

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, DECEMBER 15, 2011  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

All members of the Council were present; Mayor Stokes presided.

Presentation- By Raymond Fecteau regarding Mill Park Petanque Courts

Presentation - By Police Chief Robert Gregoire and MDEA Representative Chip Woodman regarding Criminal Activity in the Augusta Region and Statewide

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

**11-146**

ORDERED, That the City Manager be authorized to contract for demolition and improvements to Haymarket Square not including the construction of new bathroom facilities and not to exceed \$120,000 from the Downtown TIF.

(NO MOTION TO REMOVE FROM TABLE)

OLD BUSINESS AND TABLED MATTERS (Con't)

READ AND PASSED, FINAL READING

**11-182**

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:

Drew Street (Seasonal):

No Parking on the east side from Western Avenue to Green Street from November 15 to April 1.

BE IT FURTHER ORDAINED, By adding the following:

Drew Street:

No Parking on the east side from Western Avenue to Lincoln Street.

No Parking on the east side from Lincoln to Green Street from November 15 to April 1.

Two (2) hour parking on the west side of Drew Street from Western Avenue to Lincoln Street between the hours of 8:00 a.m. and 6:00 p.m.

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

NEW BUSINESS

HAS BEEN READ AND TABLED

**11-188**

ORDERED that the City Manager is authorized to sign a 15-year Power Purchase Agreement with Revolution Energy for: (1) Solar photovoltaic systems at City Center and Buker Community Center, (2) Solar Hot Air at Buker Community Center, and (3) Pellet Boiler System at Buker Community Center.

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

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING

**11-190**

WHEREAS, the City council hereby finds that smoking and tobacco use are health hazards and it is in the public interest to prohibit tobacco use at parks, City facilities and athletic facilities, it is hereby ORDAINED as follows:

- (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 exterior at least 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.

(FIRST READING, NO VOTE TAKEN)

**11-191**

WHEREAS, the Planning Board held a public hearing and voted unanimously to recommend the following modification; and

WHEREAS, the City Council finds that the requirements for a text amendment to the Land Use Ordinance found in Section 1.6.1.B of the Land Use Ordinance have been met.

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

The table of dimensional standards in Section 3.6.1.7.C.5 be modified to add a new dimensional standard and modify one existing dimensional standard as follows:

<i>Standard</i>	<i>For independent lots NOT PART of a subdivision, Major Development, or PUD with a Development Tract/Parcel size of forty (40) Acres or more</i>	<i>For independent lots THAT ARE PART of a subdivision, Major Development, or PUD with a Development Tract/Parcel size of forty (40) Acres or more</i>
Minimum Street /Road Frontage along Church Hill Road/Rt. 105 for a <u>non-residential</u> lot	400 ft.	300 ft.
<u>Minimum Street /Road Frontage along Church Hill Road (north of Rt 3) and all of Rt. 105 for a residential lot</u>	<u>400 ft.</u>	<u>300 ft.</u>
<u>Minimum Street /Road Frontage along Church Hill Road between Rt 3 and Rt. 105 for a residential lot</u>	<u>200 ft.</u>	<u>200 ft.</u>

All other dimensional standards in the table shall remain unchanged.

(FIRST READING, NO VOTE TAKEN)

NEW BUSINESS (Con't)

READ AND PASSED

**11-184**

ORDERED, That the minutes of the City Council meetings held December 1, 2011, submitted by the Deputy City Clerk, be approved.

Motion for passage by: Munson      Second by: Paradis

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

Nays: 0

**11-185**

ORDERED, That Roll of Accounts for the month of November 2011 in the amount of \$4,916,775.47 be approved.

Motion for passage by: Munson      Second by: Paradis

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

Nays: 0

**11-186**

ORDERED, That Roger Pomerleau be appointed to the Fort Western Board of Trustees; said appointment to expire October 31, 2012.

Motion for passage by: Munson      Second by: Paradis

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

Nays: 0

**11-187**

WHEREAS, the City of Augusta submitted a Project Canopy Grant application for the Pruning and Maintenance of the City's community forest, and

WHEREAS, the sum of \$8,000.00 has been requested, and

WHEREAS, The City's local 50/50 match will be met with existing staff resources and equipment, and

WHEREAS, the City has been notified of an award of \$8,000.00 from the Urban and Community Forestry Program,

BE IT ORDERED, that the City Council authorize the City Manager to accept by signature a USDA Forest Service, State of Maine, Maine Forest Service, Urban and Community Forestry program, Project Canopy Grant for the sum of (\$8,000.00) Eight Thousand Dollars for doing tree

pruning and maintenance of the City's community forest. Be if further ordered City shall provide the required 50/50 match in combination of in-kind services and staff and equipment.

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

**11-189**

ORDERED, That the City Manager is authorized to execute the Kennebec County Hazard Mitigation Plan as recommended by Fire Chief Roger Audette.

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

**11-192**

ORDERED, That the City Council enter into executive session to discuss:  
A potential litigation; 1 M.R.S.A. §405(6)(E)

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

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Tina M Charest, Deputy City Clerk  
December 19, 2011