

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, MARCH 4, 2010  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

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

Presentation:           On 2010 U. S. Census

Public Hearing:         Consolidation of Polling Places for June 8, 2010 and State of Maine  
Primary and Referendum and School Budget Validation and Referendum  
Election

Public comments were held on item 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.

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED (Con't)

NOW THEREFORE BE IT ORDERED 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)

NEW BUSINESS

HAS BEEN READ AND PASSED

- 029 ORDERED, That the minutes of the City Council meeting held February 18, 2010, submitted by the City Clerk, be approved.

Motion for passage by: Stokes

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

Nays: 0

- 030 ORDERED, That Roll of Accounts for the month of February 2010 in the amount of \$4,283,763.68 be approved.

Motion for passage by: Stokes

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

Nays: 0

- 031 ORDERED, That the City Council accept various donations to the Lithgow Public Library for the Augusta Reads program in an amount totaling \$2,950, from Savings Bank of Maine (\$1,400), G & E Roofing (\$250), Farrington Elementary School PTO (\$100), Hussey Elementary School PTO (\$100), Gilbert Elementary School PTO (\$100), and the Augusta Rotary Club (\$1,000).

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

031 Continued

Motion for passage by: Stokes

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

Nays: 0

032 ORDERED, That the City Council accept from MaineGeneral Hospital a donation for the Farmers' Market at Mill Park in an amount totaling \$5,000.00.

Motion for passage by: Stokes

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

Nays: 0

033 ORDERED, That Paul Castonguay be reappointed to the Board of Assessment Review; said term to expire March 5, 2013.

Motion for passage by: Stokes

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

Nays: 0

034 ORDERED, That City Manager William Bridgeo be appointed as the City of Augusta delegate to the Maine Service Center Coalition.

BE IT FURTHER ORDERED, That Assistant City Manager Ralph St. Pierre be appointed as alternate delegate to said coalition.

Motion for passage by: Stokes

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

Nays: 0

035 ORDERED, That following the public hearing for the purpose of consolidating the City's four (4) polling places for the State of Maine Primary and Referendum and the School Budget Validation and Referendum Election to be held June 8, 2010, that the polling places be consolidated into one (1) polling place, and;

BE IT FURTHER ORDERED, That for voting purposes for the June 8, 2010 State of Maine Primary and Referendum and the School Budget Validation and Referendum Election, the designated polling place shall be Augusta Civic Center, North Wing 1st floor, 76 Community Drive, Augusta, and;

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

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

Motion for passage by: Rollins  
Yeas: 7: Byron, Grant, Paradis, O'Brien,  
Rollins, Munson, Stokes

Nays: 0

- 036 ORDERED, That the City Manager is authorized to expend up to \$45,000 for portable replacement bleachers to be funded out of the Team Cony proceeds.

Motion for passage by: Stokes  
Yeas: 7: Byron, Grant, Paradis, O'Brien,  
Rollins, Munson, Stokes

Nays: 0

- 037 ORDERED, That the City provide plowing and sanding for all private roads which meet the following conditions:

1. A public easement to the City is signed by all property owners that own any fee interest on that road.
2. The road has at least three (3) year-round residences located on at least three (3) separate parcels or is a paved roadway located in an approved residential subdivision with at least three (3) separate parcels.
3. A Road Association is formed for each road, and
4. The road meets minimum standards established by the City Council

Furthermore, that the Road Association provide a contact person to the City.

The City reserves the right to establish a per mile cost for plowing and sanding and reimburse that amount to the Road Association in lieu of providing services directly.

Motion for passage by: O'Brien  
Yeas: 7: Byron, Grant, Paradis, O'Brien,  
Rollins, Munson, Stokes

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

038 WHEREAS, The Lithgow Public Library has served as the public library for the citizens of the City since 1896; and

WHEREAS, The Lithgow Public Library is an integral part of Augusta's heritage, culture, educational resources and quality of life; and

WHEREAS, Lithgow Library's physical facility lacks adequate space for collections, technology, community programs and parking; is not ADA-compliant; and has outdated mechanical systems and functional design; and

WHEREAS, Two Mayor and City Council-appointed committees have determined in 2007 and 2008 that renovating and expanding the existing building to approximately 30,000 square feet would most appropriately meet the needs of the community; and

WHEREAS, Limited municipal financial resources have stymied the City's prior efforts to address the compelling needs for library renovation and expansion and

WHEREAS, Potential funding assistance has recently become available through the USDA Rural Development Authority, sufficient to encourage significant private fundraising as well as community support for complementary public financial support,

NOW THEREFORE BE IT ORDERED, That the City Manager be authorized to submit an application to the USDA Rural Development Community Facilities program for loan and grant funding to renovate and expand Lithgow Public Library.

Motion for passage by: Munson

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

Nays: 0

039 ORDERED, That the City Manager is hereby authorized to execute a Release and Settlement Agreement with Wayne Draper and to pay \$3,500 to Wayne Draper and \$1,500 to the Disability Rights Center of Maine and appropriate \$5,000 from undesignated fund balance. Payment is conditioned upon execution by Wayne Draper of a full release of claims against the City of Augusta and dismissal of the lawsuit pending in United States District Court.

Motion to Suspend the Rules to add to agenda: O'Brien

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

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

039 Continued  
Motion for passage by: Stokes  
Yeas: 7: Byron, Grant, Paradis, O'Brien,  
Rollins, Munson, Stokes  
Nays: 0

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
March 8, 2010