

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

June 28, 2007

Agenda for the regular City Council meeting to be held Monday, July 2, 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 - To Danielle Terrill Recipient of 2007 Edwards Dam Scholarship

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.

- 132 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meetings held June 18, 2007 and June 25, 2007 submitted by the City Clerk be approved.
- 133 Manager (Bureau of Community Services)
ORDERED, That the City Council accept donations for The Spring Running festival in an amount totally Two Hundred Seventy Two Dollars (\$272.00) from Le Club Calumet 50/50 raffle proceeds.
- 134 Manager (Bureau of Community Services)
ORDERED, That the City Council accept donations for The City's Fourth of July festivities in an amount totaling Four Hundred Dollars (\$400.00) with \$200.00 from Le Club Calumet and \$200.00 from the Fraternal Order of Eagles No. 3137.
- 135 Manager (Fire Department)
ORDERED, That the City Council accept a donation of \$100.00 from the Frances Smith family of Bedford, Massachusetts to purchase fire prevention materials.
- 136 Mayor Katz
ORDERED, That Linda Conti be appointed to fill a vacancy on the Planning Board effective July 13, 2007; said term to expire July 13, 2010.

- 137 Mayor Katz
ORDERED, That Peter E. Dunn, Jr. be appointed to the Augusta Sanitary District; said term to expire July 2, 2010.
- 138 Mayor Katz
ORDERED, That Lisa M. Haskell be appointed to the Augusta Water District; said term to expire July 31, 2010.
- 139 Mayor Katz
ORDERED, That John Seed be appointed to serve on the Board of Zoning Appeals; said term to expire July 2, 2010.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

- 108 Councilor Lund
WHEREAS, the Planning Board of the City of Augusta identified a concern about glare from existing light fixtures and desired to ensure that glare is limited or eliminated to the extent possible; and

WHEREAS, the Planning Board of the City of Augusta held a public hearing on March 13, 2007, and voted unanimously to recommend changes to the City Council.

The City Council of Augusta therefore makes the following text amendments to the Land Use Ordinance.

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, where deletions are in strikeout and additions are underlined below:

Amend Section 5.1.11.1 of the Land Use Ordinance as follows:

(1) Outside lighting used for business and professional offices, commercial, and industrial activities including lighted signs, shall not be permitted to trespass beyond the boundaries of the property on which it is located above the following levels of light: not more than 0.3 foot candles for an abutting residential property or use; and not more than 0.8 foot candles for an abutting commercial property or use. Any luminaire, other than those used at a single family or duplex property, shall be full cutoff design, unless otherwise required by state or federal law, or allowed by the Planning Board.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING

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

140 Manager (Police Department)
ORDERED, That the City Manager is authorized to accept grant funding in the amount of \$19,107.20 through Kennebec County, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant. Funds will be utilized for the purchase of law enforcement equipment with the intent of reducing crime and prosecuting offenders. Equipment to be

NEW BUSINESS (Con't)

- 140 Continued
purchased are: Crime Scene Forensic Mapping Equipment,
Portable Radio Earpieces, Flat Screen LCD HDTV and
Cyanoacrylate Laboratory Fuming Cabinet.
- 141 Councilors Gomeau and Rollins
ORDERED, That the City Manager request Bond Counsel to write a
Capital Improvement Bond order in the amount of \$8.9 million
for Lithgow Library renovations and expansion.
- 142 Councilor Doore
ORDERED, That the City Manager is authorized to contract for
archeological exploration and research at City-owned property
at 25 Bond Street in an amount not to exceed \$2,000 as
requested by the Augusta Historic Preservation Commission.
- 143 Councilors Byron, Koski and Lund
ORDERED, That the City Manager is authorized to enter into a
sole source contract for professional services with ASI, Inc.
and Abacus, Inc. for the purpose of developing and
administering Homeland Security grant applications for the
City of Augusta.

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

- 144 Councilor Lund
WHEREAS, the Planning Board held a public hearing on June 12,
2007, and voted unanimously to recommend the petitioned
rezoning request to the City Council for approval; and

WHEREAS, an attractive configuration of the lot as a gateway
to the City would be made possible by the rezoning, if
developed as outlined by the petitioner;

NOW THEREFORE BE IT ORDAINED, By the City Council of the City
of Augusta that the following rezoning be approved.

The lot known as Assessor's Map 38, Lot 159, located at 24
Stone Street, shall be generally rezoned in accordance with
Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance from
Institutional/Business/Professional (BP) to Kennebec Business
District 2(KBD2).
- 145 Councilor Rollins
WHEREAS, the Planning Board held a public hearing on June 12,
2007, and voted unanimously to recommend the City initiated
rezoning to the City Council for approval; and

WHEREAS, the Lots are owned by separate entities; and

NEW BUSINESS (Con't)

145 Continued

WHEREAS, a clear redevelopment plan is proposed only for Map 10, Lots 8D and 8E; and

WHEREAS, Map 37, Lots 10, 13, 14, 15 and 16 are in the proximity of residential properties which would be affected by more intense commercial development; and

WHEREAS, riverfront development is currently under review by the Comprehensive Planning Committee and specific recommendations for this riverfront area are anticipated; and

WHEREAS, rezoning only those lots currently under a development proposal would likely result in an illegal spot-zoning.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following general rezoning be approved.

The lots known as Assessor's Map 10, Lots 8 (portion), 8D and 8E; and Map 37, Lots 10, 13, 14, 15 and 16, shall be generally rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance from Institutional/Business/Professional (BP) to Kennebec Business District 2 (KBD2).

Further, a 180 day moratorium on specific uses and standards in KBD2 listed below, with the option to extend for 180 days, shall be placed on Map 37, Lots 10, 13, 14, 15 and 16 in order that the Comprehensive Plan may be completed, shall provide future guidance on this particular segment of the riverfront, and ordinances re-written to achieve the goals of the Comprehensive Plan. The standards and uses subject to this moratorium are:

Uses: retail (except automobile as defined), restaurants, services (except auto repair), and public safety services.

Standards: Maximum height above 42 feet.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk