

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, JULY 1, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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

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)

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.

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

OLD BUSINESS AND TABLED MATTERS (Con't)

TABLED (Con't)

- 156 Continued
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

READ, FIRST READING

- 106 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:
That Division 3: Mineral Extraction Ordinance, as amended, be further amended by adopting the attached new version of the ordinance. Furthermore, that new language in the ordinance is indicated by 'underline' and language that has been deleted is indicated by 'strikethrough' and upon adoption of this ordinance, such indication shall be removed.

(FIRST READING, NO VOTE REQUIRED)

READ AND PASSED, AS AMENDED

- 103 BE IT ORDERED, By the City Council, that the Planning Board ~~review the question of whether or not 'associated uses' as referenced in the Mineral Extraction Ordinance shall include fixed or portable asphalt plants, ready mix concrete plants and other comparable operations and further, whether such uses shall be subject to additional land use regulation within the City of Augusta~~ investigate whether or not bituminous mix plants or ready mix concrete plants should be associated uses to mineral extraction sites in zoning districts where those uses would not be allowed as primary uses and report back the Board's findings and recommendations to the City Council as soon as practicable.

Motion to amend by: Rollins Second by: O'Brien

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

Nays: 0

NEW BUSINESS (Con't)

READ AND PASSED, AS AMENDED (Con't)

103 Continued

Motion for passage, as amended, by: Rollins Second by: Paradis

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

Nays: 0

104 BE IT ORDERED, By the City Council that the moratorium on the development of a bituminous mix plant or ready mix concrete plant as enacted by the City Council on April 1, 2010 and set to end on July 26, 2010, is hereby extended for another ~~60~~ 180 days upon the passage of this Order. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

Motion to amend by: Munson Second by: Stokes

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

Nays: 0

Motion for passage, as amended, by: Munson Second by: Rollins

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

Nays: 0

READ AND PASSED

099 ORDERED, That the minutes of the City Council meetings held June 17, 2010 and June 24, 2010, submitted by the City Clerk, be approved.

Motion for passage by: Stokes Second by: Grant

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

Nays: 0

100 ORDERED, That Linda Conti be reappointed to the Planning Board; said term to expire July 13, 2013.

Motion for passage by: Stokes Second by: Grant

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

Nays: 0

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

101 WHEREAS the Augusta City Council has been favorably impressed with the presentation by supporters of a petanque courts to be located at the City of Augusta Edwards Mill Park, and

WHEREAS the City Council finds that creation of such courts would add significantly to the recreational opportunities and quality of life to the residents of the City of Augusta and its environs , and

WHEREAS the City Council finds the court project is consistent with the Edwards Mill Park master plan as adopted by City Council, and

WHEREAS the City Council finds Capital Riverfront Improvement District is in support of developing the petanque courts at Edwards Mill Park, and

WHEREAS the City Council wishes to encourage the proponents of said court project and to facilitate their ability to raise funds,

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of Augusta do endorse the concept of developing petanque courts at Edwards Mill Park and do authorize City staff to work collaboratively with the petanque courts proponents toward its fulfillment.

Motion for passage by: Paradis Second by: Munson

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

Nays: 0

102 ORDERED, that the City Council, due to budgetary constraints, suspend all merit step increases (reference city effective July 1, 2010. *Administrative Regulations III.A.4*) in FY11 for non-union employees.

Motion for passage by: Stokes Second by: Paradis

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

Nays: 0

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

105 ORDERED, That the FY 2011 Capital Improvement Projects (see attached) is approved in the amount of:

General Fund Council Bond	\$750,000
General Fund Referendum Bond	500,000
Central Garage	430,000
Augusta Civic Center	<u>118,000</u>
Total	\$1,798,000

Motion for passage by: Munson Second by: Stokes

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

Nays: 0

107 ORDERED, That the City Council enter into executive session to discuss labor negotiations; 1 M.R.S.A., §405(6)(D).

Motion to suspend the rules by: O'Brien Second by: Munson

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

Nays: 0

Motion for passage by: O'Brien Second by: Coffin

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

Nays: 0

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
July 7, 2010