

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

Present: 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 City Clerk - Mary White.

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

C. Public Hearings:

There were no public hearings.

D. Consent Agenda: 7:03 PM #67

1) Under the Consent Agenda, Councilor James made a motion to accept the minutes for the July 10 and 22, 2002 Council Meetings. Motion by Councilor Hall to accept the minutes. The motion was seconded by Councilor Reed.

Roll Call Vote on Consent Agenda:

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

Nays: None

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 7:04 PM #87

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 7:04 PM

Item F2 - Ordinance: LUC Amendment to Article 16, Section 16.06 (Former Bath Hospital and 2 Davenport Circle) [first passage] #97

Chairman Wyman read the following portion of the Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LANDUSE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

AMEND ARTICLE 16 BY AMENDING SECTION 16.06 AS FOLLOWS:

SECTION 16.06 FORMER BATH HOSPITAL AND 2 DAVENPORT CIRCLE

A. District Designation

The properties designated for contract rezoning amendment are the properties located at 1356 Washington Street and the accessory parking lot located on Park Street; being identified as lots 96-00, 96-3 and 96-4 on tax map 14; and lots 93, 112, and 113 on tax map 20; tax maps dated April 1, 2001. These properties are known as the former Bath Hospital and the hospital parking lot. And the property located at 2 Davenport Circle; being identified as lots 96-1 and 96-2 on tax map 14; tax maps dated April 1, 2001.

Motion by Councilor James, second by Councilor Blake to waive the reading of the Ordinance except for the underlined sections. All in favor.

A complete copy of the Ordinance is on file with the Agenda Materials for August 7, 2002 in the Bath City Clerk's Office.

Motion by Councilor Banks, second by Councilor Hall to put this Ordinance on the floor for discussion.

Jim Upham, City Planner, gave an overview of the project and changes to the Land Use Code.

Roll Call Vote: (first passage)

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

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Wyman set second passage of the Ordinance for September 4, 2002 at 7:01 PM.

Councilor Reed waived the rules to allow Jim Unker from the Main Street Committee to address Council. The motion was seconded by Councilor Blake. All in favor.

Mr. Unker invited Council to attend a volleyball game at the Waterfront Park in the afternoon of August 8, 2002. Participant teams are from the USS Winston S. Churchill, YMCA, Police and Fire Departments.

Item F3 – Ordinance: Land Use Code Chapter 3 – Advertising, Article 2. Signs, Section 3.209 (first passage #160

Councilor Banks motioned to waive the reading of the Ordinance that had been deleted and only read the portion that was to be accepted. The motion was seconded by Councilor Blake. All in favor.

Chairman Wyman read the following portion of the Ordinance:

ORDINANCE

BE IT ORDAINED DBY THE CIT 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 3
ADVERTISING
ARTICLE 2. SIGNS

Section 3.209 Wayfinding

- I. Except as permitted in II. Below, all off-premises, directional signs must conform to the location and design standards of the Bath Wayfinding System adopted, and amended from time to time, by City Council Resolution.

- II. The Codes Enforcement Office may approve independent directional signs for a business or organization provided the following criteria are met:

a. The business or organization must be located one half mile or more outside the Downtown Commercial (C1) Zoning District.

b. The business or organization is permitted more than one such sign only if the additional sign locations are associated with an intersection or directional change;

c. The cost of construction, placement, and ongoing maintenance is borne by the business or organization.

d. A business or organization located within the one-half-mile- designation area may apply for a waiver for the installation of an independent sign subject to the conditions of this article.

e. The design of the sign must meet the standards adopted by City Council Resolution.

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

Jim Upham, City Planner, explained the reasons for this amendment.

Robin Haynes of 46 Edwards Street and Martha Mayo of 83 Green Street spoke in favor of this amendment.

Roll Call Vote: (first passage)

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

Nays: None

VOTE: Ordinance Passed Unanimously 8-0

Chairman Wyman set second passage of the Ordinance for September 4, 2002 at 7:02 PM.

Item F4 - ORDER: Approving Contract with Ledgewood, Inc. for the Mid Coast Center for Higher Learning #992

Chairman Wyman read the following Order:

ORDER APPROVING CONTRACT

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A CONSTRUCTION CONTRACT 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 Banks, second by Councilor Reed to put this Order on the floor for discussion.

John Bubier, City Manager, gave an overview of the project.

Roll Call Vote:

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

Nays: None

VOTE: Order Passed Unanimously 8-0

Item F5 - ORDER: Approving Contract for 2002 Street Improvement Program #1808

Chairman Wyman read the following Order:

**ORDER
APPROVING CONTRACT
2002 STREET IMPROVEMENT PROGRAM**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HARRY C. CROOKER & SONS, INC. FOR THE 2002 STREET IMPROVEMENT AND PIPING PROGRAM IN THE AMOUNT OF \$397,310.00 BE AND HEREBY IS AWARDED, HARRY C. CROOKER & SONS, INC. BEING THE LOWEST BIDDER, AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE JOINTLY FUNDED FROM AVAILABLE FUNDS FROM THE 2002 STREETS CAPITAL IMPROVEMENT PROGRAM ACCOUNT (CIPO1-875), THE PUBLIC WORKS STREET CAPITAL PROJECTS ACCOUNT (PWO5-540) AND THE BATH WATER DISTRICT.

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

Peter Owen, Public Works Director, explained the funding for the projects. Mr. Owen also explained how the decision to use bituminous curbing instead of granite curbing was made.

Roll Call Vote:

Yeas: Hall; Blake; Hart; Tibbetts; Roger; and Reed

Nays: Banks; James

VOTE: Order Passed 6-2

Item F6 – RESOLUTION: Establishing Ambulance Service Fees #2383

Chairman Wyman read the following Resolution:

**RESOLUTION ESTABLISHING
AMBULANCE SERVICE FEES**

WHEREAS, Section 5-155 of the Code of the City of Bath authorizes the City Council of the City of Bath to determine the rates to be charged on all ambulance services and charges for rescue services, and

WHEREAS, Medical Reimbursement Services, the City's billing contractor, has recommended an adjustment in the fee schedule as attached, and

WHEREAS, the Manager, Fire Chief, and Finance Director concur that the new fee schedule is an appropriate level of charges and should be implemented,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the following new ambulance and rescue fee schedule be and hereby is adopted and that the following fees shall be in effect beginning July 1, 2002 and continuing until further Resolution of this Council.

**Fee schedule is filed with the agenda materials for 8/07/02 in the City Clerk's Office.*

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

Stephen Hinds, Fire Chief, clarified questions regarding the fees.

Roll Call Vote:

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

Nays: None

VOTE: Resolution Passed Unanimously 8-0

Item F7 – ORDER: Ambulance Agreements with the towns Arrowsic, West Bath and Woolwich

8:42 PM #2852

Chairman Wyman read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT AMBULANCE AGREEMENTS TO PROVIDE EMS SERVICES TO THE TOWNS OF ARROWSIC, WEST BATH AND WOOLWICH, FOR THE PERIOD RUNNING JULY 1, 2002 THROUGH JUNE 30, 2005, AS APPENDED TO THIS ORDER, ARE HEREBY APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE THESE CONTRACTS ON BEHALF OF THE CITY OF BATH.

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

A lengthy discussion occurred regarding the price and length of the contracts.

John Bubier, City Manager, asked Council to consider going to a regional authority due to the constraints of the City Budget.

Motion to amend the Order line 4 to read “through June 30, 2003” was made by Councilor James and seconded by Councilor Blake.

Vote on Amendment:

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

Nays: Hall

VOTE: Amendment Passed 7-1

Karen Reynolds, a Woolwich resident, asked Council when and how the Town of Woolwich had been notified of the upcoming changes to fees. City Manager Bubier stated the City had been working with the Town of Woolwich for the past 3 years concerning this matter. Ms. Reynolds asked for more details on the regionalization authority. Mr. Bubier stated that there had not been any discussion with the towns regarding this matter at this time. This concept will be looked into in more detail by City staff and the Council before taken to the outlying towns.

Roll Call Vote on Amended Resolution:

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

Nays: Hall

VOTE: Amended Resolution Passed 7-1

Motion by Councilor Tibbetts, second by Councilor Reed to waive the rules to introduce an Order of Notice to discontinue a portion of Winship Street.

Roll Call Vote on Waiving of Rules:

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

Nays: Rogers

Abstain: Hall

VOTE: Waiving of Rules Passed 6-1-1

Chairman Wyman read the following Order of Notice:

ORDER OF NOTICE

WHEREAS, the City of Bath, by action taken in 1852 has recorded in the Bath City records in Book A, Page 513, caused the metes and bounds of a public way known as Winship Street to be laid out, designated and accepted as a public way; and

WHEREAS, in conjunction with the development of the former Bath Hospital property, a portion of the way of Winship Street needs to be discontinued as a public way; and

WHEREAS, a Map attached to this Order shows the portion of Winship Street proposed to be discontinued; and

WHEREAS, 23 M.R.S.A. Section 3026 requires certain procedures to be followed with regarding to the discontinuation of municipal ways.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City Manager, as the municipal officer of this City, provide for the rendering of notice of these proceedings in the following manner:

1. That the best practicable notice be given to all abutting property owners, and the Municipal Planning Board, the best practicable notice being defined as mailing by United States Postal Service, postage prepaid, first class; such notice shall indicate that the City Council of the City of Bath will consider the discontinuation of said way for approval at its meeting on September 4, 2002 at 7:00 PM.

2. THAT AN ORDER OF DISCONTINUATION be filed by the City Manager with the City Clerk for consideration by the City Council, specifying the following:

- (a) The location of the way.
- (b) The names and addresses of the abutting property owners.
- (c) The amount of damages if any to be determined by the City Manager to be paid to each abutter.

SO ORDERED this 7th day of August, 2002.

** Map is filed with the agenda materials for 8/7/02 in the City Clerk's Office.*

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

City Solicitor, Roger Therriault, explained the purpose and process for the discontinuation of a portion of Winship Street.

Roll Call Vote on Order:

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

Nays: None

Abstain: Banks

VOTE: Order Passed 7-1

G. Petitions & Communications 9:35 PM #5093

There were no petitions or communications.

H. City Manager's Report: 9:35 PM #5095

City Manager Bubier spoke regarding the following items:

- Thanked Council for their support with the Mid Coast Center for Higher Learning project and gave an update on the project.
- Update on MCBF and EDD process.
- Update on the meetings held with investors and thanked Bath Iron Works for their role in the process.
- Meetings with the selectmen of West Bath dealing with the Wing Farm project.
- Update on the Hannaford Project Neighborhood meeting.

I. Committee Reports: 9:40 PM #5389

There were no Committee reports.

Councilor Banks thanked the City's Public Works, Fire Cemeteries and Parks Departments and the City Arborist in their fine efforts to clean up after the recent storm.

J. Old Business: 9:41 PM #5477

There was no Old Business.

K. New Business: 9:41 PM #5482

Councilor Banks on behalf of the Interview Committee nominated David Desmond and Andrew Perry to the Customs House Board of Directors with terms to expire in August 2005. Councilor Hart seconded the nomination.

Roll Call Vote on Nominations:

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

Nays: None

VOTE: Amended Resolution Passed 8-0

The meeting adjourned at 9:44 PM with a motion made by Councilor Hart and seconded by Councilor Blake.

Vote on Adjournment:

Yeas: Banks; James; Blake; Hart; Tibbetts; Rogers and Reed

Nays: Hall

VOTE: 7-1 to Adjourn

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.