CITY OF AUGUSTA
MINUTES FOR THE CITY COUNCIL BUSINESS MEETING
COUNCIL CHAMBERS CITY HALL
THURSDAY, FEBRUARY 6, 2020
7:00 P.M.

Councilors Alexander, Conti, Grant, Judkins, LaRochelle, Lind, Michaud, Pouliot and Mayor Rollins

PUBLIC HEARING: State Lunch, LLC

Public Hearing for Al’s Double R’s Taxi, Inc. removed from agenda as well as corresponding order number 20-017.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:

CONSENT AGENDA:

20-014 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Business Meeting held January 16, 2020 submitted by the City Manager’s office be hereby approved.

20-015 City Manager (Bureau of Audit)
BE IT ORDERED, that the Roll of Accounts for the month of January 2020 in the amount of $5,979,865.29 be hereby approved.

20-016 City Manager
BE IT ORDERED, that the Malt, Vinous, Spirituous and Victualer’s License for State Lunch, LLC located at 293 Water Street be hereby approved.

20-018 Mayor Rollins
BE IT ORDERED, that Stephen Arbour be appointed to the Augusta Historic Preservation Commission, said term to expire March 18, 2023.

20-019 Mayor Rollins
BE IT ORDERED, that Dan Stevens be reappointed to the Augusta Historic Preservation Commission, said term to expire February 20, 2023.

20-020 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to accept a $1,000 Google/American Library Association Libraries Lead with Digital Skills grant. Lithgow Library will present a series of small workshops that target small and emerging businesses in the community, using resources available to the library as a new Grow with Google partner. The grant stipulates that the program must be presented within 60 days (March 22nd) and that the $1,000 grant is awarded upon the submission of a completion report with the opportunity to receive an additional $3,000 bonus if Google determines the project is exemplary. No local match is required.

20-021 City Manager
BE IT ORDERED, that the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated, Section 5824(3) and 5826(6) to the transfer of $9,751.00, or any portion thereof to the Augusta Police Department, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of the criminal case, namely, State of Maine vs. Corey Leak.

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20-022 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to list for sale, the following Police Department surplus property:

1. Black and White 2015 Ford Interceptor SUV
2. Black and White 2016 Ford Interceptor SUV

20-023 City Manager
BE IT ORDERED, that the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated, Section 5824(3) and 5822(4)(A) to the transfer of an additional $630.00 to the Augusta Police Department, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of the criminal case, namely, State of Maine vs. Justin McInnis ($1,075.00 was previously approved on Order Number 19-205, dated December 19, 2019).

Motion for passage of the Consent Agenda orders 20-014 to 20-023 (excludes 20-017 which was removed from the agenda).

By: Lind Second by: LaRochelle
Yeas: 8 Nays: 0

OLD BUSINESS ORDINANCES – SECOND READING

20-009 Mayor & City Council
WHEREAS, a new zoning district for Winthrop Street was reviewed and recommended by the Planning Board; and

WHEREAS, the Winthrop Street corridor is unique, having formerly been residential uses that have converted to non-residential uses;

WHEREAS, the character of this area is important to maintain within the nationally and locally designated historic districts;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments be made to the Code of Ordinances, Land Use Ordinance:

Motion to suspend further reading of Order 20-009.

By: Grant Second by: Lind
Yeas: 8 Nays: 0

§ 300-314.11 Westside Professional District (WP)

A. Purpose. The Westside Professional District is located within the Winthrop Street Historic Overlay District and is designed to protect the mix of low impact businesses and residential uses along Winthrop Street. The intent of the district is to maintain the character of the historic buildings and landscapes while discouraging building and site alterations which would adversely impact the aesthetics of the area.

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B. Dimensional Requirements.
   1. Front Setback: No principal structure may extend closer to Winthrop Street than the principal structures on adjacent lots. Setbacks from other street frontages shall be 10 feet.
   2. Side and Rear Setback:
      a. Principal Structure: 10 feet
      b. Accessory Structures: 5 feet
   3. Lot Area Per Dwelling Unit: 2,500 square feet

C. Design Criteria. The following minimum design criteria shall be met:
   1. Outdoor lighting standards. The purpose of this subsection is to provide outdoor lighting standards to help ensure compatibility with neighboring uses, preserve our dark skies, and provide a more pleasant and comfortable nighttime environment while preserving the ability to install effective security lighting.
      a. Lighting fixtures shall be a full cutoff design that is shielded, hooded and oriented towards the ground so that direct rays of lighting source(s) are not visible past the property boundaries and do not shine into the night sky; and
      b. Use of motion-sensing devices is encouraged; and
      c. Lighting shall not blink, flash or be of unusually high intensity or brightness; and
      d. All lighting fixtures shall be appropriate in scale, intensity and height to the use they are serving; and
      e. Exemptions:
         i. Seasonal decorative lighting fixtures;
         ii. Lighting fixtures used temporarily for emergency purposes;
         iii. Approved temporary special events lighting;
         iv. Lighting fixtures of equivalent to 60 watts or less of incandescent bulbs.

   2. Parking.
      a. New parking spaces shall not be constructed between Winthrop Street and building façade facing Winthrop Street.
      b. Landscape buffer yard standards for Urban, Industrial, and Planned Development Districts identified in § 300-502 of this chapter are applicable to all parking lots with six or more spaces.
      c. A waiver for on-site parking may be granted by the Planning Board, through the conditional use process. On-street parking may be utilized within the district to meet parking requirements.

   3. Screening of machinery, equipment, storage areas, and other appurtenances. Open storage areas; exposed machinery, electrical/electronic equipment, heating and/or air-conditioning equipment, fuel tanks, etc. (whether located above the ground on structures or on the ground); areas used for storage and collection of rubbish; and areas determined to be similar to those listed must be visually screened from roads and surrounding land uses. Suitable types of screening include landscaping (e.g., shrubs, plants, trees, fencing) and/or architectural elements (e.g., false walls, false roofing, masonry, blocks, etc.). Where evergreen hedges are proposed, a temporary fence shall be built to provide screening until the evergreens are of sufficient height to hide the unit(s) being screened.

Add a new column to 300 Attachment 4, Table of Land Uses in the Base Zoning District labelled WP, for Westside Professional.

Westside Professional District - Permitted Uses, indicated by amending 300 Attachment 4 to add an “X” in the new WP column:

- Single family dwellings
- Community living arrangements
- Business and professional offices and services
- Business/professional associations
- Solar energy system – building mounted

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Westside Professional District - Conditional Uses, indicated by amending 300 Attachment 4 to add an “CU” in the new WP column:

- Multiple family dwellings
- Group homes
- Religious activities
- Historical societies
- Government services - (only permit administration uses – add footnote on chart)
- Personal services
- Barber/beauty shops
- Finance, insurance and real estate services – (add footnote on chart to not permit banks and financial institutions)

Further amend the Land Use Ordinance as follows:

§ 300-516. Street Graphics; signs.
D. Ground graphics.
   (1) **(b)** Only one ground graphic in the BP, RBV, RC, RD, WP, and RV on one street or highway on which the premises has frontage.

   (2) Size, setback, and height regulations.
   BP, RA, RB1, RB2, RC, PRDS, RR, RR2, RRES, WP – Size 15 square feet; side and rear setback 10 feet; height 15 feet

I. Illumination and Movement.
   (2) Illumination permitted. RA, RB1, RB2, WP. All Shoreland Zones (except GD) – External illumination only.

L. Street graphic exempt.
   (6) A single street graphic offering for sale the real estate on which it is displayed, with the following size limitations.
   KBD1, KBD2, BP, WP – 20 square feet

The boundary of the district shall be as shown on the attached map entitled “Proposed Westside Professional District”, dated 9/20/2019, and shall repeal any previously existing contract zones for the affected parcels. All existing overlay zones shall continue to be in effect.

Motion for passage of Order 20-009.

By: Conti Second by: Pouliot
Yeas: 8
Nays: 0

20-010 Mayor & City Council
WHEREAS, a contract zone for a portion of Assessor’s Map 34, Lot 176A was reviewed and recommended by the Planning Board; and

WHEREAS, the re-use and preservation of the historic St. Mark’s Church is important to the historic fabric of the West Side Neighborhood and that National Historic District;

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NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments be made to the Code of Ordinances, Land Use Ordinance:

A portion of Assessor’s Map 34, Lot 176A, on which the former St. Mark’s Episcopal Church is situated, zoned Medium Density Residential (RB2) District shall be Contract Zoned in accordance with Section 300-106 of the Augusta Land Use Ordinance to add four permitted uses

1. Conference / Event Center; and
2. Art Studios and Galleries; and
3. Museums; and

All uses of the RB2 zoning district, as allowed in that district, shall also be allowed in the contract zoned area. No on-site parking is required for uses within the former church building.

The contract zoned area shall be the footprint of the former St. Mark’s Church building and shall not include other portions of the lot, and shall also not include the former parish hall that has been converted to residential apartments.

Motion for passage of Order 20-010.
By: Conti Second by: Alexander
Yeas: 8
Nays: 0

20-011 Mayor & City Council
WHEREAS, Small Distilleries, Breweries and Bakeries have been reviewed as a new use in the Regional Business (CC) zoning district; and

WHEREAS, the use was found to be compatible with other uses in this district;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments be made to the Code of Ordinances, Land Use Ordinance:

Add an X in the CC zoning district column of Table 300 Attachment 4, Table of Land Uses in the Base Zoning Districts, for the use “Small Distilleries, breweries, and bakeries”, indicating that the use is a permitted use in this district.

Motion for passage of Order 20-011.
By: Lind Second by: Michaud
Yeas: 8
Nays: 0

NEW BUSINESS PART 1- ORDERS AND RESOLVES

20-024 Mayor and Council
WHEREAS, the Augusta City Council recognizes that it is in the best interest of the City of Augusta to support organized efforts to prevent the deterioration of significant bodies of water within the City limits; and,

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WHEREAS, the City Council feels that residential neighborhoods abutting said water bodies are protected when such preventable efforts are undertaken.

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby establish a fund dedicated to the purpose of providing matching stimulus funding for projects deemed by the City Council to be eligible for certain qualified restoration projects, it does hereby appropriate an initial sum of $7,500.00 to said fund from the City Council’s FY2020-2021 contingency account, and does hereby authorize the City Manager to release said funding to the Worromontogus Lake Association to assist in the cost of its anticipated water quality mitigation plan as recommended by the State of Maine Department of Environmental Protection.

Motion for passage of Order 20-024.

By: Lind Second by: Judkins
Yea: 8
Nay: 0

20-025 Mayor and Council
BE IT ORDERED, that the City Council accepts an Efficiency Maine grant in the amount of Ten Thousand Dollars ($10,000.00) for the installation of two electric vehicle charging station (Level 2) units, one at City Center and the other in the Dickman Street Parking Garage.

BE IT FURTHER ORDERED, that the City Manager be authorized to execute the grant agreement.

BE IT FURTHER ORDERED, that the requisite local match will covered by CIP funds.

Motion for passage of Order 20-025.

By: Conti Second by: Pouliot
Yea: 8
Nay: 0

NEW BUSINESS PART 2- ORDINANCES BEING READ FOR THE FIRST TIME

20-026 Mayor and Council
WHEREAS, all other retail and medical marijuana uses are allowed in the Industrial zoning District; and

WHEREAS, the Planning Board held a public hearing and unanimously recommends adding Medical Marijuana Caregiver Retail Stores as a use in the IA zoning District;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Augusta amends the Land Use Ordinance, Table 300 Attachment 4, to allow Medical Marijuana Caregiver Retail Stores as a Conditional Use in the IA zoning District by adding a “CU” to the IA column in the table in the row for Medical Marijuana Caregiver Retail Stores.

Motion to waive second reading of 20-026
By: Grant Second by: Lind
Yea: 8
Nay: 0

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Motion for passage of Order 20-026.
By: Lind                Second by: Michaud
Yea: 8                  Nay: 0

COMMUNICATIONS

Committee Reports
City Manager’s Report

20-027 City Manager
Executive Session: Real Estate Matter; 1 M.R.S. § 405(6)(C)
By: Conti               Second by: Judkins
Yea: 8                  Nay: 0

Went into the Executive Session at 7:30 PM
Adjourned from Executive Session at
By: Conti               Second by: Alexander
Yea: 8                  Nay: 0

Loretta Lathe, Executive Assistant
February 11, 2020