

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

April 28, 2005

Agenda for the regular City Council meeting to be held Monday, May 2, 2005 at 7:00 p.m., Council Chambers, City Center.

PROCLAMATION - Arbor Month

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.

067 Manager (Bureau of City Clerk)  
ORDERED, That minutes of the City Council meeting held April 19, 2005 submitted by the City Clerk be approved.

068 Manager  
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$1,397.00.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

040 Manager (Police Department)  
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 38 Schedule of one-way streets, of the Revised Code of Ordinances 1990, as amended be further amended by adding:

Melville Street, between Green Street and Western Avenue, south only.

NEW BUSINESS

PART 1 - ORDERS

069 Manager (Bureau of City Clerk)  
ORDERED, That the City Council of Augusta approve the relocation of Ward IV polling place from the Vocational Technical Center to St. Andrews Catholic Church on 20 Saint Andrews Street for the June 14, 2005 Special Municipal

NEW BUSINESS (Con't)

069 Continued  
Election. This move is necessary due to the renovations currently underway at the Vocational Technical Center.

070 Manager (Bureau of City Clerk)  
ORDERED, That the following application for a Tattoo License be approved:

Shane Lessard d/b/a 4th Dimension, 218 Water Street, Augusta.

071 Manager (Police Department)  
ORDERED, That the City Manager enter into an Interlocal Agreement between the City of Augusta and Kennebec County to accept a 2005 Byrne Justice Assistance Grant Program Award in the amount of \$25,663.00;

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant has allocated a joint application awarded amount to Kennebec County, City of Augusta and the City of Waterville in the amount of \$48,888.00; and

WHEREAS, the Sheriff of Kennebec County, the Chief of the Augusta Police Department and the Deputy Chief of Police of the Waterville Police Department have met to discuss the distribution of this grant funding; and

WHEREAS, the three Law Enforcement Agencies have agreed to distribute this grant funding according to the percentage of each agency's Part One Uniform Crime Statistics for the last three published years; and

WHEREAS, the Augusta Police Department intends to purchase Law Enforcement equipment in accordance with grant expenditures with these grant funds;

NOW, THEREFORE, the City Manager is authorized to enter into an Interlocal Agreement between the City of Augusta and Kennebec County for 2005 Byrne Justice Assistance Grant funding.

072 Mayor Dowling  
WHEREAS, the Board of Directors, medical staff and senior management of MaineGeneral have determined that there is a critical need for a new, regional cancer treatment facility for central Maine, due to the outdated and scattered nature of the current facilities, and

NEW BUSINESS (Con't)

072 Continued

WHEREAS, MaineGeneral has, under new state (Dirigo) regulations, submitted an application for a certificate of need for the State's January - June 2005 approval cycle for a regional cancer center, and

WHEREAS, if approved, the new facility will replace twelve year old radiation therapy equipment and expand medical oncology chemotherapy services for residents of central Maine who rely on MaineGeneral for their cancer treatment, and

WHEREAS, new technology cannot be accommodated within existing buildings twenty miles apart for programmatic, financial or political reasons, and

WHEREAS, the communities in the central Maine area are committed to working collaboratively toward the establishment of a new, regional facility, now

THEREFORE BE IT RESOLVED, that the Augusta City Council does hereby strongly support MaineGeneral's application for a certificate of need for a new regional cancer center and does affirm its commitment to assist in the permitting and development of said facility for the benefit of its residents and those of its neighboring communities.

PART 2 - ORDER / ORDINANCES BEING READ FOR THE FIRST TIME  
NO VOTE REQUIRED

073 Manager

BE IT RESOLVED, That there is hereby appropriated for the support of the departments of the City of Augusta, for payment of County Taxes, for the bonded indebtedness of the City, and for all the other debts incurred by the City for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of \$45,441,170 of which a summary appears below.

BE IT FURTHER RESOLVED, That the amount to be raised from current real and personal taxes considering estimated departmental revenues, fund balance, and other sources of \$22,103,253 to be set at \$23,337,917.

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$17,985,054 for the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act and that the City of Augusta raise \$8,180,704 as the City's contribution to the

NEW BUSINESS (Con't)

073 Continued  
total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, That the City of Augusta raise \$615,261 for the annual payments on the non-state funded school construction projects and the non-state funded portions of school construction projects as listed below, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction and not approved for state subsidy. The voters of the City approved the bonding of this long-term debt as follows:

Lincoln & Farrington Elementary Schools - approved by the voters on November 4, 1986.  
New Cony High School - Preliminary bond - approved by the voters on November 7, 2000.  
New Cony High School - Future bond (estimated October 2005) approved by the voters on December 2, 2003.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$2,608,035 in additional local funds, which exceeds the State's Essential Programs and Services funding model by \$129,370.

The Augusta Board of Education recommends \$129,370 for the following reasons:

The State does not provide sufficient reimbursement in the areas of:

Special Education  
Extra and Co-Curricular Activities  
Personnel Costs

NEW BUSINESS (Con't)

073 Continued

Explanation: The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from Pre-K through grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on previously approved non-state funded school construction projects and the non-state funded portion of minor capital school construction projects that will help achieve the City's budget for educational programs.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$492,696 in funding for Adult Education of which \$278,998 will be local funds.

BE IT FURTHER RESOLVED, That the City of Augusta authorize the Augusta Board of Education to expend \$24,919,435 for the fiscal year beginning July 1, 2005 and ending June 30, 2006 from the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools.

PRELIMINARY  
BUDGET

LEGISLATIVE AND EXECUTIVE

Mayor and Council	\$ 40,907
City Manager	241,162
Corporation Counsel	96,600
Central Services	9,625
Unclassified	243,554
Council Contingency	20,000
Manager Contingency	10,000

TOTAL LEGISLATIVE AND EXECUTIVE \$ 661,848

FINANCE AND ADMINISTRATION

City Clerk	\$ 181,638
Registration and Elections	32,224
City Auditor	136,550
Information Systems	264,663

NEW BUSINESS (Con't)

073	Continued	
	Treasurer and Tax Collector	313,332
	Assessor	205,989
	Finance and Administration	96,318
	Human Resources	206,834
	TOTAL FINANCE AND ADMINISTRATION	\$ 1,437,548
	<u>CITY SERVICES</u>	
	Economic Development	\$ 212,626
	Planning	84,731
	Historical Preservation	5,825
	Code Enforcement	239,944
	City Service Administration	45,943
	Engineer	169,751
	City Building	436,597
	Buker School	57,942
	TOTAL CITY SERVICES	\$ 1,253,359
	<u>COMMUNITY SERVICES</u>	
	Conservation Commission	\$ 2,819
	Community Services Administration	187,390
	Public Library	542,842
	Recreation	172,955
	Trees and Landscaping	84,287
	Parks and Cemetery	649,007
	Fort Western	111,890
	Bicentennial Nature Park	50,001
	Health and Welfare	163,971
	General Assistance	88,350
	TOTAL COMMUNITY SERVICES	\$ 2,053,512
	<u>PUBLIC SAFETY</u>	
	Police	\$ 3,409,726
	Fire	2,011,338
	Civil Emergency Preparedness	6,200
	TOTAL PUBLIC SAFETY	\$ 5,427,264
	<u>PUBLIC WORKS</u>	
	Public Works Administration	\$ 103,828
	Highway	662,196
	Street Cleaning	103,641
	Snow Removal	764,675
	Waste Removal	729,251

NEW BUSINESS (Con't)

073	Continued	
	Walks	78,683
	Street & Road Maintenance	210,589
	Resurfacing of Streets	291,545
	Signs	105,979
	TOTAL PUBLIC WORKS	\$ 3,050,387
	TOTAL UTILITIES	\$ 1,950,633
	TOTAL RETIREMENT AND INSURANCE	\$ 1,557,644
	TOTAL SERIAL BONDS AND NOTES	\$ 1,305,834
	TOTAL RESERVE AND CASH C.I.P	\$ 564,700
	TOTAL COUNTY TAX	\$ 1,259,006
	<u>EDUCATION</u>	
	Board of Education	\$ 123,016
	Office of Superintendent	740,333
	Buker School	0
	Hodgkins School	1,846,006
	Farrington School	1,780,719
	Gilbert School	1,314,130
	Hussey School	944,264
	Lincoln School	1,115,323
	Cony High School	5,194,481
	Vo Tech Center	2,399,865
	System Wide Services	5,282,186
	District Wide Special Education	3,628,924
	Adult Education	492,565
	Secular Services	12,400
	Crossing Guides	45,223
	TOTAL EDUCATION	\$24,919,435
	TOTAL APPROPRIATIONS	\$45,441,170

074 Manager (Bureau of Planning)  
 WHEREAS, sand, gravel and other minerals are deposited in significant amounts throughout the City of Augusta; and

WHEREAS, the extraction of minerals such as gravel, sand, rock, clay, etc., is an industrial activity with a significant potential to negatively impact the quality of life of nearby residents, due to added noise, dust, fumes, ground vibrations,

NEW BUSINESS (Con't)

074 Continued  
and visual blight; and

WHEREAS, the City Council placed a moratorium on the expansion of existing mineral extraction operations so that the Planning Board would have time to study the regulation of mineral extraction in Augusta and report its findings and recommendations back to the Council; and

WHEREAS, the Augusta Planning Board, after holding multiple public hearings and workshops on the matter of regulating mineral extraction activities in Augusta, finds that it is still appropriate to allow extraction of these minerals within the City of Augusta, but that the City currently lacks enough safeguards over the real and potential impacts of existing mineral extraction operations, particularly pits and operations that currently exist near residences or are expanding closer to residential neighborhoods; and

WHEREAS, the Planning Board, after significant public and industry input, has produced a Draft Mineral Extraction Ordinance that it holds will adequately deal with these existing and potential impacts;

THEREFORE BE IT ORDAINED, by the City Council of Augusta, that the attached Draft Mineral Extraction Ordinance recommended by the Planning Board is hereby adopted and shall be added as a new Division 3 of Chapter 6 (City Services), Article II (Code Enforcement) of the Revised Code of Ordinances, and shall be entitled "Mineral Extraction Ordinance", and shall begin as Section 6-69 thereunder. (see attached)

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell  
City Clerk