

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 17, 2008

Minutes of the regular City Council meeting held Monday, September 15, 2008 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - Explanation of Circuit Breaker Program by Ralph St. Pierre, Assistant City Manager

Presentation - 2008 Augusta Charter Commission's Final Report by Councilor O'Brien, Chair

Public Hearing - North Augusta Economic Development and Tax Increment Financing District (Council Order #157)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

149 WHEREAS, the 2007 Comprehensive Plan for the City of Augusta strongly recommends improved site design along Augusta's gateway roads.

WHEREAS, improved site design has proven to occur best through a public hearing process at the Planning Board level.

WHEREAS, the Planning Board is in the process of re-writing the Land Use Ordinance, but does not anticipate having it completed for Council review and public hearing until late winter.

WHEREAS, projects that occur prior to an anticipated final approval of a new ordinance could have a significant and long-term impact on the gateways.

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

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

149 Continued

Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage, deposition, or extracton of materials, public or private sewage disposal systems or water supply facilities.

(1) Major development:

a. For parcels that have access to or frontage on the following streets or roads, major development includes any new or redeveloped non-residential or multi-family residential project that creates or redevelops any floor space or impervious surface:

i. Western Avenue - from I-95 to Memorial Circle

ii. Memorial Circle

iii. Cony Circle

iv. Bangor Street

v. Riverside Drive - from Bangor Street to Rt 3

vi. State Street

vii. Mt Vernon Avenue

viii. Sewall Street - from Western Avenue to the Hallowell municipal boundary

ix. Capitol Street

x. Armory Street

xi. Winthrop Street

xii. Leighton Road

xiii. Stone Street

xiv. Hospital Street - from Stone Street to Piggery Road

xv. Cony Street - from Kennebec River to South Belfast Avenue

xvi. Water Street

xvii. Northern Avenue

xviii. Grove Street - from Memorial Circle to Water Street

b. For all parcels not affected by (a) above, a major development is any new or re-developed non-residential or multi-family residential project that disturbs one (1) acre of land or more, or creates or adds to one (1) acre of impervious surface on a parcel. It shall include any multi-family residential or non-residential change of use that affects or disturbs one (1) acre of land or more.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

149 Continued

Disturbed land includes but is not limited to new impervious surface or any re-development or modification of existing impervious surface.

(2) Minor development: Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

(NO MOTION TO REMOVE FROM TABLE)

NEW BUSINESSHAS BEEN READ AND PASSED, AS AMENDED

158 ORDERED, That the City Manager shall request of the Maine Department of Transportation a review of the state established speed limit on Memorial Bridge with a recommendation from the City of Augusta that the speed limit be increased. the speed limit on Memorial Bridge be restored to 35 mph. By this order, the Augusta City Council hereby takes note of data recently generated by the Augusta Police Department which indicates that 90% or more of vehicles traveling said bridge currently exceed the posted speed limit.

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

Nays: 0

HAS BEEN READ, FIRST READING

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

That Chapter 1, Section 1 - 2 Definitions and rules of construction, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Public Way. Means a way over which the general public has a right to pass.

(FIRST READING, NO VOTE REQUIRED)

NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

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

That Chapter 4, ARTICLE II. DOGS AND CATS, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Section 4-32. Dogs controlled by a leash required.

(a.) The owner, keeper or any other individual who has responsibility of a dog shall keep such animal controlled by a leash when such animal is on the property of a school or playground and the Rail Trail.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

151 ORDERED, That minutes of the City Council meeting held September 2, 2008 submitted by the City Clerk be approved.

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

Nays: 0

152 ORDERED, That the City Treasurer be and is hereby authorized to accept the sum of \$200.00 from Merle ad Pearl Fisher for the purpose of a memorial trust fund of which the interest from such funds is expended yearly for Memorial Day flowers for Lot #205 in Riverside Cemetery. Lot owner is George Black.

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

Nays: 0

153 ORDERED, That the City Council accept donations for Pre-School play group equipment in the amount of \$250.00 from the Maine State Housing Authority.

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

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

154 ORDERED, That Roll of Accounts for the month of August 2008 in the amount of \$4,754,122.74 be approved.

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

Nays: 0

155 ORDERED, That the Charter revision recommended by the 2008 Augusta Charter Commission be submitted to the voters at the November 4, 2008 Municipal Election. The question submitted to the voters shall be as follows:

"SHALL THE MUNICIPALITY APPROVE THE CHARTER REVISION RECOMMENDED BY THE CHARTER COMMISSION?"

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

Nays: 0

156 WHEREAS, Mayor Katz and the members of the Augusta City Council recognize the pressing need for renovation and expansion of the Lithgow Library; and

WHEREAS, the Mayor and Council wish to implement the recommendation of the 2008 Library Study committee with respect to the establishment of a City special revenue fund so as to create a repository for funds that Council may in the future appropriate or accept for library capital improvements purposes.

NOW THEREFORE BE IT ORDERED, That the City Manager is hereby authorized and instructed to see to the establishment of said fund.

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

Nays: 0

157 WHEREAS, the City of Augusta (the "City") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the "North Augusta Economic Development and Tax Increment Financing District" (the "District") and to adopt a Development Program for the District (the "Development

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

157 Continued
Program"); and

WHEREAS, there is a need for commercial development in the City of Augusta; and

WHEREAS, there is a need to provide employment for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta and stabilize employment; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the North Augusta Economic Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached Development Program, which creates the North Augusta Economic Development Program and Tax Increment Financing District, be approved and that the City Manager is authorized to sign a Credit Enhancement Agreement with the developer consistent with the Development Program adopted herein.

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

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

159 BE IT ORDERED, By the City Council of the City of Augusta that:

The City Manager is authorized to submit a grant application to the Maine State Archives to enable the City of Augusta and its Historic Preservation Commission to obtain grant funds to preserve Augusta's significant historical records and make them available to the public.

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

Nays: 0

160 ORDERED, That the City Manager is authorized to submit a grant application to the Maine Department of Economic and Community Development for \$50,000 in funding from the state's Rivers Bond program. The local match requirement for this application shall be the \$100,000 appropriated by Council for the downtown signage program. The Rivers Bonds funds, if awarded, will be used to augment the signage program at the Mill Park and West Side river landing.

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

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk