INFORMATIONAL MEETING AGENDA

THURSDAY, MARCH 22, 2018
CITY HALL (COUNCIL CHAMBERS)
6:30 P.M.

A. Items for discussion submitted by the City Council and/or the City Manager:

1. Ad-Hoc Age Friendly Advisory Committee Grant Application – City Manager
2. Beer Garden/Tent requests summer 2018 and Chamber of Commerce Brewer's Festival – City Manager
3. Serving Beer and Wine at Lithgow Library Special Events – City Manager
4. Change to Mass Gathering Ordinance – City Manager
5. Proposed Downtown Two-Way Traffic Study – City Manager

B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:

C. Open comment period for any persons wishing to address the City Council:
To: City Manager and City Council
Re: Beer Gardens Summer of 2018
From: Leif Dahlin, Director of Community Services
Date: March 19, 2018

I am presently aware of four community events this summer that have designs on hosting a beer garden during the activity. I thought it prudent to ask Council to address them all at once for authorization consideration.

Specifically the four events are;

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
<th>VENUE</th>
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<tbody>
<tr>
<td>June 9th</td>
<td>Food Truck Festival,</td>
<td>Mill Park</td>
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<tr>
<td>June 16th and 17th</td>
<td>Augusta Trails Treadfest</td>
<td>Bond Brook Recreation Area</td>
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<tr>
<td>June 30th</td>
<td>KVCC- Kennebec River Day,</td>
<td>Mill Park</td>
</tr>
<tr>
<td>July 6th</td>
<td>ADA- Colonial Theater Fund Raiser</td>
<td>Front St.</td>
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</table>

To date over the past 10 years that council has been authorizing events to have a Beer Garden there has NOT been a single issue or problem in the conduct of the event(s) resulting from the Beer Garden. A representative from each of the four requested events seeking approval to host a Beer Garden will be at City Council to discuss.
MEMORANDUM

TO: Mayor and City Council, City of Augusta, Maine

FROM: Stephen E.F. Langsdorf, Corporation Counsel

DATE: March 13, 2018

RE: Mass Gathering Ordinance/Outdoor Entertainment Permit

At the February 5 informational meeting of the Council an amendment to the Mass Gathering Ordinance was discussed shortening the time frame in advance of the event to apply for the permit from 30 days to 7 days. It was also discussed that some businesses have been obtaining mass gathering permits for the lawful purpose of avoiding the noise regulations set forth in the land use ordinance. Section 300-514(A)(1)(a)(i)(a) of the Land Use Ordinance exempts licensed events from the noise ordinance between 7:00 a.m. and 10:00 p.m. I reviewed this matter with Code Enforcement, the Police Department and the City Manager’s office. My proposal, which has been agreed to by all of the above, is to propose a separate ordinance, Outdoor Entertainment Permit, which would provide for an annual permit for outdoor entertainment similar to permits for special amusement for indoor facilities from 9:00 a.m. to 9:00 p.m. The permit would still be subject to the exemption from the noise standards. The annual outdoor entertainment license would be limited to gatherings expected to attract no more than 200 people. Any event which would attract more than 200 people would still be subject to the mass gathering ordinance for the individual event. I also suggest amending the Land Use Ordinance to match up the time frames.

The Mass Gathering Ordinance advance for obtaining a permit will be reduced to 7 days to address constitutional concerns. Attached to this memo are the new and amended ordinances.

SEFL: ryp
OUTDOOR ENTERTAINMENT ORDINANCE
CITY OF AUGUSTA

ARTICLE VII  OUTDOOR ENTERTAINMENT PERMIT

Sec. 115-32. Permit Required.

A. It is recognized that outdoor entertainment gatherings may create a hazard to public health and safety. Accordingly it is deemed appropriate and in the interests of the public welfare to regulate such gatherings in order to protect the public health and safety.

B. No person shall conduct any outdoor entertainment gathering with the understanding that the gathering may attract no more than 200 persons until a permit has been obtained therefor from the Augusta Police Chief or his designee.

C. The permit shall be valid for a calendar year and will allow outdoor entertainment gatherings to occur between the hours of 9:00 a.m. and 9:00 p.m.

Sec. 115-33. The Police Chief shall grant a permit to conduct outdoor entertainment gatherings to be attended by no more than 200 persons upon written application therefor unless it appears to the Police Chief with a reasonable certainty that such gatherings will unreasonably endanger the public health or public safety. An applicant who has been denied a permit shall be granted a prompt hearing for reconsideration of such denial if the applicant so requests in writing submitted to the City Clerk within 5 days after notice of such denial; such hearing shall be before the City Council.

Sec. 115-34. Conditions of Permit Issuance.

A. Prior to the issuance of a permit under this article, the applicant shall furnish the Police Chief with adequate proof that the following will be available at the gatherings:

1. Adequate and satisfactory water supply and sewer facilities;

2. Adequate refuse storage and disposal facilities;

3. Such other matters as may be appropriate for security of health and safety.

Sec. 115-35. Permit Fee. The fee for a permit under this section shall be $250.00. The fee of $250.00 is payable at the time of application. The City Council may modify this fee from time to time by order.
§ 300-514. Air and water quality standards.
A. Air quality. [Amended 12-1-2011 by Ord. No. 116]

(1) Noise standards. [Amended 2-2-2012 by Ord. No. 11-149]

(a) Applicability.

[1] Not applicable. This subsection shall not apply to the following:

[a] Outdoor entertainment/music. Events authorized via any municipal permit/license shall be exempt for normal operation hours of 7:00–9:00 a.m. to 10:00–9:00 p.m. Regular operations beyond 10:00–9:00 p.m. shall require authorization through a Planning Board conditional use permit.

[b] Recreational activities. Events otherwise allowed by law, for which any necessary permit has been granted by the City, including but not limited to sporting events, parades, and fireworks displays, shall be exempt.

[c] Power equipment and maintenance equipment. Such equipment when operated during between 7:00 a.m. to 10:00 p.m. shall be exempt. Such equipment includes but is not limited to power mowers, chainsaws, power tools, leaf blowers, and hedge trimmers. Snowblowers shall be exempt at all times of the day.

[d] Generators. Generator noise when operated during any time of the day during a power outage shall be exempt. Generators operated between 7:00 a.m. and 10:00 p.m. when there is no power outage shall be exempt. Medical facility generators shall be exempt at all time of the day, regardless of power outage conditions.

[e] Safety signals, warning devices, emergency pressure relief valve. Noise from such devices shall be exempt.

[f] Motor vehicle refueling station speakers. Noise for speakers required by local, state, or federal law at refueling pumps shall be exempt, provided they are used only to allow employees to
Chapter 115. Amusements and Public Gatherings

Article VI. Mass Outdoor Gatherings

[Amended 9-8-2003 by Ord. No. 105]

§ 115-26. Permit required.

A. It is recognized that a mass outdoor gathering attended by 200 or more persons may create a hazard to public health and safety. Accordingly, it is deemed to be appropriate and in the interest of the public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

B. No person shall sponsor, promote or conduct a mass outdoor gathering with the intent to attract or the understanding that the gathering may attract 200 or more persons until a permit has been obtained therefor from the Augusta Police Chief or his designee. The application for a permit must be submitted no less than 30-7 days prior to the mass gathering, unless the City Manager allows a shorter time frame for good cause shown.

§ 115-27. Granting or denial of permit; hearing.

The Police Chief shall grant a permit to sponsor, promote or conduct a mass outdoor gathering to be attended by 200 or more persons upon written application therefor unless it appears to the Police Chief within a reasonable certainty that such gathering will unreasonably endanger the public health or public safety. An applicant who has been denied a permit shall be granted a prompt hearing for reconsideration of such denial if the applicant so requests in writing submitted to the City Clerk within five days after notice of such denial; such hearing shall be before the City Council.


A. Prior to the issuance of a permit under this article, the applicant shall furnish the Police Chief with adequate proof that the following will be available at the gathering:

(1) Adequate and satisfactory water supply and sewer facilities;

(2) Adequate refuse storage and disposal facilities;

(3) Adequate medical facilities;
(4) Adequate fire and police protection; and

(5) Such other matters as may be appropriate for security of health and safety.

B. The Police Chief may require such plans, specifications and reports as are deemed necessary for a proper review of the proposed mass gathering. [1]

[1] Editor's Note: Original § 3-119 of the 7990 Code, regarding bonds and other security, which immediately followed this section, was repealed 4-5-2004 by Ord. No. 55.

§ 115-29. Permit fee.

The fee for a permit under this article shall be $100, plus the cost estimated by the City for cleanup and traffic control. The fee of $100 is payable at the time of application and the balance when the permit is issued. The City Council may modify this fee from time to time by order.

§ 115-30. Violations and penalties.

Any person violating any provision of this article shall be punished by a fine of not more than $1,000 or by imprisonment for not more than 30 days, or by both.


This article does not apply to athletic events conducted by the Board of Education, Little League or other organizations, provided alcohol is not available.
MEMORANDUM

TO: Mayor and Council, City of Augusta, Maine
FROM: Stephen E.F. Langsdorf, Corporation Counsel
DATE: March 14, 2018
RE: Charter Amendments

Attached to this memo are the revised proposed Charter amendments. I have spoken to the Clerk and we have shortened the time frame on the nomination papers to the minimum number of days. The only new item in here is the City Manager’s suggestion related to potential changes to the Initiative and Referendum section of the Charter. This is based on a case I handled within the last two weeks at the Law Court involving language under the Brunswick Charter. Case law makes it clear that the right of initiative and referendum extending to orders and resolutions has the potential of seriously disrupting activities of the Council.

I will be in attendance at the March 22 informational meeting to discuss.

SEFL:ryp
Article II, Sec. 6. Regular meetings.

The council shall meet on the first Monday–Thursday in January, at such time and place on that date, or at such other date as the previous council shall determine, at which time the mayor-elect, the councilors-elect, members-elect of the school board, and the school board chairperson-elect shall be sworn to the faithful discharge of their duties by the city clerk, a notary public, dedimus justice or an attorney-at-law. Thereafter the council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

Article II, Section 9.

The council may by an affirmative vote of six (6) voting members pass emergency ordinances, orders or resolves to take effect at the time indicated therein. Such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined. No emergency ordinance may be enacted unless it involves life, health, safety or property. Every emergency ordinance shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent enactment of the ordinance on a non-emergency basis.

Article II, Sec. 10. Charter review.

Unless otherwise required by municipal referendum or state law, a charter commission shall be created and elected in accordance with state law at least every ten (10) years in order the Council will review the Charter at least once every ten (10) years to determine whether a Charter Commission should be established or whether amendments should be considered to provide for citizen review of the structure of city government.

Article II, Section 11. Leaves of Absence.

If any member of the City Council or the Board of Education, or the Mayor or Chairperson of the Board of Education is unavailable or unable to serve for any reason for one hundred twenty (120) days, they will be considered to have resigned their position. After 120 days the City Council or the Board of Education, as the case may be, will either accept the resignation and declare a vacancy or extend a leave of absence to the date it determines.
ARTICLE IV:
Board of Education

Sec. 1. Composition, election and tenure of office

The terms of all members shall be for three years or until their successors are elected and qualified. Including the office of chairperson, no person may serve-be elected as a member of the board for more than three consecutive three year terms, unless he or she was elected to an initial term of 18 months or less, in which case he or she may still be elected to three consecutive three year terms. Members shall be nominated and elected under the provisions of Article V. Their qualifications as to residency in a ward and the effect of removal therefrom shall be the same as in the case of councilors hereinbefore set forth.

Article IV, Sec. 5. Chairperson of board.

No person may serve-be elected as chairperson of the board for more than three (3) consecutive three (3) year terms, unless he or she was elected to an initial term of eighteen (18) months or less, in which case he or she may be elected to three (3) consecutive three (3) year terms. This limitation does not prevent a school board member from being elected to 3 consecutive terms as Chairperson starting immediately after that member’s term expires on the board.

Article V, Sec. 5. Filing nomination papers; acceptances of nominations must be filed.

The nomination petitions for any one candidate shall be assembled and united into one petition and filed with the City Clerk not earlier than the first Tuesday in August and no later than 4:30 p.m. on the third Tuesday in August. Nomination papers for elections will be available on the 100th day prior to the election, and shall be available for 40 days. No nomination shall be valid unless the candidates shall file with the City Clerk in writing not later than the third Tuesday in August prior to the November election his or her consent, accepting the nomination, agreeing not to withdraw and, if elected, to qualify.

The nomination petitions for any one candidate shall be assembled and united into one petition and filed with the City Clerk not earlier than the 75th day nor later than the 60th day prior to the election.

The Council shall have the authority to shorten the nomination period as needed.

No nomination petition shall be valid unless the candidate shall file with the City Clerk in writing his or her consent, accepting the nomination, agreeing not to withdraw and, if elected, to qualify; prior to the close of business on the last day of filing.

Any changes to State law which alter these deadlines will automatically be incorporated into the Charter.
Article V, Sec. 6. List of candidates to be published.

The City Clerk shall certify the list of candidates and shall cause to be published in one or more of the daily newspapers circulating in the City the names, the residences and offices to which nominated, of the candidates who have duly filed the above-described petitions and acceptances.

Article V, Sec. 9. Count of ballots.

All votes cast for the several offices shall be sorted, counted, declared and registered in open and posted in each polling place as provided by statute. The Ward Clerk shall forthwith deliver to the City Clerk a certified copy of the records of such election.

The Council shall examine copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected Mayor, and members of the Council and other elected office as provided in this Charter to be notified in writing of their election. If it shall appear that at the first election, or at any subsequent election, one or more of the offices to be filled has not been filled or if the person elected shall refuse to accept the office for which he or she has been elected, the Council shall order a special election to fill such vacancy or vacancies.

Article V-A. Initiative and Referendum

Sec. 1. Preamble.

The qualified voters of the City of Augusta shall have the power of initiative to propose ordinances, orders and resolves and the power of referendum to repeal ordinances, orders and resolves adopted by the City Council as set forth in this article in regard to its municipal affairs.

Sec. 2. Established.

No initiative or referendum dealing with appropriations, tax levy or terms and conditions of employment for City employees shall be allowed pursuant to the initiative and referendum provisions contained in this article.

A referendum to repeal an order authorizing the City to enter into a contract may only occur one time. The initiative process may not be used when it has the effect of repealing a Council Order or Resolution impairing the City's obligation of contract.

The Council may stay the effect of any ordinance, order, or resolve which is the subject of referendum by majority vote at any time during the referendum process.
Sec. 3. Authority to establish regulations.

The Council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

Sec. 4. Effect of repeal.

All ordinances, orders or resolves or parts thereof which are hereafter repealed by referendum shall remain in force for all past violations of them and for the recovery of the penalties and forfeitures already incurred and for the preservation of all rights and remedies existing by them, and, so far as they apply, to any office, trust, proceeding, right, contract or event already effected by them.

Sec. 5. Form of application.

The Council shall approve application and petition forms for initiative and referendum. Such forms will be made available at the City Clerk’s Office.

Sec. 6. Procedure to invoke.

(a) The process of initiative or referendum is commenced by the presentation of an application in the manner herein provided.

(b) Any 10 qualified voters of the City may originate an application for initiative or referendum by signing such application at the office and in the presence of the City Clerk.

(c) Whenever requested by 10 such qualified voters, the City Clerk shall prepare the proper application with a copy of the ordinance, order or resolve to be submitted attached thereto and upon its being signed by the 10 voters, the City Clerk shall file the application with the signatures of the 10 qualified voters. An application for referendum must be filed within 60 days of the passage of an ordinance, order or resolve enacted after November 15, 2008.

(d) The Clerk shall, within two business days of receipt of the application, deliver the application to Corporation Counsel. Corporation Counsel shall, within 10 business days, prepare a written opinion as to whether the proposed ordinance, order, or resolve is in conflict with the Constitution, statutes or regulations of the United States, or the Constitution, statutes or rules of the State of Maine or the Charter of the City of Augusta. In addition to providing the legal opinion, Corporation Counsel shall identify any ambiguity or lack of clarity in the question. During the ten-day period following the issuance of the opinion, Corporation Counsel will work with the petitioners to attempt to resolve any illegalities and to clarify the question. The petitioners are not obligated to agree to proposed amendments suggested by Corporation Counsel. Following the ten-day period, if it is Corporation Counsel's opinion that the petition is in conflict with the Constitution, statutes or regulations of the United States, or the Constitution, statutes or
rules of the State of Maine or the Charter of the City of Augusta, the City Council shall, at its next business meeting, vote on whether to accept Corporation Counsel's opinion. If the Council agrees with Corporation Counsel's opinion that the question is illegal, the process terminates. Within two business days of receipt of Corporation Counsel's opinion that the question is legal or the City Council vote determining the question is legal, the City Clerk shall cause to be printed, at the expense of petitioners, an adequate supply of petitions. Said petitions must be picked up at the City Clerk's office within 10 business days. In the event said petitions are not picked up from the City Clerk's office within said 10 business days, the process terminates as to the requested initiative and referendum question.

(e) The petitioners shall have 75 days to return the petition to the City Clerk. If the 75th day is a Saturday, Sunday or legal holiday, the deadline is extended to the next business day. Upon receipt, the Clerk shall, within 10 days, check each signature against the voting list and certify to the Council that the number of verified signatures to the petition totals 20% or more of the total votes cast for Governor by the voters of the City at the last state gubernatorial election. If the total number of verified signatures totals less than the required 20%, the initiative or referendum process shall terminate and the Council and petitioners will be so advised by the Clerk. Upon certification by the Clerk that the requisite number of verified signatures was obtained, the Council shall at its next business meeting order that the question proposed in the petition be submitted to the voters of the City and, in the case of a referendum, the ordinance, order or resolve shall be stayed until the election process has been completed. For a referendum, the election shall be held on the first Tuesday following the expiration of 60 days from the date of the Council Order, unless a municipal election is already scheduled within 120 days, in which case the referendum election will occur at the scheduled election. For an initiative, the election shall occur at the next regular or special municipal election.

(f) In the case of a referendum, the entire repeal of the ordinance, order or resolve sought to be referred and in case of the initiative the passage by the Council of the desired ordinance, order or resolve shall put an end to all proceedings under such petition process.

Sec. 7. Council's authority to propose enactments or repeals.

The Council may submit on its own initiative a proposition for the enactment or repeal of any ordinance, order or resolve to be voted upon at a regular or special municipal election. The Council may propose an alternative ordinance, order or resolve which shall be voted on at the same municipal election as a certified pending initiative or referendum question.

Sec. 8. Form of ballots.

The ballots used in an initiative shall set forth the title thereof in full and state the words: "In favor of the adoption of the ordinance, order or resolve, yes or no." For ballots used in a referendum, the ballot shall set forth the title thereof in full and state the words: "In favor of repealing the ordinance, order or resolve, yes or no."
Sec. 9. Publication of text.

Whenever any ordinance, order or resolve is required by the provisions of this article to be submitted to the voters of the City, two publications of the complete text thereof shall be made in one daily newspaper published in the City. Such publication shall be made not less than seven days nor more than 15 days prior to the election.

Sec. 10. Multiple questions.

If two or more ordinances, orders, resolves or questions are submitted at the same election, they shall be placed upon the ballot in the order of the priority of the filing of the application and shall be given precedence upon the ballot over any and all questions submitted by the Council on its initiative.

If two or more ordinances, orders or resolves are on the ballot at the same election which contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

Any number of proposed referred ordinances, orders or resolves may be voted upon at the same election.

Sec. 12. Failure of referendum or initiative.

If a referendum or initiative fails at an election, a new process for referendum or initiative involving the same question or one having the same effect may not commence for one year from the date of the election.

Sec. 13. Procedure for repealing or amending.

After two years from the date of the election, the Council may enact an ordinance, order or resolve repealed by referendum or amend or repeal an ordinance, order or resolve enacted by initiative by affirmative vote of six members, one of them whom may be the Mayor.

Article VII, Section 7:

No order or orders providing for the issue of bonds which in the aggregate total in excess of seven hundred fifty thousand one million dollars ($750,000,001,000,000), pledging the full faith and credit of the city and approved by the council in any one fiscal year shall become effective until ratified by a majority of the voters voting thereon at a general or special election. The provisions of this section shall not apply to loans made in anticipation of receipts from taxes nor in anticipation of money to be received from the state or federal governments.
TO: Mayor and City Council
FROM: City Manager Bill Bridgeo
RE: Budget Review Schedule
DATE: March 13, 2018

Below is the schedule for Council review of the FY 2018/2019 budget. These meetings will begin at 6:30 p.m. in Council Chambers unless otherwise noted. It is expected that all meetings will be televised by CTV-7 staff.

Monday, April 9  6:30 p.m.  School Department
Thursday, April 12  6:30 p.m. Informational Meeting  Civic Center Development Services
Tuesday, April 17  6:30 p.m.  Public Works/Hatch Hill/ Central Garage
Wednesday, April 25  6:30 p.m.  Fire Department Police Department
Tuesday, May 1  6:30 p.m.  Community Services Finance & Administration
Thursday, May 3*  7:00 p.m.  Council Meeting
Tuesday, May 15  6:30 p.m.  Revenues Legislative & Executive Utilities Retirement & Insurance Bonded Indebtedness County Tax Wrap-up
Wednesday, May 23  6:30 p.m.  Wrap-up (if needed)
Tuesday, May 29  6:30 p.m.  Wrap-up (if needed)
Thursday, May 31  6:30 p.m.  Special Business Meeting for Appropriation Resolve

June 12, 2018 School Budget Validation Vote
(*May 3, 2018 – Public Hearing)