

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 19, 2001 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Hall, Banks, James, Hart, Tibbetts, Rogers, Reed and Chairman Wyman

Absent: Councilor Blake

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

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

City Clerk White called the Roll.

I. Public Hearing - CDBG application for a grant to address slum and blight conditions at the Praver Block - 7:01 PM #92

Chairman Wyman opened the Public Hearing.

Al Smith, CDBG Coordinator, gave an overview of the application process and need for the grant.

Charles Turcotte of 29 Office Drive spoke against the application for the grant.

John Bubier, City Manager, spoke in regards to Mr. Turcotte's question and remarks.

Vote on Proceeding with Grant Application:

Yeas: 7

Nays: 0

VOTE: Passed 7-0

II. Resolution: Regarding CDBG application for grant - 7:21 PM #750

Chairman Wyman read the following Resolution:

City of Bath, Maine
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: Is authorized and directed to submit a Pre-applications for a Economic Development Infrastructure Program within the Maine Community Development Block Grant Program: to address slum and blight conditions at the Praver Block and to prepare the site for redevelopment. This pre-application 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 19th day of December 2001 on behalf of the City Council of Bath.

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

Public comment close by Chairman Wyman.

Motion by Councilor Rogers, second by Councilor Reed to waive the rules to let Charles Turcotte speak to Council. All in favor.

Vote on Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

III. Appointments of Councilor Representatives to Various Committees - 7:35 PM #1146

Chairman Wyman read the following Appointments:

Bath Housing Authority - Charles Tibbetts

Recreation Commission - Edwin Rogers

Sidewalk Vending License Committee - Bernard Wyman, Roberta Banks

Student Community Liaison Council - Roberta Banks

Welfare Review Board - Bernard Wyman, Roberta Banks, John Hall

Motion by Councilor Rogers , second by Councilor Reed to accept these appointments. All in favor.

IV. Ordinance: LUC Amendment Article 2, Section 2.02, Setback (first passage) - 7:36 PM #1181

Chairman Wyman read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 2, Section 2.02 as follows:

Setback. The minimum allowable horizontal distance between the front, side, or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot. This definition also pertains to:

1. A structure that is at any point within the Setback area more than 3 feet above the ground; and
2. An outdoor swimming pool.

(Note: additions are underlined.)

Motion by Councilor Reed, second by Councilor James to put this Ordinance on the Floor for discussion.

Jim Upham, City Planner, explained the reasons this amendment had been brought before Council.

Chairman Wyman asked for a Roll Call vote.

Roll Call Vote on the Ordinance:

Yeas: None

Nays: Hall, Williams, James, Hart, Tibbetts, Rogers and Reed

VOTE: Ordinance Failed 0-7

V. Resolution: Establishing a non-profit Corporation “Mid Coast Center for Higher Learning” -
8:00 PM #1963

Chairman Wyman read the following Resolution:

RESOLUTION TO ESTABLISH A NON-PROFIT CORPORATION

WHEREAS, the City of Bath has entered into a Purchase and Sales Agreement whereby it will become the owner of the premises known as Mid Coast Hospital and formerly known as the Bath Memorial Hospital, and

WHEREAS, the City of Bath is acquiring the property for the purpose of continuing the Lease Agreement with the Mid Coast Medical Group and for providing opportunities for post-secondary education through the University of Maine system and the University of Maine Technical College system, and

WHEREAS, Leases will be developed with the University of Maine system and the University of Maine Technical College system for space in the building for their curriculum activities, and

WHEREAS, there will be substantial sums and considerable effort spent in renovations to the building and its systems to provide a proper environment for post-secondary learning, and

WHEREAS, the building and its appurtenances, both during reconstruction and renovations, and during future leasehold periods, needs to be managed in an appropriate and business like manner and it is entirely appropriate to create a separate corporate entity to fulfill these purposes,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the City of Bath act as incorporator and shall form a domestic non-profit corporation pursuant to the provisions of Chapter 13-B of the Maine Revised Statutes Annotated, said corporation being organized for the purpose of aiding the City in whatever manner may be determined in the acquisition, renovation and leasing of the former Mid Coast Hospital property, and for all other legal purposes, as permitted by law. BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any and all documents regarding this incorporation and that the City Solicitor shall act as Registered Agent for said corporation.

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

John Bubier, City Manager, addressed Council regarding this Resolution.

Vote on the Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7 - 0

VI. Discussion on Changing the dates for the Regular and Special Meeting of the Bath City Council for January 2002 - 8:05 PM #2112

Motion by Councilor Hall, second by Councilor Reed to change the dates for the Regular Meeting to January 9, 2002 and Special Meeting to January 23, 2002. All in favor.

Motion by Councilor Rogers, second by Councilor Banks to recess to Executive Session to discuss Abatement and Property Acquisition Matters. All in Favor.

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

The meeting adjourned at 9:19 PM with a motion made by Councilor Reed and second by Councilor Tibbetts. 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.