

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, APRIL 15, 2010
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.

PRESENTATION- Cony High School Students of the Month for March: Naomi Miller and Peter Tracy.

PRESENTATION- USDA Food Bank by Spectrum Generations

PUBLIC HEARING- CDBG Community Planning Grant on behalf of "The Maine Long-Term Care Ombudsman Program"

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.

- 056 Manager (Bureau of City Clerk)
ORDERED, That the minutes of the City Council meeting held April 1, 2010, submitted by the City Clerk, be approved.
- 057 Manager (Bureau of Audit Accounts)
ORDERED, That the Roll of Accounts for the month of March 2010 in the amount of \$4,375,737.14, be approved.
- 058 City Manager
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.
- 059 City Manager
ORDERED, That the City Council accept a donation for the City's Fourth of July festivities toward the purchase of fireworks in an amount totaling One Thousand Dollars (\$1,000.00) from Kennebec Savings Bank.
- 060 Manager (Bureau of City Clerk)
ORDERED, That the attached list of election clerks be appointed in accordance with Title 21-A, Section 503, said terms to expire May 1, 2012.

OLD BUSINESS AND TABLED MATTERS

TABLED

115 City Manager
ORDERED, That the City Manager is authorized to expend an amount not to exceed \$5,000 to conduct a structural engineering analysis of the Colonial Theater.

156 Councilor Munson
WHEREAS, the Mineral Extraction Ordinance intended to protect the public health, safety, and general welfare, and to minimize the adverse impact of extraction to citizens of the city, abutting property owners, and wildlife and natural resources.

WHEREAS, two uses identified as accessory to a mineral extraction use have been found to have a significant impact on abutting property owners by virtue of additional traffic, additional noise, additional dust, and additional odor, unanticipated at the time the Mineral Extraction Ordinance was initially adopted.

WHEREAS, due to the lack of experience with these two accessory uses, the city and the public did not adequately scrutinize the uses during the initial licensing of mineral extraction sites.

WHEREAS, no permanent bituminous mix plants or ready mix concrete plants have yet been installed.

WHEREAS, sunsetting the one existing temporary bituminous mix plant and requiring further planning board review and authorization for it to restart seasonal operation as an accessory use in the spring of 2010 is not found to be an unreasonable financial burden to the owner of the mineral extraction site, since an accessory use is by its nature not the primary function of the site.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta hereby amends the Mineral Extraction Ordinance as follows:

Allowable associated mineral extraction uses. Associated mineral extraction uses include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants, materials being recycled / reprocessed. Each of these associated uses must be expressly approved by the Planning Board to be considered allowable under a mineral extraction license. Ready mix concrete plants and bituminous mix plants shall be reviewed using the Site Plan Review Criteria Applicable to Conditional Uses, found in Section 6.3.4 of the Land Use Ordinance. Any existing temporary bituminous mix plants or ready mix concrete plants associated with a licensed mineral extraction site as an accessory use at the time of adoption shall be eliminated by May 1, 2010, unless they receive additional approval from the planning board for their operation as per this section.

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING

053 City Manager

BE IT ORDAINED, By the City Council of the City of Augusta, that Chapter 13, Section 5. Offenses and Miscellaneous Provisions, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Sec. 13-5. Parades; permit required.

(a) ~~No less than thirty (30) days~~ Prior to an intended parade, march or other use of public ways within the city, a permit must be applied therefor to the City Police Chief or his designee. ~~The City Manager may allow a shorter time frame for good cause shown.~~

(b) The application shall set forth the name, address and phone number of the person seeking the permit, the date and time for which sought and the intended route.

(c) Within ten (10) days of applying for the permit, as a condition to its issuance, the applicant must meet with or provide information by any other means to the Police Chief or his designee so that the Applicant and the City may discuss and attempt to agree on the details of the route and other logistics.

(d) The Police ~~Chief~~ Department may deny the permit or alter the route for traffic or safety reasons and impose reasonable conditions including, but not limited to, time limits, requirement to keep moving and on route, no amplification or sound truck, no explosives, fireworks or other artificial noise.

(e) The cost of the permit shall be one hundred dollars (\$100.00), plus the costs of traffic control per city collective bargaining agreement and clean up costs, as estimated by the Police Department. The permit fee will not include the cost of police protection for public safety. The one hundred dollar (\$100.00) fee is payable at the time the application is submitted and the balance at the time of its issuance. The City Council may modify this fee from time to time by Order.

(f) If the permit is denied or modified, the applicant may appeal in writing within five (5) days to the City Clerk's office for determination by the City.

~~(g) If the permit is denied or modified, the applicant may appeal in writing within five (5) days to the City Clerk's office for determination by the City Council.~~

NEW BUSINESS

061 Mayor Katz

WHEREAS, the City of Augusta, Maine wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted an advertised public hearing; and

WHEREAS, the City of Augusta, Maine is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

NOW THEREFORE, BE IT RESOLVED, By the Council of the City of Augusta, Maine that the City Manager:

1) Is authorized and directed to submit an application for the following program and dollar amount within the State of Maine's CDBG program to the Department of Economic and Community Development on behalf of the City of Augusta, Maine, substantially in the form presented to this Council:

Program: Community Planning Grant Program – The Maine Long-Term
CareOmbudsman Program

Amount: \$10,000

2) Is authorized to make assurances on behalf of the City of Augusta, Maine required a part of such application, and

3) Is authorized and directed, upon acceptance of such funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Augusta, Maine and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

062 City Manager

ORDERED, That the City Council place the following referendum question on the June 8, 2010 ballot approved by the Augusta School Board on March 24, 2010:

“Do you wish to continue the budget validation referendum process in the Augusta School Department for an additional three years?

A “YES” vote will require the Augusta School Department to continue to conduct a referendum to validate its annual budget for the next three years.

NEW BUSINESS (Con't)

062 Continued

A "NO" vote will discontinue the budget validation referendum for at least three years and provide instead that the annual school budge shall be finally adopted at a meeting of the Augusta City Council."

063 Mayor Katz

ORDERED, That the City Council create a new account within the existing Downtown TIF District in the amount of \$73,200 for the purpose of creating a Propane Tank Farm, essential to the redevelopment of buildings located between Water and Commercial Streets.

BE IT FURTHER ORDERED, That the following accounts within the existing Downtown TIF District be decreased by \$73,200 as follows:

Radio Tourism Broadcast - \$53,200

Cultural/Heritage Map - \$20,000

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
April 12, 2010