

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

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

Public Hearing: Consolidation of Polling Places to the Augusta Civic Center for all Elections

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 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:

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED (Con't)

156 Continued

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

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

That Division 3: Mineral Extraction Ordinance, as amended, be further amended by adopting the attached new version of the ordinance. Furthermore, that new language in the ordinance is indicated by 'underline' and language that has been deleted is indicated by 'strikethrough' and upon adoption of this ordinance, such indication shall be removed.

BE IT FURTHER AMENDED by including the attachment submitted by Corporation Counsel in the manner that the underlined words in red be added and the stricken words in red be removed.

Motion to amend by: Rollins Second by: Coffin

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

Nays: 0

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

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

Nays: 0

NEW BUSINESS

READ AND PASSED, AS AMENDED

- 114 ORDERED, That following the public hearing for the purpose of consolidating the City's four (4) polling places for the November 2, 2010 Election ~~Elections from the date of approval forward~~, be consolidated into one (1) polling place, and;

BE IT FURTHER ORDERED, That for voting purposes for the November 2, 2010 Election ~~all Elections~~, the designated polling place shall be Augusta Civic Center, 76 Community Drive, Augusta, and;

BE IT FURTHER ORDERED, That the City Clerk file this order and required certificate with the Secretary of State, as required by M.R.S.A., Title 21-A, Section 631.

Motion to amend by: Paradis Second by: Stokes

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

Nays: 0

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

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

Nays: 0

READ AND PASSED

- 108 ORDERED, That the minutes of the City Council meeting held July 1, 2010, submitted by the City Clerk, be approved.

Motion for passage by: Stokes Second by: Coffin

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

Nays: 0

- 109 ORDERED, That Roll of Accounts for the month of June 2010 in the amount of \$5,973,136.89 be approved.

Motion for passage by: Stokes Second by: Coffin

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

Nays: 0

- 110 ORDERED, That Rachel Dyer be appointed to the Conservation Commission; said term to expire July 15, 2013.

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

110 Continued

Motion for passage by: Stokes Second by: Coffin

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

Nays: 0

111 ORDERED, That the City Council refer to the Planning Board a request for an amendment to the Land Use Ordinance to include rooming houses within the Kennebec Business District 1 Zone.

Motion for passage by: Byron Second by: Rollins

Yeas: 5: Byron, O'Brien, Rollins,
 Coffin, Stokes.

Nays: 3: Grant, Paradis, Munson

112 ORDERED, That the City Council authorize an expenditure of \$5,000 from the Childcare Bureau Fund Balance to the Augusta School Department as a contribution to the Hussey Elementary School playground project.

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

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

Nays: 0

113 ORDERED, That the City Council hereby waives Section 5.1.15.1.1.F of the Land Use Ordinance of the City of Augusta regarding the restriction in construction activities between the hours of 10:00 p.m. and 7:00 a.m. in order to allow night-time work for the reclamation project on Route 9 in the vicinity of the Chelsea town line.

Motion for passage by: Grant Second by: Coffin

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

Nays: 0

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

Motion to suspend the rules by: O'Brien Second by: Rollins

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

Nays: 0

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

115 Continued

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

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

Nays: 0

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk

July 26, 2010