

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

November 3, 2006

Agenda for the regular City Council meeting to be held Wednesday, November 8, 2006 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 - Discussion on Amending the City's Pine Tree Zone 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.

171 Manager (Bureau of City Clerk)  
ORDERED, That minutes of the City Council meeting held October 16, 2006 submitted by the City Clerk be approved.

172 Manager (Fire Department)  
ORDERED, That the City Council accept a Firefighters Assistance Grant from the Department of Homeland Security in the amount of \$49,580 for firefighting equipment. The City's local match of \$2,609 will come from the Reserve for Fire Department Local Grant Match.

173 Manager (Police Department)  
ORDERED, That the City Council accept grant funding from the U.S. Department of Justice, Bureau of Justice Assistance for the Bulletproof Vest Partnership program in the amount of \$3,300 for the Augusta Police Department.

174 Mayor Dowling  
ORDERED, That the following be appointed to various City committees/boards:

Name	Committee	Expiration Date
Thomas Doore	Tree Board	November 8, 2009
Darek M. Grant	Fort Western Board (for Charles Aucoin)	October, 2007
Terry Pomerleau Gray	Airport Advisory Committee	November 8, 2009
Brian Marson, III (reappointment)	Tree Board	November 17, 2009

- 175 Manager (Bureau of Audit Accounts)  
 ORDERED, That Roll of Accounts for the month of October 2006 in the amount of \$9,355,969.82 be approved.

NEW BUSINESS

PART 1 - ORDERS

- 176 Manager (Bureau of City Clerk)  
 ORDERED, That the tabulation results for the General/Referendum and Municipal Election held November 7, 2006 submitted by the City Clerk, be and hereby certified.

- 177 Councilors Doore and O'Brien  
 ORDERED, That the City Council create a five-member committee to study the future reuse of the City-owned Cony Pride building (Atlantic Hose Company) on Cony Street. The committee, to be appointed by the Mayor, will include Councilors from Wards II and IV, one member from the Augusta Historic Preservation Commission, one neighbor of the building, and one resident of Augusta.

- 178 Mayor Dowling  
 ORDERED, That the City hereby accepts transfer of control of the former Cony High School building and associated grounds pursuant to 20-A M.R.S.A., Section 4103. The Augusta School Board voted to transfer control of the property to the City on September 13, 2006.

- 179 Manager (Department of City Services)  
 ORDERED, That the City Council amend the list of parcels that make up its local Pine Tree Zone District and that is part of the State of Maine's Pine Tree Zone Program.

1. To authorize the Kennebec Valley Council of Governments, 17 Main Street, Fairfield, Maine 04937, a Regional Council organized pursuant to 30-A M.R.S.A. c.81 on March 2, 1994 and designated as a Regional Planning and Development District by Executive Order covering Kennebec, Somerset and western Waldo Counties, to apply on behalf of the City of Augusta for designation of certain parcels in the municipality and described below to be included in a Pine Tree Development Zone pursuant to 30-A M.R.S.A. c.206, sub-c.3.

2. To add the following parcels to the City's designated Pine Tree Zone:

<u>Map &amp; Lot Number</u>	<u>Acres</u>
Map 2 - Lot 31	44.70
Map 2 - Lot 32	8.00

NEW BUSINESS (Con't)

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3. To delete the following parcels or acreage in the City's designated Pine Tree Zone:

<u>Map &amp; Lot Number</u>	<u>Acres</u>
Map 1 - Lot 37	19.0
Map 5 - Lot 122	33.7

Upon the establishment of the City of Augusta's Pine Tree Zone District, the City had 406.81 acres in the program. In a subsequent amendment on October 3, 2005, the amount of acreage was amended to 406.27 acres in the program. This amendment will leave the City with 406.27 acres in the program.

4. To affirm that the use of the property in the Pine Tree Zone is regulated by a zoning or other land use regulation ordinance or is determined otherwise by the municipality to be suitable for the use and development for one or more of the qualified business activities specified in the Pine Tree Development Zone statute, 30-A M.R.S.A. c.206, sub-c.3 and further to ratify and confirm the Development Zone statute, 30-A M.R.S.A. c.206, sub-c.3 and further to ratify and confirm the Council's Order of December 3, 2003 creating such zone and now November 8, 2006 amending such zone and to apply the terms and conditions of said Order to these additional parcels.

180 Manager (Department of City Services)

ORDERED, That pursuant to Council Order #152, passed October 3, 2005, defining the City's policy regarding the plowing and sanding of private roads, the City hereby accepts public easements from the property owners of:

Hayden Road

Please see attached for list of all property owners giving easements to the City.

181 Manager (Department of City Services)

ORDERED, That public ways known as Berwick Road and Town & Country Drive, no longer of public use and necessity be discontinued; and

That the City chooses to retain a public easement over the herein described areas for public utility facilities to provide service and that there shall be zero damages paid to abutting property owners, as would be allowed under Title 23 M.R.S.A. Section 3026.

Descriptions:

Berwick Road: Beginning at a point in the westerly line of

NEW BUSINESS (Con't)

## 181 Continued

Town & Country Road located 395 feet southerly of the southerly line of Capitol Street measured at right angles thereto; thence North 52 degrees 25 minutes West in a line parallel with the southerly line of said Capitol Street about 275 feet to an iron pipe marking an angle; thence North 55 degrees 05 minutes West about 325 feet to the easterly line of a strip of land 50 feet in width the easterly said line of which runs parallel with and 50 feet easterly of the easterly line of Ganneston Drive measured normal to the curve and tangent section of said Ganneston Drive; thence continuing westerly across said 50 foot reserved strip to the easterly line of said Ganneston Drive; thence northerly along the easterly line of said Ganneston Drive about 55 feet; thence easterly in a line parallel with and 40 feet northerly of the first described line to the easterly line of said 50 foot reserved strip; thence South 55 degrees 05 minutes East about 290 feet to an angle point marked by an iron pipe; thence South 52 degrees 25 minutes East parallel with the first described line and 40 feet northerly thereof about 265 feet to the westerly side of Town & Country Road, so-called; thence southerly along the westerly line of said Town & Country Road about 42 feet to the point of beginning.

Town & Country Drive (Portion 1): Beginning at an iron pipe in the south line of Capitol Street at a point which is 430 feet easterly from the northwest corner of T & C land and 480 feet easterly of the easterly line of Ganneston Drive; thence at an angle of 90 degrees to said south line of Capitol Street and following a course of South 37 degrees 35 minutes West a distance of 190 feet to an iron pipe marking a corner and passing through another iron pipe which is 150 feet from said point of beginning; thence at right angles easterly and parallel with the south line of Capitol Street 50 feet to a corner; thence North 37 degrees 35 minutes East 190 feet to the south line of Capitol Street; thence North 52 degrees 25 minutes West in the south line of Capitol Street 50 feet to the point of beginning.

Town & Country Drive (Portion 2): Beginning at a point on the easterly side of Town & Country Road, so-called, located 190 feet southerly from the southerly line of Capitol Street, so-called; thence southerly in a continuation southerly of the easterly line of said Town & Country Road 2.65 feet; thence continuing southerly on a line parallel with and 25 feet easterly of a center line 8 degree curve to the east about 204 feet to a point in line with the southerly line of Berwick Road, so-called; thence westerly in line with the southerly line of said Berwick Road about 50 feet to the southwesterly corner of said Town & Country Road and Berwick Road; thence

NEW BUSINESS (Con't)

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 northerly parallel with and 50 feet westerly of the above described easterly line of said Town & Country Road about 204 feet to the southwesterly corner of Alton Road and Town & Country Road; thence easterly in line with the southerly line of said Alton Road 50 feet to the point of beginning.

Meaning and intending to discontinue all of Berwick Road accepted by the City of Augusta Council Order 29 dated February 20, 1967 and Town & Country Drive as accepted by the City of Augusta Council Order 235 dated November 15, 1965, and Order 31 dated February 20, 1967.

Be it further known that notice has been sent to:

All direct abutters affected on the Berwick Road and Town & Country Drive:

MPDC II Inc.  
 MPDC IV Inc.  
 Mary S. Davidson  
 Augusta Planning Board  
 Augusta Public Works  
 Augusta Sanitary District  
 Augusta Water District  
 Central Maine Power  
 Verizon  
 Time Warner

182 Manager (Department of City Services)  
 BE IT ORDERED, By the City Council of the City of Augusta that the public way known as Storey Street, no longer of public use and necessity, be discontinued; and

The description of the discontinued road shall match the descriptions of all portions of the road acceptance for Storey Street by the City on October 20, 1958, and November 9, 1960.

That the City chooses to retain a public easement over the herein described area for public utility facilities to provide services and that there shall be zero damages be paid to abutting property owners as would be allowed under 23 M.R.S.A. Section 3026.

Description of area where a public easement, for the purposes described above, shall be retained: Beginning at the southerly edge of the Western Avenue right-of-way and extending approximately 518.2 feet south and 40 feet wide on the westerly edge of the so-called "Kennebec Journal Lot" over a portion of Storey Street, as shown on the plan entitled "Storey Street Subdivision - Augusta, Maine: Development by

NEW BUSINESS (Con't)

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Capital Development Co., Portland, Maine". Said plan was approved by the City of Augusta Planning Commission on March 2, 1960, and recorded at the Kennebec County Registry of Deeds on April 11, 1960, volume 22, pages 54 and 55.

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

- 183 Manager (Police Department)  
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, Section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by deleting the following:

Anthony Avenue:

No parking either side the entire length.

- 184 Manager (Police Department)  
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, Section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by adding the following:

Anthony Avenue:

No parking on the west side the entire length.

No parking on the east side from Darin Drive southerly for a distance of six hundred three (603) feet. Parking on the east side starting at a point six hundred three (603) feet southerly for a distance of sixty-six (66) feet restricted to Driver License Testing Only. No parking on the east side starting at a point six hundred sixty-nine (669) feet southerly to the Leighton Road.

- 185 Manager (Department of City Services)  
WHEREAS, the Planning Board of the City of Augusta created a subcommittee with membership from the Board and various interested individuals to recommend changes to the City's sign regulations.

WHEREAS, the Planning Board of the City of Augusta held a public hearing on September 12, 2006, and a second public hearing on September 26, 2006, then voted unanimously to

NEW BUSINESS (Con't)

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recommend a set of changes to the City Council.

City Council of Augusta therefore makes a comprehensive set of changes to the City's sign regulations found in Section 5.1.17 of the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the attached changes be made to the Augusta Land Use Ordinance, where deletions are in strikeout and additions are underlined below.

- 186 Manager  
BE IT ORDAINED, By the Augusta City Council that Article V, Section 2-255 of the Revised Code of Ordinances be deleted and replaced with the following:

"The following Councilmembers are hereby authorized to countersign warrants in accordance with Article VII, Section II of the Charter as amended:

Inauguration of City Council through April 4, odd years, Ward 1 Councilmember; April 5 through July 4, odd years, Councilmember At-Large selected by alphabetical order; July 5 through October 3, odd years, Ward 2 Councilmember; October 4, odd years, through January 2, even years, Councilmember At-Large next selected by alphabetical order; January 3 through April 2, even years, Ward 3 Councilmember; April 3 through July 2, even years, Councilmember At-Large next selected by alphabetical order; July 3 through October 1, even years, Ward 4 Councilmember; October 2, even years, through inauguration of City Council, odd years, Councilmember At-Large next selected by alphabetical order."

- 187 Manager (Department of City Services)  
WHEREAS, the City Council of Augusta desires to modify the boundary of the Institutional, Business, and Professional Subdistrict (BP).

WHEREAS, the Planning Board held a public hearing on October 10, 2006, and voted unanimously to the boundary of the Institutional, Business, and Professional Subdistrict (BP)

NEW BUSINESS (Con't)

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moving the parcel at Map 34, Lot 135 to the Kennebec Business District 1 (KBD1).

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

Amend the Official Map for the City of Augusta to change the zoning on the Assessor's Map 34, Lot 135 from Institutional, Business, and Professional Subdistrict (BP) to the Kennebec Business District 1 (KBD1).

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell  
City Clerk