

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

April 5, 2007

Minutes of the regular City Council meeting held Monday, April 2, 2007 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor Lund; Mayor Katz presided.

Proclamation - Calumet Educational and Literary Foundation

Presentation - Cony High School Bowling Team  
2007 State of Maine Champions

Public comments were held on items listed on the agenda.

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

065 ORDERED, That if needed by the contractor to minimize extensive traffic disruptions associated with Packard Development's off-site mitigation work along Western Avenue, that the City Council hereby waives Section 5.1.15.1.1.F of the Land Use Ordinance of the City of Augusta regarding the restriction in construction activities between the hours of 10:00 p.m. and 7:00 a.m. from April 1, 2007 to August 31, 2007 in order to allow night time work by the contractor if they so choose. The City Manager and/or appropriate staff will meet with contractors to discuss scheduling of work within the affected residential areas to minimize the noise level after 12 a.m.

This waiver does not include off-site mitigation work along Capitol Street for which this night restriction shall be in full effect.

Yeas: 6; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin

Nays: 1; Koski

HAS BEEN READ, FIRST READING

066 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 6, section 143(1). Historic Preservation Commission-Created; membership, of the Revised Code of Ordinances 1990, as amended be further amended by changing the following:

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

066 Continued

(1) The membership of the Commission shall consist of ~~five (5)~~ seven (7) persons who shall be residents of the city. Members of the Commission shall be appointed on the basis of demonstrated interest, knowledge or training in fields closely related to historic preservation (e.g. history, architecture, urban design, archeology) and should represent such professionals to the extent that they are available in the community. Information on the credentials of the Commission members will be kept on file and will be available to the public. Each Commission member is required to attend at least one (1) informational or educational meeting per year, approved by the state historic preservation officer, pertaining to the work and functions of the Commission or to historic preservation.

(FIRST READING, NO VOTE REQUIRED)

067 WHEREAS, the Planning Board has determined that the allowance of greater flexibility in parking standards to be beneficial to both the City and developers; and

WHEREAS, the Planning Board held a public hearing on February 13, 2007, and voted to recommend to the City Council for approval that the parking standard be able to be reduced by the Planning Board during a plan review process; and

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

Amend Section 5.1.14.2.1(e)(i) as follows: (i) A maximum ~~twenty (20)~~ of up to fifty (50) percent reduction in the number of required off-street parking spaces may be permitted by the Planning Board. Any reduction shall be made based on a parking demand study submitted by the applicant's certified professional engineer indicating that the proposed reduction will adequately meet the applicant's needs. providing that the applicant can document that sufficient area is reserved to provide for the total number of off-street parking spaces required by this ordinance. The purpose of this reservation is to ensure adequate area to meet any future need for additional spaces or to compensate for incorrect assumptions used in estimating parking space needs. This reservation shall be provided for by deed restricting that portion of the site required to provide for the same number of parking spaces on the same property as is being proposed for development. The

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

067 Continued  
reserved parking area shall not include areas required for buffers, setbacks, or areas which would otherwise be unsuitable for parking spaces due to physical characteristics of the land or other provisions of this ordinance. The developer shall provide a landscaping plan for the reserved area.

(FIRST READING, NO VOTE REQUIRED)

068 WHEREAS, the Planning Board held a public hearing on July 11, 2006, and voted unanimously to recommend the City requested conditional rezoning to the City Council for approval; and

WHEREAS, the City owns the Buker School, now called the Buker Center, and uses the school for a variety of City and other government related functions;

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

Map 21, Lot 1, the former Buker School property located at 21 Armory Street, Shall be Conditionally Rezoned from its present Low Density Residential (RA) classification to Government Service (GS) with the following conditional uses:

- 1. Recreational
- 2. Educational
- 3. Cultural
- 4. Emergency Services

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

059 ORDERED, That minutes of the City Council meeting held March 19, 2007 submitted by the City Clerk be approved.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

060 ORDERED, That the City Council accepts donations for the Spring Running festival in an amount totaling One Thousand Fifty Dollars (\$1,050.00). The sum of One Thousand Dollars (\$1,000.00) from Mr. Roger Pomerleau and the sum of Fifty Dollars (\$50.00) from Mr. Dana Morse.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

061 ORDERED, That John W. Butts be appointed to the International Code Council; said term to expire April 2, 2012.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

062 ORDERED, That Barry Cote replace Gregory Scott as the Planning Board member to the Capital Riverfront Improvement District; said term to expire April 2, 2010.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

063 ORDERED, That Peter M. Fortunato be reappointed to the Board of Zoning Appeals; said term to expire March 17, 2010.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

064 WHEREAS the City of Augusta wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant Program award to carry out a community development program; and

WHEREAS the planning process required by Maine Law and the CDBG program has been complied with, including participation in the planning process by low and moderate income families and individuals and the City of Augusta has conducted at least one duly advertised public hearing; and

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

064 Continued

WHEREAS the Department of Economic and Community Development has established the Economic Development Program, Business Assistance Grant Category.

NOW THEREFORE BE IT RESOLVED By the Council that William R. Bridgeo it's City Manager is authorized and directed to submit a Community Development Block Grant application for the program designated above in the amount of \$400,000 to the Department of Economic and Community Development on behalf of Kenway Corporation substantially in the form presented to this Council;

IS authorized to make such assurances on behalf of the City of Augusta required as part of such application; and,

IS authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of the City of Augusta and the laws and regulations governing the planning and implementation of community development programs in the State of Maine.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

069 ORDERED, That the City Council enter into Executive Session to discuss a pending litigation; 1 M.R.S.A., Section 405 (6)(E).

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk