

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, April 5, 2006 6:00pm
City Council Chambers, Bath City Hall

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

Also in attendance was the City Manager – William Giroux, Acting City Solicitor - Michael Therriault and City Clerk - Mary White.

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

C. Public Hearings: 6:01 PM

1) Public Hearing - Ordinance: LUC Amendment Article 16, Section 16.13 – 1065 Washington Street Contract Zone (second 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 Blake, second by Councilor Pagurko to put this item on the floor for discussion.

Councilor Hinds pointed out a typographical error. He stated that February 7, 2005 should read February 7, 2006.

Jim Upham, City Planner, explained the process that the Planning Board is going through to eliminate the Contract Zoning in the Historic Overlay District.

Roll Call Vote on Ordinance:

Yeas: Hinds, Omo, Verville, Pagurko, Winglass

Nays: Quimby

Abstention: Blake

Ordinance Passed. 5-1-1

Chairman Wyman stated this would become effective in 21 days.

2) Public Hearing on Liquor License for the Maine Maritime Museum 6:11 PM

Chairman Wyman opened the public hearing.

Tom Wilcox, Museum Director, explained why the Museum was asking for this license.

Motion by Councilor Winglass, second by Councilor Pagurko to put this item on the floor for discussion.

Chairman Wyman closed the public hearing.

Councilor Winglass announced that Mr. Wilcox was done working as the Museum's Director and thanked him for all the good work he had done for the Museum. Mr. Wilcox thanked the Council and City Staff for their support over the years.

Vote on License:

Yeas: Hinds, Omo, Quimby, Blake, Verville, Pagurko, Winglass

Nays: None

Ordinance Passed Unanimously. 7-0

D. Consent Agenda: 6:14 PM

3) *Acceptance of the Minutes to the meetings of March 1 and 15, 2006. Motion by Councilor Winglass, second by Councilor Pagurko to accept the Consent Agenda as presented. All in favor.

E. Time Devoted to Residents to Address the City Council: 6:16 PM

Joyce Koch of 610 Middle Street spoke regarding a parking issue at the corner of Bath and Middle Streets due to a daycare near her home. Mr. Giroux will be meeting with Ms. Koch to work on a resolution to this matter.

Aaron Park of 24 Park Street addressed the Council with concerns regarding a sewer backup/overflow problem occurring in the Juniper Street area near Park Street. Mr. Parks urged the Council to find a way to supercede the expenditure cap to get the money needed to update the sewer treatment system and fix the problem.

Mr. Giroux reassured Mr. Parks that the expenditure cap issue was being explored for funds to fix the sewer problem.

Jon Brandon of 33 Park Street told Council that it wasn't a matter of a little of raw sewerage, but it is now feet of sewerage.

June Dorian of 22 Park Street stated that overflow of the sewer is not a new problem but the experiencing of raw sewerage is a new problem.

David Dorian asked that Council come and assess the situation in person.

Councilor Quimby made a motion that legal opinion pending that we declare this an emergency situation and access the sewer utility funds to put towards the repairs needed. Councilor Pagurko seconded the motion. All were in favor.

F. Ordinances, Resolutions and Orders: 6:31 PM

Item 4) Order: Appointing Lt. Michael W. Field as Acting Police Chief

Chairman Wyman read the following Order:

ORDER

Pursuant to Section 404 of the Charter of the City of Bath, the City Council of the City of Bath hereby confirms the City Manager's appointment of Michael W. Field as Acting Police Chief of the Bath Police Department, said appointment to be effective April 17, 2006.

Motion by Councilor Pagurko, second by Councilor Hinds to put this item on the floor for discussion.

VOTE on Order:

Yeas: 7

Nays: 0

Order Passed Unanimously. 7-0

Item 5) Order: Lease to Home Counselors, Inc.

Chairman Wyman read the following Order:

ORDER

Be it ordered by the City Council of the City of Bath that the Lease to Home Counselors, Inc. for the first floor space of the former Superintendent's Building. Said lease being attached hereto, be and hereby is approved and the City Manager is authorized to execute said lease on behalf of the City of Bath.

Motion by Councilor Pagurko, second by Councilor Omo to put this item on the floor for discussion.

VOTE on Order:

Yeas: 7

Nays: 0

Order Passed Unanimously. 7-0

Item 6) Resolution: Approving Sale of Cable System and Franchise Transfer

Councilor Hinds made a motion to waive the reading of the Resolution. Councilor Pagurko seconded it. All in favor.

A complete copy of this Resolution is on file with the Agenda materials for the April 5, 2006 Council Meeting.

Motion by Councilor Pagurko, second by Councilor Omo to put this item on the floor for discussion.

Paul Mateosian, Assistant City Manager, explained the process and gave an overview of the details of this agreement.

VOTE on Resolution:

Yeas: 7

Nays: 0

Resolution Passed Unanimously. 7-0

Item 7) Proclamation: YMCA Healthy Kids Day

Chairman Wyman read the following Proclamation:

PROCLAMATION

WHEREAS, The mission of the YMCA is to build strong kids, strong families and strong communities through programs that focus on developing healthy mind, body spirit for all.

WHEREAS, Our children's health is a concern of the whole community; that parents can be the best role models for their kids; and that kids' health habits mirror those of their parents and other adult role models' and children who possess knowledge of and who are taught to practice healthy habits will grow in to strong adult, this exciting day as a great time for communities to come together to learn more about healthier lifestyles.

WHEREAS, The Bath Area Family YMCA is dedicated to providing programs and services to over seven-thousand youth and adults and

WHEREAS, Community-based responses are vital to alleviate the growing epidemic of obesity and physical inactivity, particularly among young people.

WHEREAS, YMCA Healthy Kids Day is a national event celebrating healthy living and helping kids and families embrace habits that can become a lifelong practice.

WHEREAS, On April 8, 2006, Bath Area Family YMCA will sponsor YMCA Healthy Kids Day to help our youth become healthier.

NOW THEREFORE, The Bath City Council does proclaim that Saturday, April 8, 2006 shall be observed as:

YMCA Healthy Kids Day

This 5th Day of April 2006.

Motion by Councilor Pagurko, seconded by Councilor Quimby to put this item on the floor for discussion.

Sabrina Murphy, Operation Director of the YMCA, explained that this year will be the 150th Celebration of the opening of the YMCA in Bath.

Jim Drake, Chairman of the Board and Chief Volunteer Officer, thanked the Council of their support and help to the Bath Area YMCA.

VOTE on Order:

Yeas: 7

Nays: 0

Proclamation Passed Unanimously. 7-0

Item 8) Discussion of the Board of Education Council Representative's Role

Chairman Wyman thanked Councilor Quimby for the job he is doing on the Board.

Councilor Quimby explained what he felt his job should be on the Board. He stated that his first responsibility is to take care of the \$17,000,000 budget. Second responsibility is to the 300 jobs in the school system. Third responsibility is to the 1,700 students. Council Quimby stated that he doesn't take any of these responsibilities lightly.

Councilor Hinds stated that he was appalled at the way that Councilor Quimby was treated at the Public Hearing.

Chairman Wyman asked Council if they supported a letter to the Board of Education be drafted expressing the Council's feelings on how their representative was treated at the Board of Education's Budget Public Hearing. All in favor.

Councilor Pagurko stated that Councilor Quimby was doing the job that the Council had asked him to do by taking the budget item by item. She stated that he is do an apology from the Board.

Chairman Wyman stated that a Workshop with the Board would be the next step to working out the situation.

G. Petitions & Communications: 6:51 PM

There were no petitions or communications.

H. City Manager's Report: 6:51 PM

The City Manager spoke on the following topics:

- Negotiations with the Fire Department
- Meetings with Developers for the Stinson Property

I. Committee Reports: 6:53 PM

Councilor Quimby reported that the Winnegance Alewife Commission wanted to thank the communities of Bath, West Bath and Phippsburg for their support. With the monies from the municipalities and the proceeds from the fishery, the Commission was able to secure a grant in the amount of \$20,000 from the Gulf of Maine Research Institute. The funds will be used for the needed repair of the fishway.

J. Old Business: 6:55 PM

There was no Old Business.

K. New Business: 6:55 PM

Councilor Verville addressed the issue of a setback reduction plan. He stated he would recommend that the setback reduction be set at zero and let the Planning Board make the decision as to whether the setback is sufficient.

Mr. Giroux stated he would discuss this with the City Planner and see how he would like to proceed with this issue.

Chairman Wyman stated that the Council would be holding a Workshop regarding the landfill.

The meeting adjourned at 7:00 PM with a motion by Councilor Hinds, seconded by Councilor Pagurko. 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.