

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, December 4, 2002 7:30pm
City Council Chambers, Bath City Hall

Present: Councilors Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell and Chairman James.

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

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

Presentation of Color Guard Flag was pulled from agenda.

C. Public Hearings: 7:55 PM #711

- 1) Ordinance: Chapter 17. Vehicle and Traffic, Article 5. Operations, Section 17-211. Stop Intersections, Subsection (b) Washington Street (second passage).

Chairman James read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY 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 17. VEHICLES AND TRAFFIC

Article 5. Operations

Section 17-211. Stop Intersections.

Subsection (b).

Add the following:

Washington Street Southbound at North Street

Washington Street Northbound at North Street

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

Chairman James opened the public hearing.

City Manager Bubier gave an overview as to why this Ordinance had been brought to Council.

George Race of 1202 Washington Street stated that he agreed there is a speeding problem, but didn't agree that the stop sign is the answer to the problem.

John Conover of 1121 Washington Street said that he understood that the stop sign was to be there on a six-month trial period.

Joseph Creamer of 225 North Street passed out a handout regarding traffic calming procedures. Mr. Creamer listed many other alternatives to controlling speeding and stated that the stop sign solution is not the best way to go.

ROLL CALL VOTE on Ordinance:

Yeas: Hall, Blake, Wyman, Hart, Daigle, Rogers

Nays: Winglass, Mitchell

Ordinance Passed 6-2.

Ordinance will become effective in 21 days.

D. Consent Agenda: 8:25 PM #1675

2)* Under the Consent Agenda, Councilor Wyman made a motion to accept the minutes for the November 6 and 20, 2002 Council Meetings and Items F6, F7, F8, F9 and K12, which was seconded by Councilor Blake.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 8:26 PM #1716

Joseph Black of the Skate Park Committee invited the public to the Grand Opening on Saturday, December 7, 2002.

Gordon Reed of 15 Mechanic Street congratulated the newly elected Councilors and thanked the continuing and outgoing Councilors and the City Staff for the good work they have done and continue to do for the City of Bath. He stated the press needs to promote the City and it's endeavors more in depth.

F. Ordinances, Resolutions and Orders: 8:30 PM

Item F3 – Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter #1919

Chairman James asked for nominations for the position.

Councilor Rogers nominated Councilor John Hall for the position, which was seconded by Councilor Wyman.

Motion by Councilor Hart, second by Councilor Blake that nominations cease and the Clerk cast a unanimous ballot for Councilor Hall.

VOTE: on the Clerk casting a unanimous ballot for Councilor Hall as Representative to the Bath Board of Education:

Yeas: 7

Nays: 0

Abstention: 1 (Daigle)

VOTE: Councilor Hall Elected 7-0-1

Item F4 - Nominations for the Election of a Councilor to attend the Bath Water District Board of Directors' meetings #1973

Chairman James asked for nominations for the position.

Councilor Hall nominated Councilor Bernard Wyman, Jr. for the position, which was seconded by Councilor Blake.

Motion by Councilor Hart, second by Councilor Rogers that nominations cease and the Clerk cast a unanimous ballot for Councilor Wyman.

VOTE: on the Clerk casting a unanimous ballot for Councilor Wyman as Representative to the Bath Water District Board:

Yeas: 7
Nays: 0
Abstention: 1 (Wyman)
VOTE: Councilor Wyman Elected 7-0-1

Item F5 – Nominations: #1998

Bath Housing Authority
Patten Free Library
Recreation Commission
Sidewalk Vending License Committee
Student Community Liaison Council
Welfare Review Board

This item was tabled to the December 18, 2002 meeting, except for the nomination to the Patten Free Library.

Councilor Blake nominated Councilor Winglass as the Council Representative to the Patten Free Library Board of Directors.

Councilor Rogers nominated Councilor Hall as the Council Representative to the Patten Free Library Board of Directors.

VOTE: on Councilor Winglass as Representative to the Patten Free Library Board:

Yeas: 7
Nays: 0
Abstention: 1 (Rogers)
VOTE: Councilor Winglass 7-0-1

Councilor Rogers asked to cast 1 vote for Councilor Hall.

Councilor Winglass elected representative to the Patten Free Library Board.

Item F6* - ORDER: Setting Regular Meetings of the Bath City Council

ORDER

Be It Ordered by the City Council as follows:

That, in accordance with Section 214 of Chapter 2 of the Charter of the City of Bath, the City Council will conduct its regular meetings in the Council Room, Third Floor at City Hall, on the first Wednesday of each month at 7:00 o'clock PM.

Passed Unanimously on Consent Agenda.

Item F7* - ORDER: Adopting Robert's Rules of Order for Parliamentary Procedure

ORDER

Be It Ordered by the City Council, as follows:

That, the Rules of Parliamentary Practice comprised in Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable, and in which they are not inconsistent with the City Charter, and any Orders or Resolutions passed or adopted by the City Council to govern

certain procedures or policies, or as may be amended by this Council.

Passed Unanimously on Consent Agenda.

Item F8* - ORDER: Adopting Working Rules and Regulations for Council Year 2002-2003

A copy of these Working Rules and Regulations are filed in the Agenda materials for December 6, 2000.

Passed Unanimously on Consent Agenda.

Item F9* - ORDER: Council Approval on Annual Blanket Letter of Approval on all Renewals to Operate Games of Chance and/or Beano Games

ORDER

Be It Ordered by the City Council of the City of Bath,

That, the City Clerk be authorized to send a "Blanket Letter of Approval" on all renewals to operate Games of Chance and/or Beano Games in accordance with the provisions of the State.

Passed Unanimously on Consent Agenda.

Item F10 - ORDINANCE: Chapter 3 Advertising, Article 2. Signs, Section 3.209 Wayfinding (first passage) #2109

Chairman James read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE CITY 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 (C 1) 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 following standards:

1. 4 feet by 12 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.

(Additions are underlined and deletions are.)

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

ROLL CALL VOTE: on the Ordinance: (first passage)

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman James set second passage for this Ordinance on December 18, 2002 at 7:01PM.

Item F11: ORDINANCE: Chapter 15 Streets, Article 3. Street and Right-of-Way Openings (first passage) #2267

Chairman James read the following portion of the Ordinance:

ORDINANCE

BE IT ORDAINED BE THE CITY 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 15. STREETS

Article 3. Street and Right-of-Way Openings

Delete and replace with Article 3, Excavations and Street Openings, as attached.

The attachment on file in the City Clerk's Office in the agenda materials for the 12/04/02 meeting.

Motion by Councilor Hart to waive the reading of the complete Ordinance, second by Councilor Wyman. All in favor.

Peter Owen, Director of Public Works, spoke regarding the need for this Ordinance change.

ROLL CALL VOTE: on the Ordinance: (first passage)

Yeas: Hall, Winglass, Blake, Wyman, Hart, Daigle, Rogers, Mitchell

Nays: 0

VOTE: Ordinance Passed Unanimously 8-0

Chairman James set second passage for this Ordinance on December 18, 2002 at 7:02PM.

Motion by Councilor Hall, second by Councilor Winglass to waive the rules to add the following Order to the agenda. All in favor.

Chairman James read the following Order:

ORDER

AWARD SALE UNDER SECTION 7.114 PUBLIC WORKS TRUCK BODY

PURSUANT TO THE REQUIREMENTS OF SECTION 7.114 OF THE CODE OF THE CITY OF BATH, THE CITY COUNCIL OF THE CITY OF BATH HEREBY APPROVES THE SALE OF A

PUBLIC WORKS ALUMINUM TRUCK BODY WITH PISTON AND PIONEER COVER, SAID EQUIPMENT NO LONGER BEING USEABLE BY THE CITY. IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE BID OF GARY CHOATE, BEING THE HIGHEST BID, IN THE AMOUNT OF \$5,555.55, FOR THE PURCHASE OF THE EQUIPMENT, BE AND HEREBY IS ACCEPTED AND THE MANAGER IS HEREBY AUTHORIZED TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS IN ORDER TO CONSUMMATE THE SALE. THE SALE PROCEEDS SHALL BE CREDITED TO THE PUBLIC WORKS CAPITOL REPLACEMENT RESERVES ACCOUNT (PW05-550).

Motion by Councilor Wyman, second by Councilor Mitchell to put this Order on the floor for discussion.

VOTE: on the Order:

Yeas: 8

Nays: 0

VOTE: Order Passed Unanimously 8-0

G. Petitions & Communications 8:52 PM #2619

There were no petitions or communications.

H. City Manager's Report: 8:53 PM #2636

The City Manager spoke on the following topics:

- Update on Mid Coast Center for Higher Education
- Update on Service Centers Meetings
- Overview on Tax Reform Issues
- Winter Street Court Parking Issues
- Update of the MCBBD Meeting
- Thanked staff for their work to make the Season better for the City's adopted family for Christmas.
- Update on Main Street Projects
- Update on Hanaford Project
- Overview of the meeting with regional municipalities managers and administrators
- Overview of meeting with superintendents and municipal managers held in Rockport. The monthly meetings with the local Superintendent of Schools, Board of Education Chairman, Council Chairman, Council Representative to Board of Education and City Manager will continue.
- Amy Gerrish, a teacher at the Fisher Mitchell School, has instituted a governmental class that the City will be participating in. Mr. Bubier has already done two classes.

I. Committee Reports: 9:20 PM #3650

Councilor Wyman invited everyone to come to the Grand Opening of the Skatepark on Saturday, December 7, 2002 starting at 12:00 PM.

J. Old Business: 9:21 PM #3673

Councilor Rogers asked for an update on the progress of the Southend Park issues. City Manager Bubier stated that the City and BIW Staff would be meeting within the next couple of days to work out the issues.

K. New Business: 9:22 PM #3783

Item K12* - ORDER: Appointing Registrar of Voters for a 2-year Term to Expire in December 2004

ORDER APPOINTING REGISTRAR OF VOTERS

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Jane White be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 2004.

Passed Unanimously on Consent Agenda.

Item K13 – Annual Appointment of Recreation Commission Member to the Bath Youth Meeting House and Skatepark Center Board of Directors term to expire December 2003

Councilor Hall nominated Julia DeBery to the Board. No other nominations. Councilor Wyman made a motion that nominations cease and Julia DeBery be appointed, seconded by Councilor Blake. All in favor

Item K14 – Appointment of one member to the Bath Youth Meeting House and Skatepark Center Board of Directors term to expire October 2005

Councilor Hall nominated Joseph Black to the Board. No other nominations. Councilor Hart made a motion that nominations cease and Joseph Black be appointed, seconded by Councilor Mitchell. All in favor

Item K15 – Appointment one member to the Bath Planning Board term to expire September 2003

Councilor Blake nominated Gordon Reed to the Board. No other nominations.

VOTE: on Appointment

Yeas: 7

Nays: 1 (Daigle)

Appointment of Gordon Reed passed 7-1

Motion by Councilor Blake, second by Councilor Mitchell to waive the rules to adjourn to workshop to discuss Committee appointments. All in favor. The meeting adjourned at 9:30 PM.

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.