

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

November 28, 2005

Minutes of the regular City Council meeting held Monday, November 21, 2005 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilors Lerman and Davis; Mayor Dowling presided.

Public Comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED

195 BE IT ORDAINED, by the City Council of Augusta, that Section 5.1.14.2(d) of the Land Use Ordinance, dealing with off-street parking, be amended to allow ehurehes places of worship, as defined in the Land Use Ordinance, to utilize available on street parking to meet their parking needs within the Institutional/Business/Professional Zoning Districts (BP), by adding new language shown in underscore and by eliminating existing language shown in strikethrough, as follows:

5.1.14.2 Off-Street Parking

No use of premises shall be changed or expanded and no structures shall be constructed or enlarged unless there is provided adequate off-street parking space. See section 3.5.7.

(subsections (a) (b) (c) = unchanged)

(d) Exceptions to on-site parking: All off-street parking shall be located on the same lot as the principal structure or use to be served except:

(i) As permitted by the Planning Board; and

(ii) Uses located in the Kennebec District 1 zone in existence prior to the effective date of the ordinance.

Requests for off-site parking in (i) and (ii) above must meet the following requirement: if not owned in fee by the applicant, the use of the land shall be legally bound to serve as a parking lot for the life of the building or use that is being permitted to serve.

(iii) As permitted by the Planning Board, ehurehes places of worship located in the BP District, provided that the minimum number of spaces required for a development proposal by said ehurehes places of worship shall be

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

195 Continued
available on a public street within 1000 feet of the church
place of worship.

Yeas: 6; Sotir, Doore, Gomeau, Foster,
Koski, Lund

Nays: 0

196 BE IT ORDAINED, by the City Council of Augusta, that Order #74 dated May 16, 2005 be repealed and that the attached New Mineral Ordinance recommended by the Mineral Extraction Amendment Committee and prepared by Corporation Counsel is hereby adopted, as amended, and shall be added as the new Division 3 of Chapter 6 (City Services), Article II (Code Enforcement) of the Revised Code of Ordinances, and shall be entitled "Mineral Extraction Ordinance", and shall begin as Section 6-69 thereunder.

Yeas: 4; Sotir, Doore, Foster, Mayor Dowling

Nays: 3; Gomeau, Koski, Lund

HAS BEEN READ AND PASSED, FINAL READING

194 BE IT ORDAINED, by the City Council of Augusta, that Section 5.1.14.3 of the Land Use Ordinance, dealing with parking requirements in the KBD1 district be amended to slightly expand the area available to utilize those requirements, by adding the language shown in underscore below:

5.1.14.3 Parking Requirements in the KBD1 District
Recognizing that providing on-site parking for employees, customers, clients, visitors, and residents of Augusta's densely built downtown is more problematic than in the less-densely developed areas of the City, the following parking requirements shall apply in the KBD1 district and on Cony Street, west of Cony Circle.

Yeas: 6; Sotir, Doore, Gomeau, Foster,
Koski, Lund

Nays: 0

NEW BUSINESSHAS BEEN READ AND TABLED

- 203 ORDERED, That the City Manager is authorized to expend necessary funds to install traffic control devices in the Davenport Street neighborhood to include two speed tables.

Yeas: 4; Sotir, Doore, Foster, Lund
Nays: 2; Gomeau, Koski

HAS BEEN READ, FIRST READING

- 204 BE IT ORDAINED, by the City Council of Augusta, that the Augusta Revised Code of Ordinances dealing with Historic Preservation, is hereby amended by making the following changes:

1. Amend subsection (5) of Section 6-146 of the Augusta Revised Code of Ordinances, dealing with duties of the Historic Preservation Commission, by deleting the following existing language that is shown in strikethrough, and by adding new language that is shown in underscore, as follows:

Sec. 6-146. Same - Duties (5) Make recommendations for designation of local landmarks and historic districts to ~~the Planning Beard~~ and the City Council.

2. Amend Subsections (a) through (e) of Section 6-148 of the Augusta Revised Code of Ordinances, dealing with establishment of historic districts, sites or landmarks, by deleting the following existing language that is shown in strikethrough, and by adding new language that is shown in underscore, as follows:

Sec. 6-148. Establishment of districts, sites or landmarks.

(a) ~~Histerie distriets~~, Historic sites or historic landmarks shall be established by amendment to section 6-149, and no property shall be included within a district ~~ner~~ become a historic site or historic landmark without the written consent of the property owner or owners. All such amendments shall be initiated by the completion of an application a ~~ferm~~ directed to the Chairperson of the Historic Preservation Commission and filed with the City

NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

204 Continued

Manager at City Center. The Chairperson City Manager shall thereafter call a meeting of the Commission within 30 days of receipt of an application for the purposes of formulating the Commission's recommendations to the City Council concerning the request.

(b) Historic Districts shall be established by amendment to Section 6-149, and shall include all properties within the district boundaries. The Historic Preservation Commission shall hold a public hearing when considering the establishment of a Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or part within two hundred (200) feet of the boundaries of the proposed Historic District, the City Councilors, the City Planning Board, the Board of Zoning Appeals and the local newspaper. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan. The Commission shall submit a final report with the results of its vote to the City Council, not later than thirty (30) days after the public hearing.

{b) The Commission will make an annual report to the Council on every request received. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review and comment before making its recommendation concerning the proposed establishment of a historic district, site or landmark.

(c) Drafts of the recommendations concerning the establishment of any historic district, site or landmark shall also be transmitted to the Maine Historic Preservation Commission for review and comment.

{e) The Commission shall hold a public hearing on the request, after due notice, before a final report is made to the City Council. Written notice of the proposal shall be given to the applicant, the Kennebec Journal, the Planning Board, the Zoning Board of Appeals, owners of all

NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

204 Continued

properties abutting or to be included within the proposed designation, and all other persons found by the Commission to have a special interest in the proposal at least ten (10) days in advance, of time, place and subject of the hearing. The Commission shall submit a final report with its recommendations to the City Council, not later than thirty (30) days after the public hearing.

(d) After receipt of the Commission's recommendations, as provided above, the City Council at its next regular meeting shall consider and take all appropriate action on the proposed amendment in accordance with the Charter, the Council's rules of procedure adopted pursuant thereto, and the laws of the State of Maine. Due consideration shall be given to the written views of owners of affected property and in its discretion, the City Council will ~~may~~ hold public hearings on any proposed structure, site, landmark or district for historic preservation designation. Within ten (10) days after the designation of any historic district, site or landmark, the owner of each property so designated shall be given written notice of such designation by the City Clerk. Such designation shall become effective thirty (30) days after a vote of the City Council.

(e) The Commission will make an annual report to the City Council summarizing all applications received.

3. Amend Subsection (a) of Section 6-155 of the Augusta Revised Code of Ordinances, dealing with standards of evaluation for historic districts, sites or landmarks, by deleting the following existing language that is shown in strikethrough, and by adding new language that is shown in underscore, as follows:

Section. 6-155. Standards of evaluation.

(a) Generally. When alterations to a historic district or site or landmark require a certificate of appropriateness the Historic Preservation Commission shall evaluate the proposed changes based on the standards set forth in this section and on the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 or most recent version). ~~{Rehabilitation and Guidelines for~~

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

204 Continued
Rehabilitating Historic Buildings {Revised 1963}.

(The rest of Sec. 6-155 remains unchanged)

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

199 ORDERED, That minutes of the City Council meetings held November 9, 2005 and November 14, 2005, submitted by the City Clerk be approved.

Yeas: 6; Sotir, Doore, Gomeau, Foster,
Koski, Lund

Nays: 0

200 ORDERED, That the Mayor is authorized to execute a renewal contract between the City and Preti Flaherty Beliveau Pachios and Haley and City Attorney Stephen Langsdorf for professional legal services for a three-year period beginning January 1, 2006 consistent with the attached agreement.

Yeas: 5; Sotir, Doore, Gomeau, Foster, Lund

Nays: 1; Koski

201 ORDERED, That should the City Manager determine that adverse weather conditions present the possibility that public safety vehicles will be impeded from accessing residents in need of emergency services, he shall have the authority to instruct the Department of Public Works to plow any private road within the City that has prior to the adoption of Council Order 152 received road maintenance service from the City.

BE IT FURTHER ORDERED, that this authorization shall expire on December 31, 2005.

Yeas: 6; Sotir, Doore, Gomeau, Foster,
Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

202 ORDERED, That the City Manager is authorized to enter into an agreement with the Kennebec Valley YMCA for shared funding of a new entrance to the Augusta Police Department and KVYMCA site.

BE IT FURTHER ORDERED, that an amount not to exceed \$64,000 is hereby appropriated from undesignated fund balance for this purpose.

Yeas: 6; Sotir, Doore, Gomeau, Foster,
Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk