

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, June 19, 2002 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Hall, Banks, James, Blake, Hart, Tibbetts, Rogers, Reed and Chairman Wyman
Also Present: City Manager Bubier, City Solicitor Therriault and Deputy City Clerk Gray

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

Deputy City Clerk Gray called the Roll.

I. Public Hearing - Ordinance: LUC Zoning Map Change and Amendment Article 8, Section 8.13, Article 16, Section 16.08 – Plant Home (second passage) - 7:01 PM #65

Ordinance on file with agenda materials in City Clerk's Office.

Motion by Councilor Reed, seconded by Councilor James to dispense with the reading of the Ordinance.

Motion by Councilor James, seconded by Councilor Banks, to put this item on the floor for discussion. City Planner Jim Upham gave a brief overview of the proposed Land Use Code Zoning Map change and amendment.

Vote:

Yeas: 8

Nays: 0

VOTE: Passed unanimously 8-0

II. Public Hearing – Ordinance: Supplemental Appropriation – Police Special Duty (second passage) – 7:06 p.m. #208

Chairman Wyman read the following ordinance:

ORDINANCE
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 Sixty Thousand Dollars (\$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 Sixty Thousand Dollars (\$60,000), be and hereby be supplementally appropriated from revenues in excess of budget in the General Fund Police Special Duty Revenue Account (REV-5423) to the Police Other Pay Account (105-106).

Motion by Councilor Hart, seconded by Councilor James to put this Ordinance on the floor for discussion. Chairman Hall explained that this is a revenue coming in.

Vote: **Passed unanimously 8-0**

III. Public Hearing – Ordinance: Supplemental Appropriation – Council Contingency (second passage) - 7:10 PM #278

Chairman Wyman read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION
-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, constituting 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 Sixty Two Thousand Dollars (\$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 Sixty Two Thousand Dollars (\$62,000), be and hereby be supplementally appropriated from the General Fund Undesignated Fund Balance (account GF -2500) to the Council Contingency Account (012-402).

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

No public or Council comment.

Chairman Wyman asked for a vote.

Vote on Ordinance:

Yeas: 8

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

IV. Resolution Approving Bath Heritage Days - 7:10 PM #345

Chairman Wyman read the following Resolution:

RESOLUTION

WHEREAS, the Chamber of Commerce annually sponsors the Bath Heritage Days; and

WHEREAS, Heritage Days provides the City of Bath with marvelous entertainment for its citizens, visitors who spend their dollars here, and an opportunity for residents to celebrate their community; and

WHEREAS, the use of City streets, public spaces, and personnel is necessary for conducting Heritage Days.

NOW, THEREFORE, BE IT RESOLVED THAT THE BATH CITY COUNCIL approves of the attached correspondence from the Chamber of Commerce Heritage Days Committee and directs the City Manager to fulfill the intent of the request as best meets the needs of the community.

Councilor Blake made a motion to put the resolution on the floor, which was seconded by Councilor Reed. Heritage Days Chairman Joe Byrnes gave a brief overview of planned events for Heritage Days and passed out a preliminary schedule that was going to the printers.

Vote on Resolution:

Yeas: 8

Nays: 0

VOTE: Resolution Passed Unanimously 8-0

V. Resolution approving street closing and traffic pattern proposed by the Bath Area Chamber of Commerce in connection with Bath Heritage Days – 7:10 p.m. #345

Chairman Wyman read the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that pursuant to the provisions of Section 17-220 of the Bath City Code, the street closing and traffic pattern proposed by the Chamber of Commerce in connection with the celebration of Bath Heritage Days are hereby approved. The City Manager is hereby authorized to implement these street closings and traffic pattern adjustments with appropriate signing.

Motion by Councilor Blake, seconded by Councilor Reed to put this Resolution on the floor for discussion.

No public or Council comment.

Vote on Resolution:

Resolution passed unanimously 8-0

VI. Sale of City of Bath property - 7:20 PM #640

Bid package is on file with the agenda materials in the City Clerk's Office.

City Manager John Bubier explained the bidding process on the three City lots that had been put out to bid and announced the bid and intended use on the bids that had been chosen. The bid chosen on the property on Tax Map 9, Lot 9 was recommended to be awarded to Walter and Patricia Taggart at the bidding price of \$65,000. The bid chosen on the property on Tax Map 9, Lot 14 was recommended to be awarded to James Taggart at the bidding price of \$33,500. The bidder on this property said that the building to be built on this property would be completed by December 31, 2002. It was recommended to reject all bids on the Trufant Street lot. City Manager Bubier recommended that these two lots be sold with the appropriate conditions and permits in place.

Vote:

Yeas: 8

Nays: 0

Sale of City of Bath Property passed unanimously.

VII. Order Approving Contract with Ledgewood, Inc. – 7:25 PM #759

Letter of Intent and agreement is on file with agenda materials in the City Clerk's Office.

Chairman Wyman read the following Order:

ORDER APPROVING CONTRACT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A LETTER OF INTENT BY AND BETWEEN THE CITY OF BATH, AS OWNER, AND LEDGEWOOD, INC., OF PORTLAND, MAINE, AS CONTRACTOR, IN THE FORM ATTACHED HERETO AND IDENTIFIED AS STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER, FOR THE PURPOSE OF CONSTRUCTION AND RENOVATION ACTIVITIES AT THE MIDCOAST CENTER FOR HIGHER LEARNING FACILITY, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID DOCUMENT, IN SUBSTANTIALLY THE FORM PRESENTED, ON BEHALF OF THE CITY.

Motion by Councilor Hart, second by Councilor Banks to put this Order on the floor for discussion. City Manager Bubier explained the letter of intent that was given to City Councilors on 6/19/02. He gave a brief explanation and overview of the forthcoming process and said that they would be back in one or two meetings with a full blown contract.

Vote on order:

Order passed unanimously 8-0.

VIII. Appointment of one member to the Board of Assessment Review, term to expire July 2005– 7:25 p.m. #908

Councilor Reed made a motion to place this item on the floor for discussion, which was seconded by Councilor Banks. All in favor.

Councilor Banks stated that the Interview Committee would like to recommend the re-appointment of Daniel Shipley to the Board of Assessment Review.

There was no public or Council comment.

Vote:

Appointment passed unanimously.

IX. Resolution – Non-working Holiday for City Employees – 7:30 p.m. #930

Chairman Wyman read the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH,

THAT, the non-union, non-essential employees be granted the day after the Fourth of July (Friday, July 5, 2002) as a non-working holiday with pay.

Councilor Hart made a motion to place this item on the floor, which was seconded by Councilor Reed.

Vote: Yeas – 3 (Banks, Hart, Tibbetts)

Nays – 5 (Hall, James, Blake, Rogers, Reed)

The resolution failed with 3 in favor and 5 opposed.

X. Order – Accepting the Bid from the Sheridan Corporation for the Construction and Equipping of the New Garage Facility for the Cemetery and Parks Department – 7:35 p.m. #1045

Chairman Wyman read the following order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BID OF THE SHERIDAN CORPORATION FOR THE CONSTRUCTION AND EQUIPPING OF A NEW GARAGE FACILITY FOR THE CEMETERIES AND PARKS DEPARTMENT, BEING THE APPARENT LOW BID, BE AND HEREBY IS ACCEPTED WITH A BASIC BID PRICE OF \$216,774.00. THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE APPROPRIATE CONTRACTS FOR THE PROJECT.

Councilor Banks made a motion to place the order on the floor for discussion, which was seconded by Councilor Blake. There was no public or Council comment.

Vote:

Yeas: 7

Nays: 1 (Hall)

The order passed with 7 in favor and 1 opposed.

XI. Order Approving Authorization of Portable Radar Speed Monitoring Board – 7:40 p.m. #1173

Chairman Wyman read the following order:

ORDER

APPROVING AUTHORIZATION -Portable Radar Speed Monitoring Board

Be It Hereby Ordered By the City Council of the City of Bath that up to Six Thousand Five Hundred and no/ 100 Dollars (\$6,500) be and hereby is authorized to be spent from the Council Contingencies Account 012-402 for the purpose of purchasing a portable Radar Speed Monitoring Board.

Councilor Blake made a motion to put the order on the floor for discussion, which was seconded by Councilor Banks. There was no public comment.

Vote: Order passed unanimously

XII. Order Approving Authorization of Middle School Parking Lot – 7:40 p.m. #1238

Chairman Wyman read the following order:

ORDER

APPROVING AUTHORIZATION -Middle School Parking Lot

Be It Hereby Ordered By the City Council of the City of Bath that up to Ten Thousand and no/ 100 Dollars (\$10,000) be and hereby is authorized to be spent from the Capital Contingencies Reserve Account CFO5-504 for the purpose of grading and certain other improvements to the Bath Middle School parking lot.

Councilor Hart made a motion to put the order on the floor for discussion, which was seconded by Councilor James. There was no public comment.

Vote: The order passed unanimously.

XIII. Order Approving Transfer – Year end Expenditure Transfers – 7:50 p.m. #1523

Chairman Wyman read the following order:

ORDER

**APPROVING TRANSFER
Year end Expenditure Transfers**

Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611 (D) of the Charter of the City of Bath, that the following transfers be hereby

approved.

	<u>Account</u>	<u>Amount</u>
Transfers in:		
Cable TV PEG	018-240	\$ 2,800.00
Elections -Temporary Pay	021-104	\$ 4,200.00
Insurances -General Liability	045-71	\$ 1,500.00
Insurances -Workers Comp.	045-74	\$17,500.00
Cemetery & Parks -Temporary Pay	090-104	\$ 4,000.00
Transfers out:		
Council -Contingency	012-402	30,000.00

Councilor James made a motion to put the order on the floor for discussion, which was seconded by Councilor Reed. There was no public comment.

Vote: Order passes unanimously.

XIV. Resolution Approving City of Bath's Operating Budget for FY 2002-2003

Chairman Wyman stated that this item would be removed from the agenda this evening.

XV. Resolution Approving City of Bath's Capital Improvement Budget for FY 2002-2003

Summary of Capital Budget is on file with agenda materials in City Clerk's Office.

Chairman Wyman read the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City Capital Improvement Budget as reallocated and/ or appropriated for the fiscal year commencing on July 1, 2002 and terminating on June 30, 2003, be and hereby is adopted with total funded resources of **\$498,900.00.** Summaries of funded projects and estimated revenue are attached to this Resolution as Exhibit "B".

Councilor Tibbetts made a motion to put the resolution on the floor for discussion, which was seconded by Councilor Rogers. City Manager Bubier explained why the procedure is being changed, stating that Item 14 was removed because the County Budget is still not available due to the jail issues that they are dealing with. A determination was made that the County Budget would be removed from the overall Operating Budget and a Special Meeting will be held on June 26, 2002 to pass the City's Operating Budget. The County Budget will be handled as a separate line item when it is available.

Vote: Resolution passed unanimously.

XVI. Resolution Approving City of Bath's Sewer Utility Fund Budget for FY 2002-2003 –

8:10 p.m. #2255

Summary of Sewer Utility Budget on file with agenda materials in City Clerk's Office.

Chairman Wyman read the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Sewer Utility Fund Budget for the fiscal year commencing on July 1, 2002 and terminating on June 30, 2003, be and is hereby adopted with a total expenditure of **\$ 1,668,254.00.** (As per Exhibit C.)

Councilor Reed made a motion to put the resolution on the floor for discussion, which was seconded by Councilor Blake. There was no public or Council comment.

Vote: Resolution passed unanimously.

XVII. Resolution Approving City of Bath's City Bus Special Purpose Fund Budget for FY 2002-2003 – 8:12 p.m. #2292

Chairman Wyman read the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Bath City Bus Special Purpose Fund Budget for the fiscal year commencing on July 1, 2002 and terminating on June 30, 2003, be and is hereby adopted with a total expenditure of **\$ 68,593.00.**

Councilor Banks made a motion to put the resolution on the floor for discussion, which was seconded by Councilor James. There was no public comment.

Vote:

Yeas: 5 (Blake, Hart, Tibbetts, Reed, Wyman)

Nays: 4 (Hall, Banks, James, Rogers)

The resolution passed with 5 in favor and 4 opposed.

XVIII. Resolution Approving City of Bath's Special Purpose Fund – 8:15 p.m. #2351

Councilor Rogers made a motion to waive the reading of the resolution, seconded by Councilor Reed. All in favor.

A complete copy of this Resolution is on file with the Agenda materials for the June 19, 2002 meeting in the City Clerk's Office.

There was no public comment.

Vote:

Yeas: 7

Nays: 1(Rogers)

The resolution was passed with 7 in favor and 1 opposed.

Councilor Reed made a motion to go into Executive Session regarding a property abatement at 8:25 p.m., which was seconded by Councilor James and was passed unanimously.

Councilor Hall made a motion to come out of Executive Session at 8:29 p.m., which was seconded by Councilor Reed and was passed unanimously.

Councilor Hall made a motion to adjourn at 8:30 p.m., which was seconded by Councilor Banks and 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.