

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, NOVEMBER 19, 2009
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Recognition of Cony Students of the Month for September and October: Rachel Petersen, Ben Belanger and Melissa Birch

PRESENTATION - Recognition of CATC Students of the Month for September – November: Taylor Bushey, Samantha Belanger, Kristy Faulkingham, Tatyanna Leseige, Alexandra Fors and Kimberlea Bradbury

PUBLIC HEARING - To Discuss a CDBG Application for the Mount Vernon Avenue Sewer Upgrade

PRESENTATION - Update on Winter Maintenance from Public Works Director John Charest.

PRESENTATION - Kennebec River Rail Trail map by Tom Reeves

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

OLD BUSINESS AND TABLED MATTERS

TABLED

115 City Manager
ORDERED, That the City Manager is authorized to expend an amount not to exceed \$5,000 to conduct a structural engineering analysis of the Colonial Theater.

SECOND READING

152 Councilor Paradis
WHEREAS, the City Council created a subcommittee to recommend changes to the Code of Ordinances to protect private property value, ensure public health, and enhance the city's appearance.

City Council of Augusta therefore makes the following changes to the City's Code of Ordinances:

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING (Con't)

152 Continued

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the changes identified in Attachment A to this Order, where deletions are in strikeout and additions are underlined.

In general, the changes identified in the Attachment amend Sections 6-341 to 6-377 and Section 13-25 of the City of Augusta Code of Ordinances. The amendments clarify and strengthen the storage of recycling, rubbish, solid waste, and unregistered automobiles on private property.

NEW BUSINESS

PART 1 – ORDERS

154 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held November 5, 2009 submitted by the City Clerk be approved.

155 Mayor Katz, Councilors Paradis and Munson

WHEREAS, the City of Augusta, Maine 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 two (2) duly advertised public hearings; and

WHEREAS, the City of Augusta, Maine is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

NOW THEREFORE, BE IT RESOLVED, By the Council of the City of Augusta, Maine that the City Manager:

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

Program: Mt. Vernon Ave Sewer Upgrade Amount: \$500,000.00

NEW BUSINESS (Con't)

155 Continued

To the Department of Economic and Community Development on behalf of the City of Augusta, Maine, substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the City of Augusta, Maine 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 and said program(s), consistent with the Charter of the Community of Augusta, Maine and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

PART 2 – ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

156 Councilor Munson

WHEREAS, the Mineral Extraction Ordinance intended to protect the public health, safety, and general welfare, and to minimize the adverse impact of extraction to citizens of the city, abutting property owners, and wildlife and natural resources.

WHEREAS, two uses identified as accessory to a mineral extraction use have been found to have a significant impact on abutting property owners by virtue of additional traffic, additional noise, additional dust, and additional odor, unanticipated at the time the Mineral Extraction Ordinance was initially adopted.

WHEREAS, due to the lack of experience with these two accessory uses, the city and the public did not adequately scrutinize the uses during the initial licensing of mineral extraction sites.

WHEREAS, no permanent bituminous mix plants or ready mix concrete plants have yet been installed.

WHEREAS, sunsetting the one existing temporary bituminous mix plant and requiring further planning board review and authorization for it to restart seasonal operation as an accessory use in the spring of 2010 is not found to be an unreasonable financial burden to the owner of the mineral extraction site, since an accessory use is by its nature not the primary function of the site.

NOW THEREFORE BE IT ORDERED by the City Council of the City of Augusta hereby amends the Mineral Extraction Ordinance as follows:

Allowable associated mineral extraction uses. Associated mineral extraction uses include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants, materials being recycled/reprocessed. Each of these associated

NEW BUSINESS (Con't)

156 Continued

uses must be expressly approved by the Planning Board to be considered allowable under a mineral extraction license. Ready mix concrete plants and bituminous mix plants shall be reviewed using the Site Plan Review Criteria Applicable to Conditional Uses, found in Section 6.3.4 of the Land Use Ordinance. Any existing temporary bituminous mix plants or ready mix concrete plants associated with a licensed mineral extraction site as an accessory use at the time of adoption shall be eliminated by May 1, 2010, unless they receive additional approval from the planning board for their operation as per this section.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
November 16, 2009