All members of Council were present except Councilors Grant and Rollins. Mayor Stokes presided.

12-189
ORDERED, That the City Council enter into executive session to discuss:
- a real estate matter; 1 M.R.S.A. §405(6)(C)
- an Economic Development matter; 1 M.R.S.A. §405(6)(C)
- a personnel matter; 1 M.R.S.A. §405(6)(A)

Motion for passage by: O’Brien Second by: Munson
Yeas: 6; Byron, Paradis, O’Brien
Bilodeau, Emery, Munson
Nays: 0

Executive session recessed at 6:45 p.m. followed by a recess of the Business Meeting in order to conduct the premeeting.

Business meeting reconvened at 7:00 p.m.

All members of the Council were present; Mayor Stokes presided.

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

READ AND PASSED, AS AMENDED, FINAL READING

12-181
BE IT ORDAINED, By the City Council of the City of Augusta that the existing ordinance #11-190 passed on January 5, 2012 be amended by adding (7):
(1) Smoking and all other tobacco use is prohibited at:
   a. All City of Augusta owned parks and playgrounds;
   b. City of Augusta owned athletic facilities. “Athletic facilities” means all ball fields, courts and their spectator area(s), including bleachers;
   c. Except in specifically designated areas, provided a suitable location can be identified, at city of Augusta owned facilities to include: Augusta Civic Center, Buker Community Center, City Center, John Charest Public Works Compound, Lithgow Public Library, Naval Reserve – Police Department and Old Fort Western.
(2) Sidewalks adjacent to parks, athletic facilities and grounds and run parallel to City streets or State highways shall be exempt from this ordinance.
(3) The City’s Facilities Manager, in consultation with the responsible staff person for each facility where the grounds are located, will determine and designate a location for a smoking area for both the public and City personnel.

(4) Violators shall first be warned orally by the Police Department. Subsequent violations are subject to a minimum $50 fine per occurrence.

(5) Tobacco use on all school grounds is prohibited by state law at all times.

(6) Tobacco use at City indoor facilities and outside exteriors within 20 ft. from entryways, windows, vents and doorways, and not in any location that allows smoke to circulate back into the building is prohibited by state law at all times.

(7) Tobacco use within 20 feet of designated school bus stops within the city limits is prohibited.

(7) Tobacco use within 20 feet from any child at designated school bus stops within the city limits is prohibited.

   a.) The designated school bus stops are posted annually on the City of Augusta, Maine School Department web site.

   b.) Excluded: The designated bus stops where the only children present come from the same family unit. (i.e. Rural areas where children are picked up at the end of their driveway.)

Motion to amend by: O’Brien Second by: Rollins
Yeas: 8; Byron, Grant, Paradis, O’Brien
       Rollins, Bilodeau, Emery, Munson
Nays: 0

Motion for passage, as amended, by: Emery Second by: Paradis
Yeas: 8; Byron, Grant, Paradis, O’Brien
       Rollins, Bilodeau, Emery, Munson
Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con’t)

READ AND PASSED, FINAL READING

12-180 WHEREAS, the Planning Board held a public hearing and voted unanimously to recommend modifying the existing zoning in the Resource Development district (RD), that exists on Mt. Vernon Ave; and

WHEREAS, the Planning Board recommendation expressed some potential concern about traffic on Mt. Vernon Ave related to some possible retail uses, and therefore recommended Retail as a Conditional Use; and
WHEREAS, the 2007 Comprehensive Plan recommends that Retail be allowed on Mt. Vernon Ave.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following text amendment be made to the Augusta Land Use Ordinance:

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, to add “Retail” as a conditional use in the table in the Resource Development (RD) zoning district.

Motion for passage by: Paradis Second by: Rollins
Yeas: 8; Byron, Grant, Paradis, O’Brien, Rollins, Bilodeau, Emery, Munson
Nays: 0

NEW BUSINESS

READ, FIRST READING

12-188
WHEREAS, the Planning Board held a public hearing and voted unanimously recommend modifying the existing zoning district boundaries and add a new use to the KBD2 district; and

WHEREAS, the Planning Board recommendation expressed some potential concern about traffic generated by an Auto Repair/Service (no auto sales) and therefore recommends the use be a conditional use requiring Planning Board review before a new use is established;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following map and text amendments be made to the Augusta Land Use Ordinance:

Amend the zoning district for Tax Map 33, Lots 71, 72, 73, 76, 77, and 97 to become Kennebec Business District 2 (KBD2); and

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, to add “Auto Repair/Service” as a conditional use in the table in Kennebec Business District 2 (KBD2).

(FIRST READING, NO VOTE TAKEN)

NEW BUSINESS (Con’t)

READ AND PASSED, AS AMENDED

12-186
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 of energy savings equipment (the “Equipment”); 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 Equipment Lease Purchase Agreement (the "Agreement") with Municipal Leasing Consultants or another entity stated therein, as lessor (the "Lessor"), for the purposes described therein, including financing the acquisition of, and granting a security interest in, the Equipment;

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

Section 1. The Agreement, in substantially the same form as presented to this meeting, and the terms and performance thereof are hereby approved, and the City Manager of the Lessee or his designee, including without limitation the Assistant City Manager for Finance and Administration (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 such Authorized Representative, such approval to be conclusively evidenced by such Authorized Representative’s execution thereof.

Section 2. The Agreement between Owner and Engineer for Professional Services dated as of August 13, 2012 between the Lessee and New England Energy Solutions, LLC (the “Energy Savings Agreement”), in substantially the same form as presented to this meeting, and the terms and performance thereof are hereby approved, and an Authorized Representative is hereby authorized to execute and deliver the Energy Savings Agreement on behalf of the Lessee, with such changes therein as shall be approved by such Authorized Representative, such approval to be conclusively evidenced by such Authorized Representative’s execution thereof.

Section 3. The Escrow Agreement (the “Escrow Agreement”), if any, among the Lessee, the Lessor and the escrow agent named therein, in substantially the same form as presented to this meeting, and the terms and performance thereof are hereby approved, and an Authorized Representative is hereby authorized to execute and deliver the Escrow Agreement on behalf of the Lessee, with such changes therein as shall be approved by such Authorized Representative, such approval to be conclusively evidenced by such Authorized Representative’s execution thereof.

Section 4. The Lessee shall, and each 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, the Energy Savings Agreement and the Escrow Agreement.

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 to amend by: O’Brien    Second by: Munson
Yeas: 8;  Byron, Grant, Paradis, O’Brien
                        Rollins, Bilodeau, Emery, Munson
Nays: 0
Motion for passage, as amended, by: Byron  Second by: Rollins
Yeas:  8;  Byron, Grant, Paradis, O’Brien
        Rollins, Bilodeau, Emery, Munson
Nays:  0

NEW BUSINESS (Con’t)

READ AND PASSED

12-182
ORDERED, That the minutes of the City Council meeting held November 15, 2012, submitted by the City Clerk be approved.

Motion for passage by: Rollins  Second by: Munson
Yeas:  8;  Byron, Grant, Paradis, O’Brien
        Rollins, Bilodeau, Emery, Munson
Nays:  0

12-183
ORDERED, That the Roll of Accounts for the month of November, 2012 in the amount of $8,424,804.26 be approved.

Motion for passage by: Rollins  Second by: Munson
Yeas:  8;  Byron, Grant, Paradis, O’Brien
        Rollins, Bilodeau, Emery, Munson
Nays:  0

12-184
ORDERED, That Barbara E. Wardwell be reappointed as Registrar of Voters in accordance with Title 21-A, §101(2), to be effective January 1, 2013.

Motion for passage by: Rollins  Second by: Munson
Yeas:  8;  Byron, Grant, Paradis, O’Brien
        Rollins, Bilodeau, Emery, Munson
Nays:  0

12-185
ORDERED, That the City Council accepts an anonymous donation of $1,500.00 to be used for the City’s Recreation Bureau Youth Basketball program.

Motion for passage by: Rollins  Second by: Munson
Yeas:  8;  Byron, Grant, Paradis, O’Brien
        Rollins, Bilodeau, Emery, Munson
Nays:  0
ORDERED, That the City Council schedule of meetings for 2013 as required by Article II, Section 6 of the City Code of Ordinances, be set as follows:

January 3 - Business Meeting to include swearing in of newly elected officials
January 10 - Informational Meeting
January 17 - Business Meeting
January 24 - Informational Meeting

BE IT FURTHER ORDERED, That for the remaining of the year, the City Council Business Meetings will be held on the first and third Thursdays of each month. Informational Meetings will be called by the Mayor or City Manager the second and fourth Thursdays of the month on an as-needed basis. Business Meetings will be held at 7:00 p.m. and Informational Meetings will be held at 6:30 p.m.

BE IT FURTHER ORDERED, That the Mayor, City Council or the City Manager may amend or revise dates and times of meetings as is deemed necessary.

Motion for passage by: O’Brien Second by: Paradis
Yeas: 8; Byron, Grant, Paradis, O’Brien
Rollins, Bilodeau, Emery, Munson
Nays: 0

ORDERED, That the City Council authorize the City Manager to enter into a purchase and sale agreement for a parcel of real estate adjoining the Hatch Hill Landfill, owned by Keith Nelson, for the purchase price of $23,100.00.

Motion to suspend the rules to add an order, by: Byron Second by: Munson
Yeas: 8; Byron, Grant, Paradis, O’Brien
Rollins, Bilodeau, Emery, Munson
Nays: 0

Motion for passage by: Byron Second by: Munson
Yeas: 8; Byron, Grant, Paradis, O’Brien
Rollins, Bilodeau, Emery, Munson
Nays: 0

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
December 17, 2012