

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

January 12, 2007

Agenda for the regular City Council meeting to be held Tuesday, January 16, 2007 at 7:00 p.m., Council Chambers, City Center.

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.

PUBLIC HEARING - To discuss the submission of a CDBG Business Assistance Grant application on behalf of the Kenway Corporation

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.

002 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meetings held December 18, 2006 and January 8, 2007 submitted by the City Clerk be approved.

003 Manager
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$107,148.88.

004 Manager (Fire Department)
ORDERED, That the City Council accept a donation of \$50.00 from the Hallie Simmons Family of 80 Edison Drive to purchase fire prevention materials.

005 Manager (Bureau of Audit Accounts)
ORDERED, That Roll of Accounts for the month of December 2006 in the amount of \$5,868,492.28 be approved.

006 Mayor Katz
ORDERED, That City Manager William Bridgeo be appointed as the City of Augusta delegate to the Maine Service Center Coalition.

- 007 Mayor Katz
ORDERED, That Corey A. Vose be appointed to the Planning Board; said term to expire January 16, 2010.
- 008 Mayor Katz
ORDERED, That William B. Leet be reappointed to the Assessment Review Board; said term to expire June 18, 2009.
- 009 Manager
ORDERED, That Barbara E. Wardwell be reappointed as Registrar of Voters in accordance with Title 21-A, Section 101(2), to be effective January 17, 2007.
- 010 Manager (Bureau of City Clerk)
ORDERED, That Thomas F. Doore be appointed to the Registration Appeals Board to fill the unexpired term of Patsy A. Crockett; said term to expire May 3, 2008.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

- 209 Manager (Department of City Services)
WHEREAS, the Planning Board held a public hearing on November 28, 2006, and voted unanimously to modify the existing conditional zoning for a portion of Assessor's Map 43, Lot 223 (the portion in 1999 designated as Assessor's Map 43, Lot 217) approved on March 15, 1999 by the Augusta City Council in Council Order number 046.

WHEREAS, the Planning Board added conditions to the amended conditional zoning due to concerns about buffering abutting residential properties from any future development of this property.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta that the following conditional rezoning be made to the Augusta Land Use Ordinance:

Council Order 046, passed on March 15, 1999, shall be amended as follows:

1. Condition 3 stating "that no new buildings are to be constructed on the conditionally rezoned parcel" shall be eliminated.

2. The following conditions shall be added:

a) The credit union shall install landscaping in accordance with plans approved by the Planning Board at a future date.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

209 Continued

b) The credit union shall provide financial surety to the City equaling 110% of the cost of installing the Planning Board approved landscaping, such that the City can call on on the surety to finish the installation if the credit union fails to do so.

c) This conditional rezoning shall be null and void if the applicant fails to meet the two conditions above.

d) This conditional rezoning shall be null and void if the property owner fails to make application to the Planning Board for a modification to the property that takes advantage of this conditional rezoning.

210 Manager (Department of City Services)

WHEREAS, the 1988 Growth Management Plan for the City of Augusta encourages the safe flow of traffic on City Streets.

WHEREAS, the Planning Board held a public hearing on September 26, 2006, and voted unanimously to modify the text of Table 5.1.14-A of the Land Use Ordinance to require greater off-street queuing for limited service restaurants.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following underlined additions be made to the larger existing Table 5.1. 14-A in the Augusta Land Use Ordinance:

| | | |
|--|-------------------|-------------------|
| 5.1.14-A SCHEDULE OF REQUIRED OFF-STREET PARKING | | |
| Restaurant fast food | GFA (1,000s.f.) | 14/GFA and |
| | Queuing Lane (ql) | 5.0/ql |
| <u>Restaurant, Limited-</u> | <u>GFA</u> | <u>14/GFA and</u> |
| <u>Service drive-through*</u> | | <u>14.0/ql</u> |
| Restaurant, standard | GFA | 12/GFA |

* This class of fast food restaurant (Limited-Service) offers non-alcoholic beverages (i.e. coffee) and snack foods (i.e. doughnuts) primarily for off-site consumption using "drive-throughs". As such these Limited-Service Restaurants create an extreme high traffic count per hour often adjacent to traditional arterial routes that are further congested with waiting patrons unable to access these smaller establishments with inadequate on-site capacity to accommodate patrons.

NEW BUSINESSPART 1 - ORDERS

011 Manager (Department of Community Services)
ORDERED, That the City Council authorize the City Manager and the Cable TV Committee to begin the process of reviewing and renewing the City's Cable TV franchise that is due to expire with Time Warner on May 19, 2009 through the informal negotiated process as outlined in Section 626(h); 47 U.S.C ss 546(h) of Title VI of the Communications Act of 1984, as amended (the Cable Act).

BE IT FURTHER ORDERED, That the final review and approval of the proposed franchise renewal shall be approved by the City Council and shall be executed by the City Manager.

012 Manager
ORDERED, That up to \$10,000 is hereby appropriated from the City's undesignated fund balance as a contingency in the event that the installation of a sanitary line and ancillary facilities by the Augusta Water and Sanitary District located on City property on Pierce Drive exceeds \$293,139.

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

013 Councilor Koski
BE IT ORDAINED, By the City Council of the City of Augusta, that Chapter 6 (City Services), Article II (Code Enforcement), Division 3, Mineral Extraction Ordinance, of the Revised Code of Ordinances 1990, as amended, be further amended (see attachment).

OTHER BUSINESS

Executive session to discuss acquisition of real property; 1 M.R.S.A., Section 405(6)(C)

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk