

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 5, 2002 7:00pm
City Council Chambers, Bath City Hall

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

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 thanked Councilor Tibbetts on behalf of the Council for placing the wreath at the Veterans' Memorial on Memorial Day.

C. Public Hearings: Ordinance approving Contract with Little River Company (second passage) - 7:03 PM #71

Chairman Wyman read the following Ordinance:

ORDINANCE
APPROVING CONTRACT

WHEREAS, the City of Bath has used a ground spreading method for disposal of its residuals from the Wastewater Treatment Plant, and

WHEREAS, that method for disposing of residuals has fallen into disfavor with the emergence of environmental issues, storage issues, and odor complaints from neighbors, and

WHEREAS, the City has an opportunity to provide for an alternative means of disposal of its residuals from the Wastewater Treatment Plant, and

WHEREAS, a Contract for the exclusive disposal of those residuals with the Little River Company will provide for the residuals to be part of a composting facility, and

WHEREAS, the proposed Contract is a multi-year Contract for a minimum of three years and calls for approval by Council by Ordinance in accordance with Section 1102 of the Charter of the City of Bath,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that a Contract with the Little River Company substantially in the form attached hereto, be and hereby is approved and the City Manager is authorized to execute said Contract on behalf of the City of Bath.

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

Chairman Wyman opened and closed the Public Hearing as there was no comment from the public or Council.

VOTE: on the Ordinance: (second passage)

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

Nays: None

VOTE: Ordinance Passed Unanimously 7-0

D. Consent Agenda: 7:05 PM #137

2) Under the Consent Agenda, Councilor Blake made a motion to accept the minutes for the April 24, May 1 and 28, 2002 Council Meetings, which was seconded by Councilor Banks.

VOTE on Consent Agenda:

Yeas: 7

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:05 PM #153

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 7:05 PM #168

Chairman Wyman read the following portion of this 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. Adding the Special Purpose Commercial Contract Overlay District (SPCCO) to the zoning on a portion of the parcel of land of the Plant Home (tax map 43, a portion of lot 21).

(The location of the zone change is also indicated on the survey plan of the Plant Memorial Home entitled "Partial Boundary Survey, Topographic Survey," by Lewis and Wasina, Inc., dated April 12, 2002)

AND, 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, BE AMENDED AS FOLLOWS:

AMEND ARTICLE 8, SECTION 8. 13-SPECIAL PURPOSE COMMERCIAL CONTRACT OVERLAY DISTRICT, D, 1, AND 3, AS FOLLOWS:

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

A complete copy of this ordinance is on file with the Agenda materials for June 5, 2002 in the City Clerk's Office.

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

Jim Upham, City Planner, explained the need for these changes to the LUC.

Arthur Mayo, President of the Plant Memorial Home Board of Directors, gave an overview of their proposed plans.

VOTE on the Ordinance (first passage):

Yeas: Hall, Banks, James, Blake, Tibbetts, Rogers, Reed

Nays: None

VOTE: Ordinance Passed Unanimously 7-0

Chairman Wyman set second passage of this Ordinance for June 19, 2002 at 7:01 PM.

Item F4 -Ordinance: LUC Amendment Article 16 Section regarding Former Bath Hospital and Davenport Circle (first passage) #625

Motion by Councilor Reed, second by Councilor Banks to table this item. All in favor.

Item F5 – Approving a Pole Permit for Central Maine Power Company and Verizon on Washington Street #648

Chairman Wyman read the application.

Original document on file Agenda materials for June 5, 2002 in City Clerk's Office.

Motion by Councilor Reed, second by Councilor James to put this application on the floor for discussion.

VOTE: on the Application:

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

Nays: None

VOTE: Application Passed Unanimously 7-0

Item F6 -Order: Approving Authorization for Spending \$25,000 from Account 012-402 for Skateboard Park #75

Chairman Wyman read the following Order:

ORDER

Be It Hereby Ordered by the City Council of the City of Bath, that up to \$25,000 and no/100 dollars be and is hereby authorized to be spent from the Council Contingency account 012-402 for the purpose of the City's contribution toward the Skate Park.

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

VOTE: on the Order:

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

Nays: None

VOTE: Order Passed Unanimously 7-0

Item F7 -Order: Changing July 3, 2002 Regular Council Meeting Date to July 10, 2002 #869

Chairman Wyman read the following Order:

ORDER

Whereas the date for the Regular Meeting for the Bath City Council for July 2002 comes on July 3rd, the day before the July 4, 2002 federal holiday, now therefore be it ordered that the Bath City Council approves changing the date of the Regular Meeting of the Bath City Council from Wednesday, July 3, 2002 to Wednesday, July 10, 2002.

Motion by Councilor Banks, second by Councilor Reed to put this Order on the floor for discussion.

VOTE: on the Order:

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

Nays: Rogers

VOTE: Order Passed 6-1

Motion by Councilor Tibbetts, second by Councilor Reed to waive the rules to allow for two supplemental appropriations to be taken up by Council. All in favor. #912

Supplemental Appropriation
Police Special Duty

Whereas the Police Department was requested to provide officers at various facilities in Bath subsequent to the September 11th terrorist attacks, and

Whereas revenues in excess of those estimated in the budget were received in the general fund Police Special Duty revenue account are available for this purpose, and

Whereas the sum proposed to be appropriated by this supplemental appropriation totaling \$60,000 will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath,

Now Therefore be it ordained by the City Council of the City of Bath, that the total sum of \$60,000 be and hereby be supplementedly appropriated from revenues in excess of budget in a general fund Police Fund Special Duty revenue account REV-5423 to the Police Out of Pay account 105-106.

Motion by Councilor Reed, second by Councilor James to put this item on the floor for discussion.

No public or Council Comment.

VOTE: on the Supplemental Appropriation: (first passage)

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

Nays: None

VOTE: Supplemental Appropriation Passed Unanimously (first passage) 7-0

Chairman Wyman set second passage of this Supplemental Appropriation for June 19, 2002 at 7:02 PM.

Supplemental Appropriation
from Council Contingency

Whereas the City Council desires to set aside additional funds for unanticipated expenditures, and

Whereas surplus funds in the General Fund undesignated Fund Balance Account constitute revenue in excess of those estimated in the budget for the current year are available for this purpose, and

Whereas the sum proposed to be appropriated by this supplemental appropriation totaling \$62,000 will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath,

Now Therefore, be it ordained by the City Council of the City of Bath, that the total sum of \$62,000 be and hereby be supplementedly appropriated from the General Fund undesignated Fund Balance Account GF-2500 to the Council Contingency Account 012-402.

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

City Manager, John Bubier, explained the list of allocations that the \$62,000 would cover.

VOTE: on the Supplemental Appropriation: (first passage)

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

Nays: None

VOTE: Supplemental Appropriation Passed Unanimously (first passage) 7-0

Chairman Wyman set second passage of the Supplemental Appropriation for June 19, 2002 at 7:03 PM,

G. Petitions & Communications 7:35PM # 1193

Chairman Wyman read a letter from the Patten Free Library Board of Trustees regarding the 2002-2003 Budget. The Council directed Chairman Wyman to write a response letter to the Board.

H. City Manager's Report: 7:40 PM #1277

The City Manager addressed the following topics:

- Spoke regarding the finalization of the proposed City Budget for 2002-2003
- Mid Coast Council for Economic Development is continuing to move forward on the EDD .Cardboard Recycling
- Main Street Committee is working on a possible visit from the vessel "John Paul Jones"
- Working with local businesses on what their future needs might be

I. Committee Reports: 7:45 PM #1391

Councilor Banks thanked the Police Department for their efforts to slow traffic in the Southend. This was a result of the Southend Community meetings.

Councilor James announced the Sagadahoc County Commissioners will be meeting June 11th in a budget workshop to consider the Budget Advisory Committee's recommendations on this year's County Budget .

J. Old Business:

Chairman Wyman asked the City Manager to set up a workshop meeting with Kennebec Jet Boat Company.

K. New Business:

There was no new business.

There was a motion by Councilor Reed, second by Councilor James to waive the rules to let Kay Pierson address Council. All in favor.

Ms. Pierson of 1321 High Street spoke regarding the recent bids on the sale of City property and when they would be taken up by Council.

City Manager Bubier stated that after Council opened the bids in Executive Session they would refer the matter back to City staff. Staff would do a work-up of data and then present it back to Council. He assured Ms. Pierson bidders would be kept apprised of the process.

Motion by Councilor Reed, second by Councilor Banks to go into Executive Session. favor. Vote was 6-1 in

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

The meeting adjourned at 8:15 PM with a motion made by Councilor Blake and seconded by Councilor Reed. All in favor.

Respectfully submitted:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. Clerk's office during regular business hours. A tape recording of the meeting is available for review in the City.