

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 18, 2002 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell and Chairman James
Also Present: City Manager Bubier, City Solicitor Therriault and City Clerk White

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

City Clerk White called the Roll.

I. Presentation by Arthur Mayo regarding the Midcoast Center for Higher Education – 7:02 PM #90

Arthur Mayo, President of the Board, spoke regarding the opening of the new Midcoast Center for Higher Education located in the old Bath Memorial Hospital building. He stated that the Center will be a University/Technical College and will be starting classes mid-January. Mr. Mayo expressed gratitude to Thomas McDonald as the Manager of the Center for all the work he had done to make this Center such a success. He invited everyone to the Grand Opening ceremonies on January 25, 2003 with a ribbon cutting to be attended by newly elected Governor Baldacci.

II. Committee Report – 7:12 PM #376

Councilor Winglass gave a brief update on the latest meeting of the Southend Park Committee. He stated that Kevin Gildart of BIW stated the mound had been done according to DEP recommendations, but needed some tweaking to make the topography work.

Councilor Rogers addressed a recent problem concerning the Recreation Department Dance held in early December at the Middle School. He stated that it was regular practice to require school ID's from students before entering the dance and that all measures had been taken to make sure the students without ID's were kept from the climate and parents notified they needed to be picked up.

Councilor Hall gave a report on the recent meeting between the Bath School Board and the representative of School Union 47. He shared a joint Resolution that was passed at that meeting regarding the changing of the structure of the school system in the area. Councilor Hall also stated the Bath Superintendent of Schools has asked all Departments to bring in a flat budget this year. This budget will depend on the Teacher Union Contracts and insurance premiums.

III. Correspondence – 7:30 PM #927

This item was skipped.

IV. City Manager's Report – 7:30 PM #927

The City Manager spoke regarding the following topics:

- Update on Service Centers Meeting.
- Shared the brochure regarding the Old Fashioned Christmas In Bath.
- Overview of meeting with BIW concerning course work to be given at the Midcoast Center of Higher Education and the next phase of the southend park project.
- Referred to a Ruth Law Day to be held in August 2003 to commemorate the first flyover in Bath.
- Report on Opening of Bath Youth Meeting House and Skatepark.
- MCEDD met and formed the district for Lincoln and Sagadahoc Counties.
- Reported that the interviewing for the new Finance Director was continuing.

V. Public Hearing: Ordinance – Chapter 3. Advertising, Article 2. Signs, Section 3.209 Wayfinding (second passage) - 7:40 PM #1190

Chairman James read the following portion of the Ordinance:

ORDINACE

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 3
ADVERTISING
ARTICLE 2.SIGNS

Section 3.209 Wayfinding

II. (e) The design of the sign must meet the following standards:

1. 4 feet by 12 inches in size.

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

No Council or Public comment.

Chairman James asked for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Ordinance Passed 8-0

Chairman James stated that the Ordinance would become effective in 21 days.

VI. Public Hearing - Ordinance: Chapter 15. Streets, Article 3. Street and Right-of-Way Openings - 7:42 PM #1248

Chairman James 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 15. STREETS

Article3. Street and right-of Way Openings

Delete and replace with Article 3. Excavations and Street Openings, as attached.

Complete copy of document on file in the Agenda Materials for December 18, 2002 in the City Clerk's Office.

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

No Council or Public comment.

Chairman James asked for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Ordinance Passed 8-0

Chairman Wyman stated that this Ordinance would become effective in 21 days.

VII. Ordinance: Article 8, Section 8.20 Contract Rezoning, B. Description of Property and Section 8.11 Marine Business District, D. (first passage) - 7:44 PM #1312

Chairman James 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 SUBSEQUENTL Y AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 8, Section 8.20 CONTRACT REZONING, B. Description of Property, as follows:

B. Description of Property

This Section applies only to properties located in the following Zoning Districts:

1. Route 1 Commercial Contract District,
2. Special Purpose Commercial Contract Overlay District,
3. Industrial/Shipyard District 4. Trufant Marsh Contract District and
5. Marine Business District.

And amend Article 8, Section 8.11 MARINE BUSINESS DISTRICT -C5, by adding subsection D, as follows:

D. Contract Rezoning

Contract rezoning is allowed in the C5 District (see section 8.20).

(note: Additions are underlined, deletions are)

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

Jim Upham, City Planner, explained the reason this change was needed due to the construction of the replica of the Wyoming at the Maine Maritime Museum.

Tom Wilcox of the Maine Maritime Museum explained the logistics of the project.

There was a length discussion.

Chairman James asked for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Rogers, Mitchell

Nays: Daigle

VOTE: Ordinance Passed 7-1

Chairman James set second passage for January 8, 2003 at 7:05 PM.

VIII. Ordinance: Chapter 17. Vehicle and Traffic, Article 6. Stopping, Standing and Parking, Section 17-25. Parking Restrictions, Winter Street Court (first passage) - 8:14 PM #2312

Chairman James 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

Winter Street Court Both Sides

Delete:

"No restrictions."

Add:

Winter Street Court West Side

"No parking."

Winter Street Court East Side

"No restrictions."

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

John Bubier, City Manager, addressed the reason this change was necessary.

Chairman James asked for a Roll Call vote.

Roll Call Vote on Ordinance:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Ordinance Passed 8-0

Chairman James set second passage for January 8, 2003 at 7:06 PM.

IX. Order: Authorizing Sale of Real Estate – Lover’s Retreat - 8:20 PM #2503

Chairman James read the following Order:

ORDER AUTHORIZING SALE OF REAL ESTATE

WHEREAS, the City of Bath has acquired property previously belonging to the Bath Country Club, and WHEREAS, the City has retained certain parcels acquired in that transaction, and WHEREAS, it appears that the disposition of one of the remaining parcels, identified as Lot 5 on City of Bath Tax Map 9, is appropriate at this point in time, and WHEREAS, the City of Bath has received a request to purchase that property from David A. Bourque and Martha M. Bourque, and WHEREAS, the City Council, pursuant to Section 7-14(B)(1) has the authority to dispose of the real estate of the City of Bath, NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the property designated as Lot 5 on City of Bath Tax Map 9, be sold to David A. Bourque and Martha M. Bourque, both of Bath, in the County of Sagadahoc, and State of Maine, for the assessed value of \$21,100.00 and that the City Manager be hereby authorized to execute a Municipal Quit-Claim Deed and any and all other documents necessary to consummate the sale.

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

John Bubier, City Manager, and Roger Therriault, City Solicitor, answered Council questions regarding this Order.

Chairman James asked for a vote by the raising of hands.

Vote on Order:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Order Passed 8-0

X. Affirmation of Approval of Contract Rezoning – Plant Home - 8:26 PM #2748

Chairman James read the following portion of the Affirmation:

AFFIRMATION OF APPROVAL OF CONTRACT REZONING
Plant Memorial Home

Section 16.08 of the City of Bath Land Use Code

WHEREAS, the Plant Memorial Home submitted an application for contract rezoning pursuant to Section 8.20 of the City of Bath Land Use Code to the Planning office of the City of Bath on April 16, 2002 with respect to a portion of the Plant Memorial Home's property at One Washington Avenue in Bath, Maine, being Lot 21 as shown on City of Bath Tax Map 43;

A complete copy of this Affirmation is on file with the agenda materials for December 18, 2002 in the City Clerk's Office.

Motion by Councilor Mitchell, second by Councilor Blake to put this Item on the floor for discussion.

The City Solicitor explained what had brought about the need for passage of this Affirmation.

Chairman James asked for a vote by the raising of hands.

Vote on Affirmation:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Affirmation Passed 8-0

XI. Council Appointments - 8:30 PM #2856

Chairman James read the following appointments:

Bath Housing Authority – James Daigle

Recreation Commission – Edwin Rogers

Sidewalk Vending License Committee – Bernard Wyman, Leverett Mitchell

Student Community Liaison Council - John Hart

Welfare Review Board – John Hart, Leverett Mitchell, John Hall

There was no Council or Public comment.

Motion by Councilor Rogers, second by Councilor Winglass to put this Item on the floor for discussion.

Chairman James asked for a vote by the raising of hands.

Vote on Appointments:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Appointments Passed 8-0

XII. Order: Changing the Council Meeting Dates for January 2003 - 8:30 PM #2903

Chairman James read the following Order:

ORDER

WHEREAS, the date for the Regular Meeting of the Bath City Council for January comes on January 1,

2003 and the Special Meeting on January 15, 2003 and
WHEREAS, January 1, 2003 is a Federal Holiday;
NOW, THEREFORE, BE IT ORDERED THAT THE BATH CITY COUNCIL approves changing the
dates of the Regular Meeting of the Bath City Council for Wednesday, January 1, 2003 to Wednesday,
January 8, 2003 and the Special Meeting from Wednesday January 15, 2003 to January 22, 2003.
CITY OF BATH MAINE

Motion by Councilor Hart, second by Councilor Winglass to put this Item on the floor for discussion.

Chairman James asked for a vote by the raising of hands.

Vote on Order:

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: None

VOTE: Order Passed 8-0

Motion by Councilor Mitchell, second by Councilor Blake to recess to Executive Session to discuss
Personnel Matter. All in favor.

Councilor Daigle left the meeting at this time.

Motion by Councilor Mitchell, second by Councilor Hart to come out of Executive Session. All in favor.

The meeting adjourned at 9:10 PM with a motion made by Councilor Hart and second by Councilor
Mitchell. 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.*