

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

August 31, 2007

Agenda for the regular City Council meeting to be held Tuesday, September 4, 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.

PRESENTATION - Update from the Cable Television and Telecommunications Committee

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.

- 163 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meetings held August 6, 2007 and August 27, 2007 submitted by the City Clerk be approved.
- 164 Manager
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$6,052.50.
- 165 Manager (Fire Department)
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.
- 166 Mayor Katz
ORDERED, That Jeff Shostak be reappointed to the International Code Council; said term to expire July 28, 2012.
- 167 Mayor Katz
ORDERED, That Richard D. Kelly, Jr. be appointed to the Historic Preservation Commission to fill a vacancy; said term to expire May 21, 2010.

OLD BUSINESS AND TABLED MATTERSHAS BEEN READ AND TABLED

131 Mayor Katz and Councilor Gomeau

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 from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

NEW BUSINESSPART 1 - ORDERS

168 Councilor O'Brien

ORDERED, That Council Order #627, dated September 8, 1992, establishing a Recognition Fund, be repealed.

NEW BUSINESS (Con't)

175 Councilors Byron, Gomeau and Rollins
ORDERED, That the amount of a proposed bond issue for the Lithgow Public Library, authorized by Council's adoption of Order 151, is hereby 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.

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

176 Manager (Department of City Services)
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

NEW BUSINESS (Con't)

176 Continued

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,

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

OTHER BUSINESS

Executive session to discuss labor negotiations; 1 M.R.S.A.,
Section 405 (6) (d).

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk