

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, JULY 18, 2013  
COUNCIL CHAMBERS, CITY CENTER  
6:00 P.M.**

At 6:00 p.m., the Mayor will bring the meeting to order in Conference Room A.

**OTHER BUSINESS**

Enter into an executive session to discuss potential / pending litigation; 1M.R.S.A. §405(6)(D).

**6:30 P.M.**

If time allows following the executive session, 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.

**7:00 P.M.**

At 7:00 p.m. the regular City Council Meeting will continue in the Council Chambers.

**PUBLIC HEARING** - Municipal Development and Tax Increment Financing (“TIF”) District Development Program for Housing Initiatives of New England

**PUBLIC HEARING** - Franca Helena McFarland, d/b/a Gagliano’s, 287 Water Street

**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.

**13-124      Manager (Bureau of City Clerk)**

ORDERED, That the minutes of the City Council meetings held June 20, 2013, June 27, 2013 and July 11, 2013, submitted by the City Clerk, be approved.

**13-125      Manager (Bureau of Account Accounts)**

ORDERED, That the Roll of Accounts for the month of June, 2013 in the amount of \$5,342,167.97, be approved.

**13-126 Mayor Stokes**

ORDERED, That Linda J. Conti be reappointed to the Planning Board; said term to expire July 13, 2016.

**13-127 Mayor Stokes**

ORDERED, That Councilor Cecil Munson be reappointed to the Capital Planning Commission; said term to expire July 18, 2014.

**13-128 City Manager**

ORDERED, That the City Council accept donations from Skate-A-Thon in the amount of \$400.00, from Raymond Pepin in the amount of \$100.00, from Bank of Maine - The Ice Vault in the amount of \$250.00 and from the Augusta Fuel Petanque tournament in the amount of \$750.00 for a total amount of \$1,500.00 for the Petanque Courts at Mill Park.

OLD BUSINESS AND TABLED MATTERS

TABLED

**13-119 City Manager**

ORDERED, That the City Manager is authorized to execute an agreement with the Teamsters Local Union 340, Dispatch Unit. Term of the agreement is July 1, 2013 to June 30, 2014.

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING

**13-112 City Manager (Fire Department)**

WHEREAS, the City Council has held multiple informational meetings on the proposed addition of a "Private Hydrants" ordinance; and

WHEREAS, the Chief of the Fire Department recommends the ordinance is essential for public safety; and

WHEREAS, the City Council finds that the proposed Private Fire Hydrants ordinance will enhance public fire protection as well as maintain annual testing and reporting for private fire hydrants.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta, that the City book of ordinances, Section "Private Hydrants", be added as outlined in the following:

**Section I. AUTHORITY**

The following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property in the City of Augusta and those fire hydrants located in the rights of way of public highways of the City of Augusta that the Greater Augusta Utility District does not own.

## **Section II. PURPOSES**

The purposes of this Ordinance are to:

Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of fire hydrants located on private property of the City of Augusta, as well as fire hydrants located in the rights of way of public highways in the City of Augusta that are not owned by the Greater Augusta Utility District.

Ensure that every private fire hydrant to which the Fire Department of the City of Augusta or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency. Protect the public health, safety and general welfare of the City of Augusta.

## **Section III. DEFINITIONS**

- 1) EMERGENCY IMPAIRMENT – A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.
- 2) FIRE DEPARTMENT – The Fire Department of the City of Augusta.
- 3) HYDRANT – A private fire hydrant as defined below.
- 4) IMPAIRED HYDRANT – A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.
- 5) IMPAIRMENT – A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.
- 6) IMPAIRMENT TAG – A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.
- 7) INSPECTION – An examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.
- 8) MAINTENANCE – Work performed to keep a private fire hydrant operable or to make repairs.
- 9) NFPA STANDARD – Publication 25 of the National Fire Protection Association (NFPA) titled Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 2002, and any subsequent amendments or revisions thereto.
- 10) OWNER – The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public highway in the City of Augusta that are not owned by the Greater Augusta Utility District, the owner is the person that owns the fire hydrant itself.

- 11) OWNER'S DESIGNEE - Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner's property.
- 12) PERSON - Any institution, public or private corporation, individual, partnership, or other entity.
- 13) PRE-PLANNED IMPAIRMENT – A condition where a private fire hydrant is out of service due to work that has been planned in advance.
- 14) PRIVATE FIRE HYDRANT – A valved connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public highway of the City of Augusta. A private fire hydrant also includes any fire hydrant located in a right of way of a public highway in the City of Augusta that is owned by any person other than the Greater Augusta Utility District.
- 15) QUALIFIED – Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.
- 16) RECORD – Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.
- 17) SHALL – Indicates a mandatory requirement.
- 18) TESTING – A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

#### **Section IV. GENERAL REQUIREMENTS**

- 1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner's designee.
  - a. Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and maintenance of a private fire hydrant in accordance with this Ordinance, the owner's designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

- 2) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.
- 3) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer's specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by qualified maintenance personnel or a qualified contractor.
- 4) The owner or owner's designee shall notify the Fire Department of the City of Augusta and the Greater Augusta Utility District before testing or shutting down a private fire hydrant or its water supply.
  - a. This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.
- 5) The owner or owner's designee shall notify the Fire Department and the Greater Augusta Utility District when the private fire hydrant is returned to service.
- 6) The owner or owner's designee shall, within thirty (30) days, correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.
- 7) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

**Section V. INSPECTION, TESTING, MAINTENANCE, CORRECTION and REPAIR**

This section provides the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

- 1) On or before November 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair or corrective action taken as shown in Table 1. Records of these actions will be recorded pursuant to Section VII of this Ordinance.
  - a. The owner or owner's designee shall also conduct an inspection of a private fire hydrant after each operation of the hydrant.

2) Opening and closing hydrants too fast can have the potential of causing some major problems as well as stir up discolored water. Designees acting or testing a hydrant on behalf of the hydrant owner shall register with the Greater Augusta Utility District. Testing of any private fire hydrant as outlined in this ordinance requires 24 hour notification to the Greater Augusta Utility District.

3) When conducting a test of a private fire hydrant, the hydrant shall be opened fully and water flowed until all foreign material has cleared.

a. Flow shall be maintained for not less than one (1) minute.

4) Private fire hydrants shall be lubricated annually to ensure that all stems, caps, plugs, and threads are in proper operating condition.

5) Private fire hydrants shall be kept free of snow, ice, or other materials and protected against mechanical damage so that free access is ensured.

6) The owner or the owner's designee shall repair as soon as possible a private fire hydrant which is impaired or otherwise does not function as required by this Ordinance, the NFPA Standard, or the manufacturer's specifications.

a. After completing all necessary repairs to a private fire hydrant, the owner or the owner's designee shall inspect and test the hydrant as necessary consistent with the standards of this Ordinance, including without limitation Table 1, to ensure that the hydrant is operational.

#### **Section VI. IDENTIFICATION AND NOTIFICATION OF IMPAIRED HYDRANT**

1) The owner or owner's designee shall notify the Augusta Fire Department and the Greater Augusta Utility District in advance of a preplanned impairment of a private fire hydrant.

2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

3) The owner or owner's designee shall affix an impairment tag approved by the Augusta Fire Department to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner's designee shall remove the impairment tag and shall notify the Augusta Fire Department and the Greater Augusta Utility District that the hydrant is operational.

#### **Section VII. RECORDS**

1) Records shall indicate the procedure performed to inspect, test, maintain, correct, and repair a private hydrant. Such records shall include the organization that performed the

work, the results, the date work was performed, and other pertinent information as the Fire Department shall require.

- 2) Records shall be maintained by the owner or the owner's designee.
- 3) By December 31<sup>st</sup> of each calendar year, the owner or owner's designee shall submit to the Fire Chief of the City of Augusta a record documenting the annual inspection, test, maintenance, correction and repair of each private fire hydrant and its components.
- 4) The owner shall retain the original purchase, installation and maintenance records of a private fire hydrant for the life of the private fire hydrant.
- 5) Inspection records shall be retained for a period of one year after the subsequent annual inspection required by this Ordinance.

**Section VIII. ENFORCEMENT VIOLATIONS and PENALTIES**

- 1) A civil penalty of not more than \$100 may be imposed for a violation of this Ordinance. Each week that the violation continues shall constitute a separate violation of this Ordinance.
- 2) Corporation Counsel may file a complaint to recover civil penalties for violations of this Ordinance.
- 3) Other Relief - In addition to the enforcement procedures available, the City of Augusta may pursue any remedy authorized by law, including without limitation, the maintenance of a civil action in superior court to obtain injunctive and other appropriate relief

**TABLE 1 FIRE HYDRANT INSPECTION, MAINTENANCE AND REPAIR**

**Condition:** Hydrant is inaccessible.

**Remedy:** Make accessible.

**Condition:** Barrel contains water or ice (presence of either could indicate a faulty drain, a leaky hydrant valve, or a high groundwater table)

**Remedy:** Repair and drain; for high groundwater it could be necessary to plug the drain and pump out the barrel after each use

**Condition:** Improper drainage from barrel

**Remedy:** Repair drain

**Condition:** Leaks at outlets or at top of hydrant

**Remedy:** Repair or replace gaskets, packing, or parts as necessary

**Condition:** Cracks observed in hydrant barrel.

**Remedy:** Repair cracks or replace barrel.

**Condition:** Tightness of outlets

**Remedy:** Lubricate if necessary, tighten if necessary

**Condition:** Worn nozzle threads

**Remedy:** Repair or replace worn hydrant operating nut

**Condition:** Availability of operating wrench

**Remedy:** Make sure wrench is available

**Condition:** Cracked or peeled paint, exposed rust unpainted metal

**Remedy:** Remove rust, paint hydrant as necessary

**13-113 Councilors Byron and Rollins**

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

That chapter 18, section 41 Heavy trucks prohibited on certain streets; exception for city vehicles, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following under subpart (b):

Macomber Avenue, entire length

NEW BUSINESS

**13-129 Manager (Bureau of City Clerk)**

ORDERED, That following a public hearing, the application for a Malt, Vinous and Spirituous Liquor License be approved for:

Franca Helena McFarland, d/b/a Gagliano's, 287 Water Street

**13-130 City Council**

ORDERED, That the City Council authorize beer and wine to be served at Mill Park as part of Augusta Fuel's hosting of the Kennebec Valley Chamber of Commerce August 14, 2013 "After Hours" monthly social as well as celebrate the 125th Anniversary of Augusta Fuel Corporation.

BE IT FURTHER ORDERED, That the beer and wine will be managed and operated by a duly licensed vendor with all applicable licenses, permits and insurance in place prior to the event and that all servers will be properly TIPS trained and certified.

**13-131 City Manager**

BE IT ORDERED, That the City Council directs the City Manager to enter into an agreement with Summit Natural Gas to provide natural gas to the City facilities identified in its response to the Request for Proposals, subject to further negotiations regarding the terms of the agreement and in a form approved by Corporation Counsel.

**13-132 Mayor and Council**

WHEREAS, the City of Augusta (the "City") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the "Flatiron - Cony Economic Development Program and Tax Increment Financing District" (the "District") and to adopt a Development Program for the District (the "Development Program"); and

WHEREAS, there is a need for quality, affordable age-restricted housing in the City of Augusta; and

WHEREAS, there is a need to preserve and protect the iconic Cony Flatiron building for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the Flatiron – Cony Economic Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached Development Program, which creates the Flatiron - Cony Economic Development Program and Tax Increment Financing District, be approved and that the City Manager is authorized to sign a Credit Enhancement Agreement with the developer consistent with the Development Program adopted herein.

#### COMMUNICATIONS

Committee Reports

City Manager’s Report

Respectfully submitted,

Barbara E Wardwell, City Clerk & Treasurer  
July 16, 2013