

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, DECEMBER 16, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

All members of the Council were present, except Mayor Katz; Councilor Paradis presided.

Presentation - Recognition of UMA Student Design Exhibition winners:

1st place - Sarah Pendleton, (Artist 4)

2nd place - Carol St. Pierre (Artist 2)

3rd place - Catherine McDade (Artist 3)

Honorable Mention - Kelly Dakin (Artist 1)

(Presentation has been rescheduled to January 6, 2011 meeting)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

READ AND PASSED, AS AMENDED, FINAL READING

183 BE IT ORDAINED, By the City Council of the City of Augusta, as follows: That Chapter 4, Article II Dogs and Cats, Sec. 4-31 through 4-36, as amended, be further amended by adopting the attached new version of the ordinance.

BE IT FURTHER ORDAINED, That Article VII Parks and Recreation, Sec 6.5-312 Definitions, as amended, be further amended by adopting the attached changes to the ordinance. Furthermore, that new language in the ordinances is indicated by underline and removed language by strikeout and upon adoption of this ordinance, such indications shall be removed.

Motion to amend by: Grant Second by: Stokes

Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes

Nays: 0;

Motion to amend by: O'Brien Second by: Munson

Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes

Nays: 0;

Motion for passage by: Stokes Second by: Munson

Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes

Nays: 0;

NEW BUSINESS

READ AND TABLED INDEFINITELY

- 194 ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Dispatch Unit of the Augusta Police Department.

Motion to table indefinitely by: Coffin Second by: Stokes
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;

READ AND PASSED, AS AMENDED

- 195 ORDERED, That the City Manager is authorized to execute an agreement providing for the payment of sick leave buyout with the Augusta Public Works Department Local 1458, Council #93, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO.

Motion to amend by: Stokes Second by: O'Brien
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;

Motion for passage by: Munson Second by: Rollins
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;

HAS BEEN READ, FIRST READING

- 198 WHEREAS, the City Council finds that the criteria for approving a text Amendment, found in Section 1.6.1.B of the Land Use Ordinance has been satisfied; and

WHEREAS, the City Council finds that restaurants are a use proposed by the 2007 Comprehensive Plan for this commercial corridor; and

WHEREAS, the City Council finds that traffic concerns on Mt. Vernon Ave are of heightened significance, necessitating the careful consideration of new uses that might impact congestion and safety; and

WHEREAS, the City Council recognizes Mt. Vernon Ave as an important mixed use, residential/commercial corridor that is a primary access point to the city.

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

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

198 Continued

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, to add "Restaurants, without drive through services" as a new use in the table and as a Conditional Use (CU) in the Resource Development (RD) zoning district only.

(FIRST READING, NO VOTE REQUIRED)

READ AND NOT PASSED

190 WHEREAS Mayor Katz has declared his intention to resign the Office of the Mayor of the City of Augusta at the end of the January 6th, 2011 City Council business meeting, and

WHEREAS, the City Charter provides that when there is a vacancy in the Office of the Mayor, the City Council shall schedule a special election for the purpose of filling the unexpired term "as soon as practical,"

NOW, THEREFORE, BE IT ORDERED, That a special election to fill the unexpired term of Mayor Roger Katz shall be scheduled for March 15, 2011. This order shall be null and void if Mayor Katz does not resign his position as Mayor by January 7, 2011.

Motion for passage by: O'Brien Second by: Coffin
Yeas: 2; O'Brien, Coffin
Nays: 6; Byron, Grant, Paradis
 Rollins, Munson, Stokes

READ AND PASSED

186 ORDERED, That the minutes of the City Council meetings held December 2, and December 9, 2010 submitted by the City Clerk, be approved.

Motion for passage by: Stokes Second by: Coffin
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;

187 ORDERED, That Roll of Accounts for the month of November 2010 in the amount of \$6,906,067.23 be approved.

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

- 187 Continued
Motion for passage by: Stokes Second by: Coffin
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;
- 188 ORDERED, That Roberta Record and Rex P. Turner be reappointed to the Conservation Commission; said terms to expire December 31, 2013.

Motion for passage by: Stokes Second by: Coffin
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;
- 189 ORDERED, That Lesley Jones be appointed as a non-voting member to the Greater Augusta Utility District with her term expiring December 9, 2013.

Motion for passage by: Stokes Second by: Coffin
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;
- 191 ORDERED, That the City Manager or his designee is authorized to enter into a lease purchase agreement for the purchase of a new ambulance.

Motion for passage by: Munson Second by: Byron
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;
- 192 ORDERED, That all proceeds from the sale of the Northern Avenue Fire Station shall be deposited in the Lithgow Library Capital Construction Fund.

Motion for passage by: Munson Second by: Stokes
Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes
Nays: 0;

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

- 193 ORDERED, That pursuant to Council Order No.152 defining the City's policy regarding the plowing and sanding of private roads, the City hereby accepts public easements from the property owners of the following road:

Fieldstone Drive

Motion for passage by: Byron Second by: Stokes

Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes

Nays: 0;

- 196 WHEREAS, the Mayor and City Council do hereby acknowledge the extraordinary accomplishments and contributions to the Augusta Department of Public Works and to the City of Augusta that John Charest has made throughout his forty-two years tenure at Public Works, and

WHEREAS, the Mayor and City Council do strongly support the unanimous recommendation of the employees of the City's Department of Public Works, as well as the Bureau of Parks and Cemeteries and other City departments to recognize John Charest's service and devotion to his community,

NOW, THEREFORE, BE IT RESOLVED, That the City's Public Works Complex located at 55 North Street shall hereafter be known and referred to as: "The John Charest Public Works Facility."

Motion for passage by: Stokes Second by: Munson

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

Nays: 0;

- 197 ORDERED, That the revised City Administrative Regulations "Section III C.5 Benefits" be adopted per the attached version. Furthermore, that new language in the ordinances is indicated by underline and removed language by strikeout, and upon adoption of this ordinance, such indications shall be removed.

WHEREAS tentative agreements have been reached with many of the City's labor unions that require the City to pay the increased costs of medical plan premiums through June 30, 2011,

NOW, THEREFORE, BE IT ORDERED, That the City will pay the increase in premium costs of the Maine Municipal Employees Health Trust plan POS-C from January 1, 2011 through June 30, 2011 for non-union employees.

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

197 Continued

Motion for passage by: Coffin Second by: Stokes

Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes

Nays: 0;

199 ORDERED, That the City Council enter into executive session to discuss:

- a potential litigation; 1 M.R.S.A., §405(6)(E)
- a personnel matter: 1 M.R.S.A. §405(6)(A)

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

Yeas: 7; Byron, Grant, O'Brien
 Rollins, Coffin, Munson, Stokes

Nays: 0;

Respectfully submitted,

Barbara E. Wardwell, City Clerk
December 20, 2010