

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

March 13, 2008

Agenda for the regular City Council meeting to be held Monday, March 17, 2008 at 7:00 p.m., Council Chambers, City Center.

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

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

CONSENT AGENDA - All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

040 Manager (Bureau of City Clerk)  
ORDERED, That minutes of the City Council meeting held March 3, 2008 submitted by the City Clerk be approved.

041 Manager  
ORDERED, That the City Council accept donations for the Viles Memorial at Mill Park in the amount of \$100.00.

042 Manager (Bureau of Audit Accounts)  
ORDERED, That Roll of Accounts for the month of February 2008 in the amount of \$5,055,150.59 be approved.

043 Mayor Katz  
ORDERED, That Gerald Bumford be appointed to the Historic Preservation Commission to fill a vacancy; said term to expire May 21, 2010.

044 Mayor Katz  
ORDERED, That John V. Finnegan be reappointed to the Lithgow Library Board of Trustees; said term to expire March 7, 2011.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

131 Mayor Katz and Councilor Gomeau  
WHEREAS, commercial blasting and use of explosives for purposes of quarrying mineral extraction and the production of construction materials have been occurring frequently in the City of Augusta, and whereas numerous reports of property

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

131 Continued  
damage resulting from such blasting have been communicated to the City, and

WHEREAS, current City of Augusta Ordinances are inadequate to effectively regulate and prevent serious public harm and property damage which may occur as a result of blasting in the City, and

WHEREAS, City Staff is aware of planned blasting in the vicinity of residential homes in the City, and

WHEREAS, the City Council has appointed a Committee to draft a new Ordinance regulating blasting, which has not completed its work, and

WHEREAS, the City Council needs additional time to complete the process of enacting a new Ordinance regulating blasting.

NOW THEREFORE, The Council hereby ORDERS that a moratorium be enacted effective as of the date of passage by Council which prohibits all commercial blasting and use of explosives for the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

This moratorium will expire in one hundred eighty (180) days from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

032 Councilor Stokes  
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Section 6-246. Street Light Review Committee, be added to Chapter 6. City Services, Article IV. Streets and Sidewalks. Division 1. Generally. of the Revised Code of Ordinances 1990, as amended, as follows:

Section 6-246. Street Light Review Committee.

There is hereby established a Committee to provide for a uniform method to install, rearrange or to remove street lights, and to make such other recommendations related to the provision of street lighting as they may deem appropriate

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

032 Continued  
included, but not limited to, type of lighting.

The committee shall consist of the Director of Public Works, Chief of Police, and Facilities and Systems Manager. The committee shall be known as the Street Light Review Committee, and committee members shall serve for as long as they perform the functions of the above-named positions.

The Street Light Review Committee is hereby delegated the authority to investigate, consider and determine the need for street lights on the public ways of the City. Their action shall be appealable to the City Council.

In the exercise of the authority delegated herein, the committee shall make its decision upon findings of fact by consensus. The action of installation, rearrangement or removal must be based on positive findings of fact of the following standards, where applicable:

- a. Will provide for the safety of pedestrians and vehicular traffic while using public ways;
- b. Will provide for the protection of citizens from criminal activities that are dependent on the cover of darkness or where the rate of criminal incidents are high;
- c. Will provide for effective illumination in direct relation to population density for residential areas of the City;
- d. Will provide for effective illumination to attract business invitees in certain commercial areas; and
- e. Will provide the optimal use of public funds in the attainment of the standards.

In applying the standards provided for, the committee shall promulgate rules and regulations that will provide in greater detail the implementation of these standards. Such rules and regulations shall apply to:

- a. Applications by individuals or groups for installation of street lights;

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

032 Continued

- b. Procedures for determination of independent action by the committee as to installation rearrangement and removal of street lights;
- c. Methods of proper notice to, and public hearing for, affected citizens prior to initiation of action by the committee on applications or independent committee determinations;
- d. Specifics as to the elements that will permit the committee to make a finding of fact in the applications of standards set forth in this Section. The elements to be addressed are such as, but not limited to, traffic flows or counts, crime statistics, population densities, zoning districts, and limitations of street lights by the number of pole locations in a district; and
- e. Under the authority of the committee to rearrange existing street lights, guidelines shall be provided to allow for alternative types of solutions such as, but not so limited to, changes in sign information, size and type of bulb and the change in the direction of light emanations.

Upon determination of findings of fact that the standards of this Section have been met, the committee shall submit an order, with findings of fact attached, to the City Council for its action. When any action ordered to be undertaken by the City Council, the City Manager shall delegate the implementation of the order to the appropriate department.

HAS BEEN READ, FIRST READING

039 Councilor Rollins

WHEREAS, the 2007 Augusta Comprehensive Plan speaks generally to allowing appropriately designed commercial development on parcels adjacent to Western Avenue.

WHEREAS, the Council finds that the contract rezoning will permit the developer to present the project to the Planning Board for full review under the Major Development criteria of the Land Use Ordinance, including neighborhood compatibility;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

039 Continued  
of Augusta that the following contract rezoning be approved:

A portion of the lot known as Assessor's Map 84, Lot 2, as shown on the attached map entitled "Proposed Rezoning 11-13-2007" shall be Contract Zoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new contract zone shall be the Regional Business district (CC) with the following restriction: 1) Use of the lot shall be for a Hotel and Accessory Uses for the Hotel only.

NEW BUSINESS

045 Councilor Munson  
WHEREAS, the Cony Flatiron building is a City owned property;  
and

WHEREAS, the Cony Flatiron building is an Historic Site registered on the National Register of Historic Places; and

WHEREAS, the City of Augusta's Comprehensive Plan was adopted by the City Council on January 7, 2008; and

WHEREAS, the Cony Flatiron is not identified in the Inventory Section of the Comprehensive Plan as a City of Augusta owned Historic Resource.

NOW THEREFORE BE IT ORDERED, That the Cony Flatiron building be included as an Historic Resource owned by the City of Augusta in the Inventory Section of the City's Comprehensive Plan.

046 Manager (Department of City Services)  
WHEREAS, the Maine State Housing Authority (MSHA) is the State of Maine agency that oversees Affordable Housing Tax Increment Financing Districts (Housing TIF's) and MSHA now requires that a City Council approved Annual Report be submitted by April 30 of each year.

NOW THEREFORE BE IT ORDERED, that the Augusta City Council certify that the public purpose of the affordable housing district is being met and approves the submittal of this 2008 Annual Report for its Affordable Housing TIF.

NEW BUSINESS (Con't)

## 047 Manager

ORDERED, That under and pursuant to the provisions of Maine law and the Charter and City Ordinances of the City of Augusta, Maine, the City Manager is authorized to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the City of Augusta, Maine (the "Issuer"), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding Ninety-One Thousand, Nine Hundred Fifty Dollars and Five Cents (\$91,950.05), at a rate of interest of not more than 3.530% per year through August 1, 2012, and otherwise in such form as the City Manager may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the City Manager be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell  
City Clerk