

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, DECEMBER 1, 2011  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

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.

**11-179           Manager (Bureau of City Clerk)**

ORDERED, That the minutes of the City Council meetings held November 17, 2011, submitted by the City Clerk, be approved.

**11-180           Mayor Stokes**

ORDERED, That Mary Mayo-Wescott be appointed to the Cable Television and Telecommunications Committee; said term to expire on December 1, 2014.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

**11-146           Councilor O'Brien**

ORDERED, That the City Manager be authorized to contract for demolition and improvements to Haymarket Square not including the construction of new bathroom facilities and not to exceed \$120,000 from the Downtown TIF.

**10-166           Councilors Paradis and Munson**

WHEREAS, the City Council finds that the criteria for approving a Text Amendment to the Land Use Ordinance, found in section 1.6.1.A, has been satisfied; and

WHEREAS, the City Council finds that bituminous mix plants and ready mix concrete plants in the Rural River 2 zoning district conflict with residential uses in that district to such a degree that no new plants should be permitted and all existing plants should be eliminated at the end of their current licensing period; and

WHEREAS, snow dumps and crushing/screening operations are found to be acceptable and critical accessory uses of a mineral extraction site; and

WHEREAS, the City Council finds that all bituminous mix plants and ready mix concrete plants require Planning Board review and the opportunity for public input, regardless of size or location; and

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance and the Mineral Extraction Ordinance be amended as follows:

Amend the Land Use Ordinance Section 2.2 definition for “Mineral Extraction Activity” as follows:

Mineral extraction activity. Any operation where soil, topsoil, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled. ~~Uses associated with mineral extraction include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants.~~ All of the land area disturbed or otherwise developed for the extraction, removal, handling, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area, structures, office building, parking lots and stockpiles, is considered to be a part of the mineral extraction site or area. Accessory uses may be conducted at a mineral extraction activity site.

Add a new definition to the Land Use Ordinance Section 2.2, Definitions, for a new use called “Mineral Extraction Associated Use” as follows:

Mineral Extraction Associated Use. Temporary, portable, or permanent bituminous mix plants and ready mix concrete plants that are constructed, erected, or placed within the Footprint of Operation for a licensed mineral extraction site.

Also amend Table 3.6.A.1 Land Uses in the Base Zoning Districts line 30 with a new title for the use as follows:

~~Mineral Extraction Activities and Associated Uses~~

Add a new use to Table 3.6.A.1 Land Uses in the Base Zoning Districts as line 31, renumbering the table appropriately, to include the following use as a Conditional Use only in the Rural River (RR) zoning district.

Mineral Extraction Associated Use

Amend the Land Use Ordinance Section 2.2 definition for “Development” adding the following language under the subsection on *Major Development*:

g. proposes the construction, erection, or placement of a fixed, portable, or temporary bituminous mix plant, or ready mix concrete plant as a primary use or mineral extraction associated use on the site.

Also amend the Mineral Extraction Ordinance to replace the phrase “Associated Mineral Extraction Activity” with the phrase “Mineral Extraction Associated Use” throughout the ordinance.

Amend the definition of Accessory Uses in the Mineral Extraction Ordinance as follows:

Accessory Uses. Uses clearly incidental and subordinate to a principal use and located on the same lot as the principle use. Such uses must be clearly spelled out in the application and license. Accessory uses may include, but are not limited to snow dumps, screening of materials, and crushing of materials.

Amend Section 6-79, License Renewal, of the Mineral Extraction Ordinance as follows:

(6) Any use, primary, associated, or accessory, that becomes non-conforming as a result of changes to the Land Use Ordinance or this Mineral Extraction Ordinance shall be sunsetted as part of the license renewal process and shall not be allowed to continue under a renewed license.

(7) Any Mineral Extraction Associated Use that is a Conditional Use or Nonconforming Use per the Land Use Ordinance, but did not receive a detailed review as part of the original licensing approval of the primary Mineral Extraction Activity, shall receive Conditional Use review at the time of relicensing as an amendment to the existing approval for the site.

(8) Any use, primary, associated, or accessory, that requires Major or Minor Development Review under the Land Use Ordinance at the time of license renewal, but did not require or obtain such approval at the time of initial establishment, shall receive such review from the Planning Board at the time of license renewal.

## OLD BUSINESS AND TABLED MATTERS (Con't)

### SECOND READING

#### **11-177 Mayor Stokes**

WHEREAS, the properties directly across Sewall Street from the State House are a mix of residential and professional offices; and

WHEREAS, the property at 110 Sewall Street is proposed to be used as a law office or professional association office that would be used by individuals primarily having business at the State House.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following amendments be made to the Land Use Ordinance, Official Zoning Map:

The lot known as Assessor's Map 26, Lot 117 shall be rezoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new contract zone shall be Institutional/Business/Professional (BP) District with two uses specifically allowed as permitted uses – "business and professional offices and services, specifically law offices" and "business / professional associations".

NEW BUSINESS

PART 1 – ORDERS

**11-181 City Manager**

WHEREAS, the City of Augusta has, by virtue of its management services contract with the State of Maine Department of Transportation (MDOT), has agreed to accept responsibility as sponsor for federal grant funds designated for capital improvements to the Augusta State Airport, and

WHEREAS, said capital improvement projects have been approved by the MDOT and no local financial obligation is incurred by the City of Augusta as sponsor of said grant funds,

NOW THEREFORE, BE IT RESOLVED, That the City manager is hereby authorized to execute cooperative agreements with the MDOT for the following Airport Project Level Contracts:

State PIN # 018251.00	Repairs to Snow removal Equipment	\$20,000
State PIN # 016021.00 & “ “ 016021.63	Airport Capital Improvements	\$10,000
State PIN # 017395.00	Additional Airport Capital Improvements (to increase total contract to \$200,000)	\$89,500
Modification to management agreement to add 6 <sup>th</sup> year		\$550,000

NEW BUSINESS (Con't)

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

**11-182 Mayor Stokes and Councilor Byron**

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

That Chapter 18, Section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Drew Street (Seasonal):

No Parking on the east side from Western Avenue to Green Street from November 15 to April 1.

BE IT FURTHER ORDAINED, By adding the following:

Drew Street:

No Parking on the east side from Western Avenue to Lincoln Street.

No Parking on the east side from Lincoln to Green Street from November 15 to April 1.

Two (2) hour parking on the west side of Drew Street from Western Avenue to Lincoln Street between the hours of 8:00 a.m. and 6:00 p.m.

## COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
November 28, 2011