

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 16, 2004

Agenda for the regular City Council meeting to be held Monday, September 20, 2004 at 7:00 p.m., Council Chambers, City Center.

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

LEGAL OPINION from Corporation Counsel regarding the two (2) Citizen Petitions filed with the City Clerk on August 30, 2004.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

CONSENT AGENDA - All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

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

135 Manager
ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$2,050.00.

136 Manager (Bureau of Audit Accounts)
ORDERED, That Roll of Accounts #2 for the month of August 2004 in the amount of \$4,248,546.26 be approved.

137 Manager (Department of Finance)
ORDERED, That the report regarding the City's financial position through August 2004 be presented and accepted upon presentation.

138 Mayor Dowling
 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

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

106 Manager
 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.

HAS BEEN READ, FIRST READING

115 Manager (Bureau of Code Enforcement)
 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,

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

115 Continued
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
- 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

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ, FIRST READING (Con't)

115 Continued
Chapter 9 - Roof Assemblies
and excluding Chapters 10 - 43.

130 Manager (Police Department)
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.

NEW BUSINESS

PART 1 - ORDERS

139 Manager
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 opportunities along Bond Brook for the residents of Augusta.

NEW BUSINESS (Con't)

140 Manager
ORDERED, That the recommendations of the Sprague Mill Workers Housing Committee (25 Bond Street) are hereby accepted by the Augusta City Council.

PART 2 - ORDER BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

141 Manager (Department of Finance)
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

NEW BUSINESS (Con't)

141 Continued
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 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

NEW BUSINESS (Con't)

141 Continued
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.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk