

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

July 17, 2007

Minutes of the regular City Council meeting held Monday, July 16, 2007 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - Bethany Dumas - New England Pole Vault Champion
Sam Hopkins - Sixth Grade DAR Essay Contest Winner
for New England and New York

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

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 the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

131 Continued

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.

(NO MOTION TO REMOVE FROM TABLE)

HAS BEEN READ AND PASSED, FINAL READING

108 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 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.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

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

144 WHEREAS, the Planning Board held a public hearing on June 12, 2007, and voted unanimously to recommend the petitioned rezoning request to the City Council for approval; and

WHEREAS, an attractive configuration of the lot as a gateway to the City would be made possible by the rezoning, if developed as outlined by the petitioner;

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following rezoning be approved.

The lot known as Assessor's Map 38, Lot 159, located at 24 Stone Street, shall be generally rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance from Institutional/Business/Professional (BP) to Kennebec Business District 2(KBD2).

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

145 WHEREAS, the Planning Board held a public hearing on June 12, 2007, and voted unanimously to recommend the City initiated rezoning to the City Council for approval; and

WHEREAS, the Lots are owned by separate entities; and

WHEREAS, a clear redevelopment plan is proposed only for Map 10, Lots 8D and 8E; and

WHEREAS, Map 37, Lots 10, 13, 14, 15 and 16 are in the proximity of residential properties which would be affected by more intense commercial development; and

WHEREAS, riverfront development is currently under review by the Comprehensive Planning Committee and specific recommendations for this riverfront area are anticipated; and

WHEREAS, rezoning only those lots currently under a development proposal would likely result in an illegal spot-zoning.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following general rezoning be approved.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

145 Continued

The lots known as Assessor's Map 10, Lots 8 (portion), 8D and 8E; and Map 37, Lots 10, 13, 14, 15 and 16, shall be generally rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance from Institutional/Business/Professional (BP) to Kennebec Business District 2 (KBD2).

Further, a 180 day moratorium on specific uses and standards in KBD2 listed below, with the option to extend for 180 days, shall be placed on Map 37, Lots 10, 13, 14, 15 and 16 in order that the Comprehensive Plan may be completed, shall provide future guidance on this particular segment of the riverfront, and ordinances re-written to achieve the goals of the Comprehensive Plan. The standards and uses subject to this moratorium are:

Uses: retail (except automobile as defined), restaurants, services (except auto repair), and public safety services.

Standards: Maximum height above 42 feet.

Yeas: 7; Byron, Doore, Gomeau, O'Brien, Rollins, Coffin, Koski

Nays: 0

NEW BUSINESS

HAS BEEN READ, FIRST READING

149 ORDERED, That (1) A sum not to exceed \$500,000 be and hereby is appropriated for the purpose of paying costs of capital expenditures for the construction, reconstruction, renovation and improvement of streets, buildings and other public facilities in and of the City of Augusta (the "City") to constitute the following:

<u>Description of Improvements</u>	<u>Est. Period of Utility</u>	<u>Amount</u>
(A) Reconstruction of Winthrop Street and improvement of related facilities	22	\$250,000
(B) Improvement of City streets and related facilities throughout the City	12	\$100,000

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

149	Continued		
	(C) Construction of Winthrop Street sanitary sewer and improvement of related facilities	22	\$120,000
	(D) Repair and Improvement of City Center	12	\$ 30,000
	Total:		\$500,000

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 meet the aforesaid appropriation, 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 8 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 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 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 (20) 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-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

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

149 Continued

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. 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 Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

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 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 and improvement including for reimbursement purposes is \$500,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

(FIRST READING, NO VOTE REQUIRED)

150 ORDERED, That (1) A sum not to exceed \$410,000 be and hereby is appropriated for the purpose of paying costs of capital expenditures for the construction, reconstruction, renovation and improvement of streets, buildings and other public facilities in and of the City of Augusta (the "City") to constitute the following:

<u>Description of Improvements</u>	<u>Est. Period of Utility</u>	<u>Amount</u>
(A) Construction of Sand and Salt Shed	22	\$275,000
(B) Renovation of Buker Community Center	12	\$ 46,000
(C) Renovation and Repair of Police Station	22	\$ 89,000
Total:		\$410,000

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 meet the aforesaid appropriation, 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 8 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

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

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obligation bonds of the City in an aggregate principal amount not to exceed \$410,000. 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 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 (20) 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-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

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

150 Continued

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. 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 Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (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 and improvement including for reimbursement purposes is \$410,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

(6) Upon passage of this Order, the City Clerk is hereby directed to submit the referendum question of ratification of this Order, in substantially the following form, to the voters of the City at the municipal election to be held on November 6, 2007:

"Shall Order #150, titled '\$410,000 Capital Improvement Bonds,' passed by the council on August 6, 2007 and authorizing issuance of bonds in the amount of \$410,000 for capital improvements be approved?"

(FIRST READING, NO VOTE REQUIRED)

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

151 ORDERED, That (1) A sum not to exceed \$8,900,000.00 be and hereby is appropriated for the purpose of paying costs of capital expenditures for the expansion, construction, reconstruction, renovation and improvement of, and the acquisition of equipment of a lasting character for, the public facility known as Lithgow Library (the "Lithgow Library Project"). The estimated period of utility of the permanent improvements constituting the Lithgow Library Project is hereby declared to be in excess of thirty (30) years.

(2) To meet the aforesaid appropriation, 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 8 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 \$8,900,000. 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 December 31 of the year after the year in which the bonds are issued, and the last installment to be payable not later than thirty (30) years after the date of issue of such bonds. The bonds authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the bonds 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

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

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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. 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 Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (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 and improvement including for reimbursement purposes is \$8,900,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

(6) Upon passage of this Order, the City Clerk is hereby directed to submit the referendum question of ratification of this Order, in substantially the following form, to the voters

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

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of the City at the municipal election to be held on November 6, 2007:

"Shall Order #151, titled '\$8,900,000 Lithgow Library Bonds,' passed by the council on August 6, 2007 and authorizing issuance of bonds in the amount of \$8,900,000 for Lithgow Library be approved?"

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

- 146 ORDERED, That minutes of the City Council meeting held July 2, 2007 submitted by the City Clerk be approved.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

- 147 ORDERED, That Roll of Accounts for the month of June 2007 in the amount of \$6,345,692.84 be approved.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

- 148 ORDERED, That Tim Bolton be reappointed to the Historic Preservation Commission; said term to expire August 9, 2010.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

- 152 ORDERED, That the City Council enter into Executive Session to discuss the acquisition of real property; 1 M.R.S.A., Section 405(6)(C).

Yeas: 7; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk