

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, August 3, 2005 6:00pm
City Council Chambers, Bath City Hall

Present: Councilors Hinds, Quimby, Blake, Wyman, Hart, Daigle, Pagurko, Mitchell and Chairman Winglass.

Also in attendance was the City Manager - John Bubier, City Solicitor - Roger Therriault and City Clerk - Mary White.

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

C. Public Hearings:

There were no public hearings.

D. Consent Agenda: 6:01 PM #314

1)* Acceptance of the Minutes to the meeting of July 6, 2005. Motion by Councilor Mitchell, second by Councilor Pagurko to accept the minutes as presented. All in favor.

E. Time Devoted to Residents to Address the City Council: 6:03 PM #327

No one spoke at this time.

F. Ordinances, Resolutions and Orders: 6:03 PM

Item 2 Ordinance: Ordinance: LUC Amendment Article 16, Section 16.12 – 15 Congress Avenue Contract Zone (first passage) #329

Chairman Winglass 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 AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 16, by adding Section 16.12, as follows:
SECTION 16.12 -15 CONGRESS AVENUE CONTRACT ZONE

A. District Designation

The property designated for this contract zoning amendment is Lot 2 on City of Bath Tax Map 29, dated April 1, 2005.

B. Findings

The property is located in the Route 1 Commercial Contract (C4) District. The City Council makes the following additional specific findings:

1. The project consists of expanding the paved area on the front portion of the parking lot and relocating the dumpster to this expanded paved area.

2. The project is consistent with the mandatory conditions set forth in Land Use Code Section 8.20 paragraph D, 1.

3. The applicant is proposing to make aesthetic improvements to the front of the site, which are not normally required of the Land Use Code.

C. Zoning Provisions Affected

This contract zoning amendment is intended to change the front Yard Area requirements pursuant to Section 8.10 to the Yard Areas as approved in the Site Plan Approval granted to Douglas Rink (Bath Animal Hospital), by the Bath Planning Board on August 2, 2005.

D. Conditions of Approval

The approval is subject to all conditions of approval, which are part of the Site Plan Approval, granted to Douglas Rink (Bath Animal Hospital), by the Planning Board on August 2, 2005.

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

Jim Upham, City Planner, explained the owner's plans for the lot and the reason the Ordinance change needed to take place.

Councilor Quimby stated for the record he wasn't opposed to the owner's plans but wasn't willing to promote changing contract zoning to remedy a violation of the ordinance already on the books.

Roll Call Vote:

Yeas: Hinds, Wyman; Hart; Pagurko

Nays: Quimby; Blake; Daigle; Mitchell; Winglass

Ordinance Failed. 4-5

It was the consensus of the Council that the City Manager meet with the owner to work out the issue.

Item 3 Ordinance: LUC Zoning Map Amendment on a parcel at 82 Floral Street designated as Map 28, Lot 153 from R1 to C2 (first passage) #1104

Chairman Winglass read the following Ordinance:

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE MAP ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Changing the zoning on the parcel of land at 82 Floral Street, designated as Map 28, Lot 153 from R1 - High Density Residential Zone to C2 -Mixed Use Light Commercial Zone.

[The applicant is Little Brothers, LLC]

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

Jim Upham, City Planner, informed Council that the Planning Board recommended not to pass this Ordinance change.

Roll Call Vote:

Yeas: None

Nays: Hinds; Quimby; Blake; Wyman; Hart; Daigle; Pagurko; Mitchell

Ordinance Failed Unanimously. 0-8

Item 4 Ordinance: LUC Zoning Map Amendment on a parcel at 86 Floral Street designated as Map 28, Lot 154 from C2 to C4 (first passage) #1275

Chairman Winglass read the following Ordinance:

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE MAP ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Changing the zoning on the parcel of land at 86 Floral Street, designated as Map 28, Lot 154 from C2 - Mixed Use Light Commercial Zone to C4 -Route 1 Commercial Contract Zone.

[The applicant is Little Brothers, LLC]

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

Jim Upham, City Planner, informed Council that the Planning Board recommended not to pass this Ordinance change.

Roll Call Vote:

Yeas: None

Nays: Hinds; Quimby; Blake; Wyman; Hart; Daigle; Pagurko; Mitchell

Ordinance Failed Unanimously. 0-8

Item 5 Resolution: Fee Schedule for Permits required by the Land Use Code #1441

A complete copy of this Resolution is on file with the Agenda materials for the August 3, 2005 in the Bath City Clerk's Office.

Jim Upham, City Planner, explained how he arrived at the fees.

Vote:

Yeas: 8

Nays: 0

Resolution Passed Unanimously. 8-0

G. Petitions & Communications: 6:53 PM #1809

Chairman Winglass read a letter from Mari Houtari regarding the serving of alcohol at her wedding reception in Library Park. Ms. Houtari addressed Council explaining the request and what precautions on serving alcohol they would be enforcing. Roger Therriault, City Solicitor, explained the procedures needed to do the necessary change to the Ordinance to allow such an activity. It was the consensus of Council not go forth with the change at this time.

Councilor Quimby shared a request from a citizen in his ward that wanted to buy a piece of land owned by the City that abuts the resident's property. Roger Therriault explained the process needed to accomplish this transaction. Councilor Quimby will contact the resident and ask him to confer with the City Manager regarding a proposal for purchase.

H. City Manager's Report: 7:13 PM #2540

John Bubier, City Manager, spoke on the following topics:

- Welcomed Councilor Wyman back from his recent illness.
- BRAC Update
- Re-evaluation Update
- Overview of the Business Barometer Meeting regarding Parking Issues
- Reported on the USS Bainbridge Dinner
- Reported on the Mid Coast Regional Council of Government Meeting

Chairman Winglass congratulated Mr. Bubier on his award for 35 years of Service as a Municipal Manager.

I. Committee Reports: 7:20 PM #2794

Councilor Mitchell congratulated Councilor Blake on her work with the disadvantaged women of Afghanistan.

Councilor Mitchell gave an update on the progress of the Parking Committee's efforts in addressing the parking issues in the downtown area. He explained they were proposing a 3-Phase plan starting with Phase I, which will open up around 43 spaces in the City with little or no impact on the residents of Bath.

Councilor Quimby reported on the joint meeting with Union 47 regarding the consolidation of the two entities. He stated that at this time it didn't look like this would be happening in the near future.

Councilor Daigle informed the Council that his family was in the process of selling their house here in Bath and moving to Kingsfield. He stated that he had a gentleman in Ward 6 that he would like Council to appoint to his seat and if the Council agreed to do so, he would resign his position.

J. Old Business: 7:27 PM #3042

Councilor Quimby stated that he would like a date for the Council's staff reviews. It was decided to hold an organizational workshop on how the reviews will be conducted on September 12, 2005 in the Second Floor Conference Room at 6:00 PM.

K. New Business: 7:30 PM #3119

Motion by Councilor Mitchell to appoint David Desmond and Andrew Perry to the Old Customs House Board of Directors with terms to expire in August 2008. Councilor Hinds seconded the motion. All in favor.

Motion by Councilor Quimby, second by Councilor Pagurko to waive the rules and add an Executive Session to the agenda. All in favor.

Motion by Councilor Quimby, second by Councilor Pagurko to go into an Executive Session to discuss a real estate matter under MRSA 405 C (6) at 7:31 PM. All in favor.

Motion by Councilor Mitchell, second by Councilor Pagurko to come out of Executive Session at 7:51 PM. All in favor.

The meeting adjourned at 7:52 PM with a motion made by Councilor Pagurko and seconded by Councilor Mitchell. 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.