

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, February 6, 2002 7:00pm
City Council Chambers, Bath City Hall

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

Also in attendance were the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

Chairman Wyman read a Certificate of Appreciation for Margy Lowe for her years of service on the Bath Planning Board.

C. Public Hearings: 7:02 PM

- 1) CDBG FY 2002 Downtown Revitalization Application to the Department of Economic and community Development. #107

Chairman Wyman opened the public hearing by asking Al Smith, Community Development Coordinator to explain the proposed project.

Al Smith gave an overview of the application process and the need-projects that had been sited in the downtown area.

There was no public or Council comment.

Chairman Wyman closed the public hearing.

- 2) Ordinance: LUC Amendment, Article 8, Section 8.13, D, 6 (second passage) #369

Chairman Wyman 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 8.13, D, 6 as follows:

6. Signage must meet the standards for signs in the underlying residential district, unless, the square footage and the number of signs is increased by the contract rezoning procedure (see Section 8.20).

(NOTE: Additions are underlined.)

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

Chairman Wyman asked for preliminary comments from Council or Staff.

No comment.

Chairman Wyman opened the public hearing.

No comment.

Chairman Wyman closed the public hearing.

Chairman Wyman asked for final Council comment.

No comment.

Roll Call VOTE: on the Ordinance: (second passage)

Yeas: Hall; Banks; James; Blake; Hart; Tibbetts; Reed

Nays: None

VOTE: Ordinance Passed Unanimously 7-0

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

3) Ordinance: LUC Amendment, Article 16, Add Section 16.08, Zoning Map (second passage) #427

A complete copy of this Ordinance is on file in the agenda materials for the February 6, 2002 Council Meeting.

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

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

Chairman Wyman asked for preliminary comments from Council or Staff.

No comment.

Chairman Wyman opened the public hearing.

No comment.

Chairman Wyman closed the public hearing.

Chairman Wyman asked for final Council comment.

No comment.

Roll Call VOTE: on the Ordinance: (second passage)

Yeas: Hall; Banks; James; Blake; Hart; Tibbetts; Reed

Nays: None

VOTE: Ordinance Passed Unanimously 7-0

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

4) Ordinance: Chapter 13 - Solid Waste, Article 2. Landfill Fee Schedule, Section 13-31 and 13-32 (second passage) #459

Chairman Wyman 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 13. SOLID WASTE
Article 2. Landfill Fee Schedule

Section 13-31. Operational Standards

B. Prohibited Wastes

Add:

7. Computer Monitors

Section 13-32. Fee Schedule

Add a new Section E:

E. Universal Waste Fee Schedule.

<u>Item</u>	<u>Bath Sources</u>	<u>Out-of-Town Sources</u>
Light Bulbs		
Straight 4' fluorescent	Free	\$1.50 each
Straight 8' fluorescent	Free	\$2.00 each
U-shaped fluorescent	Free	\$3.50 each
Circular fluorescent	Free	\$3.50 each
Other lamps *	Free	\$6.50 each

*High intensity discharge, neon, mercury vapor, high pressure sodium, metal halide

PCB Ballasts Free \$7.00

Rechargeable Batteries*

*Nickel-Cadmium (Ni-CD), Nickel-Metal Hydride (Ni-MH), Lithium Ion

(Li-ion), Small sealed lead (Pb) up to 2 lbs each

	Free	Free
Mercury Thermostats	Free	\$1.00
Mercury Thermometers	Free	\$1.00

These fees may be adjusted from time to time by Resolution of Council.

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

Chairman Wyman asked for preliminary comments from Council or Staff.

Lee Leiner, Deputy Public Works Director, spoke regarding previous questions asked by Council. These questions related to penalties for not complying with regulations and truck collections.

Chairman Wyman opened the public hearing.

No comment.

Chairman Wyman closed the public hearing.

Chairman Wyman asked for final Council comment.

Motion by Councilor James, second by Councilor Reed to amend the Ordinance Section 13-31, B, 7. by deleting "Computer Monitors" and adding "Cathode Ray Tubes".

Roll Call VOTE: on the Amendment to Ordinance:

Yeas: James; Blake; Tibbetts; Reed
Nays: Hall; Banks; Hart
VOTE: Ordinance Passed 4-3

Roll Call VOTE: on the Amended Ordinance: (second passage)

Yeas: James; Blake; Hart; Tibbetts; Reed
Nays: Hall; Banks
VOTE: Ordinance Passed 5-3

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

D. Consent Agenda: 7:34 PM #1001

5) Under the Consent Agenda, Councilor Blake made a motion to accept the minutes for the January 9, 15 and 23, 2002 Council Meetings, which was seconded by Councilor Banks.

VOTE on Consent Agenda:

Yeas: 7
Nays: 0
Consent Agenda Passed Unanimously. 7-0

E. Time Devoted to Residents to Address the City Council: 7:35 PM #1018

Sean Paulus of 732 Middle Street, a Morse High School Sophomore, spoke to Council regarding the lack of activities for teenagers in the City of Bath. Mr. Bubier and various Councilors gave Mr. Paulus some ideas of Committees and groups in the City to get involved in to promote teen activities.

Jim Unker, Downtown Coordinator for the Main Street Program, introduced himself and offered some suggestions of programs for Mr. Paulus to look into. Mr. Unker stated he hoped to be making frequent updates to Council on projects the Main Street Committee would be undertaking.

David Kaler of 11 Andrews Road spoke to Council stating that he was against the City of Bath going for the CDBG grant that had been taken up earlier in the evening.

F. Ordinances, Resolutions and Orders: 8:03 PM

Item F6 - RESOLUTION: Regarding Sagadahoc County Transition Budget #1928

Chairman Wyman read the following Resolution:

**RESOLUTION REGARDING
SAGADAHOC COUNTY TRANSITION BUDGET**

WHEREAS, the County of Sagadahoc has determined to change its fiscal year from a January 1-December 31 fiscal year to a July 1-June 30 fiscal, and

WHEREAS, this transition has been approved by the Maine State Legislature, and

WHEREAS, this necessitates a transition budget to fund the period from January 1, 2002 to June 30, 2002, and

WHEREAS, the Maine State Legislature has authorized the County Officers to issue notes and securities for a period not to exceed five (5) years to fund the transitional budget, and

WHEREAS, the Maine State Legislature has also allowed an election by each municipality to pay its portion of the transitional budget over a period of time not exceeding five (5) years, and

WHEREAS, the municipal officers of each municipality are required to notify the County Clerk as to its election regarding payment of the transitional budget prior to February 15, 2002;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that said City Council as the Municipal Officers of the City of Bath do hereby elect to pay its portion of the transitional budget together with its share of interest incurred by the County for borrowing on behalf of the City of Bath, over a five (5) year period. The City Clerk is requested to notify the County Clerk of the election by the Municipal Officers the City of Bath by causing an attested copy of this Resolution to be filed with the Sagadahoc County Clerk.

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

Greg L'Heureux, Finance Director, spoke regarding the reasons for this resolution and how the funding would be executed.

VOTE on the Resolution:

Yeas: 7

Nays: 0

VOTE: Resolution Passed Unanimously 7-0

Item F7 - Order: Appointing the New Fire Chief #2168

Chairman Wyman read the following Order:

ORDER

PURSUANT TO SECTION 403(B) OF THE CHARTER OF THE CITY OF BATH, AND IN CONCERT WITH THE MANAGER'S RECOMMENDATION, STEPHEN J. HINDS IS HEREBY APPOINTED CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF BATH.

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

VOTE: on Order:

Yeas: 7

Nays: 0

VOTE: Order Passed Unanimously 7-0

Item F8 - Ordinance: Land Use Code Article 3. Permit Administration and Approval Process, Section 3.06 Enforcement (First Passage) #2222

Chairman Wyman 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 3. PERMIT ADMINISTRATION AND APPROVAL PROCESS

Section 3.06. Enforcement Add the following:

In instances where attempts to contact the property owner or occupant regarding Code issues have been unsuccessful or where requests to remediate any Code violation have been ignored and no remedial action has been undertaken, the Codes Enforcement Officer may cause the property to be posted with a Notice with large print and of a nature to be conspicuous. This Notice shall indicate that the property is considered in noncompliance of Code provisions or conditions of approval and such other information as the Codes Enforcement Officer deems appropriate. Removal of this Notice without the expressed written consent of the Codes Enforcement Officer shall be considered a violation of this provision and shall be subject to the penalties set forth in Section 3.07 of this Ordinance, with a minimum penalty of One Hundred Dollars (\$100.00). This provision shall be construed to be in addition to, and not by way of limitation, of any other powers available to the Codes Enforcement Officer in seeking compliance with applicable Code provisions and conditions of approval.

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

Roger Therriault, City Solicitor, explained the purpose behind the origin of this Ordinance.

Mr. Unker, Downtown Coordinator of the Main Street Program, asked if this would affect downtown store owners and snow removal. Mr. Therriault stated he would have to look closer into the Enforcement provision of the Code, but thought that it should.

Scott Davis, Codes Enforcement Officer, stated that this would be a useful tool for him in the performance of his job.

Roll Call VOTE: on the Ordinance (first passage):

Yeas: James, Blake, Hart, Reed

Nays: Hall, Banks, Tibbetts

VOTE: Ordinance Passed 4-3

Chairman Wyman set second passage of the Ordinance for February 20, 2002 at 7:01 PM.

G. Petitions & Communications 8:43 PM #3330

There were no petitions or communications.

H. City Manager's Report: 8:44 PM #3335

City Manager Bubier spoke regarding the following subjects:

- Meetings with the Department of Transportation regarding Route One Corridor/Viaduct and Route 209 By-pass
- Shared new Main Street Committee newsletter "Front and Centre"
- Addressed the street light outage problems
- Update on the petitions for the 1% tax cap presented on behalf of the Maine Tax Payers Group to the Secretary of States Office and various other finance legislation
- Overview of the upcoming 2002-2003 City Budget
- Update on the annual Bike Rally
- Possible Ruth Law Day in August 2004 (Ms. Law flew the first flight over the City of Bath)

- Update on the Submarine Project
- Possible Resolution on local taxing

I. Committee Reports: 9:25 PM #5158

Councilor Banks reported on some of the Patten Free Library on-going projects.

Councilor Banks gave an overview from the Sagadahoc Corrections Committee on the Inmate Needs Assessment Report.

Councilor James reported that the Sagadahoc County Budget Committee will be holding their caucus for a twelve month Budget review in February.

Councilor Blake reminded everyone of the Public Meeting on the Skateboard Park to be held February 18, at 7:00 PM in the City Hall Auditorium.

J. Old Business: 9:31 PM #5462

Councilor Hart stated his concern on State mandated programs and the financing of them.

K. New Business: 9:33 PM #5500

There was no New Business.

Motion by Councilor James, second by Councilor Banks to waive the rules to go into Executive Session to discuss Personnel matters. All in favor.

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

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

The meeting adjourned at 10:04 PM with a motion made by Councilor Banks and seconded by Councilor Hart. 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.