

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

November 13, 2007

Minutes of the regular City Council meeting held Thursday, November 8, 2007 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor Doore; Mayor Katz presided.

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Applebee's Restaurants North, LLC

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Augusta Community Hospitality, LLC and Drew Dynamics, Inc.

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

131 WHEREAS, commercial blasting and use of explosives for purposes of quarrying mineral extraction and the production of construction materials have been occurring frequently in the City of Augusta, and whereas numerous reports of property damage resulting from such blasting have been communicated to the City, and

WHEREAS, current City of Augusta Ordinances are inadequate to effectively regulate and prevent serious public harm and property damage which may occur as a result of blasting in the City, and

WHEREAS, City Staff is aware of planned blasting in the vicinity of residential homes in the City, and

WHEREAS, the City Council has appointed a Committee to draft a new Ordinance regulating blasting, which has not completed its work, and

WHEREAS, the City Council needs additional time to complete the process of enacting a new Ordinance regulating blasting.

NOW THEREFORE, The Council hereby ORDERS that a moratorium be enacted effective as of the date of passage by Council which prohibits all commercial blasting and use of explosives for

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

131 Continued
the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

This moratorium will expire in one hundred eighty (180) days from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

(NO MOTION TO REMOVE FROM TABLE)

212 BE IT ORDAINED, By the City Council of the City of Augusta that the following contract rezoning be approved:

The lots known as Assessor's Map 48, Lot 3 and 3B, shall be Contract Zoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new contract zone shall be the Capitol Commerce (CC) district with the following restriction: 1)Use of the lots shall be One Family Dwelling; Home Occupation; Retail sales of pool tables, other table games, and accessories; and Public Recreational Areas, Facilities, and Parks.

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

Nays: 0

HAS BEEN READ AND PASSED, FINAL READING

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

That chapter 18, section 36 Schedule of yield right-of-way signs, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Throughway
Union Street

Entering Street
Columbia Street

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

Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con't)

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

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

That chapter 18, section 36 Schedule of yield right-of-way signs, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

<u>Throughway</u>	<u>Entering Street</u>
State Street	Union Street

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

Nays: 0

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

That chapter 18, section 36 Schedule of yield right-of-way signs, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

<u>Throughway</u>	<u>Entering Street</u>
Winthrop Street	Commercial Street

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

Nays: 0

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

That chapter 18, section 36 Schedule of yield right-of-way signs, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

<u>Throughway</u>	<u>Entering Street</u>
Commercial Street	Bridge Street (easterly)

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

Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con't)

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

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

That chapter 18, section 34 Schedule of stop signs, flashing red lights, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

<u>Throughway</u>	<u>Entering Street</u>
Winthrop Street	Commercial Street

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

Nays: 0

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

That chapter 18, section 34 Schedule of stop signs, flashing red lights, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

<u>Throughway</u>	<u>Entering Street</u>
Union Street	Columbia Street

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

Nays: 0

NEW BUSINESS

HAS BEEN READ AND TABLED

219 ORDERED, That the Daniel Cony Manley conference table in possession of the City of Augusta be donated to the Kennebec Historical Society. Delivery of the table to be at a time mutually agreed upon.

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

Nays: 0

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

222 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 all existing parking regulations on Arsenal Street.

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:

Arsenal Street:

No parking on the west side the entire length.

No parking on the east side from Cony Street to Spruce Street

No parking on the east side from the intersection of East Chestnut Street, for sixty (60) feet.

Parking on the east side starting at a point sixty (60) feet southerly of East Chestnut Street for a distance of one hundred fifty-two (152) feet restricted to handicapped parking only.

Parking on the east side starting at a point two hundred twelve (212) feet southerly of East Chestnut Street southerly for a distance of one hundred forty (140) feet designated Patient Pickup and Discharge Only.

No parking on the east side starting at a point three hundred fifty-two (352) feet southerly of East Chestnut Street southerly for the remaining distance.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

213 ORDERED, That minutes of the City Council meeting held October 16, 2007 submitted by the City Clerk be approved.

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

Nays: 0

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

- 214 ORDERED, That Roll of Accounts for the month of October 2007 in the amount of \$6,666,664.79 be approved.
- Yeas: 6; Byron, Gomeau, O'Brien, Rollins,
Coffin, Koski
- Nays: 0
- 215 ORDERED, That Susanne C. Page be appointed to the Augusta Housing Authority to fill a vacancy; said term to expire December 5, 2010.
- Yeas: 6; Byron, Gomeau, O'Brien, Rollins,
Coffin, Koski
- Nays: 0
- 216 ORDERED, That Terrence F. McCabe, Sr. be appointed to the Fort Western Board of Trustees; said term to expire October, 2008.
- Yeas: 6; Byron, Gomeau, O'Brien, Rollins,
Coffin, Koski
- Nays: 0
- 217 ORDERED, That the City Council accept donations for the Viles Memorial at Mill Park in the amount of \$1,480.00.
- Yeas: 6; Byron, Gomeau, O'Brien, Rollins,
Coffin, Koski
- Nays: 0
- 218 ORDERED, That the tabulation results for the Municipal / Referendum Election held November 6, 2007 submitted by the City Clerk, be and hereby certified.
- Yeas: 6; Byron, Gomeau, O'Brien, Rollins,
Coffin, Koski
- Nays: 0
- 220 ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:
- Applebee's Restaurants North, LLC, d/b/a Applebee's
Neighborhood Grill & Bar, 114 Western Avenue
- Yeas: 6; Byron, Gomeau, O'Brien, Rollins,
Coffin, Koski
- Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

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

Augusta Community Hospitality, LLC and Drew Dynamics, Inc,
Community Drive

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

Nays: 0

223 ORDERED, That Anna Blodgett be appointed to the Augusta Planning Board to fill a vacancy; said term to expire November 8, 2010.

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

Nays: 0

224 ORDERED, That the City Council enter into Executive Session to discuss:

- a personnel matter; 1 M.R.S.A., Section 405(6)(A)
- pending litigation; 1 M.R.S.A., Section 405(6)(E)

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

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk