

**SPECIAL MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, September 18, 2002 7:00 PM**  
City Council Chambers, Bath City Hall

**Present:** Councilors Hall, Banks, James, Blake, Hart, Rogers, Reed and Vice-Chairman Tibbetts

**Absent:** Chairman Wyman

**Also Present:** City Manager Bubier, City Solicitor Therriault and City Clerk White

Vice-Chairman Tibbetts called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

City Clerk White called the Roll.

**I. Public Hearing : Ordinance - Amendment to Land Use Code Section 2.02 Definitions (second passage) - 7:03 PM #76**

Vice-Chairman Tibbetts 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 AMEMDED BY HEARBY FURTHER MENDED AS FOLLOWS:

Amend Article 2, Section 2.02 DEFINITIONS, as follows

Correctional Facility. A building or group of buildings used to house persons who are awaiting trial or persons who have been confined, whether for all or part of the day, by the courts.

Correctional Facility. A building or group of buildings used to house persons who are awaiting action by the courts. or persons who have been confined by the courts. This use may not be considered an accessory use. The temporary holding of pretrial detainees. for no longer than 72 hours, prior to arraignment, release, or transfer to another facility is considered accessory to a Public Safety Facility.

Note: Additions are underlined, deletions are crossed out.)

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

Vice-Chairman Tibbetts opened the Public Hearing. No one from the public spoke. Vice-Chairman Tibbetts closed the public hearing. There was no Council comment on this item.

Vice-Chairman Tibbetts asked for Roll Call Vote.

**Roll Call Vote:** (second passage)

**Yeas:** Hall; Banks; James; Blake; Hart; Rogers and Reed

**Nays:** None

**VOTE: Ordinance Passed Unanimously 7-0**

**II. Order: Approval of a Bingo Application for the All Officers' Spouses' Club – 7:06 p.m. #136**

Vice-Chairman Tibbetts read the following Order:

**ORDER**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, IN ACCORDANCE WITH THE REQUIREMENTS OF 17 M.R.S.A. §313, THE APPLICATION TO CONDUCT BINGO OF THE ALL OFFICERS' SPOUSES' CLUB FROM THE BRUNSWICK NAVAL AIR STATION, TO BE HELD ON SUNDAY, SEPTEMBER 29, 2002, AT THE COSMOPOLITAN CLUB AT 894 WASHINGTON STREET, IN BATH BE AND HEREBY IS CONSENTED TO.

Councilor Reed made a motion to put this item on the floor for discussion, seconded by Councilor Blake. There was no public or Council comment on this item.

Vice-Chairman Tibbetts called for a Roll Call Vote.

**Roll Call Vote:**

**Yeas:** Hall; Banks; James; Blake; Hart; Rogers and Reed

**Nays:** None

**VOTE: Order Passed Unanimously 7-0**

**III. Ordinance: Amendments to the LUC, Article 6, Section 6.06, Expansion of Nonconforming Structures in All Districts of the Shoreland Zone Except R4 and R5 and Section 6.07, Expansion of Nonconforming Structures in the R4 and R5 Districts of the Shoreland Zone. (first passage)**

- 7:08 PM #172

**A complete copy of this item is on file with agenda materials in City Clerk's Office.**

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

James Upham, City Planner, explained why the Planning Board had sent this to Council for approval.

Scott Davis, Codes Enforcement Officer, explained the Alternative Rule and the 30% Rule as it relates to the City of Bath.

Chris Mann of 1569 Washington Street spoke regarding this LUC amendment, as it related to his building addition.

Thomas Watson of 1565 Washington Street and Sue Cummings of 1600 Washington Street spoke in favor of this amendment.

Vice-Chairman Tibbetts read the following letter and asked it be part of the record:

To:

Bath City Council Members

RE 9/18 agenda item. LUC Amendments Article 6, Section 6.06, Expansion of Nonconforming Structures in All Districts of the Shoreland Zone Except R4 and R5 and Section 6.07, Expansion of Nonconforming Structures in the R4 and R5 Districts of the Shoreland Zone.

From:

Dave Pecci  
144 Whiskeag Road  
Bath, Me

Dear Council members,

Due to a prior commitment I am unable to attend the September 18th Bath City Council meeting. Would you please except this letter as my public comment on the above agenda item?

I would like to commend the City Planner, Codes Officer and the Planning Board for their efforts in relaxing the zero present enlargement restrictions in the R4 and R5 districts of the shoreland zone. I am in complete agreement with the Planning Board that allowing for reasonable growth of non-conforming structures within the City of Bath is a fair and just alternative to the current restrictions.

However, I feel that any such amendment should include all properties in the Shoreland Zone not just R4 and R5.

The hardships brought forward to the Planning Board that prompted this proposed amendment have (and will continue to) occur in the entire Shoreland Zone not just in R 4 and R5.

I suggest the City Council add the entire Shoreland Zone to this amendment. Or at the very least table their vote on this amendment until the Planning Board and the City Planner can address the concerns of all property owners in the entire Shoreland Zone.

Thank you for you time on this issue.

David Pecci

Councilor Rogers made a motion to amend the Ordinance to take in all Shoreland Zones not just R4 and R5. Due to the lack of a second, the motion died.

City Solicitor Therriault suggested that this amendment go through as written and the Planning Board go back and revisit the issue and come back to Council with another amendment at a later date.

**Roll Call Vote:**

**Yeas:** Hall; Banks; James; Blake; Rogers and Reed

**Nays:** Hart

**VOTE: Order Passed 6-1**

Council expressed a desire for the Planning Board to revisit this Shoreland Zoning issue and come back to Council with an amendment for all shoreland zones in the City of Bath within a reasonable time frame.

Vice-Chairman Tibbetts set second passage of this Ordinance for October 2, 2002 at 7:01PM.

Vice-Chairman Tibbetts read a letter from Jimmy Footer expressing his appreciation to the Council for the Proclamation they bestowed on him at the September 4th Council Meeting. He also expressed his gratitude to the citizens of Bath and the surrounding areas for their support of the Bath Municipal Band.

The meeting adjourned at 8:49 PM with a motion made by Councilor Reed and seconded by Councilor Rogers. All in favor.

Respectfully Submitted:

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.*