

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 2, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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

- Presentation - Free To Breathe Breakfast and National Walk by Debra Violette Maine Coordinator for Free To Breathe
- Presentation - Regional Entrepreneurial Development Network by Councilor Rollins
- Public Hearing - Malt, Spirituous and Vinous Liquor License application for Management Controls LLC., d/b/a Roosters Coal Fired Pizza & Tap House
- Public Hearing - Proposal To Provide CDBG/Planning Grant To Maine Elder Care Ombudsman Program.

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)

POSTPONED INDEFINITELY

- 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.

OLD BUSINESS AND TABLED MATTERS (Con't)

POSTPONED INDEFINITELY

156 Continued

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:

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.

Motion to remove from table: Munson Second by: O'Brien

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

Nays: 0

Motion postpone indefinitely by: Munson Second by: Coffin

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

Nays: 0:

READ AND PASSED

128 ORDERED, That the City Manager is authorized to sign a Water Line Easement for Shelby Monroe granting access for installation of a water line across a corner of City-owned property at Granite Street. See attached map.

OLD BUSINESS AND TABLED MATTERS (Con't)

READ AND PASSED (Con't)

128 Continued
Motion to remove from table: Rollins Second by: Munson
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes
Nays: 0

Motion for passage by: Rollins Second by: Stokes
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes
Nays: 0:

READ AND PASSED, FINAL READING

129 WHEREAS, the City Council finds that the criteria for approving a Map Amendment, found in section 1.6.1.A has been satisfied.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance Official Zoning Map be amended as follows:

A portion of the lot known as Assessor's Map 87, Lot 1, as shown on the attached map entitled "Proposed Rezoning of a Portion of Map 87, Lot 1", dated November 25, 2009, shall be rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance. The zoning line shall be moved to a stream that runs across the property. The new zone shall be Institutional/Business/Professional (BP).

Motion for passage by: Rollins Second by: Coffin
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes
Nays: 0:

NEW BUSINESS

READ AND PASSED

130 ORDERED, That the minutes of the City Council meeting held August 19, 2010, submitted by the City Clerk, be approved.

Motion for passage by: Stokes Second by: O'Brien
Yeas: 8: Byron, Grant, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes
Nays: 0:

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

- 131 ORDERED, That Roll of Accounts for the month of August 2010 in the amount of \$3,302,683.15 be approved.

Motion for passage by: Stokes Second by: O'Brien
Yeas: 8: Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson, Stokes
Nays: 0:

- 132 ORDERED, That the appointment of Linda Novak by the City Manager to the position of Fort Western Director is hereby consented to by the Augusta City Council.

Motion for passage by: Stokes Second by: O'Brien
Yeas: 8: Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson, Stokes
Nays: 0:

- 133 ORDERED, That the City Manager is authorized to execute an agreement with the Augusta Uniform Firefighters Association, Local No. 1650 and 1650A, Battalion Chiefs.

Motion for passage by: Munson Second by: Stokes
Yeas: 8: Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson, Stokes
Nays: 0:

- 134 ORDERED, That the City Manager is authorized to execute a new lease with the Augusta Housing Authority.

Motion for passage by: Rollins Second by: Coffin
Yeas: 8: Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson, Stokes
Nays: 0:

- 135 ORDERED, That the City Manager is authorized to contract with the International Association of Chiefs of Police for a comprehensive study of the Augusta Police Department for costs not to exceed \$52,000.

Motion for passage by: Stokes Second by: Paradis
Yeas: 8: Byron, Grant, Paradis, O'Brien,
 Rollins, Coffin, Munson, Stokes
Nays: 0:

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

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

Management Controls LLC., d/b/a Roosters Coal Fired Pizza & Tap House
110 Community Drive

Motion for passage by: Munson Second by: Stokes

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

Nays: 0:

- 137 BE IT ORDERED, That (1) Borrowing of a sum not to exceed \$750,000 be and hereby is authorized for the purpose of paying costs of capital expenditures for the construction, reconstruction, renovation, repair and improvement of streets and other public facilities in and of the City of Augusta (the "City") to constitute the following:

Description of Improvements	Est. Period of Utility	Amount
(A) Improvement of City streets, sidewalks and related facilities throughout the City	25	\$550,000
(B) Repair and Improvement of municipal facilities throughout the City	12	200,000
Total		\$750,000

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 \$750,000. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of the bonds shall be determined by an Authorized Representative, 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

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

137 Continued

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-three (23) 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 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 as are required 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 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 as are required 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

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

- 137 Continued
(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, repair and improvement including for reimbursement purposes is \$750,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

Motion for passage by: Byron Second by: Munson

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

Nays: 0:

- 138 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 repair and improvement of certain public facilities in and of the City of Augusta (the "City") and for the purchase of an ambulance to constitute the following:

Description of Improvements and Equipment	Est. Period of Utility	Amount
(A) Purchase of an ambulance	7	\$175,000
(B) Alumni Field repair and improvements	22	218,000
(C) Haymarket Place repair and improvements	22	107,000
Total		<hr/> \$500,000

The estimated period of utility of each of the foregoing equipment, repair and 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. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of the bonds shall

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

138 Continued

be determined by an Authorized Representative, 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 to be payable not later than (a) five (5) years after the date for payment of the first installment if the estimated period of utility is declared to be in excess of seven (7) years or (b) twenty (20) years after the date for payment of the first installment if the estimated period of utility is declared to be in excess of twenty-two (22) 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 as are required 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 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 as are required in connection with the issuance of the notes.

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

139 Continued

research and development investment in the United States; nearly 80 percent of all patents filed come from the manufacturing sector, and

WHEREAS, on September 23, 2009, Appleton Coated LLC, NewPage Corporation, Sappi Fine Paper North America and the United Steelworkers Union initiated a trade investigation with respect to unfair trade practices (dumping and subsidization) conducted by Chinese and Indonesian producers of coated paper, and

WHEREAS, dumping occurs when a foreign producer sells into the domestic market for less than the price that producer charges in its home market or when its U.S. prices are below the cost to produce the product and subsidies are financial assistance from foreign governments that benefit the production, manufacture, or exportation of goods, and

WHEREAS, the United States has in place trade laws that allow domestic industry and its workers to petition for relief from unfair trade practices that create an “unlevel playing field” and lead to plant closures and job loss in communities throughout America, and

WHEREAS, the United States International Trade Commission and the United States Department of Commerce are reviewing the paper case and will make determinations as to whether dumping and subsidization have occurred and whether domestic producers and its workforce have been materially injured as a result, and

WHEREAS, imports from the subject countries grew by roughly 40 percent in the first six months of 2009, as compared to the same period in 2008, and domestic shipments dropped by roughly 38 percent, and

WHEREAS, Chinese and Indonesian producers have captured almost 30 percent of our market in coated paper products, double the amount from the previous year, and

WHEREAS, since 2002, roughly 60,000 jobs have been lost in the overall paper sector, and

WHEREAS, the paper case affects 6,000 workers whose jobs are at risk from unfair trade competition, and

WHEREAS, both the Chinese and Indonesian governments have longstanding policies to encourage the development of their paper industries and have provided a host of illegal subsidies to paper producers to give them an advantage over domestically produced goods.

