

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

May 31, 2007

Agenda for the regular City Council meeting to be held Monday, June 4, 2007 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 - By the Augusta Historic Preservation Commission of a Historic House Plaque

PUBLIC HEARING - Appropriation Resolve FY 07-08 (Order #110)

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.

112 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held May 21, 2007 submitted by the City Clerk be approved.

113 Manager (Bureau of Community Services)
ORDERED, That the City Council accept 100 flats of annuals (value \$3000) from Longfellows Greenhouses in Manchester for the City of Augusta's flower gardens for the 2007 season.

114 Manager (Fire Department)
ORDERED, That the City Council accept a donation of \$30.00 from Barbara Phelps of Altamonte Springs Florida to purchase fire prevention materials.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

106 Manager (Police Department)
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

East Chestnut Street

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

106 Continued
No parking on the south side from Middle Street to Arsenal Street.

No parking on the north side of Arsenal Street easterly for a distance of one hundred (100) feet.

No parking on East Chestnut Street on the north side from Arsenal Street to Middle Street.

107 Manager (Police Department)
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by adding the following:

East Chestnut Street

No parking either side for the entire length.

108 Councilor Lund
WHEREAS, the Planning Board of the City of Augusta identified a concern about glare from existing light fixtures and desired to ensure that glare is limited or eliminated to the extent possible; and

WHEREAS, the Planning Board of the City of Augusta held a public hearing on March 13, 2007, and voted unanimously to recommend changes to the City Council.

The City Council of Augusta therefore makes the following text amendments to the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following changes be made to the Augusta Land Use Ordinance, where deletions are in ~~strikeout~~ and additions are underlined below:

Amend Section 5.1.11.1 of the Land Use Ordinance as follows:

- (1) Outside lighting used for business and professional offices, commercial, and industrial activities including lighted signs, shall not be permitted to trespass beyond the boundaries of the property on which it is located above the following levels of light: not more than 0.3 foot candles for an abutting residential property or use; and

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

108 Continued

not more than 0.8 foot candles for an abutting commercial property or use. Any luminaire, other than those used at a single family or duplex property, shall be full cutoff design, unless otherwise required by state or federal law, or allowed by the Planning Board.

109 Councilor Byron

WHEREAS, the Planning Board of the City of Augusta identified a concern about the existing language defining when an appeal to their decision can be filed.

WHEREAS, the Planning Board of the City of Augusta held a public hearing on February 13, 2007, and voted unanimously to recommend changes to the City Council.

City Council of Augusta therefore makes the following text amendments Section 2.2 and 6.6.2.6 of the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following changes be made to the Augusta Land Use Ordinance, where deletions are in ~~strikeout~~ and additions are underlined below:

Amend Section 6.6.2.6 of the Land Use Ordinance as follows:

6.6.2.6 Filing of Appeals.

In all cases, a person aggrieved by any decision of the Code Enforcement Officer or Planning Board shall commence his or her appeal within thirty (30) days after receipt of a ~~written decision of~~ the the date the official written decision is signed by the Code Enforcement Officer or Planning Board Chair. If the 30th day falls on a non-business day for the City, the final date for filing an appeal shall be the end of the next business day for the City.

Such appeal shall be made ~~commenced~~ by filing with the Board of Appeals a written notice of appeal which includes:

- (1) A concise written statement indicating what relief is required [requested] and why it should be granted.
- (2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

Upon being notified of an appeal from a decision of a Code Enforcement Officer, the Code Enforcement Officer shall

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

109 Continued

transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from. Upon being notified of an appeal from a decision of the Planning Board, city planning staff shall have prepared and transmitted to the Board of Appeals a written certified transcript of the Planning Board proceedings from which an appeal is being taken.

And amend the definition of "Aggrieved Party" in Section 2.2 of the Land Use Ordinance as follows:

"Aggrieved party: A person whose land or property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance; or a person whose land or property abuts land or property for which a permit or variance has been granted ; or a group of five (5) or more citizens of the municipality who represent an interest adverse to the granting or denial of such permit or variance. For the purposes of a Planning Board decision, an aggrieved party must have participated in person, through an authorized representative, or in writing at a public hearing related to the decision being appealed."

110 Manager

BE IT RESOLVED, That there is hereby appropriated for the support of the departments of the City of Augusta, for payment of County Taxes, for the bonded indebtedness of the City, and for all the other debts incurred by the City for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of \$50,663,526 of which a summary appears below.

BE IT FURTHER RESOLVED, That the amount to be raised from current real and personal taxes considering estimated departmental revenues, fund balance, and other sources of \$27,191,596 to be set at \$23,451,930.

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$22,965,310 for the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act and that the City of Augusta raise \$8,946,228 as the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The City's contribution to the total cost of

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

110 Continued

funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$372,150 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade twelve.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction and minor capital renovations that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

Lincoln & Farrington Elementary Schools - approved by the voters on November 4, 1986.

New Cony High School - Preliminary bond - approved by the voters on November 7, 2000.

New Cony High School - approved by the voters on December 2, 2003.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$1,014,525 in additional local funds, which is less than the State's Essential Programs and Services funding model by \$604.

Explanation: The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from pre-kindergarten through grade twelve as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on previously approved non-state-funded school construction projects and the non-state-funded portion of minor capital school construction projects that will help achieve the City's budget for educational programs.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

110 Continued

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$520,885 and raise \$272,001 for Adult Education.

BE IT FURTHER RESOLVED, That the City of Augusta authorize the Augusta Board of Education to expend \$28,519,990 for the fiscal year beginning July 1, 2007 and ending June 30, 2008 from the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools.

PRELIMINARY
BUDGET

LEGISLATIVE AND EXECUTIVE

Mayor and Council	\$ 41,081
City Manager	254,340
Corporation Counsel	117,180
Central Services	5,925
Unclassified	170,599
Council Contingency	20,000
Manager Contingency	10,000
TOTAL LEGISLATIVE AND EXECUTIVE	\$ 619,125

FINANCE AND ADMINISTRATION

City Clerk	\$ 189,953
Registration and Elections	31,753
City Auditor	141,286
Information Systems	393,035
Treasurer and Tax Collector	272,669
Assessor	197,028
Finance and Administration	106,376
Human Resources	218,567
TOTAL FINANCE AND ADMINISTRATION	\$ 1,550,667

CITY SERVICES

Economic Development	\$ 262,985
Planning	128,089
Historical Preservation	5,825
Code Enforcement	279,848
City Service Administration	52,825

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

110	Continued	
	Engineer	177,350
	City Buildings	498,077
	Buker School	112,584
	Cony/Flatiron	96,473
	TOTAL CITY SERVICES	\$ 1,614,056
	<u>COMMUNITY SERVICES</u>	
	Conservation Commission	\$ 2,653
	Community Services Administration	201,171
	Public Library	582,184
	Recreation	178,142
	Parks and Cemeteries	783,917
	Fort Western	115,348
	Bicentennial Nature Park	66,819
	Health and Welfare	176,228
	General Assistance	78,350
	TOTAL COMMUNITY SERVICES	\$ 2,184,812
	<u>PUBLIC SAFETY</u>	
	Police	\$ 3,763,545
	Fire	2,100,411
	Civil Emergency Preparedness	10,325
	TOTAL PUBLIC SAFETY	\$ 5,874,281
	<u>PUBLIC WORKS</u>	
	Public Works Administration	\$ 109,349
	Highway	1,420,526
	Snow Removal	891,131
	Waste Removal	742,842
	TOTAL PUBLIC WORKS	\$ 3,163,848
	TOTAL UTILITIES	\$ 2,086,039
	TOTAL RETIREMENT AND INSURANCE	\$ 1,970,287
	TOTAL SERIAL BONDS AND NOTES	\$ 1,178,003

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

110	Continued		
	TOTAL RESERVE AND CASH C.I.P	\$	473,500
	TOTAL COUNTY TAX	\$	1,428,918
	TOTAL DEPARTMENT OF EDUCATION	\$	28,519,990
	TOTAL APPROPRIATIONS	\$	50,663,526

NEW BUSINESS

PART 1 - ORDERS

- 115 Manager (Bureau of City Clerk)
 ORDERED, That Joan Lessard of 31 Garden Way serve as Ward Clerk for Ward 2 replacing Lorraine Rita Noel for the upcoming State of Maine Special Referendum Election to be held June 12, 2007.
- 116 Manager (Bureau of Taxation)
 ORDERED, That the City of Augusta property taxes for the 2008 fiscal year shall be due and payable at the Office of the Tax Collector as follows:
 - ONE HALF shall be due on September 13, 2007
 - ONE HALF shall be due on March 13, 2008
 With interest being charged on any outstanding amount commencing one (1) day after the due date at the rate of 12.0% per annum.
- 117 Manager (Bureau of Taxation)
 ORDERED, That the 2006 personal property taxes of \$722.80 on Stroudwater Corp., d/b/a Augusta Bonanza Restaurant be charged off.
- 118 Manager (Police Department)
 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 (\$922.00), U.S. Currency, Defendant in Rem, or any portion thereof, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Cenobio Rico, Kennebec County Superior Court, Docket No. CR-07-186.

NEW BUSINESS (Con't)

119 Councilor O'Brien
 BE IT ORDERED, to reappropriate (decrease appropriation) from the following Capital Improvement Projects:

Melville Street	(\$ 5,720)
Basketball/Tennis Courts	(\$ 322)
Revaluation	(\$ 9,273)
Mt. Vernon Avenue Ball Field	(\$ 353)
Fire Department Unit 6	(\$ 771)
Mt. Vernon Avenue (Local Share)	(\$25,000)
Electrical Upgrades Eastside Boat Ramp	(\$ 1,208)
Electrical Upgrades Williams Park	(\$ 21)
Rite Aid Asbestos Removal	(\$36,197)
Rite Aid Demolition	(\$29,882)
Gilbert School Tables	(\$15,661)
 TOTAL	 <u>(\$124,408)</u>

BE IT FURTHER ORDERED, That \$122,000 be appropriated for:

Bicentennial Nature Park Play Structure	\$15,000
Demolition Bolton Hill	\$20,000
Fire Department Unit 1 Replacement	\$35,000
Buker Center Street Sign	\$ 2,000
City Pit Reclamation	\$25,000
Buker Center Asbestos Removal	\$10,000
Public Works Asbestos Removal	\$15,000
 TOTAL	 <u>\$122,000</u>

BE IT FURTHER ORDERED, That \$2,408 is transferred to the City's Undesignated Fund Balance.

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

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

That Chapter 6, Article V. Solid Waste, Section 6-345 Definitions, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Residential. Single and multifamily dwellings (up to four (4) units) including home occupations operating in accordance with the city land use ordinance, boarding homes, land-lease communities and group homes. For purposes of this article, "residential" does not include nursing homes or rooming houses

NEW BUSINESS (Con't)

120 Continued
of more than three (3) rooms which are considered nonresidential under the category of "services".

BE IT FURTHER ORDAINED, That Chapter 6, Article V. Solid Waste, Section 6-348 Public rubbish/recyclable collection, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Properties located on private roads which are not receiving any public works services as of January 15, 1997, except for residential public rubbish/recyclable collection on private roads which the City has accepted a public easement and with consent of the private road association.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk