

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 16, 2001 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Banks, 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 - Land Use Code Map Amendments (second passage) #102 7:03PM

Chairman Hall read the following Ordinance:

ORDINANCE

WHEREAS, the City Council of the City of Bath, as part of the adoption of the Bath Land Use Code on July 19, 2000, effective August 9, 2000, depicted the boundaries of all Land Use Districts on a Zoning Map of the City of Bath, also dated July 19, 2000, incorporated by reference into the Land Use Code pursuant to the provisions of Section 7.02 of the said Code, and

WHEREAS, it is necessary and appropriate that the boundaries of the Land Use Districts be, from time to time, adjusted and amended, in order to create new Districts and adjust boundary lines of existing Districts,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the Zoning Map of the City of Bath, dated July 19, 2000, be and hereby is amended in accordance with the new official Zoning Map of the City of Bath, affixed hereto and made a part hereof and a part of the Land Use Code. The specific adjustments are as follows:

1. The creation and inclusion of a new R-6 Zone designated as the Waterfront Medium-Density Residential Zone.
2. An amended R-4 Zone to be designated as the Waterfront High-Density Residential Zone.
3. Designation of the area within the Shoreland Zone.
4. Designation of the Special Purpose Commercial Contract District.
5. The inclusion of certain wetlands areas as per the National Wetlands Inventory.
6. A correction of the location of the Natural Resource Protection Overlay District.

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

Chairman Hall called for a Roll Call Vote.

Roll Call Vote on Ordinance:

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall stated the Ordinance would become effective in 21 days.

II. Land Use Code Amendments (second passage)[tabled from 5/02/01] #180 7:06 PM

Motion by Councilor Blake, second by Councilor Reed to remove this Ordinance from the table. All in favor.

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

Chairman Hall called for a Roll Call Vote.

Roll Call Vote on Ordinance:

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

Nays: Banks, Rogers

VOTE: Ordinance Passed 6-2

Chairman Hall stated the Ordinance would become effective in 21 days.

II. Bath Trolley Co. Update - Joseph Byrnes, Director #389 7:13PM

Mr. Byrnes distributed a financial report for the first year of operation of the trolley to the Councilors.

Some points highlighted by Mr. Byrnes:

- Both the trolley and the company are in good shape
- Begun advertising program for this year
- Preparing for a membership drive for this year
- Added the new YMCA and all the Senior Citizen locations to route
- Distributing new brochures
- Utilitizing a WEB site to promote business

Mr. Byrnes took an opportunity to thank Greg L'Heureux and the trolley drivers for their help in making the year a success.

IV. Bath Heritage Days Update - Joseph Byrnes, Committee Chairman #603 7:20PM

Mr. Byrnes gave an overview of some of the events planned for Heritage Days which will run from June 29-July 4, 2001.

- Chicken Barbeque on Friday
- Kids' Day Activities on Saturday
- Non-Profit booths to run Saturday and Sunday
- Chocolate Church Auction
- Chowderfest
- Arts and Crafts in Library Park
- Hopefully a Nostalgia Day on Front Street
- Triathlon

V. Order – Approving Authorization of Tax Increment Financing District #894 7:30PM

Chairman Hall read the following Order:

**ORDER
APPROVING AUTHORIZATION
-TAX INCREMENT FINANCING DISTRICT**

Be It Hereby Ordered By the City Council of the City of Bath that Five Hundred Sixty Thousand Four Hundred Sixty -Two and 50/100 Dollars (\$560,462.50) be and hereby is authorized to be spent from Tax Increment Financing District Development Program Fund Project Costs Account for the following purposes:

Debt Service	\$415,462.50
Traffic Light Upgrade (Centre & Washington)	\$40,000.00
Bath Development Corporation	\$25,000.00
Route One Master Plan (Local Match)	\$50,000.00
GIS Ortho Image and 2 Foot contours	\$30,000.00

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

Chairman Hall called for a vote.

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VI. Order – Approving Authorization – Police Station Water Heater #982 7:31PM

Chairman Hall read the following Order:

**ORDER
APPROVING AUTHORIZATION
-Police Station Water Heater**

Be It Hereby Ordered By the City Council of the City of Bath that up to Four Thousand and no/100 Dollars (\$4,000.00) be and hereby is authorized to be spent from Council Contingencies Account 012-402 for the purpose of replacement of the water heater at the Police Station.

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

City Manager Bubier explained the need for this type of water heater.

Chairman Hall called for a vote.

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

VII. Ordinance: Supplemental Appropriation – Employee Benefits and Insurance (first passage) #1086 7:35PM

Chairman Hall read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION
-Employee Benefits and Insurances**

WHEREAS, The City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance account, constituting revenue in excess of those estimated in the budget for the current year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Seventy - Two Thousand Dollars (\$72,000) will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Fifty - Eight Thousand Dollars (\$58,000), be and hereby be supplementally appropriated from the General Fund Undesignated Fund Balance (account GF-2500) to the Employee Benefits Health Insurance account (012-402) and that the total sum of Fourteen Thousand Dollars (\$14,000), be and hereby be supplementally appropriated from the General Fund Undesignated Fund Balance (account GF-2500) to the Insurances Workers Compensation account 045-74.

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

Chairman Hall called for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed

Nays: None

VOTE: Ordinance (first passage) Passed Unanimously 8-0

Chairman Hall set June 6, 2001 at 7:01PM for the Public Hearing of this ordinance.

**VIII. Ordinance: Supplemental Appropriation – City Capital Projects (first passage) #1156
7:37PM**

Chairman Hall read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION
-City Capital Projects**

WHEREAS, the City of Bath has significant capital and maintenance requirements for Various City Capital Projects anticipated in the coming years; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance account, constituting revenue in excess of those estimated in the budget for the current year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Forty Thousand Dollars (\$40,000) will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Forty Thousand Dollars (\$40,000), be and hereby be supplementally appropriated from the General Fund Undersigned Fund Balance (account GF-2500) to the following Capital Projects Recreation Congress Ave Parking Lot (account REC05-607).

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

City Manager Bubier explained the reasons for this Ordinance.

Chairman Hall called for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set June 6, 2001 at 7:02PM for the Public Hearing of this ordinance.

**IX. Ordinance: Supplemental Appropriation – Council Contingency (first passage) #1269
7:40PM**

Chairman Hall read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION
-Council Contingency**

WHEREAS, The City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance account, constituting revenue in excess of those estimated in the budget for the current year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Eight Thousand Six Hundred Dollars (\$8,600) will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Eight Thousand Six Hundred Dollars (\$8,600), be and hereby be supplementally appropriated from the General Fund Undesignated Fund Balance (account GF-2500) to the Council Contingency Account (012-402).

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

Chairman Hall called for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set June 6, 2001 at 7:03PM for the Public Hearing of this ordinance.

**X. Ordinance: Supplemental Appropriation – Jessie Albert Clinic (first passage) #1331
7:42PM**

Chairman Hall read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION**

JESSIE ALBERT DENTAL CLINIC

WHEREAS, the City of Bath has agreed to participate in the construction costs of the new Jessie Albert Dental Clinic facility being erected by Catholic Charities on City donated land on Congress Avenue, and

WHEREAS, this contribution is in consideration of the release of all interests and relinquishment of occupancy of the City's train station property, and

WHEREAS, surplus funds in the General Fund Undesignated Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year are available for this purpose, and

WHEREAS, the sum to be appropriated by this Supplemental Appropriation, totaling Forty-Seven Thousand Dollars (\$47,000.00) will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the total sum of Forty-Seven Thousand Dollars (\$47,000.00) be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account GF-2500) to fund the City's contribution to the new Jessie Albert Dental Clinic facility.

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

City Manager Bubier gave an overview of the reason for this Ordinance.

Chairman Hall called for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Hall set June 6, 2001 at 7:04PM for the Public Hearing of this Ordinance.

XI. Order: Easement on Erecting an Open Deck #1582 7:50PM

Chairman Hall stepped down from the seat of Chairman and Vice-Chairman Tibbetts took the Chairman's seat.

Chairman Tibbetts read the following Order:

**ORDER
APPROVING EASEMENT**

WHEREAS, the owner of premises at 120-124 Front Street in Bath has requested that the City Council of the City of Bath consider allowing an encroachment upon a small portion of the City's Water Street Parking Lot for the purpose of erecting an open deck for use in connection with its restaurant business, and

WHEREAS, the encroachment constitutes a Ten Foot (10') by Twelve Foot (12') parcel of land and a total of One Hundred Twenty (120) square feet, and

WHEREAS, the encroachment does not affect the use of the municipal parking lot nor does it eliminate or encumber any parking spaces.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that an Easement granting permission for the erection, maintenance, repair and replacement of a deck for use in connection with the restaurant business at 120-124 Front Street, in a form as attached hereto, be and hereby is approved and the City Manager is authorized to execute said Easement on behalf of the City of Bath.

Motion by Councilor James, seconded by Councilor Reed to put this Order on the floor for discussion.

Councilor Hall gave an explanation of the need for this Order.

Chairman Tibbetts called for a Roll Call vote on this Order.

Roll Call Vote on Order:

Yeas: Banks, James, Blake, Wyman, Hayden, Reed

Nays: None

Abstention: Hall, Rogers

Order Passed 6-0-2

XII. Resolution – Skateboard Park #1850 8:00PM

Chairman Tibbetts read the following Resolution:

**RESOLUTION
SKATEBOARD PARK**

WHEREAS, the City Council of the City of Bath has been advised by the Skateboard Park Committee on several occasions of the benefits of a formal skateboard park facility for the use and benefit of the youth of the City who enjoy and participate in skateboarding, and

WHEREAS, the City Council has been presented with information that would lead it to conclude that skateboarding is an activity worthy of community and Council support as it represents a viable and worthwhile recreational activity for the youth of the City and is of general benefit to the Inhabitants, and

WHEREAS, this City Council intends that this Resolution reflect its support for the establishment of a skateboard park facility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that it supports the concept of a skateboard park within the City of Bath for use of the youths of the City of Bath; that this City Council will determine and acquire an appropriate location within the City of Bath for such a facility; and this City Council further resolves that it intends to financially support the said acquisition and construction costs in accordance with current estimates of costs, by providing Twenty-Five Percent (25%) of the estimated One Hundred Thousand Dollars (\$100,000.00) costs on the condition that the balance of costs are provided from other public and private sources.

Motion by Councilor Banks, seconded by Councilor Blake to put this Resolution on the floor for discussion.

Motion by Councilor Hall, seconded by Councilor James to amend the Resolution in last paragraph after

the words “will determine” by deleting the words “and acquire”.

Vote on Amendment to Resolution:

Yeas: 8

Nays: 0

Amendment Passed Unanimously 8-0

Motion by Councilor Hall, seconded by Councilor Reed to amend the Resolution in last paragraph after the words “by providing” by deleting the words “Twenty-Five Percent (25%)” and add the following “an amount not to exceed Twenty-Five Thousand Dollars (\$25,000)”.

Vote on Amended Resolution:

Yeas: 8

Nays: 0

Amended Resolution Passed Unanimously 8-0

The meeting adjourned at 8:08PM with a motion made by Councilor Reed and second 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.