

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

April 29, 2004

Agenda for the regular City Council meeting to be held Monday, May 3, 2004 at 7:00 p.m., Council Chambers, City Center.

PRESENTATION - Cony Students Day of Caring sponsored by the United Way.

PROCLAMATION - Arbor Month

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.

068 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held April 20, 2004, submitted by the City Clerk be approved.

069 Manager
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$9,640.00.

070 Manager (Bureau of City Clerk)
ORDERED, That the Voter Registration hourly schedule for open session for the June 8, 2004 State of Maine Primary/Referendum Election be scheduled as follows:

Thursday, June 3, 2004 from 1:00 p.m. to 6:00 p.m.

The intent of this order is to change the evening session time in accordance with Title 21-A, Section 122-8 of the State of Maine Revised Statutes, as amended.

OLD BUSINESS AND TABLED MATTERS

066 Manager
WHEREAS, Le Club Calumet, a highly respected and popular fraternal and cultural organization with a long history of dedication to the Franco - American community and the City of Augusta, has chosen to honor Roger Katz with its 2004 Citizen of the Year Award, and

OLD BUSINESS AND TABLED MATTERS (Con't)

066 Continued

WHEREAS, said award represents a very special distinction, past recipients of which have included many of Augusta's most accomplished and admired residents, and

WHEREAS, Roger Katz has, through a lifetime of accomplishment and service to his community, clearly earned the "Citizen of the Year" distinction awarded him, and

WHEREAS, it is fitting that the City of Augusta acknowledge and endorse Le Club Calumet's action.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the City of Augusta do hereby commend Le Club Calumet on its selection of Roger Katz for Citizen of the Year and do wholeheartedly congratulate Roger Katz for the award.

BE IT FURTHER RESOLVED, That the Mayor and Council do also take notice of and do sincerely thank Roger Katz for the many important contributions that he has and continues to make to his home community.

067 Manager

WHEREAS, The City of Augusta has suffered for years the adverse impacts of a federal policy that requires heavy trucks to exit the Maine Turnpike at Western Avenue in Augusta and travel through secondary streets in order to proceed to the north and east, and

WHEREAS, the risks to the public's safety posed by this policy are great and the costs to Augusta in highway maintenance and repair are also great, and

WHEREAS, Senator Susan Collins and Senator Olympia Snowe and Representative Tom Allen and Representative Michael Michaud have worked tirelessly to effect a change in federal policy that will permit heavy truck traffic to bypass downtown Augusta and remain on Interstate 95 to the new Third Bridge exit, effectively resolving the public safety and cost burden problems facing the Capital City, and

WHEREAS, the members of the Maine Congressional Delegation have recently notified the City of Augusta of their success in securing relief in this matter.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and City Council of Augusta do hereby extend their heartfelt thanks to the

OLD BUSINESS AND TABLED MATTERS (Con't)

- 067 Continued
Maine Congressional Delegation, and their dedicated staff members, for their successful efforts to address this serious matter.

BE IT FURTHER RESOLVED, That the Mayor and Council do hereby commend all of the members of the delegation for the exemplary manner in which they have cooperated in this effort to the benefit of all who use Maine's highway system, particularly in the Capital area.

NEW BUSINESSPART 1 - ORDERS

- 071 Manager
ORDERED, That the City Manager is authorized to enter into a contract with Reed & Reed Construction Company for the construction of a parking structure at Dickman Street and Winthrop Street in an amount not to exceed \$2,885,000.00. Said contract to be approved as to form by Corporation Counsel.

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

- 072 Manager (Bureau of Planning)
BE IT ORDAINED, By the City Council of the City of Augusta, that the Land Use Ordinance be amended to create a new historic shoreland zoning district for Old Fort Western (the Fort), along with maintenance requirements for shoreland vegetation adjacent to the Fort, by taking the following actions:

1. Amend Section 3.2.3.1, dealing with shoreland districts, by adding a new heading "f) Historic Waterfront District (HWD)" under section 3.2.3(1)(e) as follows:

3.2.3 OVERLAY DISTRICTS(1) SHORELAND DISTRICTS

- (a) Limited Residential District (LR)
- (b) Resource Protection District (RP)
- (c) General Development District (GD)
- (d) Limited Commercial District (LC)
- (e) Stream Protection District (SP)
- (f) Historic Waterfront District (HWD)

2. Amend Section 3.2.3.1, dealing with shoreland zoning

NEW BUSINESS (Con't)

072 Continued
 districts, by adding new language describing the purpose and requirements of the new section "(f) Historic Waterfront District (HWD)" as follows:

3.2.3.1 (f). HISTORIC WATERFRONT DISTRICT (HWD).

(a) Purpose: For a specified area in front of Old Fort Western, a zone denoted as "Historic Waterfront District" shall be adhered to. This zone encompasses a distance of 350' measured south from Father Curran Bridge and a depth of 250' measured east from the high water mark in the Kennebec River to Old Fort Western. Shoreland Zoning Standards in this area will be in accordance with 5.3.1.3.(3). The purpose of this district is to protect bank stabilization and maintain key gateway viewscapes.

(b) Uses:

USES BY RIGHT -- NO PERMIT NEEDED; ALL APPLICABLE SHORELAND STANDARDS MUST BE MET:

Nonintensive recreational uses not requiring structures such as fishing and hiking. Forest Management Activities.

Surveying and resource analysis. Fire Prevention Activities.

Emergency operations. Agriculture. Wildlife management practices. Soil and water conservation practices.

PERMITTED USES / ACTIVITIES -- REQUIRING PERMIT BY CEO AND PRIOR APPROVAL BY TREE WARDEN

Cultural/Historic Buildings and Structures (and their associated activities);

Clearing of vegetation for approved construction, including lighting and other allowed uses.

Temporary piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland.

Filling and earthmoving of less than 10 cubic yards.

Uses similar to allowed uses. Uses similar to uses requiring CEO permit and prior approval by Tree Warden

PERMITTED USES -- REQUIRING PERMIT BY LPI:

None.

CONDITIONAL USES -- REQUIRING PLANNING BOARD REVIEW:

None.

3. Amend Section 3.6.3.1(1)(c)(iv), dealing with general provisions of shoreland districts, to now require a distance of seventy-five (75) feet, as follows:

NEW BUSINESS (Con't)

072 Continued
3.6.3.1 Shoreland districts.

(1) GENERAL PROVISIONS:

(c) (iv) Any construction or alteration of any permanent structure.

The DEP has determined that "adjacent" as used in section 3.6.3.1(1)(c) means within one hundred (100) feet: seventy-five feet.

4. Under Section 5.3.1.3, dealing with clearing of vegetation for development, add new subparagraph 5.3.1.3(3)(f) with the following new language:

(f) Notwithstanding other provisions of this subsection, in the Historic Waterfront District, in order to protect water quality and wildlife habitat, and to maintain historical integrity, ground cover will be required but will not extend over three (3) feet in height, except along the immediate water's edge. Taller vegetation may be left in place but will be left to the Tree Warden's discretion. To provide bank stabilization, a limited number of trees and tree species shall remain along the lower 25 feet of the river bank as determined by the Tree Warden. Non-native invasive species will be permitted to be removed, so long as vegetation is replanted in these areas and soil disturbance remediation is in place until vegetation is established. Any vegetative cover needs prior approval in writing from the City Tree Warden.

OTHER BUSINESS

Executive session to discuss a pending litigation.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk