street currently owned by the State of Maine by and through the Maine Department of Transportation, and

WHEREAS, the City control of the area is for the purpose of providing municipal parking, and

WHEREAS, the State of Maine through the Maine Department of Transportation has offered exclusive control of the property for a Twenty (20) year term subject to the provisions of a certain License Agreement attached hereto and made a part hereof.

Councilor Rogers made a motion to approve this order as presented, which was seconded by Councilor Reed.

Vote: Passed Unanimously 8-0

F8 - Order Approving YMCA Agreement - #2070

Chairman Hall read the following Order:

ORDER APPROVING YMCA AGREEMENT

WHEREAS, the City of Bath has proposed a Distribution Agreement by and between the City and the Bath Area Family YMCA, and

WHEREAS, the purpose of said Agreement is to memorialize and make binding certain obligations to be incurred and performed by the Bath Area Family YMCA in exchange for distribution of the proceeds of a \$500,000.00 Bond Ordinance, provided said Ordinance is approved by the voters of the City of Bath, and

WHEREAS, the obligations undertaken by the Bath Area Family YMCA under the terms of this Agreement will be of benefit to the City of Bath and its Inhabitants, and

WHEREAS, said Agreement has been considered and approved by the governing Board of the Bath Area Family YMCA.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Distribution Agreement by and between the City of Bath and the Bath Area Family YMCA, attached hereto, be and hereby is approved and the City Manager is authorized to execute this Agreement on behalf of the City.

Councilor Blake made a motion to approve the order as presented, which was seconded by Councilor James.

VOTE: Order passed unanimously 8-0

F9 - Grant Resolution - Hazard Mitigation Grant - #2164

Chairman Hall read the following grant resolution:

GRANT RESOLUTION

Hazard Mitigation Grant

WHEREAS, the City of Bath has applied for a Grant of up to \$25,074.00 to replace rip rap and the existing wall on the south end of Waterfront park and at the end of Broad Street with a rip rap retaining wall with larger stones, and

WHEREAS, this grant has been approved and funds made available to the City of Bath, and

WHEREAS, expenditures of grant funds are exempt from the Limitations on Municipal Expenditures under Sec. 617 (3) as "expenditures to be funded in full or in part by grants received by the City of Bath, to the extent of such grant monies actually received", and

WHEREAS, the grant funds will pay 75% of the cost of the project and the City of Bath will be required to furnish the remaining 25% of the project from previously appropriated funds from the Cemetery and Parks Sea Wall Capital account (CPO5-558).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Hazard Mitigation Grant be and hereby is accepted and the City Manager is authorized to execute such documents and take such action as may be necessary to implement the Grant.

Councilor Hall credited Community Development Director Al Smith with getting this grant.

Councilor Tibbetts made a motion that the resolution be amended by deleting the words "Director of Cemeteries and Parks and/or the" from the third line of the fifth paragraph, and to change the word "are" to "is". Councilor Williams seconded the motion.

VOTE: Resolution passed unanimously as amended

G. Petitions and Communications #2359

Chairman Hall passed a letter from an out of town correspondent on to the City Solicitor for review.

H. City Manager's Report - #2375

City Manager John Bubier highlighted the following items:

- A meeting with Train Riders regarding the preliminary impact of rail
- Closing on the new CED building - congratulated them on a job well done
- Bath Community College - two developers coming in on this project - site of old hospital
- Planning Assessment is coming along nicely
- Orchard Associates - waiting on material on design for parking garage
- Congratulations to Al Smith for a job well done on co-ordinating a very successful Citizen Involvement Day
- Military Community Council meeting which addressed the lack of middle income housing for people coming in
- Main Streets and Downtown Centers meeting - may be on track to do some significant work with this group

I. Committee Reports

Dr. Deborah Patten gave an update to City Council on the Bath-Shariki Sister City Committee. She gave a brief history and highlights of the program from its inception. She pointed out that Shariki has a full-

time Coordinator of International Exchange as well as a budget, and noted that this committee has suffered ups and downs dependent on its available volunteer base that we have. She stated that we need to have structure and institutions, not just volunteer work. John Hall suggested that they need to come forth with a proposal as a basis to start with.

J. Old Business - No Old Business

K. New Business

Councilor Hall gave a brief update on the status of the interviews with the Zoning Board of Appeals vacancies. Councilor Reed made a motion to accept the slate of candidates as presented, which was seconded by Councilor Blake.

VOTE: Passed unanimously 8-0

The City Clerk's Office will send out letters to the candidates and Councilor Blake suggested that all applicants be contacted again for any future term expirations to expand the base of applicants.

Councilor Blake inquired about the status of the public restroom facilities on the waterfront and questioned why they are locked. She pointed out that there is a major event coming up this week-end, Arts and Antiques in Autumn, and that restroom facilities need to be made available for the public. She commented that if we want Bath to be a destination, we need to attend to important details such as this.

Councilor James raised a trash issue, stating that he has received complaints about the noise from dumpsters being emptied at 3:00 and 4:00 a.m. in residential areas. The City Manager explained that only commercial dumping is done at this time, but Councilor James pointed out that some of these commercial enterprises are in a residential area, i.e. the Hyde School and others. This issue will be looked into further; the City Manager stated that he believes this is addressed in the trash contract.

Motion by Councilor Rogers, second by Councilor Reed to adjourn to workshop at 8:50 p.m., which was passed unanimously.

Respectfully Submitted:

Pamela J. Gray, Dep.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.