

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

December 1, 2005

Agenda for the regular City Council meeting to be held Monday, December 5, 2005 at 7:00 p.m., Council Chambers, City Center.

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.

PRESENTATION - Corporation Counsel Stephen Langsdorf on Constitutional Law related to First Amendment issues.

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.

206 Manager (Bureau of City Clerk)  
ORDERED, That minutes of the City Council meetings held November 21, 2005 and November 28, 2005 submitted by the City Clerk be approved.

207 Mayor Dowling  
ORDERED, That William J. Hanlon be appointed to fill a vacancy on the Augusta Housing Authority; said term to expire December 5, 2010.

208 Manager (Bureau of Audit Accounts)  
ORDERED, That Roll of Accounts for the month of November 2005 in the amount of \$5,045,777.15 be approved.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

204 Councilor Doore  
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

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

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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) ~~Historic districts~~, Historic sites or historic landmarks shall be established by amendment to section 6-149, and no property shall be included within a district nor 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 form directed to the Chairperson of the Historic Preservation Commission and filed with the City 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

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

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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 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.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

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(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 Rehabilitating Historic Buildings (Revised 1963)).

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

NEW BUSINESS

209 Manager (Bureau of City Clerk)

ORDERED, That the City Council certify the results of the Recount Hearing held on December 5, 2005, to the respective candidates involved and issue a Certificate of Election to the candidate whom they find to have been elected, in accordance with 30-A, M.R.S.A., Section 2531-A.

210 Manager

ORDERED, That pursuant to Council Order No. 152 defining the City's policy regarding the plowing and sanding of private roads, the City hereby accepts public easements from the property owners of the following roads:

Birchwood Drive  
 Hayes Road / Hayes Landing Road  
 Hescoc Street  
 Leavitt Road (gravel portion)  
 Meadow Brook Road  
 Nadeau's Way  
 Noyes Court

NEW BUSINESS (Con't)

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Outlet Road  
Pennmaric Road  
Pinehurst Road  
Tasker Road  
Young Road

Please see attached for list of all property owners giving easements to the City.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell  
City Clerk