

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, January 5, 2005 6:00 pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell and Chairman Winglass

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

Presentation of a Proclamation and City Chair to Former Councilor/Chairman John Hall for 15 years of service and a plaque to Former Councilor Edwin Rogers for 6 years of service to the citizens of Bath.

C. Public Hearings: 6:13 PM

1) Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2004 to September 30, 2005 (second passage) #216

Chairman Winglass announced that General Assistance Director Deb Zorach was ill and was not able to attend the meeting.

Motion by Councilor Blake, second by Councilor Mitchell to waive the reading of the following 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 8A. GENERAL ASSISTANCE

Delete appendices to the Ordinance dealing with maximums allowances 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, 2004.

Chairman Winglass opened the public hearing. Seeing no response from the public, he closed the public hearing and asked for a roll call vote.

VOTE on Ordinance:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Ordinance passed unanimously.

Chairman Winglass stated this Ordinance would be retroactive and would go into effect in 21 days.

2) CDBG FY 2005 Community Enterprise Grant Program Application for \$125,000 to help establish a Business Façade Grant And Loan Program to assist downtown businesses with exterior improvements. #270

The following is the ad that was run in the Times Record:

BATH COMMUNITY ENTERPRISE GRANT PROGRAM APPLICATION

The City of Bath, working in partnership with Main Street Bath, is preparing to make an application to the Maine Community Development Block Grant Program for up to a \$125,000 Community Enterprise Grant.

The Community Enterprise Grant Program provides grant funds to assist in innovative solutions to problems faced by small or micro-businesses, and facilitate good management practices and business facade improvements in downtown and village areas. Assistance to businesses may be in the form of grants or loans at the discretion of the community.

Bath's Downtown is wonderful in many ways, but is challenged by specific deteriorating buildings with conditions that are contributing to spot blight in our downtown. We have identified at least five buildings that meet the above criteria, and believe two of them are in fact dangerous properties.

We are currently working with the owners and interested parties to address the following properties: 164-166 Front Street (former Harbor Light); the old YMCA Building; 193-197 Water Street; 45 Vine Street (Sandwich Shop); and, the former Centre Street Laundry. Several other properties are also being considered.

The City is seeking a Business Facade grant under the Community Enterprise Grant Program. These funds will be available to assist downtown businesses to address exterior improvements located in a designated blighted area or that can qualify under a spot blight basis. Improvements may include signage, painting, siding, awnings, lighting, display windows and other approved exterior upgrades. The Program could provide up to \$25,000 per business as a deferred loan (payable upon sale up to 5 years).

Chairman Winglass asked Al Smith, CDBG Coordinator, to come forward and give the background of the proposed grant.

Mr. Smith explained that the City has been looking at this project for a little longer than a year and are now in a position to put the application in. He summarized the information presented above. He stated there are some definite pockets of properties in the downtown area that have some issues that could benefit from this grant. There is a possibility of this project having a revolving loan program. Mr. Smith stated that the grant funds would only involve the exterior of buildings. The program would be set up, administered and function similar to how the housing improvement program works.

Chairman Winglass opened the Public Hearing.

Mari Huotori of Main Street Bath stated that she would be very grateful to have Council support for this project. She reiterated the importance of keeping the wonderful buildings in the downtown area vital, which would bring new ideas into the City.

William King, Co-chair of the Economic Restructuring Committee of Main Street Bath, spoke in favor of the project.

Chairman Winglass closed the public hearing.

D. Consent Agenda: 6:37 PM #937

3)* Under the Consent Agenda, Councilor Wyman made a motion to accept the Consent Agenda as presented, which consisted of Minutes to the December 1, 2004 Council Meeting and Items K12, K13 and K14 on the agenda. Councilor Blake seconded the motion.

VOTE on Consent Agenda:

Yeas: 8

Nays: 0
Consent Agenda passed unanimously.

E. Time Devoted to Residents to Address the City Council: 6:38 PM #976

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 6:39 PM

Item F4 – Resolution: Approving the application process for the Community Enterprise Grant Program #988

Chairman Winglass read the following 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 Community Enterprise Grant Program which includes funding for Business Facade Improvement Grants to assist for-profit or non-profit businesses with exterior improvements;

NOW, THEREFORE, be it resolved by the City Council of the City of Bath its endorsement of this application and that John D. Bubier the City Manager:

1. Is authorized and directed to submit a Community Development Block Grant Community Enterprise Grant application to the Department of Economic and Community Development 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 proposal to carry out the duties and responsibilities for the development phase of the CDBG Grant process which will result in a contract to help fund business facade improvements in Bath.

Signed this 5th day of January 2005 on behalf of the City Council of Bath.

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

Seeing no discussion on this item, Chairman Winglass asked for a show of hands vote.

VOTE:

Yeas: 8

Nays: 0

Resolution passed unanimously.

Item F5 – Ordinance: LUC Amendment Article 12, Section 12.08, C-Preliminary Determination of Completeness (first passage) #1054

Chairman Winglass 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 12, Section 12.08, C, as follows:

c. Preliminary Determination of Completeness Planning Director's Review

1. Once the CEO has reported his/her determination to the Planning Director, the Planning Director must begin review of the site plan and supporting information. If the Planning Director makes a preliminary determination that the application is complete and it is a site plan that must be reviewed by the Planning Board, it is placed on the agenda of the next available Planning Board meeting. If the Planning Director makes a preliminary determination that the application is not complete, he/she must notify the applicant in writing and must list the materials or information that must be submitted to complete the application. The applicant may appeal the Planning Director's determination in writing; the application then will be placed on the agenda of the next available Planning Board meeting.

2. Action taken by the Planning Director with respect to reviewing a site-plan application does not result in an application being deemed pending for the purposes of 1 M.R.S.A. Section 302.

3. The Planning Director may, if the City's staff are not available or qualified because of the complexity or magnitude of the proposed development to review the plans and supporting materials and after notification to and at the expense of the applicant, employ 1 or more independent consultants to review the plans and supporting materials. The estimated costs of such consultant must be deposited with the City Treasurer prior to employing the independent consultant. If the cost of the review exceeds the amount deposited, the applicant must deposit additional funds with the City Treasurer before Site Plan Approval may be granted. Any money not spent must be reimbursed to the applicant.

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

Mr. Upham, City Planner, explained the way site plans are reviewed now is by a city staff review team and this sometimes can't be done as expediently as it should be done due to the time required to do other departmental job needs. This change would allow an outside consultant to review and get the results back to the Planning sooner for approval with applicant's approval.

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

No public comment.

ROLL CALL VOTE:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Ordinance passed unanimously. 8-0

Chairman Winglass set second passage for February 2, 2005 at 6:01PM.

Item F6 – Ordinance: LUC Amendment Article 8, Section 8.12, C-Space and Bulk Regulations (first passage) #1287

Chairman Winglass 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 8.12, C, (Space and Bulk Regulations in the Historic Overlay District) as follows:

C. Space and Bulk Regulations

Those of the underlying zone apply; however, they may be modified through the Contract Rezoning process. The underlying minimum lot area per dwelling unit requirements for residential uses may not be modified.

And amend Article 8, Section 8.13, C, (Space and Bulk Regulations in the Special Purpose Commercial Contract Overlay District) as follows:

C. Space and Bulk Regulations

The space and bulk regulations of the C1 District apply; however, these regulations may be modified through the Contract Rezoning process. The underlying minimum lot area per dwelling unit requirements for residential uses may not be modified.

(Note: Additions are underlined and deletions are

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

Mr. Upham, City Planner, explained the present Ordinance, as interpreted by some, does not allow the written modification of the space and bulk standards. This new wording would make it clear that this would be allowed. Mr. Upham stressed that the minutes reflect the intent of the City Council was to make it clear that the Contract Zoning, which is allowed in the Historic Overlay Districts, authorizes the Council to modify the space and bulk standards of all underlying districts.

ROLL CALL VOTE:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Ordinance passed unanimously. 8-0

Chairman Winglass set second passage for February 2, 2005 at 6:02PM.

Item F7 – Ordinance: LUC Amendment Article 16, Section 16.11 – Texas Steamship Contract Zone (first passage) #1529

Chairman Winglass pulled this Ordinance from the Agenda.

Item F8 – Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Washington Street East Side – Opposite South Gate Restaurant (first passage) #1537

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

Washington Street East Side

Delete:

From a point across from the southerly side of Weeks Street, and running northerly to a point 75 feet south of hydrant #19 located southerly and across from Hinckley Street, no parking;

From a point 75 feet south of hydrant #19 located southerly and across from Hinckley Street, and running 60 feet northerly, one-hour parking 8:00 a.m. to 2 p.m., and at all other times, no parking.

Add:

From a point across from the southerly side of Weeks Street, and running to a point 135 feet south of hydrant #19 located southerly and across from Hinckley Street, no parking.

From a point 135 feet south of hydrant #19 located southerly and across from Hinckley Street and running 120 feet northerly, two-hour parking 8:00 a.m. to 2 p.m., and at all other times, no parking.

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

Motion by Councilor Daigle to amend the ordinance to read "From a point 135 feet south of hydrant #19 located southerly and across from Hinckley Street and running 120 feet northerly, two-hour parking 6:00 a.m. to 2 p.m., and at all other times, no parking.", second by Councilor Pagurko. (*change underlined*)

ROLL CALL VOTE on Amendment:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Amendment passed unanimously. 8-0

ROLL CALL VOTE on Amended Ordinance:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Ordinance passed unanimously. 8-0

Chairman Winglass set second passage for February 2, 2005 at 6:03PM.

Item F9 – Ordinance: Labor Contract (first passage) #1867

ORDINANCE APPROVING CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT WITH THE BATH PUBLIC WORKS EMPLOYEES, BATH CEMETERIES AND PARKS DEPARTMENT EMPLOYEES, AND THE BATH WATER POLLUTION CONTROL FACILITY EMPLOYEES, LOCAL NO. S-89 OF DL-4 THE INDUSTRIAL UNION OF MARINE AND SHIPBUILDING WORKERS OF AMERICA, IAMAW, A.F.L. - C.I.O., COMMENCING JULY 1, 2004 AND EXTENDING THROUGH JUNE 30, 2007, HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

This Ordinance was taken up after the executive session.

Item F10 – Order: Contract for H.C. Crooker & Sons, Inc. do demolition work on the Prawer Block #1875

Mr. Bubier, City Manager, explained the bidding process for this project.

Chairman Winglass read the following Order:

**ORDER
CONTRACT DEMOLITION WORK
AT THE PRAWER BLOCK**

The City Council hereby accepts the negotiated price of \$140,000 from Harry C. Crooker and Sons, Inc to perform the scope of work identified in the Demolition at the Prawer Block Bid Document. The City Manager is authorized to enter into a contract with Harry C. Crooker and Sons, Inc.

Motion by Councilor Pagurko, second by Councilor Hart to put this item on the floor for discussion.

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously. 8-0

Item F11 – Accepting Transfer of Drug Assets #1966

Chairman Winglass explained that the transfer is in result of a seizure of drug paraphernalia and \$1,039 executed on August 18, 2004 in the City of Bath in which the cash will be transferred to the City funds.

Councilor Blake asked that these funds be put into an anti-drug fund for education of drug use prevention.

Mr. Bubier stated that the Council can designate these funds as they see fit.

Chairman Winglass asked that the City Solicitor have this matter ready for the Council to take up at the February 2, 2004 Council Meeting for passage.

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

VOTE:

Yeas: 8

Nays: 0

Order passed unanimously. 8-0

G. Petitions & Communications: 7:13 PM #2095

Councilor Quimby gave a report on the meeting held at the Fisher Mitchell School Library dealing with the traffic issues in the southend of the City. He thanked Dennis Dow, Principal of the Fisher Mitchell School, for allowing the use of the school.

Councilor Mitchell reported that he and Councilor Wyman had completed the project of putting the window in the skating hut at the Goddard's Pond facility. Councilor Daigle relayed that the Council has received many thank-yous from the public regarding their donation of rubber mats installed at the skating hut.

Councilor Hart explained that he had addressed the problem of streetlights being out on Middle Street with CMP and the problem has been taken care of.

H. City Manager's Report: 7:15 PM #2160

The City Manager spoke on the following topics:

- Shariki Exchange Projects
- Council Goals Workshop
- LD 1 Tax Reform Bill
- BRAC Committee Update
- Fire Department Grant
- Snow Removal Plan in the Downtown Area
- City Clock Restoration Project

I. Committee Reports: 7:25 PM #2494

Councilor Mitchell explained that the Screening Interview Committee had met and would be taking up the nominations for the Planning Board, Zoning Board of Appeals and the Personnel Service Commission positions later in the meeting.

Councilor Wyman asked that a workshop regarding the Tarbox Hill Housing project be held in February.

Chairman Winglass gave a report regarding the Patten Free Library Board Meeting. He stated that Steve Gardner had been elected Chairman. He stated that this month's "Community Read Program" will be The Kite Runner.

J. Old Business: 7:29 PM #2645

There was no old business taken up.

K. New Business: 7:29 PM #2647

***Item K12 – Annual Appointment: J. Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes.**

This item was taken up on the Consent Agenda.

VOTE:

Yeas: 8

Nays: 0

Appointment passed unanimously. 8-0

Item K13 – Annual Appointment: Robert Williamson as Alternate Codes Enforcement Officer and Plumbing Inspector for one year, pursuant to State Statutes.

This item was taken up on the Consent Agenda.

VOTE:

Yeas: 8

Nays: 0

Appointment passed unanimously. 8-0

Item K14 – Annual Appointment: Anne Banger as Assistant Codes Enforcement Officer and Plumbing Inspector for one year, pursuant to State Statutes.

This item was taken up on the Consent Agenda.

VOTE:

Yeas: 8

Nays: 0

Appointment passed unanimously. 8-0

Item K15 – Appointment: One Member to the Bath Planning Board. Term Expiration September 2006 #2650

Councilor Mitchell noted that Councilor Daigle had felt it was inappropriate for him to participate in the interview process due to conflicts of interest with an applicant so Councilor Hinds had participated in his place on the proceedings. Councilor Mitchell then nominated Andrew Omo to the position. He stated that it was the Committee's thoughts that Jennifer DeChant would be more needed on the Zoning Board of Appeals at this time as that Board would already have one new member being taken up in the next item, but that she be first considered for the next opening on the Planning Board should one open up.

Councilor Mitchell stated that the Committee would like to appoint Nathaniel H. Bowditch for the Zoning Board of Appeals position and Thomas Watson for the Personnel Service Commission position.

VOTE on Planning Board Member:

Yeas: 8

Nays: 0

Appointment passed unanimously. 8-0

Item K16 – Appointment :One Member to the Bath Zoning Board of Appeals. Term Expiration September 2006.

VOTE on Zoning Board of Appeals Member:

Yeas: 8

Nays: 0

Appointment passed unanimously. 8-0

Item K17 – Appointment: One Member to the Personnel Service Commission. Term Expiration November 2008

VOTE on Personnel Service Commission Member:

Yeas: 8

Nays: 0

Appointment passed unanimously. 8-0

Item K18 – Annual Appointment: Council Representatives to City Committees #2784

Chairman Winglass read the following list of nominees:

Bath Housing Authority - Bernard Wyman
Patten Free Library - Andrew Winglass
Recreation Commission - Keith Hinds
Sidewalk Vending License Committee - Bernard Wyman, Leverett Mitchell, Alt. Ruthe Pagurko
Student Community Liaison Council - John Hart
Welfare Review Board - John Hart, Leverett Mitchell, Ruthe Pagurko
Midcoast Business Development & Planning Organization - William Quimby, Halcyon Blake, Bernard Wyman

Motion by Councilor Mitchell, second by Councilor Pagurko to accept the list of nominees.

VOTE:

Yeas: 8

Nays: 0

Appointments passed unanimously. 8-0

Chairman Winglass announced there would be a Workshop regarding Council Goals for 2005 on January 10, 2005 at 4:00 PM in the Basement Conference Room and the next regular meeting of the Council would be on February 2, 2005 at 6:00 PM in Council Chambers.

At 7:35 PM Councilor Mitchell made a motion to go into Executive Session to discuss a Labor Negotiations Matter pursuant to 1 MRSA, Section 405 (6) (D). Councilor Pagurko seconded the motion. All in favor.

At 7:50 PM Councilor Quimby made a motion to come out of Executive Session. Councilor Wyman seconded the motion. All in favor.

Motion by Councilor Blake, second by Councilor Quimby to put Item F9 – Ordinance regarding Labor Contract first passage on the floor for discussion.

Roll Call Vote on Ordinance:

Yeas: Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell

Nays: None

Ordinance passed unanimously.

Chairman Winglass set second passage of the Ordinance for February 2, 2005 meeting at 6:04PM.

The meeting adjourned at 7:56 PM with a motion by Councilor Hinds, 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.