

REGULAR MEETING MINUTES  
**City Council of the City of Bath, Maine**  
**Wednesday, February 7, 2001 7:00pm**  
City Council Chambers, Bath City Hall

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Present: Councilors Banks, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Reed and Chairman Hall.

Also in attendance were the City Planner - Jim Upham, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

**C. Public Hearings:**

- 1) **CDBG Year 2000 Housing Assistance Planning Grant Housing Needs Study and Proposed Strategies to address identified housing problems in Bath. 7:01PM #108**

Chairman Hall opened the public hearing.

Al Smith, Community Development Coordinator, explained that this public hearing was an obligation of the grant and would also allow for a report on the findings of the study. He introduced Chris Shrum of the Mid-Coast Council for Business Development.

Chris Shrum of the Mid-Coast Council for Business Development gave details on the report and answered the Council's questions.

There were no comments from the public.

Chairman Hall closed the public hearing.

- 4) **Ordinance: Land Use Code. Article 16. Section 16.07 Bath Shopping Center. (Second Passage) 8:29PM #2898**

Chairman Hall took this item out of order on the agenda.

Chairman Hall 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, BE AMENDED AS FOLLOWS:

**ARTICLE 16**

Add the following:

**SECTION 16.07 BATH SHOPPING CENTER**

**A. District Designation**

The property designated for this contract zoning amendment is the property located at 1 Chandler Drive being identified as lots 51 and 52 on City of Bath Tax Map 28, dated April 1, 2000.

**B. Findings**

The City Council finds that: (1) the project consists of renovating and expanding the existing Shaw's

portion of the Bath Shopping Center, and the construction of a 3,250 square foot bank building and a 10,200 square foot retail building; (2) the project is consistent with the mandatory conditions set forth in Land Use Code Section 8.19 paragraph D, 1(3) the applicant is proposing to make improvements to both Chandler Drive and Congress Avenue so that the project will not result in unreasonable traffic congestion; (4) the facades of the expanded Shaw's building, the bank building and the retail building are proposed to be red brick with white and/or tan clapboards and these improvements are compatible with the neighborhood; (5) the project will have appropriate screening and landscaping in addition to that normally required by Article 10; (6) the applicant will install decorative street lighting, like that on the Sagadahoc Bridge, along Chandler Drive; (7) the applicant will construct a sidewalk on the north side of Chandler Drive.; and (8) the applicant will construct landscaped islands at the ends of all of the rows of parking, including those associated with that portion of the shopping center not being renovated.

**C. Zoning Provisions Affected**

This contract zoning amendment is intended to relax the setback requirement pursuant to Section 8.09 that requires a setback in the C4-Route 1 Commercial Contract District of 50 feet from a lot line abutting a residential zone, to the extent allowed in accordance with the setbacks as approved in the Site Plan Approval granted to Eastern Development, LLC by the Bath Planning Board on January 2, 2001.

**D. Conditions of Approval**

The approval is subject to all conditions of approval which are part of the Site Plan Approval, granted to Eastern Development, LLC, by the Planning Board on January 2, 2001.

Motion by Councilor Banks, second by Councilor Reed to put this ordinance on the floor for discussion.

There was no public comment.

Chairman Hall closed the public hearing.

No Council comment.

**VOTE: on Ordinance Second Passage:**

**Yeas:** Banks; James; Blake; Wyman; Hayden; Tibbetts; Rogers; Reed

**Nays:** 0

**VOTE: on Ordinance Passed Unanimously 8-0**

Chairman Hall stated that this would become law in 21 days.

**F. Ordinances, Resolutions and Orders: 8:35PM #3095**

Chairman Hall took this item out of order on the agenda.

**6) Ordinance: Ordinance: Chapter 17. Vehicles and Traffic. Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. High Street (north of North Street) East Side. {Tabled from 1/03/01} (Second Passage)**

Motion by Councilor Reed, second by Councilor Banks to take this item off the table.

Vote was unanimous to take this item off the table.

Chairman Hall 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

High Street (north of North Street)

Delete: From a point 265 feet north of Oak Street to termination, no restrictions.

Add: East Side

From a point 265 feet north of Oak Street to a point 171 feet north of North Street, no restrictions. From a point 171 feet north of North Street to a point 400 feet north of North Street, no parking. From a point 400 feet north of North Street to termination, no restrictions.

Motion by Councilor Banks, second by Councilor Wyman to put this item on the floor for discussion.

Police Chief Peter Lizanecz clarified the confusion on the language of the ordinance by presenting a detailed map of the area in question.

**VOTE: on Ordinance Second Passage:**

**Yeas:** Banks; James; Wyman; Hayden; Tibbetts; Reed

**Nays:** Blake; Rogers

**VOTE: on Ordinance Passed 6-2**

Chairman Hall stated that this ordinance would become effective in 21 days.

**C. Public Hearings:**

**2) CDBG Year 2001 Housing Assistance Grant. 8:56PM #3976**

Chairman Hall opened the public hearing.

Al Smith, Community Development Coordinator, gave details on the process and what needs this \$400,000.00 grant would be used for. He also updated the Council on the feedback from the public neighborhood meetings.

There was no public comment.

Chairman Hall closed the public hearing.

**3) CDBG Micro-Loan Grant Application to be submitted to DECD. 9:12 PM #4664**

Chairman Hall opened the public hearing.

Al Smith, Community Development Coordinator, began the public hearing with an overview of what the grant would involve. He stated that the application would be for \$100,000.00 and work as a revolving loan fund. It would be for small businesses with 5 jobs or less and Bath would be the lead applicant in combination with the communities of Brunswick and Topsham.

Chris Shrum of the Mid-Coast Council for Business Development gave details on the businesses that had been targeted for the application. There would be four businesses: two from Bath, one from Brunswick and one from Topsham. They would consist of a computer software company, a jet boat enterprise, a bakery and a food-processing establishment. The loan would be administered through the MCCBD.

There were no comments from the public.

After a brief discussion, Council gave unanimous approval for Mr. Smith to go ahead with the application.

Chairman Hall closed the public hearing.

**D. Consent Agenda: 9:18PM #4970**

5) Under the Consent Agenda, Councilor Reed made a motion to accept the minutes for the January 3 and 17, 2001 Council Meetings, which was seconded by Councilor Rogers.

**VOTE on Consent Agenda:**

**Yeas:** 8

**Nays:** 0

Consent Agenda passed unanimously.

**E. Time Devoted to Residents to Address the City Council:**

No one from the public spoke at this time.

**G. Petitions & Communications:**

There were no petitions and communications.

**H. City Manager's Report:**

There was no City Manager's Report.

**I. Committee Reports:**

There were no Committee Reports.

**J. Old Business:**

There was no Old Business.

**K. New Business:**

7) Appointment one member to the Bath Housing Authority Board of Directors - Term expiration February 2006.

Candidates:

Francis Dillon  
Joseph Brummund  
Michele Cooper  
Herbert Kresser, Jr.

Councilor Banks nominated Francis Dillon for the position, second by Councilor Blake.

**VOTE :**

**Yeas:** 7

**Nays:** 0

**Absent:** Rogers

Nomination passed.

Chairman Hall expressed that the decision was very difficult due to the superb caliber of all the candidates and thanked them for their participation in the interview process.

Motion by Councilor Reed, second by Councilor Hayden to go into an Executive Session to deal with an abatement issue. All in favor.

Motion by Councilor James, second by Councilor Hayden to come out of Executive Session. All in favor.

The meeting adjourned at 9:37 PM with a motion made by Councilor Rogers and seconded by Councilor Banks. All in favor.

Respectfully submitted:

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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.*