

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

March 11, 2005

Minutes of the regular City Council meeting held Monday, March 7, 2005 at 7:00 p.m., Council Chambers, City Center.

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

Public Hearing - Consolidation of voting wards for the June, 2005 Special Municipal Election

Public comments were held on items listed on the agenda

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

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

That Chapter 6, Section 244. Use of area beside streets, of the Revised Code of Ordinances 1990, as amended, be further amended by revising subsections (a), (b) and (d) as follows:

(a) No person shall use the land area between the outside of the city travel way (wrought way) for vehicles and the legal limits of the public right-of-way on Winthrop Street between the east side of Pleasant Street extended southerly to cross Winthrop Street and Blaine Avenue except for the present city sidewalks, pedestrian walkways to land of adjacent abutters, right-angle driveways to land of adjacent abutters connecting with a private driveway on the abutter's property, ~~ereseent driveways for the benefit of abutters and as described in subsection (e) below, and~~ previously approved, existing crescent driveways for the benefit of abutters, which may not exceed fifty (50) percent of the land area between the legal right-of-way line and the city travel way (wrought way).

(b) In any event, no more than fifty (50) percent of the land area between the legal right of way line and the city travel way (wrought way) for vehicles abutting a property shall be used for such purposes by an abutter or their tenants. Except for, previously approved, existing driveways and crescent driveways which meet the 50% standard, driveways for use by an abutter or their tenants

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

024 Continued  
shall not exceed twelve (12) feet in width on the land areas between the legal right of way line and the city travel way (wrought way) for vehicles.

(d) The crescent driveways on Winthrop Street shall be considered driveways. Existing, previously approved, crescent driveways on Winthrop Street shall be considered driveways.

NO MOTION TO REMOVE FROM THE TABLE

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

That Chapter 6, Section 244. Use of area beside streets, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting subsection (e) as follows:

(e) Parking shall be permitted on the entire area between the travel way (wrought way) and the legal limits of the public right of way on Winthrop Street between October 15 and April 15. Any damage to unpaved areas shall be repaired by the abutter. All disturbed areas shall be graded and seeded by May 15.

NO MOTION TO REMOVE FROM THE TABLE

040 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 adding:

Melville Street, between Green Street and Western Avenue, south only.

Yeas: 6; Doore, Gomeau, Foster, Lerman,  
Koski, Lund

Nays: 2; Sotir, Davis

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

041 BE IT ORDAINED, That the City of Augusta hereby implements an inspection and compliance program for all multi-unit residential rental properties having 4 units or more. For the purpose of this ordinance, the City recognizes the federal Housing and Urban Development (HUD) Section 8 Housing Quality Standards as the housing standard by which units will be inspected for compliance.

Multi-unit properties that have no more than 4 units and which are owner-occupied are excluded from inspection.

Upon the completion of a random selection process, a Code Enforcement Officer will contact the owner of record and/or the occupant of individual dwelling units through written correspondence stating the City's intention to inspect dwelling units. The owner will have 30 days from the date of this notification in which to contact the Code Office and have the inspection completed. Either the owner or the occupant may allow the City access to the housing unit.

If the owner provides documentation to the City within 30 days of notification that the unit has satisfactorily completed a HUD Section 8 inspection within the previous 12 months, the City shall take no further action.

Items found to be in non-compliance with HUD Section 8 Housing Quality Standards will be identified and the owner will be provided with a report stating the findings of the inspection. The owner will have 30 days from the date of the report in which to bring non-compliant items into compliance with HUD Section 8 Housing Quality Standards. Items that pose an immediate risk to health or safety may be required to be brought into compliance sooner than 30 days.

Violations of the City of Augusta Safe and Sanitary Housing Code, resulting from the inspection of the units, will be dealt with in the manner as outlined in the Code of Ordinances.

Yeas: 3; Sotir, Lerman, Lund  
Nays: 5; Doore, Gomeau, Foster,  
Davis, Koski

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

- 039 BE IT ORDAINED, That for a period of 180 days, Section 3.6.1.2(3)(c)(ii) of the Land Use Ordinance is hereby amended to allow only the following uses: one and two family dwellings, private garages, home occupations, day care homes, accessory residential uses. No other uses will be allowed.

BE IT FURTHER AMENDED, that this moratorium apply strictly to the CB zone located at the intersection of the West River Road (Rte 104) and the new access road (Rte 3).

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

HAS BEEN READ AND PASSED

- 034 ORDERED, That Mark O'Brien and Gary Peachey be appointed to the Augusta Development Commission; said terms to expire February 22, 2008.

Yeas: 7; Sotir, Doore, Gomeau, Foster,  
Lerman, Koski, Lund

Nays: 1; Davis

NEW BUSINESSWITHDRAWN

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

That Section 3.6.2(5)(b) of the Land Use Ordinance, Conditional Uses in the Rural River 2 District (RR2) zone, be amended as follows:

Conditional Uses: (Requiring Planning Board Review and Public Hearing): Minor Municipal or Public Utilities and Communication Facilities; Group Homes; Boarding Homes; Public Recreational Area and Facilities; Public Educational Services; Condominiums; Religious Activities and Associated Uses; Social/Fraternal organizations; Mineral Extraction; Agriculture.

NEW BUSINESS (Con't)

HAS BEEN READ AND TABLED

048 ORDERED, That all informational City Council meetings be televised live on our PEG channel.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

HAS BEEN READ AND PASSED, AS AMENDED

047 ORDERED, That following the public hearing for the purpose of consolidating the City's four (4) voting wards for the Special Municipal Election to be held in June, 2005 that the ward boundaries for Wards 1, 2, 3, and 4 as described in Chapter 7, Section 1 of the Augusta Code of Ordinances NOT be consolidated into one (1) ward. and;

BE IT FURTHER ORDERED, That for voting purposes for the June, 2005 Special Municipal Election, the designated voting place shall be City Center, 16 Cony Street, Augusta.

BE IT FURTHER ORDERED, That the City Clerk file this order and required certificate as required by M.R.S.A., Title 21-A, Section 631.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

HAS BEEN READ AND PASSED

043 ORDERED, That minutes of the City Council meeting held February 22, 2005 submitted by the City Clerk be approved.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

044 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$4,033.00.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

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

045 ORDERED, That Roll of Accounts #8 for the month of February 2005 in the amount of \$4,723,792.34 be approved.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

046 ORDERED, That the following are appointed or reappointed to various City Committees:

Elizabeth A. Soares - Reappointment to Library Board of Trustees; term expires 12/18/2007.

John V. Finnegan - Appointment to Library Board of Trustees; term expires 3/7/2008.

Joelle Drake - Appointment to Parks and Recreation Advisory Board; term expires 1/1/2006.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

049 ORDERED, That \$1,500.00 is authorized from the West Side Neighborhood reserve account for the purpose of planting trees in that neighborhood over the next several months.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

050 ORDERED, That the City Manager be authorized to sign a contract with K&K Excavation, Inc of Turner, Maine in the amount of \$467,475. for Bid No. 02-05, Landfill Reclaim Materials Storage Area Project. This project is to complete remediation work as part of an approved Corrective Action Plan required by the Maine Department of Environmental Protection. Said project to be completed during the 2005 construction season.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

052 ORDERED, That the amendment to revise Section 3.6.2(5)(b) of the Land Use Ordinance, Conditional Uses in the Rural River 2 District (RR2) zone, be submitted to the Augusta Planning Board for review and recommendation back to City Council.

Yeas: 8; Sotir, Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk