

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, MAY 20, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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

Presentation- Recognition of CATC Students of the Month:
March - Corey Lewandowski and Heather Perry
April - Joseph Scribellito and Dominique Curtis
May - Alexandria Chadbourne and Dustin Partridge

Presentation- Recognition of Cony Students of the Month:
April - Jacob Forbes and Silvia Wafiroh

Presentation- Recognition of Eagle Scouts:
Stewart Emery
Ryker Wells

Presentation- Fourth of July Activities by Julie O'Brien and Bob Parquette

Public Hearing- Appropriation Resolve FY 2010 - 2011

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.

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED (Con't)

156 Continued

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, sunseting 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 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)

READ AND PASSED, AS AMENDED, FINAL READING

075 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, 2010, and ending June 30, 2011, the sum of ~~\$49,578,066~~ \$49,338,045 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 ~~\$24,492,991~~ \$24,596,929 to be set at ~~\$25,085,075~~ \$24,741,116.

OLD BUSINESS AND TABLED MATTERS (Con't)

READ AND PASSED, AS AMENDED, FINAL READING (Con't)

075 Continued

BE IT FURTHER RESOLVED, That the City of Augusta appropriate ~~\$25,551,032~~ \$25,446,785 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 ~~\$10,013,351~~ \$9,909,104 as 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 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 and appropriate \$298,477 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit'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 minor capital renovations that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

- New Cony High School – approved by the voters on December 2, 2003.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$0 in additional local funds, which is less than the State's Essential Programs and Services allocation model by \$502,111 as required to fund the budget recommended by the School Board.

Explanation: The additional local funds, if any, are those locally raised funds over and above the City's local contribution to the total cost of funding public education from pre-kindergarten through grade twelve 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

OLD BUSINESS AND TABLED MATTERS (Con't)

READ AND PASSED, AS AMENDED, FINAL READING (Con't)

075 Continued

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. The appropriation is less than the Essential Program and Services model.

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$610,041 and raise \$401,341 for Adult Education.

BE IT FURTHER RESOLVED, That the City of Augusta authorize the Augusta Board of Education to expend ~~\$26,459,550~~ \$26,355,303 for the fiscal year beginning July 1, 2010 and ending June 30, 2011 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 | FINAL BUDGET |
|---|-------------------------------|---------------------------------|
| LEGISLATIVE AND EXECUTIVE | | |
| MAYOR AND COUNCIL | \$33,319 | \$33,319 |
| CITY MANAGER | \$238,544 | <u>\$238,025</u> |
| CORPORATION COUNSEL | \$115,800 | \$115,800 |
| CENTRAL SERVICES | \$9,687 | \$9,687 |
| UNCLASSIFIED | \$173,495 | \$173,495 |
| COUNCIL CONTINGENCY | \$20,000 | \$20,000 |
| MANAGER CONTINGENCY | \$10,000 | \$10,000 |
| TOTAL LEGISLATIVE AND EXECUTIVE | <hr/> \$600,845 | <hr/> <u>\$600,326</u> |
| FINANCE AND ADMINISTRATION | | |
| CITY CLERK, TREASURER, TAX COLLECTOR | \$442,306 | <u>\$441,025</u> |
| REGISTRATION AND ELECTIONS | \$23,164 | \$23,166 |
| CITY AUDITOR | \$146,703 | \$146,703 |
| INFORMATION SYSTEMS | \$386,400 | \$386,400 |
| ASSESSOR | \$204,203 | <u>\$203,892</u> |
| FINANCE AND ADMINISTRATION | \$111,400 | \$111,400 |
| HUMAN RESOURCES | \$228,803 | \$228,803 |
| TOTAL FINANCE AND ADMINISTRATION | <hr/> \$1,542,979 | <hr/> <u>\$1,541,389</u> |

OLD BUSINESS AND TABLED MATTERS

READ AND PASSED, AS AMENDED,
FINAL READING

075 Continued

CITY SERVICES

| | | |
|------------------------------|--------------------|--------------------|
| ECONOMIC DEVELOPMENT | \$233,121 | <u>\$232,797</u> |
| PLANNING | \$132,151 | <u>\$130,071</u> |
| HISTORICAL PRESERVATION | \$5,825 | \$5,825 |
| CODE ENFORCEMENT | \$147,221 | \$147,221 |
| CITY SERVICES ADMINISTRATION | \$65,145 | <u>\$64,940</u> |
| ENGINEER | \$107,796 | <u>\$107,816</u> |
| CITY BUILDINGS | \$511,267 | \$511,267 |
| BUKER SCHOOL | \$178,679 | <u>\$177,629</u> |
| CONY/FLATIRON | \$56,026 | \$56,026 |
| TOTAL CITY SERVICES | <u>\$1,437,231</u> | <u>\$1,433,592</u> |

COMMUNITY SERVICES

| | | |
|---------------------------------|--------------------|--------------------|
| CONSERVATION COMMISSION | \$0 | \$0 |
| COMMUNITY SERVICES | | |
| ADMINISTRATION | \$150,645 | \$150,645 |
| PUBLIC LIBRARY | \$571,802 | <u>\$567,359</u> |
| RECREATION | \$173,999 | <u>\$172,780</u> |
| PARKS AND CEMETERIES | \$710,179 | <u>\$707,795</u> |
| FORT WESTERN | \$66,408 | <u>\$86,651</u> |
| BICENTENNIAL NATURE PARK | \$42,900 | <u>\$42,904</u> |
| HEALTH AND WELFARE | \$98,676 | \$98,676 |
| GENERAL ASSISTANCE | \$93,900 | \$93,900 |
| TOTAL COMMUNITY SERVICES | <u>\$1,908,509</u> | <u>\$1,920,710</u> |

PUBLIC SAFETY

| | | |
|------------------------------|--------------------|--------------------|
| POLICE | \$3,985,435 | <u>\$3,960,352</u> |
| FIRE | \$3,655,438 | <u>\$3,645,794</u> |
| CIVIL EMERGENCY PREPAREDNESS | \$13,540 | \$13,540 |
| TOTAL PUBLIC SAFETY | <u>\$7,654,413</u> | <u>\$7,619,686</u> |

PUBLIC WORKS

| | | |
|---------------------------|--------------------|--------------------|
| PUBLIC WORKS ADM | \$113,236 | \$113,236 |
| HIGHWAY | \$1,163,445 | <u>\$1,163,306</u> |
| SNOW REMOVAL | \$1,158,951 | <u>\$1,159,351</u> |
| WASTE REMOVAL | \$745,907 | <u>\$744,306</u> |
| TOTAL PUBLIC WORKS | <u>\$3,181,539</u> | <u>\$3,180,199</u> |

OLD BUSINESS AND TABLED MATTERS

READ AND PASSED, AS AMENDED, FINAL READING

| | | | |
|-----|---------------------------------------|---------------------|---------------------|
| 075 | Continued | | |
| | TOTAL UTILITIES | \$1,893,472 | \$1,893,472 |
| | TOTAL RETIREMENT AND INSURANCE | \$2,558,913 | \$2,558,913 |
| | TOTAL SERIAL BONDS AND NOTES | \$837,835 | \$837,835 |
| | TOTAL RESERVE AND CASH C.I.P. | | 0 |
| | TOTAL COUNTY TAX | \$1,502,780 | <u>\$1,396,620</u> |
| | DEPARTMENT OF EDUCATION | | |
| | REGULAR INSTRUCTION | \$8,520,473 | <u>\$8,416,226</u> |
| | SPECIAL EDUCATION | \$3,869,610 | \$3,869,610 |
| | CAREER AND TECHNICAL EDUCATION | \$2,525,094 | \$2,525,094 |
| | OTHER INSTRUCTION | \$580,658 | \$580,658 |
| | STUDENT AND STAFF SUPPORT | \$2,252,454 | \$2,252,454 |
| | SYSTEM ADMINISTRATION | \$686,986 | \$686,986 |
| | SCHOOL ADMINISTRATION | \$1,375,019 | \$1,375,019 |
| | TRANSPORTATION | \$1,115,000 | \$1,115,000 |
| | FACILITIES MANAGEMENT | \$2,297,646 | \$2,297,646 |
| | DEBT SERVICE | \$2,401,125 | \$2,401,125 |
| | ALL OTHER EXPENDITURES | \$225,444 | \$225,444 |
| | ADULT EDUCATION | \$610,041 | \$610,041 |
| | TOTAL DEPARTMENT OF EDUCATION | <u>\$26,459,550</u> | <u>\$26,355,303</u> |
| | TOTAL APPROPRIATIONS | <u>\$49,578,066</u> | <u>\$49,338,066</u> |

Motion to amend by: Stokes Second by: Rollins

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

Nays: 0

Motion for passage, as amended by: Coffin Second by: Grant

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

Nays: 0

NEW BUSINESS

READ, FIRST READING

084 WHEREAS, State law requires municipal land use regulations to allow medical marijuana dispensaries and methadone clinics within the city.

WHEREAS, these uses are medical uses serving patient needs.

WHEREAS, the City Council finds that the criteria for approving a Text Amendment, found in section 1.6.1.B has been satisfied.

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 adding the following definitions

Specialized Medical Clinic. A facility that dispenses methadone or medical marijuana to patients. A medical marijuana dispensary may also grow and process the product at the same facility. Typical accessory uses for a medical marijuana dispensary or grow facility may include, but are not limited to, counseling services associated with the medical conditions being treated with medical marijuana, processing and cooking facilities for preparing the marijuana, other treatments for the medical condition being treated with marijuana. In all cases, accessory uses must remain secondary, individually and in aggregate, to the primary use.

Medical Marijuana Grow-only Facility. A facility that engages only in the growing and processing of medical marijuana in accordance with state law, but does not dispense marijuana. Processing of medical marijuana may include, but are not limited to, the preparation of tinctures, ointments, and food products containing medical marijuana.

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, of the Augusta Land Use Ordinance adding the following new uses to the table:

“Specialized Medical Clinic” in the INSTITUTIONAL uses section of the table as a permitted use in the Medical (MED) zoning district.

“Medical Marijuana Grow-only Facility” in the INSTITUTIONAL uses section of the table as a permitted use in the Medical (MED) and Industrial (IA) zoning districts.

(FIRST READING, NO VOTE REQUIRED)

READ AND PASSED

076 ORDERED, That the minutes of the City Council meeting held May 6, 2010, submitted by the City Clerk, be approved.

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

076 Continued

Motion for passage by: Munson Second by: O'Brien

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

Nays: 0

077 ORDERED, That Michael Byron is hereby reappointed to the Maine Municipal Association's Legislative Policy Committee for another two-year term to expire June 30, 2012.

Motion for passage by: Munson Second by: O'Brien

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

Nays: 0

078 ORDERED, That George Murray and David Rand be reappointed to the Parks and Recreation Advisory Board; said terms to expire May 21, 2013.

Motion for passage by: Munson Second by: O'Brien

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

Nays: 0

079 ORDERED, That Gerald Bumford and Sylvia Hudson be reappointed to the Historic Preservation Commission; said terms to expire May 21, 2013.

Motion for passage by: Munson Second by: O'Brien

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

Nays: 0

080 ORDERED, That Tim Dennett and John Seed be reappointed to the Zoning Board of Appeals; said terms to expire May 18, 2013 and July 3, 2013, respectively.

Motion for passage by: Munson Second by: O'Brien

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

Nays: 0

081 ORDERED, That the City of Augusta property taxes for the 2011 fiscal year shall be due and payable at the Office of the Tax Collector as follows:

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

081 Continued

- ONE HALF shall be due on September 9, 2010
- ONE HALF shall be due on March 10, 2011

BE IT FURTHER ORDERED, That interest is charged on any outstanding amount commencing one (1) day after the due date at the rate of 7% per annum.

Motion for passage by: Stokes Second by: Paradis

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

Nays: 0

082 ORDERED, That the City Manager is authorized to enter into an Airport Project Level Contract with the Maine Department of Transportation in the amount of \$17,000 for the purpose of conducting an environmental assessment of off Airport Obstruction Removal.

BE IT FURTHER ORDERED, That the City Manager is authorized to enter into an Airport Project Level Contract with the Maine Department of Transportation in the amount of \$2,699,000 to acquire engineered material arresting system (EMAS) blocks for Runway 17-35 and snow removal equipment for EMAS.

Motion for passage by: Coffin Second by: Paradis

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

Nays: 0

083 BE IT ORDERED, That under and pursuant to the provisions of Maine law and the Charter and City Ordinances of the City of Augusta, Maine, the City Manager is authorized to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the City of Augusta, Maine (the "Issuer"), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding One Hundred Fifty-One Thousand Nine Hundred Four Dollars and Thirty-Seven Cents (\$151,904.37), at a rate of interest of not more than 4.130% per year through August 1, 2015, and otherwise in such form as the City Manager may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

- 083 Continued
acquisition of which would cause the tax-exempt lease purchase agreement to be a “private activity bond” or an “arbitrage bond” within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the “Code”); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the City Manager be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof.

Motion for passage by: Stokes Second by: Paradis

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

Nays: 0

- 085 ORDERED, That the City Council enter into executive session to discuss a personnel matter; 1 M.R.S.A., §405(6)(A).

Motion for passage by: Munson Second by: O’Brien

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

Nays: 0

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
May 24, 2010