

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

May 23, 2007

Minutes of the regular City Council meeting held Monday, May 21, 2007 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilors Rollins and Lund; Mayor Katz presided.

Presentation - By the Augusta Historic Preservation Commission of
Historic House Plaques

Public Hearing - Malt and Vinous Liquor License for Chunma Thai,
Inc., d/b/a Thai Star Restaurant, 611 Civic Center
Drive (Order #102)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND PASSED, FINAL READING

090 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:

Spruce Street

No parking on the south side from the intersection of Arsenal Street easterly for a distance of three hundred eighty eight (388) feet.

Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski

Nays: 0

091 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:

Spruce Street (Seasonal):

OLD BUSINESS AND TABLED MATTERS (Con't)

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

091 Continued

No parking on the south side from Arsenal Street easterly for two hundred forty-five (245) feet between the dates of November 15 to April 1.

Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski

Nays: 0

NEW BUSINESS

HAS BEEN READ, FIRST READING

106 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

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.

(FIRST READING, NO VOTE REQUIRED)

107 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.

(FIRST READING, NO VOTE REQUIRED)

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

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.

(FIRST READING, NO VOTE REQUIRED)

109 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.

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

109 Continued

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 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

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

109 Continued

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."

(FIRST READING, NO VOTE REQUIRED)

110 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 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

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

110 Continued

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.

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

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

- 110 Continued
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
BUDGETLEGISLATIVE 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
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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
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CITY SERVICES

Economic Development	\$ 262,985
Planning	128,089
Historical Preservation	5,825
Code Enforcement	279,848
City Service Administration	52,825
Engineer	177,350
City Buildings	498,077
Buker School	112,584
Cony/Flatiron	96,473

TOTAL CITY SERVICES	\$ 1,614,056
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NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

110	Continued	
	<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
	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

(FIRST READING, NO VOTE REQUIRED)

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

- 093 ORDERED, That minutes of the City Council meetings held May 7, 2007 and May 14, 2007 submitted by the City Clerk be approved.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 094 ORDERED, That the City Council accept a donation for The Spring Running festival in an amount totaling Six Hundred, Twenty-Five Dollars (\$625.00) from Time and Tide Council.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 095 ORDERED, That Rene Albison be appointed to the Tree Board; said term to expire May 21, 2010.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 096 ORDERED, That Sue Campbell be appointed to the Cable TV and Telecommunications Committee as the School Board Representative; said term to expire May 7, 2010.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 097 ORDERED, That Richard Duncan be appointed to the Historic Preservation Commission; said term to expire May 21, 2010.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 098 ORDERED, That George L. Murray be appointed to the Parks and Recreation Advisory Board; said term to expire May 21, 2010.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0

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

- 099 ORDERED, That Sylvia Hudson be appointed to the Historic Preservation Commission; said term to expire May 21, 2010.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 100 ORDERED, That Sylvia V. Lund be reappointed to the Capital Riverfront Improvement District; said term to expire May 5, 2009.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 101 ORDERED, That David Rand be appointed to the Parks and Recreation Advisory Board; said term to expire May 21, 2010.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 102 ORDERED, That the following application for a Malt and Vinous Liquor License be approved:
- Chunma Thai, Inc., d/b/a Thai Star Restaurant, 611 Civic Center Drive.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0
- 103 ORDERED, That the City Council accept a State of Maine Traffic Safety Grant for emergency medical services to purchase three Toughbook laptops. The local share required match in amount of \$3000 will come from the Fire Reserve for Local Grant Match.
- Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski
- Nays: 0

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

104 ORDERED, That the City Council informational meeting scheduled for Monday, June 11, 2007 be rescheduled to Wednesday, June 13, 2007 due to the State of Maine Referendum election being held in the Council Chambers on Tuesday, June 12, 2007.

Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski

Nays: 0

105 ORDERED, That the following question be submitted to the voters at the Municipal Election to be held November 6, 2007, which question shall read as follows:

"Shall a Charter Commission be established for the purpose of revising the Municipal Charter?"

BE IT FURTHER ORDERED, That the election of members to the Charter Commission be held November 6, 2007, and

BE IT FURTHER ORDERED, That the Charter Commission voter members be elected as follows:

"One voter shall be elected from each ward in the same manner as a municipal officer."

BE IT FURTHER ORDERED, That nomination petitions for any one candidate shall be assembled and united into one petition and filed with the City Clerk no earlier than the first Tuesday in August (8/7/2007) nor later than 4:30 p.m. on the third Tuesday in August (8/21/2007).

The City Council shall appoint three additional members to the Charter Commission after the election has occurred.

Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

111 ORDERED, That the City Council enter into Executive Session to discuss labor negotiations; 1 M.R.S.A., Section 405(6)(d).

Yeas: 6; Byron, Doore, Gomeau, O'Brien,
Coffin, Koski

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk