

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, October 15, 2003 7:00 PM
City Council Chambers, Bath City Hall

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

Also Present: City Manager John Bubier, City Solicitor Roger Therriault and City Clerk Mary White

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

City Clerk White called the Roll.

I. Presentation: Jim Upham, City Planner, with an Update on City of Bath Projects 7:05PM #96

The Planner spoke regarding the following projects:

- Train Station/Park Renovations
- Bike/Pedestrian Path Feasibility Study
- Southend Urban Design Plan
- Route One Corridor/Viaduct Study
- Custom Composite Technologies at Wing Farm Development
- Expanding the Wing Farm Development
- C.N. Brown/Bodwell Lot Sale
- Katherine Davis Proposed Inn/Marina Project on Front Street
- Richard Klingaman Proposed 16-Unit Project on Front Street
- Proposed 9 Lot Residential Subdivision - north Washington Street
- BIW/Southend Park Project
- Finest Building Proposed Project

II. Committee Reports: 7:25PM #671

Councilor Wyman reported that Governor Baldacci will be at the Skatepake on November 6 for a site visit and hopefully a skate demonstration can be performed. He stated that the Bath Housing Development Corporation is making plans to buy the Orchard Court property and are looking into putting a parcel of land in the Northend up for sale. Councilor Wyman explained that the Water District's upgrade of the Woolwich pumping facility is most completed.

III. Correspondence: 7:30PM #859

There was no correspondence.

IV. Manager's Report: 7:30PM #861

Paul Mateosian, City Assessor, gave the City Manager's Report. Mr. Mateosian gave an overview of the Tax Reform question that is on the ballot for the upcoming election in November.

V. Consideration of an Extension of the Going Out of Business License for Kid's Korner at 630 Washington Street: 7:35PM #1009

Chairman James read the following letter:

Michael D. McDougal
Kid's Korner
22 Marshall Avenue
Bath, Maine 04530

October 7, 2003

City of Bath
Attn: Mary J. White, City Clerk
55 Front Street
Bath, Maine 04530

Subject: Going Out of Business License #414

Would you kindly present at the next council meeting a proposal to extend my going out of business license (Kid's Korner) for another (final) sixty days as I have not been able to sell only a portion of the stock at my location at 630 Washington Street, Bath, Maine. This extension of the license will give the time that I need to dispose of all the remaining stock.

Thanking you in advance for all your consideration.

Respectfully,

Michael D. McDougal

Motion by Councilor Wyman, second by Councilor Blake to grant the extension.

VOTE ON EXTENTION:

Yeas: 8

Nays: 0

Extension Passed Unanimously 8-0

VI. Ordinance: Chapter 8A. General Assistance (first passage) 7:36PM #1060

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 8A. GENERAL ASSISTANCE

Delete appendices to the Ordinance dealing with maximum allowance and replace with newly attached allowance summary sheets, schedules and appendices, Appendix A – Total Allowed GA Maximums, Appendix B – Food Maximums, Appendix C – Housing Maximums. Maximums shall be effective as of October 1, 2003

Complete copies of these appendices are available in the Bath City Clerk's Office at 55 Front Street,

Bath, Maine.

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

Deb Zorach, General Assistance Director, gave an overview of the Maximums for this year.

ROLL CALL VOTE:

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

Nays: Rogers

Abstention: Daigle

Ordinance Passed 6-1-1

Chairman James set second passage of the Ordinance for November 5, 2003 at 7:01PM.

VII. Ordinance: LUC Amendment Article 8, Section 8.20-Contract Rezoning: Article 8, Section 8.12-Historic Overlay District, Article 2, Section 2.2-Definitions (first passage) 7:43PM #1196

Chairman James 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, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 8, Section 8.20-CONTRACT REZONING, B, as follows: B. Description of Property

This Section applies only to properties located in the following Zoning Districts:

1. Route 1 Commercial Contract District,
2. Special Purpose Commercial Contract Overlay District,
3. Industrial/Shipyard District,
4. Trufant Marsh Contract District, and
5. Marine Business District
6. Historic Overlay District.

And amend Article 8, SECTION 8.12-HISTORIC OVERLAY DISTRICT, by adding item I, as follows:

I. Contract rezoning is allowed in the HO District. (see Section 8.20)

And amend Article 2, SECTION 2.2 -DEFINITIONS, as follows:

Contract Rezoning. Contract rezoning is a process by which the City Council, after considering the recommendation of the Planning Board, may rezone property, consistent with the Planning Board's findings, to permit the use of that property subject to variations or conditions not generally applicable in non-contract zones. The contract rezoning process must comply with Section 8. 20 of this Code and with 30-A M.R.S.A, Section 4352 (8).

(Note: Additions are underlined and deletions are)

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

Jim Upham, City Planner, spoke regarding the reasons this Ordinance had been brought before Council for action.

David Enright of 950 Middle Street spoke in favor of this amendment to the LUC.

ROLL CALL VOTE:

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

Nays: Mitchell
Ordinance Passed 7-1

Chairman James set second passage of the Ordinance for November 5, 2003 at 7:02PM.

VIII. Order: Brownfield's Contract 8:15PM #2299

Chairman James read the following Order:

ORDER

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE PROPOSAL OF ENVIRONMENTAL ENGINEERING & REMEDIATION, INC., THEY BEING THE MOST QUALIFIED, EXPERIENCED AND THE APPARENT LOWEST BIDDER ON THE BATH BROWNFIELD ASSESSMENT PROGRAM, BE AND HEREBY IS ACCEPTED WITH THE SCOPE OF WORK AND HOURLY RATES PROVIDED ON THE ATTACHED WORK PLAN. THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE APPROPRIATE CONTRACTS OF THE PROJECT. THE CONTRACT SHALL NOT AUTHORIZE ANY EXPENDITURES BEYOND THE GRANT PROCEEDS.

The Work Plan document is available for viewing at the Bath City Clerk's office in the agenda materials for the October 15, 2003 materials.

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

Al Smith, Community Development Coordinator, explained the process for choosing Environmental Engineering & Remediation, Inc. and the makeup of the review team that chose the firm.

VOTE ON ORDER:

Yeas: 8

Nays: 0

Order Passed Unanimously 8-0

IX. Order: Prepare Notice of Election to notify inhabitants of County Referendum Election to be held on Tuesday, November 4, 2003 8:22PM #2518

Chairman James read the following Order:

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of Sagadahoc County Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at their respective Ward Rooms (1-7 inclusive), on Tuesday, November 4, 2003 for the purpose of determining the following:

(1) Referendum Question.

Absentee Ballots shall be processed Election Day at 10:00am, 11:00am, 1:00pm, 2:00pm, 3:00pm, 7:00pm and 8:00pm.

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

Councilor Daigle stepped out of Council Chambers before the vote was taken.

VOTE ON ORDER:

Yeas: 7

Nays: 0

Order Passed Unanimously 7-0

The meeting recessed to Workshop discussions regarding the stop sign at the corner of Washington and North Streets and the proposed Lincoln and Sagadahoc Counties' Jail Referendum. Councilor Daigle left the Council Meeting during the Workshop.

The meeting adjourned 8:59 PM with a motion made by Councilor Rogers and second by Councilor Wyman. 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.