

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, JANUARY 17, 2013
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

All members of Council were present; Mayor Stokes presided.

Presentation - Historic building plaque for 46 Quimby Street: John Spaulding House,
circa 1892

Public comments were held on items listed on the agenda.

NEW BUSINESS

READ AND TABLED

13-006

ORDERED, That the City Manager is authorized to accept the sealed bid from Laurier Fleury, 35 Water Street, Augusta, Maine in the amount \$1.00 for the sale of property located at 25 Bond Street, Augusta, Maine.

BE IT FURTHER ORDERED, That the proceeds shall be deposited in the Lithgow Library Capital Construction Fund.

Motion to table by: Munson Second by: Rollins
Yeas: 8; Byron, Grant, Paradis, O'Brien
Rollins, Bilodeau, Emery, Munson
Nays: 0

NEW BUSINESS (Con't)

READ, FIRST READING

13-009

WHEREAS, the City Council finds that the Planning Board held multiple public hearings on the issues of various changes to the sign ordinance section of the Augusta Land Use Ordinance; and

WHEREAS, the Planning Board voted unanimously to recommend changes to the sign ordinance section of the Augusta Land Use Ordinance; and

WHEREAS, the City Council finds that the proposed amendments will provide a more harmonious integration of signs into the Augusta landscape enabling residents and visitors to navigate the city and businesses to adequately advertise, all in accordance with the recommendations of the 2007 Augusta Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Land Use Ordinance, Section 5.1.17 Street Graphics - Signs, be amended as outlined in the attached document.

NEW BUSINESS (Con't)

READ AND PASSED, SECOND READING WAIVED

13-008

WHEREAS, the City Council finds that Fuel Wood Production, otherwise known as firewood processing, is a use already regulated by the Augusta Land Use Ordinance, but lacks a clear definition; and

WHEREAS, the lack of a clear definition creates a problem regarding enforcement of the ordinance, as the code enforcement officers are unable to easily distinguish a commercial operation from a private residential operation; and

WHEREAS, the Planning Board has reviewed the issue, held a public hearing, and made a unanimous recommendation.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following text be added to Section 2.2 of the Augusta Land Use Ordinance, in proper alphabetical order:

Fuel Wood Production: is the mechanized processing of wood into any length less than tree length, not accessory to a timber harvest, when not burned or consumed on site.

Motion to suspend the rules by: Munson Second by: Byron

Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson

Nays: 0

Motion for passage by: Munson Second by: Byron

Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson

Nays: 0

13-010

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

That Chapter 13 Offenses and Miscellaneous Provisions Code of Ordinances 1990, as amended, be further amended by adding the following:

Section 13-28 Residency Restrictions for Sex Offenders.

Section 1: Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A, section 3014. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by Title 30-A M.R.S.A, section 3014.

The Planning Bureau with the assistance of the Police Department shall prepare, maintain and file with the City Clerk an official map showing prohibited locations as defined by this ordinance. The Planning Bureau will update the map at least annually to reflect any changes in the locations of any Restricted Property and Setbacks and file the updated map with the City Clerk.

Section 2: Definitions

- A. Setback - A 750 foot radius surrounding the “Restricted Property.”
- B. Designated Sex Offender (s) - Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense
- C. Property Owner – Property owner means the person owning real estate affected by this ordinance as shown by the current tax maps on file in the office of the City Assessor or the records at the Kennebec County Registry of Deeds.
- D. Residence – The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing or dwelling.
- E. Restricted Property – The real property comprising a public or private elementary, middle or secondary school. The real property comprising a municipally owned property where children are the primary users. See Section 6 Restricted Property.

Section 3: Restrictions

- A. No Designated Sex Offender shall reside within a 750 foot Setback of any Restricted Property.
- B. No Property Owner may lease, rent or allow residential use of real property by a Designated Sex Offenders within the 750 foot Setback from any Restricted Property.

Section 4: Exceptions

- A. A Designated Sex Offender maintaining a residence within the Setback from Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in a Setback as long as the residence was in place and consistently maintained prior thereto.
- B. A Property Owner leasing or renting a residence for use by a Designated Sex Offender within the Setback of a Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Property Owner is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in the Setback as long as the residency was in place prior to the

creation, movement or enlargement and the residency has been consistently maintained.

Section 5: Violation; injunctive relief and penalties

A. A Designated Sex Offender who, thirty (30) days after written notice from the City of Augusta, is in violation of Section 3, subsection A of this Ordinance shall be subject to an action brought by the City of Augusta to enforce the requirements of this ordinance. The City of Augusta may seek injunctive relief to require compliance with the provisions of this ordinance.

The City of Augusta may also seek a penalty in the minimum amount of \$500.00 per day, for each day of violation of Section 3 of this Ordinance after thirty (30) days. In the event the City of Augusta is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the City of Augusta.

B. Property Owners who, thirty (30) days after written notice from the City of Augusta lease or rent any residence to a Designated Sex Offender within the Setback from a Restricted Property shall be subject to an action brought by the City of Augusta to enforce the requirements of this ordinance. The City of Augusta may seek injunctive relief to require compliance with the provisions of this ordinance.

The City of Augusta may also seek a penalty in the minimum amount of \$500.00 per day, for each day of violation of Section 3, subsection B of this Ordinance after thirty (30) days. In the event the City of Augusta is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the City of Augusta.

Section 6: Restricted Property

The following properties are designated as Restricted Properties because children are the primary users:

A. Schools

1. Capital Area Technical Center
2. Cony High School
3. Farrington School
4. Gilbert School
5. Hussey School
6. Lincoln School
7. St. Michael's School
8. Webster School

B. Municipally Owned Property

1. Buker Center
2. Bicentennial Park
3. Calumet Park
4. Capitol Park
5. Cunningham Park
6. East Side Boat Landing

7. Gage Street Park
8. Hodgkins Athletic Fields
9. Frederick L. Savage Park
10. McCalls's Park
11. Mill Park
12. Mt. Vernon Avenue Park
13. North Water Street Park
14. Williams Park
15. Youth Memorial Park

Motion to suspend the rules by: Bilodeau Second by: Emery

Yeas: 7; Byron, Grant, Paradis,
 Rollins, Bilodeau, Emery, Munson

Nays: 1; O'Brien

Motion for passage by: Byron Second by: Bilodeau

Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson

Nays: 0

NEW BUSINESS (Con't)

READ AND PASSED

13-002

ORDERED, That the minutes of the City Council meeting held January 3, 2013, submitted by the City Clerk, be approved.

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

Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson

Nays: 0

13-003

ORDERED, That the Roll of Accounts for the month of December, 2012 in the amount of \$4,548,473.46 be approved.

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

Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson

Nays: 0

13-004

ORDERED, That Corey A. Vose be reappointed to the Planning Board; said term to expire on January 17, 2016.

Motion for passage by: O'Brien Second by: Byron
Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson
Nays: 0

13-005

ORDERED, That the City Manager is authorized to accept a Federal Grant from the Department of Homeland Security. The total grant award is \$71,725.03:

Police	\$21,954.55	10 Laptop Computers
Fire	\$40,688.00	8 Air Packs
	\$9,082.48	Training & Emergency Plans for Schools

Motion for passage by: Byron Second by: Paradis
Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson
Nays: 0

13-007

ORDERED, That the City Manager is authorized to execute an agreement between City of Augusta and State of Maine Department of Transportation for the "Temporary Construction Rights" to land owned by the City for road project work being done on Old Belgrade Road.

Motion for passage by: Paradis Second by: O'Brien
Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson
Nays: 0

13-011

ORDERED, That the City Council enter into an executive session to discuss two (2) personnel matters; 1 M.R.S.A. §405(6)(A).

Motion for passage by: O'Brien Second by: Munson
Yeas: 8; Byron, Grant, Paradis, O'Brien
 Rollins, Bilodeau, Emery, Munson
Nays: 0

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
January 18, 2013