

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, March 15, 2006 6:00 pm
Council Chambers, Bath City Hall

Present: Councilors Hinds, Omo, Quimby, Hart, Verville, Pagurko, Winglass and Chairman Wyman.
Absent: Councilor Blake

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

I. Proclamation for Kerry Kay recipient of the Prudential Spirit of Community Award

Chairman Wyman made a presentation of the following proclamation to Ms. Kay:

PROCLAMATION

WHEREAS, Kerry Kay has been named as one of Maine’s top two youth volunteers for 2006 by the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism, and

WHEREAS, Kerry volunteers to help Alzheimer’s patients at a local nursing home, collects food and other donations for the animal shelter, and makes “hero” sandwiches for local firefighters and policemen, and

WHEREAS, Kerry exemplifies the value of volunteer community service and is a role model to other youth as well as adults in our community, and

WHEREAS, recognizing these young volunteers and encouraging others to follow their example is the aim of the Prudential Spirit of Community Awards, which was created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals and

WHEREAS, volunteerism is the lifeblood of our community and Kerry is representative of those that make up the heart and soul of our City – people who give selflessly of themselves to make their community a better place to live and to enrich the lives of others;

NOW, THEREFORE be it proclaimed by the City Council of the City of Bath that the City would like to extend a hearty **HIP HIP HOORAY** to Kerry for her outstanding achievement and contributions to the City of Bath, and would like to extend our best wishes to her as she goes to Washington in May to be judged by a distinguished National Selection Committee who will name 10 National Honorees, and to thank her for being a shining example of what makes the City of Bath great.

II. Public Hearing: CDBG FY206 Public Service Grant Application requesting up to \$40,000 to assist Big Brothers/Big Sisters of Bath/Brunswick to create a new school based Mentoring Program at Bath Schools.

Chairman Wyman opened the Public Hearing.

Al Smith, CDBG Coordinator, explained the application process and introduced Connie Hartley, Recruitment Specialist for Big Brothers/Big Sisters. She gave an overview of the mentoring program in the Bath/Brunswick and all of Sagadahoc County area. Big Brothers/Big Sisters consists of a community and school based mentoring program. Ms. Hartley stated that the program is now in Fisher Mitchell and

Dike Newell with a pilot program at the Middle School. She stated BBBS would like to make 50 more matches at the Middle School.

Nancy Wheeler of 295 Washington Street, a mentor at the Bath Middle School, spoke very highly of the training and support she received from the Big Brothers/Big Sisters program. She gave an overview of the application and training process to become a mentor.

Timothy Martel, a Topsham resident and community/school mentor, explained the activities that he participates in with his Little Brother and the progress in school and self-esteem the child had experienced since their paring. Mr. Martel asked the Council to put their support behind this project.

Chairman Wyman closed the Public Hearing.

It was the consensus of the Council that Mr. Smith should go forth with this application and acknowledged the need.

III. Public Hearing: Liquor License for Maryellenz Caffè located at 15 Vine Street

Chairman Wyman read the following Notice:

NOTICE

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

A FULL TIME MALT, SPIRITUOUS, AND VINOUS LIQUOR APPLICATION FOR:

MARYELLENZ CAFFE

15 VINE STREET

BY

MARY ELLEN PECCI, MARY ELLEN HUNT AND CATHERINE CARVER

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MARCH 15, 2006 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.

Chairman Wyman opened the Public Hearing.

Mary Ellen Pecci explained the plan for the opening of the business and capacity of the establishment.

Chairman Wyman closed the Public Hearing.

VOTE:

Yeas: 7

Nays: 0

Passed Unanimously 7-0

IV. Ordinance: LUC Amendment Article 16, Section 16.13 – 1065 Washington Street Contract Zone (first passage)

Chairman Wyman 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 16.13, as follows:

SECTION 16.13 -1065 WASHINGTON STREET CONTRACT ZONE

A. District Designation

The property designated for this contract zoning amendment is Lot 197 on City of Bath Tax Map 21, dated April 1, 2005.

B. Findings

The property is located in the High Density Residential (R1) District and the Historic Overlay District. The City Council makes the following additional specific findings:

1. Contract Rezoning is allowed in the Historic Overlay District.
2. The single-family home on the property is less than 10 feet from the north property line. Ten feet is the required Setback in the R1 Zone.
3. The applicant desires to make certain improvements and expansions to the existing home consisting of a second story addition closer than 10 feet from the side property line but within the existing building footprint.
4. The project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph 0,1.
5. The applicant is proposing to make certain aesthetic improvements to the home, which are not normally required of the Land Use Code, but which are consistent with the purposes of the Historic Overlay District, including the following:
 - Removal of existing aluminum storm windows.
 - Removal of all vinyl siding.
 - Repair/replacement of clapboard siding.
 - Repair of railings at main entry to meet code and be as architecturally correct as possible.
 - Complete reconstruction of driveway

C. Zoning Provisions Affected

This contract rezoning is intended to allow the modifications to the building as approved by the Planning Board on February 7, 2005, which will increase the volume area of the building, that encroaches into the existing setback area along the northerly line of the property.

D. Conditions of Approval

The approval is subject to all conditions of approval, which are part of the Historic District Approval, granted to Albert & Deborah Branca, by the Planning Board on February 7, 2006.

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

Jim Upham, City Planner, explained the details of the project that led to the Planning Board's recommendation to Council.

Albert Branca, owner of the property, addressed Council sharing a detailed timeline of events leading to this point in time.

James Haught of 1009 Washington Street spoke in favor of this project and asked Council to give a fair hearing to the people who wish to settle here and improve their properties.

Fred Hahn, architect for the project, explained the details of the project.

VOTE on Ordinance:

Yeas: Hinds, Omo, Hart, Verville, Pagurko, Winglass

Nays: Quimby

Ordinance Passed 6-1

Chairman Wyman set second passage of this Ordinance for April 5, 2006 at 6:01 PM.

Councilor Pagurko made a motion at 6:45 PM to go into an Executive Session to discuss Personnel Matter per 1 MRSA § 405(6)(A) and Real Estate Matters per 1 MRSA §405(6)(C). Councilor Hinds seconded the motion. All in favor.

Councilor Pagurko made a motion at 7:40 PM to come out of Executive Session and Councilor Quimby seconded the motion. All in favor.

The meeting adjourned to Workshop at 7:41 PM with a motion from Councilor Pagurko and a second from Councilor Quimby. All in favor.

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.