

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, August 1, 2007 6:00pm**  
**City Council Chambers, Bath City Hall**

Present: Councilors Hinds, Omo, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass, and Chairman Wyman.

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

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

*Presentation from “Cool Communities” by Paul Perkins.* Mr. Perkins stated that his group had been meeting since January to discuss how global warming affects the City of Bath. Mr. Perkins on behalf of the Committee asked that the Bath City Council endorse the US Mayor’s Climate Protection Agreement which recognizes global warming as an issue and that if the Federal Government isn’t going to address it then the City needs to address it on a local level. He asked that a Committee be formed consisting of some City Staff, some members of the Cool Communities Committee and maybe some representatives from BIW and other commercial businesses in the City to look into ways to address this issue on a local level.

Councilor Rogers motioned to instruct the City Manager to form a committee to delve into this Cool Communities project. Councilor Omo seconded the motion. All in favor.

*Update on the “Pay As You Throw” program from Peter Owen, Public Works Director.* Mr. Owen reported that the program would be implemented on October 1, 2007 and that the bags would cost \$1.25/15 gallon bags and \$2.00/30 gallon bag and could be purchased at the Natural Market, Big Apple, Shaws, Bracketts, Clipper Mart, CVS and Renys. He stated that there would be an informational video to air on BCTV. Informational brochures and magnets available at City Hall, a telephone hot line starting September 1, 2007, presentations to community groups and an educational program in the Bath schools will help to inform the public of the program.

**C. Public Hearings: 6:20 PM**

**(1) CDBG Grant in the amount of \$14,000 to assist Big Brothers Big Sister of Bath/Brunswick in providing mentoring services in Bath.**

**City of Bath**  
**Public Hearing Notice**

The City of Bath City Council will hold a Public Hearing to discuss acceptance of a 2007 CDBG Public Service Grant in the amount of \$14,000 on Wednesday, August 1, 2007, at 6:01 p.m. The hearing is being held as part of the City Council meeting and will be held in the Council Chambers on the third floor of City Hall. At the hearing information about the project will be provided and citizens will have the opportunity to make comments and ask questions. The Grant will assist Big Brothers Big Sisters of Bath/Brunswick in providing expanded mentoring services in Bath. The public hearing will be held on Wednesday, August 1, 2007, at 6:01 p.m. in the City Council Chambers on the 3rd floor at City Hall. Comments may also be submitted in writing to City of Bath CD Office 55 Front Street, Bath, Maine 04530 at any time prior to the Public Hearing. The City will submit citizen input as part of the Project Development Phase to the Department of Economic & Community Development.

Connie Hartley, Executive Director, of Big Brothers Big Sisters reported that they had moved forward with the mentoring program at the skatepark and plan to extend the program to the Bath Area YMCA.

Al Smith, Community Development Director, spoke to Council regarding a Resolution that would need to be put on the floor for passage later in the meeting but had been put on their desks for viewing.

**(2) CDBG progress report on the feasibility study of expanding the Wing Farm Business Park to create needed new business lots for the region.**

**City of Bath  
Public Hearing Notice**

The City Council will hold a Public Hearing on August 1, 2007 at 6:05 PM, in the City Council Chambers at City Hall to provide a progress report on its Maine CDBG Program Community Planning Grant. Bath received the grant to work with West Bath in conducting a feasibility study of expanding the Wing Farm Business Park to create needed new business lots for the region. Public comments will be solicited at this Hearing. All persons wishing to learn more about the study are invited to attend this Public Hearing.

Al Smith, Community Development Director, explained that this grant would give Bath the opportunity to form a partnership with West Bath to study the feasibility of expanding the Wing Farm Business Park. This would give Bath and West Bath a chance to add business opportunities to the region.

**D. Consent Agenda: 6:25 PM**

3) Motion by Councilor Hinds, second by Councilor Pagurko to accept the minutes for the July 11, 2007 Council Meeting. All in favor.

**E. Time Devoted to Residents to Address the City Council: 6:26 PM**

No residents spoke at this time.

**F. Ordinances, Resolutions and Orders: 6:26 PM**

*The following item was taken out of order on the agenda.*

**5) Ordinance: LUC Section 16.15 – 832 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 16.15 as follows:

## SECTION 16.15 - 832 WASHINGTON STREET CONTRACT ZONE

### A. District Designation

The property designated for this contract zone is at 832 Washington Street, also designated as Lot 163 on City of Bath Tax Map 27, dated April 1, 2006.

### B. Findings

The property is located in the Mixed Use Light Commercial (C2) District and the Historic Overlay District. The City Council makes the following additional specific findings:

- Contract Rezoning is allowed in the Historic Overlay District.
- The office building on the property is less than 10 feet from the north property line. The setback in the C2 zone is 10 feet with a Planning Board approved Setback Reduction Plan and 40 feet without one.
- The applicant desires to make certain improvements and expansions to the existing building consisting of removing an existing portion of the structure and exterior entrance down to the foundation and replacing it with an enclosed, two-story addition closer than 10 feet from the side property line but within the existing building footprint.
- The project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph D, 1.
- The applicant is proposing to make certain landscaping improvements to the property, which are not normally required of the Land Use Code, but which are consistent with the purposes of the Historic Overlay District.

### C. Zoning Provisions Affected

This contract rezoning is intended to allow the modifications to the building as approved by the Planning Board on July 24, 2007, which will increase the volume area of the building, which 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 AA Associates, LLC, by the Planning Board on July 24, 2007, including that the shrubs must be planted and maintained according to the shrubbery plan presented to the Planning Board on July 24, 2007, that the garden under the sign will be 6 feet by 3 feet, that the annuals must be planted by May 20th each year, and that the shrubbery plan must be approved by the City Arborist.

Councilor Hinds disclosed that his wife is an employee of Al Austin, owner of the property, but didn't believe that was a conflict of interest. He stated that he would recuse himself if Council so desired. It was the consensus of Council there was no conflict of interest and that Councilor Hinds would be able to vote.

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

Al Austin, owner of the property, explained to Council the particulars of the renovation project.

A discussion of the change of procedure for Contract Zone Changes took place.

Motion by Councilor Omo, second by Councilor Verville to put the question to a vote.

**ROLL CALL VOTE:**

**YEAS: Hinds, Omo, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass**

**NAYS: None**

**Ordinance Passed. 8-0**

Chairman Wyman set second passage for September 5, 2007 at 6:01 PM.

**4) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Allen Lane and Royal Lane (first passage)**

Chairman Wyman 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

Delete:

Allen Lane

No Restrictions

Replace With:

Royal Lane

West Side: No parking.

East Side: From a point 20 feet north from North Street proceeding 77 feet, unrestricted parking; From a point 97 feet and proceeding north to Grove Street, no parking.

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

Councilor Eosco explained the process that brought this issue to Council. She stated that a constituent contacted her, saying she had been blocked in her driveway by a neighbor's vehicle. There was a public meeting to discuss the difficult parking situation and recommendations gathered leading to the drafting of this Ordinance.

**ROLL CALL VOTE:**

**YEAS: Hinds, Omo, Mulligan, Rogers, Eosco, Verville, Pagurko, Winglass**

**NAYS: None**

**Ordinance Passed. 8-0**

Chairman Wyman set second passage for September 5, 2007 at 6:02 PM.

**6) Order: Approving Submerged Lands Lease - South End Park**

Chairman Wyman read the following Order:

**ORDER APPROVING SUBMERGED LANDS LEASE**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE SUBMERGED LANDS LEASE WITH THE STATE OF MAINE DEPARTMENT OF CONSERVATION, BUREAU OF PARKS AND LANDS, SAID LEASE BEING ATTACHED HERETO, FOR PUBLIC ACCESS TO SUBMERGED LANDS IN THE KENNEBEC RIVER ABUTTING THE SOUTH END PARK, 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, seconded by Councilor Hinds to put this item on the floor for discussion.

Mr. Giroux explained that the State owns all submerged lands under water and in order to put a structure over this land a lease from the State is required and even though it is an existing pier, the lease has to be renewed every few years.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order Passed. 8-0**

**7) Order: Approving Utilities Easement for Klingaman Property**

Chairman Wyman read the following Order:

**ORDER APPROVING UTILITIES EASEMENT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT A UTILITIES EASEMENT FOR UNDERGROUND UTILITIES RUNNING ALONG AND UNDER PROPERTY OF THE CITY OF BATH, BEING PROPERTY ACQUIRED FOR PUMP STATION PURPOSES AND BEING ON THE EASTERLY SIDE OF FRONT STREET, SAID EASEMENT BEING IN SUBSTANTIALLY THE FORM AS ATTACHED HERETO, AND BENEFITING THE PROPERTY OF KATHRYN KLINGAMAN, IS HEREBY APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY TOGETHER WITH SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO IMPLEMENT THE EASEMENT.

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

Mr. Giroux explained that this is an easement that was part of Mr. Klingaman's original approval and this is just following through with that plan and putting it into language.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order Passed. 8-0**

Chairman Wyman asked that the agenda be amended to add the following item.

Motion by Councilor Hinds, second by Councilor Verville to amend the agenda to add this Resolution. All in favor.

**BATH CITY COUNCIL RESOLUTION  
STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing.

NOW THEREFORE, be it resolved by the Bath City Council that the City Manager:

- 1) Is authorized and directed to submit the Phase II application for the following program and dollar amount within the State of Maine's CDBG Program:

Program: Public Service Grant                      Amount: \$14,000

To the Department of Economic and Community Development on behalf of the City of Bath, substantially in the form presented to this Council;

- 2) Is authorized to make assurances on behalf of the City of Bath required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing the said program, consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Resolution Passed. 8-0**

**G. Petitions & Communications: 6:50 PM**

There were no petitions or communications.

**H. City Manager's Report: 6:50 PM**

City Manager Giroux reported on the following items:

- The elimination of Fall and Spring Clean Ups

Motion by Councilor Winglass, second by Councilor Pagurko to have a Fall Clean Up this year, but eliminate the Spring Clean Up.

**VOTE:**

**YEAS: 6**

**NAYS: 2 (Omo, Verville)**

**Passed. 6-2**

**I. Committee Reports: 6:59 PM**

There were no committee reports.

**J. Unfinished Business: 6:59 PM**

There was no unfinished business.

**K. New Business: 6:59 PM**

**8) Appointment two members to the Board of Assessment Review Term to Expire July 2010**

Councilor Pagurko nominated Doris Ford and William Truesdell to fill the two positions on the Board of Assessment Review. All in favor.

**9) Appointment two members to the Customs House Board of Directors Term to Expire August 2010**

Councilor Pagurko nominated John Voorhees and Lawrence Dawson to fill the two positions on the Customs House Board of Directors. All in favor.

**10) Appointment one member to the Bath Planning Board to fill a position with a term to expire September 2009**

Councilor Pagurko asked that this appointment be pulled from the agenda as the interview couldn't take place due to a scheduling conflict. Chairman Wyman pulled the item from the agenda.

The meeting adjourned at 7:04 PM with a motion by Councilor Pagurko, seconded by Councilor Hinds. 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.*