

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, November 5, 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, Acting City Solicitor Michael 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.

C. Presentation: 7:03 PM #74

William Torrey, Chairman of the Board of Education, gave a brief update on the following items the Board is working on:

- o Survey regarding consolidation of Union 47 and Bath School System
- o Formation of an Educational Options Committee
- o Engineering Reports on the fiscal conditions of school buildings in the School System
- o Community Focus Groups
- o Budget process for the coming year
- o Overview of the teacher contract negotiations

2) Thomas Hoerth, Tree Warden, explained the tree growth in Bath and their value. He stated that Bath is noted for its efforts to promote and protect its trees. Bath is ranked second in the State for the size of its trees. Mr. Hoerth spoke regarding the benefits and costs due to tree growth. He explained the project now being conducted in the downtown area to see what can be done to promote tree growth.

D. Committee Reports: 7:35 PM #986

Councilor Blake reported that Governor Baldacci would be visiting the Skatepark on October 6 at 10AM.

Councilor Winglass reported on the Steering Committee Meeting for the Route One Study.

E. Correspondence/Petitions: 7:45 PM #1338

There was no correspondence.

F. Time Devoted to Residents: 7:45 PM #1345

Dewey Mitchell of 415 Middle Street spoke regarding various parking problems throughout the City. Mr. Mitchell asked Council to consider a Handicapped Parking spot in front of Wilson's Drug Store on Front Street. Chairman James stated that he would pass on the issues Mr. Mitchell had spoke about to the Parking Committee.

G. City Manager's Report: 7:59 PM #1693

The City Manager spoke regarding the following subjects:

- Congratulated Becky Martin (Cable TV operator) on her election to Brunswick School Board
- Introduced Lisa Edgerson of the Midcoast Leadership Group
- Non-profits involvement in Heritage Days
- Breast Cancer Awareness Pink Line Day
- Old Customs House application for grant to help with roofing needs
- City employee flu shots
- Skatepark finance issues
- "Introduce Youth to Decision Making" Meeting at Bath Savings Bank
- Fellowship of Ministries Luncheon
- DEP Meeting regarding landfill citations
- Structural studies on Fire and Police Stations
- Neighborhood Meeting regarding parking issues at the Mid Coast Center for Higher Learning
- Futures Conference at the MCCHL
- Meeting with Kevin Gildart of BIW regarding possible moving of neighboring building to the Route One Viaduct project
- Closing of Contract with Ledgewood of MCCHL project
- Governor Baldacci's visit to the Skatepark

H. Public Hearings: 8:20 PM #2496

1) Ordinance: Chapter 8A. General Assistance (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 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 Wyman, second by Councilor Mitchell to put this Ordinance on the floor for discussion.

Debbie Zorach, General Assistance Director, explained the maximums and where they come from.

Chairman James opened the Public Hearing.

There was no public comment.

Chairman James closed the Public Hearing.

There was no Council comment.

Roll Call Vote on Ordinance:

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

Nays: Rogers

Ordinance Passed 7-1

Ordinance becomes retroactive to October 1, 2003.

2) Ordinance: LUC Amendment Article 8, Section 8.20 – Contract Rezoning; Article 8, Section 8.12 Historic Overlay District; Article 2, Section 2.2 – Definitions (second passage)

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

Jim Upham, City Planner, explained the reasons these amendments had been brought before Council.

Chairman James opened the Public Hearing.

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

Chairman James closed the Public Hearing.

There was brief Council comment.

ROLL CALL VOTE ON ORDINANCE:

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

Nays: None

Ordinance Passed Unanimously 8-0

Chairman James stated this Ordinance would become effective in 21 days.

I. Consent Agenda: 8:35 PM #2984

Motion by Councilor Blake, second by Councilor Wyman to accept the Minutes to the October 1 and 15, 2003 as presented. All in favor.

J. Ordinances, Resolutions and Orders:

J-4 Approving tabulation of Election Returns of the State of Maine Referendum Election, County Referendum and the City of Bath Municipal Election of Tuesday, November 4, 2003 8:35 PM #2996

Motion by Councilor Mitchell, second by Councilor Rogers to accept the election totals as presented by the City Clerk.

Chairman James read the following Totals:

CITY OF BATH ELECTION TOTALS - Nov. 4, 2003

WARDS MUNICIPAL	1	2	3	4	5	6	7	C	TOTAL
Councilor Ward Two									
William A. Quimby		215						36	251
John W. James IV		195						18	213
<i>Write In</i>									
Ted Gilbreath		1							1
Councilor Ward Three									
Halcyon S. Blake			160					28	188
Donald R. Koslosky, Jr.			129					25	154
Councilor Ward Four									
Bernard A. Wyman, Jr.				330				50	380
<i>Write In</i>									
Ian Landry				1					1
Board of Education									
Judith W. Dillon	66	61	31	49	80	51	119	52	509
Kimberly Becker	92	66	41	78	109	93	80	61	620
Kimberly Brackett	158	143	125	117	160	141	171	164	1179
Margaret "Maggie" Allen	151	132	92	136	148	108	155	82	1004
<i>Write In</i>									
Ella Nichols							1		1
Shemp Howard							1		1
Michelle Barron								1	1
John Voorhees, Jr.								1	1
TOTAL VOTERS PER WARD	507	438	304	414	523	424	550	409	3,569

Total Voter Turnout = 3,569 Total Registered Voters = 6,462
 Percentage of Voter Turnout = 55.2%

VOTE ON ACCEPTING ELECTION TOTALS:

Yeas: 8

Nays: 0

Passed Unanimously 8-0

J-5 Ordinance: Chapter 17. Vehicle and Traffic, Article 5. Operations, Section 17-211. Stop Intersections – Washington Street (first passage) 8:39 PM #3111

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:

CHAPTER 17. VEHICLES AND TRAFFIC

Article 5. Operations

Section 17-211. Stop Intersections

Subsection (b)

Delete the following:

Washington Street Southbound at North Street

Washington Street Northbound at North Street

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

Pete Lizanecz, Police Chief, gave an overview of accidents and speed prior to and after the stop signs had been placed at the intersection. He said that the public opinion stated to the Police Department had been 50% for keeping the stop signs and 50% against keeping the stop signs in place. Chief Lizanecz spoke in favor of keeping the stop signs in place.

Wayne Robinson of Trufant Street spoke against the placement of the stop signs.

Nick Bayard of 969 Washington Street and Gordon Reed of 15 Mechanic Street spoke in favor of the keeping of the stop signs at the intersection.

ROLL CALL VOTE ON ORDINANCE:

Yeas: Winglass, Rogers, Mitchell

Nays: Hall, Blake, Wyman, Hart, Daigle

Ordinance Failed 3-5

Councilor Daigle left the meeting at 9:10PM.

J-6 Order: Considering acceptance of proposal from Woodward and Curran, Inc. for the Bath Waterfront 9:05 PM #4329

Motion by Councilor Hart, second by Councilor Wyman to table this Order.

Councilor Rogers left his seat on Council.

VOTE on Tabling Order:

Yeas: 6

Nays: 0

Tabling of Order Passed Unanimously 6-0

K. Old Business: 9:12 PM #4397

K-7 Appointment One Member Bath Water District Board of Directors Term to Expire November 2008

Councilor Hall of the Boards/Committee Interview Committee put David Calhoun's name up for nomination.

Motion by Councilor Hart, second by Councilor Mitchell to appoint David Calhoun to the Bath Water District Board of Directors.

VOTE on Appointment:

Yeas: 6

Nays: 0

Appointment Unanimously Passed 6-0

K-8 Annual Appointment of the Bath Harbor Master – Jeffrey Shiers, Bath Police Department

Motion by Councilor Hall, second by Councilor Mitchell to appoint Jeffrey Shiers as the Bath Harbor Master for the upcoming year.

VOTE on Appointment:

Yeas: 6

Nays: 0

Appointment Unanimously Passed 6-0

L. New Business: 9:15 PM #4446

Councilor Winglass brought up a problem with the fencing of the Fairview Cemetery being in desperate need of repair.

Councilor Rogers returned to his seat.

Motion by Councilor Mitchell, second by Councilor Blake to waive the rules to add an item to authorize an expenditure of up to \$5,000 for the repair of the fence to the Fairview Cemetery. All in favor.

Councilor James stated that the wayfinding signs for the downtown area would be up very soon.

Councilor James expressed that he would be forming a Waterfront Park Committee that would inventory/assess the needs, cost out the repairs/upgrades, determine what works/what doesn't/what needs to be eliminated/changed. This is to be done at no cost. Councilors Hart and Blake stated they would like to be on the Committee.

Motion by Councilor Mitchell, second by Councilor Winglass to go into Executive Session to discuss an abatement matter at 9:24 PM. All in favor.

Motion by Councilor Blake, second by Councilor Mitchell to come out of Executive Session at 9:29 PM. All in favor.

The meeting adjourned at 9:30 PM with a motion made by Councilor Hart and second by Councilor Blake. 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.