

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

August 28, 2008

Agenda for the regular City Council meeting to be held Tuesday, September 2, 2008 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 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.

142 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held August 18, 2008, submitted by the City Clerk be approved.

143 Mayor Katz
ORDERED, That John Harvey Versteeg be reappointed to the Conservation Commission; said term to expire September 9, 2011.

144 Mayor Katz
ORDERED, That George Quirion be appointed to fill an unexpired term on the Housing Authority said term expires on December 17, 2009.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

141 Councilors Paradis, Rollins & Munson
WHEREAS, the 2007 Comprehensive Plan for the City of Augusta encourages the safe flow of traffic on City streets and the prevention of sign clutter along West River Road.

WHEREAS, adequate signage is necessary for drivers to safely identify desired uses and maneuver off the traveled way.

WHEREAS, Le Club Calumet is located in a district where it is a non-conforming use with very limited signage allowed making locating the use both difficult and potentially dangerous to drivers.

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

141 Continued

WHEREAS, some signage in the City that has been in use for more than 50 years has become part of the historic fabric of the City and often is a physical part of the building to which it is attached.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Planning Board review and make a recommendation to the Council regarding the option of creating an exemption from the sign ordinance regarding Historic Signs as follows:

Amend Section 5.1.17.5.a of the Land Use Ordinance, adding a new subsection H, as follows:

H. Signs. Any sign of less than twenty-four (24) square feet that is attached to a building and can be proven to have been in place, unchanged except for required maintenance, for at least fifty (50) years shall not count toward the number of signs allowed on a property. These signs become part of the cultural fabric of Augusta.

NEW BUSINESSPART 1 - ORDERS

145 Mayor Katz

WHEREAS, the Augusta City Council has been favorably impressed with a presentation by supporters of a new skate park facility to be located at Williams Park, and

WHEREAS, the City Council finds that creation of such a facility would add significantly to the recreational opportunities and quality of life of the residents of the City of Augusta and its environs, and

WHEREAS, the City Council wishes to encourage the proponents of said facility and to facilitate their ability to raise funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of Augusta do hereby endorse the concept of a new skate park facility at Williams Park and do authorize City staff to work collaboratively with the facility's proponents toward its fulfillment.

NEW BUSINESS (Con't)

- 146 Manager (Police Department)
ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated Sections 5824(3) & 5826(6) to the transfer of \$1,593.90, U.S. Currency, Defendant(s) in Rem, or any portion thereof, on the grounds that the Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Lexius Saint Martin, Kennebec County Superior Court, Docket No. CR-07-412.
- 147 Manager (Police Department)
ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated Sections 5824(3) & 5826(6) to the transfer of \$465.60, U.S. Currency, Defendant(s) in Rem, or any portion thereof, on the grounds that the Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Timothy Desjardins, Kennebec County Superior Court, Docket No. CR-08-572.
- 148 Manager (Community and Economic Development)
ORDERED, That the City Manager is hereby authorized to develop a Request for Proposals and to have the required legal documents prepared for the sale of City property identified as Map 5, Lot 109. This property, purchased by the City in December 1999 for economic development purposes and located on the Leighton Road and referred to as the "Quimby Lot", is presently subdivided into a four lot commercial subdivision. One of the lots, Lot 4 on the recorded subdivision, will be kept by the City of Augusta.

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

- 149 Councilors Rollins and Munson
WHEREAS, the 2007 Comprehensive Plan for the City of Augusta strongly recommends improved site design along Augusta's gateway roads.
- WHEREAS, improved site design has proven to occur best through a public hearing process at the Planning Board level.
- WHEREAS, the Planning Board is in the process of re-writing the Land Use Ordinance, but does not anticipate having it completed for Council review and public hearing until late winter.
- WHEREAS, projects that occur prior to an anticipated final approval of a new ordinance could have a significant and

NEW BUSINESS (Con't)

- 149 Continued
long-term impact on the gateways.

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 equipment or materials; and the storage, deposition, or extracton of materials, public or private sewage disposal systems or water supply facilities.

(1) Major development:

a. For parcels that have access to or frontage on the following streets or roads, major development includes any new or redeveloped non-residential or multi-family residential project that creates or redevelops any floor space or impervious surface:

- i. Western Avenue - from I-95 to Memorial Circle
- ii. Memorial Circle
- iii. Cony Circle
- iv. Bangor Street
- v. Riverside Drive - from Bangor Street to Rt 3
- vi. State Street
- vii. Mt Vernon Avenue
- viii. Sewall Street - from Western Avenue to the Hallowell municipal boundary
- ix. Capitol Street
- x. Armory Street
- xi. Winthrop Street
- xii. Leighton Road
- xiii. Stone Street
- xiv. Hospital Street - from Stone Street to Piggery Road
- xv. Cony Street - from Kennebec River to South Belfast Avenue
- xvi. Water Street
- xvii. Northern Avenue
- xviii. Grove Street - from Memorial Circle to Water Street

b. For all parcels not affected by (a) above, 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, or creates or adds to one (1) acre

NEW BUSINESS (Con't)

149 Continued

of impervious surface on a parcel. 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: 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.

OTHER BUSINESS

Executive Session to discuss pending litigation; M.R.S.A., Title 1, Section 405(6)(E).

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk