

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 3, 2001 7:00pm
City Council Chambers, Bath City Hall

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

Also in attendance were the City Manager - John Bubier, City Solicitor - Roger Therriault, Finance Director - Greg L'Heurux and City Clerk - Mary White.

Chairman Hall led the Pledge of Allegiance and City Clerk White called the Roll.

Chairman Hall presented a proclamation plaque to Detective Sergeant Donald C. Marsh in recognition of his 25 years of service in the Bath Police Department.

C. Public Hearings: 7:15 PM Tape 1 #72

- 1) Ordinance: Amendments to the LUC, Article 2/Article 3/Article 8/Article 9/Article 10/Article 11 (second passage)

A complete copy of this item is on file in the Agenda materials for October 3, 2001 in the City Clerk's Office.

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

Motion by Councilor Reed, second by Councilor James to waive the reading of this Ordinance. All in favor.

Motion by Councilor Reed, second by Councilor James to amend the Ordinance on Page 1, Section 3 by adding "For projects that require a building permit, Historic District Approval must be obtained prior to the issuance of the building permit" and on Page 3, Section 8.12 by adding "For projects that require a building permit, Historic District Approval must be obtained prior to the issuance of the building permit."

VOTE on the Amendments to the Ordinance:

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

Nays: None

VOTE: Amendments to Ordinance Passed Unanimously 6-0

Jim Upham, City Planner explained the reasons for these amendments to the LUC.

VOTE on the Ordinance:

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

Nays: None

VOTE: Ordinance Passed Unanimously 6-0

Chairman Hall stated the Ordinance would go into effect on October 24, 2001.

- 2) Order: Vote on Charter Amendment Question #1 7:26 PM Tape 1 #291

Chairman Hall read the following Question:

CHARTER AMENDMENT QUESTION NO.1

"SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT REPRINTED BELOW?"

YES

NO

SUMMARY:

To exempt the payment of the County tax from the City of Bath expenditure limit.

REPRINT: Sec. 617. Limitations on Municipal Expenditures.

Add new Subsection (7):

(7) the share of the Sagadahoc County Tax Levy apportioned to the City of Bath pursuant to the provisions of 30-A M.R.S.A. Chapter 3 Articles 1 and 10.

Change:

In the final paragraph of Section 617, change the reference from "sub-sections 1 through 6" to "sub-sections 1 through 7"

Chairman Hall opened the Public Hearing.

The following people spoke against the Charter Amendment Question 1: Craig Burgess of 87 Whiskeag Road; Peter Robohm of 3 Goose Cove Road ; Francis Dillon of 47 West Chopps Point Road; Michael Kiernan of 870 Washington Street; Doris Ford of 94 Whiskeag Road and Nicholas Bayard of 969 Washington Street

City Manager spoke regarding the possibilities of regionalization of services.

City Finance Director spoke regarding the financial aspects of this Charter Amendment.

Chairman Hall closed the Public Hearing.

Chairman Hall read the following Order:

ORDER FOR VOTE ON CHARTER AMENDMENT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT SAID CITY COUNCIL, BEING THE MUNICIPAL OFFICERS OF SAID CITY, HAVING HELD A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BATH AND HAVING DETERMINED THAT THE ELECTORATE SHOULD BE GIVEN THE OPPORTUNITY TO VOTE ON THE PROPOSED AMENDMENT, DOES HEREBY ORDER THAT THE AMENDMENT IN SUBSTANTIALLY THE FORM ATTACHED TO THIS ORDER BE PLACED ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION, BEING THE ELECTION SCHEDULED FOR NOVEMBER 6, 2001, SAID ELECTION DATE BEING MORE THAN THIRTY (30) DAYS FROM THE DATE OF PASSAGE OF THIS ORDER.

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

VOTE on the Order:

Yeas: 3

Nays: 3

Abstention: 1

VOTE: Order Failed 3-3

3) Order: Vote on Charter Amendment Question #2 8:53 PM Tape 1 #3325

Chairman Hall read the following Question:

CHARTER AMENDMENT QUESTION NO.2

"SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT REPRINTED BELOW?"

YES NO

SUMMARY:

DELETE:

To provide more flexibility in establishing the amount of individual installments of bond repayment, to provide for the ability to prepay bond indebtedness, and to allow for existing bonded indebtedness to be refinanced.

Sec. 807. Annual Installments; Term, which reads as follows:

All serial bonds or notes issued pursuant to this Chapter shall be payable in annual installments which shall be substantially equal in amount or shall be so arranged that no installment shall be less than the amount of any installment payable in a subsequent year and the terms of such bonds or notes shall not exceed 30 years.

Replace with the following:

REPRINT: Sec. 807. Installment, Prepayment, Term.

Bonds, notes and other securities issued pursuant to this Chapter may be in serial form payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3). Any bond, note or security may be prepaid in whole or in part at any time as may be permitted in accordance with the terms and conditions of the borrowing of the original bond, note or security. The term of such bonds, notes or securities shall not exceed 30 years from the date that they are issued.

Add new Sec. 813. Refinancing.

Bonds, notes or securities may be issued in accordance with the provisions of this Chapter VIII of the Charter of the City of Bath and after approval by the City Council by Ordinance, in order to refinance any outstanding bond, note or security or other indebtedness of the City. This authority to refinance any outstanding bonds, notes or securities of the City which have been approved at public referendum, shall not require additional voter approval of the new indebtedness and repayment shall continue to be exempt under the provisions of Sec. 617(2) of this Charter, which establishes limitations on municipal expenditures.

Chairman Hall opened the Public Hearing.

Michael Kiernan of 870 Washington Street spoke in favor of this Charter Amendment Question 2.

The following people spoke against the Charter Amendment Question 2: Peter Robohm of 3 Goose Cove Road; Craig Burgess of 87 Whiskeag Road and Wayne Cappen of 1040 Middle Street.

Chairman Hall closed the Public Hearing.

ORDER FOR VOTE ON CHARTER AMENDMENT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT SAID CITY COUNCIL, BEING THE MUNICIPAL OFFICERS OF SAID CITY, HAVING HELD A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BATH AND HAVING DETERMINED THAT THE ELECTORATE SHOULD BE GIVEN THE OPPORTUNITY TO VOTE ON THE PROPOSED AMENDMENT, DOES HEREBY ORDER THAT THE AMENDMENT IN SUBSTANTIALLY THE FORM ATTACHED TO THIS ORDER BE PLACED ON THE BALLOT AT THE NEXT REGULAR MUNICIPAL ELECTION, BEING THE ELECTION SCHEDULED FOR NOVEMBER 6, 2001, SAID ELECTION DATE BEING MORE THAN THIRTY (30) DAYS FROM THE DATE OF PASSAGE OF THIS ORDER.

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

The Finance Director explained the procedures for bonding.

VOTE on the Order:

Yeas: 6

Nays: 0

VOTE: Order Passed Unanimously 6-0

D. Consent Agenda: 9:26 PM Tape 1 #4717

5) Under the Consent Agenda, Councilor Blake made a motion to accept the minutes for the September 5, 12 and 19, 2001 Council Meetings and Items F5, F6, F7 and F8, which was seconded by Councilor Banks.

VOTE on Consent Agenda:

Yeas: 6

Nays: 0

Consent Agenda Passed Unanimously.

E. Time Devoted to Residents to Address the City Council: 10:15 PM Tape 2 #863

Wayne Cappen of 1040 Washington Street spoke to Council regarding a rewrite of the Charter section pertaining to the spending cap.

Doris Ford of 94 Whiskeag Road and Peter Robohm of 3 Goose Cove Road spoke regarding concerns on the extension of the life of the landfill.

Peter Robohm also spoke regarding the need for education of the public on the upcoming bond issues on the ballot.

Craig Burgess spoke regarding his apprehension of passing bonds that are not protected in the future from problems with project overruns and blunders. Mr. Burgess also suggested a public workshop on how to find information on the new City of Bath Web Page.

F. Ordinances, Resolutions and Orders: 9:30 PM

Item F5 - ORDER: Prepare Notice of Election to notify inhabitants of the Maine State Referendum Election

ORDER

In City Council October 3, 2001

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons

the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, November 6, 2001 for the purpose of determining the following questions:

Six (6) Referendum Questions

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm and 7:00pm.

The polls shall be opened at 9:00am and closed at 8:00pm.

*This Order passed unanimously on Consent Agenda

Item F6* - ORDER: Prepare Election Warrant to notify inhabitants of City of Bath Municipal Election

ORDER

In City Council October 3, 2001

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Municipal Election will be held at their respective Ward Rooms 1-7 inclusive, on the Tuesday following the first Monday of November, the same being the 6th day of said month, in the year of our Lord Two Thousand One, at 9 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward One	None to be Elected
Ward Two	None to be Elected
Ward Three	None to be Elected
Ward Four	None to be Elected
Ward Five	One to be Elected for a three-year term
Ward Six	None to be Elected
Ward Seven	One to be Elected for a three-year term
At Large	One to be Elected for a three-year term
At Large	None to be Elected

1 Member to the Board of Education - At Large - 4-year term

4 Bond Ordinance Questions

2 Charter Amendment Questions

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

Motion by Councilor Blake to amend this Order by changing "2 Charter Amendment Questions" to read "1 Charter Amendment Question" seconded by Councilor Banks. All in favor.

*This Order passed unanimously on the Consent Agenda.

Item F7* - ORDER: Appointment of Wardens and Ward Clerks for the November 6, 2001 Election

ORDER

Be It Ordered by the City Council of the City of Bath, that the following be appointed for the Maine State General Election and the City of Bath Municipal Election to be held on Tuesday, November 6, 2001:

<u>Ward</u>	<u>Warden</u>	<u>Ward Clerk</u>
1	Cynthia Mitchell	Marion Craige
2	Paula Adam	Donna Hays
3	Betsy McPhee	Dorothy McKenna
4	Carol Duehring	Vickey Beckman
5	Cindy Gabelmann	Judith Lemoine
6	Barbara Day	Ruthe Pagurko
7	Jackie Dwinal	Rachel Bennett

*This Order passed unanimously on the Consent Agenda.

Item F8* - ORDER: Setting hourly schedule of the Office of Voting Registrar

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State Referendum Election and City of Bath Municipal Election to be held Tuesday, November 6, 2001 except for Election Day when the Office will be opened from 8:30am to 8:00pm.

*This Order passed unanimously on Consent Agenda.

Item F9 - ORDINANCE: LUC Zoning Map Amendment Change zoning from R1 to R2 on a parcel of land on the east side of Oak Grove Avenue [tax map 19, lot 6] (first passage) Tape 1 #4818

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 Sketch Plan attached hereto and made a part hereof. This change shall be incorporated into and be part of the official Zoning Map of the City of Bath. The specific adjustment is:

1. Changing the zoning on a parcel of land on the east side of Oak Grove Avenue (Tax Map 19, Lot 6) from R1 Zone to R2 Zone.

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

VOTE: on the Ordinance: (first passage)

Yeas: Banks; James; Blake; Hayden; Rogers; Reed

Nays: None

VOTE: Ordinance Passed Unanimously 6-0

Chairman Hall set second passage of this Ordinance for October 17, 2001 at 7:01PM.

Item F10 - ORDINANCE: Amendment Chapter 3, Advertising, Article 2. Signs, Sections 3.203/3.205/3.206/3-306 (first passage) Tape 2 #107

Motion by Councilor James to waive the reading of the Ordinance, seconded by Councilor Banks. All in favor.

A complete copy of this Ordinance is on file with the Agenda materials for October 3, 2001 in the City Clerk's Office.

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

The City Planner, Jim Upham, explained the need for these amendments to the Sign Ordinance.

Michael Kiernan of 870 Washington Street stated that he felt the obstacles set forth on businesses by Ordinances such as the Sign Ordinance does not encourage business growth in Bath.

VOTE: on the Ordinance: (first passage)

Yeas: Banks; James; Blake; Hayden; Rogers; Reed

Nays: None

VOTE: Ordinance Passed Unanimously 6-0

Chairman Hall set second passage of this Ordinance for October 17, 2001 at 7:02 PM.

Item F11 - ORDINANCE: Chapter 5. Businesses, Article 6. Taxicabs Tape 2 #462

Motion by Councilor James to waive the reading of the Ordinance, seconded by Councilor Reed. All in favor.

A complete copy of this Ordinance is on file with the Agenda materials for October 3, 2001 in the City Clerk's Office.

The City Solicitor gave a brief explanation as to the purpose for changes to this Ordinance.

The Council directed the City Clerk to send a copy of the Ordinance and a notice of second passage to the Taxi Cab Owners that are licensed by the City.

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

Craig Burgess of 87 Whiskeag Road spoke regarding the impact of regulations on small business in the City of Bath.

At this time, Councilor Reed made a motion to waive the Council Rules for adjournment at 10:00 PM to continue with the meeting, seconded by Councilor Blake. All in favor.

Police Chief Lizanecz spoke in favor of the Ordinance as the one now on the books was written in 1949 and is very outdated.

Motion by Councilor James to amend the Ordinance by adding Section 5-44, D. Posting of Rates with the deletion beginning on the 3rd line with the phrase “and shall be eliminated so that it can be read between the hours of sunset and sunrise” and add the phrase at the beginning of the 2nd line, change the word “fare” to “fares”, after the word “charged” add the phrase “between at least six frequently visited locations in Bath”, seconded by Councilor Blake.

VOTE: on the Amendment to Ordinance:

Yeas: James; Blake; Hayden; Reed

Nays: Banks; Rogers

VOTE: Amendment to Ordinance Passed 4-2

VOTE: on the Ordinance: (first passage)

Yeas: Banks; James; Blake; Hayden; Reed

Nays: Rogers

VOTE: Ordinance Passed 5-1

Chairman Hall set second passage of this Ordinance for October 17, 2001 at 7:03 PM.

G. Petitions & Communications 10:10 PM Tape 2 #1066

There were no petitions or communications.

H. City Manager's Report: 10:11 PM Tape 2 #1070

The City Manager spoke about the following subjects during his report:

- Welcome Police Chief Lizanecz back from training at the FBI training camp in Virginia.
- Meeting in Belfast regarding the Main Street designation for the City of Bath from Governor King.
- Board of Directors of the Service Center Communities are interested in receiving ideas and concepts from the Council and community members in regards to legislation.
- Accepted a position as the municipal representative to a committee looking at the loss of waterfront access by commercial entities and trying to develop more water borne traffic rather than over the road traffic.
- Welcome Parkview Hospital to downtown Bath with their new office space for doctors on Commercial Street.

I. Committee Reports: 10:26 PM Tape 2 #1236

Old Customs House Report (*This Item was postponed to a later date*)

J. Old Business:

There was no Old Business.

K. New Business:

There was no New Business.

Motion by Councilor Reed to waive the rules to go into Executive Session to discuss a labor negotiation issue, seconded by Councilor Hayden. All in favor.

Motion by Councilor Reed to come out of Executive Session, seconded by Councilor Rogers. All in favor.

The meeting adjourned at 10:41PM with a motion made by Councilor Reed and seconded 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.