

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 13, 2005

Minutes of the regular City Council meeting held Tuesday, September 6, 2005 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - Historic House Plaques by the Historic Preservation Committee

Public comments were held on items listed on the agenda

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

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.

NO MOTION TO REMOVE FROM TABLE

HAS BEEN READ AND PASSED

123 ORDERED, That the City Council approve the acceptance on behalf of the Augusta Recreation Bureau the sum of \$300.00 from the Maine Bowhunters' Association for the purpose to help establish the National Archery In The Schools Program that will be conducted through the Recreational Bureau.

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

Nays: 0

NEW BUSINESSHAS BEEN READ AND TABLED

- 144 BE IT ORDAINED, By the City Council of Augusta that the Local Business (CB) District located at the junction of the West River Road and the new Route 3 Bridge connector road be dissolved and the land returned to its constituent zoning districts (Rural Residential (RRES), Rural River 2 (RR2), and Low Density Residential (RA)); and furthermore Be It Ordained that the property zoned currently and thereby as Low Density Residential (RA) along the easterly side of West River Road from the Caron property (Lot 37 Tax Map 6) northerly to the Third Bridge connector road, be changed to Rural River 2 (RR2), as unanimously recommended by the Augusta Planning Board.

Yeas: 5; Sotir, Doore, Gomeau, Foster,
Koski

Nays: 3; Lerman, Davis, Lund

HAS BEEN READ, FIRST READING

- 143 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:

Lafayette Street, between Townsend Road and Trueworthy Avenue, north only.

(FIRST READING, NO VOTE REQUIRED)

- 145 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) Public Safety Equipment Acquisition \$250,000

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

145 Continued

	including but not limited to fire apparatus	
(B)	Street Improvements	\$250,000
	including but not limited to improvements to Pearl Street and related facilities throughout the City	
	<u>Totals</u>	<u>\$500,000</u>

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 the bonds shall be determined by an Authorized Representative, provided that each of the 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 the 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

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

145 Continued

the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certificates 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 the bonds or notes 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 the 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 the 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 Sec.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

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

- 145 Continued
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

- 131 ORDERED, That minutes of the City Council meeting held August 15, 2005 submitted by the City Clerk be approved.
- Yeas: 8; Sotir, Doore, Gomeau, Foster,
Lerman, Davis, Koski, Lund
Nays: 0
- 132 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$20,000.00.
- Yeas: 8; Sotir, Doore, Gomeau, Foster,
Lerman, Davis, Koski, Lund
Nays: 0
- 133 ORDERED, That Roll of Accounts for the month of August 2005 in the amount of \$4,786,589.19 be approved.
- Yeas: 8; Sotir, Doore, Gomeau, Foster,
Lerman, Davis, Koski, Lund
Nays: 0
- 134 ORDERED, That John Harvey Versteeg be reappointed to the Conservation Commission; said term to expire September 9, 2008.
- Yeas: 8; Sotir, Doore, Gomeau, Foster,
Lerman, Davis, Koski, Lund
Nays: 0

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

135 ORDERED, That the following be reappointed to the Community Development Advisory Committee:

- Darek Grant, Donna Lerman, and Ellen McGuire; all terms to expire May 15, 2007.

- Melvin Morrison, Gloria Morrissette, Anita Parent, Roger Pomerleau, Theresa Savoy, John Thiele, and James Tierney, Sr.; all terms to expire May 15, 2008.

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

Nays: 0

136 ORDERED, That the City Manager be authorized to sign a contract with K & K Excavation, Inc. of Turner, Maine in the amount of \$315,404. for Bid No. 11-05, 2005 Expansion II Intermediate Closure Cover Project. This project is to place an intermediate clay cover on approximately 5 acres of the Expansion II Landfill. This intermediate cover system will be incorporated into the final cover cap. Said project to be completed by November 4, 2005.

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

Nays: 0

137 ORDERED, That the City Council of Augusta approve the relocation of Ward IV polling place from the Vocational Technical Center to St. Andrews Parish Hall on 20 Saint Andrews Street for the November 8, 2005, State Referendum / Municipal Election. This move is necessary due to the construction currently underway at the Vocational Technical Center. The intent of this Order is to temporarily change the location of a voting place in accordance with the City of Augusta Code of Ordinances, 1990, Chapter 7, Section 2.

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

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

138 ORDERED, That the City Manager is hereby authorized to execute a line agreement approved by Corporation Counsel between the City and Quirion Construction LLC regarding the City owned gravel pit.

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

Nays: 0

139 WHEREAS, a new designation, "Riverfront", shall be included in directional and informational signage, where possible, installed by the State Department of Transportation and the City of Augusta when referring to the area of the City along Water Street from the Hartford Fire Station to Edwards Mill Site,

NOW, THEREFORE BE IT ORDERED that the official designation of said area shall be "Riverfront."

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

Nays: 0

140 ORDERED, That the labor contract with the Teamsters Local 340, Police Supervisory Officers unit (July 2005 - June 2007) be ratified consistent with the agreement with the Union.

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

Nays: 0

141 ORDERED, That the labor contract with the Teamsters Local 340, Police Officers unit (July 2005 - June 2007) be ratified consistent with the agreement with the Union.

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

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

142 ORDERED, That the City establish a deferred compensation plan for eligible positions of the Augusta Fire Department with Nationwide Retirement Solutions.

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

Nays: 0

146 ORDERED, That because the problems which required the moratorium to be enacted on March 7, 2005 still exist and because the Planning Board is making reasonable progress in drafting a new land use ordinance regarding the CB Zone located at Rt. 104 and Rt. 3, the moratorium enacted on March 7, 2005 is hereby extended by 60 days. The moratorium, now extended to November 2, 2005, provides as follows:

MORATORIUM ON COMMERCIAL DEVELOPMENT IN THE CB ZONE

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

Respectfully submitted,

Barbara E. Wardwell
City Clerk