

**AGENDA FOR THE CITY COUNCIL MEETING
THURSDAY, NOVEMBER 15, 2012
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

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.

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.

12-174 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held November 1, 2012, submitted by the City Clerk be approved.

12-175 Manager (Bureau of Audit Accounts)

ORDERED, That the Roll of Accounts for the month of October 2012 in the amount of \$6,957,719.43 be approved.

OLD BUSINESS AND TABLED MATTERS

SECOND READING

12-172 Councilors Bilodeau, Munson and Rollins

BE IT ORDAINED, That the City Council approves the proposed amendment of name change and additional charge of the committee to city ordinance Sec. 11-112 Cable Television and Telecommunications Committee. The strike thru is to be deleted and replaced or added to the ordinance with that which is in bold and underlined.

Sec. 11-112. - ~~Cable television and telecommunications committee.~~ Strategic Communications Committee

a. *Established.* There is hereby established a ~~Cable Television and Telecommunications Committee~~, Strategic Communications Committee which shall be responsible to the Mayor and Council for overseeing the performance of the City's Cable Television franchise under the franchise currently in effect, and for the establishment and operation of the education and government channels provided for under that franchise. The Committee shall also advise the Mayor and Council with respect to such other telecommunications issues as wireless and broadband internet access, cable, traditional and cellular telephones, ~~and satellite communications,~~ and the various social media such as Facebook, Twitter as requested of them by the City Council.

NEW BUSINESS

PART 1 – ORDERS

12-176 Manager (Bureau of City Clerk)

ORDERED, That the tabulation results for the Municipal Election held November 6, 2012 submitted by the City Clerk, be and hereby certified.

BE IT FURTHER ORDERED, That the City Clerk notify, in writing as directed by the Charter, the persons who have been elected; Article V., Sections 9 & 10.

12-177 City Manager

ORDERED, That the City Manager is authorized to accept the following bids for the sale of City owned properties:

- James Pepin of 76 Bunny Street, Augusta, in the amount of \$1,000. 00 for 4 York Street,
- James Pepin of 76 Bunny Street, Augusta in the amount of \$1,000.00 for 6 Morton Place
- Paul J. Roderick of 35 Lynn Road, Augusta in the amount of \$813.00 for 375 Buck and Doe Trail
- Kurt Richards of 4 Cross Street, Augusta in the amount of \$7,000.00 for 46 Stone Street

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

12-178 City Manager

ORDERED, That the City Council adopt the General Assistance maximum levels in accordance with Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. ss4305 (4).

12-179 Mayor and Council

RESOLVED, That the Augusta City Council does hereby request that the Augusta Legislative Delegation for the 126th Maine Legislature initiate a special and private act to amend the charter of the Augusta Parking District so as to allow for its continued existence.

PART 2 – ORDINANCES BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

12-180 Councilor Paradis

WHEREAS, the Planning Board held a public hearing and voted unanimously to recommend modifying the existing zoning in the Resource Development district (RD), that exists on Mt. Vernon Ave; and

WHEREAS, the Planning Board recommendation expressed some potential concern about traffic on Mt. Vernon Ave related to some possible retail uses, and therefore recommended Retail as a Conditional Use; and

WHEREAS, the 2007 Comprehensive Plan recommends that Retail be allowed on Mt. Vernon Ave.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following text amendment be made to the Augusta Land Use Ordinance:

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, to add “Retail” as a conditional use in the table in the Resource Development (RD) zoning district.

12-181 Mayor and Council

BE IT ORDAINED, By the City Council of the City of Augusta that the existing ordinance #11-190 passed on January 5, 2012 be amended by adding (7):

- (1) Smoking and all other tobacco use is prohibited at:
 - a. All City of Augusta owned parks and playgrounds;
 - b. City of Augusta owned athletic facilities. “Athletic facilities” means all ball fields, courts and their spectator area(s), including bleachers;
 - c. Except in specifically designated areas, provided a suitable location can be identified, at city of Augusta owned facilities to include: Augusta Civic Center, Buker Community Center, City Center, John Charest Public Works Compound, Lithgow Public Library, Naval Reserve – Police Department and Old Fort Western.
- (2) Sidewalks adjacent to parks, athletic facilities and grounds and run parallel to City streets or State highways shall be exempt from this ordinance.
- (3) The City’s Facilities Manager, in consultation with the responsible staff person for each facility where the grounds are located, will determine and designate a location for a smoking area for both the public and City personnel.
- (4) Violators shall first be warned orally by the Police Department. Subsequent violations are subject to a minimum \$50 fine per occurrence.
- (5) Tobacco use on all school grounds is prohibited by state law at all times.
- (6) Tobacco use at City indoor facilities and outside exteriors at least within 20 ft. from entryways, windows, vents and doorways, and ~~not~~ in any location that allows smoke to circulate back into the building is prohibited by state law at all times.
- (7) Tobacco use within 20 feet of designated school bus stops within the city limits is prohibited.

OTHER BUSINESS

Enter into executive session to discuss property negotiations; 1 M.R.S.A. §405(6)(C).

COMMUNICATIONS

Committee Reports
City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
November 13, 2012