

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, JUNE 3, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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

Presentation - By Peter Thompson on Vicki Van Meter Statue

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.

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)

HAS BEEN READ AND PASSED, AS AMENDED

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.

WHEREAS an emergency exists because without the amendment to the Land Use Ordinance, medical marijuana dispensaries may be located in areas of the city which would not allow adequate protection of life, health, safety and of property.

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.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, AS AMENDED (Con't)

084 Continued

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.

BE IT FURTHER AMENDED, That this ordinance is effective as of the date of passage by the City Council.

Motion to amend by: Stokes Second by: Munson

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

NEW BUSINESS

HAS BEEN READ AND PASSED, SECOND READING WAIVED

084A 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:

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NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED, SECOND READING WAIVED (Con't)

084A Continued

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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:

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“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.

Motion to add order under suspension of the rules by: Rollins Second by: Munson

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

Nays: 0

Motion to waive second reading by: Munson Second by: Stokes

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

Nays: 0

Motion for passage by: Stokes Second by: Grant

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

Nays: 0

NEW BUSINESS

HAS BEEN READ, FIRST READING

092 BE IT ORDERED, That (1) Borrowing of a sum not to exceed \$500,000 be and hereby is authorized for the purpose of paying costs of capital expenditures for the construction, reconstruction, renovation and improvement of streets, buildings and other public facilities in and of the City of Augusta (the "City") to constitute the following:

<u>Description of Improvements</u>	<u>Est. Period of Utility</u>	<u>Amount</u>
(A) Improvement of City streets, sidewalks and related facilities throughout the City	12	150,000
(B) Replacement of the Blair Road Bridge (local share)	25	150,000
(C) Repair and improvement of municipal facilities throughout the City	12	200,000
Total		<u>\$500,000</u>

The estimated period of utility of each of the foregoing improvements is hereby declared to be in excess of the number of years in the column entitled "Est. Period of Utility" following the respective description of the improvement in the table above.

(2) To carry out the aforesaid borrowing authorization, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 7 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$500,000 on such terms as the Authorized Representative determines are necessary and proper, including the interest rate or rates, the principal and interest payment date or dates, the date or dates of the bonds, the denomination or denominations of the bonds, and all other particulars as to form, issue and sale of each issue of the bonds, provided that each of the bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to be payable on or before December 31 of the year after the year in which the bonds are issued, and the last installment with respect to an amount authorized for an improvement to be payable not later than (a) ten (10) years after the date for payment of the first installment if the estimated period of utility of the improvement is declared to be in excess of twelve (12) years or (b) twenty (20) years after the date for payment of the first installment if the estimated period of utility of the

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

092 Continued

improvement is declared to be in excess of twenty five (25) years. The bond issues authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the principal amount of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certificates which the Authorized Representative determines are necessary and proper in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on the bonds or any notes shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by the bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of the bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal note shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear, the date or dates on which principal, interest or both will be paid and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. The notes may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the notes. An Authorized Representative is authorized to sign such other agreements, instruments or certificates which the Authorized Representative determines are necessary and proper in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation §1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing construction, reconstruction, renovation and improvement and (2) that the maximum principal amount of debt to be issued by the City for the foregoing construction, reconstruction, renovation and

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

- 092 Continued
improvement including for reimbursement purposes is \$500,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

(FIRST READING, NO VOTE REQUIRED)

NEW BUSINESS

READ AND PASSED

- 086 ORDERED, That the minutes of the City Council meeting held May 20, 2010, submitted by the City Clerk, be approved.

Motion for passage by: Stokes Second by: Munson

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

Nays: 0

- 087 ORDERED, That the Roll of Accounts for the month of May 2010 in the amount of \$4,490,915.64 be approved.

Motion for passage by: Stokes Second by: Munson

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

Nays: 0

- 088 ORDERED, That the deadline for receipt of proposals for the restoration and reuse of the Cony Flatiron building is hereby extended for 90 days to September 1, 2010.

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

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

Nays: 0

- 089 ORDERED, That the City Manager is hereby authorized to submit a grant application to the Maine Forest Service for the sole source purchase and installation of a wood-to-energy system for the Augusta Public Works Complex. Said grant amount is to be \$729,000, to be matched by \$130,000 in local cash contribution, for a total project cost of \$859,000.

BE IT FURTHER ORDERED, That the \$130,000 local match shall be appropriated from the City's Undesignated Fund Balance.

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

089 Continued

Motion for passage by: Stokes Second by: Coffin

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

Nays: 0

090 ORDERED, That the City Manager is authorized to accept grant funding from Maine EMS for \$13,547.00, of which a local match of \$4,515.33 shall be appropriated from the Public Safety Grant Account.

Motion for passage by: Munson Second by: Stokes

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

Nays: 0

091 ORDERED, That City Manager is authorized to apply for 2010 Firefighter's Assistance Grant Program funding of approximately \$200,000, with the 5% required local match to be appropriated from the Public Safety Grant Account.

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

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

Nays: 0

Meeting adjourned at 7: 40 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk

June 14, 2010