

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, MARCH 18, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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 Cony Students of the Month for February:
Jessica Bronx
Robert Metcalf

PRESENTATION- Angel Ministry by Pastor Kevin Kidd

PUBLIC HEARING- Bottle Club Registration Application for Karen L. Hatch, The River Back Dance Club

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 the minutes of the City Council meeting held March 4, 2010, submitted by the City Clerk, be approved.
- 041 City Manager
ORDERED, That the City Council accept a donation for the Augusta Recreation Youth Basketball Program in an amount totaling \$2,500.00 from the Wal-Mart Foundation.
- 042 City Manager
ORDERED, That City Council accept donations for the City's Fourth of July festivities in an amount totaling Three Thousand Dollars (\$3,000.00) with \$1,000.00 from G & E Roofing, \$1,000.00 from Gardiner Savings Bank and \$1,000.00 from Elsie Viles.

OLD BUSINESS AND TABLED MATTERS

TABLED

- 115 City Manager
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.

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED

156 Councilor Munson

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 ORDERED 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,

NEW BUSINESS

PART 1 - ORDERS

043 Manager (Bureau of City Clerk)

ORDERED, That the following application for a Bottle Club Registration be approved:

Karen L. Hatch, The River Back Dance Club

044 Councilor Coffin

ORDERED, That the City Manager is authorized to accept a Small Communities Airservice Development (SCAD) Grant from the USDOT in the amount of \$100,000 for airport marketing.

NEW BUSINESS (Con't)

045 Mayor Katz

WHEREAS, The United States Department of Health and Human Services, Division of Transplantation has designated the month of April as National Donate Life Month to promote organ, tissue, blood and bone marrow donation awareness; and

WHEREAS, In the fall of 2006 Donate Life America launched the Donor Designation Collaborative, a national effort to improve donation rates by ensuring each state has an effective system for allowing individuals to designate themselves as donors; and

WHEREAS, This Donor Designation Collaborative has focused on encouraging state teams to test, adopt and share best practices that measurably increase the number of registered donors and since 2006 registries have been founded in every state of the Union; and

WHEREAS, Having a month designated as Donate Life Month will help Augusta and Maine reach the goal of having as many adults as possible add their names to the Maine Donate Life Registry; and

WHEREAS, More than 105,000 people in America are waiting for lifesaving transplants, and over 6,600 will die this year; and

WHEREAS, Last year more than 28,000 lives were saved through organ transplants and more than 1,000,000 life-enhancing tissue transplants are performed each year, offering patients a new chance at healthy, productive and normal lives.

NOW, THEREFORE BE IT RESOLVED, That We, the members of the Augusta City Council, on behalf of the people we represent, recognize the month of April in Maine to be Donate Life Month and urge and request the citizens of Augusta to sign on to the Maine Donate Life Registry; and,

BE IT FURTHER RESOLVED, That a suitable copy of this resolution be transmitted to the Maine Donate Life Registry.

PART 2 – ORDINANCES BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

046 Mayor Katz

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

That Chapter 6, Section 245. Use of city equipment on private ways, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

~~All private ways located in the city which were being maintained by the city as of January 1, 1986, are to be maintained and kept open through the use of city owned equipment until such time as specific action by the City Council ceases the activity on such way or ways. This section is enacted based upon the Council's findings that it is in the best interest of the city to maintain and use its highway equipment on such ways in order to provide police and fire protection to the inhabitants living on the ways and to the general public.~~

NEW BUSINESS (Con't)

046 Continued

BE IT FURTHER ORDAINED, That Chapter 6, Section 245. Use of city equipment on private ways, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

The City provide plowing and sanding for all private roads which meet the following conditions:

1. A public easement to the City is signed by all property owners that own any fee interest on that road.
2. The road has at least three (3) year-round residences located on at least three (3) separate parcels or is a paved roadway located in an approved residential subdivision with at least three (3) separate parcels.
3. A Road Association is formed for each road, and
4. The road meets minimum standards established by the City Council

Furthermore, that the Road Association provide a contact person to the City.

The City reserves the right to establish a per mile cost for plowing and sanding and reimburse that amount to the Road Association in lieu of providing services directly.

047 Mayor Katz and Councilor Munson

WHEREAS, The City of Augusta is endeavoring to ensure compatibility of neighboring mineral extraction and residential uses; and

WHEREAS, The City Council finds that the existing Land Use Ordinance, Mineral Extraction Ordinance, and other regulations are inadequate to prevent serious public harm from the development of bituminous mix plants or ready mix concrete plants as associated mineral extraction uses; and

WHEREAS, The City Council has formed a council subcommittee to research, evaluate, and propose additional standards to enhance the compatibility of these uses with neighboring uses in proximity to neighboring uses; and

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta, that no bituminous mix plant or ready mix concrete plant shall be reviewed or permitted by City staff, the Planning Board or under any other authority pursuant to the Land Use Ordinance or as an associated use in the Mineral Extraction Ordinance.

Bituminous mix plants and ready mix concrete plants listed in previously approved permits for licensed mineral extraction sites, where no specific information about the associated uses was provided to, or reviewed by, the Planning Board shall be subject to this Moratorium and prohibited from starting operation.

NEW BUSINESS (Con't)

047 Continued

This moratorium retroactively applies to any applications currently pending or received by the City after January 28, 2010, including but not limited to, applications which have not received substantive review by the Planning Board.

This moratorium shall be in effect for a period of 180 days, effective immediately as of the time of its enactment.

OTHER BUSINESS

Enter into an executive session to discuss:

- potential litigation; 1 M.R.S.A., §405(6)(E).
- labor negotiations; 1 M.R.S.A., §405(6)(A).

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
March 15, 2010