

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

December 14, 2006

Agenda for the regular City Council meeting to be held Monday, December 18, 2006 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.

PRESENTATION - Recognition of Anna Ackerman and Luke Fontaine for competing in the United States Track and Field Cross Country State of Maine meet, the Regional meet in Queensbury, New York, and most recently in the National Championships in Spokane, Washington.

PRESENTATION - By Nancy Barba, Barba and Wheelock Architecture, Preservation and Design, and Frank O'Hara, Planning Decisions, Inc., regarding their selection as consultants to the Flatiron Building Reuse Committee

PUBLIC HEARING - Malt, Spirituous, and Vinous Liquor License Application for Patrick Quigg, d/b/a/ Riverfront Barbeque & Grille, 300 Water Street (Order 206)

PUBLIC HEARING - Capital Improvement Bond Issue (Order 202)

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.

203 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held December 4, 2006 submitted by the City Clerk be approved.

204 Manager
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$1,200.00.

205 Manager (Bureau of Audit Accounts)
ORDERED, That Roll of Accounts for the month of November 2006 in the amount of \$4,584,992.47 be approved.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

202 Manager (Department of Finance)

ORDERED, That (1) A sum not to exceed \$500,000 be and hereby is appropriated for the purpose of paying the costs of capital expenditures for the construction, reconstruction, renovation and improvement of streets, buildings and other public facilities to constitute the following:

(A) Pearl Street Improvements	\$250,000
(B) Improvement of City Streets including but not limited to reconstruction of Union Street and burial of utilities therein, and related facilities throughout the City	\$ 80,000
(C) Construction of Recreational Facilities	\$ 60,000
(D) Renovation and Improvement of City Buildings	\$110,000
Totals	\$500,000

The estimated period of utility of the foregoing improvements is hereby declared to be in excess of twelve (12) years.

(2) To meet the aforesaid appropriation, the City Manager of the City 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 and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$500,000. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of the bonds shall be determined by an Authorized Representative, provided that each of the bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to

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

202 Continued

be payable on or before December 31 of the year after the year in which the bonds are issued, and the last installment to be payable not later than ten (10) years after the date for payment of the first installment. The bond issues authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the bonds of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certificates as are required in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on the bonds or any notes shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by the bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of the bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal note shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

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

202 Continued

(5) For purposes of U.S. Treasury Regulation Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing construction, reconstruction, renovation and improvement and (2) that the maximum principal amount of debt to be issued by the City for the foregoing construction, reconstruction, renovation and improvement including for reimbursement purposes is \$500,000 and the City Manager is authorized to advance money of the City for payment of such costs.

NEW BUSINESSPART 1 - ORDERS

206 Manager (Bureau of City Clerk)

ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Patrick Quigg, d/b/a Riverfront Barbeque & Grille, 300 Water Street.

207 Councilor Gomeau

ORDERED, That the City Council authorize the City Treasurer to accept private funds for the Museum in the Streets program. The Museum in the Streets program has previously been given approval by the City Council and is a project of the City of Augusta Historic Preservation Commission.

208 Councilors Doore, Koski, Lund, and O'Brien

ORDERED, That the City Manager is authorized to enter into a contract with Barba and Wheelock Architecture, Preservation and Design for professional services in support of the Flatiron Building Reuse Committee in a base contract amount not to exceed \$47,750 and an additional amount of \$5,000 for contingent related contractual expenses with Barba and Wheelock to be appropriated from General Fund Balance.

BE IT FURTHER ORDERED that \$5,000 is hereby appropriated from the General Fund Balance to support other related Flatiron Building Reuse Committee expenditures including, but not limited to, advertising and meeting support costs.

NEW BUSINESS (Con't)PART 2 - ORDINANCES BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

209 Manager (Department of City Services)

WHEREAS, the Planning Board held a public hearing on November 28, 2006, and voted unanimously to modify the existing conditional zoning for a portion of Assessor's Map 43, Lot 223 (the portion in 1999 designated as Assessor's Map 43, Lot 217) approved on March 15, 1999 by the Augusta City Council in Council Order number 046.

WHEREAS, the Planning Board added conditions to the amended conditional zoning due to concerns about buffering abutting residential properties from any future development of this property.

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

Council Order 046, passed on March 15, 1999, shall be amended as follows:

1. Condition 3 stating "that no new buildings are to be constructed on the conditionally rezoned parcel" shall be eliminated.
2. The following conditions shall be added:
 - a) The credit union shall install landscaping in accordance with plans approved by the Planning Board at a future date.
 - b) The credit union shall provide financial surety to the City equaling 110% of the cost of installing the Planning Board approved landscaping, such that the City can call on on the surety to finish the installation if the credit union fails to do so.
 - c) This conditional rezoning shall be null and void if the applicant fails to meet the two conditions above.
 - d) This conditional rezoning shall be null and void if the property owner fails to make application to the Planning Board for a modification to the property that takes advantage of this conditional rezoning.

210 Manager (Department of City Services)

WHEREAS, the 1988 Growth Management Plan for the City of Augusta encourages the safe flow of traffic on City Streets.

WHEREAS, the Planning Board held a public hearing on September 26, 2006, and voted unanimously to modify the text of Table

NEW BUSINESS (Con't)

210 Continued
 5.1.14-A of the Land Use Ordinance to require greater off-street queuing for limited service restaurants.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following underlined additions be made to the larger existing Table 5.1. 14-A in the Augusta Land Use Ordinance:

5.1.14-A SCHEDULE OF REQUIRED OFF-STREET PARKING

Restaurant fast food	GFA (1,000s.f.)	14/GFA and
	Queuing Lane (ql)	5.0/ql
<u>Restaurant, Limited-Service drive-through*</u>	<u>GFA</u>	<u>14/GFA and</u> <u>14.0/ql</u>
Restaurant, standard	GFA	12/GFA

* This class of fast food restaurant (Limited-Service) offers non-alcoholic beverages (i.e. coffee) and snack foods (i.e. doughnuts) primarily for off-site consumption using "drive-throughs". As such these Limited-Service Restaurants create an extreme high traffic count per hour often adjacent to traditional arterial routes that are further congested with waiting patrons unable to access these smaller establishments with inadequate on-site capacity to accommodate patrons.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
 City Clerk