

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, May 7, 2003 7:00 PM**  
City Council Chambers, Bath City Hall

**Present:** Councilors Hall, Winglass, Blake, Wyman, Hart, Mitchell and Chairman James

**Late:** Daigle, Rogers

**Also Present:** City Manager Bubier, City Solicitor and City Clerk White

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

City Clerk White called the Roll.

**C. Presentation – Main Street Bath, Inc. presenter Elena Vandervoort, President 7:01 PM #498**

Councilor Daigle took his seat on Council at this point in the meeting.

Ms. Vandervoort gave an overview with revitalizing of the Main Street program. She stated that the program began as an effort to assist communities to revitalize their downtown areas. Bath is one of six Maine Communities participating in this program. The program is budgeted from three sources 1/3 Merchant Retail Base, 1/3 City of Bath and 1/3 from Community Supporters. The Board's thirteen members consist of the retail community, City Council, City Manager, City Planner and community members. Ms. Vandervoort introduced the co-coordinators Mary Houteri and Lesley Trundy (absent).

**D. Time Devoted to Residents to Address the City Council 7:13 PM #735**

William Quimby of 28 Farrin Street spoke on three issues. The first issue was a request for a letter of apology to the MDOT for remarks made by the City Manager in the Times Record regarding the Hannaford project. The second issue related to the City Manager's residency, and the third issue was regarding Council business being conducted in appropriately.

Gordon Reed of 15 Mechanic Street stated that the Planning Board operates as a matter of law and is not influenced by public sentiment.

**E. Public Hearing –**

**1) Ordinance: Amendment to Chapter 3 - Advertising, Article 2. Signs, Amend Section 3.207 and Add Section 3.210 Second Passage - 7:22 #1048**

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

**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

Amend Section 3.207 – Sign Types Prohibited, as follows:

The following sign types are prohibited in the City of Bath:

I. Off premises signs: A sign that advertises activities, goods, products, etc. that are available elsewhere than within the building or on the lot where the sign is located, except as permitted ~~under~~ directional signing in Section 3.209 – Wayfinding, and 3.210 Advertising on City of Bath Recreation Department Facilities.

Add new Section 3.210, as follows, and renumber current Section 3.210 and subsequent Sections accordingly:

### 3.210 – Advertising on City of Bath Recreation Department Facilities.

I. Signs are allowed on certain City of Bath Recreation Department Facilities with the approval in advance of the Recreation Commission and subject to the following restrictions:

A. Location: Signs may be located only on the following facilities:

1. Chain link fencing, facing the playing area, except backstops, at Legion, Kelley, McMann, Kimball, and Hawkes fields.
2. The north side of the Congress Avenue basketball and tennis court fencing, facing Kelley Field.

B. Size Limitation: No sign shall be larger than 32 square feet and two or more signs may not be connected to provide a larger square footage.

C. Text and Contents: The information on the sign shall refer only to the business name, address, company logo, and identifying information as to how the enterprise can be accessed, such as telephone numbers, faxes, e-mails etc. The text of the sign may not advertise any specific good, product, activity or service.

(Note: Additions are underlined and deletions are ~~crossed out~~.)

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

Susan Goodfellow answered questions from Council regarding liabilities, duration of signage posting and locations of signs.

Doris Ford of Whiskeag Road spoke against signage on the ball fields.

Chairman James asked for a Roll Call vote.

**Roll Call Vote on Ordinance:**

**Yeas:** Hall, Winglass, Blake, Wyman, Hart, Mitchell

**Nays:** None

**Abstention:** Daigle

**VOTE: Ordinance Passed** 6-0-1

**2) Ordinance: Amendment to Chapter 13 – Refuse, Article 3. Landfill Fee Schedule Second Passage - 7:43 PM #1738**

Councilor Rogers took his seat on Council at this point in the meeting.

Chairman James read a portion of the Ordinance.

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

**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 13. REFUSE

Article 3. Landfill Fee Schedule

Section 13-32. Fee Schedule

Delete Section 13-32 as originally adopted by Ordinance of Council and adjusted from time to time by Resolution of Council and replace with the following:

Section 13-32. Fee Schedule

*A complete list of fees are included in the Agenda Materials.*

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

Chairman James asked for a Roll Call vote.

**Roll Call Vote on Ordinance:**

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

**Nays:** None

**VOTE: Ordinance Passed Unanimously** 8-0

Chairman James stated that these Ordinances would become effective in 21 days.

**F. Committee Reports – 7:50 PM #1941**

Councilor Hart reported on a recycling symposium held at Bowdoin College.

Councilor Winglass reported on the Patten Free Library’s fundraising dinner held at JR Maxwell Restaurant, and that the Board has started working on next year’s budget and will be presenting it to Council soon. Councilor Winglass reported on the Southend Park Meeting held in April.

Councilor Blake reported on the Skate-a-thon that was held at the Skatepark.

**C. G. Correspondence/Petitions – 7:55 PM #2134**

Chairman James asked residents to consider volunteering to work elections for the city.

Chairman James stated that he had received correspondence from MDOT and Main Street Bath Inc., regarding the issue of a permanent display location for the Fisher-Mitchell School artwork that had been on display under the viaduct as the MDOT has requested the artwork be removed. There was no consensus on the location. Councilors Winglass and Mitchell were asked to meet with Main Street Bath Inc. regarding this matter.

**H. Manager’s Report – 8:04 PM #2417**

City Manager Bubier gave a presentation of Fiscal Year 2003-2004 Combined City Budget. The following is a synopsis of the figures:

COMBINED CITY, SCHOOL, SEWER AND CAPITAL RESERVE COMPARISON				
	2002-2003	2003-2004	\$ Variation	%Variation
School Operations	\$15,495,572	\$15,694,773	\$199,201	1.29%
City Operations	\$8,321,041	\$8,352,351	\$31,310	0.38%
County	\$1,217,279	\$1,229,730	\$12,451	1.02%
Sewer Utility	\$1,668,254	\$1,691,961	\$23,707	1.42%
School Capital	\$0	\$0	\$0	
City Capital (excluding Bonded)	\$498,900	\$461,900	-\$37,000	-7.42%
Totals Combined	\$27,201,046	\$27,430,715	\$229,669	0.84%

Charles Turcotte of 29 Office Drive asked questions regarding Service Center Communities.

William Quimby of 28 Farrin Street asked questions regarding BIW revenue amounts.

**I. Consent Agenda – 8:50 PM #4182**

Motion by Councilor Winglass, second by Councilor Mitchell to accept the minutes of the April 2 and 16, 2003 meetings. All in favor.

**J. Ordinances, Resolution and Orders –**

**4) Arbor Week Proclamation: 8:51 PM #4197**

Chairman James read the following Proclamation:

**ARBOR WEEK PROCLAMATION**

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 18-24 AS**

**ARBOR WEEK**

**in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and**

**FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.**

DATED this 7<sup>th</sup> day of May 2003.

Motion by Councilor Hart, second by Councilor Rogers to put this Proclamation on the floor for discussion.

**Vote on Proclamation:**

**Yeas: 8**

**Nays: 0**

**VOTE: Proclamation Passed Unanimously 8-0**

**5) Resolution: Establishing the Bath City Council's Economic Development Commission:  
8:53 PM #4302**

Chairman James read the following Resolution:

**RESOLUTION  
ESTABLISHING BATH CITY COUNCIL'S  
ECONOMIC DEVELOPMENT COMMISSION**

The Bath Economic Development Commission is a group of Bath City Councilors and staff, community organization leaders and citizens that serve in an advisory capacity to the City Council for the purpose of considering city-wide economic growth.

The Commission's mandate is to create new and stabilize existing long-term employment and to bring about a net increase in the City tax base. This will require the Commission to do the following:

To work with developers and interested parties to consider and integrate economic mix, applicable design standards, zoning, Comprehensive Plan impact, tax base growth and other issues.

To promote inter-neighborhood discussions on the size, type, fit and direction of economic development activities within the city

The Commission's "advisory reports" will ensure that the City Council will continually have the sense of the neighborhoods with respect to comprehensive economic growth activities.

The City Manager is designated as Bath's Economic Developer and both he and the City Planner are identified as the primary initial contacts for economic development opportunities. The City staff will bring potential projects or developers and issues to the Council for consensus, after which the Council will give further direction to staff and may direct the Economic Development Commission to meet. The Commission will meet only after the Manager, the Planner and/or senior staff and the Council have finished their internal discussion and review process.

The Commission will report out on five categories:

- 1) Retention of existing businesses and enterprises
- 2) The expansion of existing businesses and enterprises
- 3) The development of new businesses and enterprises
- 4) The actual and perceived impact of developments on neighborhoods
- 5) Potential project feedback from the community

The Commission will be comprised of:

City Council Chairman  
Three City Councilors  
City Manager

City Planner  
President of Maine Street  
Chairman of Sagadahoc Preservation Inc  
CEO of a local Bank  
Two At-Large members of the Community  
Exec. Dir., Mid-Coast Council for Economic Development and Planning  
If needed, up to two non-voting ad-hoc members may be invited to attend on a meeting-by-meeting basis  
( = deletions)

Motion by Councilor Mitchell, second by Councilor Blake to put this Resolution on the floor for discussion.

Motion by Councilor Daigle, second by Councilor Wyman to table the Resolution until Council can meet in Workshop and properly go over the wording of the Resolution.

**Vote on Tabling Motion:**

**Yeas:** 3 (Winglass, Wyman, Daigle)

**Nays:** 5

**VOTE: Motion on Tabling Failed** 3-5

William Quimby of 28 Farrin Street and Doris Ford of 94 Whiskeag Road spoke against the wording of the Resolution.

Charles Turcotte of 29 Office Drive requested the Council keep residents better informed.

Motion by Councilor Mitchell, second by Councilor Hall to amend the last sentence in the sixth paragraph to read “Any City employee or Councilor who wishes to contact or have discussions with outside developers or interested parties must notify the Manager or Council Chairman in a timely manner”. This motion was pulled by Councilor Mitchell.

Motion by Councilor Winglass, second by Councilor Mitchell to remove the last sentence in the sixth paragraph that reads “Any City employee or Councilor who wishes to engage outside developers or interested parties must notify the Manager or Council Chairman first.” from the Resolution.

**Vote on Motion:**

**Yeas:** 6

**Nays:** 2

**VOTE: Motion Passed** 6-2

**Vote on Amended Resolution:**

**Yeas:** 7

**Nays:** 1 (Daigle)

**VOTE: Amended Resolution Passed** 7-1

**6) Order: City of Bath Economic Development District allocation surcharge for FY 02/03 in the amount of \$7,783.00 from Council Contingency:** 9:45 PM #363 Tape 2

Chairman James read the following Order:

**ORDER APPROVING APPROPRIATION  
FROM COUNCIL CONTINGENCY ACCOUNT**

**WHEREAS**, the City of Bath is a member community of the newly organized Midcoast Economic Development District, and

**WHEREAS**, Midcoast Economic Development District has now been established as a viable non-profit corporation, and

**WHEREAS**, expenses have been incurred in the process of developing required documentation in order for Midcoast Economic Development District to receive Federal approval for the purpose of serving as a grant conduit for its member counties and communities, and

**WHEREAS**, the costs of development of this documentation is being assessed to member communities and counties on the basis of population, and

**WHEREAS**, with all communities participating, and

**WHEREAS**, the City of Bath shares Seven Thousand Seven Hundred Eighty-Three Dollars (\$7,783.00),

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath that the sum of Seven Thousand Seven Hundred Eighty-Three Dollars (\$7,783.00) be and hereby is appropriated from the Council Contingency Account for the purpose of meeting the City of Bath's allocation for funding assessment for the Midcoast Economic Development District.

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

John Bubier, City Manager, explained the Economic Development District organization.

**Vote on Order:**

**Yeas:** 7

**Nays:** 0

**Abstention:** 1 (Daigle)

**VOTE: Order Passed** 7-0-1



**7) Order: Contract for Steel Dolphin Replacement Project at Waterfront Park with Prock Marine 9:55 PM #627**

Chairman James read the following Order:

**ORDER  
APPROVING CONTRACT  
STEEL DOLPHIN REPLACEMENT PROJECT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND PROCK MARINE COMPANY FOR THE REPLACEMENT OF STEEL DOLPHINS AT THE WATER FRONT PARK IN THE AMOUNT OF \$168,960.00 BE AND HEREBY IS AWARDED, PROCK MARINE COMPANY BEING THE LOWEST BIDDER. THE CITY MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT, TO CONTAIN SUCH TERMS AND CONDITIONS AS ARE ACCESSIBLE TO THE CITY MANAGER AND IN THE BEST INTEREST OF THE CITY, AND TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION. THE PROJECT WILL BE JOINTLY FUNDED FROM AVAILABLE FUNDS FROM THE CITY DOCK ACCOUNT (CP05-571), A GRANT FROM THE MAINE DEPARTMENT OF TRANSPORTATION AND THE REMAINING PORTION FROM THE CITY CAPITAL RESERVE ACCOUNT (CF05-504) NOT TO EXCEED \$24,500.00. TO THE EXTENT REQUIRED. THE ALLOCATION OF FUNDS FROM THE CAPITAL CONTINGENCY ACCOUNT CONSTITUTES AN APPROPRIATION OF THOSE MONIES FOR THE PURPOSE OF REPLACING THE STEEL DOLPHINS.

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

John Bubier, City Manager, and Peter Owen, Public Works Director explained the need and specifics of the dolphin project.

Motion by Councilor Rogers, second by Councilor Mitchell to extend the meeting past 10:00 PM to complete the business outlined on the agenda.

**Vote on Extending Meeting:**

**Yeas:** 5

**Nays:** 3 (Mitchell, Daigle, Wyman)

**VOTE: Motion Passed** 5-3

After a lengthy discussion, there was a motion by Councilor Mitchell, second by Councilor Winglass to move the question.

**Vote on Order:**

**Yeas:** 8

Nays: 0

**VOTE: Order Passed Unanimously** 8-0

**8) Resolution: Regarding Community Garden Project: 10:10 PM #1115 Tape 2**

Chairman James read the following Resolution:

**RESOLUTION REGARDING COMMUNITY GARDENING**

**WHEREAS**, the City of Bath has an opportunity to provide a location for individual garden plots within the City, and

**WHEREAS**, the location of the site proposed for this community use is property owned by the City in the Lambert Park area and is described as Lot 126 on City of Bath Tax Map 19, and

**WHEREAS**, the use of the property shall be restricted to community gardening and plots for gardening purposes will be allocated to individuals utilizing the plot and a fee for use will be established by the Recreation Commission, and

**WHEREAS**, costs for preparing the site will be offset by the fee structure and by volunteer and in kind contributions, and

**WHEREAS**, it is determined that the opportunity to have a site to provide for gardening activities is in the best interests of the community and its inhabitants,

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Bath that the use of property designated as Lot 126 on City of Bath Tax Map 19 for a community garden be and hereby is approved. The program for administering the community garden is to be administered by the Bath Recreation Department and shall be done in a manner so as to incur no net costs to the City beyond the fees for use charged for the garden plots and volunteer and in kind contributions.

Motion by Councilor Wyman, second by Councilor Rogers to put this Resolution on the floor for discussion.

Sean Gambrel, Project Manager spoke regarding the project specifics.

**Vote on Resolution:**

**Yeas:** 8

**Nays:** 0

**VOTE: Resolution Passed Unanimously** 8-0

Chairman James asked Denis Hebert of the Cemeteries and Parks Department to come back at the next meeting to do his workshop as the meeting was running very late. Mr. Hebert stated that he would do that.

Items Old Business and New Business were not taken up.

The meeting adjourned at 10:14 PM with a motion made by Councilor Rogers and seconded by Councilor Mitchell . 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.*