

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, September 19, 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 Deputy City Clerk Gray

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

Deputy City Clerk Gray called the Roll.

I. Ordinance: Amendment to Land Use Code Section 8.20 (second passage) - 7:01 PM #85
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 HEREBY FURTHER AMENDED AS
FOLLOWS:

Amend Article 8, Section 8.20 by replacing H. with the following:

H. Amendments

Any site plan and conditions, which includes Contract Rezoning approval by City Council, may be amended. If the amendment seeks to change any Space and Bulk Regulation(s) of this Code where rezoning has been allowed or to change any condition or restriction relating to the requirements of any Mandatory and/or Discretionary Conditions under items D, 1 and D, 2, above, upon which rezoning is based or dependent, then amendment by City Council of the original Rezoning Ordinance is required. If the amendment does not pertain to the specific Space and Bulk Regulations of this Code where rezoning has been allowed or does not pertain to the Mandatory or Discretionary Conditions required under items D, 1 and D, 2, above, upon which the rezoning is based or dependent, then only the procedure contained in Section 12.13 of this Code applies.

Motion by Councilor James, seconded by Councilor Banks, to put this item on the floor for discussion. All in favor. City Planner Jim Upham gave a brief overview of the proposed Land Use Code amendment.

Vote:

Yeas: 8

Nays: 0

VOTE: Passed unanimously 8-0

II. Ordinance: Chapter 17. Vehicles and Traffic, Article 6, Stopping, Standing and Parking, section 17-259. Parking Restrictions. Washington Street, East Side (bus stop) (second passage) – 7:05 p.m. #167

Chairman Hall read the following ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT 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 6. Stopping, Standing and Parking Section 17-259. Parking Restrictions Washington Street East Side

Delete: From a point 60 feet north of the northerly side of Spring Street to a point across from the south side of Russell Street, 2 hour parking. From a point across from the south side of Russell Street to a point 40 feet south of a point across from the north side of Bath Street, 2 hour parking.

Add: From a point 60 feet north of the northerly side of Spring Street and running northerly a distance of 113 feet, bus parking; from a point 173 feet north of the northerly side of Spring Street to a point 40 feet south of a point across from the north side of Bath Street, 2 hour parking.

Councilor Banks made a motion to put this item on the floor for discussion, seconded by Councilor Wyman. All in favor. There was no public or Council comment on this item.

Vote: **Passed unanimously 8-0**

III. Ordinance: Supplemental Appropriation, Centre Street Capital Improvement Program Account (second passage) 7:07 PM #243

Chairman Hall read the following Ordinance:

ORDINANCE

**SUPPLEMENTAL APPROPRIATION
CENTRE STREET CAPITAL IMPROVEMENT PROGRAM ACCOUNT**

WHEREAS, the City of Bath has significant capital requirements for the Centre Street Reconstruction Project anticipated in the coming years; and
WHEREAS, the City of Bath has collected interest on unspent voter approved bond proceeds relating to the 1999 Capital Improvement Bonds; and
WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Four Hundred Thousand Dollars (\$400,000), are deemed Tax Increment District (TIF) City project costs relating to the Bath Iron Works TIF agreements and will be exempt from the expenditure limitation pursuant to State of Maine TITLE 30-A Section 5254;
NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Four Hundred Thousand Dollars (\$400,000), be and hereby be supplementally appropriated from Investment Earnings from the 1999 Capital Improvement Bonds (account CFO5-6450) to the Centre Street Capital Improvement Program (account C5002-875).

Motion by Councilor Reed, second by Councilor Hayden to put this Order on the floor for discussion. All in favor.

No public or Council comment.

Chairman Hall asked for a vote.

Vote on Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

IV. Ordinance: Amendments to the LUC, Art. 2/Art. 3/Art. 8/Art. 9/Art. 10/Art. 11 (first passage) -

7:12 PM #355

Complete copy of this item on file with agenda materials in City Clerk's Office.

Councilor James made a motion to put the ordinance on the floor, which was seconded by Councilor Banks. All in favor. Councilor Tibbetts made a motion to waive the reading of all the amendments, provided there was an explanation by City Planner Jim Upham. Councilor James seconded the motion. All in favor. City Planner Jim Upham then gave a brief overview of the proposed changes in lieu of Chairman Hall reading the entire amendment package. There was no public comment. City Solicitor Roger Therriault recommended that a semi-colon be placed in four different sections and that the preceding words be moved after the semi-colon in order to clarify the wording a little more. Councilor James made a motion to amend the amendments as recommended by City Solicitor Therriault, which was seconded by Councilor Banks. The vote was unanimous to amend the amendments.

Vote on Ordinance:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

V. Order: Approving Application for Bingo Game conducted by the All Officers' Spouses' Club of

BNAS – 7:35 p.m. #1140

Chairman Hall read the following order:

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, IN ACCORDANCE WITH THE REQUIREMENTS OF 17 M.R.S.A. §313, THE APPLICATION TO CONDUCT BINGO OF THE ALL OFFICERS' SPOUSES' CLUB FROM THE BRUNSWICK NAVAL AIR STATION, TO BE HELD ON SUNDAY, SEPTEMBER 30, 2001, AT THE WINTER STREET CHURCH AT 880 WASHINGTON STREET, IN BATH, BE AND HEREBY IS CONSENTED TO.

Motion by Councilor Blake, seconded by Councilor Hayden to put this Order on the floor for discussion. All in favor.

No public or Council comment.

Chairman Hall asked for a vote.

Vote on Order:

Yeas: 7

Abstention: 1

Vote: Order passed with 7 in favor and 1 abstention.

VI. Order: Authorization of a Bond Ordinance for the purpose of funding an expenditure of \$300,000 for the purpose of repairs, renovations and improvements to recreational facilities on the November 6, 2001 ballot - 7:40 PM #1230

Chairman Hall read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING THE REPAIRS, RENOVATIONS AND IMPROVEMENTS TO RECREATIONAL FACILITIES, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2001:

""SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$340,000.00 FOR THE PURPOSE OF REPAIRS, RENOVATIONS AND IMPROVEMENTS TO RECREATIONAL FACILITIES?"

Motion by Councilor Reed, which was seconded by Councilor Rogers to put this Order on the floor for discussion. All in favor.

There was no public comment. Councilor James then made a recommendation that this ordinance be amended to read \$340,000 rather than \$300,000 and that the additional \$40,000 be used to supplement the funding for the skateboard park. He made a motion to put this on the floor for discussion, which was seconded by Councilor Blake. There was some Council discussion pertaining to the advisability of adding the additional \$40,000 to the \$300,000, but the overall consensus was supportive of the skateboard park. Chairman Hall then stated that if the Council wished to waive the rules to get a brief explanation from the Finance Director on this issue, they could do so. Councilor Blake made a motion to waive the rules, which was seconded by Councilor James. The motion was passed with 4 in favor and 3 opposed. Finance Director Greg L'Heureux then gave a brief overview of what this would entail and how it would affect the appropriated money. Councilor James then made a motion to amend the ordinance to read \$340,000, which was seconded by Councilor Blake. The motion was passed with 6 in favor and 2 opposed.

Vote on amended ordinance:

Yeas: 8

Nays: 0

Amended ordinance passed unanimously.

Order: Authorization of a Bond Ordinance for the purpose of funding an expenditure of \$3,000,000 for the purpose of landfill improvements on the November 6, 2001 ballot – 7:55 PM #1795

Chairman Hall read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING

PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING LANDFILL IMPROVEMENTS, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2001:

"SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$3,000,000.00 FOR THE PURPOSE OF LANDFILL IMPROVEMENTS?,"

Motion by Councilor Reed, second by Councilor Banks to put this Order on the floor for discussion. All in favor. Robert and Doris Ford of Whiskeag Road addressed the Council pertaining to how this \$3,000,000 bond would affect the truck traffic on Whiskeag Road going to the landfill. They voiced serious concern over the volume of truck traffic, stating that they get over 20 large trucks an hour going to the landfill. They reiterated that Whiskeag Road is not appropriate for this type or volume of traffic. City Manager John Bubier explained that the truck traffic that is currently existing due to the landfill project being done now has been mandated by the Department of Environmental Protection. Considerable discussion ensued regarding this project and the upcoming project with vertical cells for the landfill and the anticipated truck traffic that this would generate. It was estimated that there should be some relief from the volume of truck traffic around November.

Vote on order:

Yeas: 7

Nays: 1

Order passed with 7 in favor and 1 opposed.

VIII. Order: Authorization of a Bond Ordinance for the purpose of funding an expenditure of \$1,700,000.00 for the purpose of repair, renovation, and improvement of the Commercial Street Pump Station and related improvement to the wastewater treatment system on the November 6, 2001 ballot – 8:32 p.m. #3072

Chairman Hall read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH, THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING THE REPAIR, RENOVATION, AND IMPROVEMENT OF THE COMMERCIAL STREET PUMP STATION AND RELATED IMPROVEMENTS TO THE WASTEWATER TREATMENT SYSTEM, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2001:

"SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$1,700,000.00 FOR THE PURPOSE OF REPAIR, RENOVATION, AND IMPROVEMENT OF THE COMMERCIAL STREET PUMP STATION AND RELATED IMPROVEMENTS TO THE WASTEWATER TREATMENT SYSTEM?"

Councilor Wyman made a motion to place this item on the floor for discussion, which was seconded by Councilor Banks. All in favor.

There was no public or Council comment.

Vote on order:

Yeas: 8

Nays: 0

Order passed unanimously.

IX. Order: Authorization of a Bond Ordinance for the purpose of funding an expenditure of \$3,100,000.00 for the purpose of repair, renovation, reconstruction, improvement and upgrade of city streets, curbs and sidewalks, including related sewer and stormwater lines on the November 6, 2001 ballot – 8:35 p.m. #3165

Chairman Hall read the following order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT PURSUANT TO THE AUTHORITY OF THE CITY COUNCIL UNDER SECTION 1014 OF THE CHARTER OF THE CITY OF BATH AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 617 OF THE CHARTER OF THE CITY OF BATH ' THE FOLLOWING PROPOSITION FOR THE ENACTMENT OF AN ORDINANCE FUNDING THE REPAIR, RENOVATION, RECONSTRUCTION, IMPROVEMENT AND UPGRADE OF CITY STREETS, CURBS AND SIDEWALKS, INCLUDING RELATED SEWER AND STORMWATER LINES, SAID BOND ORDINANCE BEING ATTACHED HERETO, BE SUBMITTED TO THE VOTERS OF THE CITY OF BATH AT A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6,2001:

""SHALL A BOND ORDINANCE BE AUTHORIZED IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$3,100,000.00 FOR THE PURPOSE OF REPAIR, RENOVATION, RECONSTRUCTION, IMPROVEMENT AND UPGRADE OF CITY STREETS, CURBS AND SIDEWALKS, INCLUDING RELATED SEWER AND STORMWATER LINES?""

Councilor Blake made a motion to place this item on the floor for discussion, which was seconded by Councilor Wyman. All in favor.

There was no public or Council comment.

Vote on order:

Yays: 8

Nays: 0

Order passed unanimously

Chairman Hall recessed the meeting to workshop at 8:40 p.m.

Chairman Hall re-convened the meeting.

Councilor Tibbetts made a motion to waive the rules to discuss two potential Charter amendments pertaining to County taxes, which was seconded by Councilor Reed. All in favor.

Chairman Hall read the following Order:

ORDER FOR PUBLIC HEARING

BE IT HEREBY ORDERED-BY THE CITY COUNCIL OF THE CITY OF BATH, AS MUNICIPAL OFFICERS OF THE CITY, THAT, HAVING DETERMINED IN ACCORDANCE WITH THEIR AUTHORITY UNDER 30-A M.R.S.A. 2104(1) THAT A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF BATH SHOULD BE CONSIDERED, NOTICE SHALL BE GIVEN OF A PUBLIC HEARING RELATING TO THIS CHARTER AMENDMENT, SAID PUBLIC HEARING TO BE HELD ON WEDNESDAY THE 3RD DAY OF OCTOBER, 2001 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS ON THE THIRD FLOOR OF THE BATH CITY HALL. THE CLERK IS INSTRUCTED TO CAUSE A NOTICE OF THIS PUBLIC HEARING TO BE PUBLISHED IN A PAPER HAVING GENERAL CIRCULATION WITHIN THE CITY OF BATH AT LEAST SEVEN (7) DAYS PRIOR TO THE DATE OF THE HEARING, SAID NOTICE TO CONTAIN THE TEXT OF THE PROPOSED CHARTER AMENDMENT WITH A BRIEF EXPLANATION. SUCH NOTICE SHALL ALSO BE POSTED IN THE SAME MANNER AS REQUIRED OF ORDINANCES UNDER 2 21 OF THE CHARTER OF THE CITY OF BATH.

Councilor Blake made a motion to place this item on the floor, which was seconded by Councilor James. All in favor.

Vote to place this charter amendment question on the October 3rd City Council meeting agenda:

Yays: 8

Nays: 0

Order passed unanimously

Chairman Hall read the following order:

ORDER FOR PUBLIC HEARING

BE IT HEREBY ORDERED-BY THE CITY COUNCIL OF THE CITY OF BATH, AS MUNICIPAL OFFICERS OF THE CITY, THAT, HAVING DETERMINED IN ACCORDANCE WITH THEIR AUTHORITY UNDER 30-A M.R.S.A. 2104(1) THAT A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF BATH SHOULD BE CONSIDERED, NOTICE SHALL BE GIVEN OF A PUBLIC HEARING RELATING TO THIS CHARTER AMENDMENT, SAID PUBLIC HEARING TO BE HELD ON WEDNESDAY THE 3RD DAY OF OCTOBER, 2001 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS ON THE THIRD FLOOR OF THE BATH CITY HALL. THE CLERK IS INSTRUCTED TO CAUSE A NOTICE OF THIS PUBLIC HEARING TO BE PUBLISHED IN A PAPER HAVING GENERAL CIRCULATION WITHIN THE CITY OF BATH AT LEAST SEVEN (7) DAYS PRIOR TO THE DATE OF THE HEARING, SAID NOTICE TO CONTAIN THE TEXT OF THE PROPOSED CHARTER AMENDMENT WITH A BRIEF EXPLANATION. SUCH NOTICE SHALL ALSO BE POSTED IN THE SAME MANNER AS REQUIRED OF ORDINANCES UNDER 2 21 OF THE CHARTER OF THE CITY OF BATH.

Councilor Wyman made a motion to place this item on the floor, which was seconded by Councilor Blake. All in favor.

Vote to place this charter amendment question on the October 3rd City Council meeting agenda:

Yays 8

Nays: 0

Order passed unanimously

The meeting adjourned at 9:30 PM with a motion made by Councilor Reed and seconded by Councilor Rogers. All in favor.

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.