

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, February 20, 2002 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Hall, Banks, Blake, Hart, Rogers, Reed and Chairman Wyman

Absent: Councilors James and Tibbetts

Also Present: City Manager Bubier, Acting City Solicitor Michael Therriault and City Clerk White

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

City Clerk White called the Roll.

I. Presentation of a check to Council from the American Legion Smith-Tobey Post 21 - 7:01 PM #86

Edwin Morton, Post Commander and Edward Strozier, Post Manager presented Chairman Wyman with a check in the amount of \$2,000 to be used for the purchase of the Fire Chief's Department Records for 1851-1924 and a fireman's badge.

II. Presentation of a Proclamation and Chair to Retired Fire Chief Leverett "Tink" Mitchell - 7:04 PM #167

Chairman Wyman presented a proclamation and inscribed chair to retired Fire Chief Leverett "Tink" Mitchell.

III. Presentation of Certificate of Appreciation to Thomas MacDonald - 7:08 PM #279

Chairman Wyman presented a Certificate of Appreciation to Thomas MacDonald for his years of service on the Bath Board of Education from 1994 through 2001.

IV. Presentation of a Plaque of Recognition for service by Councilor William Hayden - 7:10 PM #325

Chairman Wyman presented Former Councilor William Hayden - Ward Five- a Plaque of Recognition of service to the City of Bath from 1998-2001.

V. Public Hearing: Ordinance LUC Article 3. Permit Administration and Approval Process, Section 3.06. Enforcement (second passage) - 7:12 PM #360

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 AMMENDED 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 Blake, second by Councilor Reed to put this Ordinance on the floor for discussion.

There was no Council or public comment.

Roll Call Vote on Ordinance:

Yeas: Blake, Hart, Reed

Nays: Hall, Banks, Rogers, Wyman

VOTE: Ordinance Failed 3-4

VI. Approval of a License to operate a Game of Chance for the Chocolate Church Arts Center -

7:14 PM #445

Chairman Wyman explained the reason for this item.

Motion by Councilor Banks, second by Councilor Blake to put this item on the floor for discussion.

There was no Council or public comment.

Vote on License Approval:

Yeas: 6

Nays: 0

VOTE: License Approval Passed Unanimously 6-0

VII. Resolution for Maine Community Forestry Grant - 7:16 PM #503

Chairman Wyman read the following Resolution:

GRANT RESOLUTION

Maine Community Forestry Grant 2002

WHEREAS, the City of Bath has applied for a Grant of up to \$75,000 through the Maine Forest Service's Maine Community Forestry Ice Storm Recovery Grant Program to remove, replace, and prune trees and remove tree stumps in the City of Bath and

WHEREAS, this grant has been approved and funds in the amount of \$59,884.00 have been 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 of the project and the City of Bath will be required to furnish the remaining 25% and has identified this amount through "in kind" sources and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Maine Community Forestry Ice Storm Grant be hereby 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 Reed, second by Councilor Rogers to put this Resolution on the floor for discussion.

John Bubier, City Manager, explained the reasons behind this Grant Resolution.

Vote on Resolution:

Yeas: 6

Nays: 0

VOTE: Resolution Passed Unanimously 6-0

The meeting adjourned to Workshop on the Skateboard Park at 7:26 PM with a motion made by Councilor Blake 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.