

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

October 31, 2008

Agenda for the regular City Council meeting to be held Thursday, November 6, 2008 at 7:00 p.m., Council Chambers, City Center.

PROCLAMATION - Lung Cancer Awareness Month

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.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

149 Councilors Rollins and Munson

WHEREAS, the 2007 Comprehensive Plan for the City of Augusta strongly recommends improved site design along Augusta's gateway roads.

WHEREAS, improved site design has proven to occur best through a public hearing process at the Planning Board level.

WHEREAS, the Planning Board is in the process of re-writing the Land Use Ordinance, but does not anticipate having it completed for Council review and public hearing until late winter.

WHEREAS, projects that occur prior to an anticipated final approval of a new ordinance could have a significant and long-term impact on the gateways.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

Amend Section 2.2 of the Augusta Land Use Ordinance

Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the

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

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storage, deposition, or extracton of materials, public or private sewage disposal systems or water supply facilities.

(1) Major development:

a. For parcels that have access to or frontage on the following streets or roads, major development includes any new or redeveloped non-residential or multi-family residential project that creates or redevelops any floor space or impervious surface:

i. Western Avenue - from I-95 to Memorial Circle

ii. Memorial Circle

iii. Cony Circle

iv. Bangor Street

v. Riverside Drive - from Bangor Street to Rt 3

vi. State Street

vii. Mt Vernon Avenue

viii. Sewall Street - from Western Avenue to the Hallowell municipal boundary

ix. Capitol Street

x. Armory Street

xi. Winthrop Street

xii. Leighton Road

xiii. Stone Street

xiv. Hospital Street - from Stone Street to Piggery Road

xv. Cony Street - from Kennebec River to South Belfast Avenue

xvi. Water Street

xvii. Northern Avenue

xviii. Grove Street - from Memorial Circle to Water Street

b. For all parcels not affected by (a) above, a major development is any new or re-developed non-residential or multi-family residential project that disturbs one (1) acre of land or more, or creates or adds to one (1) acre of impervious surface on a parcel. It shall include any multi-family residential or non-residential change of use that affects or disturbs one (1) acre of land or more. Disturbed land includes but is not limited to new impervious surface or any re-development or modification of existing impervious surface.

(2) Minor development: Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

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

- 182 Mayor Katz
ORDERED, That the section of Grove Street between Memorial Circle and Water Street shall forthwith be considered a part of and be renamed Water Street. This order shall take effect January 1, 2009.

HAS BEEN READ, FIRST READING

- 183 Councilor O'Brien
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 4, ARTICLE II. DOGS AND CATS, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following sentence to the end of paragraph 4-28(b):

Notwithstanding other provisions in this code, any owner or keeper who allows a dog to be in violation of this sub-section shall be subject to a fine of \$100.

NEW BUSINESSPART 1 - ORDERS

- 185 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held October 20, 2008 submitted by the City Clerk be approved.
- 186 Manager (Bureau of City Clerk)
ORDERED, That the tabulation results for the Municipal / Referendum Election held November 4, 2008 submitted by the City Clerk, be and hereby certified.
- 187 Mayor Katz
WHEREAS, the Augusta City Council acknowledges that it has long been the practice of the City to have the City Council provide through its annual budget process sufficient funds for the purchase of petroleum products and electricity and other utilities; and,

WHEREAS, said appropriations are based upon the best estimates of City staff regarding usage and demand and the cost projections developed by the City Manager and Assistant City Manager; and,

NEW BUSINESS (Con't)

187 Continued

WHEREAS, the periodic contractual purchase of petroleum products and electricity has, consistent with the City's purchasing ordinance, been accomplished administratively; and,

WHEREAS, of late, extraordinary price fluctuations and cost spikes in the energy markets have generated more attention and concern on the part of the City Council, their constituents, and City staff; and,

WHEREAS, the Assistant City Manager/Director of Finance and Administration, after a study of the petroleum and energy markets, has recommended certain contractual strategies to the City Manager designed to increase future budget stability and take advantage of market pricing trends.

NOW THEREFORE BE IT RESOLVED, That the City Council does hereby support administrative actions which may lengthen the number of years that the City contracts for the purchase of electricity and also support administrative actions that advance the timetable by six numbers or so wherein contracts a commitment for the purchase of petroleum typically takes place.

BE IT FURTHER RESOLVED, That City Council does take notice of current market prices for petroleum products and does hereby reinforce the primacy of budget stability as a determining factor in management's purchasing decisions.

188 Councilor Coffin

ORDERED, That public easements into the private road known a S & V Lane shall be accepted by the City so as to enable winter snow plowing consistent with City policy.

189 Manager (Bureau of Health and Welfare)

ORDERED, That the City Council herewith render a decision on a property tax abatement request identified as 2008-1 which has been duly deliberated by the Augusta City Council in executive session pursuant to M.R.S.A., Title 36, Section 841(2).

190 Councilor O'Brien

ORDERED, That the City Council does hereby refer to the Augusta Planning Board a request for rezoning from the intersection of Route 3 and Riverside Drive north to Riggs Brook. Said area is proposed to be rezoned to Planned Development.

NEW BUSINESS (Con't)

191 Councilor Munson
ORDERED, That Hatch Hill Landfill is authorized to accept special waste to wit sand blasting residue from vehicle maintenance facilities within the communities contractually serviced by Hatch Hill to include Cliff's Garage.

PART 2 - ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

192 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 the following:

Middle Street: between Stone Street and Spruce Street, south only.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk