

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, OCTOBER 1, 2009  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.**

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

Presentation – Downtown WiFi by Michael Duguay, City Services Director

Presentation – American Tissue EPA Brownfield Grant

Presentation – Lung Cancer National Walk on November 7, by Debra Violette

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

READ AND TABLED

- 115 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

(NO MOTION TO REMOVE FROM TABLE)

READ AND PASSED, FINAL READING

- 123 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:  
That Chapter 6, Article II. Code Enforcement, Division 4. Blasting Ordinance. Section 6-89 of the Revised Code of Ordinances, 1990, as amended, is further amended by adding the following:

Sec. 6-89. Violations and Penalties.

(a) Penalties. The submission of willful false information required by this ordinance, or the violation of this ordinance or the violation of any condition attached to a permit granted under this ordinance shall constitute a land use violation for which an enforcement action may be commenced by the City in accordance with Title 30-A MRSA § 4452.

(b) Reporting. A copy of the violation report and Consent Agreement reached between the City and the person or entity found in violation of any portion of this Ordinance will be filed in their permit or license file and the same shall be reported in writing to the City Council.

Motion for Passage by: Munson

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

Nays: 0

NEW BUSINESS

READ AND PASSED, AS AMENDED

128 WHEREAS, at the municipal and county level, TABOR II also mandates referendum voting to approve any budget that exceeds the municipal or county property tax limit; and

WHEREAS, it also requires municipalities and counties to adopt a uniform budget format as developed by the State Planning Office; and

WHEREAS, both of these requirements will add costs that must be borne by local government and its citizens; and

WHEREAS, TABOR II, if approved, will dramatically move state and local government in Maine in the direction of budgeting by referendum, the results of which have become apparent in those States where this has already happened; and

WHEREAS, it will limit the flexibility of both the State and its local governments to react to changing conditions, community needs, and economic conditions and undermine the authority of elected officials to make budgetary and service decisions based on information and a depth of analysis unlikely to be undertaken by the average voter; and

WHEREAS, this measure will effectively override the following provision of the Augusta City Charter: "No initiative or referendum dealing with appropriations, tax levy or terms and conditions of employment for city employees shall be allowed pursuant to the initiative and referendum provisions contained in this article." a provision which explicitly recognizes the special responsibility of elected representatives to make such decisions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUGUSTA THAT for the following reasons, the City Council opposes the so-called TABOR II question that will appear on the November ballot and which would significantly modify current limits on State spending and on the municipal property tax levy:

- The spending and levy limits established in current state law known as LD1 have been achieving their stated goal of reducing the tax burden on Maine citizens;
- The requirement that state spending above the spending limit and most tax increases be subject to approval at a statewide referendum will increase both state and local expenses and move toward a system of budgeting by referendum which, as shown by experience elsewhere, is an ineffective way to make budgetary and service level decisions;
- By establishing the current year as the basis from which future state spending increases are to be calculated, state spending, particularly for the highway fund, will be starting from a depressed level reflecting the impact of the current recession;

NEW BUSINESS (Con't)

READ AND PASSED, AS AMENDED (Con't)

128 Continued

- Tax policy, budgets, and service levels are best decided through the core processes of representative government where the people elect individuals and charge them with the responsibility of making decision based on data, analysis, debate, and public opinion while balancing the need for services and expenditures that address the common good with the ability of citizens to pay for such services.

BE IT FURTHER RESOLVED THAT we urge all citizens to become fully informed on this proposal prior to the November election by becoming familiar with the language of the proposal and reviewing materials provided by those supporting and opposing this measure.

Motion for Passage, As Amended, by: Stokes

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

Nays: 0

READ AND PASSED

125 ORDERED, That the minutes of the City Council meeting held September 17, 2009 submitted by the City Clerk be approved.

Motion for Passage by: Stokes

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

Nays: 0

126 ORDERED, That Patten Williams be appointed as a Junior Associate to the Zoning Board of Appeals; said term to expire October 1, 2012.

Motion for Passage by: Stokes

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

Nays: 0

127 WHEREAS, a question will appear on the November election ballot that, if approved, would result in a dramatic reduction in the automobile excise tax; and

WHEREAS, vehicles less than six years old would see a reduction in the excise tax ranging between forty and seventy percent, while vehicles six years old and older would see no change; and

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

127 Continued

WHEREAS, 63% of the vehicles in Augusta and 68% of vehicles statewide are six years old and older and would see no change in their excise tax; and

WHEREAS, corporate and business fleets, which are the source of approximately 36% of the City's excise tax receipts, would receive 45% of this change; and

WHEREAS, this will result in an approximate 38% reduction in auto excise revenues received by the City of Augusta; and

WHEREAS, the auto excise tax is the third largest revenue source supporting the City General Fund operations, providing the City with approximately \$2.7 million dollars annually, an amount which would be reduced by \$1.024 million under this proposal; and

WHEREAS, auto excise receipts, when coupled with road assistance funding received from the State of Maine, closely approximate the amount spent annually by the City for summer and winter road maintenance; and

WHEREAS, to replace this lost revenue through property taxation would require the City to increase its property tax rate by 4.3% or 72 cents per thousand of assessed value; and

WHEREAS, if approved, this reduction could go into effect as early as January 2010, six months into the City's fiscal year and at a point where the primary option available to the City to adjust to this loss would be to reduce the approved General Fund expenditure budget; and

WHEREAS, given that the FY 2010 budget was \$2.0 million below the Fiscal Year 2009 budget in order to maintain a stable tax rate for that year, a mid-year expenditure reduction of this magnitude would require the elimination of city services and staff, including positions in such core services as Police, Fire, and Public Works;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUGUSTA THAT the City Council opposes and urges all residents to carefully study this issue and its potential impact on the City the November ballot question that would significantly decrease the automobile excise tax for the following reasons:

- Reducing the excise tax will increase the City's reliance on the property tax and likely require property tax increases to maintain essential services otherwise funded through excise taxes;
- The excise tax is often more closely related to ability to pay than the property tax in that it reflects the value of the vehicle purchased and drops over time as vehicles age;

NEW BUSINESS (Con't)

READ AND PASSED (Con't)

127 Continued

- The excise tax, in conjunction with State provided local road assistance, closely approximates the amount the City spends annually on summer and winter road maintenance, in effect functioning as a form of user fee for street maintenance;
- 63% of the vehicles currently registered in Augusta would see no change in their excise tax since they are six years old or older;
- If approved, these reductions would go into effect in the middle of the City's budget year, requiring significant expenditure reductions, much of which could only be accomplished through eliminating services and positions, including positions in such core municipal services and Police, Fire, and Public Works.

Motion for Passage by: Doore

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

Nays: 0

129 Ordered, That the City manager is hereby authorized to apply for and accept Homeland Security grant funding in the amount of \$207,775 for the purchase of additional public safety communications equipment, a Police Department robotic device and a Fire Department compressed air bottle refilling system.

Motion for Passage by: Doore

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

Nays: 0

130 ORDERED, That the Voter Registration hourly schedule for open session for the November 3, 2009 State of Maine Referendum and Municipal Election be Thursday, October 29, 2009 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.

Motion for Passage by: Munson

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

Nays: 0

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
October 5, 2009