

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, July 7, 2004 6:00 pm
City Council Chambers, Bath City Hall

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

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

C. Public Hearings: 6:03 PM

1) Ordinance: Supplemental Appropriations – Council Contingency (second passage) #85

Chairman Winglass read the following Ordinance:

ORDINANCE
SUPPLEMENTAL APPROPRIATION
Council Contingency

WHEREAS, The City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance account, constituting revenue in excess of those estimated in the budget for the current year are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Five Hundred Thousand Dollars (\$500,000) will not exceed the expenditure limits for the current year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Five Hundred Thousand Dollars (\$500,000), be and hereby be supplementally appropriated from the General Fund Undesignated Fund Balance (account GF -2500) to the Council Contingency Account (012-402).

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

ROLL CALL VOTE on Ordinance:

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

Nays: None

Ordinance Passed Unanimously 7-0

Councilor Rogers took his seat on Council at this time.

2) CDBG Grant to acquire property at 2 Town Landing and retrofit the building to establish a new manufacturing facility. #144

Chairman Winglass read the following Notice:

**CITY OF BATH
PUBLIC HEARING NOTICE**

The City of Bath City Council will hold a Public Hearing to provide information about, and receive citizen comments on the City's CDBG FY 2004 Economic Development Infrastructure Grant Phase II application to the Department of Economic and Community Development Office of Community Development. The purpose of the \$400,000 EDI grant is to provide funding for the City to acquire property at 2 Town Landing and retrofit the building to establish a new manufacturing facility. The City is working with *MONOLITE* Composites LLC to locate a new company called Maine *MONOLITE* LLC at the facility. The project will also result in new employment opportunities for low and moderate-income persons. The public hearing will be held on Wednesday, July 7, 2004 at 6:01 PM in the City Council Chamber at City Hall.

Al Smith, Community Development Director, explained the process for Phase II and how the ownership of the building would remain with the City until Monolite LLC had completed all the requirements of the grant.

It was the consensus of the Council that the City Manager be directed to make sure safeguards be built into the contract between the City and Monolite LLC to protect the City regarding the ownership.

3) CDBG Art Works Summer Arts Outreach Program Grant Application. #740

Chairman Winglass read the following Notice:

**CITY OF BATH
PUBLIC HEARING NOTICE**

The City of Bath City Council will hold a Public Hearing to provide information about, and receive citizen comments on the City's CDBG FY 2004 Public Service Grant Phase II application to the Department of Economic and Community Development Office of Community Development. The City will use the \$10,550 grant to support the Artworks Summer Art Program. Artworks will use the funds to provide an eight-week long summer arts program in several Bath neighborhoods and in collaboration with other Bath social service providers. The public hearing will be held on Wednesday, July 7, 2004 at 6:02 p.m. in the City Council Chambers at City Hall.

Chairman Winglass opened the Public Hearing.

Al Smith of the Community Development Office introduced Jamie Silvestri, Coordinator of the Art Works Summer Arts Outreach Program. Ms. Silvestri explained how the program would be administered and outlined the program's components.

The Council was in unanimous support of the proposed application and program presented by Ms. Silvestri.

Chairman Winglass closed the Public Hearing.

4) Special Amusement Permit for Gallery Muir at 9 Centre Street, Proprietor Bryce Muir #828

Chairman Winglass explained the details of the Special Amusement License.

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

VOTE on License:

Yeas: 8

Nays: 0

License passed unanimously.

D. Consent Agenda: 6:29 PM #874

5)* Under the Consent Agenda, Councilor Mitchell made a motion to accept the minutes for the June 2, 9, 16, and 28, 2004 Council Meetings as presented, which was seconded by Councilor Hart.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0

Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 6:30 PM #890

No one spoke at this time.

F. Ordinances, Resolutions and Orders: 6:30 PM

Item F6 – Resolution: Approval CDBG application to assist Maine MONOLITE, LLC in establishing a composite manufacturing facility and the creation of new employment opportunities #902

Chairman Winglass read the following Resolution:

City of Bath, Maine
CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG program have been complied with, including participation in the planning process by low and moderate income families and individuals and the City of Bath has conducted at least one duly advertised public hearing; and

WHEREAS, the Department of Economic and Community Development has established the Economic Development Infrastructure Program;

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that John D. Bubier it's City Manager:

- 1 Is authorized and directed to submit a Community Development Block Grant EDI grant development phase application to the Department of Economic and Community Development to assist Maine *MONOLITE*, LLC in establishing a composite Manufacturing facility and the creation of new employment opportunities, substantially in the form presented to this Council;
- 2 Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and

3 Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Signed this 7th day of July 2004 on behalf of the City Council of Bath.

Motion by Councilor Blake, second by Councilor Wyman to put this item on the floor for discussion.

VOTE on Resolution:

Yeas: 8

Nays: 0

Resolution passed unanimously.

Item F7 – Resolution: Approval CDBG Public Service Grant application of the Artworks Summer Outreach program #1011

Chairman Winglass read the following Resolution:

City of Bath, Maine
CITY COUNCIL RESOLUTION

WHEREAS, the City of Bath has applied to the Department of Economic and Community Development for a Small Cities Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG program have been complied with, including participation in the planning process by low and moderate income families and individuals and the City of Bath has conducted at least one duly advertised public hearing; and

WHEREAS, the Department of Economic and Community Development has established the Economic Development Infrastructure Program;

NOW, THEREFORE, be it resolved by the City Council of the City of Bath that the City Manager:

1 Is authorized and directed to submit a CDBG Public Service Grant development phase application for the Artworks Summer Outreach program to the Department of Economic and Community Development; and

2 Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and

3 Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Signed this 7th day of July 2004 on behalf of the City Council of Bath.

Motion by Councilor Mitchell, second by Councilor Quimby to put this item on the floor for discussion.

John Bubier, City Manager, explained that the project would have to comply with the requirements before the grant funds would be released.

Al Smith, Community Development Director, explained that the program would be run through the Recreation Department budget and is a pilot program.

VOTE on Resolution:

Yeas: 8

Nays: 0

Resolution passed unanimously.

Item F8 – Ordinance: LUC Zoning Map Amendment for a parcel of land designated as Map 9, Lot 15, from GC- Golf Course to R3 – Low-density Residential, changing the Zoning on portions of the parcel of land designated as Map 16, Lot18, from GC – Golf Course to R3 – Low-density Residential, and changing a portion of the parcel of land designated as Map 16, Lot 18, from R3 – Low-density Residential to GC – Golf Course (first passage) #1184

Chairman Winglass read the following Ordinance:

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19,2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

CHANGING THE ZONING ON THE PARCEL OF LAND DESIGNATED AS MAP 9, LOT 15, FROM GC - GOLF COURSE TO R3 - LOW-DENSITY RESIDENTIAL, CHANGING THE ZONING ON PORTIONS OF THE PARCEL OF LAND DESIGNATED AS MAP 16, LOT 18, FROM GC - GOLF COURSE TO R3 - LOW-DENSITY RESIDENTIAL, AND CHANGING A PORTION OF THE PARCEL OF LAND DESIGNATED AS MAP 16, LOT 18, FROM R3 - LOW-DENSITY RESIDENTIAL TO GC - GOLF COURSE.

Jim Upham, City Planner, explained the reasons this LUC change had been brought before Council.

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

ROLL CALL VOTE on Ordinance:

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

Nays: None

Ordinance Passed Unanimously 8-0

Chairman Winglass set second passage of this Ordinance for August 4, 2004 at 6:01 PM.

Item F9 – Ordinance: LUC Amendment Article 8, Section 8.01, C and Article 10, Section 10.34 (first passage) # 1577

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

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the Agenda Materials for the July 7, 2004 Council Meeting.

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

Jim Upham, City Planner, explained the reasons this LUC change had been brought before Council.

Brian Verville of 19 Dummer Street spoke in favor of the setback provision in the Ordinance but spoke against the yard setback provision.

ROLL CALL VOTE on Ordinance:

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

Nays: None

Ordinance Passed Unanimously 8-0

Chairman Winglass set second passage of this Ordinance for August 4, 2004 at 6:02 PM.

Item F10 – Order: End of the Year Transfers #2505

Chairman Winglass read the following Order:

**ORDER
APPROVING TRANSFER
Year End Expenditure Transfers**

Be It Hereby Ordered By the City Council of the City of Bath, pursuant to Section 611 (D) of the Charter of the City of Bath, that the following transfers be hereby approved.

Transfer in:

	<u>Account</u>	<u>Amount</u>
FY04 Capital Fund-City/Contingency Reserve	CF05-504	\$9,000.00

Transfer out:

FY04 Central Services/Photocopy	030-051	\$9,000.00
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Motion by Councilor Blake, second by Councilor Wyman to put this Order on the floor for discussion.

VOTE on Order

Yeas: 7

Nays: 1 (Rogers)

Order passed.

G. Petitions & Communications: 7:23 PM #2641

Councilor Hart gave a brief overview of the success of the Heritage Days celebration sponsored by Main Street Bath, Inc.

Councilor Quimby told Council that he had had the pleasure to meet many people during the Heritage Days celebration as he had taken a survey for Main Street in Library Park. He stated that people had expressed to him how wonderful they thought the City of Bath is. Councilor Quimby continued by saying that he had received comments regarding convenience in City Offices and Departments and offering evening hours would help.

Council expressed approval of offering evening hours for all City Departments.

H. City Manager's Report: 7:29 PM #2968

The City Manager spoke on the following topics:

- Informed Council of a Drug Bust in progress on Congress Avenue
- Tax Reform Consequences
- Update on Preliminary Report from the BRAC Committee
- Trial Run of Train Service to start this summer
- Fire Station Regional Consolidation meeting to be held in Brunswick

I. Committee Reports: 7:42 PM #3422

Councilor Daigle stated his apologies for not making the Solid Waste Committee Meeting held the night before.

J. Old Business: 7:44 PM #3468

There was no old business.

K. New Business: 7:44 PM #3470

There was no new business.

The meeting adjourned at 7:45 PM with a motion by Councilor Hall, second by Councilor Quimby. All in favor.

Attested:

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.