CITY OF AUGUSTA
AGENDA FOR THE CITY COUNCIL BUSINESS MEETING
COUNCIL CHAMBERS CITY HALL
THURSDAY, NOVEMBER 21, 2019
7:00 P.M.

There will be a pre-meeting of the City Council in Conference Room A at 6:30 p.m. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:

CONSENT AGENDA:

19-186 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held October 17th, submitted by the City Clerk’s office be hereby approved.

19-187 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held November 7th, submitted by the City Clerk’s office be hereby approved.

19-188 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Special Business Meeting held November 14th, submitted by the City Clerk’s office be hereby approved.

19-189 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to sell by on-line auction the following surplus equipment:

1) 40 KW generator and switch gear
2) Obsolete parts from stockroom
3) 100 gallon portable fuel tank
4) Cross box for pickup
5) Welder
6) Trackless boom flail mower
7) Camping gear
8) Homemade stage
9) Two basketball backboards
10) Air compressor
11) Three pallets of road crack sealer
12) Walk-Behind road crack seal machine
13) Miscellaneous outdated Milwaukee cordless tools
14) Billy Goat leaf blower
15) Two pick-up trucks: 1-2006 ¾ ton and 1-2003 2 wheel drive
16) 500 feet of 10 foot-high chain link with posts and hardware

BE IT FURTHER ORDERED, that the proceeds from this auction will be a revenue to the General Fund.

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NEW BUSINESS  PART 1-ORDERS

19-190  City Manager

WHEREAS, Robert Fuller, Jr. has in a most generous fashion proposed to the City of Augusta a matching gift of up to $500,000 for improvements to Alumni Field, and

WHEREAS, said funds are anticipated to spur and eventually enable completion of a much-needed upgrade to the City’s Cony High School sport facilities, and

WHEREAS, efforts to raise matching funds for this project are well underway and leaders of this fund-raising effort report encouraging progress, and

WHEREAS, City Attorney Stephen Langsdorf has, in conjunction with Robert Fuller Jr. and his attorney, completed the process of developing a draft comprehensive donation agreement (appended herewith), executed by Robert Fuller, Jr. and pending City Council authorization, and

WHEREAS, said agreement provides for reasonable terms and conditions, binding on both parties, intended to provide necessary funding for the completion the improvement project, and

WHEREAS, the City Council wishes to acknowledge the long history of generous contributions to a wide variety of charitable causes and institutions in Augusta by Robert Fuller by the renaming of the Alumni Field to Fuller Field.

NOW, THEREFORE, BE IT ORDERED, that the City Manager is hereby authorized to execute the above referenced agreement on behalf of the City and to express to Robert Fuller, Jr. the City Council’s and community’s deep gratitude for his generous gift offering.

NEW BUSINESS  PART 2-ORDINANCES-FIRST READING NO VOTE REQUIRED

19-191  Mayor and Council

WHEREAS, the City Council of the City of Augusta, Maine wishes to provide a tax exemption from annual excise taxes for vehicles owned by active duty members of the Armed Forces deployed out of State; and

WHEREAS, State law allows municipalities to enact ordinances providing such exemption;

NOW THEREFORE, BE IT ORDAINED that the following Ordinance be adopted:

Definitions.

As used in this ordinance, the following terms shall have the meaning indicated:

(a)  Active Military Duty.

As defined by Title 26, § 814, Subsection 1, Paragraph A, of the Maine Revised Statutes, active military duty with the state military forces, as defined in Title 37-B, § 102, of the Maine Revised Statutes, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to the order of the Governor

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or the President of the United States, when the duty assignment is in combat theatre or in an area where armed conflict is taking place.

**Exemption granted.**

Pursuant to Title 36, § 1483-A, of the Maine Revised Statutes, the City shall exempt from the annual excise tax imposed pursuant to Title 36, Section 1482, of the Maine Revised Statutes vehicles owned by a Maine resident who is on active duty serving in the Armed Forces of the United States as defined by Title 36, § 1483-A, of the Maine Revised Statutes and who is permanently stationed at a military or naval post, station or base outside of the State of Maine or who is deployed for military service for more than 180 days. To apply for the exemption the resident must provide documentation as required pursuant to Title 36, § 1483-A, of the Maine Revised Statutes to the Tax Collector or his/her designee and comply with any policies or rules imposed by the Maine Bureau of Motor Vehicles or Maine Revenue Services in relation to registration procedures or the collection of excise tax.

**19-192 Mayor and Council**

WHEREAS, cluster development and the open space protected through these developments are desirable development forms in the more suburban parts of the city; and

WHEREAS, the Planning Board held a public hearing and voted unanimously to recommend the following modifications to the Land Use Ordinance;

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, with strike-out text being eliminated and underlined text being added:

**§ 300-315.2 Rural Residential District (RRES).**

A. Purpose. The district contains sensitive natural resources and residential neighborhoods and, for the most part, is not geographically well suited for extension of water and sewer. It is the district's intent to conserve the rural character of the City. Residential development and its support services (such as small scale shops, convenience retail, laundry, and other satellite services) will be permitted. Clustered developments are encouraged to conserve open space and natural values and minimize the cost of services. Maximum permitted densities will be in keeping with natural resource values and groundwater protection considerations.

B. Requirements for location of parking, servicing, and loading areas (one and two family dwellings are exempt). With the exception of all the allowable permitted uses, all off-street parking lots/areas/stalls, vehicle servicing areas and delivery and garage bay doors shall be located (to the greatest extent practicable) to the side or rear of buildings and away from the road frontage of the property. 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. Dimensional requirements.

(1) Single developments and minor subdivisions.

   (a) Minimum lot size: 60,000 square feet.
   (b) Minimum road frontage: 200 feet.
   (c) Minimum lot depth: 135 feet.
   (d) Minimum land area required per dwelling unit: 30,000 square feet.
   (e) Minimum building setbacks:

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[1] Front: 35 feet from arterial/collector streets. 20 feet from all other streets or right-of-ways. 20 feet/35 feet.**

(f) Maximum building height: 30 feet.

(g) Notes:
[1] *Front setback: 35 feet from the street line of arterial and collector streets; 20 feet from the street line of all other streets.

[2] **Side/rear setbacks are flexible; see § 300-502, Buffer yards.

[3] See the arterial/collector street list in § 300-515C.

(2) Major subdivisions.

(a) Minimum lot size: 40,000 60,000 square feet.

(b) Minimum lot size per dwelling unit: 20,000 30,000 square feet.

(c) Minimum open space per dwelling unit: 20,000 12,000 square feet.*

(d) Minimum lot size for nonresidential uses: 60,000 square feet.

(e) Minimum lot frontage:

(f) Minimum lot depth:

(g) Minimum building setbacks:
[1] Front: 35 feet from arterial/collector streets. 20 feet from all other streets or right-of-ways. 20 feet/35 feet.**


(h) Maximum building height: 30 feet.

(i) * All open space shall be Notes:
[1] *All open space shall be Made contiguous with existing open space on adjacent parcels located along an outside boundary (or boundaries) of the subdivision and/or protect valuable environmental resources to the greatest practicable extent;

[2] Shall be dedicated to an association of parcel owners within the subdivision through homeowner’s association documents or deeded to an approved land trust, initially created by the developer and which at a specified time period revert to said parcel owners. This open space.

[3] Shall include prioritize land appropriate to protection of sensitive areas including erodible or shallow soils, wetlands, aquifers, aquifer recharge areas, floodplains, steep slopes over 15%, high value plant and animal habitats, and shoreland district lands;

[4] May include land appropriate to passive and active recreational uses and communal utilities such as solar panels, wind turbines, septic fields, etc., but may include nonbuildable land such as wetlands and steep slopes.

[5] **Front setback: 35 feet from the street line of arterial and collector streets; 20 feet from the street line of all other streets.

[6] ***Side/rear setbacks are flexible; see § 300-502, Buffer yards.

[7] See the arterial/collector street list in § 300-515C.

Respectfully submitted,
Barbara Geaghan, City Clerk
11/18/2019

November 18, 2019
CITY OF AUGUSTA MINUTES – CITY COUNCIL,
BUSINESS MEETING
COUNCIL CHAMBERS CITY HALL
THURSDAY. NOVEMBER 7, 2019
7:00 P.M.

Present: Councilors Judkins, Lind, O’Brien, Grant and Mayor Rollins. Councilor’s Conti & Alexander are absent.

Consent Agenda

19-173 City Manager (Bureau of City Clerk)

Be it ordered, that the minutes of the City Council Business Meeting held October 17, 2019 submitted by the City Clerk be hereby tabled.

19-174 City Manager (Bureau of Audit)

Be it ordered, that the Roll of Accounts for the month of October 2019 in the amount of $8,856,958.55 is hereby approved.

19-175 Mayor

Be it ordered, that Daniel Stevens be hereby reappointed to the Historic District Review Board, said term to expire October 31, 2022 is hereby approved.

19-176 Mayor

Be it ordered, that Cheryl Clukey be hereby reappointed to the Historic District Review Board, said term to expire October 31, 2022 is hereby approved.

Motion for passage of the Consent Agenda orders 19-173 to 19-176.

By: Lind Second by: Judkins

Yeas: 4

Nays: 0

19-177 Mayor and Council

WHEREAS, the work done five years ago to simplify the Riggs Brook Village District was important and useful work, but the District still contains more design standards than other zoning districts and there is concern that those standards may stifle development; and

WHEREAS, the Council wishes to have the planning Board review and make recommend changes to the District that both encourage development and maintain a high quality of development.

Be it ordered, that the Planning Board review and recommend, over the coming months, if changes to the Riggs Brook Village District are necessary to spur new development and

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redevelopment of existing buildings in this part of the city. The review should include the examination of differing standards for new versus existing development.

Motion for passage of 19-177
By: Judkins    Second by: Lind
Yea: 4
Nays: 0

19-178 Mayor and Council

WHEREAS, contract zoning is an important tool to encourage creativity in developers in parts of the city that present development challenges; and

WHEREAS, the Council wishes to have the Planning Board review and recommend changes to the Contract and Conditional Zoning standards and developing process to sharpen the usefulness of the tool in those challenging areas, while making contract and conditional zoning requests less common in parts of the city where zoning stability is more important for existing property owners.

NOW THEREFORE BE IT ORDERED, that the Planning Board review and recommend, over the coming months, changes to the Contract and Conditional zoning standards and develop a process that helps clarify when and where such requests are more desirable or less desirable.

Motion to amend 19-178, (amendments are underlined)
By: Lind    Second by: O’Brien
Yea: 4
Nay: 0

Motion for passage of 19-178, as amended.
By: Lind    Second by Judkins
Yea: 4
Nay: 0

19-179 City Manager

Be it ordered, that the City Manager is authorized to submit a grant in the amount of Five Thousand Dollars ($5,000.00) to the Maine Bicentennial Commission for the purpose of developing Native Plant Gardens and corresponding educational materials and programs at the Lithgow Public Library. There is a local match requirement of one to one cash and/or in-kind services rendered.

Motion for passage
By: Lind    Second by: Grant

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Yeas – 4
Nays – 0

19-180 City Manager

Be it ordered, that the City Manager is hereby authorized to sell by auction the City-Owned properties at the Lone Indian Trail (Tax map 4A Lot 68) and 20 Tracy Street (Tax Map 49 Lot 40) both with a minimum bid of $5,000. All proceeds will go to the demolition of unsafe buildings account.

Motion for passage 19-180
B: Lind Second by: Judkins

Yeas – 4
Nays – 0

19-181 City Manager

Be it ordered, that the City Manager is hereby authorized to accept the Maine Emergency Management Agency FY 2019 Homeland Security Grant in the amount of $117,299.07. No local match is required.

Motion for passage 19-181
B: Lind Second by: Judkins

Yeas – 4
Nays – 0

19-182 City Manager (Bureau of City Clerk)

Be it ordered, that the attached tabulation results for the Municipal Candidate Election and Referendums held November 5, 2019, submitted by the City Clerk are hereby certified.

Motion for passage 19-182
B: Lind Second by: O’Brien

Yeas – 4
Nays – 0

19-183 City Manager (Bureau of City Clerk)

Be it ordered, that the attached tabulation results for the State of Maine Referendum Election held November 5, 2019, submitted by the City Clerk are hereby certified.

Motion for passage 19-183
B: Lind Second by: Judkins

Yeas – 4
Nays – 0

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19-184 Mayor and Council

Whereas, Efficiency Maine is offering grants for the installation of Level 2 electric vehicle charging station that are in public places; and,

Whereas, the grants will require a match of at least 50% of the funds received; and,

Whereas, electric vehicle charging stations operate as economic development tools attracting a growing segment of the population that owns such vehicles to destinations where the stations exist and there are activities for the user to engage in while the vehicle is charging.

Now therefore it be ordered, by the City Council of Augusta authorizes the City Manager to apply for the Efficiency Maine grant for two charging station locations, one at City Center and one at the Dickman Street Parking Garage and match grants with funds from the general fund contingency accounts.

Motion for passage 19-184

B: Lind Second by: O’Brien

Yea – 4
Nays – 0

19-170 Mayor and Council

Whereas, the definition for Specialized Medical Clinic needs to be combined with that of Medical Clinic; and

Whereas, zoning districts where these uses have traditionally occurred and should occur need to be added to the Land Use Table;

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 Ordinance, Land Use Ordinance:

1. Repeal the definition for “Specialized Medical Clinic” in Section 300-202; and
2. Delete the row Labelled “Specialized medical Clinic” in 300 Attachment 4 (Table of Land Uses in the Base Zoning Districts); and
3. Repeal the existing definition for “Medical Equipment” in Section 300-202 and replace it with the following definition:
4. Amend the row labeled “Medical Clinic” in 300 Attachment 4 (Table of Uses in the Base Zoning Districts) by placing a CU in the following district columns: BP, CB, CC, CD, KBD2, PD. And place an X in the following zoning district columns: MED, IA. CU indicates the use as a Conditional Use in the marked districts and X indicates the use is a Permitted Use in the marked districts.

Motion for passage 19-170

B: Lind Second by: Judkins

Yea – 4

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Nays – 0

19-171       Mayor and Council

Whereas, the re-use of this existing warehouse-style building will be advantageous; and

Whereas, the Planning Board held a public hearing and recommended contract zoning this parcel for this use;

Now Therefore, Be it ordained, by the City Council for the City of Augusta, Maine that the following amendments be made to the Code of Ordinances, Land Use Ordinance:

Assessor’s Map 7 lot 38A, zoned Riggs Brook Village District (RBV), shall be Contract Zoned in accordance with Section 300-106.B(d)[2] of the Augusta Land Use Ordinance to add the use “repair and sales of four wheelers, snowmobiles, and associated trailers: as a conditional use. Riggs Brook Village district design criteria (§ 300-314.7.C0 shall be reviewed by the planning board during the conditional use review.

Motion to table indefinitely 19-171

By: Lind       Second by: O’Brien

Yea – 4
Nays – 0

Meeting is adjourned 7:32 p.m.

Respectfully Submitted,

Barbara Geaghan, City Clerk

November 18, 2019
CITY OF AUGUSTAMINUTES — CITY COUNCIL,
BUSINESS MEETING
COUNCIL CHAMBERS CITY HALL
THURSDAY. NOVEMBER 14, 2019
7:00 P.M.

Present: Councilors Conti, Judkins, Lind, O’Brien, Grant, Alexander, and Mayor Rollins.

Consent Agenda

19-184 City Manager

Be it ordered, that the Malt, Vinous, Spirituous and Victualers’s License for The Raging Bull Saloon LLC located at 228 Water Street be hereby approved, conditional that all fees have been submitted.

Motion of passage of 19-184

Motion: Alexander Second by: Lind

Yea: 6
Nay: 0

Meeting adjourned at 7:15 pm

Respectfully Submitted,

Barbara Geaghan, City Clerk