MINUTES FOR THE CITY COUNCIL BUSINESS MEETING  
COUNCIL CHAMBERS  
THURSDAY, APRIL 6, 2017  
7:00 P.M.

All present, Councilor Alexander arrived at 7:35 p.m.

PUBLIC COMMENTS ON ITEM LISTED ON THE AGENDA:  

PRESENTATION: Proclamation: Revive Civility Month

CONSENT AGENDA:

17-059 City Manager (Bureau of City Clerk)  
ORDERED, that the minutes of the City Council Meeting held March 16, 2017, submitted by the City Clerk’s office be approved.

17-060 Mayor  
ORDERED, that Councilor Anna Blodgett be appointed to the Capitol Planning Commission, said term to expire December 31, 2017.

17-061 City Manager  
ORDERED, that the City Council does hereby accept a donation from the Friends of Lithgow Library of a Chris Cart Painting.

17-062 City Manager  
ORDERED, that the City Council does hereby accept a donation from the Friends of Lithgow Library for plaster ornamentation and paint repair and restoration in the reading room valued at approximately $50,000.

17-063 City Manager (Bureau of Audit Accounts)  
ORDERED, that the Roll of Accounts for the month of March, 2017 in the amount of $6,624,825.06 be approved.

Motion for passage of the Consent Agenda orders 17-059 to 17-063 by: Conti Second by: Grant  
Yeas: 6  
Nays: 0

OLD BUSINESS AND TABLED MATTERS

SECOND READING (Ordinances)

16-188 Mayor Rollins and Councilors Blodgett, Conti, Munson, Paradis  
Tabled from 11/17/2016

WHEREAS, the City Council finds that the current definition of “Religious Activities and Associated Uses” is outdated and does not provide adequate clarity for religious organizations or citizens regarding accessory activities conducted in relation to such uses; and

Agenda 04/06/2017
WHEREAS, the City Council finds that clarity of interpretation is critical to creating certainty for residents and others; and

Motion to Suspend Further Reading: O’Brien Second by: Blodgett
Yeas: 6
Nays: 0

WHEREAS, the City Council finds that the faith community is a critical part of the fabric of the community, but as the nature of worship changes, certain activities conducted by religious organizations, like their secular counterparts, could have an impact on the health, safety, and general welfare of the neighborhoods where they are located;

WHEREAS, the City’s Planning Board reviewed this issue and the proposed amendments at two public hearings, at which residents and business owners voiced concern over the impact of social services, traffic and parking on residential neighborhoods and business districts, and religious entities discussed how activities such as community suppers, clothing drives and educational activities are components of their religious practice;

WHEREAS, the City Council respects the needs of all property owners and is interested in limiting traffic, noise, parking, and other impacts of uses in keeping with the nature of the district in which they are located; and

WHEREAS, in keeping with the Comprehensive Plan, the City Council intends to regulate accessory uses conducted by religious entities only to the extent they are significant in scope and, due to their potential impacts, would not otherwise be allowed as primary uses in the district in which they are located.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended to repeal the current term and definition of a “Religious Activities and Associated Uses” in Section 300-202 and replace it with the following term and definition:

PLACE OF WORSHIP: Any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship, or for ceremonies, rituals, education, and related social events. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque. Any new or expanded use conducted on the premises of a Place of Worship shall be considered a separate principal use if it is operated for more than 16 hours a week, for a total of four or more weeks per year.

and, that Religious Activities and Associated Uses in the Table of Uses (300 Attachment 4) shall be changed to the new use “Place of Worship”; and

that “Place of Worship” shall be allowed in the same districts, and with the same designations, as Religious Activities and Associated Uses were in the Table of Uses (300 Attachment 4); and
that, additionally, Places of Worship shall be allowed as a permitted use (designated with an X) in the following districts in the Table of Uses (300 Attachment 4): RPDS, RV.

Motion to Remove From Table by: Conti Second by: Elliott
Yeas: 6
Nays: 0

Motion to Table Indefinitely by: Conti Second by: Grant
Yeas: 6
Nays: 0

17-057 Mayor and Council
WHEREAS, the City Council finds that Augusta’s Water Street National Historic District and the Bond Street National Historic District are worthy of local protection and promotion;

WHEREAS, the Augusta Historic District Review Board recommends the adoption of the following district boundaries;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use Ordinance be amended to add a new section as follows:

300-316.5(I)

I. Historic districts, historic sites and historic landmarks defined. All district, site, and landmarks are as depicted on the map entitled Historic Districts.

(1) [Reserved] Water Street Historic District;

(2) Bond Street Historic District.

Motion to Move for Passage by: Conti Second by: Wilson
Yeas: 6
Nays: 0

NEW BUSINESS PART 1

17-064 Councilors Conti and Elliot

ORDERED, that the City Council does hereby appropriate an amount not to exceed $15,000 from the unassigned fund balance and does authorize the City Manager to contract with Golder Associates to review the existing ordinance and certain blasting history data, to correspond with staff and to produce a report regarding said review, to visit Council at a future meeting to present and discuss the report and to provide advice to the Planning Board within the limits of this appropriation.

Motion to Amend by: Elliott Second by: Grant
Yeas: 6
Nays: 1 – Councilor Blodgett
Motion for Passage as Amended by: Elliott Second by: Grant
Y eas: 6
Nays: 1 – Councilor Blodgett

17-065 Councilor Grant

ORDERED, that the Council approves the creation of a committee to raise awareness about childhood hunger and the impact of food insecurity in our community.

BE IT FURTHER ORDERED, that the committee will be named the Augusta Childhood Hunger Working Group and membership will consist of five persons appointed by the Mayor and will include one City Councilor, one School Board member, the Augusta Food Bank director or designee, the School Department Title 1 director or designee and the City Health and Welfare director or designee.

Motion to Move for Passage by: Grant Second by: Blodgett
Y eas: 7
Nays: 0

17-066 City Manager

WHEREAS, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property and lives in Kennebec County; and,

WHEREAS, the creation of a Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy; and,

WHEREAS, the 25 towns, the 4 cities of Kennebec County as well as Kennebec County (on behalf of Unity Township) are committed to the mitigation goals and measures as presented in this plan.

NOW THEREFORE BE IT ORDERED, that the Augusta City Council hereby adopts the 2016 Kennebec County Hazard Mitigation Plan.

Motion to Move for Passage by: Elliott Second by: Blodgett
Y eas: 7
Nays: 0

NEW BUSINESS PART 2 – ORDINANCES - FIRST READING

NO VOTE REQUIRED

17-067 Mayor and Council
WHEREAS, in keeping with the Comprehensive Plan and complying with state shoreland zoning laws, the City Council finds that amending the Land Use Ordinance is in the best interest of the City;
NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended as shown in the attached document entitled “Shoreland Zoning Amendments – April 3, 2017” and the attached map entitled Shoreland Zoning April 3, 2017.

17-068 Mayor and Council

WHEREAS, the Planning Board held a public hearing and unanimously recommends the following changes; and,

WHEREAS, the City Council finds that amending the Land Use Ordinance is in the best interest of the City.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended as shown in the document entitled “300-515 Setbacks; general requirements”.

17-069 Mayor and Council

WHEREAS, the Planning Board held a public hearing and unanimously recommends the following changes; and,

WHEREAS, the City Council finds that amending the Land Use Ordinance is in the best interest of the City.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta that the Code of Ordinances, Land Use, be amended as shown in the document entitled “General Amendments to Land Use Ordinance 4-3-2017”.

17-070 Mayor Rollins, Councilors Conti, O’Brien, and Elliott

WHEREAS, the City Council finds that the current definition of “Religious Activities and Associated Uses” is outdated and does not provide adequate clarity for religious organizations or citizens regarding accessory activities conducted in relation to such uses; and,

WHEREAS, the City Council finds that clarity of interpretation is critical to creating certainty for residents and others; and,

WHEREAS, the City Council finds that the faith community is a critical part of the fabric of the community, but as the nature of worship changes, certain activities conducted by religious organizations, like their secular counterparts, could have an impact on the health, safety, and general welfare of the neighborhoods where they are located; and,

WHEREAS, the City’s Planning Board reviewed this issue and the proposed amendments at two public hearings, at which residents and business owners voiced concern over the impact of social services, traffic and parking on residential neighborhoods and business districts, and religious entities discussed how activities such as community suppers, clothing drives and educational activities are components of their religious practice; and,
WHEREAS, the City Council respects the needs of all property owners and is interested in limiting traffic, noise, parking, and other impacts of uses in keeping with the nature of the district in which they are located; and,

WHEREAS, in keeping with the Comprehensive Plan, the City Council intends to regulate accessory uses conducted by religious entities only to the extent they are significant in scope and, due to their potential impacts, would not otherwise be allowed as primary uses in the district in which they are located.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended to modify the definition of a “Religious Activities and Associated Uses” in Section 300-202 as follows:

RELIGIOUS ACTIVITIES AND ASSOCIATED USES

A structure or place where persons regularly assemble for worship, ceremonies, rituals, education, and related social events pertaining to a particular system of beliefs, and which structure or place, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. “Religious activities and associated uses” includes but is not limited to churches, religious temples, convents, monasteries, parsonages, rectories, religious camps and retreat sites.

BE IT FURTHER ORDAINED, that Religious Activities and Associated Uses in the Table of Uses (300 Attachment 4) shall be changed to the new use “Religious Activities”; and

BE IT FURTHER ORDAINED, that a new note 19 shall be added to the Table of Uses (300 Attachment 4) as follows:

The following uses accessory to permitted assembly uses shall be subject to conditional use approval unless expressly listed as a permitted use in the Table of Land Uses: Conference center, convention facility, social services, educational services, day care centers, group homes, medical clinic, meal center and food pantry, retail, recreational areas and facilities. Shelter shall also be a conditional use and shall not be with 1,000 feet of another shelter; and,

BE IT FURTHER ORDAINED, that the new use “Religious Activities” be changed from a permitted use to a Conditional Use, designated by a CU19 in the Table of Uses (300 Attachment 4,) in the following zoning districts and shall be subject to a new note 19: RA, RB1, RB2, RD, IA, PD, RR, RRES, RV, RR2, MED, KL; and,

BE IT FURTHER ORDAINED, that the new use “Religious Activities” be allowed as a Conditional Use, designated by a CU19 in the Table of Uses (300 Attachment 4), in the following zoning districts: KBD2; and,

BE IT FURTHER ORDAINED, that the existing use “Civic, Social, and Fraternal Organizations” shall become subject to the new note 19 by replacing the existing CU or X in the districts where the use is allowed with a CU19 or X19, as appropriate; and,
BE IT FURTHER ORDAINED, that Section 300-603(E)(e) be added as follows:

Will the proposal cause exterior queuing of vehicles or loitering of pedestrians which would have a negative impact on the surrounding neighborhood?

COMMUNICATIONS

Committee Reports
City Manager’s Report

Enter into executive session to discuss:
- Labor negotiations; 1 M.R.S.A., §405(6)(D)

Motion to Enter into Executive Session by: Conti Second by: Grant
Yees: 7
Nays: 0

Respectfully submitted,
Loretta Lathe, Executive Assistant
April 3, 2017