

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

June 8, 2007

Minutes of the regular City Council meeting held Monday, June 4, 2007 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - By the Augusta Historic Preservation Commission of a Historic House Plaque

Public Hearing - Appropriation Resolve FY 07-08 (Order #110)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

108 WHEREAS, the Planning Board of the City of Augusta identified a concern about glare from existing light fixtures and desired to ensure that glare is limited or eliminated to the extent possible; and

WHEREAS, the Planning Board of the City of Augusta held a public hearing on March 13, 2007, and voted unanimously to recommend changes to the City Council.

The City Council of Augusta therefore makes the following text amendments to the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following changes be made to the Augusta Land Use Ordinance, where deletions are in ~~strikeout~~ and additions are underlined below:

Amend Section 5.1.11.1 of the Land Use Ordinance as follows:

(1) Outside lighting used for business and professional offices, commercial, and industrial activities including lighted signs, shall not be permitted to trespass beyond the boundaries of the property on which it is located above the following levels of light: not more than 0.3 foot candles for an abutting residential property or use; and not more than 0.8 foot candles for an abutting commercial property or use. Any luminaire, other than those used at a single family or duplex property, shall be full cutoff

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

108 Continued

design, unless otherwise required by state or federal law, or allowed by the Planning Board.

Yeas: 7; Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 1; Byron

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED

109 WHEREAS, the Planning Board of the City of Augusta identified a concern about the existing language defining when an appeal to their decision can be filed.

WHEREAS, the Planning Board of the City of Augusta held a public hearing on February 13, 2007, and voted unanimously to recommend changes to the City Council.

City Council of Augusta therefore makes the following text amendments Section 2.2 and 6.6.2.6 of the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following changes be made to the Augusta Land Use Ordinance, where deletions are in ~~strikeout~~ and additions are underlined below:

Amend Section 6.6.2.6 of the Land Use Ordinance as follows:

6.6.2.6 Filing of Appeals.

In all cases, a person aggrieved by any decision of the Code Enforcement Officer or Planning Board shall commence his or her appeal within thirty (30) calendar days after ~~receipt of a written decision of the~~ the date the official written decision is signed by the Code Enforcement Officer or Planning Board Chair. If the 30th day falls on a non-business day for the City, the final date for filing an appeal shall be the end of the next business day for the City.

Such appeal shall be made commenced by filing with the Board of Appeals a written notice of appeal which includes:

- (1) A concise written statement indicating what relief is required [requested] and why it should be granted.
- (2) A sketch drawn to scale showing lot lines, location

OLD BUSINESS AND TABLED MATTERS (Con't)

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

109 Continued

of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

Upon being notified of an appeal from a decision of a Code Enforcement Officer, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from. Upon being notified of an appeal from a decision of the Planning Board, city planning staff shall have prepared and transmitted to the Board of Appeals a written certified transcript of the Planning Board proceedings from which an appeal is being taken.

And amend the definition of "Aggrieved Party" in Section 2.2 of the Land Use Ordinance as follows:

"Aggrieved party: A person whose land or property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance; or a person whose land or property abuts land or property for which a permit or variance has been granted ; or a group of five (5) or more citizens of the municipality who represent an interest adverse to the granting or denial of such permit or variance. For the purposes of a Planning Board decision, an aggrieved party must have also participated in person, through an authorized representative, or in writing at a public hearing related to the decision being appealed."

Yeas: 8; Byron, Doore, Gomeau, O'Brien, Rollins, Coffin, Koski, Lund

Nays: 0

110 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, 2007, and ending June 30, 2008, the sum of \$50,663,526 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 ~~\$27,191,596~~ \$26,931,164 to be set at ~~\$23,451,930.~~ \$23,732,362

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

110 Continued

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$22,965,310 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 \$8,946,228 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.

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 \$372,150 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 \$1,014,525 in additional local funds, which is

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

110 Continued

less than the State's Essential Programs and Services funding model by \$604.

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 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.

BE IT FURTHER RESOLVED, That the City of Augusta appropriate \$520,885 and raise \$272,001 for Adult Education.

BE IT FURTHER RESOLVED, That the City of Augusta authorize the Augusta Board of Education to expend \$28,519,990 for the fiscal year beginning July 1, 2007 and ending June 30, 2008 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 | \$ 41,081 | \$ 41,081 |
| City Manager | 254,340 | 254,340 |
| Corporation Counsel | 117,180 | 117,180 |
| Central Services | 5,925 | 5,925 |
| Unclassified | 170,599 | 170,599 |
| Council Contingency | 20,000 | 20,000 |
| Manager Contingency | 10,000 | 10,000 |
| TOTAL LEGISLATIVE AND EXECUTIVE | \$ 619,125 | \$ 619,125 |

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

| | | | |
|-----|---|---------------------|---------------------|
| 110 | Continued | | |
| | <u>FINANCE AND ADMINISTRATION</u> | | |
| | City Clerk | \$ 189,953 | \$ 189,953 |
| | Registration and Elections | 31,753 | 31,753 |
| | City Auditor | 141,286 | 141,286 |
| | Information Systems | 393,035 | 393,035 |
| | Treasurer and Tax Collector | 272,669 | 272,669 |
| | Assessor | 197,028 | 197,028 |
| | Finance and Administration | 106,376 | 106,376 |
| | Human Resources | 218,567 | 218,567 |
| | TOTAL FINANCE AND ADMINISTRATION | \$ 1,550,667 | \$ 1,550,667 |
| | <u>CITY SERVICES</u> | | |
| | Economic Development | \$ 262,985 | \$ 262,985 |
| | Planning | 128,089 | 128,089 |
| | Historical Preservation | 5,825 | 5,825 |
| | Code Enforcement | 279,848 | 279,848 |
| | City Service Administration | 52,825 | 52,825 |
| | Engineer | 177,350 | 177,350 |
| | City Buildings | 498,077 | 498,077 |
| | Baker School | 112,584 | 112,584 |
| | Cony/Flatiron | 96,473 | 96,473 |
| | TOTAL CITY SERVICES | \$ 1,614,056 | \$ 1,614,056 |
| | <u>COMMUNITY SERVICES</u> | | |
| | Conservation Commission | \$ 2,653 | \$ 2,653 |
| | Community Services Administration | 201,171 | 201,171 |
| | Public Library | 582,184 | 582,184 |
| | Recreation | 178,142 | 178,142 |
| | Parks and Cemeteries | 783,917 | 783,917 |
| | Fort Western | 115,348 | 115,348 |
| | Bicentennial Nature Park | 66,819 | 66,819 |
| | Health and Welfare | 176,228 | 176,228 |
| | General Assistance | 78,350 | 78,350 |
| | TOTAL COMMUNITY SERVICES | \$ 2,184,812 | \$ 2,184,812 |
| | <u>PUBLIC SAFETY</u> | | |
| | Police | \$ 3,763,545 | \$ 3,763,545 |
| | Fire | 2,100,411 | 2,100,411 |
| | Civil Emergency Preparedness | 10,325 | 10,325 |
| | TOTAL PUBLIC SAFETY | \$ 5,874,281 | \$ 5,874,281 |

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

110 Continued

PUBLIC WORKS

| | | |
|--------------------------------|--------------|--------------|
| Public Works Administration | \$ 109,349 | \$ 109,349 |
| Highway | 1,420,526 | 1,420,526 |
| Snow Removal | 891,131 | 891,131 |
| Waste Removal | 742,842 | 772,842 |
| TOTAL PUBLIC WORKS | \$ 3,163,848 | \$ 3,193,848 |
| TOTAL UTILITIES | \$ 2,086,039 | \$ 2,086,039 |
| TOTAL RETIREMENT AND INSURANCE | \$ 1,970,287 | \$ 1,970,287 |
| TOTAL SERIAL BONDS AND NOTES | \$ 1,178,003 | \$ 1,178,003 |
| TOTAL RESERVE AND CASH C.I.P | \$ 473,500 | \$ 443,500 |
| TOTAL COUNTY TAX | \$ 1,428,918 | \$ 1,428,918 |
| TOTAL DEPARTMENT OF EDUCATION | \$28,519,990 | \$28,519,990 |
| TOTAL APPROPRIATIONS | \$50,663,526 | \$50,663,526 |

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

HAS BEEN READ AND PASSED, FINAL READING

106 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:

East Chestnut Street

No parking on the south side from Middle Street to Arsenal Street.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

106 Continued

No parking on the north side of Arsenal Street easterly for a distance of one hundred (100) feet.

No parking on East Chestnut Street on the north side from Arsenal Street to Middle Street.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

107 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 adding the following:

East Chestnut Street

No parking either side for the entire length.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

NEW BUSINESSHAS BEEN READ, FIRST READING

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

That Chapter 6, Article V. Solid Waste, Section 6-345 Definitions, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Residential. Single and multifamily dwellings (up to four (4) units) including home occupations operating in accordance with the city land use ordinance, boarding homes, land-lease communities and group homes. For purposes of this article, "residential" does not include nursing homes or rooming houses

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

- 120 Continued
of more than three (3) rooms which are considered nonresidential under the category of "services".

BE IT FURTHER ORDAINED, That Chapter 6, Article V. Solid Waste, Section 6-348 Public rubbish/recyclable collection, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Properties located on private roads which are not receiving any public works services as of January 15, 1997, except for residential public rubbish/recyclable collection on private roads which the City has accepted a public easement and with consent of the private road association.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

- 112 ORDERED, That minutes of the City Council meeting held May 21, 2007 submitted by the City Clerk be approved.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

- 113 ORDERED, That the City Council accept 100 flats of annuals (value \$3000) from Longfellows Greenhouses in Manchester for the City of Augusta's flower gardens for the 2007 season.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

- 114 ORDERED, That the City Council accept a donation of \$30.00 from Barbara Phelps of Altamonte Springs Florida to purchase fire prevention materials.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

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

115 ORDERED, That Joan Lessard of 31 Garden Way serve as Ward Clerk for Ward 2 replacing Lorraine Rita Noel for the upcoming State of Maine Special Referendum Election to be held June 12, 2007.

Yeas: 8; Byron, Doore, Gomeau, O'Brien
Rollins, Coffin, Koski, Lund

Nays: 0

116 ORDERED, That the City of Augusta property taxes for the 2008 fiscal year shall be due and payable at the Office of the Tax Collector as follows:

- ONE HALF shall be due on September 13, 2007

- ONE HALF shall be due on March 13, 2008

With interest being charged on any outstanding amount commencing one (1) day after the due date at the rate of 12.0% per annum.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

117 ORDERED, That the 2006 personal property taxes of \$722.80 on Stroudwater Corp., d/b/a Augusta Bonanza Restaurant be charged off.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

118 ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes, Annotated Sections 5824(3) & 5826(6) to the transfer of (\$922.00), U.S. Currency, Defendant in Rem, or any portion thereof, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Cenobio Rico, Kennebec County Superior Court, Docket No. CR-07-186.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund

Nays: 0

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

119 BE IT ORDERED, to reappropriate (decrease appropriation) from the following Capital Improvement Projects:

| | |
|--|------------|
| Melville Street | (\$ 5,720) |
| Basketball/Tennis Courts | (\$ 322) |
| Revaluation | (\$ 9,273) |
| Mt. Vernon Avenue Ball Field | (\$ 353) |
| Fire Department Unit 6 | (\$ 771) |
| Mt. Vernon Avenue (Local Share) | (\$25,000) |
| Electrical Upgrades Eastside Boat Ramp | (\$ 1,208) |
| Electrical Upgrades Williams Park | (\$ 21) |
| Rite Aid Asbestos Removal | (\$36,197) |
| Rite Aid Demolition | (\$29,882) |
| Gilbert School Tables | (\$15,661) |

| | |
|-------|-------------|
| TOTAL | (\$124,408) |
|-------|-------------|

BE IT FURTHER ORDERED, That \$122,000 be appropriated for:

| | |
|---|----------|
| Bicentennial Nature Park Play Structure | \$15,000 |
| Demolition Bolton Hill | \$20,000 |
| Fire Department Unit 1 Replacement | \$35,000 |
| Buker Center Street Sign | \$ 2,000 |
| City Pit Reclamation | \$25,000 |
| Buker Center Asbestos Removal | \$10,000 |
| Public Works Asbestos Removal | \$15,000 |

| | |
|-------|-----------|
| TOTAL | \$122,000 |
|-------|-----------|

BE IT FURTHER ORDERED, That \$2,408 is transferred to the City's Undesignated Fund Balance.

Yeas: 8; Byron, Doore, Gomeau, O'Brien,
Rollins, Coffin, Koski, Lund
Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk