All members of the Council were present; Mayor Stokes presided.

Proclamation - Recognizing Augusta Food Bank for 30 years of service to the community.

Public Hearing – Malt, Spirituous and Vinous Liquor License application for Apple New England, LLC

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

10-166
WHEREAS, the City Council finds that the criteria for approving a Text Amendment to the Land Use Ordinance, found in section 1.6.1.A, has been satisfied; and

WHEREAS, the City Council finds that bituminous mix plants and ready mix concrete plants in the Rural River 2 zoning district conflict with residential uses in that district to such a degree that no new plants should be permitted and all existing plants should be eliminated at the end of their current licensing period; and

WHEREAS, snow dumps and crushing/screening operations are found to be acceptable and critical accessory uses of a mineral extraction site; and

WHEREAS, the City Council finds that all bituminous mix plants and ready mix concrete plants require Planning Board review and the opportunity for public input, regardless of size or location; and

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance and the Mineral Extraction Ordinance be amended as follows:

Amend the Land Use Ordinance Section 2.2 definition for “Mineral Extraction Activity” as follows:

Mineral extraction activity. Any operation where soil, topsoil, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled. Uses associated with mineral extraction include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants. All of the land area disturbed or otherwise developed for the extraction, removal, handling, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area, structures, office
building, parking lots and stockpiles, is considered to be a part of the mineral extraction site or area. Accessory uses may be conducted at a mineral extraction activity site.

Add a new definition to the Land Use Ordinance Section 2.2, Definitions, for a new use called “Mineral Extraction Associated Use” as follows:

**Mineral Extraction Associated Use.** Temporary, portable, or permanent bituminous mix plants and ready mix concrete plants that are constructed, erected, or placed within the Footprint of Operation for a licensed mineral extraction site.

Also amend Table 3.6.A.1 Land Uses in the Base Zoning Districts line 30 with a new title for the use as follows:

**Mineral Extraction Activities and Associated Uses**

Add a new use to Table 3.6.A.1 Land Uses in the Base Zoning Districts as line 31, renumbering the table appropriately, to include the following use as a Conditional Use only in the Rural River (RR) zoning district.

**Mineral Extraction Associated Use**

Amend the Land Use Ordinance Section 2.2 definition for “Development” adding the following language under the subsection on **Major Development**:

- g. proposes the construction, erection, or placement of a fixed, portable, or temporary bituminous mix plant, or ready mix concrete plant as a primary use or mineral extraction associated use on the site.

Also amend the Mineral Extraction Ordinance to replace the phrase “Associated Mineral Extraction Activity” with the phrase “Mineral Extraction Associated Use” throughout the ordinance.

Amend the definition of Accessory Uses in the Mineral Extraction Ordinance as follows:

**Accessory Uses.** Uses clearly incidental and subordinate to a principal use and located on the same lot as the principle use. Such uses must be clearly spelled out in the application and license. Accessory uses may include, but are not limited to snow dumps, screening of materials, and crushing of materials.

Amend Section 6-79, License Renewal, of the Mineral Extraction Ordinance as follows:

(6) Any use, primary, associated, or accessory, that becomes non-conforming as a result of changes to the Land Use Ordinance or this Mineral Extraction Ordinance shall be sunsettled as part of the license renewal process and shall not be allowed to continue under a renewed license.

(7) Any Mineral Extraction Associated Use that is a Conditional Use or Nonconforming Use per the Land Use Ordinance, but did not receive a detailed review as part of the
original licensing approval of the primary Mineral Extraction Activity, shall receive Conditional Use review at the time of relicensing as an amendment to the existing approval for the site.

(8) Any use, primary, associated, or accessory, that requires Major or Minor Development Review under the Land Use Ordinance at the time of license renewal, but did not require or obtain such approval at the time of initial establishment, shall receive such review from the Planning Board at the time of license renewal.

Motion to table - unassigned by: Paradis Second by: Munson
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0
(referred to October 27, 2011 Informational Meeting)

11-144
ORDERED, That the City Manager be authorized to contract for Alumni Field Bleachers in an amount not to exceed $125,000 to be funded by the remaining Cony High School Construction Account.

Remain on table - unassigned
(referred to newly appointed Alumni Field Improvement Committee)

11-146
ORDERED, That the City Manager be authorized to contract for demolition and improvements to Haymarket Square not including the construction of new bathroom facilities and not to exceed $120,000 from the Downtown TIF.

(NO MOTION TO REMOVE FROM TABLE)

11-149
WHEREAS, noise in the city of Augusta can have a detrimental effect on private property value and enjoyment; and

WHEREAS, the Planning Board held multiple public hearings on the proposed noise ordinance changes.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following amendments be made to the Land Use Ordinance:

Section 5.1.15.1.1 be repealed and replaced with a new Section 5.1.15.1.1 as attached.

Motion to table - unassigned by: Byron Second by: Munson
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0
Motion to suspend the rules to add order 11-158 by: Byron  Second by: Paradis
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

11-150
WHEREAS, signage in the city of Augusta must both serve the businesses it advertises and respect the visual landscape of the city; and

WHEREAS, the Planning Board held multiple public hearings on the proposed sign changes with business leaders, industry leaders, and residents testifying.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following amendments be made to the Land Use Ordinance:

Section 5.1.17 be repealed and replaced with a new Section 5.1.17 as attached.

Motion to table - unassigned, by: Rollins  Second by: Coffin
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con’t)

READ AND NOT PASSED

11-145
ORDERED, That $20,000 be and is hereby appropriated from the undesignated fund balance for the purpose of paving the eastbound lanes of Western Avenue for approximately 1100 ft in the vicinity of Smith/Edison Drive. Said work to be completed in the Fall of 2011.

Motion to remove from table by: Byron  Second by: Grant
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

Motion for passage by: Byron  Second by: Rollins
Yeas: 1; Byron
Nays: 6, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
OLD BUSINESS AND TABLED MATTERS (Con’t)

READ AND PASSED, FINAL READING

11-148
BE IT ORDAINED, By the City Council of the City of Augusta, that Chapter 16 Public Safety.
Sec. 26.1. Same-Residency Requirement, of the Revised Code of Ordinances 1990, as amended,
be further amended as follows:

The Chief of Police must be a resident of the City of Augusta within ninety (90) days of
his/her appointment. This provision does not apply to the person holding such position on the
effective date of Ordinance No. 360. The City Council upon recommendation of the City
Manager may waive this requirement at its discretion.

Motion for passage by: Rollins Second by: Coffin
Yeas:  7;  Byron, Grant, Paradis, O’Brien,
       Rollins, Coffin, Munson
Nays:  0

Motion to suspend the rules to add order 11-157 by: Byron Second by: Paradis
Yeas:  7;  Byron, Grant, Paradis, O’Brien,
       Rollins, Coffin, Munson
Nays:  0

NEW BUSINESS

HAS BEEN READ AND PASSED

11-152
ORDERED, That the minutes of the City Council meeting held September 22, 2011, submitted
by the City Clerk, be approved.

Motion for passage by: Munson Second by: Rollins
Yeas:  7;  Byron, Grant, Paradis, O’Brien,
       Rollins, Coffin, Munson
Nays:  0

11-153
ORDERED, That the Roll of Accounts for the month of September 2011 in the amount of
$6,764,742.76 be approved.

Motion for passage by: Munson Second by: Rollins
Yeas:  7;  Byron, Grant, Paradis, O’Brien,
       Rollins, Coffin, Munson
Nays:  0
11-154
ORDERED, That Steve Dumont be reappointed to the Planning Board; said term to expire on October 6, 2014.

Motion for passage by: Munson Second by: Rollins
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

11-155
ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Apple New England, LLC

Motion for passage by: O’Brien Second by: Grant
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

11-156
ORDERED, That Voter Registration hourly schedule for open session for the November 8, 2011 State Referendum and Municipal Election be:

Thursday, November 3, 2011 from 1:00 p.m. to 6:00 p.m.

The intent of this order is to change the evening session time in accordance with M.R.S.A., Title 21-A, Section 122(8), as amended.

Motion for passage by: Paradis Second by: Grant
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

11-157
ORDERED, That the City Council accept the City Manager’s recommendation to waive the same-residency requirement for the appointment of Deputy Police Chief, Major Robert Gregoire to Police Chief.

Motion for passage by: Byron Second by: Grant
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0

11-158
ORDERED, That Ordinance 11-149, Noise Ordinance, be referred back to Planning Board for reconsideration.
Motion for passage by: Byron  Second by: Paradis
Yeas:  7;    Byron, Grant, Paradis, O’Brien,
       Rollins, Coffin, Munson
Nays:  0

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
October 11, 2011