

**SPECIAL MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE**

Wednesday, August 16, 2023, 6:00 PM

Councilors Present: Julie Ambrosino, Phyllis Bailey, Mary Ellen Bell, Terry Nordmann, Roo Dunn, Jennifer DeChant, Susan Bauer, Miriam Johnson, and Elizabeth Dingley

Councilors Absent: None

City Staff Present: Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director; Steve Balboni, Director of Parks and Recreation, and Michael Bethea, BCTV

A. Pledge of Allegiance

B. Roll Call

Chairperson Bell led the Pledge of Allegiance, and Darci Wheeler, City Clerk, called the Roll.

C. Public Hearing: 6:01pm

- 1) New Special Amusement License for OystHERS Raw Bar & Bubbly located at 97 Commercial Street (*approval*)

N O T I C E

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT
A PUBLIC HEARING FOR APPROVING:

A SPECIAL AMUSEMENT PERMIT APPLICATION FOR:

**OystHERS Raw Bar & Bubbly
97 Commercial Street
Contact: Lauren Crosby**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, AUGUST 16TH AT 6:01 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATION SHOULD OR SHOULD NOT BE APPROVED.

Public comments will be taken at the hearings and written comments should be submitted to dwheeler@cityofbath.com.

Written comments will be accepted until Wednesday, August 16th, at 5 p.m.

Darci Wheeler, City Clerk, gave background on the license request and introduced the applicant Lauren Crosby who responded to questions and comments from Councilors Johnson, DeChant, and Bell.

No public comment.

Councilor Nordmann moved, Councilor Ambrosino seconded, to approve as presented. The motion carried with eight (8) yeas and zero (0) nays.

D. Resolutions, Orders, and Ordinances: 6:04pm

2) BOND ORDINANCE: Authorizing up \$1,500,000 of the City's General Obligation Bonds to Finance McMann Athletic Complex Maintenance Building and Stormwater Upgrades (*1st passage*)

BOND ORDINANCE

AUTHORIZING UP TO \$1,500,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE MCMANN ATHLETIC COMPLEX MAINTENANCE BUILDING AND STORMWATER UPGRADES

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

- Section 1. That a sum of up to, but not to exceed, \$1,500,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding McMann Athletic Complex maintenance building and stormwater upgrades.
- Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$1,500,000, plus sale premium, under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds issued pursuant to this Ordinance shall not exceed sixteen (16) years.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

- Section 7. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- Section 9. That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 10. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.
- Section 11. That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- Section 12. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 16 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.
- Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Marc Meyers, City Manager, acknowledged Steve Balboni, Director of Parks and Recreation and he gave background on the ordinance. He along with Juli Millett, Finance Director responded to questions and comments from Councilors DeChant, Dunn, Bauer, Ambrosino, Johnson, Bell and Nordmann.

No public comment.

Councilor Bauer moved, Councilor Ambrosino seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with eight (8) yeas and zero (0) nays.

YEAS: Councilors Dingley, Johnson, Bauer, DeChant, Dunn, Nordmann, Bailey, and Ambrosino

NAYS: None

3) ORDINANCE: Supplemental Appropriation in the amount of \$525,000 (*1st passage*)

ORDINANCE

SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council of the City of Bath desires to fund the McMann Athletic Complex maintenance building and stormwater upgrades and

WHEREAS, the amount available for the project is \$450,000 and the lowest bid for the project is \$2,375,463 plus engineering (est.\$2,475,000); and

WHEREAS, surplus funds in the General Undesignated Fund Balance Account, are available to fund a portion of the project and such funds constitute revenue in excess of those estimated in the Budget for the current fiscal year and are available for that purpose; and

WHEREAS, the sum to be appropriated by this Supplemental Appropriation totals Five Hundred Twenty-Five Thousand Dollars (\$525,000.00); and

WHEREAS, the City Manager has certified that there are available revenues for appropriation to at least the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00), pursuant to the requirements of Section 611(A) of the Charter of the City of Bath; and

WHEREAS, this sum will not exceed the expenditure limits for the current fiscal 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 Twenty-Five Thousand Dollars (\$525,000.00) be and hereby is supplementally appropriated from the General Undesignated Fund Balance (Account G01-2520-00) to the McMann Maintenance Building (Account E05-0514-546).

Juli Millett, Finance Director introduced the item and comment was made Councilor Nordmann.

No public comment.

Councilor Dunn moved, Councilor Ambrosino seconded, to approve as presented. Chairperson Bell called for a roll call vote. The ordinance passed with eight (8) yeas and zero (0) nays.

YEAS: Councilors Ambrosino, Bailey, Nordmann, Dunn, DeChant, Bauer, Johnson, and Dingley

NAYS: None

Meeting adjourned at 6:46pm.

Motioned by Councilor Bailey and seconded by Councilor Bauer.

Attested:

Darci L. Wheeler, City Clerk

Please note: These minutes are action minutes. The entire meeting can be viewed at www.cityofbath.com