Minutes for the City Council Business Meeting
Council Chambers
Thursday, November 16, 2017
7:00 P.M.

There was a pre-meeting of the City Council at 6:30 p.m. in Conference Room A.


Proclamation: Small Business Saturday 2017

Public Comments on Item Listed on the Agenda:

Consent Agenda:

17-176 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the Regular City Council Meeting held November 2, 2017 submitted by the City Clerk’s office be approved.

17-177 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the amended minutes, correcting a scribers error, for the City Council Meeting held September 7, 2017, submitted by the City Clerk’s office be approved.

17-178 City Manager (Bureau of Audit Accounts)
BE IT ORDERED, that the Roll of Accounts for the month of October, 2017 in the amount of $7,704,361.03 be approved.

17-179 Sponsors Mayor and Council
BE IT ORDERED, that the City Council authorize the Police Department to auction unclaimed recovered property.

17-180 City Manager (Bureau of City Clerk)
BE IT ORDERED, that that the tabulation results for the Municipal Candidate & Referendum Election held November 7, 2017, submitted by the City Clerk, be and hereby certified.

Motion for passage of the Consent Agenda 17-176 to 17-180.
By: Wilson  Second by: Conti
Yeas: 8
Nays: 0
NEW BUSINESS

17-181  Mayor Rollins and Councilors Alexander, Blodgett, Conti, Day, Grant, and Wilson

BE IT ORDERED, that $30,000 is hereby appropriated from assigned fund balance for immediate use for the environmental remediation project at the Colonial Theater.

BE IT FURTHER ORDERED, that $70,000 is hereby appropriated toward the cost of final bid-ready plans and specifications of the Colonial Theater renovation project and that $200,000 is hereby appropriated upon substantial completion of the construction of said project.

Motion for passage of order 17-181.
By: Grant Second by: Alexander

Motion to amend order 17-181, adding the word “assigned” prior to the fund balance in the first paragraph, and delete the entire second paragraph
By: O’Brien Second by: Elliott
Yeas: 4 – Councilors Elliott, O’Brien, Day and Wilson
Nays: 4 – Councilors Conti, Grant, Blodgett and Alexander
Mayor Rollins voted in favor
Motion to amend passed

Vote on order 17-181 as amended.
Yeas: 8
Nays: 0

NEW BUSINESS  PART 2 –ORDINANCES - FIRST READING
NO VOTE REQUIRED

17-182  Sponsors Mayor and Council
WHEREAS, the City Council finds that the Farmer’s Market at Mill Park needs a winter home; and

WHEREAS, the owner of old Elim Church at the intersection of State Street and Oak Street is willing to make the space available for the limited winter hours;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that the Code of Ordinances be amended as follows:

Tax Map 34, Lot 161 shall be a Contract Zoned parcel that allows all of the uses, dimensional standards, ground graphic standards, and other standards applicable to Business, Institutional, and Professional (BP) zoning district. The additional use of “Retail” shall also be allowed as a permitted use for six (6) hours per week for a Farmers Market, as defined in MRSA Title 7, Section 415. No on-site parking shall be required for the “Retail” use.
Motion to suspend the rules and waive the second reading of order 17-182.
By: Grant Second by: Elliott
Yeas: 8
Nays: 0

Motion for passage of order 17-182.
By: Conti Second by: Alexander
Yeas: 8
Nays: 0

17-183 Sponsors Mayor and Council
WHEREAS, the City Council finds that Educational Services would benefit the city in the Planned Development 2 (PD2) zoning district.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that Table 300 Attachment 4 (Table of Uses in the Base Zoning Districts) in the Code of Ordinances, be amended as follows:

Add a “CU” for Educational Services in the PD2 column, which will make Educational Services a Conditional Use in the Planned Development 2 zoning district.

Motion to suspend the rules and waive the second reading of order 17-183.
By: Day Second by: Grant
Yeas: 8
Nays: 0

Motion for passage of order 17-183.
By: Elliott Second by: O’Brien
Yeas: 8
Nays: 0

17-184 Sponsors Mayor and Council
WHEREAS, the City Council finds that the Greater Augusta Utility District has testified to the Planning Board and Planning Staff that additional regulatory setbacks from utility easements are not necessary and are in fact burdensome in many cases; and

Motion to suspend the reading.
By: Wilson Second by: Blodgett
Yeas: 8
Nays: 0

WHEREAS, the City Council finds that there are no other reasons for the regulatory setbacks;
NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that Section 300-515(C) in the Code of Ordinances, be amended as follows:

C. Except where setbacks are specified in the dimensional requirements of a zoning district; or except where other provisions of this chapter impose stricter setback or yard or buffer yard requirements, or except for required egress structures, or except for structures within the KBD1 District (for which there shall be no setback requirements for any structure, including, but not limited to, any setback requirements for public pedestrian walkways and their structural elements proposed to be built over, adjacent to, or within a public right-of-way), no structure shall be located within the following limits:

1. Within 10 feet of the right-of-way line or utility easement where one exists on any street within the City except as specified below or in zoning district regulations or by deed restrictions.

2. Within 10 feet of any new right-of-way line made necessary by construction or reconstruction of any street or right-of-way or utility easement where one exists within the City.

17-185 Sponsors Mayor and Council
WHEREAS, the City Council finds the Maine Department of Environmental Protection requires one change to shoreland zoning timber harvesting practices in order to address a condition of approving the city’s shoreland zoning ordinance;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that Section 300-528 (O) in the Code of Ordinances, be amended as follows:

Motion to suspend the reading.
By: Wilson Second by: Elliott
Yeas: 8
Nays: 0

O. Timber harvesting. The Bureau of Forestry shall administer the regulation of statewide standards for timber harvesting and related activities in shoreland areas all forestry activities within the City of Augusta. Title 38 M.R.S.A. section 438-A provides that, notwithstanding other provisions of the Mandatory Shoreland Zoning Act, the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Maine Bureau of Forestry Forest Bureau pursuant to Title 12, section 8867-B. Timber harvesting regulation repealed May 20, 2017. December 19, 2016.

17-186 Sponsors Mayor and Council
WHEREAS, the City Council finds that the existing dense residential uses on the west side of Willow Street are non-conforming in the zoning district they are in, but would be conforming uses in the neighboring zoning district; and
Motion to suspend the reading.
By: Wilson Second by: Elliott
Yeas: 8
Nays: 0

WHEREAS, Tax Map 38, Lot 235A is split zoned between two zoning districts in such a way that reuse of the site is significantly compromised; and

WHEREAS, the City Council finds that modifying the zoning along the west side of Willow Street better reflects the recommendations of the Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta, that Tax Map 38, Lots 220 and 220A be rezoned from Medium Density Residential (RB1) to Kennebec Business District 2 (KBD2); and Tax Map 38, Lot 235A, which is split zoned between Medium Density Residential (RB1) and Kennebec Lockes (KL), be entirely zoned as Kennebec Lockes (KL).

COMMUNICATIONS
Committee Reports
City Manager’s Report

17-187 City Manager
Executive Session: Labor Negotiations and Potential Litigation; 1 M.R.S.A., §405(6)(D & E)

Motion to approve order 17-187 to enter executive session at 7:44pm in accordance with 1 M.R.S.A., §405(6)(D&E), Potential Legal Action and Labor Negotiations.
By: Conti Second by: Alexander
Yeas: 8
Nays: 0

Councilor Conti and City Attorney Langsdorf left the room prior to the discussion about potential litigation.

Motion to leave executive session at 8:11 pm.
By: Day Second by: Elliott
Yeas: 7
Nays: 0

Motion to adjourn at 8:12 p.m.
By: Alexander Second by: Elliott
Yeas: 7
Nays: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk