

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 24, 2004

Minutes of the regular City Council meeting held Monday, September 20, 2004 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor Koski; Mayor Dowling presided.

Presentation - Update from City Assessor, Don Cadwell, on assessment, valuation of tax-exempt properties and current assessing issues.

Presentation - East Side Neighborhood Network - Boyd Johnson and Bill Johnson

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

106 ORDERED, That the City Manager is hereby authorized to transfer title of a certain parcel of city-owned property located on Tax Map 35, Lot 50, located at 4-4 1/2 York Street to Bread of Life with the condition that a payment in lieu of taxes for land and buildings equal to the municipal share of property taxes shall be provided to the city.

(NO MOTION TO REMOVE FROM TABLE)

115 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:  
That Chapter 6, Article II. Code Enforcement, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Sec. 6-31. Adoption of building code.

The BOCA National Building Code, latest edition as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the building code of the city for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the BOCA National Building Code, are hereby referred to,

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

115 Continued

adopted and made a part hereof, excluding:

Article 24 Masonry Fireplaces,  
Article 25 Mechanical Equipment and Systems,  
Article 26 Elevator, Dumbwaiter and Conveyor Equipment  
Installation and Maintenance,  
Article 27 Electronic Wiring, Equipment and Systems,  
Article 28 Plumbing Systems,  
Article 29 Signs, and  
Article 31 Energy Conservation.

That Chapter 6, Article II. Code Enforcement, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Sec. 6-31. Adoption of building codes.

Sec. 6-31.1 Building code.

The International Building Code, 2003 edition as published by the International Code Council is hereby adopted as the building code of the City of Augusta for the control of buildings and structures, except one- and two-family dwellings and townhouses, as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code are hereby referred to, adopted and made a part hereof, excluding:

Chapter 13 - Energy Efficiency  
Chapter 21 - (Fireplaces, Chimneys)  
Chapter 27 - Electrical  
Chapter 28 - Mechanical Systems  
Chapter 29 - Plumbing Systems  
Chapter 30 - Elevators and Conveying Systems  
Chapter 31 - (Signs)  
Chapter 35 - Referenced Standards

Sec. 6-31.1.2 Residential building code.

The International Residential Code, 2003 edition as published by the International Code Council, is hereby adopted, as the residential building code of the City of Augusta for the control of one- and two-family dwellings and townhouses, as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code are hereby referred to, adopted and made a part hereof, to include:

Chapter 1 - Administration

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

- 115 Continued
  - Chapter 2 - Definitions
  - Chapter 3 - Building Planning
  - Chapter 4 - Floors
  - Chapter 5 - Foundations
  - Chapter 6 - Wall Construction
  - Chapter 7 - Wall Covering
  - Chapter 8 - Roof-Ceiling Construction
  - Chapter 9 - Roof Assemblies
 and excluding Chapters 10 - 43.

Yeas: 7; Sotir, Doore, Veilleux, Foster,  
 Lerman, Davis, Lund

Nays: 0

HAS BEEN READ AND NOT PASSED

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

That Chapter 18, section 38 Schedule of one-way streets, of the Revised Code of Ordinances 1990, as amended be further amended by deleting:

Swan Street, from Grove Street to Memorial Drive, south only.

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:

Swan Street:

No parking on the north side.

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:

Swan Street:

No parking either side.

Yeas: 2; Veilleux, Davis  
 Nays: 5; Sotir, Doore, Foster,  
 Lerman, Lund

NEW BUSINESS

HAS BEEN READ, FIRST READING

141 BE IT ORDERED, That

(1) A sum not to exceed \$500,000 be and hereby is appropriated for the purpose of paying the costs of capital expenditures for the construction and equipment of buildings and other public improvements and the acquisition of equipment of a lasting character to constitute the following:

(A) Building Improvements, including but not limited to renovations, repairs and construction with respect to Lithgow Library, fire facilities, the Naval Reserve Building, City Center, and educational facilities. \$255,000

(B) Property Improvements, including but not limited to improvements to east side boat landing. 20,000

(C) Street and Sidewalk Improvements, including but not limited to improvements to Wilson Street, State Street sidewalk and other sidewalks and related facilities throughout the City. 225,000

Totals 500,000

The estimated period of utility of the foregoing improvements and equipment is hereby declared to be in excess of twelve (12) years.

(2) To meet the aforesaid appropriation, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$500,000. The

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

141 Continued

date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of said bonds shall be determined by an Authorized Representative, provided that each of said bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to be payable on or before December 31 of the year after the year in which said bonds are issued, and the last installment to be payable not later than ten (10) years after the date for payment of the first installment. The bond issues authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the bonds of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certifications as are required in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on said bonds shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by said bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of said bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal

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

141 Continued

note shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation subsection 1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing improvements and equipment and (2) that the maximum principal amount of debt to be issued by the City for the foregoing improvements and equipment including for reimbursement purposes is \$500,000 and the City Manager is authorized to advance money of the City for payment of such costs.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

134 ORDERED, That minutes of the City Council meetings held September 7, and September 13, 2004 submitted by the City Clerk be approved.

Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund

Nays: 0

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

- 135 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$2,050.00.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 136 ORDERED, That Roll of Accounts #2 for the month of August 2004 in the amount of \$4,248,546.26 be approved.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 137 ORDERED, That the report regarding the City's financial position through August 2004 be presented and accepted upon presentation.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 138 ORDERED, That the Mayor's appointments to the Cony Building Committee be confirmed as follows:
- Ray Halperin - Transfer from School Board representative to public member at large  
Darek Grant - To School Board representative  
Daniel Nichols - To public member at large
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 139 ORDERED, That the City Attorney is authorized to prepare, and the City Manager is authorized to execute, necessary documentation to effect the transfer of ownership of certain lands off Mt. Vernon Avenue currently owned by Rodrigue to the City of Augusta and/or Central Maine Power Company so as to facilitate the expansion of CMP's transfer station and to provide enhanced open space and recreational

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

- 139 Continued  
opportunities along Bond Brook for the residents of Augusta.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 140 ORDERED, That the recommendations of the Sprague Mill Workers Housing Committee (25 Bond Street) are hereby accepted by the Augusta City Council.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 142 ORDERED, That the City Manager's appointment of Dana Colwill to the position of Director of the Augusta Civic Center is hereby consented to by the Augusta City Council.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 143 ORDERED, That the City Council accept the opinion of Corporation Counsel that the petition regarding restrictive deed covenants is in conflict with the general laws of the State of Maine and the Augusta City Charter and that the petition should not issue.
- Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund
- Nays: 0
- 144 ORDERED, That the City Council accept the opinion of Corporation Counsel that the petition regarding zoning on Storey Street is not in conflict with the general laws of the Constitution of Maine or Charter Ordinances of the City of Augusta, and therefore the petition should be issued.

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

144 Continued

The City Clerk shall cause to be printed at the expense of the petitioners an adequate supply of petitions prepared for the voters of the City for invoking the proposed question.

Yeas: 7; Sotir, Doore, Veilleux, Foster,  
Lerman, Davis, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk