

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 20, 2001 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Banks, James, Blake, Wyman, Hayden, Tibbetts, Reed and Chairman Hall

Absent: Councilor Rogers

Also Present: City Manager John Bubier, City Solicitor Michael Therriault and City Clerk Mary 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 - ORDINANCE: Amendment to the Contract rezoning for the Bath Shopping Center (second passage) 7:05 PM #136

Chairman Hall 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 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.

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

Roll Call Vote on Ordinance:

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

Nays: None

VOTE: Ordinance Passed Unanimous 7-0

Chairman Hall stated the Ordinance would become effective in twenty-one days.

II. ORDER: Acceptance of Easement of Maine Maritime Museum 7:08 PM #183

Chairman Hall read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A CERTAIN EASEMENT ALLOWING THE CITY OF BATH TO UTILIZE THE MARSH AREA BELONGING TO THE MAINE MARITIME MUSEUM AND LOCATED ON THE SOUTHERLY END OF THE MUSEUM PROPERTY AND TO THE NORTH OF THE CITY'S SOUTH END BOAT LAUNCHING SITE, FOR THE PURPOSE OF PROVIDING PEDESTRIAN ACCESS TO THE PROPERTY FOR NATURE OBSERVATION AND STUDY AND LOW-IMPACT OUTDOOR RECREATION CONSISTENT WITH THE NATURE OF THE PROPERTY, BE AND HEREBY IS ACCEPTED IN ACCORDANCE WITH THE COPY OF THE EASEMENT WHICH IS ATTACHED HERETO AND MADE A PART HEREOF, AND BE IT FURTHER ORDERED THAT THE CITY MANAGER IS AUTHORIZED TO EXECUTE WHATEVER DOCUMENTATION IS NECESSARY IN ORDER TO IMPLEMENT SAID EASEMENT.

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

Vote on Order:

Yeas: 7

Nays: 0

VOTE: Order Passed Unanimously 7-0

III. ORDER: Discontinuation of Zadoc Lincoln Lane 7:13 PM #348

Chairman Hall read the following Order:

ORDER OF DISCONTINUATION

Pursuant to Council Order of June 6, 2001, I John D. Bubier, City Manager of the City of Bath, and its Municipal Officer, submit the following Order of Discontinuation to the City Clerk for consideration by the City Council of the City of Bath at its scheduled meeting on June 20, 2001 at 7:00 P.M.

1. Location of the way under consideration for discontinuation:

Zadoc Lincoln Lane, more particularly described as follows:

Begins at a stone M. on the east side of Washington Street, opposite the south side of Marshall

Street and running S. 86' 20' E. (at an angle with the south line of Marshall Street, produced of 30 42') to Kennebec River.

Said Lane to be one rod wide on the north side of the above line.

2. Names and addresses of abutting property owners:

MAP	LOT	OWNER/ADDRESS	LOCATION/ADDRESS
38	10	Maine Maritime Museum c/o Thomas R. Wilcox, Jr. Executive Director 243 Washington Street Bath, Maine 04530	243 Washington Street Bath, Maine

3. No damages are appropriate with regard to any of the abutters upon discontinuation of the way.

4. It is the further recommendation of the City Manager that no public easement whatsoever in the way should be retained by the City upon consideration of this final Order of Discontinuation by the City Council.

This Order is given in compliance with Council Order of June 6, 2001 and also in compliance with the procedures required under 23 M.R.S.A. Section 3026.

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

Vote on Order:

Yeas: 7

Nays: 0

VOTE: Order Passed Unanimously 7-0

IV. ORDER: Change July 4, 2001 Regular Council Meeting Date to July 11, 2001 7:19 PM #523

Chairman Hall read the following Order:

ORDER

WHEREAS, the date for the Regular Meeting of the Bath City Council for July 2001 comes on July 4; and

WHEREAS, July 4, 2001 is a Federal Holiday;

NOW, THEREFORE, BE IT ORDERED THAT THE BATH CITY COUNCIL approves changing the date of the Regular Meeting of the Bath City Council for Wednesday, July 4, 2001 to Wednesday, July 11, 2001.

Motion by Councilor James, second by Councilor Blake to put this Order on the floor for discussion.

Vote on Order:

Yeas: 7

Nays: 0

VOTE: Order Passed Unanimously 7-0

V. RESOLUTION: Approving Bath Heritage Days. 7:20 PM #550

Chairman Hall read the following Resolution:

RESOLUTION

WHEREAS, the Chamber of Commerce annually sponsors the Bath Heritage Days; and

WHEREAS, Heritage Days provides the City of Bath with marvelous entertainment for its citizens, visitors who spend their dollars here, and an opportunity for residents to celebrate their community; and

WHEREAS, the use of City streets, public spaces, and personnel is necessary for conducting Heritage Days.

NOW, THEREFORE, BE IT RESOLVED THAT THE BATH CITY COUNCIL approves of the attached correspondence from the Chamber of Commerce Heritage Days Committee and directs the City Manager to fulfill the intent of the request as best meets the needs of the community.

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

Vote on Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

VI. RESOLUTION: Approving street closing and traffic pattern proposed by the Bath Area Chamber of Commerce in connection with Bath Heritage Days. 7:26 PM #750

Chairman Hall read the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that pursuant to the provisions of Section 17-220 of the Bath City Code, the street closing and traffic pattern proposed by the Chamber of Commerce in connection with the celebration of Bath Heritage Days are hereby approved. The City Manager is hereby authorized to implement these street closing and traffic pattern adjustments with appropriate signing.

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

Vote on Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

VII. RESOLUTION: Emergency Assistance Snow Plowing Grant 7:29 PM #803

Chairman Hall read the following Resolution:

**GRANT RESOLUTION
Emergency Assistance Snow Plowing Grant**

WHEREAS, the City of Bath has applied for a Grant of up to \$17,959.22 for emergency assistance for snow plowing costs incurred as a result of severe snow storms of March, 2001, 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 and the City of Bath will be required to furnish the remaining 25% of the costs from previously appropriated funds from the various Public Works (Department 080) operating accounts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Emergency Assistance 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.

Motion by Councilor Banks, second by Councilor Wyman to put this Resolution on the floor for discussion.

Vote on Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

Chairman Hall read the following four Items and one vote was taken on all four.

VIII. RESOLUTION: Establishing interest rate on all delinquent taxes at the rate of 11.5% per annum (motion to adopt) 7:30 PM #880
RESOLUTION

WHEREAS, pursuant to 36 M.R.S.A. Section 505(4) the City of Bath has the authority to specify an interest rate which shall be applied to the delinquent taxes, and

WHEREAS, Section 7-101 of the Code of the City of Bath determines that the rate of interest is to be established yearly by Resolution of this Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the interest rate due and payable for all delinquent taxes shall be at the rate of 11.5% per annum, from July 1, 2001 to June 30, 2002.

IX. RESOLUTION: Establishing interest rate on delinquent sewer bills at the rate of 11.5% per annum (motion to adopt)

Chairman Hall read the following Resolution:

RESOLUTION

BE IT RESOLVED by the City Council of the City of Bath, as follows: **That**, the interest rate payable on delinquent sewer bills shall be at the rate of 11.5% per annum, from July 1, 2001 to June 30, 2002.

X. RESOLUTION - establishing interest rate on refunds due to tax abatements at the rate of 8% per annum (motion to adopt)

Chairman Hall read the following Resolution:

RESOLUTION

BE IT RESOLVED, by the City Council of the City of Bath, as follows:

That any taxpayer who pays an amount in excess of what is finally assessed (as in the case of a taxpayer who pays under protest, appeals the assessment, and is granted an abatement) must be repaid the amount of the overpayment plus interest back to the date of the overpayment at a rate of eight percent (8%) per annum, from July 1, 2001 to June 30, 2002.

XI. ORDER - continuation of Bath Tax Club

Chairman Hall read the following Order:

ORDER

BE IT ORDERED by the City Council of the City of Bath, as follows:

That, the City Treasurer and Tax Collector be authorized and empowered to continue a monthly or quarterly payment plan now in force, and known as the "Bath Tax Club", making regular monthly or quarterly payments in accordance with the rules of said Club. All Tax Club members must join during the month of July 2001.

Membership in said Tax Club is restricted to those accounts which represent residential taxpayers and club membership shall specifically not be available to commercial, industrial, personal or rental properties.

Motion by Councilor Wyman, second by Councilor Banks to put the preceding four items on the floor for discussion.

Vote on Items VIII, IX, X and XI:

Yeas: 7

Nays: 0

VOTE: Items VIII, IX, X and XI Passed Unanimously 7-0

Motion by Councilor Blake to waive the rule to introduce the following Resolution, seconded by Councilor Banks. All in favor.

Chairman Hall read the following Resolution: 7:36 PM #975

RESOLUTION

WHEREAS, the Main Street Maine program has been established to assist cities and towns in developing a public/private effort to revitalize urban neighborhood and traditional central business district commercial areas, and

WHEREAS, the Main Street Maine program will accept up to three cities or towns to participate in its ongoing program and receive intensive technical assistance from the Maine Downtown Center for a minimum of three years,

WHEREAS, the City of Bath, Maine desires to participate in the Main Street Maine program,

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE.

SECTION 1. That the City of Bath, Maine endorses the submission of this application and agrees to participate in the development and financial support of the local Main Street program.

SECTION 2. Endorses the goal of economic revitalization of the designated Main Street district within the context of the preservation and rehabilitation of its historic commercial buildings, recognizing that the Main Street program is one of many economic and community development tools.

SECTION 3. That the City of Bath endorses the hiring of a Downtown Manager.

SECTION 4. Recognizes that a commitment to commercial district revitalization is an ongoing process requiring ongoing attention, community support and involvement, and a full public/private partnership.

ADOPTED THIS 20th day of June, 2001.

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

Motion by Councilor James to amend Resolution under Section 3 deleting "Downtown Manager" and adding "Main Street Director" seconded by Councilor Reed.

Vote on Amendment:

Yeas: 0

Nays: 7

VOTE: Amendment Failed Unanimously 0-7

Motion by Councilor James to amend the Resolution under Section 3 by deleting "Downtown" and adding "Main Street", second by Councilor Reed. All in favor.

Vote on Amendment:

Yeas: 7

Nays: 0

VOTE: Amendment Passed Unanimously 7-0

Vote on Amended Resolution:

Yeas: 7

Nays: 0

VOTE: Amended Resolution Passed Unanimously 7-0

Motion by Councilor Tibbetts to waive the rules to take up the following Order, seconded by Councilor Banks.

Chairman Hall read the following Order: 7:45 PM #1316

ORDER
APPROVING TRANSFER
Year end Expenditure Transfers

Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611 (D) of the Charter of the City of Bath, that the following transfers be hereby approved.

	Account	Amount
Increases in Appropriation:		
Central Services - Legal Notices	030-55	\$3,000.00
City Hall - Sheridan Adm. Building	035-255	\$5,000.00
Fire Department - Overtime Pay	100-103	\$30,000.00
Fire Department - Premium Pay	100-105	\$18,500.00
Police Department - Overtime Pay	105-103	\$20,500.00
Decreases in Appropriation:		
Council - Contingency	012-402	\$22,000.00
Employee Benefits - Personnel Adj.	050-85	\$15,000.00
Employee Benefits - Performance	050-79	\$3,000.00

Codes - Temporary Pay	075-104	\$17,000.00
Communications - Regular Pay	107-102	\$20,000.00

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

Motion by Councilor Tibbetts to amend the Order by deleting the words “Increases in Appropriation” and “Decreases in Appropriation” and replacing them, respectively, with the words “Transfers In” and “Transfers Out”, seconded by Councilor Reed.

Vote on Amendment:

Yeas: 7

Nays: 0

VOTE: Amendment Passed Unanimously 7-0

Vote on Amended Order:

Yeas: 7

Nays: 0

VOTE: Amended Order Passed Unanimously 7-0

Motion by Councilor Reed, second by Councilor James to Recess to Workshop. All in favor.

Motion by Councilor Tibbetts, second by Councilor Reed to waive the rules to extend the meeting time. All in favor.

Motion by Councilor Tibbetts, second by Councilor James to go into Executive Session. All in favor.

Motion by Councilor Blake, second by Councilor Reed to come out of Executive Session. All in favor.

The meeting adjourned 10:20 PM with a motion made by Councilor Reed and second by Councilor James. 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.