

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

June 9, 2006

Minutes of the regular City Council meeting held Monday, June 5, 2006 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor O'Brien; Mayor Dowling presided.

Public comments were held on items listed on the agenda

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND PASSED, FINAL READING

091 BE IT ORDAINED, By the City Council of Augusta, that Lots 117 and 119 on Tax Assessor's Map 38, and Lot 35 on Tax Assessor's Map 42 are Conditionally Rezoned to Kennebec Business District 2 (KBD2), for the purposes of building a new supermarket on a portion of the existing Cony High School site, and for redeveloping the existing Cony Flat Iron Building on the remaining land of the site, and;

BE IT FURTHER ORDAINED, By the City Council of Augusta, that the following conditions of rezoning shall apply upon Cony LLC & Hannaford Brothers Corporation: (1) That no certificate of occupancy shall be issued for the use of the supermarket until the approved improvements to the East Side Rotary are done; and (2) that the supermarket store hours shall not exceed 5 a.m. to 11 p.m. (7 days/week).

Yeas: 6; Byron, Doore, Lerman, Coffin,  
Koski, Lund

Nays: 1; Gomeau

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

104 ORDERED, That the Mineral Extraction Committee Planning Board shall reconvene, with a replacement member appointed by the Mayor, and shall, within 90 120 days, produce a draft Blasting Ordinance for consideration by the full Council.

Yeas: 7: Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund

Nays: 0

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

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

That Chapter 18, section 34 Schedule of stop signs, flashing red lights, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Throughway	Entering Street
Civic Center Drive	Gaywalk Street

(FIRST READING, NO VOTE REQUIRED)

- 103 WHEREAS, Performance Zoning is a desired pattern of clustered development that seeks to retain common open space within development projects located in the Rural River (RR), Rural Ponds (RPDS), Rural Village (RV), and Planned Development (PD) zoning districts of the City; and

WHEREAS, the existing ordinance language regarding Performance Zoning penalizes developers as to the total number of residential dwelling units a particular parcel of land can yield when compared to conventional development, discouraging creative and efficient residential development; and

WHEREAS, the existing language also lacks specific design guidelines for proposed Performance Zoning developments; and

WHEREAS, the Augusta Planning Board, having held several public hearings on the matter, voted unanimously to recommend amending the ordinance to encourage more Performance Zoning projects; and

NOW THEREFORE BE IT ORDAINED, By the Augusta City Council, that the attached changes to sections 3.6.1.5, 3.6.2, 3.7.1, 3.7.2, 3.7.5(new), and 5.2.7.2 of the Land Use Ordinance be made, all involving performance zoning requirements, by adding the attached language shown in underscore, and by deleting existing language shown in strikethrough.

(FIRST READING, NO VOTE REQUIRED)

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

- 092 ORDERED, That minutes of the City Council meeting held May 15, 2006 submitted by the City Clerk be approved.
- Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund
- Nays: 0
- 093 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 2006 season.
- Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund
- Nays: 0
- 094 ORDERED, That Roll of Accounts for the month of May 2006 in the amount of \$6,595,396.59 be approved.
- Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund
- Nays: 0
- 095 ORDERED, That Donald J. Cadwell be reappointed as Assessor of Taxes for two (2) years; said term to expire June 18, 2008.
- Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund
- Nays: 0
- 096 ORDERED, That David Leibowitz of 4 Alton Road serve as Constable for Ward 1 replacing Clyde LeClair; Nancy Berg of 434 Eastern Avenue serve as Ward Clerk for Ward 2 replacing Lorraine Rita Noel; Arlene Davis of 10 Davis Street serve as Ward Clerk for Ward 3 replacing Georgette Valliere; and Marie Louise LaChance serve as Constable for Ward 3 replacing Gloria Morrissette for the upcoming June 13 Primary election.
- Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund
- Nays: 0

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

097 ORDERED, That the City Council meetings for the months of June and July will be as follows:

June 5 - 7:00 p.m. City Council Meeting  
June 12 - No meeting due to elections  
June 19 - 7:00 p.m. City Council Meeting  
June 26 - 6:30 p.m. Informational Meeting  
July 3 - No meeting due to Holiday  
July 10 - 6:30 p.m. Informational Meeting  
July 17 - 7:00 p.m. City Council Meeting  
July 24 - 6:30 p.m. Informational Meeting  
July 31 - No meeting - fifth Monday

Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund

Nays: 0

098 ORDERED, That the City of Augusta property taxes for the 2007 fiscal year shall be due and payable at the Office of the Tax Collector as follows:

- ONE HALF shall be due on September 14, 2006  
- ONE HALF shall be due on March 15, 2007

With interest being charged on any outstanding amount commencing one (1) day after the due date at the rate of 11.0% per annum.

Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund

Nays: 0

099 ORDERED, That the City Council, consistent with salary adjustments awarded to union employees, authorize a 1% cost-of-living salary adjustment to non-union employees at the start of the pay week closest to July 1, 2006.

Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund

Nays: 0

100 ORDERED, That the City Council accept Corporation Counsel's opinion on the May 9 petition regarding the Memorial Bridge fence and direct the City Clerk to issue petitions.

Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

101 ORDERED, That consistent with City personnel policy, the Augusta City Council hereby creates a permanent Deputy Director of Development Services; and

BE IT FURTHER ORDERED, That consistent with City personnel policy, the Augusta City Council hereby creates a permanent Planning Aide; and

BE IT FURTHER ORDERED, That the Augusta City Council hereby eliminates the position of City Planner.

Yeas: 7; Byron, Doore, Gomeau,  
Lerman, Coffin, Koski, Lund

Nays: 0

105 ORDERED, That the City Council enter into Executive Session to discuss a pending litigation; 1 M.R.S.A., Sec. 405(6)(E).

Yeas: 7; Byron, Doore, Gomeau  
Lerman, Coffin, Koski, Lund

Nays: 0

106 ORDERED, That Corporation Counsel return to Justice Marden and ask him to stay and reconsider his June 2 Order based on issues with the legal terminology and the obsolescence of the law. If Judge Marden does not stay or reverse his decision;

BE IT FURTHER ORDERED, That Corporation Counsel is authorized, on the City's behalf, to file an appeal with the Maine Supreme Court.

Yeas: 5; Byron, Doore, Lerman,  
Coffin, Lund

Nays: 2; Gomeau, Koski

Legal Opinion was provided by Corporation Counsel regarding the Citizens Initiative Question submitted on May 15, 2006.

Respectfully submitted,

Barbara E. Wardwell  
City Clerk