

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, January 4, 2006 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass and Chairman Wyman.

Also in attendance was the Acting City Manager – Paul Mateosian, City Solicitor - Roger Therriault and City Clerk - Mary White.

Chairman Wyman stated that Item F6 would be pulled from the Agenda, but anyone wishing to address Council regarding that Item could do so during the “Time Devoted to Residents” portion of the Agenda.

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

C. Public Hearings: 6:02 PM

1) Public Hearing – Ordinance – Amendment Chapter 17 Vehicles and Traffic, Article 4. Pedestrians, Section 17-154. Crosswalks (second passage)

Chairman Wyman 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 4. Pedestrians

Section 17-154. Crosswalks.

add:

"Crosswalk on Washington Street leading from the Union Office Building at 722 Washington Street and running to the gate in the B.I.W. main parking lot."

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

There was no public or Council comment.

Roll Call Vote on Ordinance:

Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass

Nays: None

Ordinance Passed Unanimously. 8-0

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

2) Public Hearing – Ordinance – Amendment Chapter 17 Vehicles and Traffic, Article 5. Operation, Section 17-209. Speed Limits (second passage)

Chairman Wyman read the Ordinance.

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the December 7, 2005 Council Meeting.

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

Motion by Councilor Blake, second by Councilor Pagurko to amend the Ordinance by adding “(c) In all municipal and public parking lots, speed is limited to 10 miles per hour.” All in favor.

There was no public comment.

Roll Call Vote on Amended Ordinance:

Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass

Nays: None

Ordinance Passed Unanimously. 8-0

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

3) Public Hearing – Ordinance – Chapter 8A. General Assistance (second passage)

Chairman Wyman 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 Chapter 8A in its entirety including all Appendices and replace with the attached text, Articles 1 through 9 and Appendices A through I.

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the January 4, 2006 Council Meeting.

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

There was no public or Council comment.

Roll Call Vote on Ordinance:

Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass

Nays: None

Ordinance Passed Unanimously. 8-0

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

4) Public Hearing – To provide information about and gain input into a CDBG Infrastructure Grant application to the Department of Economic and Community Development to address water and sewer upgrades on Stacy, Hinckley and Shaw Streets.

Al Smith, CDBG Coordinator, gave an overview of the history of this grant application process. He explained the details of the grant application which would be requesting up to \$300,000 for the City to address its infrastructure needs in the neighborhoods of Stacy, Hinckley and Shaw Streets. Mr. Smith asked for any questions or comments the Council or Public might have. There were none.

Chairman Wyman closed the public hearing.

D. Consent Agenda: 6:13 PM

5) *Acceptance of the Minutes to the meetings of December 7 and 14, 2005 and items K9, K10 and K11. Motion by Councilor Hinds, second by Councilor Pagurko to accept the Consent Agenda as presented. All in favor.

E. Time Devoted to Residents to Address the City Council: 6:14 PM

Kay Pierson of 25 Springview Lane spoke to Council regarding Contract Rezoning. She referenced a project, proposed the renovation of the Stinson Cannery in Belfast, Maine into a multi-use facility including condos, marine and mixed use retail but under strict guidelines. This initiated Belfast's Contract Rezoning process. She shared the Contract Zoning document that came from this process. Ms. Pierson asked that Council research, address and prioritize as a goal the City's process of Contract Rezoning for the betterment of the community and waterfront as a whole.

Betsy Fear of 944 Middle Street asked that the City think about looking at the process of Contract Rezoning because the public sometimes feels like they are left out. She said that even though they do have the opportunity to speak, it sometimes seems like things are approved based on some of the information the public doesn't have total access to, so maybe the Council could look at the process again with these considerations in mind.

F. Ordinances, Resolutions and Orders: 6:20 PM

Item 6 - Ordinance: Amendment LUC Contract Rezoning Article 16, Section 16.12, 99 Commercial Street (first passage)

This item was pulled from the agenda.

Item 7 - Bond Refinancing Ordinance (first passage)

A complete copy of this Ordinance is on file in the Bath City Clerk's Office with the agenda materials for the January 4, 2006 Council Meeting.

Motion by Councilor Hinds, second by Councilor Pagurko to waive the reading of this Ordinance. All in favor.

Roger Therriault, City Solicitor, explained that the passing of this Ordinance would give the City the ability to refinance the bonds at a better rate, saving the City about a quarter of a million dollars.

Roll Call Vote on Ordinance:

Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass

Nays: None

Ordinance Passed Unanimously. 8-0

Chairman Wyman set second passage of this Ordinance for February 1, 2006 at 6:01PM.

Item 8 - Ordinance: Amendment Chapter 13. Refuse, Article 3. Landfill Fee Schedule Section 13.34. Nonpayment (first passage)

Chairman Wyman 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 13. REFUSE
Article 3. Landfill Fee Schedule

Section 13-34. Nonpayment

Add to the text below the underlined language:

Failure to pay any fee assessed hereunder shall constitute a violation of this Section and shall result in refusal of access to the facility and prohibition of any additional dumping of material or other use of the facility. In addition, any fee that remains unpaid thirty (30) days after the date of billing, will be assessed interest at the same rate as assessed against unpaid ad valorem property taxes as set annually by Council in accordance with Section 7-101 of the Code.

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

Peter Owen, Public Works Director, answered questions regarding the methane gas problem at the landfill.

Roll Call Vote on Ordinance:

Yeas: Hinds; Omo; Quimby; Blake; Hart; Verville; Pagurko; Winglass

Nays: None

Ordinance Passed Unanimously. 8-0

Chairman Wyman set second passage of this Ordinance for February 1, 2006 at 6:02PM.

G. Petitions & Communications: 6:25 PM

None.

H. City Manager's Report: 6:25 PM

The Acting City Manager reported on the following topics:

- Announcement of new Police Officers
- Landfill Gas Issue
- Increase in Landfill Fees
- North Bath and Whiskeag Roads' Intersection Issue Update
- Snow Removal Plan in the Downtown area
- Recognition of the Bath Planning Board and Citizens of Bath on their participation in the process of the Bath Port Contract Rezoning Issue

I. Committee Reports: 6:33 PM

Councilor Hart reported that the SCLC met and will be planning a celebration in remembrance of Martin Luther King Day. Mr. Hart stated that the Community Policing Group has conducted training on the hand-held radar, which will be used to check on speeding issues within the City limits.

Councilor Quimby introduced Martha Witham, Superintendent of Schools, to Council.

Councilor Winglass recognized the Patten Free Library on a job as well done during his three years on the Board of Directors. He gave an update on the Community Read Program.

J. Old Business: 6:36 PM

None.

K. New Business: 6:36 PM

- 12) Appointment of one member to the Bath Planning Board term to expire September 2007.

Councilor Hinds nominated David King to the position on the Bath Planning Board. Councilor Pagurko seconded the nomination.

Vote on Nomination:

Yeas: Hinds, Omo, Quimby, Hart, Pagurko

Nays: Blake, Verville, Winglass

Nomination passed: 5-4

- 13) Appointment of one member to the Personnel Service Commission term to expire January 2009

Councilor Hinds nominated Mark Westrum to the position on the Personnel Service Commission. Councilor Quimby seconded the nomination.

Vote on Nomination:

Yeas: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

Nays: None

Nomination passed: 8-0

- 14) Annual Appointments to Committees by Council Nominees:
Bath Housing Authority – Bernard Wyman

MidCoast Council for Business Development & Planning -
Brian Verville, Halcyon Blake, Bernard Wyman
Patten Free Library – Brian Verville
Recreation Commission – Keith Hinds
Sidewalk Vending License Committee - Bernard Wyman, Ruthe Pagurko
Student Community Liaison Council – John Hart
Welfare Review Board – John Hart, Ruthe Pagurko, James Omo

Councilor Winglass made a motion that these appointments be approved, which was seconded by Councilor Quimby.

Vote on Appointments:

Yeas: Hinds, Omo, Quimby, Blake, Hart, Verville, Pagurko, Winglass

Nays: None

Appointments passed: 8-0

The meeting adjourned at 6:42 PM with a motion made by Councilor Hinds and seconded by Councilor Pagurko. 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.