

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, APRIL 15, 2010  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

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

- Presentation- Cony High School Students of the Month for March: Naomi Miller and Peter Tracy.
- Presentation- Commendation to Officer Chris Gay
- Presentation- USDA Food Bank by Spectrum Generations
- Public Hearing- CDBG Community Planning Grant on behalf of "The Maine Long-Term Care Ombudsman Program"

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

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED (Con't)

156 Continued

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:

*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)

HAS BEEN READ AND PASSED, AS AMENDED, FINAL READING

053 BE IT ORDAINED, By the City Council of the City of Augusta, that Chapter 13, Section 5. Offenses and Miscellaneous Provisions, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Sec. 3-5. Parades; permit required.

(a) ~~No less than thirty (30) days~~ Prior to an intended parade, march or other use of public ways within the city, a permit must be applied therefor to the City Police Chief or his designee. ~~The City Manager may allow a shorter time frame for good cause shown.~~

(b) The application shall set forth the name, address and phone number of the person seeking the permit, the date and time for which sought and the intended route.

(c) ~~Within ten (10) days of applying for the permit, as a condition to its issuance,~~ As a precondition to issuance of a permit, the applicant must meet with or provide information by any other means to the Police Chief or his designee, so that the



NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

- 057 ORDERED, That the Roll of Accounts for the month of March 2010 in the amount of \$4,375,737.14, be approved.

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

- 058 ORDERED, That the City Council accept a donation for up to 100 flats of annual flowers valued at \$3,200.00 to be used in the City's gardens from Longfellow's Greenhouses.

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

- 059 ORDERED, That the City Council accept a donation for the City's Fourth of July festivities toward the purchase of fireworks in an amount totaling One Thousand Dollars (\$1,000.00) from Kennebec Savings Bank.

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

- 060 ORDERED, That the attached list of election clerks be appointed in accordance with Title 21-A, Section 503, said terms to expire May 1, 2012.

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

- 061 WHEREAS, the City of Augusta, Maine wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted an advertised public hearing; and

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

061 Continued

WHEREAS, the City of Augusta, Maine is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

NOW THEREFORE, BE IT RESOLVED, By the Council of the City of Augusta, Maine that the City Manager:

1) Is authorized and directed to submit an application for the following program and dollar amount within the State of Maine's CDBG program to the Department of Economic and Community Development on behalf of the City of Augusta, Maine, substantially in the form presented to this Council:

Program: Community Planning Grant Program – The Maine Long-Term Care  
Ombudsman Program  
Amount: \$10,000

2) Is authorized to make assurances on behalf of the City of Augusta, Maine required a part of such application, and

3) Is authorized and directed, upon acceptance of such funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Augusta, Maine and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

Motion for passage by: Stokes                      Seconded by: Munson

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

Nays: 0

062 ORDERED, That the City Council place the following referendum question on the June 8, 2010 ballot approved by the Augusta School Board on March 24, 2010:

“Do you wish to continue the budget validation referendum process in the Augusta School Department for an additional three years?”

A “YES” vote will require the Augusta School Department to continue to conduct a referendum to validate its annual budget for the next three years.

A “NO” vote will discontinue the budget validation referendum for at least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the Augusta City Council.”

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

062 Continued

Motion for passage by: Stokes           Seconded by: Coffin

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

Nays: 0

063 ORDERED, That the City Council create a new account within the existing Downtown TIF District in the amount of \$73,200 for the purpose of creating a Propane Tank Farm, essential to the redevelopment of buildings located between Water and Commercial Streets.

BE IT FURTHER ORDERED, That the following accounts within the existing Downtown TIF District be decreased by \$73,200 as follows:

Radio Tourism Broadcast - \$53,200

Cultural/Heritage Map - \$20,000

Motion for passage by: Rollins           Seconded by: Coffin

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

Nays: 0

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
April 21, 2010