

REGULAR MEETING MINUTES  
City Council of the City of Bath, Maine  
Wednesday, December 3, 2003 7:30pm  
City Council Chambers, Bath City Hall

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

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

Chairman Winglass opened the meeting at 7:45 PM with the Pledge of Allegiance and City Clerk White called the Roll.

**C. Public Hearings: 7:46 PM**

**1. Ordinance: Chapter 17. Vehicle and Traffic, Article 6 Stopping, Standing and Parking Section 17-259. Parking Restrictions, Quinnan and Somerset Place (second passage) #449**

Chairman Winglass 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 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Delete: Quinnan Street - No restrictions

Add:

Somerset Place            West Side:  
No parking.

Somerset Place            East Side:  
No restrictions.

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

Police Chief Lizanecz explained the reason for this change is due to concern regarding the narrowness of the street.

Chairman Winglass opened the Public Hearing. There was no public comment. He closed the Public Hearing.

**ROLL CALL VOTE on Ordinance:**

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

**Nays: None**

**Ordinance Passed Unanimously 8-0**

Chairman Winglass stated that the Ordinance would become effective in 21 days.

**2. Ordinance: Chapter 17. Vehicle and Traffic, Article 6 Stopping, Standing and Parking  
Section 17-259. Parking Restrictions, Centre (second passage) #555**

Chairman Winglass 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 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Centre Street                      North Side:

Delete: From a point sixty-five (65) feet west from Lincoln Street and running westerly a distance of sixty (60) feet, no parking from 6 a.m. to 5 p.m. weekdays, unrestricted parking weekends and holidays and from 5 p.m. to 11 p.m. weekdays;

Add: From a point sixty-five (65) feet west from Lincoln Street and running westerly a distance of sixty (60) feet, 2 hour parking.

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

Police Chief Lizanecz explained that the reason for this change is due to the Nazarene Church members needing more hours during the daytime hours as they now have meetings held weekdays at the church.

Chairman Winglass opened the Public Hearing. There was no public comment. He closed the Public Hearing.

**ROLL CALL VOTE on Ordinance:**

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

**Nays: None**

**Ordinance Passed Unanimously 8-0.**

Chairman Winglass stated that the Ordinance would become effective in 21 days.

**3. Consideration of approval for a Special Amusement License for Front Street Deli located at 128 Front Street #663**

Chairman Winglass explained the particulars of the request.

Motion by Councilor Rogers, second by Councilor Blake to put this Special Amusement License Application on the floor for discussion.

Jim Bridges, representative for the Front Street Deli, explained that they would be having light music during the dinner hour such as a piano player and would not be having bands.

**VOTE on Application:**

**Yeas: 8**

**Nays: 0**

**Application Passed Unanimously 8-0.**

**D. Consent Agenda: 7:52 PM #721**

4)\* Under the Consent Agenda, Councilor Mitchell made a motion to accept the minutes for the November 5 and 19, 2003 Council Meetings and Item F10 Blanket Letter of Approval on all renewals to operate Games of Chance and /or Beano Games, which was seconded by Councilor Daigle.

**VOTE on Consent Agenda:**

**Yeas: 8**

**Nays: 0**

Consent Agenda passed unanimously.

**E. Time Devoted to Residents to Address the City Council: 7:53 PM #755**

Doris Ford of Whiskeag Road spoke to Council regarding the schedule of meetings for the Route One Corridor/Viaduct Improvement project. City Manager Bubier stated that she would be informed as to when the meetings would take place.

**F. Ordinances, Resolutions and Orders: 7:55 PM**

**Item F5 – Nominations for the Election of Councilor to attend the Board of Education meetings pursuant to Chapter V, Section 502 of the City Charter #860**

Chairman Winglass asked for nominations for the position.

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

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

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

**Yeas: 8**

**Nays: 0**

**VOTE: Councilor Hall Elected 8-0**

**Item F6- Nominations for the Election of a Councilor to attend the Bath Water District Board of Directors' meetings #888**

Chairman Winglass asked for nominations for the position.

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

Motion by Councilor Blake, second by Councilor Mitchell that nominations cease and that 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: 8**

**Nays: 0**

**VOTE: Councilor Wyman Elected 8-0**

**Item F7 - ORDER: Setting Regular Meetings of the Bath City Council #923**

Chairman Winglass read the following Order:

**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.

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

Councilor Daigle made a motion to amend the Order to read "on the first Monday of each month at 6:00 o'clock PM", second by Councilor Mitchell.

**VOTE: on Amendment to Order:**

**Yeas: 3**

**Nays: 5**

**Amendment to Order Failed 3-5**

Motion by Councilor Hart to amend the Order to read "at 6:00 o'clock PM", second by Councilor Blake.

**VOTE: on Amendment to Order:**

**Yeas: 7**

**Nays: 0**

**Abstention: 1 (Daigle)**

**Amendment to Order Passed 7-0-1**

Chairman Winglass read the amended Order.

Motion by Councilor Hall, second by Councilor Mitchell to put the amended Order on the floor for discussion.

**VOTE: on Amended Order:**

**Yeas: 7**

**Nays: 0**

**Abstention: 1 (Daigle)**  
**Amended Order Passed 7-0-1**

**Item F8 - ORDER: Adopting Robert's Rules of Order for Parliamentary Procedure #1374**

Chairman Winglass read the following Order:

**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.

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

There was no discussion.

**VOTE: on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed 8-0**

**Item F9 - ORDER: Adopting Working Rules and Regulations for Council Year 2003-2004 #1395**

Councilor Hall made a motion to waive the reading of the Order and to put it on the floor for discussion, second by Councilor Hart.

A copy of these Working Rules and Regulations are filed in the Agenda materials for December 3, 2003.

After a lengthy discussion, the Council consensus was to pass the Order as is, but to have a Workshop Meeting to go over the individual Rules and come back to Council with all amendments suggested.

**VOTE: on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed 8-0**

**Item F10\* - 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 F11 - ORDER: Contract for Woodard and Curran, Inc for the Waterfront Improvement Project #1528**

Chairman Winglass read the following Order:

**ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE PROPOSAL FROM WOODARD AND CURRAN, INC., THEY BEING QUALIFIED, EXPERIENCED, AND THE ONLY BIDDER, TO PROVIDE ENGINEERING SERVICES FOR THE BATH WATERFRONT IMPROVEMENT PROJECT, BE AND HEREBY IS ACCEPTED. THE CITY MANAGER IS HEREBY AUTHORIZED TO EXECUTE APPROPRIATE CONTRACTS FOR THIS PROJECT UPON HIS APPROVAL OF SUCH CONTRACTS. ANY CONTRACTS SHALL NOT AUTHORIZE EXPENDITURES BEYOND THE GRANT PROCEEDS AND THE REQUIRED CITY MATCH.

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

Peter Owen, Public Works Director, explained the plans and process for the project.

**VOTE: on Order:**

**Yeas: 8**

**Nays: 0**

**Order Passed 8-0**

**G. Petitions & Communications: 8:26 PM #1848**

There were no petitions or communications.

**H. City Manager's Report: 8:27 PM #1858**

The City Manager spoke on the following topics:

- Tax Reform
- Old Harbor Light Building Project
- Meeting with the Commander of BNAS regarding the transfer of base housing to the private sector
- Spotlight replacement under the new bridge
- Non-profits involvement in Heritage Days
- Working with MDOT on their "Maine Safe Routes to Schools Program"
- Issues regarding parking lot located on Police Department side of Water Street and parking spaces behind Fleet Bank

**I. Committee Reports: 8:40 PM #2264**

Councilor Hart reported that the Recycling Committee met and will be sponsoring a Spring Hazardous Waste Collection date to be announced. He stated that Lee Leiner plans to apply for a \$10,000 grant to help with the disposal of electronic waste. Mr. Hart spoke regarding the future costs for the closing of the landfill and the availability of recycled ice scrapers free for the taking at the landfill.

Councilor Hart reported on the meeting of the Student Council Liaison Committee at Morse High School. He said the problems with student parking were discussed and the reason students didn't choose to use the parking area at the Bath Recreation Department was for convenience reasons, not monetary.

**J. Old Business: 8:44 PM #2417**

Councilor Hall expressed appreciation from the School Board and Council for the prep work done by the Public Works Department on the parking lot at the Middle School so that Crooker could pave it.

**K. New Business: 8:46 PM #2476**

Councilor Hall made a motion to waive the rules to add an item to the agenda regarding the acceptance by Council of a vehicle taken by forfeiture during an arrest situation, seconded by Councilor Rogers. All in favor.

Motion by Councilor Mitchell, second by Councilor Quimby to accept the forfeited vehicle to be sold by the City. All in favor.

The meeting adjourned at 8:50 PM with a motion by Councilor Rogers, second by Councilor Blake.

Respectfully submitted:

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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.*