

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, OCTOBER 6, 2011
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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

Proclamation - Recognizing Augusta Food Bank for 30 years of service to the community.

Public Hearing – Malt, Spirituous and Vinous Liquor License application for Apple New England, LLC

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

10-166

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

Motion to suspend the rules to add order 11-158 by: Byron Second by: Paradis
Yeas: 7; Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson
Nays: 0

11-150

WHEREAS, signage in the city of Augusta must both serve the businesses it advertises and respect the visual landscape of the city; and

WHEREAS, the Planning Board held multiple public hearings on the proposed sign changes with business leaders, industry leaders, and residents testifying.

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:

Section 5.1.17 be repealed and replaced with a new Section 5.1.17 as attached.

Motion to table - unassigned, by: Rollins Second by: Coffin
Yeas: 7; Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson
Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con't)

READ AND NOT PASSED

11-145

ORDERED, That \$20,000 be and is hereby appropriated from the undesignated fund balance for the purpose of paving the eastbound lanes of Western Avenue for approximately 1100 ft in the vicinity of Smith/Edison Drive. Said work to be completed in the Fall of 2011.

Motion to remove from table by: Byron Second by: Grant
Yeas: 7; Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson
Nays: 0

Motion for passage by: Byron Second by: Rollins
Yeas: 1; Byron
Nays: 6, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson

OLD BUSINESS AND TABLED MATTERS (Con't)

READ AND PASSED, FINAL READING

11-148

BE IT ORDAINED, By the City Council of the City of Augusta, that Chapter 16 Public Safety, Sec. 26.1. Same-Residency Requirement, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

The Chief of Police must be a resident of the City of Augusta within ninety (90) days of his/her appointment. ~~This provision does not apply to the person holding such position on the effective date of Ordinance No. 360.~~ The City Council upon recommendation of the City Manager may waive this requirement at its discretion.

Motion for passage by: Rollins Second by: Coffin

Yeas: 7; Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson

Nays: 0

Motion to suspend the rules to add order 11-157 by: Byron Second by: Paradis

Yeas: 7; Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson

Nays: 0

NEW BUSINESS

HAS BEEN READ AND PASSED

11-152

ORDERED, That the minutes of the City Council meeting held September 22, 2011, submitted by the City Clerk, be approved.

Motion for passage by: Munson Second by: Rollins

Yeas: 7; Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson

Nays: 0

11-153

ORDERED, That the Roll of Accounts for the month of September 2011 in the amount of \$6,764,742.76 be approved.

Motion for passage by: Munson Second by: Rollins

Yeas: 7; Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson

Nays: 0

Motion for passage by: Byron Second by: Paradis
Yeas: 7; Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson
Nays: 0

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
October 11, 2011