

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

February 14, 2005

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

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

Proclamation - 75th Anniversary of the Cub Scouts

Presentation - Update on Memorial Bridge reconstruction project by David Cole, Commissioner, Maine Department of Transportation.

Presentation - Report on completion of mural project at 25 Bond Street - Delaine Nye, Chair, Bond Street Mill Workers' House Committee

Presentation - Augusta Water District Trustees and Augusta Sanitary Commissioners on proposed merger

Public comments were held on items listed on the agenda

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

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.

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

Nays: 3; Sotir, Lerman, Davis

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

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, ~~erecent 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 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.

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

Nays: 3; Sotir, Lerman, Davis

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

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
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

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

- 115 Continued
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
and excluding Chapters 10 - 43.

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

Nays: 0

The City Councilors unanimously approved Councilor Sotir's recommendation that a committee or study group be established to review the City Council's concerns of the new building codes.

NEW BUSINESSHAS BEEN READ AND PASSED

- 026 ORDERED, That minutes of the City Council meeting held January 18, 2005 submitted by the City Clerk be approved.

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

Nays: 0

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

027 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$110,762.14.

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

Nays: 0

028 ORDERED, That Roll of Accounts #7 for the month of January 2005 in the amount of \$4,082,963.72 be approved.

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

Nays: 0

029 ORDERED, That Diane Hastings be reappointed to the Augusta Sanitary District; said term to expire February 19, 2008.

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

Nays: 0

030 ORDERED, That the following individuals be appointed to the Parks and Recreation Advisory Board created October 4, 2004 (Council Order #149):

Cheryl Clukey	2 yr term	January 1, 2007
Jennifer (Rose) Day	1 yr term	January 1, 2006
Tim Dennett	3 yr term	January 1, 2008
David Hopkins	3 yr term	January 1, 2008
Jon Millett	1 yr term	January 1, 2006
John Rodrigue	3 yr term	January 1, 2008
Ralph Stiman	2 yr term	January 1, 2007

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

Nays: 0

031 WHEREAS, The City Council of Augusta, Maine strongly supports the development of shared use trails within the City of Augusta and throughout the State of Maine, and;

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

031 Continued

WHEREAS, the City Council has traditionally supported the construction and maintenance of an extensive trail system throughout the City, most particularly along the banks of the Kennebec River, and;

WHEREAS, said trails in the City of Augusta have been immensely successful and popular, and;

WHEREAS, a state bond issue would make available funds to advance the trail network in this community and throughout the State, and;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council of the City of Augusta do hereby support the creation of a State Fund with bond proceeds to advance this cause.

Yeas: 6; Sotir, Doore, Gomeau, Foster,
Lerman, Davis

Nays: 2; Koski, Lund

Mayor Dowling will write a letter to State of Maine addressing the Augusta City Council's concerns regarding those trails which run along railways.

Respectfully submitted,

Barbara E. Wardwell
City Clerk