

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

October 8, 2004

Minutes of the regular City Council meeting held Monday, October 4, 2004 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - A plaque presented to R. David Jowdry, Director of the Civic Center, in recognition for 30 years of dedicated service.

Presentation - Update from the Airport Manager Robert McGee, on essential air service and current issues.

Public Hearing - Capital Improvement and Equipment Acquisition Bond Issues (Order #141)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

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, 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

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

115 Continued
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
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

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

115 Continued
and excluding Chapters 10 - 43.

(NO MOTION TO REMOVE FROM TABLE)

HAS BEEN READ AND NOT PASSED

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.

Yeas: 2; Doore, Veilleux
Nays: 6; Sotir, Foster, Lerman, Davis,
Koski, Lund

HAS BEEN READ AND PASSED, FINAL 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

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

141	Continued 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 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

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

141 Continued

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 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

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

141 Continued

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.

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

Nays: 0

NEW BUSINESSHAS BEEN READ, FIRST READING

152 BE IT ORDAINED, By the City Council of the City of Augusta, that the language of Section 3.6.1.1(2) of the Land Use Ordinance, which deals with the RB1 and RB2 Medium Density Residential Zoning Districts, shall be amended by deleting the existing language shown in ~~strikethrough~~ and by adding the new language that is shown in underline, as follows:

3.6.1.1(2) MEDIUM DENSITY RESIDENTIAL DISTRICTS (RB1 and RB2)

(a) Purpose: The RB1 and RB2 districts is a are zones in which the principal use of land is for medium density residences.

The RB2 District is identical to the RB1 District except that it ~~excludes~~ excludes rooming houses. Both are characterized by a mix of single and multifamily homes.

(b) Uses and Dimensional Requirements:

PERMITTED USES IN THE RB1 AND RB2 DISTRICTS (Requiring Permit from CEO):

One, Two and Multiple Family Dwellings*; Rooming Houses (except in RB2).

Accessory Residential Uses: Private Garages; Home Occupations; Group Homes; Boarding Homes; Day Care Homes.

*Note for Type "1" Manufactured Housing see Section 5.2.10 for requirements (Order No. 257 - 08/19/2002)

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

152 Continued

CONDITIONAL USES IN THE RB1 DISTRICT (Requiring Public Hearing and Planning Board Review before CEO approval):

Educational Services; Bed and Breakfast; Manufactured Housing Parks; Day Care Centers; Religious Activities and Associated Uses; Municipal or Public Utilities and Communication Facilities; Nursing Homes; Funeral Homes; Public Parks, temporary habitable trailers built on a permanent chassis to be used as portable classrooms and/or offices and/or medical diagnostic units for a specified (limited) time and as a public facility only. *(Order No.21, 2/12/01)

*Note this restriction is not intended to restrict the temporary placement of construction related trailers on project sites provided that such trailers are removed immediately upon the completion of project work at that site. Planning Board approval is not required prior to placement of such trailers. (Order 21, 2/12/01)

CONDITIONAL USES IN THE RB2 DISTRICT (Requiring Public Hearing and Planning Board Review before CEO approval):

Educational services limited to elementary and middle schools; Bed and Breakfast limited to a maximum of eight rooms;

Manufactured Housing Parks; Day Care Centers; Religious Activities and Associated Uses; Minor Municipal or Public Utilities and Communication Facilities; Nursing Homes; Funeral Homes; Public Parks, Temporary habitable trailers built on a permanent chassis to be used as portable classrooms on land occupied by allowed educational services and/or other medical diagnostic units for a specified (limited) time* and as a public facility only.* (Order 21, 2/12/01)

*Note this restriction is not intended to restrict the temporary placement of construction related trailers on project sites provided that such trailers are removed immediately upon the completion of project work at that site. Planning Board approval is not required prior to

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

152 Continued
placement of such trailers. (Order 21, 2/12/01)

DIMENSIONAL REQUIREMENTS FOR RB1 AND RB2 DISTRICTS. The following shall be considered minimums:

Where the minimum lot size law, special shoreland standards, or State of Maine Wastewater Disposal Rules impose greater requirements, those additional requirements shall be met:

LOT AREA PUBLIC SEWER	7,500 square feet
LOT AREA PRIVATE SEWER	20,000 square feet
LOT AREA PER DWELLING UNIT	2,500 square feet
LOT FRONTAGE	75 feet
LOT DEPTH	100 feet
FRONT SETBACK	See Section 5.1.16
SIDE AND REAR SETBACK:	
PRINCIPAL STRUCTURE	10 feet
ACCESSORY STRUCTURES	5 feet
MIN. FRONTAGE FOR CONVERSION TO TWO (2) OR MORE DWELLING UNITS	50 feet

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

145 ORDERED, That minutes of the City Council meetings held September 20, 2004 submitted by the City Clerk be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund
Nays: 0

146 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$1,000.00.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund
Nays: 0

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

147 ORDERED, That Marcia J. Homstead of 9 Linwood Avenue, Augusta serve as Warden at Ward 4 replacing Helen Paganucci, and Lorraine Rita Noel of 11 Cedar Street, Augusta, serve as Ward Clerk at Ward 2 replacing Judith Wathen for the upcoming November 2 General/Referendum and Municipal/Referendum Election.

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

Nays: 0

148 ORDERED, That the following candidates nominated by the Trustees of Old Fort Western be appointed to the Fort's Board of Trustees:

Paul Lessard of Augusta, to a second three-year term, term to expire October 2007.

Genie Gannett Quist, of Readfield, to a second three-year term, term to expire October 2007.

Charles AuCoin, of Augusta, to a second three-year term, term to expire October 2007.

Daniel Stevens, of Augusta, to an initial three-year term, term to expire October 2007.

Arlene Prescott, of Chelsea, to an initial three-year term, term to expire October 2007.

David Cheever, of Augusta, to an initial two year-term, term to expire October 2006.

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

Nays: 0

149 ORDERED, That Council Orders #92, 252 & 684 passed in 1995 establishing the Recreation Advisory Board and its bylaws be rescinded.

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

- 149 Continued
BE IT FURTHER ORDERED that the City Council reestablish said committee under the new name of Parks and Recreation Advisory Board and that the new bylaws for said committee be approved (see attached).
- Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund
Nays: 0
- 150 ORDERED, That the City Manager is authorized to enter into a lease agreement with The Edge/Spurwink for the City-owned building and abutting premises adjacent to the Lithgow Library.
- Yeas: 6; Sotir, Doore, Veilleux, Foster
Davis, Lund
Nays: 2; Lerman, Koski
- 151 ORDERED, That two (2) petitions dated September 23, 2004 submitted to the City Clerk be submitted to Corporation Counsel for opinion to be issued at the City Council's next regular meeting.
- Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund
Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk