

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, September 4, 2002 7:00 PM
City Council Chambers, Bath City Hall

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

LATE: Councilor Blake

ABSENT: Councilor Rogers

Also in attendance were the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

The Bath Municipal Band played the National Anthem followed by a presentation of a Proclamation to James E. "Jimmy" Footer for his 40 plus years of musical enjoyment to the citizens of Bath through his work with the Bath Municipal Band.

"Above and Beyond" recognitions were bestowed upon the following firefighters and police for their efforts during a fire on North Street on August 25, 2002: Captain Lawrence Renaud, Firefighter Mike Drake, Firefighter Chad Carleton, Firefighter Shawn Chandler, Corporal Mike Lever, Corporal Greg Seigel, and Deputy Ian Alexander.

C. Public Hearings – 7:15 PM

1) Ordinance: Land Use Code Amendment Article 16, Section 16.06 Former Bath Hospital and 2 Davenport Circle (Second Passage) #390

A complete copy of this Ordinance is on file with the Agenda Materials for 9/04/02 in the City Clerk's Office.

Motion by Councilor Tibbetts, second by Councilor Banks to waive the reading of the Ordinance. All in favor.

Chairman Wyman opened the hearing.

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

There was no public or Council comment.

Chairman Wyman asked the Clerk to call the Roll.

Roll Call Vote:

Yeas: Hall, Banks, James, Hart, Tibbetts, Reed

Nays: None

Ordinance Passed 6-0

Chairman Wyman stated this amendment becomes effective in 21 days.

**2) Ordinance: Chapter 3 – Advertising, Article 2. Signs, Section 3.209 (Second Passage)
#471**

A complete copy of this Ordinance is on file with the Agenda Materials for 9/04/02 in the City Clerk's Office.

Chairman Wyman read the following portion of the Ordinance:

**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.
 - 1. 4 feet by 8 inches in size.
 - 2. Constructed to Maine DOT standards.
 - 3. Painted with a dark blue background with a red border, and ivory letters.
 - 4. Be mounted on a black post.

Councilor Blake took her Council seat at this time.

Chairman Wyman opened the hearing.

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

Motion by Councilor Blake, second by Councilor Reed to amend this Ordinance Section 3.209 II. (e) as read by Chairman Wyman. All in favor.

Chairman Wyman opened the Public Hearing.

No Public comment.

Chairman Wyman closed the Public Hearing.

Chairman Wyman asked the Clerk to call the Roll.

Roll Call Vote:

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

Nays: None

Ordinance Passed 7-0

Chairman Wyman stated this amendment becomes effective in 21 days.

D. Consent Agenda - 7:27 PM #787

Motion by Councilor Banks, second by Councilor James to accept as presented the Minutes to the August 7, 2002 Council Meeting.

Vote on Consent Agenda:

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

Nays: None

Passed 7-0

E. Time Devoted for Residents to Address the City Council - 7:29 PM #802

John Georgeo of 86 Green Street spoke to Council regarding having the center line on Lincoln Street marked.

F. Ordinances, Resolutions and Orders – 7:33 PM

F4) Resolution regarding Wayfinding #943

Chairman Wyman read the following Resolution:

RESOLUTION

WHEREAS, a wayfinding system is a unified system of readily identifiable graphics that conveys important information to motorists and pedestrians, and creates a unique and common identity for the Downtown, and

WHEREAS, the Action Plan for the Downtown and Waterfront recommended the planning and implementation of a wayfinding system, and

WHEREAS, the City Council authorized the funding of a Wayfinding Study, and

WHEREAS, the Study has been completed by Wilbur Smith Associates, and

WHEREAS, the City is eager to begin implementation of the Study, and

NOW THEREFORE, be it resolved by the City Council of the City of Bath that the first phase of the Wayfinding System be adopted and implemented in accordance with City of Bath Code Chapter 3, Article 2, Section 3.209 as follows:

1. The Directory Sign at City Hall will be modified as shown on the picture attached.
2. The 4 signs, formerly called Primary Kiosks, will be modified as shown on the attached photo simulations.

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

Jim Upham, City Planner, explained the details of the signage plan.

After a lengthy discussion, Chairman Wyman asked for a Roll Call Vote.

ROLL CALL VOTE ON RESOLUTION:

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

Nays: None

Resolution Passed 7-0

F5) Order of Discontinuation for a portion of Winship Street #1740

Chairman Wyman read the following Approval of Discontinuation:

APPROVAL OF DISCONTINUATION

WHEREAS, the City Council of the City of Bath, by Order dated Aug. 7, 02 instructed the City Manager to bring before the said Council as the legislative body of the City of Bath, appropriate documentation for consideration of the Discontinuation of a portion of Winship Street, and

WHEREAS, the City Manager has filed with the City Clerk pursuant to 23 M.R.S.A. Section 3026, an Order of Discontinuation of a portion of said way, and

WHEREAS, all abutting property owners listed in that Order of Discontinuation have received notification of the pendency of these proceedings, and

WHEREAS, the Planning Board of the City of Bath has also received notification of the pendency of these proceedings.

NOW, THEREFORE, the City Council of the City of Bath hereby approves the Discontinuation Order submitted by the City Manager of the City of Bath to the Clerk of the City of Bath, and said City Council hereby Order the Discontinuation of a Portion of Winship Street, said portion of Winship Street being more particularly bounded and described in accordance with sketch plan attached hereto, the area to be discontinued shown as the darkened area on the sketch.

The City Council of the City of Bath further finds that no damages are to be paid to any of the abutters, and the said City Council further accepts the recommendation of the City Manager, and indicates that no public easement shall be retained in the way hereby discontinued.

All attached materials for this item are on file with the Agenda Materials for 9/04/02 in the City Clerk's Office.

Motion by Councilor Tibbetts, second by Councilor James to make the description of the boundaries be made a part of the Approval of Discontinuation. All in favor.

Chairman Wyman asked for a Roll Call Vote.

ROLL CALL VOTE:

Yeas: Hall, James, Blake, Hart, Tibbetts, Reed

Nays: Banks

Discontinuation Passed 6-1

**F6) Ordinance: Land Use Code Amendment Article 2, Section 2.202 Definitions (First Passage)
#1874**

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 BY HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 2, Section 2.02 DEFINITIONS, as follows

Correctional Facility. A building or group of buildings used to house persons who are awaiting action by the courts. or persons who have been confined by the courts. This use may not be considered an accessory use. The temporary holding of pretrial detainees. for no longer than 72 hours, prior to arraignment, release, or transfer to another facility is considered accessory to a Public Safety Facility.

(Note: Additions are underlined, deletions are)

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

Jim Upham, City Planner, explained why the Planning Board felt this amendment was needed.

Fred Hahn, a business owner at 12 Court Street, spoke in favor of the amendment.

After a short discussion by Council, Chairman Wyman asked for a Roll Call Vote.

ROLL CALL VOTE:

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

Nays: None

Ordinance Passed 7-0

Chairman Wyman set second passage for this Ordinance for September 18, 2002 at 7:01PM.

F7) Order Appointing City Tree Warden #2396

Chairman Wyman read the following Order:

**ORDER
APPOINTING CITY TREE WARDEN**

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the Cities infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a Tree Warden annually and,

WHEREAS, said law gives the Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7,1993 and,

WHEREAS, Tom Hoerth has worked in the capacity of the City Forester and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Thomas Hoerth is qualified by virtue of his experience, licensure and position as City Forester/Arborist,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Thomas Hoerth is hereby appointed as the City Tree Warden for one year from this date.

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

ROLL CALL VOTE:

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

Nays: None

Order Passed 7-0

G. Petitions and Communications – 8:20 PM #2464

There were no petitions or communications.

H. City Manager's Report – 8:20 PM #2468

City Manager Bubier spoke regarding the following items:

- Front Street Project Update
- Mid Coast Center for Higher Learning Project Update
- Center Street Project Update
- Main Street Committee/AVON Corporation joint event on September 17 to promote Breast Cancer Awareness
- Working with DOT for the funding of a site plan for the Old Train Station and the recreational portion of the City floats

I. Committee Reports – 8:25 PM #2567

There were no Committee Reports.

J. Old Business - 8:25 PM #2570

There was no Old Business.

K. New Business - 8:26 PM #2573

There was no New Business.

Motion by Councilor James, second by Councilor Reed to go into Executive Session. All in favor.

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

The meeting adjourned at 9:13 PM with a motion by Councilor Reed and seconded by Councilor Banks. 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.