

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 6, 2001 7:00pm
City Council Chambers, Bath City Hall

Present: Councilors Banks, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed and Chairman Hall.
Absent: Councilor James

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.

C. Public Hearings:

1) **CDBG Public Facilities Phase II Application to the Department of Economic and Community Development for a Small Cities Block Grant.** 7:04 PM #145

Al Smith, Community Development Coordinator, gave an update on the application process and an overview of the proposed project.

Roger Therriault, City Solicitor, explained the reasons for the need for a lease so this project could proceed.

2) **CDBG Housing Assistance Phase II Application to the Department of Economic and Community Development for a Small Cities Block Grant.** 7:16 PM #504

Al Smith, Community Development Coordinator, explained the status of the application process and the goals for completing the project.

3) **Ordinance: Supplemental Appropriation - Employee Benefits and Insurance (second passage)**
7:24 PM #732

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

discussion.

VOTE: on the Ordinance:

Yeas: Banks; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

4) Ordinance: Supplemental Appropriation - City Capital Projects (second passage) 7:25 PM #788

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 Undesignated Fund Balance (account GF-2500) to the following Capital Projects Recreation Congress Avenue Parking Lot (account RECO5-607)

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

Motion by Councilor Banks to amend the Ordinance by deleting in the last sentence “Congress Avenue Parking Lot (account REC05-607)” and adding “McMann Field Bleacher Replacement (account REC05-641)” second by Councilor Hayden.

VOTE: on the Amendment to the Ordinance:

Yeas: Banks; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Amendment to the Ordinance Passed Unanimously 7-0

VOTE: on the Amended Ordinance:

Yeas: Banks; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Amended Ordinance Passed Unanimously 7-0

5) Ordinance: Supplemental Appropriation - Council Contingency (second passage) 7:34 PM #1055

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

VOTE: on Ordinance:

Yeas: Banks; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

6) Ordinance: Supplemental Appropriation - Jessie Albert Clinic (second passage) 7:36 PM #1109

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

VOTE: on Ordinance:

Yeas: Banks; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

D. Consent Agenda: 7:40 PM #1249

Under the Consent Agenda, the Minutes for the May 2, 16, 22 and 23, 2001 Council Meetings were motioned for acceptance by Councilor Banks and seconded by Councilor Reed.

VOTE:

Yeas: 7

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:43 PM #1268

Jack Withers of 95 Court Street and John Bird of 55 Shepard Street asked Council for an explanation as to why their towing businesses had been denied by the Bath Police Department to be placed on the Towing Rotation List. A lengthy discussion ensued during which City Manager John Bubier presented the recently adopted Police Policy on Towing of Vehicles.

F. Ordinances, Resolutions and Orders: 8:19 PM

Item F8 - ORDINANCE: Amendment to the Contract Rezoning for the Bath Shopping Center - First Passage #2585

Chairman Hall explained the changes: Paragraph C the last sentence add “and as amended June 5, 2001” and Paragraph D last sentence add “and as amended June 5, 2001”.

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 FURTHER AMENDED AS FOLLOWS:

ARTICLE 16

Add the following:

SECTION 16.07 BATH SHOPPING CENTER

A. District Designation

The property designated for this contract zoning amendment is the property located at 1 Chandler Drive being identified as lots 51 and 52 on City of Bath Tax Map 28, dated April 1, 2000.

B. Findings

The City Council finds that: (1) the project consists of renovating and expanding the existing Shaw's portion of the Bath Shopping Center, and the construction of a 3,250 square foot bank building and a 10,200 square foot retail building; (2) the project is consistent with the mandatory conditions set forth in Land Use Code Section 8.19 paragraph D, 1(3) the applicant is proposing to make improvements to both Chandler Drive and Congress Avenue so that the project will not result in unreasonable traffic congestion; (4) the facades of the expanded Shaw's building, the bank building and the retail building are proposed to be red brick with white and/or tan clapboards and these improvements are compatible with the neighborhood; (5) the project will have appropriate screening and landscaping in addition to that normally required by Article 10; (6) the applicant will install decorative street lighting, like that on the Sagadahoc Bridge, along Chandler Drive; (7) the applicant will construct a sidewalk on the north side of Chandler Drive.; and (8) the applicant will construct landscaped islands at the ends of all of the rows of parking, including those associated with that portion of the shopping center not being renovated.

C. Zoning Provisions Affected

This contract zoning amendment is intended to relax the setback requirement pursuant to Section 8.09 that requires a setback in the C4-Route 1 Commercial Contract District of 50 feet from a lot line abutting a residential zone, to the extent allowed in accordance with the setbacks as approved in the Site Plan Approval granted to Eastern Development. LLC by the Bath Planning Board on January 2, 2001 and as amended June 5, 2001.

D. Conditions of Approval

The approval is subject to all conditions of approval which are part of the Site Plan Approval, granted to Eastern Development, LLC, by the Planning Board on January 2, 2001 and as amended June 5, 2001.

VOTE: on the Ordinance: (first passage)

Yeas: Banks; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

Nays: 0

VOTE: Ordinance Passed Unanimously 7-0

Item F9 - ORDER of NOTICE: Zadoc Lincoln Lane #2953

Chairman Hall read the following Order:

ORDER OF NOTICE

WHEREAS, the City Council of the City of Bath, by action taken on December 1, 1852, as recorded in the City of Bath records in Volume A, Page 520, caused a public street to be laid out, designated and accepted as Zadoc Lincoln Lane, and

WHEREAS, a request from the primary abutter to that City way has requested its discontinuation by virtue of correspondence to the Chairman of the City Council dated April 5, 1983, and December 20, 1984, and

WHEREAS, 23 M.R.S.A. Section 3026 requires certain procedures to be followed with regarding to the discontinuation of municipal ways.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager, as the municipal officer of this City, provide for the rendering of notice of these proceedings in the following manner:

1. That the best practicable notice be given to all abutting property owners, and the Municipal Planning Board, the best practicable notice being defined as mailing by United States Postal Service, postage prepaid, first class; such notice shall indicate that the City Council of the City of Bath will consider the discontinuation of said way for approval at its meeting on Wednesday, June 20, 2001 at 7:00 P.M.
2. THAT AN ORDER OF DISCONTINUATION be filed by the City Manager with the City Clerk for consideration by the City Council, specifying the following:
 - (a) The location of the way.
 - (b) The names and addresses of the abutting property owners.
 - (c) The amount of damages if any to be determined by the City Manager to be paid to each abutter.
 - (d) Whether or not any public easement should be retained by the City of Bath.

SO ORDERED this 6th day of June, 2001.

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

VOTE: on the Order:

Yeas: 7

Nays: 0

VOTE: Order of Notice Passed Unanimously 7-0

Item F10 - RESOLUTION:CDBG Public Facilities Phase II Application to the Department of Economic and Community Development for a Small Cities Block Grant #3195

Chairman Hall read the following Resolution:

**City of Bath, Maine
CITY COUNCIL RESOLUTION**

WHEREAS, the City of Bath has applied to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and
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:

1. Is authorized and directed to submit a Community Development Block Grant Public Facilities Phase II Application to the Department of Economic and Community Development on behalf of the City of Bath substantially in the form presented to this Council;
2. Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Is 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 6th day of June 2001 on behalf of the City Council of Bath.

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

VOTE: on the Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

Item F11: RESOLUTION: CDBG Housing Assistance Phase II Application to the Department of Economic and Community Development for a Small Cities Block Grant #3260

Chairman Hall read the following Resolution:

**City of Bath, Maine
CITY COUNCIL RESOLUTION**

WHEREAS, the City of Bath has applied to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and
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:

1. Is authorized and directed to submit a Community Development Block Grant Housing Assistance Phase II Application to the Department of Economic and Community Development on behalf of the City of Bath substantially in the form presented to this Council;
2. Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Is 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 6th day of June 2001 on behalf of the City Council of Bath.

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

VOTE: on the Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

G. Petitions & Communications 8:41 PM #3332

There were no petitions and communications.

H. City Manager's Report: 8:42 PM #3342

City Manager Bubier spoke on the following items:

- Development of the Budget for fiscal year 2001 - 2002
- Dedication Ceremony for the Kennebec-Chaudiere Trail Opening
- Waterfront Park's dolphin replacement project
- Delta Queen and American Eagle visits this summer
- Main Street Meetings Update
- Maine Service Center Community Alliance Meeting
- Uncle Billy Dedication sponsored by the Bath Police Department
- Update on the meetings with the Bath Business Association
- Hosting the Domestic Violence Task Force program
- Report on this year's Bike Race
- Fisher-Mitchell and Dike-Newell Second Grade Classes' Tour of all the Departments in City Hall

I. Committee Reports: 8:58 PM #4102

There were no Committee Reports.

J. Old Business: 8:58 PM #4106

There was no Old Business.

K. New Business: 8:59 PM #4106

There was no New Business.

The meeting adjourned at 8:59 PM with a motion made by Councilor Banks and seconded by Councilor Blake. 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.