

**AGENDA FOR THE CITY COUNCIL MEETING
COUNCIL CHAMBERS
THURSDAY, APRIL 17, 2014
6:30 P.M.**

There will be a pre-meeting of the City Council at 6:00 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Mayor's Recognition for Excellence Awards:
Individual Excellence Award to Peter Dionne

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.

14-064 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meetings held April 3, 2014 and April 10, 2014, submitted by the City Clerk be approved.

14-065 Manager (Bureau of Audit Accounts)

ORDERED, That the Roll of Accounts for the month of March, 2014 in the amount of \$4,517,575.06 be approved.

14-066 Manager (Bureau of City Clerk)

ORDERED, That the election clerks, list attached, be appointed in accordance with Title 21-A, Section 503(1), said terms to expire May 1, 2016.

14-067 Manager (Bureau of City Clerk)

ORDERED, That Nancy Berg, 434 Eastern Avenue, be appointed Ward 2 Warden and Patricia Sevigny, 281 Ward Road, be appointed Ward 4 Warden for the upcoming June 10, 2014 election.

14-068 Mayor Stokes

ORDERED, That Rachel Dyer and Rex Turner be reappointed to the Conservation Commission; said terms to expire on February 17, 2017.

14-069 Mayor Stokes

ORDERED, That William McKenna be reappointed to the Planning Board; said term to expire on June 20, 2017.

OLD BUSINESS & TABLED MATTERS

SECOND READING

14-61 City Manager

WHEREAS, the City Council finds that the businesses fronting on Sewall Street directly behind the state office building have been slowly converting to professional offices over time; and

WHEREAS, the Planning Board has reviewed the issue, held a public hearing, and made a unanimous recommendation in favor of amending the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the lot known as Assessor's Map 26, Lot 119 shall be rezoned in accordance with Section 1.6.1(2)(A)(iv)(b) of the Augusta Land Use Ordinance. The new contract zone shall be Institutional/Business/Professional (BP) with the following uses: 1) business and professional offices and services; 2) One and Two Family Dwellings. There shall be no through access from Sewall Street to Page Street. The existing building shall not be torn down, added on to, or replaced with any new structure unless the addition or new structure continues to resemble a single family home both inside and outside in the same style as the present structure.

NEW BUSINESS

PART 1 – ORDERS

14-070 City Council

WHEREAS, Howard Hill is the iconic scenic backdrop to the State Capitol Building and is an important part of the history of the City of Augusta;

WHEREAS, conservation of the 164-acre Howard Hill property would preserve this scenic landscape and historical legacy while protecting important wildlife habitat and public recreation opportunities;

WHEREAS, the City's acquisition and conservation of said property would be a major step forward in achieving the goal of creating a city greenbelt proposed in Augusta's 2007 Comprehensive Plan providing a public open space that will add significantly to the quality of life to the residents of the City and its environs;

WHEREAS, the Kennebec Land Trust (KLT) has made the conservation of the Howard Hill property a top conservation priority, has entered into a purchase agreement to acquire the property, and has initiated a capital campaign to raise the necessary acquisition funds along with a \$100,000 stewardship endowment;

NOW THEREFORE BE IT ORDERED, That the City Council, subject to approval of a purchase agreement between the current owner and KLT for said property, endorses the City's acquisition of the 164-acre Howard Hill property with a conservation easement to be held by the Kennebec Land Trust provided that such acquisition can be accomplished without use of local property tax

dollars and provided that the City receive a \$100,000 stewardship endowment to support the property's future management;

BE IT FURTHER ORDERED, That the City Council authorizes the City Manager with assistance from Corporation Counsel as necessary, to take the following actions to help successfully complete the conservation acquisition of the Howard Hill property:

1. Have the City be a co-applicant with KLT on a grant to the Land for Maine's Future Program seeking acquisition funds for the Howard Hill property and cooperate with KLT in seeking other grant funds for the project where the City's involvement is beneficial or required; and
2. Negotiate a transfer agreement between the City of Augusta and KLT for said property, including the conservation easement to be held by KLT, such agreement to be presented to the City Council for final approval.

14-071 Mayor Stokes, Councilors Byron and Rollins

WHEREAS, the City of Augusta (the "City") was authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the "Kennebec Valley Gas Tax Increment Financing District" (the "District") and to adopt a Development Program for the District (the "Development Program"); and

WHEREAS, the City of Augusta held a public hearing on October 20, 2011 and passed the Kennebec Valley Gas Tax Increment Financing District;

WHEREAS, the Maine Department of Economic and Community Development approved the Kennebec Valley Gas Tax Increment Financing District on May 7, 2012;

WHEREAS, the terms and conditions outlined in the district financing and development plan did not manifest as anticipated;

WHEREAS, there are no adverse impacts to the parties named in the district financing and development plan;

WHEREAS, the Maine Department of Economic and Community Development has requested that the defunct tax increment financing plan and district be dissolved;

NOW THEREFORE BE IT ORDERED, that the Kennebec Valley Gas Tax Increment Financing District be terminated.

14-072 City Manager

ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Police Supervisors Unit of the Augusta Police Department. Term of the agreement is July 1, 2014 to June 30, 2017.

BE IT FURTHER ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Patrol Officers Unit. Term of the agreement is July 1, 2014 to June 30, 2017.

BE IT FURTHER ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, General Government Unit. Term of the agreement is July 1, 2014 to June 30, 2017.

BE IT FURTHER ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Dispatch Unit. Term of the agreement is July 1, 2014 to June 30, 2017.

BE IT FURTHER ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Augusta Civic Center Maintenance Unit. Term of the agreement is July 1, 2014 to June 30, 2017.

BE IT FURTHER ORDERED, That the City Manager is authorized to execute an agreement with the Augusta Public Works Department Local 1458, Council #93, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO. Term of the agreement is July 1, 2014 to June 30, 2017.

14-073 City Manager

ORDERED, that the City Council, consistent with salary adjustments awarded to union employees, authorize a 1.5% wage adjustment to full-time and permanent part-time non-union employees effective July 1, 2014.

14-074 City Manager

WHEREAS, The City of Augusta in the County of Kennebec and State of Maine has been recognized by representatives of the Maine Emergency Management Agency (MEMA) as having experienced extraordinary costly ice storm impacts to its road infrastructure as the result of the unabated winter storms that occurred in the past and will very likely occur again in the future; and,

WHEREAS, The Federal Emergency Management Agency (FEMA) definition of a severe winter storm means an event that occurs during the winter season and includes one or more of the following conditions: snow, ice, high winds, blizzard conditions and other wintry conditions and that causes substantial physical damages or loss to property where Municipal and State governments demonstrate that the capabilities to effectively respond to the event are or will be exceeded; and,

WHEREAS, The City of Augusta Council disagrees with FEMA's interpretation of this policy application of Policy 9523.1 to ice storms and advocates for an "ice storm" policy addendum; and,

WHEREAS, The original, understandable, intent of FEMA Policy 9523.1 is that northern States such as Maine which are equipped for and budget for winter snowstorms should have to meet a

very high standard to have a snowstorm qualify as a disaster. However, an ice storm with prolonged power outages in freezing conditions poses a more extreme threat to public safety in a northern than in a southern state where temperatures are likely to quickly moderate. Therefore the application of Policy 9523.1 to ice storms has unintended negative consequences for northern states; and,

WHEREAS, FEMA policy in other types of disasters, such as floods or hurricanes, is that maintenance of all roads during and after the event for the purpose of emergency vehicle access is eligible for disaster assistance. In freezing temperatures, roads must be treated with sand and salt in order to carry out the emergency function of power restoration. Therefore Policy 9523.1 is actually in conflict with other FEMA policies; now,

THEREFORE BE IT RESOLVED, That City of Augusta Council does hereby strongly support the Maine Emergency Management Agency (MEMA) in its advocacy for an amendment to the FEMA storm policy and will exercise its appointed authority to engage other Maine municipalities in a united effort to bring national attention to the extent necessary and put on notice, our Congressional representatives that the ice storm damage experienced in the past in these communities are very real and are worthy of their support and attention.

NEW BUSINESS (Con't)

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

14-075 Councilors Byron, Grant, Paradis and Munson

WHEREAS, the City Council finds that, based on the 2010 U.S. Census, the population of the City Council Ward with the greatest population is more than 10% larger than the population of the City Council Ward with the least population; and

WHEREAS, this population variation does not comply with MSRA Title 30-A, Section 2503; and.

WHEREAS, the City Council ward councilors met to create a proposal to reapportion the wards to comply with state law.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following changes be made to the Ward Boundaries map for the city of Augusta as stated below and shown on the attached map.

The following area that is currently Ward 3 will become part of Ward 1: An area bounded on the east by the Kennebec River starting at the point in the river where the railroad trestle crosses the river, then turning south to Bridge Street, then turning west on Bridge Street and proceeding to the intersection of Bridge and State Street, then turning north on State Street to the intersection of State Street and Laurel Street, then turning east on Laurel Street to its intersection with Water Street, turning south on Water Street to the rail road trestle, then turning east and following the railroad to the point of beginning.

The following area that is currently part of Ward 2 will become part of Ward 1: Starting at the point where the south end of State Street intersects Memorial Circle proceeding south on State Street to its intersection with Capitol Street, then turning west on Capitol Street and proceeding to the intersection with Chamberlain Street, then turning north on Chamberlain Street and proceeding back to the point of beginning on Memorial Circle.

14-076 City Council

WHEREAS, the City Council finds that rezoning on the Eastside near the former Maine General Hospital is in the best interest of residents and the new owner of the property; and

WHEREAS, the Planning Board has reviewed the issue, held a public hearing, and made a unanimous recommendation in favor of amending the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the zoning for Tax Map 37, Lots 1, 8, 9, 29, 30, 30-A, 32, 33, 55, 60, 62, 63, 64, and 69 be changed from Institutional/Business/Professional (BP) to Medium Density Residential (RB1). Further, that Tax Map 37, Lots 24, 25, 26, 27, and 66, plus Tax Map 38, Lots 166, 168, 189, and 190 be changed from Institutional/Business/Professional (BP) to Kennebec Business District 2 (KBD2).

14-077 City Council

WHEREAS, the City Council finds that rezoning on the Eastside near the former tissue mill site is in the best interest of residents for the marketing and redevelopment of the property; and

WHEREAS, the Planning Board has reviewed the issue, held a public hearing, and made a unanimous recommendation in favor of amending 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 Official Zoning Map of the city of Augusta:

Tax Map 38, Lots 235, a portion of 235A (as shown on the attached map), Tax map 39, Lots 3A, 4, 32, 35A, 36, Tax Map 40, Lots 11, 14, and a portion of 16A (as shown on the attached map) be rezoned from Industrial (I) to Kennebec Locks (KL).

Tax Map 39, Lots 37, 38, 39, 40, 40A, 41, 41A, 42, 43, 44, 45, 46, 48, 49, 57, 58, 61, Tax Map 40, Lots 1, 2, 3, 4, 5, 6, 8, 11A, be rezoned to Medium Density Residential (RB1).

And that a new zoning district called the Kennebec Locks District (KL) be created as follows:

Purpose: The Kennebec Locks District is part of the city's growth area and is adjacent to the urban core. It is an urban, high density zoning district. It is intended to be a mixed use district with carefully crafted development standards to ensure the area becomes an attractive, walkable, viable commercial and residential area in a desirable part of the city. Public access to the shoreline of the Kennebec River is very important.

Dimensional Requirements

| <u>Use</u> | <u>Min. Lot Size</u> | <u>Minimum Frontage (Feet)</u> | <u>Minimum Depth (Feet)</u> | <u>Area Per Dwelling Unit</u> | <u>Min. Front Setback** (Feet)</u> |
|-----------------|---------------------------|--------------------------------|-----------------------------|-------------------------------|------------------------------------|
| <u>All Uses</u> | <u>10,000 Square feet</u> | <u>75</u> | <u>75</u> | <u>20,000*** Square feet</u> | <u>15/35</u> |

Minimum side/rear setbacks are flexible; see sections 5.1.1 and 5.1.16.

**Minimum front setback: 35 feet from street ROW line of arterial and collector streets; 15 feet from the street ROW line of all other streets.

***May be reduced to 2,500 square feet per dwelling unit if served by public sewer.

a) Design Criteria. The following minimum design criteria shall be met within the Kennebec Lockes (KL) District.

1. Outdoor Lighting Standards: The purpose of this section is to provide Outdoor Lighting Standards to help ensure compatibility with neighboring uses, preserve our dark skies, and provide a more pleasant and comfortable nighttime environment while preserving the ability to install effective security lighting.

i. Lighting fixtures shall be a full cut-off design that is shielded, hooded and oriented towards the ground so that direct rays of lighting source(s) are not visible past the property boundaries and do not shine into the night sky; and

ii. Use of motion sensing devises are encouraged; and

iii. Lighting shall not blink, flash or be of unusually high intensity or brightness; and

iv. All lighting fixtures shall be appropriate in scale, intensity and height to the use they are serving.

v. New or replacement lighting of streets/roads within the district shall be shielded, downward pointing.

vi. Exemptions:

1. Lighting fixtures installed on residential structures with incandescent lamps, or equivalent. This exemption does not apply to fixtures that light parking areas, driveways, sports areas or outbuildings;

2. Seasonal decorative lighting fixtures;

3. Lighting fixtures used temporarily for emergency purposes.

4. Public athletic fields, fairgrounds and approved temporary special events lighting.

5. Lighting fixtures of equivalent to sixty (60) watts or less of incandescent bulbs.

2. Location of Parking, Servicing, and Loading Areas for non-residential uses: All off-street parking lots/areas/stalls, vehicle servicing areas (including gasoline/diesel pumps), and delivery and garage bay doors shall be located at the side or rear of buildings, the only exception being for handicapped parking spaces, which may be located at the front of the building. Bufferyard standards for Urban, Industrial, and Planned Development Districts identified in section 5.1.1 of the Land Use Ordinance are applicable to all parking lots with 6 or more spaces.

Screening of Machinery, Equipment, Storage Areas, and other Appurtenances for non-residential uses: Open storage areas; exposed machinery, electrical/electronic equipment, heating and/or air conditioning equipment, fuel tanks, etc (whether located above the ground on structures or on the ground); areas used for storage & collection of rubbish; and areas determined to be similar to those listed, must be visually screened from roads and surrounding land uses. Suitable types of screening for above-ground equipment, storage areas and appurtenances includes landscaping (e.g. shrubs, plants, trees, fencing) and/or architectural elements (e.g. false walls, false roofing, masonry, blocks, etc.). Suitable types of screening on the ground include opaque wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence shall be built to provide screening until the evergreens are of sufficient height to hide the unit(s) being screened.

Amend Table 5.1.1-A to add the KL district to the cell that says “Bufferyard requirements in the Urban Area (RA, RB1, RB2, BP, KBD1, KL, CB, CC, CD zones):”

Further amend the Augusta Land Use Ordinance as follows:

5.1.17.1.1 **Size, setback, and height regulations.** Ground graphics must comply with the following size, setback, and height regulations. Size shall be reduced by 10 percent for every 10 feet, or portion thereof, that a sign does not meet the proper distance between ground graphics in §5.4.3.

| District | Size (Sq. Feet) | Setback (side and rear only) (Feet) | Height (Feet) |
|---|---|--|----------------------|
| CD, PD, IA | 200 | 10 | 25 |
| CB, CC, KBD2, MED, PD2, RBV | 120 | 10 | 25 |
| GS, KBD1, <u>KL</u> , RD, RV | 50 | 10 | 15 |
| BP, RA, RB1, RB2, RC, RPDS, RR, RR2, RRES | 15 | 10 | 15 |
| All Shoreland zoning districts, except GD | 12 | 10 | 15 |
| GD Shoreland zoning district | Regulations shall be identical to the underlying base zoning district | | |

5.1.17.9.2 **Illumination permitted.** A street graphic may be illuminated in the following zoning districts:

| | | |
|--|---|---|
| RA, RB1, RB2, All Shoreland Zones (except GD Zone) | KBD1, KBD2, RBV, Shoreland GD Business Professional | CB, CC, CD, MED, PD, PD2, <u>KL</u> , IA, RD, RC, RR, RRES, RPDS, RV, RR2 |
| External Illumination only | Internal and External Illumination | Internal and External Illumination |

5.1.17.9.5.1 **Internal Illumination Color Requirements.** In the Medical (MED), Kennebec Locks (KL), and Riggs Brook Village District (RBV) all internally illuminated signs must use a dark colored background with a light colored copy.

Amend the Table 3.6.A.1, Land Uses in the Base Zoning Districts by adding a Kennebec Locks (KL) new zone to the table with the allowed and conditional uses as outlined on the attached table.

COMMUNICATIONS

Committee Reports
City Manager’s Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
April 14, 2014

Note: Council will convene in Budget Workshop upon adjournment of this meeting.