

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

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

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

Chairman Winglass led the Pledge of Allegiance and City Clerk White called the Roll.

C. Public Hearings: 6:03 PM

- 1) **Ordinance: Chapter 2. Administration, Article 1. Administrative Code, Section 2.12. Recreation Commission (second passage) #24**

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 2. ADMINISTRATION
Article 1. Administrative Code

Section 2.12. Recreation Commission
B. Recreation Commission

Delete:

4. Commission Meetings and Quorum. The Commission shall meet monthly in order to formulate policies as required for the proper and adequate conduct of the recreational program of the City of Bath and at such other times as becomes necessary and appropriate to assure coordination of the recreation program, said meetings to be called by the Chairman, or in his absence, the Recreation Director. The Commission may suspend any regular monthly meeting when, in the judgment of the Chairman or a majority of the Board; no action is required of the Commission. The Commission shall adopt its own rules of procedure and four (4) members attending any regular or special meeting shall constitute a quorum.

Replace with the following:

4. Commission Meetings and Quorum. The Commission shall meet monthly in order to formulate policies as required for the proper and adequate conduct of the recreational program of the City of Bath and at such other times as becomes necessary and appropriate to assure coordination of the recreation program, said meetings to be called by the Chairman, or in his absence, the Recreation Director. The Commission may suspend any regular monthly meeting when, in the judgment of the Chairman or a majority of the Board; no action is required of the Commission. The Commission shall adopt its own rules of procedure and four (4) members attending any regular or special meeting shall constitute a quorum. Any member who does not attend fifty percent (50%) of the Recreation Commission meetings within any six (6) month period, unless excused by the Chairman of the Commission, may be removed by City Council.

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

ROLL CALL VOTE:

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

Nays: None

Ordinance passed unanimously. 8-0

Chairman Winglass stated this Ordinance would become law in 21 days.

2) CDBG Economic Development Program application to the department of Economic and Community Development for funding to assist Mainely Knobs to establish a business operation in Bath. #70

Al Smith, Community Development Director, gave a brief description of the proposed business. Mr. Smith stated that the funding from this grant would provide assistance with the start up of the new business. The business would be located at 2 Town Landing and would employ up to 8 jobs in the future. He introduced the owners of Mainely Knobs Kenneth Baker and Susan Elkin. Ms. Elkin explained the details of the manufacturing of the stone cabinet knobs and the business plan.

Chairman Winglass on behalf of the Council gave their support of the business venture and wished Mainely Knobs well.

3) CDBG FY 2004 Public Service Grant establishing the Artworks Summer Arts Outreach Program and an Economic Development Infrastructure Grant to establish the Bath Business Incubator/Monolite Project. #325

Al Smith, Community Development Director, explained that this public hearing was the next step in the process of fulfilling the requirements of this grant.

Jamie Silvestri, Director of the Artworks Program, addressed the Council regarding the organization of the program and an overview of some of the activities being implemented throughout the City. Ms. Silvestri stated that the feedback on the program has been overwhelmingly positive.

Chairman Winglass wished the Artworks program continued success.

Anthony Burich of Monolite, updated Council on the progress of the Monolite venture. He stated that the Army is now in the process to release a million dollars, which a good portion of the funds will be going to the project in Bath for the development of the panels. Mr. Burich anticipates the business will be operational sometime in June.

The Council expressed their support and wished the Monolite project good luck.

4) Approval of a Liquor License for the Maine Maritime Museum. #635

Tom Wilcox, Director of the Maine Maritime Museum, explained the reasons the Museum is requesting the liquor license and how they would be using the license through the upcoming year.

Motion by Councilor Mitchell, second by Councilor Pagurko to grant the liquor license.

Vote on License:

Yeas 8

Nays 0

License was granted.

D. Consent Agenda: 6:25 PM #720

5)* Under the Consent Agenda acceptance of the Minutes to the meetings of March 2 and 21, 2005. Motion by Councilor Quimby, second by Councilor Hinds to accept the minutes as presented. All in favor.

E. Time Devoted to Residents to Address the City Council: 6:26 PM #733

No one from the public spoke at this time.

F. Ordinances, Resolutions and Orders: 6:27 PM

Item 6 Resolution: CDBG Business Assistance Application Approval #748

Chairman Winglass read the following Resolution:

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 Development Fund 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 Business Assistance Application to the Department of Economic and Community Development on behalf of Mainely Knobs, LLC to assist in the establishment a business that will fabricate high quality stone knobs for kitchen, bathroom and furniture use. The knobs will be primarily made form granite, marble or soapstone, which may match a client's countertop.
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.

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

Al Smith, Director of Community Development, explained the details of the funding.

VOTE on Resolution:

Yeas: 8

Nays: 0

Resolution passed unanimously 8-0

Item 7 Order: Consolidating Polling Locations for State and Municipal Election #849

Chairman Winglass read the following Order:

**ORDER
CONSOLIDATING POLLING LOCATIONS
FOR STATE AND MUNICIPAL ELECTIONS**

WHEREAS, the conduct of elections in the City of Bath, pursuant to Section 902 of the Charter of the City of Bath provides that the general election laws of the State shall apply unless otherwise provided by the Charter, and

WHEREAS, the City Charter does not designate polling places, and

WHEREAS, Section 631(1) of Title 21-A, M.R.S.A., provides that the Municipal Officers shall establish a suitable voting place outside the voting district where no building within the district is determined to be suitable.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath, as follows:

1. It is hereby determined by the Municipal Officers that the current voting locations, with the exception of the Bath Middle School, are unsuitable as confirmed by the Secretary of State's Office.
2. The Bath Middle School located on the Old Brunswick Road in Bath, Maine, is hereby designated as the voting location for all wards within the City of Bath for all elections, including but not limited to, State Primaries, General Elections, Referendum Elections, and Special Elections and all Municipal Elections.
3. All Municipal Elections shall still be done by wards as described and required in Section 901 of the Charter of the City of Bath.

Motion by Councilor Pagurko, second by Councilor Hinds to put this Order on the floor for discussion.

Mary White, City Clerk, explained the reasons that had brought forth the need for this change to the voting place for elections. She gave a detailed description of the new location voting process, costs for initial setup and possible problems and solutions that may arise from the new plan. Ms. White expressed her appreciation to the City Staff, School Personnel, Election Workers, Political Parties' Representatives and most of all to the City of Waterville and its City Clerk for their support and help in getting the plan in place.

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously 8-0

Item 8 Resolution: Setting Fee Schedule for the Bath Landfill #1654

Chairman Winglass read the following Resolution:

**RESOLUTION
SETTING FEE SCHEDULE FOR THE BATH LANDFILL**

WHEREAS, Section 13-32 of the Code of the City of Bath provides that Council may by Resolution, from time to time, set a fee schedule for use of the Bath Landfill Facility, and

WHEREAS, Council and staff have conducted a review of fees for competing facilities and policies for use of the Bath Landfill Facility,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the attached landfill schedule be and hereby is approved to be effective immediately. Changes are noted by underlining and strikethroughs.

A complete list of these fee changes are included with the agenda materials for the 4/6/2005 Council Meeting in the Bath City Clerk's Office.

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

Lee Leiner, Deputy Public Works Director, gave an update on the status of the landfill, solid waste and recycling operations and explained the landfill financial issues and changes in the tipping fees.

VOTE on Resolution:

Yeas: 8

Nays: 0

Resolution passed unanimously 8-0

Item 9 Ad Hoc Committee to Facilitate Business Development in the City of Bath #2470

Chairman Winglass read the following:

**AD HOC COMMITTEE TO FACILITATE
BUSINESS DEVELOPMENT IN
THE CITY OF BATH**

Mission Statement: This City Council recognizes and acknowledges the importance of economic development to the continued well-being of the City of Bath and its Inhabitants. A vibrant and productive economy promotes the creation and retention of jobs by attracting new business and commercial activities to the City and encouraging existing business and commercial enterprise to expand, and increases and diversifies the City's tax base. Therefore, it is the stated mission of this Committee to act in concert with City Council and City Staff to facilitate the process of economic development in the City of Bath.

Duties: The duties of this Committee include the following:

- To act as a point of contact for developers exploring development opportunities in the City of Bath.
- To actively seek developers and to promote development opportunity within the City of Bath, including new commercial activity and the expansion of existing business and commercial activities.
- To work with the City Manager to determine how best to encourage a particular development proposal.
- To act as a resource and liaison to the City Manager with regard to development issues such as financing, grants, tax incentives, development of business plans, siting, land use, and community impact issues.
- To review and evaluate development proposals as to their viability.
- To communicate with regard to development proposals among Committee members.

Composition: The Committee shall consist of the Chair of the City Councilor his designee, the City Manager in his capacity as Economic Development Director, and three citizens with business and business development experience, at least two of whom shall be Bath residents.

Communications: In order that this Committee function effectively and appropriately, it is vital that lines of communication from potential developers to the Committee members, through to City Staff be maintained and that necessary information be shared among all interested parties in order to facilitate the development process.

Confidentiality: The members of the Committee understand that dealing with development proposals may require a degree of confidentiality. It is recognized that premature disclosure of information or disclosure

of information determined and declared to be proprietary by the developer, would severely prejudice the City or the developer if such information became public. In order to emphasize the need for discretion in handling development proposals, each citizen member will be required to sign a non-disclosure statement recognizing the necessity that developers be able to rely on discretion and confidentiality of the Committee members, within the parameters of the law.

Motion by Councilor Daigle, second by Councilor Pagurko to put this Item on the floor for discussion.

Councilor Daigle explained the reasons this committee had been created and the expectations of its function.

VOTE:

Yeas: 8

Nays: 0

Passed unanimously 8-0

Item 10 Ordinance: LUC Amendment Repeal existing Article 13 and replace with new Article 13 (first passage) #2879

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:

Repeal existing Article 13 and replace it with new Article 13

A complete copy of this document is on file with the Council Agenda materials for the 4/6/2005 meeting in the City Clerk's Office.

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

Jim Upham, City Planner, explained the history and the makeup of the document. He went over the major changes in the document such as sketch plan process, street standards, street construction standards and construction phase of a development. Mr. Upham gave an overview of the changes relating to the Planning Board amendments of the previous evening.

VOTE on Ordinance:

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

Nays: None

Ordinance passed unanimously 8-0

Chairman Winglass set second passage of the Ordinance for May 4, 2005 at 6:01 PM.

Item 11 Ordinance: LUC Article 2 – Definitions, Section 2.02 (first passage) #3309

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 2 -Definitions, Section 2.02, as follows:

Street: For the purpose of determining frontage and access requirements only; a way established or maintained under public authority; a private way meeting the standards contained in Section 13.14. B. 2. (e), approved by the Planning Board, and recorded at the Registry of Deeds; a way shown on a plan of a subdivision duly approved by the Planning Board; a way shown on a plan recorded in the Registry of Deeds prior to September 23, 1971; a way that is existing at the date of adoption of this Section, which meets the standards contained in Section 13.14. B. 2. (e).

Street Bottle-neck That segment of a dead-end street system. which must serve as both ingress and egress.

Street, Continuing A street having two ends: each end connecting with a different continuing street or loop street.

Street, Loop A street that has two ends, each end connecting with the same the connections are less than 500 feet apart the street is considered a dead-end street system.

(Note: additions are underlined, and deletions are.)

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

There was a brief discussion regarding “turn around” issues on small streets.

VOTE on Ordinance:

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

Nays: None

Ordinance passed unanimously 8-0

Chairman Winglass set second passage of the Ordinance for May 4, 2005 at 6:02 PM.

Item 12 Ordinance: LUC Article 11 – Section 11.36 Manufacturing, Processing, Creation, Renovation, or Assembling of Goods, Merchandise, or Equipment in the downtown Commercial District (first passage) #3817

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 11, Section 11.36, as follows:

SECTION 11.36 MANUFACTURING, PROCESSING, CREATING, RENOVATING, OR ASSEMBLING OF GOODS, MERCHANDISE, OR EQUIPMENT IN THE DOWNTOWN COMMERCIAL DISTRICT

This Standard applies to land Use category 4.1 if located in the C1 zoning district.

A. May not be located on the ground floor unless on the ground floor at least 30 percent of the gross floor area of the use is devoted to, available to, and physically arranged to accommodate walk-in, retail sales of the product of the business.

B. Notwithstanding A, above. a Category 4.1 use may be located on the ground floor of a mixed use building, which must include a Category 2 use, a Category 3 use, or a Category 10.1 use, provided the Category 4.1 use occupies no more than 50% of the around floor and does not occupy more of the storefront than is necessary for safe personal egress. The storefront means that portion of the building that abuts a street, a City owned parking lot or the Kennebec River and is 15 feet in depth from that street, City owned parking lot or Kennebec River.

C. The non-Category 4.1 use of the building must be physically separated from the Category 4.1 use of the building.

D. May only be conducted in a building, which existed on July 19, 2000.

(Note: Additions are underlined, and deletions are .)

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

Jim Upham, City Planner, explained how this change would benefit the downtown area.

VOTE on Ordinance:

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

Nays: None

Ordinance passed unanimously 8-0

Chairman Winglass set second passage of the Ordinance for May 4, 2005 at 6:03 PM.

Item F13 Approving Pole Application for Verizon New England Inc. and Central Maine Power Company for U.S. Route 1 – from approximately 69’ southwesterly of Western Avenue Ext. #4374

VOTE:

Yeas: 8

Nays: 0

Passed unanimously 8-0

Item F14 Order: Memorandum of Understanding for the Preparation of a Strategic Transportation-Land Use Corridor Preservation Plan for the U.S. Route 1 Corridor From Brunswick to Stockton Springs #4401

Chairman Winglass read the following Order:

**ORDER
APPROVING MEMORANDUM OF UNDERSTANDING**

IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A MEMORANDUM OF UNDERSTANDING FOR THE PREPARATION OF A STRATEGIC TRANSPORTATION-LAND USE CORRIDOR PRESERVATION PLAN FOR THE U.S. ROUTE 1 CORRIDOR FROM BRUNSWICK TO STOCKTON SPRINGS, ATTACHED TO THIS ORDER AND MADE A PART HEREOF, BE AND HEREBY IS APPROVED AND ADOPTED AND THAT THE

CITY MANAGER OF THE CITY OF BATH BE AUTHORIZED TO EXECUTE THE MEMORANDUM ON BEHALF OF THE CITY.

A complete copy of the memorandum is on file with the agenda materials for the 4/6/2005 Council Meeting in the Bath City Clerk's office.

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

John Bubier, City Manager and Jim Upham, City Planner, explained their understanding of the process this Committee will be taking.

VOTE on Order:

Yeas: 8

Nays: 0

Order passed unanimously 8-0

G. Petitions & Communications: 8:16 PM #4663

Chairman Winglass read a letter from Maine Department of Transportation to Tom Hoerth, Tree Warden, congratulating the City of Bath as being selected to receive a Community Gateway Project Award of \$5,000 for his proposed project.

H. City Manager's Report: 8:18 PM #4722

The City Manager spoke on the following topics:

- Reviewed the Chocolate Church Jubilee program, which occurred the previous weekend.
- Water Street Lot Improvements
- BIW Meetings regarding the state of the Yard and Train Station Project
- County Jail Project Update
- Area Information Center at Witch Spring Hill Location
- Overview of Meetings with Police and Public Works regarding street lighting issues
- BRAC Committee Update
- MRG "Railroad Association" met at the Maine Maritime Museum.

I. Committee Reports: 8:30 PM #5229

Councilor Quimby gave a report on the Alewife Committee. He stated that an upgrade on the fishway will be done in the near future. Mr. Quimby explained how the funding for this project will be taken care of.

Councilors Wyman and Mitchell praised Councilor Quimby on his teaching of a class on plumbing to students.

Councilor Hart stated that the SCLC now has two students on the Planning Board and are hoping to have two students on the Board of Education very soon.

Councilor Daigle asked for people from the community interested in being on either the Hockey Arena Committee, the BioDiesel Committee or the Regional License Plate project to contact the City Clerk's Office.

J. Old Business: 8:37 PM #5605

None.

K. New Business: 8:37 PM #5606

Chairman Winglass stated that there would be a Workshop at the Patten Free Library on April 11, 2005 at 5:00 PM.

The meeting adjourned at 8:42 PM motion made by Councilor Pagurko and seconded by Councilor Quimby. All in favor.

Attest:

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.