

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, FEBRUARY 5, 2009
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.

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.

009 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held January 22, 2009 submitted by the City Clerk be approved.

010 Manager (Bureau of Audit Accounts)

ORDERED, That Roll of Accounts for the month of January 2009 in the amount of \$6,391,691.25 be approved.

011 Mayor Katz

ORDERED, That Charlene Hamiwka be appointed to the Greater Augusta Utility District to fill the unexpired term of Lisa Haskell; said term to expire July 2, 2010.

012 Mayor Katz

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

BE IT FURTHER ORDERED, That Assistant City Manager Ralph St. Pierre be appointed as alternate delegate to said coalition.

NEW BUSINESS

PART 1 - ORDERS

013 Manager

ORDERED, That the City Manager is authorized to apply to the Maine Forest Service on behalf of the Parks and Cemeteries Bureau for matching grant funds not to exceed \$20,000 for improvements to the McCall's playground and the east side rotary.

NEW BUSINESS (Con't)

014 Manager

ORDERED, that the labor contract with the Augusta Uniformed Firefighters Association Battalion Chiefs Local No. 1650A, (January 2009 – December 2009) unit be ratified consistent with the agreement with the Union.

015 Manager (Bureau of Planning)

WHEREAS, the fees currently in place do not adequately reflect the cost of processing an application.

WHEREAS, a more sophisticated fee structure will assess the cost of an individual application more accurately, reducing fees for smaller, less complex applications, and increasing them for larger, more complex applications.

NOW THEREFORE BE IT ORDERED by the City Council of the City of Augusta that the Planning Board fees be assessed as follows:

1. Charge \$0.15 for materials (envelopes, paper, toner, etc), plus the cost of first class postage, for each abutter that will be notified as required by the ordinance.
2. For Major Development review, charge \$2,000, plus \$0.15 per square foot each additional square foot over 25,000, with a maximum fee of \$4,000.
3. For Minor Development review, charge \$250, plus \$0.15 per square foot for each additional square foot over 5,000, with a maximum fee of \$1,000.

PART 2 – ORDINANCES BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

016 Councilors Munson and Rollins

WHEREAS, the 2007 Comprehensive Plan for the City of Augusta strongly recommends that the quality of site design be improved throughout the city.

WHEREAS, the City Council finds that the criteria for approving a Text Amendment, found in section 1.6.1.B has been satisfied.

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 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

NEW BUSINESS (Con't)

016 Continued

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 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.
- g. ~~A major development is any new or re-developed non-residential or multi-family residential project that disturbs one (1) acre of land or more. It shall include any multi-family residential or non-residential change of use that affects or disturbs one (1) acre of land or more. Disturbed land includes but is not limited to new impervious surface or any re-development or modification of existing impervious surface.~~

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

- a. creates between 5,000 and 20,000 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
- 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.
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.

NEW BUSINESS (Con't)

016 Continued

(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.

Amend Chapter 3 table entitled “Land Uses in the Base Zoning Districts” as shown on the attached sheets.

Amend Chapter 4 of the Augusta Land Use Ordinance to properly outline the procedure for a minor development as follows:

Amend Section 4.4 heading to be “Preapplication: (All Subdivisions/Major Developments/Minor Developments)”

Amend Section 4.5.1.1 as follows:

“Minor subdivisions and minor developments shall not require preliminary approval by the Planning Board. However, all information required for preliminary plan submission is also required for a minor subdivision or minor development.”

Amend Section 4.6 heading to be “Final Plan (All Subdivisions/~~Major~~ All Developments).

Amend Section 4.6.1, 4.6.3, 4.6.4, 4.7, 4.9, 4.12.1, 4.12.2 as follows:

Replace the phrase “major development” with “major/minor development” in all places where the phrase occurs.

017 Councilor O’Brien

WHEREAS, the City Council finds that the five criteria for approving an area rezoning, found in section 1.6.1.A.vii have been satisfied.

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

The parcels shown as the “area of change” on the attached map entitled Proposed Zoning and dated December 30, 2008, shall be rezoned to Planned Development (PD). Parcels included are Tax Assessor’s map 48, Lots 3, 3-A, 3-B, 4, 5, 5-B, 6, 7, 8, 8-A, 8-B, 9, 10, 11, 12, 12-A, and the segment of railroad property that starts at Riggs Brook and runs south to Route 3.

OTHER BUSINESS

Executive session to discuss two (2) personnel matters; 1 M.R.S.A., §405(6)(A).

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
February 2, 2009