

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, NOVEMBER 4, 2010
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 - Presentation by Darlene McMahon from Maine Works Regarding Training For Competitive Employment.

PUBLIC HEARING - 2010 CDBG Public Service Grant / Phase II – Bread of Life Ministries Life Skills Program

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

162 Manager (Bureau of City Clerk)
ORDERED, That the minutes of the City Council meeting held October 21, 2010, submitted by the City Clerk, be approved.

163 Manager (Bureau of Audit Accounts)
ORDERED, That Roll of Accounts for the month of October 2010 in the amount of \$8,571,788.74 be approved.

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

160 Councilor Paradis
WHEREAS, the City Council finds that the criteria for approving a Map Amendment, found in section 1.6.1.A has been satisfied.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance Official Zoning Map be amended as follows:

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING (Con't)

160 Continued

The following parcels of land, as shown on the attached map entitled "ALT DRAFT Proposed MED Zone", dated August 20, 2010, shall be rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance. The zoning line shall be relocated as highlighted on the above listed map and the new zone shall be Medical (MED) for:

Map 5, Lots 12, 14, 15, 16, 17, and 18; Map 1, Lots 1, 1A, 1B, 1C, 1D, 1E, 4, 5, 8; and portions of Map 1, Lots 5A, and 35.

NEW BUSINESS

PART 1 - ORDERS

164 Manager (Bureau of City Clerk)

ORDERED, That the tabulation results for the Municipal / Referendum Election held November 2, 2010 submitted by the City Clerk, be and hereby certified.

165 Manager (Development Services)

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 an advertised public hearing; 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 to the Department of Economic and Community Development on behalf of the City of Augusta, Maine, substantially in the form presented to this Council:

Program: Public Service Grant – Bread of Life Ministries Life Skills Training Program

Amount: \$40,000

NEW BUSINESS

165 Continued

- 2) Is authorized to make assurances on behalf of the City of Augusta, Maine required a part of such application, and
- 3) Is authorized and directed, upon acceptance of such funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City 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

166 Councilors Munson and Paradis

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.

NEW BUSINESS

166 Continued

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 sunsetted 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.

NEW BUSINESS

166 Continued

(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.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
November 1, 2010