

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
December 2, 2015
City Council Chambers, Bath City Hall

Present: Councilors Brackett, Page, Paulhus, Nordmann, Wyman, Bauer, Mitchell, Omo and Madame Chair Eosco

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

Madame Chair Eosco led the Pledge of Allegiance and City Clerk White called the Roll.

Councilor Bauer gave a presentation regarding her trip as Council Representative to Japan last summer.

C. 1) Public Hearings: 6:17 PM

Madame Chair Eosco 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

Dummer Street Court

Delete: No restrictions.

Replace With: No parking.

Councilor Omo made a motion to put the Ordinance on the floor for discussion. Councilor Wyman seconded the motion.

Police Chief Michael Field gave a report on the street area parking conditions, neighborhood meeting, and recommendations of the Parking Committee and the emergency vehicle access problems to the area.

Madame Chair Eosco opened the public hearing. No one spoke so she closed the hearing.

ROLL CALL VOTE on Ordinance:

YEAS: Brackett, Page, Paulhus, Nordmann, Wyman, Bauer, Mitchell, Omo

NAYS: None

Passed unanimously. 8-0

Madame Chair Eosco stated this would become law in 21 days.

D. Consent Agenda 6:19 PM

***2) Minutes of the previous meeting of November 4, 2015 and Items F3, F4, F5, F6, F7 and F8. (motion to Accept as Presented)**

Councilor Omo made a motion to accept the Consent Agenda as presented. Councilor Mitchell seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address the City Council 6:21 PM

No one spoke.

F. Orders, Resolutions and Ordinances 6:21 PM

***3) Order - setting meetings of the City Council (motion to pass 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 6:00 o'clock PM and a Special Meeting/Workshop on the third Wednesday of each month at 6:00 PM in Council Chambers, as needed.

This Order was passed on the Consent Agenda.

***4) Order - adopting Robert's Rules of Order for parliamentary procedure (motion to pass 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.

This Order was passed on the Consent Agenda.

***5) Adoption Working Rules and Regulations for Council (motion to pass)**

**CITY COUNCIL FOR THE CITY OF BATH, MAINE
WORKING RULES AND REGULATIONS FOR COUNCIL**

PUBLIC TO ADDRESS COUNCIL

At the beginning of each regular monthly meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer, of the City of Bath to address the Council regarding any item that is not on the agenda for that meeting.

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Council sponsor, the City Manager, shall first be allowed to present their initial comments for consideration by the public and other Councilors. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the City Manager regarding the agenda item which any Councilor may have which would help to clarify the question presented by the agenda item. The Chair shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the City Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization, resident or taxpayer of the City of Bath to address the Council regarding this particular agenda item.

After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for any debate of the issue among Councilors. The Chairman may, if the topic warrants, allow a second period of public comment no longer than two minutes per person, prior to final Council vote. Second comments by the public must be to furnish new or undisclosed information or viewpoints. The Chairman will then close public debate, provide for a second period of Council debate followed by Council vote, and then proceed to further action.

Any individual wishing to address the council, after being recognized by the Chairman, will move to the lectern to speak and give his or her name and address before beginning remarks.

If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point.

Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the Chair. In no instance shall debate of an agenda item be allowed between members of the public and the Council. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Councilor, and this rule shall be liberally construed and strictly enforced. All individuals addressing the Council shall limit their remarks to five (5) minutes or less. No individual shall be permitted to address the Council more than twice on any agenda item.

WORKSHOP SESSIONS

Workshop sessions may be scheduled by the Chairman or City Manager, for the purpose of disseminating information for Council enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, Council will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

ABSENCE OF CHAIRMAN

A Vice Chairman shall be elected on the first Wednesday in December pursuant to the City Charter. The Vice Chairman shall carry out the duties of the Chairman in the absence of the Chairman.

In a situation where the Chairman and the Vice Chairman of the City Council are absent, the Council shall appoint by affirmative majority vote of its members present, a temporary Chairman of the Council to serve until such time as the Chairman or Vice Chairman returns to the Chair. The temporary Chairman is to have and exercise any and all powers conferred upon the permanent Chairman of the said City Council by Charter or otherwise.

EXECUTIVE SESSIONS

All motions for Executive Sessions shall state the nature of matters to be dealt with. No topic other than that referred to in the Motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by Councilors and shall not be discussed with or divulged to any person other than a fellow Councilor or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Councilor to sanction by the Council as set forth in Section 213 of the City Charter.

AGENDA ITEMS

All agenda items shall be, under normal circumstances, submitted to the City Clerk's Office 6 days prior to any regular or special meeting. In the event that a matter shall arise which was not submitted to the Clerk's Office within the proper time frame, then that item, in proper form to be submitted to the City Council, shall be presented to the Council Chairman and City Manager as soon as possible. The Council Chairman may present the matter to be considered by the Council, with a majority vote of Councilors present required for it to be included on the agenda.

CONSENT AGENDA

On any agenda for the City Council for the City of Bath, one item may be the Consent Agenda and may consist of-

- a. Minutes of the City Council meetings.
- b. Such items as may be marked with an asterisk (*) on the agenda for the meeting, which in the opinion of the City Council Chairman shall be considered routine matters not requiring debate.

Any Councilor wishing to have any item so marked removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be considered within the normal course of the meeting.

In the case of items included, the motion to approve shall be considered to have been passed by the City Council as part of its vote to approve the Consent Agenda.

COUNCILOR COMMENTS - 5 MINUTE RULE

No individual Councilor shall speak for more than 5 minutes on any one motion before the Council. For the purpose of this rule, Councilors shall be allowed to speak for 5 minutes on any amendments proposed, as well as to the original motion. No individual Councilor shall speak more than twice on any given motion or amendment. These rules may be waived by a majority-vote of the Councilors present and such motion may be made by the Councilor wishing the additional time. Councilors are encouraged to explain the rationale for their vote during their comments. No comments shall be allowed which have the effect of embarrassing or attacking the character of any fellow Councilor or member of the public, and this rule shall be liberally construed and strictly enforced.

MEETING LENGTH

All Council meetings, workshops or executive sessions shall, except in extraordinary circumstances, adjourn at or before 9:00 P.M.

WAIVER

Any of these rules may be waived for any meeting, or portion thereof, by a majority vote of Councilors present.

TABLING MOTIONS

Although tabling motions under Robert's Rules of Order are not designated as motions which are debatable, this Council shall allow debate on a tabling motion. Any such debate, however, will be limited to the reasons for the tabling motions and shall not be a continuation of the merits of the motion or any amendments that may be offered to the motion.

This Item was passed on the Consent Agenda.

- *6) Order - Council approval on annual Blanket Letter of Approval on all renewals to operate Games of Chance and/or Beano Games (private clubs, etc.) (motion to grant approval)**

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.

For the following:

Bath Area Senior Citizens
Bath Lodge of Elks
Veterans' of Foreign Wars (VFW)
Veterans' of Foreign Wars (VFW) Auxiliary #7738
Knights of Columbus
West Bath Fire Department

This Order was passed on the Consent Agenda.

- *7) Order – Appointing Wardens and Ward Clerks for Municipal Elections**

ORDER

Be It Ordered by the City Council of the City of Bath, that the following Wardens and Ward Clerks be appointed for all Municipal Elections:

Ward	Warden	Ward Clerk	Term Expiration
1	Barry Compton	Margaret Gabelmann	December 2017
2	Christina Hagan	Sandra Kaler	December 2018
3	Mary Arsenault	Susan Kelley	December 2018
4	Darlene Compton	Sally Vose	December 2018
5	Cindy Gabelmann	David Kaler	December 2016
6	Timothy Richter	Samuel Trott	December 2017
7	Aaron Park	Carla Burnham	December 2016

This Order was passed on the Consent Agenda.

***8) Order – Appointing Alternate Wardens and Ward Clerks for Municipal Elections**

ORDER

Be It Ordered by the City Council of the City of Bath, that the following list of alternate Wardens and Ward Clerks be appointed for a one year term for all Municipal Elections:

Bryant	Sherry	40 Weeks Street
Edgett	William	2 Edgett Street
Everham	Wendy	12 Sewall Street
Gaudreau	Mary	3 Barque Road
Libby	Charlene	26 Drummond Point
McDonald	Bonnie	330 Washington Street
Orr	Dawn	25 Spring View Lane
Robitaille	Linda	26 York Street
Smith	Joan	1419 Washington Street
True	Lynn	1475 Washington Street
Wright	Wendy	12 Central Avenue
Zelinka	Cynthia	714 Middle Street

This Order was passed on the Consent Agenda.

G. Petitions & Communications 6:22 PM

No one spoke.

H. City Manager’s Report 6:22 PM

City Manager reported on the following:

- Update on Hyde School Development Project Funding
- Possible Demolition of the “Old Nunnery”
- New Marriott Hotel on Route One Opening
- Bath Housing Authority and Bath Fire Department to hold a Fire Safety Forum in the Auditorium at City Hall at 5 PM on 12/3/15 for landlords and property managers.

I. Committee Reports 6:25 PM

Councilor Page gave an update on the progress of the Southend Park improvements.

Madame Chair Eosco reported that there would be a Council Meeting on December 16th at 6:00 PM to discuss committee assignments for Councilors for the upcoming year.

J. Unfinished Business 6:28 PM

There was no unfinished business.

K. New Business 6:28 PM

9) Election of a Council Representative to attend the Bath Water District Board of Directors' meetings until December 2016.

Councilor Mitchell nominated Councilor Wyman for this position. Councilor Page seconded the motion. All were in favor of the nomination.

10) Appointment of 2 members to the Forestry Committee with a 3-year commitment.

Councilor Mitchell nominated Mary Earl Rogers and Harold Sonia Jr. for these positions on behalf of the Appointment Interview Committee. All were in favor of the nominations.

11) Appointment 1 member to the Personnel Service Commission for a term ending January 2019.

Councilor Mitchell nominated Karla Gagnon for this position on behalf of the Appointment Interview Committee. All were in favor of the nomination.

L. Councilor Announcements 6:31 PM

Councilor Paulhus reminded Council and the public of the food drive drop off box located at City Hall by the Auditorium.

Councilor Page thanked the Council for a great year and wished everyone a Merry Christmas and Happy New Year.

Councilor Bauer echoed Councilor Page's sentiments and thanked her constituents for their support and asked them to please correspond with her if they have anything they need help with or would like discussed by Council.

Madame Chair Eosco reported a change in the date of the Agenda Meeting for the Regular Council Meeting in January due to the Holiday vacations. The Agenda Meeting will be held at 9:30AM on Friday, December 18th. She also urged everyone to get out during the Holiday Season and enjoy the City of Bath as it has a lot to offer with events and decorations.

Councilor Mitchell made a motion at 6:35 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C)(High School Project) . Councilor Wyman seconded the motion. All were in favor of the motion.

Councilor Omo made a motion at 8:07 PM to come out of Executive Session. Councilor Wyman seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:07 PM with a motion by Councilor Mitchell, seconded by Councilor Omo. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours by appointment.