

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

February 15, 2008

Agenda for the regular City Council meeting to be held Tuesday, February 19, 2008 at 7:00 p.m., Council Chambers, City Center.

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Mayoral recognition of Cony High School students
Natalie Hallak and Bettina Bodendorfer

PUBLIC HEARING - Consolidation of Voting Wards for June 10, 2008
State of Maine Primary and Referendum Election

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

CONSENT AGENDA - All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

027 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held February 4, 2008 submitted by the City Clerk be approved.

028 Manager (Bureau of Audit Accounts)
ORDERED, That Roll of Accounts for the month of January 2008 in the amount of \$4,984,673.48 be approved.

029 Mayor Katz
ORDERED, That Jim Goulet, Director of Parks, Cemeteries and Trees, be appointed to the Kennebec River Rail Trail Board of Supervisors; said term to expire February 19, 2011.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

131 Mayor Katz and Councilor Gomeau
WHEREAS, commercial blasting and use of explosives for purposes of quarrying mineral extraction and the production of construction materials have been occurring frequently in the City of Augusta, and whereas numerous reports of property damage resulting from such blasting have been communicated to the City, and

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

131 Continued

WHEREAS, current City of Augusta Ordinances are inadequate to effectively regulate and prevent serious public harm and property damage which may occur as a result of blasting in the City, and

WHEREAS, City Staff is aware of planned blasting in the vicinity of residential homes in the City, and

WHEREAS, the City Council has appointed a Committee to draft a new Ordinance regulating blasting, which has not completed its work, and

WHEREAS, the City Council needs additional time to complete the process of enacting a new Ordinance regulating blasting.

NOW THEREFORE, The Council hereby ORDERS that a moratorium be enacted effective as of the date of passage by Council which prohibits all commercial blasting and use of explosives for the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

This moratorium will expire in one hundred eighty (180) days from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

NEW BUSINESS

PART 1 - ORDERS

030 Councilor Rollins

ORDERED, That following the public hearing for the purpose of consolidating the City's four (4) voting wards for the State of Maine Primary and Referendum Election to be held June 10, 2008, that the ward boundaries for Wards 1, 2, 3 and 4 as described in Chapter 7, Section 1 of the Augusta Code of Ordinances be consolidated into one (1) ward, and

BE IT FURTHER ORDERED, That for voting purposes for the June 10, 2008 State of Maine Primary and Referendum Election, the designated voting place shall be City Center, 16 Cony Street, Augusta.

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.

NEW BUSINESS (Con't)

031 Councilor O'Brien
ORDERED, That an amount not to exceed \$600 be appropriated from the Council Contingency Account to televise public hearings sponsored by the Augusta Charter Commission.

PART 2 - ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

032 Councilor Stokes
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Section 6-246. Street Light Review Committee, be added to Chapter 6. City Services, Article IV. Streets and Sidewalks. Division 1. Generally. of the Revised Code of Ordinances 1990, as amended, as follows:

Section 6-246. Street Light Review Committee.

There is hereby established a Committee to provide for a uniform method to install, rearrange or to remove street lights, and to make such other recommendations related to the provision of street lighting as they may deem appropriate included, but not limited to, type of lighting.

The committee shall consist of the Director of Public Works, Chief of Police, and Facilities and Systems Manager. The committee shall be known as the Street Light Review Committee, and committee members shall serve for as long as they perform the functions of the above-named positions.

The Street Light Review Committee is hereby delegated the authority to investigate, consider and determine the need for street lights on the public ways of the City. Their action shall be appealable to the City Council.

In the exercise of the authority delegated herein, the committee shall make its decision upon findings of fact by consensus. The action of installation, rearrangement or removal must be based on positive findings of fact of the following standards, where applicable:

a. Will provide for the safety of pedestrians and vehicular traffic while using public ways;

b. Will provide for the protection of citizens from criminal activities that are dependent on the cover of darkness or where the rate of criminal incidents are high;

NEW BUSINESS (Con't)

032 Continued

- c. Will provide for effective illumination in direct relation to population density for residential areas of the City;
- d. Will provide for effective illumination to attract business invitees in certain commercial areas; and
- e. Will provide the optimal use of public funds in the attainment of the standards.

In applying the standards provided for, the committee shall promulgate rules and regulations that will provide in greater detail the implementation of these standards. Such rules and regulations shall apply to:

- a. Applications by individuals or groups for installation of street lights;
- b. Procedures for determination of independent action by the committee as to installation rearrangement and removal of street lights;
- c. Methods of proper notice to, and public hearing for, affected citizens prior to initiation of action by the committee on applications or independent committee determinations;
- d. Specifics as to the elements that will permit the committee to make a finding of fact in the applications of standards set forth in this Section. The elements to be addressed are such as, but not limited to, traffic flows or counts, crime statistics, population densities, zoning districts, and limitations of street lights by the number of pole locations in a district; and
- e. Under the authority of the committee to rearrange existing street lights, guidelines shall be provided to allow for alternative types of solutions such as, but not so limited to, changes in sign information, size and type of bulb and the change in the direction of light emanations.

Upon determination of findings of fact that the standards of this Section have been met, the committee shall submit an order, with findings of fact attached, to the City Council for its action. When any action ordered to be undertaken by the City Council, the City Manager shall delegate the implementation of the order to the appropriate department.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk