

**MINUTES FOR THE CITY COUNCIL BUSINESS MEETING  
COUNCIL CHAMBERS  
THURSDAY, November 3, 2016  
7:00 P.M.**

**Present:** Mayor Rollins, Councilors Conti, Grant, Paradis, Blodgett, Munson, Bilodeau, McCormick and Alexander.

**PRESENTATION AND PUBLIC HEARINGS:**

**PUBLIC HEARING** – Spirituous, Malt and Vinous Liquor License Application for Fran’s Place Inc. d/b/a Charlemagne’s, 228 Water Street

**PUBLIC COMMENTS ON ITEM LISTED ON THE AGENDA:**

**CONSENT AGENDA:**

**16-162 Mayor Tabled from 10/20**

**ORDERED**, that Lorie Mastemaker, 15 Prospect Street, be appointed to the Augusta Historic District Review Board as a resident of the district; said term to expire October 31, 2018.

**16-177 City Manager (Bureau of City Clerk)**

**ORDERED**, that the minutes of the City Council Business Meeting held October 20, 2016, submitted by the City Clerk’s office be approved.

**16-178 Mayor**

**ORDERED**, that Janet Doerr, be appointed to the Fort Western Board of Trustees, said term to expire October 31, 2019.

**16-179 Mayor**

**ORDERED**, that Daniel Luce Mitchell, be appointed to the Fort Western Board of Trustees, said term to expire October 31, 2018.

**16-180 Mayor**

**ORDERED**, that Phyllis von Herrlich, be reappointed to the Fort Western Board of Trustees, said term to expire October 31, 2019.

**16-181 Mayor**

**ORDERED**, that Thomas F. Doore, be reappointed to the Fort Western Board of Trustees, said term to expire October 31, 2019.

Motion for passage of the Consent Agenda.

By: Conti Second by: Blodgett

Vote on passage of the Consent Agenda

Yeas: 7

Nays: 0

Motion to table Order 16-162.

By: Paradis                      Seconded by: McCormick

Yeas: 7

Nays: 0

**OLD BUSINESS AND TABLED MATTERS**  
**SECOND READING (Ordinances)**

**NEW BUSINESS**

**PART 1**

**16-182              Manager (Bureau of City Clerk)**

**ORDERED**, that the application for a Spirituous, Malt and Vinous Liquor License be approved for Fran's Place Inc. d/b/a Charlemagne's, 228 Water Street

Motion for passage of order 16-180.

By: Paradis                      Second by: Grant

Yeas: 7

Nays: 0

**NEW BUSINESS**

**PART 2 –ORDINANCES - FIRST READING**

**NO VOTE REQUIRED**

**16-183              Mayor Rollins and Councilors Blodgett, Conti, Grant, Munson, Paradis**

**WHEREAS**, the City Council finds that the definition of a Dwelling Unit is not uniform across city codes; and

**WHEREAS**, the City Council finds that uniformity across codes is more user friendly to residents and developers;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended to repeal the current definition of a "Dwelling Unit" in Section 300-202 and replace it with the following definition:

DWELLING UNIT: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**16-184              Mayor Rollins and Councilors Blodgett, Conti, Grant, Munson, Paradis**

**WHEREAS**, the City Council finds that use Group Home is inadequately defined in the Land Use Ordinance and has caused confusion in interpretation; and

**WHEREAS**, the City Council finds that clarity of interpretation is critical to creating certainty for residents and developers;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended to modify the definition of a “Group Home” in Section 300-202 as follows:

**GROUP HOMES:** A facility licensed by the State of Maine, wherein more than eight (8) persons not legally related to the operator are provided personal care, supervision and social or rehabilitative services. The facility serves as a substitute for the residents' own homes, furnishing facilities and comforts normally found in a home but providing, in addition, such service, equipment, and safety features as are required for safe and adequate care of the residents. ~~"Group home" includes community living uses, as defined in 30 M.R.S.A. § 4962-A,[2] but does not include foster family homes or nursing homes.~~

and to amend the Table of Uses (300 Attachment 4) as follows:

Group ~~and boarding~~ home

and to make both Group Home and the separate use, Multi-Family Dwellings, marked as Conditional Uses (designated with a CU) in the Table of Uses (300 Attachment 4) in the following zoning districts: RA, RB1, RB2, RC, RD, BP, KBD1, KBD2, CB, CC, CD, IA, PD2.

and to add a new definition to Section 300-202 for a Community Living Arrangement, as follows:

**COMMUNITY LIVING ARRANGEMENT:** Means a housing facility for 8 or fewer persons with disabilities or other needs that is approved, authorized, certified or licensed by the State. The residents are not legally related to the operator and are provided personal care, supervision and social or rehabilitative services.

and to add Community Living Arrangement under the Institutional heading in the Table of Uses (300 Attachment 4) making it a Permitted Uses (designated with an X) in the Table of Uses (300 Attachment 4) in the following zoning districts: RA, RB1, RB2, RC, RD, BP, KBD1, KBD2, CB, CC, CD, IA, PD, PD2, RR, RRES, RPDS, RV, RR2, MED, RBV, KL.

**16-185 Mayor Rollins and Councilors Blodgett, Conti, Grant, Munson, Paradis**  
**WHEREAS**, the City Council finds that use Rooming House is inadequately defined in the Land Use Ordinance and has caused confusion in interpretation; and

**WHEREAS**, the City Council finds that clarity of interpretation is critical to creating certainty for residents and developers; and

**WHEREAS**, the City Council finds that the appropriate locations and approval process for a Rooming House should be modified;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended to repeal the current definition of a “Rooming House” in Section 300-202 and replace it with the following definition:

ROOMING HOUSE: means a building or group of attached or detached buildings containing three (3) or more rooms for occupancy for weekly or longer periods of time with or without board, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. A rooming house may be operated for profit or by nonprofit agencies which do not require payment from occupants. Rooming house units shall not meet the definition of a dwelling unit. For the purposes of computing density and parking requirements two (2) rooms shall equal one (1) multi-family dwelling unit.

and that Rooming Houses in the Table of Uses (300 Attachment 4) shall be changed from a Permitted Use (designated with an X) to a Conditional Use (designated with a CU) in the following zoning districts: RA, RB1, RC, RD, BP, PD2.

**16-186 Mayor Rollins and Councilors Blodgett, Conti, Grant, Munson, Paradis**  
**WHEREAS**, the City Council finds that use Shelter does not exist as a definition in the Land Use Ordinance and has caused confusion in interpretation; and

**WHEREAS**, the City Council finds that clarity of interpretation is critical to creating certainty for residents and developers;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, Section 300-202 will have a new definition added, below, in alphabetical order.

SHELTER: A social services facility providing temporary overnight shelter in a dormitory-style or per-bed arrangement.

and the new use, Shelter, shall be added to the Table of Uses (300 Attachment 4) under the Institutional heading as a Conditional Use (designated in the table with a CU) in the following zoning districts: RD, BP, KBD1, KBD2, CB, CC, CD, PD, PD2.

**16-187 Mayor Rollins and Councilors Blodgett, Conti, Grant, Munson, Paradis**  
**WHEREAS**, the City Council finds that use Meal Center and Food Pantry is part of the larger Service definition in the Land Use Ordinance and has caused confusion in interpretation; and

**WHEREAS**, the City Council finds that clarity of interpretation is critical to creating certainty for residents and developers;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, Section 300-202 will have a new definition added, below, in alphabetical order.

MEAL CENTER AND FOOD PANTRY: A social service organization where food is distributed, either prepared or unprepared, for free or below market price.

and the new use, Meal Center and Food Pantry, shall be added to the Table of Uses (300 Attachment 4) under the institutional heading as a Conditional Use (designated in the table with a CU) in the following zoning districts:

RD, BP, KBD1, KBD2, CB, CC, CD, PD, PD2.

**16-188 Mayor Rollins and Councilors Blodgett, Conti, Munson, Paradis**

**WHEREAS**, the City Council finds that the current definition of “Religious Activities and Associated Uses” is outdated and does not provide adequate clarity for religious organizations or citizens regarding accessory activities conducted in relation to such uses ; and

**WHEREAS**, the City Council finds that clarity of interpretation is critical to creating certainty for residents and others; and

**WHEREAS**, the City Council finds that the faith community is a critical part of the fabric of the community, but as the nature of worship changes, certain activities conducted by religious organizations, like their secular counterparts, could have an impact on the health, safety, and general welfare of the neighborhoods where they are located;

**WHEREAS**, the City’s Planning Board reviewed this issue and the proposed amendments at two public hearings, at which residents and business owners voiced concern over the impact of social services, traffic and parking on residential neighborhoods and business districts, and religious entities discussed how activities such as community suppers, clothing drives and educational activities are components of their religious practice;

**WHEREAS**, the City Council respects the needs of all property owners and is interested in limiting traffic, noise, parking, and other impacts of uses in keeping with the nature of the district in which they are located; and

**WHEREAS**, in keeping with the Comprehensive Plan, the City Council intends to regulate accessory uses conducted by religious entities only to the extent they are significant in scope and, due to their potential impacts, would not otherwise be allowed as primary uses in the district in which they are located;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, be amended to repeal the current term and definition of a “Religious Activities and Associated Uses” in Section 300-202 and replace it with the following term and definition:

PLACE OF WORSHIP: Any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship, or for ceremonies, rituals, education, and related social events. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque. Any new or expanded use conducted on the premises of a Place of Worship shall be considered a separate principal use if it is operated for more than 16 hours a week, for a total of four or more weeks per year.

and that Religious Activities and Associated Uses in the Table of Uses (300 Attachment 4) shall be changed to the new use “Place of Worship”; and

that “Place of Worship” shall be allowed in the same districts, and with the same designations, as Religious Activities and Associated Uses were in the Table of Uses (300 Attachment 4); and

that, additionally, Places of Worship shall be allowed as a permitted use (designated with an X) in the following districts in the Table of Uses (300 Attachment 4): RPDS, RV.

**16-189 Sponsors Mayor Rollins and Councilors Bilodeau, Blodgett, Conti, McCormick, Munson and Paradis**

**WHEREAS**, the City Council finds that adopting a yard sale ordinance as part of the property maintenance ordinance will ensure that properties remain clear of material on display for sale within neighborhoods for extended periods of time;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Property Maintenance Code be amended to add a new section as follows:

139-30 Yard Sales

Yard sales are limited to three (3) consecutive days and no more than six (6) yard sales per year, per property. At the end of each yard sale all remaining items shall be properly stored. All advertising signs pertaining to yard sale must be removed at the end of each yard sale.

**16-190 Mayor and Councilors Bilodeau, Conti, McCormick, Munson and Paradis**

**WHEREAS**, the City Council finds that the ground vibration standard in the Blasting Ordinance does not result in an acceptable level of vibration within nearby residences;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Blasting be amended to add a new section as follows:

130-5 Performance Standards

C. Ground vibration.

(1) Peak particle velocity. Peak particle velocity limits (inches per second) not to be exceeded at any time, and in any one of the three principal directions:

(a) Production quarry:

<b>Distance From Blast (feet)</b>	<b>Maximum Velocity (inches/second)</b>	<b>Peak</b>	<b>Particle</b>
Less than 300	<del>1.25</del> <u>0.19</u>		
300 to less than 500	<del>0.94</del> <u>0.14</u>		
500 to less than 5,000	<del>0.75</del> <u>0.11</u>		
5,000 or more	<del>0.54</del> <u>0.08</u>		

**16-191 Mayor and Council**

**WHEREAS**, the City Council finds that adopting a Complete Streets policy is good for the mobility options of all residents and visitors to Augusta;

**NOW THEREFORE be it ORDERED**, By the City Council of the City of Augusta, that the attached City of Augusta, Complete Streets Policy, dated October 24, 2016, shall be the adopted policy of the City Council related to meeting the needs of all users of the city’s transportation network.

Motion to approve Order 16-191.

By: Alexander                      Seconded by: McCormick

Motion to table Order 16-191

By: Paradis                      Seconded by: Grant

Yeas: 7

Nays: 0

**16-192 Mayor and Council**

**WHEREAS**, the City Council finds that the Augusta Historic District Review Board would be best served by representatives of business owners as well as by owners themselves;

**NOW THEREFORE be it ORDAINED**, by the City Council of the City of Augusta, that the Code of Ordinances, Land Use, Section 300-316.5(F)(3)

- 3. The Board shall consist of seven members including: one member that is also a member of the Augusta Historic Preservation Commission; two members that are residents within the boundaries of an adopted historic district, as depicted in this section; two members that are business owners or representatives of business owners within the boundaries of an adopted historic district, as depicted in this section; and two additional members.

**COMMUNICATIONS**

Committee Reports  
City Manager’s Report

Motion to adjourn at 11:15pm.

By: Alexander                      Seconded by: Bilodeau

Yeas: 7

Nays: 0

Respectfully submitted,  
Roberta L. Fogg, City Clerk  
November 14, 2016