CITY OF AUGUSTA
MINUTES FOR THE CITY COUNCIL BUSINESS MEETING
COUNCIL CHAMBERS CITY HALL
THURSDAY, FEBRUARY 7, 2019
7:00 P.M.

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


PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:

CONSENT AGENDA:

19-011 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held January 17, 2019, submitted by the City Clerk’s office be approved.

19-012 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Special Business Meeting held January 24, 2019, submitted by the City Clerk’s office be approved.

19-013 City Manager (Bureau of Audit)
BE IT ORDERED, that the Roll of Accounts for the month of January, 2019 in the amount of $5,511,486.29 be approved.

19-014 Mayor
BE IT ORDERED, that Carol Saunders is hereby reappointed to the Lithgow Library Board of Trustees, said term to expire February 7, 2022.

19-015 Mayor
BE IT ORDERED, that Catherine Cobb is hereby appointed to the Planning Board, said term to expire February 4, 2022.

19-016 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to accept grant funding in the amount not to exceed $6,000.00 from Inland Fisheries & Wildlife for the 2019 ATV Enforcement Grant. Grant funding will be utilized to provide directed ATV Enforcement. There is an in-kind match of $1,900.00 which is met with the use of the departmental ATV, fuel and the supervisor’s time administering the grant.

19-017 City Manager
BE IT ORDERED, that William Bridgeo is hereby reappointed as Voting Delegate Representative to the Maine Service Center Coalition.
BE IT FURTHER ORDERED, that Ralph St. Pierre is hereby designated as Alternate.

19-018 Mayor and Council
BE IT ORDERED, that the City Manager is hereby authorized to contract with the City’s designated realtor, REMAX Realty, for the listing of three tax acquired properties:

- **Orchard Street (Tax Map 21/Lot 31)** – a .20 acre lot in the RB1 zone with an assessed value of $12,800 and a suggested listing price of $5,000.
- **Cross Hill Road (Tax Map 4/Lot 11)** – a 3.10 acre lot in the RPDS zone with an assessed value of $22,600 and a suggested listing price of $15,000.
- **2881 North Belfast Ave (Tax Map 8/Lot 4)** – a .52 acre lot in the RPDS zone with an assessed value of $33,100 and a suggested listing price of $20,000.

19-019 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) & 5826(6) to the transfer of one Mossberg Maverick 88 shotgun, serial #MV21705V 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. Gerard Cormier, Kennebec Superior Court Doc. No., CR-18-1750.

19-020 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) & 5826(6) to the transfer of one 2015 Volvo S60 T6, vin # YV1902TH0F1317357 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. Austin Bond, Kennebec Superior Court Doc. No., CR-18-2159.

Motion to remove order 19-014 from the Consent Agenda
By Conti Second by: Wilson
Yeas: 8
Nays: 0

Motion for passage of the Consent Agenda orders 19-011 to 19-013, 19-015 to 19-020
By: Wilson Second by: Lind
Yeas: 8
Nays: 0

Motion for passage of order 19-014
By: Wilson Second by: Lind
Yeas: 7
Nays: 1 – Conti
Motion passed
NEW BUSINESS:
PART 1 – ORDERS AND RESOLVES

19-021 City Manager

WHEREAS, the City of Augusta, Maine (the “Lessee”) is a political subdivision duly organized under the constitution and laws of the State of Maine; and

WHEREAS, it is hereby determined that a true and real need exists for the acquisition by the Lessee from Central Maine Power Company of certain street lights located within the Lessee, which includes the brackets, lamp, photocell, fuse, fixture conductor wire, hardware and controls for each particular street light fixture (collectively, the “Equipment”), the conversion to LED (light emitting diode) technology of the Equipment and the other Lessee-owned lights, and installation of “smart technology” functionality on certain of those lighting fixtures (collectively, the “Project”); and

WHEREAS, it is necessary and desirable and in the best interest of the Lessee, as lessee, to enter into a loan and security agreement entitled Lease Purchase Agreement (the "Agreement") with TD Equipment Finance, Inc., as lessor (the “Lessor”), for the purposes of the Project, including financing the acquisition and conversion of, and granting a security interest in, the Equipment and other assets included in the Project;

Motion to suspend further reading of order 19-021
By: Wilson Second by: Elliott
Yeas: 8 Nays: 0

NOW, THEREFORE, BE IT ORDERED, by the City Council of the City of Augusta, Maine as follows:

Section 1. The Agreement, in substantially the form presented to this meeting, and the terms and performance thereof, which will include a total principal portion of the rental payments required pursuant to the Agreement not in excess of $1,152,504 and an interest rate not to exceed 3.11%, are hereby approved and the City Manager of the Lessee or his designee, including without limitation the Assistant City Manager for Finance and Administration of the Lessee (any of whom is referred to herein as an Authorized Representative), is hereby authorized to execute and deliver the Agreement on behalf of the Lessee, with such changes therein as shall be approved by the Authorized Representative, such approval to be conclusively evidenced by the Authorized Representative’s execution thereof.

Section 2. The Authorized Representative is hereby authorized to enter into an escrow agreement (the “Escrow Agreement”), if any, among the Lessee, the Lessor and the escrow agent to-be named therein, containing such terms and conditions as shall be approved by the
Authorized Representative, such approval to be conclusively evidenced by the Authorized Representative’s execution thereof.

Section 3. The Lessee shall, and the Authorized Representative is hereby authorized and directed to, take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Order, and to carry out, comply with and perform the duties of the Lessee with respect to the Agreement and the Escrow Agreement, if any.

Section 4. That all actions heretofore taken by the Authorized Representative relating to the execution and delivery of the Agreement and any Escrow Agreement are hereby ratified, approved and confirmed.

Section 5. This Order shall take effect and be in full force at the end of ten (10) days after its adoption by the City Council of the Lessee.

Motion for passage of order 19-021.
By: O’Brien Second by: Day
Yea: 8 Nays: 0

19-022 City Manager
WHEREAS, Summit Natural Gas of Maine has requested an easement across property owned by the City of Augusta from Pierce Drive to Fieldstone Place subdivision;

NOW, THEREFORE, BE IT ORDERED, by the City Council of the City of Augusta, Maine, that the City Manager is hereby authorized to negotiate a price and sign an easement on behalf of the city to allow Summit Natural Gas of Maine to install a natural gas line to Fieldstone Place. The path shall generally follow the same path from Pierce Drive to the subdivision that the Greater Augusta Utility District uses to provide sewer service to the subdivision.

BE IT FURTHER ORDERED, that the proceeds of said agreement shall be added to existing reserve funds for the capital improvement of Alumni Field.

Motion for passage of order 19-022.
By: O’Brien Second by: Lind
Yea: 8 Nays: 0

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

19-023 Mayor and Council
BE IT ORDAINED, by the City Council of the City of Augusta, as follows:
That Part II of the Code of Ordinance, Chapter 31 Elections, of the Revised Code of Ordinances 1990, as amended, be further amended by removing the language with the strike through and adding the following language as underlined:

§ 31-2 Voting places.

B. The voting places in the City wards are the following:
Ward 1: Augusta State Armory  Buker Community Center
Ward 2: City Center
Ward 3: Augusta Civic Center
Ward 4: Cony High School

§ 31-9 Write-In Candidates

The requirements for declaration of write-in candidates and the procedures for tallying and reporting of votes cast for all write-in candidates at municipal elections shall be in accordance with the provisions of State Law regarding candidates and State elections as set forth in Title 21-A of the Laws of the State of Maine, except that the deadline for declaring as a write-in candidate shall be at the end of business on the 45th day prior to the election.

BE IT FURTHER ORDAINED, that the proposed amendment would not go into effect until 90 days after final adoption.

19-024 Mayor and Council
WHEREAS, solar energy collectors are highly scalable from very small installations to very large installations, and have very different impacts on the landscape than more traditional power generating facilities; and

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

Motion to suspend further reading of order 19-024
By: Wilson       Second by: Elliott
Yeas: 8
Nays: 0

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 to § 300-202. Definitions
Solar Energy System, Building or Ground Mounted – A system for transforming solar energy into another form of energy either for electrical or heat generation purposes. Systems are considered structures and subject to building height and setback standards, and may be further regulated in Historic Districts. Three defined sizes are based on the perimeter boundary of all the structures of the system, including space between rows of structures.
A. **Small Scale Solar Energy System** – A system smaller than 1,500 square feet.
B. **Medium Scale Solar Energy System** – A system 1,500 square feet to less than 15,000 square feet.
C. **Large Scale Solar Energy System** – A system 15,000 square feet or larger.

Add to the Property Maintenance Ordinance:


Ground mounted medium and large scale solar energy systems which have failed to operate for more than one year shall be considered abandoned. Removal of all structures shall be completed by the landowner and/or the equipment owner within 90 days of abandonment or decommissioning. Removal shall follow procedures of the Wrecking and Demolition Permit.

Add to the Land Use Chart (300 Attachment 4, Table of Land Uses in the Base Zoning Districts):

<table>
<thead>
<tr>
<th>Solar Energy System</th>
<th>Building Mounted, Small, Medium and Large Scale</th>
<th>Permitted in all districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Energy System</td>
<td>Ground Mounted, Small Scale</td>
<td>Permitted in all districts</td>
</tr>
<tr>
<td>Solar Energy System</td>
<td>Ground Mounted, Medium Scale</td>
<td>Conditional Use: RA, RB1, RB2, RC (Residential Districts) Permitted: All other districts</td>
</tr>
<tr>
<td>Solar Energy System</td>
<td>Ground Mounted, Large Scale</td>
<td>Conditional Use: All districts</td>
</tr>
</tbody>
</table>

19-025 **Mayor and Council**

WHEREAS, providing additional opportunity for input by neighbors will help improve the compatibility of uses during a Planning Board review; 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:

Motion to suspend further reading of order 19-025

By: Wilson Second by: Day

Yeas: 2 – O’Brien and Wilson

Nays: 6

Motion failed

300-603.E Site plan review criteria applicable to conditional uses.

(1) Neighborhood compatibility. [The intent of this subsection is to encourage the applicant to design the proposal in consideration of the physical impact it will have on the immediate neighborhood (within 500 feet if the property is in the Urban Growth Area Districts and within 1,000 feet if the property is in the Planned Development and/or Rural Districts, Major Development, Major Subdivision, New or Expanded]
Mineral Extraction Licenses and Renewals, and shooting ranges will have a 2,000 foot standard in the Planned Development and/or Rural Districts.]

300-603.C(1) Conditional Uses, Public Hearing Notices

(b) Notices shall be given to each of the following:

[1] To the applicant, City Council, Planning Board and Board of Zoning Appeals.
[2] To all residents of the City, by publication in a newspaper of general circulation in the City at least 10 days before the hearing, and by posting a sign on the portion of the property involved that is nearest the public road.
[3] To the owners of the properties, by regular United States mail, within 500 feet of the parcel involved if the parcel is located in the Urban Growth Area Districts or within 1,000 feet of the parcel involved if the parcel is located in the Planned Development and/or Rural Districts.

[4] For the purposes of this section, the owners of property shall be considered to be the parties listed by the Assessor's office of the City of Augusta as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action by the Planning Board.

COMMUNICATIONS

Committee Reports
City Manager’s Report

Motion to adjourn at 8:12 p.m.
By: Alexander Second by: Elliott
Yeas: 8
Nays: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk
February 7, 2019