

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 6, 2007

Minutes of the regular City Council meeting held Tuesday, September 4, 2007 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - Update from the Cable Television and Telecommunications Committee

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 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

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

- 131 Continued  
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)

NEW BUSINESSHAS BEEN READ, FIRST 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 existing Chapter 2 of the Augusta Land Use Ordinance and replacing it with the attached Chapter 2; and,

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

176 Continued

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

Change "Convenience Store" to "Convenience Retail"

Section 5.2.2.2(a) CDA: 208-209

(FIRST READING, NO VOTE REQUIRED)

NEW BUSINESS (Con't)WITHDRAWN

- 168 ORDERED, That Council Order #627, dated September 8, 1992, establishing a Recognition Fund, be repealed.

HAS BEEN READ AND PASSED, AS AMENDED

- 171 ORDERED, That Council reappropriates (decreases appropriation) from:

Bolton Hill Demolition \$ 8,051

BE IT FURTHER ORDERED, that \$37,480 be appropriated for:

344 Ingraham Mountain Road Clean-up \$ 7,480  
10 Glendon Street Demolition \$30,000

BE IT FURTHER ORDERED, that \$29,429 is hereby appropriated from the City's Undesignated Fund Balance, to balance the above appropriations.

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

Nays: 0

- 175 ORDERED, That the amount of a proposed bond issue for the Lithgow Public Library, authorized by Council's adoption of Order 151, is hereby amended to reduce ~~reduced from~~ \$8,900,000 to \$6,900,000, and that the City Clerk is hereby instructed to modify the ballot question to be presented to the voters in November of 2007 accordingly.

BE IT FURTHER ORDERED, that the City's Bond Attorney review and, if necessary, draft a substitute bond resolution as soon as possible for adoption by Council prior to the November 2007 Municipal Election.

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

Nays: 0

HAS BEEN READ AND PASSED

- 163 ORDERED, That minutes of the City Council meetings held August 6, 2007 and August 27, 2007 submitted by the City Clerk be approved.

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

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

- 164 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$6,052.50.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 165 ORDERED, That the City Council accept a donation of \$200.00 from Linda Billings of the Maine State Bike Rally to purchase fire prevention materials.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 166 ORDERED, That Jeff Shostak be reappointed to the International Code Council; said term to expire July 28, 2012.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 167 ORDERED, That Richard D. Kelly, Jr. be appointed to the Historic Preservation Commission to fill a vacancy; said term to expire May 21, 2010.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 169 ORDERED, That the recommendation of the City Staff Traffic Calming Committee regarding traffic control on Lower Eastern Avenue is upheld.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

170 ORDERED, That the City Manager is authorized to execute a license between the City of Augusta and Patrick Quigg d/b/a Riverfront Barbeque & Grille for construction of a balcony off the second story above city-owned property located at 296 Water Street, subject to review and approval by the City Attorney.

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

Nays: 0

172 ORDERED, That the City Council does hereby request the Planning Board to provide Council with a recommendation regarding a contract zoning amendment for the two properties immediately to the northwest of the Route 3 connector / Riverside Drive intersection.

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

Nays: 0

173 ORDERED, That the City Council hereby refers back to the Planning Board for further consideration and recommendation to the City Council regarding the request for rezoning of 254 Western Avenue.

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

Nays: 0

174 ORDERED, That the City Manager is authorized to execute an amendment to the lease agreement between the City of Augusta and Augusta Boys and Girls Club establishing rent for the premises at the Buker Center for calendar year 2007 to be \$21,000.

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

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

177 ORDERED, That the City Council enter into Executive Session to discuss labor negotiations; 1 M.R.S.A., Section 405(6)(D).

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

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk