

**AGENDA FOR THE CITY COUNCIL MEETING
THURSDAY, DECEMBER 6, 2012**

Please note that the City Council will convene in Conference Room A for an Executive Session at 6:00 p.m. for the following:

Enter into executive session to discuss:

- a real estate matter; 1 M.R.S.A. §405(6)(C)
- an Economic Development matter; 1 M.R.S.A. §405(6)(C)
- a personnel matter; 1 M.R.S.A. §405(6)(A)

There will be a pre-meeting of the City Council immediately following the Executive Session in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

**COUNCIL CHAMBERS
7:00 P.M.**

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.

12-182 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held November 15, 2012, submitted by the City Clerk be approved.

12-183 Manager (Bureau of Audit Accounts)

ORDERED, That the Roll of Accounts for the month of November, 2012 in the amount of \$8,424,804.26 be approved.

12-184 City Manager

ORDERED, That Barbara E. Wardwell be reappointed as Registrar of Voters in accordance with Title 21-A, §101(2), to be effective January 1, 2013.

12-185 City Manager

ORDERED, That the City Council accepts an anonymous donation of \$1,500.00 to be used for the City's Recreation Bureau Youth Basketball program.

OLD BUSINESS AND TABLED MATTERS

SECOND READING

12-180 Councilors Paradis and Rollins

WHEREAS, the Planning Board held a public hearing and voted unanimously to recommend modifying the existing zoning in the Resource Development district (RD), that exists on Mt. Vernon Ave; and

WHEREAS, the Planning Board recommendation expressed some potential concern about traffic on Mt. Vernon Ave related to some possible retail uses, and therefore recommended Retail as a Conditional Use; and

WHEREAS, the 2007 Comprehensive Plan recommends that Retail be allowed on Mt. Vernon Ave.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following text amendment be made to the Augusta Land Use Ordinance:

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, to add “Retail” as a conditional use in the table in the Resource Development (RD) zoning district.

12-181 Mayor and Council

BE IT ORDAINED, By the City Council of the City of Augusta that the existing ordinance #11-190 passed on January 5, 2012 be amended by adding (7):

(1) Smoking and all other tobacco use is prohibited at:

- a. All City of Augusta owned parks and playgrounds;
- b. City of Augusta owned athletic facilities. “Athletic facilities” means all ball fields, courts and their spectator area(s), including bleachers;
- c. Except in specifically designated areas, provided a suitable location can be identified, at city of Augusta owned facilities to include: Augusta Civic Center, Buker Community Center, City Center, John Charest Public Works Compound, Lithgow Public Library, Naval Reserve – Police Department and Old Fort Western.

(2) Sidewalks adjacent to parks, athletic facilities and grounds and run parallel to City streets or State highways shall be exempt from this ordinance.

(3) The City’s Facilities Manager, in consultation with the responsible staff person for each facility where the grounds are located, will determine and designate a location for a smoking area for both the public and City personnel.

(4) Violators shall first be warned orally by the Police Department. Subsequent violations are subject to a minimum \$50 fine per occurrence.

(5) Tobacco use on all school grounds is prohibited by state law at all times.

(6) Tobacco use at City indoor facilities and outside exteriors within 20 ft. from entryways, windows, vents and doorways, and ~~not~~ in any location that allows smoke to circulate back into the building is prohibited by state law at all times.

(7) Tobacco use within 20 feet of designated school bus stops within the city limits is prohibited.

NEW BUSINESS

PART 1 – ORDERS

12-186 City Manager

WHEREAS, the City of Augusta, Maine (the “Lessee”) is a political subdivision duly organized under the constitution and laws of the State of Maine; and

WHEREAS, it is hereby determined that a true and real need exists for the acquisition of energy savings equipment (the “Equipment”); and

WHEREAS, it is necessary and desirable and in the best interest of the Lessee, as lessee, to enter into an Equipment Lease Purchase Agreement (the "Agreement") with Municipal Leasing Consultants or another entity stated therein, as lessor (the “Lessor”), for the purposes described therein, including the leasing of the Equipment;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Augusta, Maine, as follows:

Section 1. The Agreement, in substantially the same form as presented to this meeting, and the terms and performance thereof are hereby approved, and the City Manager of the Lessee is hereby authorized to execute and deliver the Agreement on behalf of the Lessee, with such changes therein as shall be approved by such officer, such approval to be conclusively evidenced by such officer’s execution thereof.

Section 2. The Agreement between Owner and Engineer for Professional Services dated as of August 13, 2012, between the Lessee and New England Energy Solutions, LLC (the “Energy Savings Agreement”), in substantially the same form as presented to this meeting, and the terms and performance thereof is hereby approved, and a duly authorized officer of the Lessee is hereby authorized to execute and deliver the Energy Savings Agreement on behalf of the Lessee, with such changes therein as shall be approved by such officer, such approval to be conclusively evidenced by such officer’s execution thereof.

Section 3. The Escrow Agreement (the “Escrow Agreement”), if any, among the Lessee, the Lessor and the escrow agent named therein, in substantially the same form as presented to this meeting, and the terms and performance thereof are hereby approved, and the Escrow Agreement is hereby authorized to be executed and delivered on behalf of the Lessee by a duly

authorized officer of the Lessee, with such changes therein as shall be approved by such officer, such approval to be conclusively evidenced by such officer's execution thereof.

Section 4. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Agreement, the Energy Savings Agreement and the Escrow Agreement.

Section 5. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Lessee.

12-187 City Manager

ORDERED, That the City Council schedule of meetings for 2013 as required by Article II, Section 6 of the City Code of Ordinances, be set as follows:

January 3 - Business Meeting to include swearing in of newly elected officials
January 10 - Informational Meeting
January 17 - Business Meeting
January 24 - Informational Meeting

BE IT FURTHER ORDERED, That for the remaining of the year, the City Council Business Meetings will be held on the first and third Thursdays of each month. Informational Meetings will be called by the Mayor or City Manager the second and fourth Thursdays of the month on an as-needed basis. Business Meetings will be held at 7:00 p.m. and Informational Meetings will be held at 6:30 p.m.

BE IT FURTHER ORDERED, That the Mayor, City Council or the City Manager may amend or revise dates and times of meetings as is deemed necessary.

PART 2 – ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

12-188 City Manager

WHEREAS, the Planning Board held a public hearing and voted unanimously recommend modifying the existing zoning district boundaries and add a new use to the KBD2 district; and

WHEREAS, the Planning Board recommendation expressed some potential concern about traffic generated by an Auto Repair/Service (no auto sales) and therefore recommends the use be a conditional use requiring Planning Board review before a new use is established;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the following map and text amendments be made to the Augusta Land Use Ordinance:

Amend the zoning district for Tax Map 33, Lots 71, 72, 73, 76, 77, and 97 to become Kennebec Business District 2 (KBD2); and

Amend Table 3.6.A.1, Land Uses in the Base Zoning Districts, to add “Auto Repair/Service” as a conditional use in the table in Kennebec Business District 2 (KBD2).

COMMUNICATIONS

Committee Reports
City Manager’s Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
December 3, 2012