

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

July 6, 2007

Minutes of the regular City Council meeting held Monday, July 2, 2007 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present; Mayor Katz presided.

Presentation - To Danielle Terrill Recipient of 2007 Edwards Dam Scholarship

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

108 WHEREAS, the Planning Board of the City of Augusta identified a concern about glare from existing light fixtures and desired to ensure that glare is limited or eliminated to the extent possible; and

WHEREAS, the Planning Board of the City of Augusta held a public hearing on March 13, 2007, and voted unanimously to recommend changes to the City Council.

The City Council of Augusta therefore makes the following text amendments to 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 Augusta Land Use Ordinance, where deletions are in strikeout and additions are underlined below:

Amend Section 5.1.11.1 of the Land Use Ordinance as follows:

(1) Outside lighting used for business and professional offices, commercial, and industrial activities including lighted signs, shall not be permitted to trespass beyond the boundaries of the property on which it is located above the following levels of light: not more than 0.3 foot candles for an abutting residential property or use; and not more than 0.8 foot candles for an abutting commercial property or use. Any luminaire, other than those used at a single family or duplex property, shall be full cutoff design, unless otherwise required by state or federal law, or allowed by the Planning Board.

(NO MOTION TO REMOVE FROM TABLE)

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

131 WHEREAS, commercial blasting and use of explosives for purposes of quarrying mineral extraction and the production of construction materials have been occurring frequently in the City of Augusta, and whereas numerous reports of property damage resulting from such blasting have been communicated to the City, and

WHEREAS, current City of Augusta Ordinances are inadequate to effectively regulate and prevent serious public harm and property damage which may occur as a result of blasting in the City, and

WHEREAS, City Staff is aware of planned blasting in the vicinity of residential homes in the City, and

WHEREAS, the City Council has appointed a Committee to draft a new Ordinance regulating blasting, which has not completed its work, and

WHEREAS, the City Council needs additional time to complete the process of enacting a new Ordinance regulating blasting.

NOW THEREFORE, The Council hereby ORDERS that a moratorium be enacted effective as of the date of passage by Council which prohibits all commercial blasting and use of explosives for the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

This moratorium will expire in one hundred eighty (180) days from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund

Nays: 0

NEW BUSINESSHAS BEEN READ, FIRST READING

144 WHEREAS, the Planning Board held a public hearing on June 12, 2007, and voted unanimously to recommend the petitioned rezoning request to the City Council for approval; and

WHEREAS, an attractive configuration of the lot as a gateway

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

144 Continued  
to the City would be made possible by the rezoning, if developed as outlined by the petitioner;

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following rezoning be approved.

The lot known as Assessor's Map 38, Lot 159, located at 24 Stone Street, shall be generally rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance from Institutional/Business/Professional (BP) to Kennebec Business District 2 (KBD2).

(FIRST READING, NO VOTE REQUIRED)

145 WHEREAS, the Planning Board held a public hearing on June 12, 2007, and voted unanimously to recommend the City initiated rezoning to the City Council for approval; and

WHEREAS, the Lots are owned by separate entities; and

WHEREAS, a clear redevelopment plan is proposed only for Map 10, Lots 8D and 8E; and

WHEREAS, Map 37, Lots 10, 13, 14, 15 and 16 are in the proximity of residential properties which would be affected by more intense commercial development; and

WHEREAS, riverfront development is currently under review by the Comprehensive Planning Committee and specific recommendations for this riverfront area are anticipated; and

WHEREAS, rezoning only those lots currently under a development proposal would likely result in an illegal spot-zoning.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following general rezoning be approved.

The lots known as Assessor's Map 10, Lots 8(portion), 8D and 8E; and Map 37, Lots 10, 13, 14, 15 and 16, shall be generally rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance from Institutional/Business/Professional (BP) to Kennebec Business District 2 (KBD2).

Further, a 180 day moratorium on specific uses and standards

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

- 145 Continued  
in KBD2 listed below, with the option to extend for 180 days, shall be placed on Map 37, Lots 10, 13, 14, 15 and 16 in order that the Comprehensive Plan may be completed, shall provide future guidance on this particular segment of the riverfront, and ordinances re-written to achieve the goals of the Comprehensive Plan. The standards and uses subject to this moratorium are:

Uses: retail (except automobile as defined), restaurants, services (except auto repair), and public safety services.

Standards: Maximum height above 42 feet.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

- 132 ORDERED, That minutes of the City Council meetings held June 18, 2007 and June 25, 2007 submitted by the City Clerk be approved.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund

Nays: 0

- 133 ORDERED, That the City Council accept donations for The Spring Running festival in an amount totaling Two Hundred Seventy Two Dollars (\$272.00) from Le Club Calumet 50/50 raffle proceeds.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund

Nays: 0

- 134 ORDERED, That the City Council accept donations for The City's Fourth of July festivities in an amount totaling Four Hundred Dollars (\$400.00) with \$200.00 from Le Club Calumet and \$200.00 from the Fraternal Order of Eagles No. 3137.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

- 135 ORDERED, That the City Council accept a donation of \$100.00 from the Frances Smith family of Bedford, Massachusetts to purchase fire prevention materials.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 136 ORDERED, That Linda Conti be appointed to fill a vacancy on the Planning Board effective July 13, 2007; said term to expire July 13, 2010.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 137 ORDERED, That Peter E. Dunn, Jr. be appointed to the Augusta Sanitary District; said term to expire July 2, 2010.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 138 ORDERED, That Lisa M. Haskell be appointed to the Augusta Water District; said term to expire July 31, 2010.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 139 ORDERED, That John Seed be appointed to serve on the Board of Zoning Appeals; said term to expire July 2, 2010.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 140 ORDERED, That the City Manager is authorized to accept grant funding in the amount of \$19,107.20 through Kennebec County, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant. Funds will be utilized for the purchase of law enforcement equipment with the intent of reducing crime and prosecuting offenders. Equipment to be

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

- 140 Continued  
purchased are: Crime Scene Forensic Mapping Equipment,  
Portable Radio Earpieces, Flat Screen LCD HDTV and  
Cyanoacrylate Laboratory Fuming Cabinet.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 141 ORDERED, That the City Manager request Bond Counsel to write a  
Capital Improvement Bond order in the amount of \$8.9 million  
for Lithgow Library renovations and expansion.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 142 ORDERED, That the City Manager is authorized to contract for  
archeological exploration and research at City-owned property  
at 25 Bond Street in an amount not to exceed \$2,000 as  
requested by the Augusta Historic Preservation Commission.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0
- 143 ORDERED, That the City Manager is authorized to enter into a  
sole source contract for professional services with ASI, Inc.  
and Abacus, Inc. for the purpose of developing and  
administering Homeland Security grant applications for the  
City of Augusta.
- Yeas: 8; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski, Lund
- Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk