

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

July 25, 2008

Minutes of the regular City Council meeting held Monday, July 21, 2008 at 7:00 p.m., Council Chambers, City Center.

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

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Sweet Chilli Thai Restaurant, 75 Airport Road.

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Giri Community Drive, LLC, d/b/a Holiday Inn, 110 Community Drive

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND NOT PASSED

131 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

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

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

- 131 Continued
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.

Yeas: 0

Nays: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED

- 113 BE IT ORDAINED, That the Augusta City Council accepts adopts the Blasting Ordinance as recommended by the Blasting Committee (see attached).

BE IT FURTHER ORDAINED, That Section 6.01.A.1 Production Quarry be amended follows:

Blaster must develop and implement a plan that provides an opportunity for prior notification of a blast to all property owners located within 1,000 2,000 feet of the blast site.

BE IT FURTHER ORDAINED, That Section 2.00 DEFINITIONS be amended by adding the following:

GROUNDWATER - Water beneath the earth's surface often between saturated soil and rock that supplies wells and streams.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESSHAS BEEN READ AND PASSED, AS AMENDED

- 120 ORDERED, That the City Manager is authorized to enter into a contract with Front Row Marketing Services for the marketing of naming rights and a contract for other advertising at the Augusta Civic Center.

BE IT FURTHER ORDAINED, That with respect to the Naming Rights Marketing Agreement, the contract shall include the provision

NEW BUSINESS (Con't)

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

120 Continued
in Paragraph 2. Contract Administration. Front Row acknowledges that the word "Augusta" must appear in any new name of the Augusta Civic Center.

BE IT FURTHER ORDAINED, That with respect to the Naming Rights Marketing Agreement, the contract shall include, in Paragraph 4. Compensation (a) (i), before the colon and after the word "options", the words, at the City's choice.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes
Nays: 0

124 ORDERED, That the City Manager is authorized to seek sealed bids for the sale of 84 Mt. Vernon Avenue. All abutters will be notified by certified mail.

BE IT FURTHER ORDERED, That any conveyance must contain a restriction against construction of new dwelling units.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes
Nays: 0

125 WHEREAS, the Augusta City Council has been requested by Representative Patsy Crockett and by others to consider the matter of a name change to the State-owned bridge in Augusta connecting Cony and Bridge Streets and currently named the Father John Curran Bridge, and

WHEREAS, the Augusta City Council believes that the safety of our children is one of the most important tasks of our society, and

WHEREAS, the Augusta City Council acknowledges the harms, injuries, trauma and anguish experienced by those who were sexually abused as children, and

WHEREAS, the Augusta City Council finds that it is appropriate and warranted to make such a recommendation in this matter to the Maine Legislature, within whose jurisdiction lies the authority to name and rename bridges, and

WHEREAS, the Augusta City Council has been advised by the

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

125 Continued

Bishop of the Diocese of Maine Portland that he does not object to and indeed supports the renaming of said bridge, and

WHEREAS, acknowledging the sensitivity of this matter to all residents of Augusta, in particular those of Franco-American descent, and noting the recent action taken by the Executive Committee of Le Club Calumet, now, therefore,

BE IT RESOLVED, That the Augusta City Council does, after appropriate deliberation, hereby recommend to the Maine Legislature that it remove the name of Father John Curran from said bridge and adopt an appropriate name in its place.

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

Nays: 0

HAS BEEN READ AND PASSED

114 ORDERED, That minutes of the City Council meeting held July 7, 2008 submitted by the City Clerk be approved.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

115 ORDERED, That the City Council accept a donation for the Augusta Recreation Kids Club House Program in an amount totaling \$1,000.00 from the Wal-Mart Foundation.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

116 ORDERED, That Stephen Roberge be reappointed to the International Code Council; said term to expire August 15, 2013.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

117 ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Suparinya Anderson, d/b/a Sweet Chillli Thai Restaurant, 75 Airport Road.

Yeas: 7; Byron, Doore, O'Brien, Rollins, Coffin, Munson, Stokes

Nays: 0

118 ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Giri Community Drive, LLC, d/b/a Holiday Inn, 110 Community Drive.

Yeas: 7; Byron, Doore, O'Brien, Rollins, Coffin, Munson, Stokes

Nays: 0

119 ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated Sections 5824(3) & 5826(6) to the transfer of (\$1,355.00), U.S. Currency and one Astack Wireless video surveillence camera, Defendant(s) in Rem, or any portion thereof, on the grounds that the Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Derek Owen, Kennebec County Superior Court, Docket No. CR-08-353.

Yeas: 7; Byron, Doore, O'Brien, Rollins, Coffin, Munson, Stokes

Nays: 0

121 ORDERED, That the following FY 2008 appropriations be increased:

Public Works, snow removal	\$100,000.00
Utilities	15,000.00
Total	\$115,000.00

BE IT FURTHER ORDERED, That the estimated revenue from investment income be increased by \$115,000.00.

Yeas: 7; Byron, Doore, O'Brien, Rollins, Coffin, Munson, Stokes

Nays: 0

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

122 ORDERED, That if needed by the Greater Augusta Utility District's contractor to minimize extensive traffic disruptions associated with the reconstruction of Winthrop Street, 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 by the contractor if they so choose.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

123 ORDERED, That a portion of land adjacent to the existing southerly right of way line of Cony Street be accepted as additional right of way for Cony Street and Cony Circle. This portion of land is shown on a Maine Department of Transportation right of way map for Cony Circle, Augusta, Kennebec County, State Project 15214.00, Sheet 1 of 5, on file in the office of the Maine Department of Transportation at Augusta, File No. 6-421. The boundary of this portion of land is more particularly described in a deed from Border Trust Company to the Inhabitants of the City of Augusta dated July 1, 2008 to be recorded in the Kennebec County Registry of Deeds.

Yeas: 7; Byron, Doore, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk