

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, JANUARY 20, 2011
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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

Pledge of Allegiance was led by William J. Lacasse, Major (Ret.), United States Army

Presentation – Cony Students of the Month for December 2010:

- Suzannah Deeves
- Luke Duncklee.

Public comments were held on items listed on the agenda.

NEW BUSINESS

READ AND PASSED, AS AMENDED

11-015

ORDERED, That the City Council authorize the appropriation of ~~\$2,000.00~~ \$20,000.00 from Team Cony funds for auxiliary gym bleachers.

Motion to amend by: Coffin Second by: Stokes

Yeas: 7; Byron, Grant, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

Motion for passage by: Stokes Second by: Rollins

Yeas: 7; Byron, Grant, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

READ AND PASSED, AS AN EMERGENCY

11-018

WHEREAS, the City Council finds that the criteria for approving a text Amendment, found in Section 1.6.1.B of the Land Use Ordinance has been satisfied; and

WHEREAS, the City Council finds that development review is necessary to allow public review and comment of significant development in the city; and

WHEREAS, the City Council finds that requiring a single public hearing and review opportunity by the Planning Board for projects that create more than 25,000 square feet of new floor space in the Civic Center (CD) and Industrial (IA) zoning districts in adequate for most developments; and

NEW BUSINESS (Con't)

READ AND PASSED, AS AN EMERGENCY (Con't)

11-018 Continued

WHEREAS, the City Council understands that additional public meetings and review may occur, but not be required, as necessary dependant on the specifics of a proposed project; and

WHEREAS an emergency exists affecting efficient operation and review of commercial development absent this amendment;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows, and that the amendment shall be effective immediately upon passage:

Amend Section 2.2 of the Augusta Land Use Ordinance

Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

- (1) *Major development.* Any multi-family or non-residential development project that:
 - a. creates more than ~~20,000~~ 25,000 square feet of new floor space in the CD or IA zones; or
 - b. creates more than 10,000 square feet of new floor area in zones not listed in a. above; or
 - c. that disturbs more than 43,560 square feet of land; or
 - d. creates more than 43,560 square feet of new impervious surface; or
 - e. new construction that generates more than 100 trips in the peak hour for the proposed use; or
 - f. proposes a new wireless communication facility that will require construction of a new tower.

- (2) *Minor development.* Any multi-family or non-residential development project that:
 - a. creates between 5,000 and ~~20,000~~ 25,000 square feet of new floor area in the CD and IA zones; or
 - b. creates between 1,000 and 10,000 square feet of new floor area in zones not listed in a. above; or
 - c. that disturbs between 10,000 and 43,560 square feet of land; or
 - d. creates between 10,000 and 43,560 square feet of new impervious surface; or
 - e. creates four (4) or more residential units in a pre-existing single family, duplex, or multi-family structure; or

NEW BUSINESS (Con't)

READ AND PASSED, AS AN EMERGENCY (Con't)

11-018 Continued

- f. new construction that generates between 35 and 99 trips in all zoning districts except CD and IA, in the peak hour for the proposed use; or
- g. any change of use where the proposed use requires 25% more on-site parking, as calculated using the parking requirements in the Land Use Ordinance, than the applicant proposes to make available on site; or
- h. proposes collocation of a wireless communication facility on an existing tower that will require construction of a new equipment shed.
- i. all uses proposing to construct a drive-through service or vehicle re-fueling pumps that do not otherwise qualify for major or minor development review.

(3) *Other development.* Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

Motion for passage, as an emergency, by: Stokes Second by: Coffin

Yeas: 7; Byron, Grant, O'Brien,
 Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ, FIRST READING

11-019

WHEREAS, the City Council finds that the criteria for approving a text Amendment, found in Section 1.6.1.B of the Land Use Ordinance has been satisfied; and

WHEREAS, the City Council finds that development review is necessary to allow public review and comment of significant development in the city; and

WHEREAS, the City Council finds that requiring a single public hearing and review opportunity by the Planning Board for projects that create more than 25,000 square feet of new floor space in the Civic Center (CD) and Industrial (IA) zoning districts in adequate for most developments; and

WHEREAS, the City Council understands that additional public meetings and review may occur, but not be required, as necessary dependant on the specifics of a proposed project; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

Amend Section 2.2 of the Augusta Land Use Ordinance

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

11-019 Continued

Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

(1) *Major development.* Any multi-family or non-residential development project that:

- a. creates more than ~~20,000~~ 25,000 square feet of new floor space in the CD or IA zones; or
- b. creates more than 10,000 square feet of new floor area in zones not listed in a. above; or
- c. that disturbs more than 43,560 square feet of land; or
- d. creates more than 43,560 square feet of new impervious surface; or
- e. new construction that generates more than 100 trips in the peak hour for the proposed use; or
- f. proposes a new wireless communication facility that will require construction of a new tower.

(2) *Minor development.* Any multi-family or non-residential development project that:

- g. creates between 5,000 and ~~20,000~~ 25,000 square feet of new floor area in the CD and IA zones; or
- h. creates between 1,000 and 10,000 square feet of new floor area in zones not listed in a. above; or
- i. that disturbs between 10,000 and 43,560 square feet of land; or
- j. creates between 10,000 and 43,560 square feet of new impervious surface; or
- k. creates four (4) or more residential units in a pre-existing single family, duplex, or multi-family structure; or
- l. new construction that generates between 35 and 99 trips in all zoning districts except CD and IA, in the peak hour for the proposed use; or
- m. any change of use where the proposed use requires 25% more on-site parking, as calculated using the parking requirements in the Land Use Ordinance, than the applicant proposes to make available on site; or
- n. proposes collocation of a wireless communication facility on an existing tower that will require construction of a new equipment shed.
- o. all uses proposing to construct a drive-through service or vehicle re-fueling pumps that do not otherwise qualify for major or minor development review.

(3) *Other development.* Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

(FIRST READING, NO VOTE TAKEN)

NEW BUSINESS (Con't)

READ AND PASSED

11-013

ORDERED, That the minutes of the City Council meetings held January 6, 2011 and January 13, 2011 submitted by the City Clerk, be approved.

Motion for passage by: Stokes Second by: O'Brien

Yeas: 7; Byron, Grant, O'Brien,
 Rollins, Coffin, Munson, Stokes

Nays: 0

11-014

ORDERED, That the City Council accept a donation of \$60.00 from Laurie Clarke of Augusta for fire prevention materials.

Motion for passage by: Stokes Second by: O'Brien

Yeas: 7; Byron, Grant, O'Brien,
 Rollins, Coffin, Munson, Stokes

Nays: 0

11-016

ORDERED, That the City Council accept the Steve Plumer painting of Downtown Augusta donated by Chris Vallee.

Motion for passage by: Rollins Second by: Coffin

Yeas: 7; Byron, Grant, O'Brien,
 Rollins, Coffin, Munson, Stokes

Nays: 0

11-017

ORDERED, That the City Manager is authorized to execute a collective bargaining agreement effective July 1, 2010 for a three-year term with the Teamsters Local 340, Dispatchers unit.

Motion for passage by: Munson Second by: Coffin

Yeas: 7; Byron, Grant, O'Brien,
 Rollins, Coffin, Munson, Stokes

Nays: 0

11-020

ORDERED, That the City Council enter into executive session to discuss:

- a personnel matter: 1 M.R.S.A. §405(6)(A)
- contract negotiations: 1 M.R.S.A. §405(6)(C)

NEW BUSINESS (Con't)

READ AND PASSED

11-020 Continued

Motion for passage by: O'Brien Second by: Grant

Yeas: 7; Byron, Grant, O'Brien,
 Rollins, Coffin, Munson, Stokes

Nays: 0

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
January 24, 2011