

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, AUGUST 5, 2010
COUNCIL CHAMBERS, CITY CENTER
6:00 P.M.**

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

Public Hearing: Malt, Spirituous and Vinous Liquor License application for Wayne E. Dubay, d/b/a Doobies

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

TABLED

115 ORDERED, That the City Manager is authorized to expend an amount not to exceed \$5,000 to conduct a structural engineering analysis of the Colonial Theater.

(NO MOTION TO REMOVE FROM TABLE)

156 WHEREAS, the Mineral Extraction Ordinance intended to protect the public health, safety, and general welfare, and to minimize the adverse impact of extraction to citizens of the city, abutting property owners, and wildlife and natural resources.

WHEREAS, two uses identified as accessory to a mineral extraction use have been found to have a significant impact on abutting property owners by virtue of additional traffic, additional noise, additional dust, and additional odor, unanticipated at the time the Mineral Extraction Ordinance was initially adopted.

WHEREAS, due to the lack of experience with these two accessory uses, the city and the public did not adequately scrutinize the uses during the initial licensing of mineral extraction sites.

WHEREAS, no permanent bituminous mix plants or ready mix concrete plants have yet been installed.

WHEREAS, sunsetting the one existing temporary bituminous mix plant and requiring further planning board review and authorization for it to restart seasonal operation as an accessory use in the spring of 2010 is not found to be an unreasonable financial burden to the owner of the mineral extraction site, since an accessory use is by its nature not the primary function of the site.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta hereby amends the Mineral Extraction Ordinance as follows:

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED (Con't)

156 Continued

Allowable associated mineral extraction uses. Associated mineral extraction uses include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants, materials being recycled / reprocessed. Each of these associated uses must be expressly approved by the Planning Board to be considered allowable under a mineral extraction license. Ready mix concrete plants and bituminous mix plants shall be reviewed using the Site Plan Review Criteria Applicable to Conditional Uses, found in Section 6.3.4 of the Land Use Ordinance. Any existing temporary bituminous mix plants or ready mix concrete plants associated with a licensed mineral extraction site as an accessory use at the time of adoption shall be eliminated by May 1, 2010, unless they receive additional approval from the planning board for their operation as per this section.

(NO MOTION TO REMOVE FROM TABLE)

NEW BUSINESS

READ AND NOT PASSED

122 ORDERED, That the City Council approves the property tax abatement request identified as 2011-1 which has been duly deliberated by the Augusta City Council in executive session pursuant to M.R.S.A., Title 36, Section 841(2).

Motion to suspend the rules by: O'Brien Second by: Munson

Yeas: 8; Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.

Nays: 0

Motion for passage by: O'Brien Second by: Stokes

Yeas: 0

Nays: 8; Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.

READ AND PASSED

121 ORDERED, That the City Council enter into an executive session, pursuant to 36 M.R.S.A., Section 841(2), to discuss two applications for abatement of property taxes on account of infirmity or poverty; 1 M.R.S.A., Section 405(6)(F).

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

- 121 Continued
Motion for passage by: O'Brien Second by: Munson
Yeas: 7: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson.
Nays: 0
- 116 ORDERED, That the minutes of the City Council meeting held July 15, 2010, submitted by the City Clerk, be approved.

Motion for passage by: Byron Second by: Rollins
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.
Nays: 0
- 117 ORDERED, That Roll of Accounts for the month of July 2010 in the amount of \$4,980,913.78, be approved.

Motion for passage by: Stokes Second by: Coffin
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.
Nays: 0
- 118 ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Wayne Dubay, d/b/a Doobies; 349 Water Street

Motion for passage by: Stokes Second by: Grant
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.
Nays: 0
- 119 ORDERED, That the City Council hereby waives Section 5.1.15.1.1.F of the Land Use Ordinance of the City of Augusta regarding the restriction in construction activities between the hours of 10:00 p.m. and 7:00 a.m. in order to allow night-time work for the water main installation project on Western Avenue in the vicinity of Armory Street.

Motion for passage by: Stokes Second by: Coffin
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.
Nays: 0

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

120 ORDERED, That for voting purposes for the November 2, 2010 elections, the designated polling places shall be:

- Ward 1 - Augusta Armory, 179 Western Avenue
- Ward 2 - City Center, 16 Cony Street
- Ward 3 - Augusta Civic Center, 76 Community Drive
- Ward 4 - St. Andrew's Parish Hall, 20 St. Andrews Street

BE IT FURTHER ORDERED, That the City Clerk file this order and required certificate with the Secretary of State, as required by M.R.S.A., Title 21-A, Section 631.

Motion for passage by: Byron Second by: Paradis

Yeas: 7: Byron, Grant, Paradis, O'Brien,
Rollins, Munson, Stokes.

Nays: 1 Coffin

123 ORDERED, That the City Council enter into executive session to discuss labor negotiations; 1 M.R.S.A., §405(6)(D).

Motion to suspend the rules by: O'Brien Second by: Rollins

Yeas: 8: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.

Nays: 0

Motion for passage by: O'Brien Second by: Munson

Yeas: 8: Byron, Grant, Paradis, O'Brien,
Coffin, Rollins, Munson, Stokes.

Nays: 0

Respectfully submitted,

Barbara E. Wardwell, City Clerk
August 9, 2010