

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 1, 2002 7:00 PM
City Council Chambers, Bath City Hall

ROLL CALL: Councilors Hall, Banks, James, Blake, Hart, Tibbetts, Rogers, Reed and Chairman Wyman

Also in attendance were the City Manager John Bubier, City Solicitor Roger Therriault and Deputy City Clerk Pam Gray.

Chairman Wyman led the Council in the Pledge of Allegiance and Deputy City Clerk Gray called the Roll.

C.1) Public Hearing – CDBG FY 2002 Community Planning Grant for \$10,000 for televising of sewer lines in the City - 7:05 PM #0060

Community Development Director Al Smith addressed the City Council and explained that this is the second Public Hearing on the Community Planning Grant leading to a contract for \$10,000 with the Department of Economic and Community Development. He stated that funds have been used to help the City with the televising of sewer lines on 14 streets. He added that they would be using the community development money on streets that have income eligible housing and the rest would be paid by the City. There is a little over 6,000 linear feet that would be televised. Mr. Smith concluded that he hopes to go back next year for an implementation grant for additional sewer work.

C.2) Public Hearing – Liquor License for the Maine Maritime Museum at 243 Washington St. – 7:10 PM - #0127

Tom Wilcox of the Maine Maritime Museum addressed the Council and explained that they are seeking a liquor license for the Museum for two reasons: to enhance the experience of visitors and members and secondly, to mitigate the Museum's risk when alcoholic beverages are consumed on the property. Mr. Wilcox then gave an overview and highlighted the features of their expansion, also giving a breakdown of their fee structure for events. He pointed out that their primary function is as a museum, not a restaurant and that lunch is a service for visitors, not the general public.

Kristi Nygaard of the Kennebec Tavern read prepared remarks and expressed her support for the Museum but stated opposition to this particular plan, noting that it was not what she had anticipated it was going to be.

Keary Sibole of 252 Washington Street expressed opposition to the Marine Museum's request for a liquor license, stating concerns regarding people getting intoxicated at the Museum during the daytime and the ramifications of serving alcohol with the associated problems that go along with that. She stated that she walks by there frequently with her children and dog and felt this to be an inappropriate use.

Joanna McCabe of 256 Washington Street raised concerns due to people from the Museum already littering her property and expressed concern over noise issues with bands and unacceptable noise levels and asked what recourse she would have. City Council Chairman Wyman and Police Chief Pete Lizanecz advised her that all she would need to do if there were any problems is to call the Police.

Chairman Wyman then asked for a motion to grant. **COUNCILOR REED MADE A MOTION TO GRANT THE LIQUOR LICENSE TO THE MAINE MARITIME MUSEUM, WHICH WAS**

SECONDED BY COUNCILOR JAMES AND WAS PASSED WITH 6 IN FAVOR AND 2 ABSTENTIONS (HALL AND ROGERS).

C.3) PUBLIC HEARING – Special Amusement License for the Maine Maritime Museum at 243 Washington Street – 7:53 PM - #1558

Tom Wilcox again addressed the City Council and explained that he had been advised that they would be required to apply for a special amusement license due to having any type of music or entertainment for special functions at the Museum. He gave examples of the type of functions that the Museum offers and the nature of the entertainment that would be offered by organizations and groups that use the Marine Museum. The Council deliberated on this request and then Councilor James made a motion to waive the rules so that Tom Wilcox could address some additional issues, which was seconded by Councilor Blake and was passed unanimously. **COUNCILOR REED MADE A MOTION TO GRANT THE SPECIAL AMUSEMENT LICENSE TO THE MAINE MARITIME MUSEUM, WHICH WAS SECONDED BY COUNCILOR JAMES AND PASSED WITH 5 IN FAVOR AND 3 OPPOSED.**

D. Consent Agenda - 8:05 PM #1943

MOTION BY COUNCILOR HART AND SECONDED BY COUNCILOR BLAKE TO ACCEPT AS PRESENTED THE MINUTES OF THE APRIL 3, 2002 COUNCIL MEETING, WHICH WAS PASSED UNANIMOUSLY.

Vote:

Yeas: 8

Nays: 0

Passed 8-0

E. Time Devoted for Residents to Address the City Council – 8:05PM #1959

Jim Unker of Main Street Bath gave an overview of Mayfair Weekend, which is coming up this coming weekend and gave highlights of all the sales and events that would be taking place this weekend. Mr. Unker then said he would like to introduce a new business owner and introduced Mark Delisle, who has purchased the Full Spectrum from Peter and Teresa Fogg. Mr. Delisle expressed his pleasure at being able to take over this very successful business in Bath and gave an overview of some of his future plans for the store.

F. Ordinances, Resolutions and Orders – 8:08 PM #2090

F5 – Resolution authorizing and directing the submission of a grant application for the televising of sewer lines in the City of Bath

Chairman Wyman read the following resolution:

CITY OF BATH, MAINE

CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath has applied to the Department of Economic and Community Development for Maine Community Development Block Grant Program (CDBG) funds to carry out community development planning program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and,

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

1. Is authorized and directed to submit a CDBG Community Planning Grant Phase II application to the Department of Economic and Community Development on behalf of the City of Bath; and
2. Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Signed this 1st day of May 2002 on behalf of the Bath City Council.

COUNCILOR BLAKE MADE A MOTION TO APPROVE THE RESOLUTION AUTHORIZING AND DIRECTING THE SUBMISSION OF A GRANT APPLICATION FOR THE TELEVISIONING OF SEWER LINES IN THE CITY OF BATH, WHICH WAS SECONDED BY COUNCILOR ROGERS AND WAS PASSED UNANIMOUSLY.

F6 - Proclamation for Arbor Week - 8:13 PM #2158

Chairman Wyman read the following Proclamation:

ARBOR WEEK PROCLAMATION

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 21-27 AS

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 3rd day of May 2000.

Motion by Councilor James, second by Councilor Reed to place the item on the floor for discussion and consideration.

Vote:

Yeas: 8

Nays: 0

Proclamation Passed 8-0

Upon completion of the Arbor Day Proclamation, Chairman Wyman stated that he had just received a request for another proclamation to be added to the agenda this evening, which was not in the City Council packages as it had just been received. Chairman Wyman read the following proclamation:

PROCLAMATION

WHEREAS, The USS Winston S. Churchill was launched at Bath Iron Works April 17th, in the year of our Lord Nineteen Hundred and Ninety Nine, in BATH, MAINE;

WHEREAS, The USS Winston S. Churchill has onboard a count of officers and crew of 340 dedicated and loyal United States Navy Sailors and an Officer of Her Majesty's Royal Navy;

WHEREAS, The USS Winston S. Churchill is welcomed upon its return by the following organizations; Maine Maritime Museum, Bath Iron Works, Navy League of the United States, John J. McMullen, Associates, Inc., Shipyard Brewing and Maine Street Bath, Inc.

WHEREAS, The City Councilors on behalf of the good citizens of the City of Bath wish to salute all persons involved in the protection of our way of life here in the United States do hereby decree that...

THEREFORE, I, Bernie A. Wyman, as Chairman of the Bath City Council of Maine, and on behalf of that body of governors, for and in spirit of the City of Bath Citizens do hereby proclaim that a

Key to the City of Bath
Be given to the Officers and Crew of the good ship
USS Winston S. Churchill
In order to recognize and welcome them back
to the City of Bath, Maine.

Vote:

Yeas: 8

Nays: 0

Proclamation Passed 8-0

F7 – Sale of City Owned Land – 8:20 PM - #2281

City Planner Jim Upham addressed the City Council and explained that there are four parcels of land owned by the City of Bath that are under consideration for sale. He explained that it is his recommendation that three of the lots as outlined be sold, and that the City retain the lot on High Street. Mr. Upham said that he is recommending that proposals be received from people wishing to purchase the land as to what their intended use of the land would be. Discussion by the City Council ensued on this issue. **COUNCILOR BLAKE MADE A MOTION THAT THE FOUR PARCELS OF LAND AS DESCRIBED BY MR. UPHAM WITH THE EXCLUSION OF THE HIGH STREET PROPERTY BE PUT UP FOR SALE, WHICH WAS SECONDED BY COUNCILOR REED AND WAS PASSED WITH 7 IN FAVOR AND 1 OPPOSED.**

F8 – Order approving lease and use agreement for a basketball court and playground located at the corner of Lark Street and Central Avenue - 8:45 PM - #2986

Chairman Wyman read the following order:

ORDER APPROVING LEASE AND USE AGREEMENT

WHEREAS, the City of Bath has acquired a grant for the purpose of establishing a basketball court and playground area on property of EWT, LLC 7, located on the corner of Lark Street and Central Avenue, being designated as Lot 216 on City of Bath Tax Map 28, and

WHEREAS, the owner of said property is agreeable to the use of the property for a neighborhood playground and basketball court on a long- term basis, and

WHEREAS, the consideration for the City's use of the property will be the establishment of the basketball court and playground area and the continued maintenance, improvement and upkeep of the area.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Lease and Use Agreement developed to define the scope of use and the terms and conditions of the use by the City of

Bath and its Recreation Department of the property of EWT, LLC 7 be and hereby is approved and the City Manager is authorized to execute said Agreement on behalf of the City of Bath.

Community Development Director Al Smith addressed the City Council and stated that the City received a \$42,000 Public Facility grant last year to put in this basketball court and playground. He proceeded to give a brief history of this project as it has evolved. He said that the Recreation Dept. and Public Works Dept. would be instrumental in preparation of and maintenance of the site. **COUNCILOR BANKS MADE A MOTION TO APPROVE THE LEASE AND USE AGREEMENT FOR A BASKETBALL COURT AND PLAYGROUND LOCATED AT THE CORNER OF LARK ST. AND CENTRAL AVENUE, WHICH WAS SECONDED BY COUNCILOR HART AND WAS UNANIMOUSLY APPROVED.**

F9 – Order authorizing the acquisition of the old YMCA building – 8:55 p.m. - #3145
Chairman Wyman read the following order:

ORDER EXERCISING OPTION

BATH Y.M.C.A. PROPERTY

WHEREAS, the City of Bath entered into an Agreement with the Bath Area Family Y.M.C.A. with respect to distribution of \$500,000 of bond proceeds funds toward the construction of the new Bath Area Family Y.M.C.A. facility, and

WHEREAS, part of the consideration for that distribution in Paragraph 3(B) of the Distribution Agreement, gives the City of Bath a right of first refusal to acquire the old Y.M.C.A. Summer Street facility at no cost to the City, and

WHEREAS, the said Option to acquire is in effect through January 1, 2003, and

WHEREAS, the City of Bath has determined that the facility is an appropriate location to construct a skateboard park facility, as well as other related facilities,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Option/Right of First Refusal to acquire the old Bath Y.M.C.A. property on Summer Street be and hereby is exercised, and that the City Manager of the City of Bath be and hereby is authorized to execute any and all documents necessary and appropriate to the acquisition of that property by the City of Bath.

The point was made that this order is strictly for the purpose of the City acquiring the old YMCA building, which is a separate issue from the skateboard park. **COUNCILOR BLAKE MADE A MOTION TO AUTHORIZE THE ACQUISITION OF THE OLD YMCA BUILDING, WHICH WAS SECONDED BY COUNCILOR JAMES AND WAS APPROVED UNANIMOUSLY.**

F10 – Order authorizing the start of construction of the skateboard park

Chairman Wyman read the following order:

ORDER APPROVING CONSTRUCTION CONTRACT

SKATEBOARD PARK FACILITY

WHEREAS, the Skateboard Park Committee has diligently pursued the goal of the constructing a skateboard park facility within the City of Bath, and

WHEREAS, the Committee has developed cost figures for construction as well an ongoing operations and maintenance and has established the availability of funds for those purposes, and

WHEREAS, the Committee has circulated Request for Proposals for the construction of the facility, and

WHEREAS, the City Council of the City of Bath has voted to acquire the old Bath Y.M.C.A. property as a site for the new skateboard park facility,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Contract with SPC Skateparks, LLC, for a bid price of \$68,000 for construction of the skateboard park facility at the Bath Y.M.C.A. location, be and hereby is approved with the terms and conditions of that Contract to be to the satisfaction of the City Manager, and it is FURTHER ORDERED that the City Manager be and hereby is authorized to execute said Contract on behalf of the City of Bath and such other construction documents as may be necessary and appropriate to the completion of the project.

Some discussion ensued regarding how the leasing of the building would be conducted and the vehicle by which this would be accomplished. It was determined that this would be done through the Recreation Dept.

COUNCILOR REED MADE A MOTION TO AUTHORIZE THE START OF CONSTRUCTION OF THE SKATEBOARD PARK, WHICH WAS SECONDED BY COUNCILOR BLAKE AND WAS PASSED UNANIMOUSLY.

G. Petitions and Communications – There were no petitions and communications.

H. City Manager’s Report – 9:20 PM #4073

City Manager Bubier stated that the primary focus this past month has been the budget hearings which are taking up everyone’s time, and their only goal right now is to stay focused on getting through this process.

I. Committee Reports – 9:25 PM

Councilor James reported that there will be Sagadahoc County Budget advisory meetings this Friday, May 3, 2002 and a meeting on Monday, May 13, 2002 to review the Sheriff’s budget. He also mentioned the Odyssey of the Mind competitions that some of the Middle School students are involved in and have been fundraising to go on to the next level of this competition. He said that anyone who would like to make a donation towards this event could donate through the office at the Bath Middle School.

J. Old Business – There was no old business.

K. New Business – There was no new business.

Motion by Councilor James, second by Councilor Blake to adjourn the meeting at 9:30 p.m., which was passed unanimously.

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.