

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 21, 2007

Minutes of the regular City Council meeting held Monday, September 17, 2007 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor Lund; Mayor Katz presided.

Proclamation - Jason Farris, recognition of the 2007 William Thomas Hyde Memorial Award For Public Service Excellence

Presentation - Augusta Water and Sanitary District - Explanation of the questions on the ballot and how these affect taxpayers and ratepayers.

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

131 WHEREAS, commercial blasting and use of explosives for purposes of quarrying mineral extraction and the production of construction materials have been occurring frequently in the City of Augusta, and whereas numerous reports of property damage resulting from such blasting have been communicated to the City, and

WHEREAS, current City of Augusta Ordinances are inadequate to effectively regulate and prevent serious public harm and property damage which may occur as a result of blasting in the City, and

WHEREAS, City Staff is aware of planned blasting in the vicinity of residential homes in the City, and

WHEREAS, the City Council has appointed a Committee to draft a new Ordinance regulating blasting, which has not completed its work, and

WHEREAS, the City Council needs additional time to complete the process of enacting a new Ordinance regulating blasting.

NOW THEREFORE, The Council hereby ORDERS that a moratorium be enacted effective as of the date of passage by Council which prohibits all commercial blasting and use of explosives for

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

- 131 Continued
the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

This moratorium will expire in one hundred eighty (180) days from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

(NO MOTION TO REMOVE FROM TABLE)

HAS BEEN READ AND PASSED, FINAL READING

- 176 WHEREAS, interpretation of the zoning section of the Land Use Ordinance is often difficult for the general public; and,

WHEREAS, many of the uses listed in the zoning section are duplicative, confusing, or unnecessary; and,

WHEREAS, the list of land uses defined in the Land Use Ordinance does not contain all land uses found in the zoning section, and contains many terms not found elsewhere within the Ordinance; and,

WHEREAS, the Bureau of Planning and Bureau of Code Enforcement seek a consistent zoning language; and,

WHEREAS, the Bureau of Planning has worked closely with the Bureau of Code Enforcement and Planning Board to create a revised Definition section and a Table of Uses; and,

WHEREAS, the proposed Definitions section retains all existing land use interpretations and are intended to clarify and complete the list of land use interpretations; and,

WHEREAS, and the proposed Table of Uses retains all uses currently existing in each zone with no changes and is only a recodification to meet current needs and clarify current interpretations, with the exception of "Sexually Oriented Businesses / Adult Business Establishments", which is eliminated from the KBD1 District and placed in the IA District, as originally intended.

NOW THEREFORE BE IT ORDAINED, that the City Council of Augusta hereby adopts a new Definitions section by repealing the

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

176 Continued

existing Chapter 2 of the Augusta Land Use Ordinance and replacing it with the attached Chapter 2; and,

NOW THEREFORE BE IT ORDAINED, that the lists of Permitted, Conditional, and Special Exception uses within the following sections of the Augusta Land Use Ordinance, Zoning District Requirements, Uses and Dimensional Requirements, be removed and replaced in the form of a new Tables of Uses, labeled Table 3.6.A.1, which would be located at the beginning of Section 3.6, Zoning District Requirements, and that the heading of each of the following sections be revised to read "Dimensional Requirements" rather than "Uses and Dimensional Requirements":

1. Section 3.6.1.1.1(b)
2. Section 3.6.1.1.2(b)
3. Section 3.6.1.1.3(b)
4. Section 3.6.1.1.4(b)
5. Section 3.6.1.2.2(b)
6. Section 3.6.1.2.3(a)(ii)
7. Section 3.6.1.2.3(b)(ii)
8. Section 3.6.1.2.3(c)(ii)
9. Section 3.6.1.2.3(d)(ii)
10. Section 3.6.1.3.2
11. Section 3.6.1.4.2
12. Section 3.6.1.5.2
13. Section 3.6.1.6.2
14. Section 3.6.2.1(b)
15. Section 3.6.2.2(b)
16. Section 3.6.2.3(b)
17. Section 3.6.2.4(c)
18. Section 3.6.2.5(b)

NOW THEREFORE BE IT ORDAINED, that the proposed changes to the definitions shall be reflected through out the Ordinance by text amendments to the following sections of the Ordinance:

Change "Certificate of Compliance" to "Certificate of Occupancy and Compliance"

Chapter 5; Performance Standards (table of contents) CDA:137

Section 5.1.7.7 (heading) CDA: 160 Section 5.1.7.7.2 CDA: 160

Change "Certificate of Occupancy" to "Certificate of Occupancy and Compliance"

Section 6.1.1.1(c) CDA: 239

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

- 176 Continued
Change "Convenience Store" to "Convenience Retail"
Section 5.2.2.2(a) CDA: 208-209
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski
- Nays: 0

NEW BUSINESSHAS BEEN READ AND PASSED

- 179 ORDERED, That minutes of the City Council meetings held September 4, 2007 and September 10, 2007, submitted by the City Clerk be approved.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski
- Nays: 0
- 180 ORDERED, That the City Council accept various donations for the Viles Memorial at Mill Park in the amount of \$1,150.00.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski
- Nays: 0
- 181 ORDERED, That Roll of Accounts for the month of August 2007 in the amount of \$7,117,912.08 be approved.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski
- Nays: 0
- 182 ORDERED, That the City Council accept a donation of a generator, breaker and transfer switch valued at \$73,500.00 from Edward C. Gall and Augusta Industrial Associates.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski
- Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

183 ORDERED, That the City Council request the Maine Department of Transportation to examine the traffic conditions on the Lamson Road in Augusta and determine whether adjustments to the speed limit or other traffic control measures are warranted.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

184 ORDERED, That the Voter Registration hourly schedule for open session for the November 6, 2007 State of Maine Referendum and Municipal and Referendum Elections be as follows:

Thursday, November 1, 2007 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.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk