

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

May 9, 2008

Minutes of the regular City Council meeting held Monday, May 5, 2008 at 7:00 p.m., Council Chambers, City Center.

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

Proclamation - Arbor Month

Proclamation - Foster Care Awareness Month

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 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

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

- 131 Continued
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)

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED

- 039 WHEREAS, the 2007 Augusta Comprehensive Plan speaks generally to allowing appropriately designed commercial development on parcels adjacent to Western Avenue.

WHEREAS, the Council finds that the contraet conditional rezoning will permit the developer to present the project to the Planning Board for full review under the Major Development criteria of the Land Use Ordinance, including neighborhood compatibility;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta that the following contraet conditional rezoning be approved:

A portion of the lot known as Assessor's Map 84, Lot 2, as shown on the attached map entitled "Proposed Rezoning 11-13-2007" shall be Contract Zoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new contraet conditional zone shall be the Regional Business district (CC) with the following restriction: 1) Use of the lot shall be for a Hotel and Accessory Uses for the Hotel only. 2) The conditional rezoned area shall be used for Hotel parking. 3) The balance of the former residential (R1) portion of the existing site (which will be property owned by the applicant) shall be restricted by deed to be permanent green space.

Yeas: 5; Byron, Paradis, Rollins, Stokes,
Mayor Katz

Nays: 4; Doore, O'Brien, Coffin, Munson

NEW BUSINESSHAS BEEN READ AND PASSED, TWO READINGS WAIVED

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

That Section 5.1.14.2.d.iii. Off-Street Parking of the Revised Code of Ordinances 1990, as amended be further amended as follows:

(iii) As permitted by the Planning Board, places of worship located in the BP and RC District, provided that the minimum number of spaces required for a development proposal by said places of worship shall be available on a public street within 1,000 feet of the place of worship.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ, FIRST READING

072 BE IT RESOLVED, That there is hereby appropriated for the support of the departments of the City of Augusta, for payment of County Taxes, for the bonded indebtedness of the City, and for all the other debts incurred by the City for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of \$51,341,008 of which a summary appears below.

BE IT FURTHER RESOLVED, That the amount to be raised from current real and personal taxes considering estimated departmental revenues, fund balance, and other sources of \$27,112,385 to be set at \$24,228,623.

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$26,467,270 for the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act and that the City of Augusta raise \$9,030,432 as the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

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

072 Continued

Explanation: The City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$349,637 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade twelve.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction and minor capital renovations that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

Lincoln & Farrington Elementary Schools - approved by the voters on November 4, 1986.

New Cony High School - Preliminary bond - approved by the voters on November 7, 2000.

New Cony High School - approved by the voters on December 2, 2003.

BE IT FURTHER RESOLVED, That the City of Augusta raise and appropriate \$752,505 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$280,784 as required to fund the budget recommended by School Board.

Explanation: The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from pre-kindergarten through grade twelve as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on

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

072 Continued

previously approved non-state-funded school construction projects and the non-state-funded portion of minor capital school construction projects that will help achieve the City's budget for educational programs. The appropriate exceeds the Essential Program and services model in the following areas: special education, extra and co-curricular activities, transportation, pension obligations debt, central administration, and contingency.

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$575,272 and raise \$348,165 for Adult Education.

BE IT FURTHER RESOLVED, That the City of Augusta authorize the Augusta Board of Education to expend \$28,144,684 for the fiscal year beginning July 1, 2008 and ending June 30, 2009 from the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools.

	PRELIMINARY BUDGET	FINAL BUDGET
<u>LEGISLATIVE AND EXECUTIVE</u>		
Mayor and Council	\$ 41,801	
City Manager	264,731	
Corporation Counsel	117,180	
Central Services	6,060	
Unclassified	295,649	
Council Contingency	20,000	
Manager Contingency	10,000	
TOTAL LEGISLATIVE AND EXECUTIVE	\$ 755,421	
<u>FINANCE AND ADMINISTRATION</u>		
City Clerk	\$ 197,944	
Registration and Elections	31,277	
City Auditor	146,736	
Information Systems	407,955	

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

072	Continued		
	Treasurer and Tax Collector	274,034	
	Assessor	203,418	
	Finance and Administration	112,587	
	Human Resources	226,609	
	TOTAL FINANCE AND ADMINISTRATION	\$ 1,600,560	<hr/>
	<u>CITY SERVICES</u>		
	Economic Development	\$ 257,712	
	Planning	156,278	
	Historical Preservation	5,825	
	Code Enforcement	266,245	
	City Service Administration	61,773	
	Engineer	178,170	
	City Buildings	534,797	
	Buker School	158,986	
	Cony/Flatiron	61,959	
	TOTAL CITY SERVICES	\$ 1,681,745	<hr/>
	<u>COMMUNITY SERVICES</u>		
	Conservation Commission	\$ 2,686	
	Community Services Administration	204,586	
	Public Library	610,668	
	Recreation	184,964	
	Parks and Cemeteries	787,239	
	Fort Western	121,372	
	Bicentennial Nature Park	64,789	
	Health and Welfare	185,947	
	General Assistance	85,650	
	TOTAL COMMUNITY SERVICES	\$ 2,247,901	<hr/>
	<u>PUBLIC SAFETY</u>		
	Police	\$ 3,889,591	
	Fire	2,183,192	
	Civil Emergency Preparedness	10,005	
	TOTAL PUBLIC SAFETY	\$ 6,082,788	<hr/>
	<u>PUBLIC WORKS</u>		
	Public Works Administration	\$ 116,378	
	Highway	1,502,076	
	Snow Removal	976,935	

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

072	Continued	
	Waste Removal	766,060
	TOTAL PUBLIC WORKS	\$ 3,361,449
	TOTAL UTILITIES	\$ 2,125,432
	TOTAL RETIREMENT AND INSURANCE	\$ 2,137,908
	TOTAL SERIAL BONDS AND NOTES	\$ 1,186,885
	TOTAL RESERVE AND CASH C.I.P	\$ 590,000
	TOTAL COUNTY TAX	\$ 1,426,235
	<u>EDUCATION</u>	
	REGULAR INSTRUCTION	\$ 9,379,960
	SPECIAL EDUCATION	\$ 3,850,473
	CAREER AND TECHNICAL EDUCATION	\$ 2,772,660
	OTHER INSTRUCTION	\$ 686,531
	STUDENT AND STAFF SUPPORT	\$ 2,290,430
	SYSTEM ADMINISTRATION	\$ 633,108
	SCHOOL ADMINISTRATION	\$ 1,383,547
	TRANSPORTATION	\$ 954,615
	FACILITIES MAINTENANCE	\$ 2,451,630
	DEBT SERVICE	\$ 3,018,458
	ALL OTHER EXPENDITURES	\$ 148,000
	ADULT EDUCATION	\$ 575,272
	TOTAL EDUCATION	\$28,144,684
	TOTAL APPROPRIATIONS	\$51,341,008

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

066 ORDERED, That minutes of the City Council meeting held April 22, 2008 submitted by the City Clerk be approved.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

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

067 ORDERED, That Roll of Accounts for the month of April 2008 in the amount of \$6,005,349.66 be approved.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

068 ORDERED, That Thomas F. Doore, Louise Lerley and Linda Hadley-Rood be reappointed to the Registration Appeals Board; said term to expire May 3, 2011.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

069 ORDERED, That the City Council accept a donation for up to 100 flats of annual flowers valued at \$3,200.00 to be used in the City's gardens from Longfellow's Greenhouses.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

070 ORDERED, That the Voter Registration hourly schedule for open session for the June 10, 2008 Primary and Referendum Election and School Budget Validation Election be as follows:

Thursday, June 5, 2008 from 1:00 p.m. to 6:00 p.m.

The intent of this order is to change the evening session time in accordance with M.R.S.A., Title 21-A, Section 122(8), as amended.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

071 ORDERED, That the City Council approve the acceptance of Maine Department of Transportation Safe Routes to School Program grant funds in the amount of \$149,500 for the creation of safe biking and walking routes to and from Gilbert and Farrington Schools.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk