

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

October 15, 2008

Minutes of the regular City Council meeting held Monday, October 6, 2008 at 7:00 p.m., Council Chambers, City Center.

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

Proclamation - Anthony J. Douin - Honorary Historian for the City of Augusta

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

149 WHEREAS, the 2007 Comprehensive Plan for the City of Augusta strongly recommends improved site design along Augusta's gateway roads.

WHEREAS, improved site design has proven to occur best through a public hearing process at the Planning Board level.

WHEREAS, the Planning Board is in the process of re-writing the Land Use Ordinance, but does not anticipate having it completed for Council review and public hearing until late winter.

WHEREAS, projects that occur prior to an anticipated final approval of a new ordinance could have a significant and long-term impact on the gateways.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

Amend Section 2.2 of the Augusta Land Use Ordinance

Development: Development means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; and the storage, deposition, or extracton of materials, public or

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

149 Continued

private sewage disposal systems or water supply facilities.

(1) Major development:

a. For parcels that have access to or frontage on the following streets or roads, major development includes any new or redeveloped non-residential or multi-family residential project that creates or redevelops any floor space or impervious surface:

i. Western Avenue - from I-95 to Memorial Circle

ii. Memorial Circle

iii. Cony Circle

iv. Bangor Street

v. Riverside Drive - from Bangor Street to Rt 3

vi. State Street

vii. Mt Vernon Avenue

viii. Sewall Street - from Western Avenue to the Hallowell municipal boundary

ix. Capitol Street

x. Armory Street

xi. Winthrop Street

xii. Leighton Road

xiii. Stone Street

xiv. Hospital Street - from Stone Street to Piggery Road

xv. Cony Street - from Kennebec River to South Belfast Avenue

xvi. Water Street

xvii. Northern Avenue

xviii. Grove Street - from Memorial Circle to Water Street

b. For all parcels not affected by (a) above, a major development is any new or re-developed non-residential or multi-family residential project that disturbs one (1) acre of land or more, or creates or adds to one (1) acre of impervious surface on a parcel. It shall include any multi-family residential or non-residential change of use that affects or disturbs one (1) acre of land or more. Disturbed land includes but is not limited to new impervious surface or any re-development or modification of existing impervious surface.

(2) Minor development: Requiring a permit from the CEO if listed as a permitted use or requiring a permit from the Planning Board if listed as a conditional use.

(NO MOTION TO REMOVE FROM TABLE)

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

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

That Chapter 1, Section 1 - 2 Definitions and rules of construction, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Public Way. Means a way over which the general public has a right to pass.

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

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

That Chapter 4, ARTICLE II. DOGS AND CATS, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Section 4-32. Dogs controlled by a leash required.

(a.) The owner, keeper or any other individual who has responsibility of a dog shall keep such animal controlled by a leash when such animal is on the property of a school or playground and the Rail Trail.

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESSHAS BEEN READ AND PASSED, AS AMENDED

- 174 ORDERED, That the City Manager is authorized to sell 84 Mount Vernon Avenue by Quit Claim Deed to Terry Berry in the bid amount of \$1,476 with a deed restriction of "no new dwelling."

BE IT FURTHER ORDERED, That the proceeds of this sale be directed to the City's Lithgow Library fund unless legally encumbered by Community Development Block Grant.

NEW BUSINESS (Con't)

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

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ, FIRST READING

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

That Chapter 19, section 19-38 Rates, Schedule of Taxicab Rates, of the Revised Code of Ordinances 1990, as amended, be further amended by adding and deleting as follows:

CHAPTER 19 - SECTION 38

No taxicab operator or taxicab driver shall charge a sum for the use of a taxicab higher than that in accordance with the following rates:

(A) A total of ~~two dollars and fifty cents~~ three dollars and fifty cents ~~(\$2.50)~~ (\$3.50) for one and one dollar ~~(\$1.00)~~ for each additional person ten (10) years of age and over, and fifty cents (\$0.50) for each child under ten (10) years of age, from the same point of hire to the same destination.

An additional fifty cents ~~(\$0.50)~~ shall be to all fares on Sundays, holidays, and between midnight and 6:00 a.m. daily.

- {1} Starting points.
  - {a} Water Street and Bridge Street lights.
- {2} Maximum distance of travel for minimum fare.
  - {a} Banger Street light.
  - {b} South Belfast Avenue to Quimby Street.
  - {c} Stone Street to Eastern Avenue lights including Crocker and Davenport as far as Mitchell Street.
  - {d} Arsenal Street to State Hospital gate.
  - {e} Cony Street to Malta Street.
  - {f} Mt. Vernon Avenue to Mt. Vernon Avenue Playground
  - {g} Northern Avenue to Monroe Street.
  - {h} Washington Street to Monroe Street.
  - {i} State Street to Union Street.
  - {j} Sewall Street to Capitol Street light.
  - {k} Winthrop Street to Granite Street.

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

176 Continued

- ~~{1}~~ Green Street to Cushman Street.  
~~{m}~~ Western Avenue to Cushman Street.

~~{3}~~ (1) Rates of travel shall be two dollars and fifty cents ~~{2.50}~~ three dollars and fifty cents (\$3.50) for the first one mile or portion thereof, and seventy five cents ~~{0.75}~~ one dollar (\$1.00) for each 1/2 mile or portion thereof thereafter.

(B) Use of vehicle trunks/luggage areas may be charged for at the rate of one dollar and fifty cents (\$1.50).

(C) Charges for waiting time shall be fifteen dollars ~~{15.00}~~ an hour. Charges for waiting time shall begin ten minutes after the fare has exited the cab or upon the cabs arrival at the designated time of fare pickup and shall be fifteen dollars (\$15.00) for the first half hour or any portion thereof and twenty-five dollars (\$25.00) for the hour or a portion thereof following the first half hour calculated time.

(D) Minimum charge for errands shall be two dollars (\$2.00) over the cost of the fare.

(E) An additional fee of one dollar (\$1.00) shall be charged for aiding with groceries, parcels, etc.

(F) A rate card shall be displayed at all times in each taxicab. A rate card displaying these rates shall be displayed at all times in the taxicab in such a manner as to allow taxicab passenger(s) full view of the taxicab rates.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

163 ORDERED, That minutes of the City Council meeting held September 15, 2008 submitted by the City Clerk be approved.

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

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

- 164 ORDERED, That Roll of Accounts for the month of September 2008 in the amount of \$4,337,221.82 be approved.
- Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes
- Nays: 0
- 165 ORDERED, That Joseph Riddick be appointed to the Historic Preservation Commission; said term to expire October 6, 2011.
- Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes
- Nays: 0
- 166 ORDERED, That Scott Milewski be appointed to the Cable TV & Telecommunications Committee; said term to expire October 6, 2011.
- Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes
- Nays: 0
- 167 ORDERED, That Dr. Laurel Coleman be reappointed to the Lithgow Library Trustees Board; said term to expire May 17, 2011.
- Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes
- Nays: 0
- 168 ORDERED, That Steve Dumont be reappointed to the Planning Board; said term to expire October 3, 2011.
- Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes
- Nays: 0
- 169 ORDERED, That Paul R. Wade be reappointed to the Airport Advisory Committee; said term to expire October 3, 2011.
- Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes
- Nays: 0

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

170 ORDERED, That the following individuals be reappointed:

<u>Name</u>	<u>Committee</u>	<u>Expiration</u>
David Cheever	Cable TV & Telecommunications Committee	Oct 3, 2011
Debra Rollins	Conservation Commission	Oct 17, 2011
Richard Bridges	Historic Preservation Commission	Sep 23, 2011
F. Allen Wiley	Capital Riverfront Improvement District	Oct 7, 2011

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

171 ORDERED, That the following individuals be appointed/reappointed to the Fort Western Board of Trustees:

<u>Name</u>	<u>Expiration</u>
Deborah Fahy (Reappointment)	October, 2011
Elizabeth (Wendy) Hazard (Reappointment)	October, 2011
Linda B. Masciadri (new appointment)	October, 2010
Terrence F. McCabe (reappointment)	October, 2011
Mark A. Rohman (reappointment)	October, 2011
Diana Winkley (new appointment)	October, 2011

Yeas: 8: Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

172 ORDERED, That the Voter Registration hourly schedule for open session for the November 4, 2008 General / Referendum and Municipal Election be as follows:

Thursday, October 30, 2008 from 1:00 p.m. to 8:00 p.m.

The intent of this order is to change the evening session time in accordance with M.R.S.A., Title 21-A, Section 122(8), as amended.

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

173 ORDERED, That Renette Leibowitz of 30 Old Winthrop Road serve as Warden for Central Polling Place (CPP) replacing William Fleming and Judith Wathen of 9 Myrtle Street serve as Ward Clerk for CPP replacing Renette, for the upcoming General / Referendum and Municipal Election to be held November 4, 2008.

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

175 ORDERED, That the City Council accept the Bond Brook Land Short-term Plan recommendation from the Augusta Tree Board and Conservation Commission.

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

177 ORDERED, That the City Council enter into executive session to discuss:

- labor negotiations; 1 M.R.S.A., Section 405(6)(D)
- an application for abatement of property taxes on account of infirmity or poverty; 1 M.R.S.A., Section 405(6)(F)
- pending litigation; 1 M.R.S.A., Section 405(6)(E)

Yeas: 8; Byron, Doore, Paradis, O'Brien,  
Rollins, Coffin, Munson, Stokes

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk