INFORMATIONAL MEETING AGENDA

THURSDAY, SEPTEMBER 13, 2018
6:30 P.M.
CITY HALL (COUNCIL CHAMBERS)

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

1. Council Core Values – Councilor Lind
2. Proposed Zoning Change, Riverside Drive Signage – Councilor Lind
3. Proposed Zoning Change on Whitten Road – Mayor Rollins
4. Access Across City Property for Residents of 74 Boothby Street – City Manager
5. Food Sovereign Community – Councilor O’Brien
6. Proposed Reorganization of Community Services Department – 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:
City of Augusta Maine
City Council Core Values

The citizens of Augusta Maine are entitled to have a fair, ethical and accountable City Council that works to maintain the public's full confidence. The effective functioning of the City Council therefore requires the acceptance of the following core values:

**Maintain high standards of integrity**

In all actions, be guided by the highest standards of personal and professional integrity.

Avoid interest or activity that may be in conflict with or lends to a perception of being in conflict with official City responsibilities.

Avoid personal gain from the performance of official duties.

Do not accept or seek undue credit for the work of others.

**Be courteous, respectful and promote civility**

Support and maintain open communication, cooperation, and respectful disagreement.

Appreciate the dedication and compassion in others.

Focus on issues and avoid personalizing debate.

Exercise self-control.

Address citizens, city employees, committee/board members and fellow Councilors with equal respect.

Encourage and promote a cooperative atmosphere free from fear, discrimination, all forms of harassment, intimidation, or unfair treatment.

Respect the work done by others on behalf of the City including professional staff.

**Be accountable**

Perform city related activity consistent with a high standard of responsibility and fiduciary duty.

Serve with respect, concern, and courtesy.

Act with professional competence and fairness.

Respect privileged information obtained in the course of official City duties.

Refrain from openly displaying self-pity, discouragement, anger, frustration, or emotional displays that may discredit the City.

Date:
§ 7-1 Purpose.
The purpose of this section is to set forth codes of conduct that govern how the Board of Selectmen and Town Manager will function in relation to one another and in relation to the public that they both serve.

§ 7-2 Board of Selectmen.
The Board of Selectmen shall conduct its duties in accordance with this code of conduct to the extent possible:

A.
Be responsible elected officials dedicated to the concepts of effective and democratic local government.

B.
Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

C.
Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the public.

D.
Conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

E.
Not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.

F.
Recognize that the chief function of local government at all times is to serve the best interests of all of the people, to the maximum extent possible.

G.
Adopt and implement Town policy that is fair, impartial, and meets the objective of furthering the quality of life in Topsham for its citizens.

H.
Work cooperatively as a Board of Selectmen in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

I.
Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

J.
Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

K.
Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions pertaining to appointments, pay adjustments, promotions,
and discipline; handle all personnel matters in a confidential manner, respecting the
rights of the employee involved and refraining from any public criticism of the Town
Manager or other Town employees who are appointed by the Board of Selectmen.

L.
Seek no favor; believe that personal aggrandizement or profit secured by confidential
information or by misuse of public time is dishonest.

M.
Not invest or hold any investment, directly or indirectly, in any financial business,
commercial, or other private transaction that creates a conflict with their official duties.

N.
Not disclose to others, or use to further their personal interest, confidential information
acquired by them in the course of their official duties.

O.
Not engage in, solicit, negotiate for, or promise to accept private employment, nor
should he or she render services for private interests or conduct a private business
when such employment, service, or business creates a conflict with or impairs the
proper discharge of their official duties.

§ 7-3 Town Manager.
The Town Manager shall conduct his/her duties in accordance with the Maine Town and
City Management Association Code of Ethics.

Privacy Policy Terms of Use
OUR MISSION AND CORE VALUES

MISSION STATEMENT

We deliver quality City services and commit to achieve San Antonio's vision of prosperity for our diverse, vibrant, and historic community.

CORE VALUES

TEAMWORK
We work together to make San Antonio better.

INTEGRITY
We model ethical behavior.

INNOVATION
We are driven by continuous improvement.

PROFESSIONALISM
We are qualified, skilled and committed.
Disclaimer

The Administrative Regulations are made available on the Intranet as a service and reliance on any such information is at the user's own risk. The City of Augusta does not warrant the accuracy, reliability, completeness or timeliness of any information on the City's Intranet site and may not be liable for any losses caused by any person's reliance on the information available on this site. An official copy of the Administrative Regulations is available at the Human Resources office.

City of Augusta
Administrative Regulations

Revisions adopted by Council October 19, 2017
Administrative Regulations

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4. The City does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time and off the city’s premises, except in areas specifically authorized.

5. Employees may contact the Human Resources Department for information regarding the effects of smoking and the availability of smoking cessation programs.

VI F. Code of Ethics

The following Code of Ethics shall be used by all City officials, which includes all employees, council members and members of any City boards or commissions. This code shall be used as a guide for all official conduct including the following items:

1. Acceptance of any money or gifts by an official when given under circumstances indicating the hope or expectation of receiving better treatment than that accorded to the public in general is prohibited and may result in immediate dismissal.

2. Confidential information. Officials shall not disclose confidential information acquired in the course of official duties or use such information to further personal interests.

3. Representation before one's own agency. Officials shall not receive, or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which the official is an officer, member or employee or of any municipal agency over which the official has jurisdiction or to which the official has the power to appoint any member, officer, or employee.

4. Representation before any agency for a contingent fee. Officials shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the municipality, whereby compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

5. Disclosure of interest in legislation. To the extend that he/she knows thereof, any official who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the official has in such legislation.

General Conduct. City employees shall be expected to conduct themselves in a manner which shall be becoming to the City as a whole and to the position which they hold. This shall apply to any conduct, work related or not, which affects the City. Violation of this standard shall be grounds for discipline up to and including dismissal.

VI G. Professional Dress and Grooming Standards

The appearance of all employees contributes significantly to the respect which others have for us as an organization. Many employees may be required to wear uniforms, as defined by department-specific policy. On the matter of personal appearance, all employees are expected to observe the neatness and good taste that are consistent with the dignity of their position and
MEMO

To: City Council
    William Bridgeo, City Manager

From: Matt Nazar, Director of Development Services

Date: September 10, 2018

Re: Electronic Message Centers in the PD2 zoning district

Councilor Lind has requested information on the current prohibition on signs with electronic changeable copy in the Planned Development 2 (PD2) zoning district along Riverside Drive. The PD2 zoning district was created in 2009 and initially only covered the area between the Alfond Connector and the point where Riggs Brook crosses Riverside Drive. The district was initially to accommodate development of a pool table business adjacent to Savage Park. The district was dramatically expanded in 2013 and a number of performance criteria were added, including a performance standard prohibiting electronic changeable copy.

The City Council had a subcommittee and extensive public meetings regarding the zoning on Riverside Drive in 2013 generated by concerns over the construction of the CN Brown property. That project generated a very significant amount of concern by Riverside Drive residents. One of the issues at that time was concern about the way electronic changeable copy on signs changes the character of an area and residents on Riverside Drive expressed a desire to not have any more of them after the CN Brown one was installed.

Councilor’s Munson and Rollins were the two City Council members I recall being directly involved in working with the residents and creating the language of the new PD2 zone that resulted from those conversations. The specific language that was added to the PD2 zoning district to address the concern about electronic changeable copy signs is below

Section 300-314.9(D)(4)
   (4) Signs. No electronic changeable copy or neon signs are allowed.

Additionally, Section 300-516(H)(6)(a) lists the zoning districts where Electronic Message Centers (sign with electronic changeable copy) can be located and PD2 is not a listed zone. If the Council wishes to allow these types of signs in the PD2 zoning district, both of these sections in the LUO would need to be amended to allow them.
Loretta Lathe

From: Shostak Construction Corp. <SHOSTAKCONSTRUCTIONCORP@myfairpoint.net>
Sent: Friday, August 10, 2018 4:06 PM
To: Council
Cc: William Bridgeo
Subject: codes issues

Dear Council Member

My family and I own land on the Whitten Road. The names of our entities are 2S LLC (owner of 76 Whitten road), Rockwood Development Corp (owner of most of the Augusta portion of the Whitten road frontage from Alderwood Drive apx to the Hallowell town line), and Whitten Road LLC (owner of mostly back land behind the Rockwood property). The land is in the CC or regional business zone. The CC zone covers other parts of Augusta beyond the Whitten Road.

Rockwood (RDC) land is in a subdivision approved by Augusta and Hallowell in the late 80's and early 90's. It has always been our intent to develop this property for above average office and related uses that benefit from exposure to 95.

The Associated General Contractors of Maine is a trade association of construction general contractors, subcontractors, suppliers, and related entities. The AGC's location has been on the Whitten Road and next to our subdivision since 1970. I assume that the City approved that project.

The Maine Motor Transportation Association (MMTA) is another trade association located in RDC subdivision. That project was approved and permitted by both the Augusta Planning Board and Augusta Code Enforcement in 1994. The MMTA represents the trucking industry in Maine.

Recently, the AGC contacted us to inquire about offering their membership another service-the training and testing process required by OSHA to operate a crane. The AGC was initially looking for a piece of land where they could build a one or two acre flat area for the crane set up. I suggested that they locate this operation at 76 Whitten road instead of on a new site. That property already has a 1 or 2 acre flat lot, most of which is paved, and is ideally suited for AGC's proposal. The lot is within a few hundred yards of the current AGC office. The AGC was very interested in that concept, so I contacted the City of Augusta code office just to make sure that the City was ok with this proposal.

Over the past 2 weeks, the Augusta Code Enforcement Office has:
1. denied permission for the 76 Whitten Road AGC project, while acknowledging that an actual permit may not even be required
2. advised us that trade associations cannot locate in the CC zone
3. advised us that trade associations cannot offer services to their members

I understand that the codes office believes that they cannot approve these issues because the code prevents them from doing so. They have indicated that my only option is to ask the council to change the code. I have asked the codes office to work with me and prepare whatever they feel is necessary to change the code and offered that I would then bring it to the council for your approval. The office refused to do that.

The code enforcement office again advised me that my only option was to bring the matter to the city council.

SO...please take this as our request.

I'm not sure that I can provide you with information as to what exact changes are needed to the code to allow the present trade association uses to continue in the CC zone-I think that the Code Enforcement Office is best suited to do that, but our goals are to do whatever is necessary to:

1. allow the AGC project to happen on 76 Whitten road
2. Allow trade associations to continue to locate in the CC zone
3. allow trade associations to continue to provide whatever services they feel that their members need, as long as the service are legal and impose no undue hardship on the City.

Yours truly

Jeffrey Shostak
2S LLC
Rockwood Development Corp
Whitten Road LLC
**CONSTRUCTION DETAIL**

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<tr>
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<th>01</th>
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<td>Pre-Fab Wood</td>
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<tr>
<td>Roof Structure</td>
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<td>Gable/Hip</td>
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<tr>
<td>Roof Cover</td>
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<td>Metal/Tin</td>
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<td>Plywood Panel</td>
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<td>Drywall/Sheet</td>
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**MIXED USE**

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**COST/MARKET VALUATION**

- Adj. Base Rate: 63.97
- Net Other Adj.: 0.00
- Replace Cost: 92,695
- AYB: 3948
- EYB: 1971
- Dep Code: A
- Year Remodeled: 35
- Functional Obstr.: 5
- External Obstr.: 0
- Cost Trend Factor: 1
- % Complete: 60
- Apprais Val: 55,600
- Dep % Ovr: 0
- Dep Ovr Comment: 0
- Misc Imp Ovr: 0
- Misc Imp Ovr Comment: 0
- Cost to Cure Ovr: 0

**OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)**

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<th>Dp Rr</th>
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**BUILDING SUB-AREA SUMMARY SECTION**

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**Ttl. Gross Liv/Lease Area:** 1.233 2,241 1,449 92,695
MEMORANDUM

TO: Mayor and City Council of Augusta

FROM: Stephen E.F. Langsdorf, Corporation Counsel

DATE: September 6, 2018

RE: Food Sovereignty Ordinance

Following the August 9, 2018 Council meeting, I was asked to prepare an ordinance adopting the Food Sovereignty Act (7 MRSA §281 et. seq. adopted in 2017). Attached is a draft Food Sovereignty Ordinance. What this ordinance does is, pursuant to §284 of the Act, it specifically exempts the City of Augusta from State and City food regulations with respect to direct producer to consumer transactions. State law provides that a municipality must opt-in, as this ordinance does, to avoid local food regulations.

The ordinance covers only “face to face transactions involving food or food products at the site of production of those food or food products.” The definition of “food or food products”, which is taken verbatim from State law needs clarification. “Food or food products” are defined as:

“Food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.”

Defining “food or food products” as food or “food products” is obviously circular. The list of examples is helpful, but is stated to be non-inclusive. It is clear that what was intended was that all local products which are grown or raised and processed on the premises may be sold directly to consumers at the site of production without health regulations. What is less clear is whether the ordinance is intended to include products that are not only produced, but actually cooked on the premises such as baked goods, sauces and even prepared meals (could the meals be eaten on the premises?). The list doesn’t give any examples of prepared foods like pies, breads or sauces. It is unclear to what degree products which are not produced locally may be used in the production process. The best way to handle this will be for the Council to make a determination as to how to define food or food products, including the possibility of language stating that as long as a majority of ingredients in the food product were produced on the premises, that is sufficient to avoid regulation.
The Food Sovereignty Ordinance does not make any changes to the Land Use Ordinance. There are only certain areas of the city where direct retail is allowed and there are specific restrictions on home occupations in all parts of the City. Further work may be necessary to determine whether amendments to the LUO should be considered to effectuate the intent of this ordinance. To be clear, this Ordinance only exempts direct food regulations and inspections.

I do not see a liability risk for the City as State law specifically sets up this process whereby municipalities may exempt local food producers from State and local food regulation. Choices of whether or not to have government regulations are protected by immunity under the law.

SEFL:ecr
FOOD SOVEREIGNTY ORDINANCE

1. Authority and Purpose: This Ordinance is intended to provide Augusta residents unimpeded access to local food and to reduce governmental regulation of local foods to the extent permitted by home rule authority under 30-A M.R.S.A. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7 M.R.S. § 281 et seq.

2. Definitions: As used in this ordinance, unless the context otherwise indicates, the following terms have the meanings stated below:

   A. Direct Producer-to-Consumer Transaction: A face-to-face transaction involving food or food products at the site of production of those food or food products.

   B. Food or Food Products: Any food or food product intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

   C. State and City Food Law: Any provision of Title 7 or Title 22 of the Maine Revised Statutes, or rules adopted under Title 7 or Title 22 of the Maine Revised Statutes, or provision of the City of Augusta Code that regulates direct producer-to-consumer transactions.

3. Exemption from Licensure and Inspection: Producers and processors of local food intended for direct producer-to-consumer transactions in the City of Augusta shall be exempt from state and City licensure and inspection under State and City Food Laws. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine and the City of Augusta shall not enforce State and City Food Laws with respect to direct producer-to-consumer transactions.

4. Exception for Meat and Poultry Inspections: In accordance with Section 285 of the Maine Food Sovereignty Act, the exemption provided in Section 3 of this Ordinance does not apply to any meat or poultry product inspection and licensing requirements that are specified under applicable federal acts.
DRAFT

To: City Manager and City Council
Re: Proposed Reorganization of the Recreation and Park Bureaus
From: Leif Dahlin, Director of Community Services
Date: August 23, 2018

Goal: To provide the residents, businesses and taxpayers of Augusta with park and recreational services that enhances the human development and performance and enriches the lives of those we serve and doing so efficiently and effectively by having passionate and dynamic leadership in place to carry out this charge.

The traditional delivery system across this country for providing parks and recreation services is thru “Departments of Parks & Recreation”. Currently, the Community Services Department is charged with management oversight of seven bureaus including the Recreation Bureau and the Parks & Cemeteries Bureau. The recent vacancy of Parks & Cemeteries Director position provoked the need and opportunity to review the Community Services Department organization. After reviewing the human, fiscal and physical resources managed and meeting with City staff it has been concluded to ask City Council to consider approving the following changes. In the final analysis, the options available to consider are; filling the Parks & Cemeteries Director vacancy “as is” or consider merging two bureaus and establish a Parks & Recreation Bureau with two divisions and one Director. As proposed, there will be no change to the current Fiscal Year budget appropriations for both the Recreation and Park & Cemeteries Bureaus.

Proposed Organization Changes:

1. To establish a Parks & Recreation Bureau and Director’s position and fund accordingly.
2. To establish two Divisions: Parks Division and Recreation Division.
3. To no longer have a Recreation Bureau Director position and de-fund the position.
4. To no longer have a Parks & Cemeteries Bureau Director position and de-fund the position.
5. To establish a Recreation Coordinator position to program and implement the recreation division side of the Parks & Recreation Bureau and fund accordingly.
6. To continue to fund and maintain the two Park’s Division Supervisor positions.

There will be NO functional changes in responsibility as it relates to the delivery and execution of parks operations specific to; parks, open space, cemeteries, trees as well as the care and maintenance of school grounds and all athletic fields. The recreation division would continue to provide the same scope of services and explore to see what additionally might be possible thru the reorganization.

If so approved by City Council, the time-line for implementing the changes would commence as soon as possible and with the guidance of the City Manager, Assistant City Manager/Finance Director and Human Resources Director. This action will take several months to bring on-line.
Recreation Bureau Functions

Recreation Bureau

- Playground
  - Summer Season

- Aquatics
  - Pool Maintenance and Management

- Camps
  - Summer and Vacation
  - Sports, Theater and Outdoor

- School Building Scheduling
  - (except Cony and CATC)

- Park and Athletic Field Scheduling

- Park Equipment Procurement

- Grant Writing

- Sport Teams/League
  - Youth and Adult

- Cultural Arts and Special Events

- Vans, Trips and Excursions

- Marketing and Promotion