MINUTES FOR THE SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
THURSDAY, MAY 10, 2018
6:30 P.M.

A Special Meeting of the City Council was held beginning at 6:30 pm in the Council Chambers. The Informational Meeting was held following the Special Council Meeting.

Present: Mayor Rollins, Councilors, Conti, Grant, Elliott, O’Brien, Day, and Alexander.

Absent: Councilors Lind and Wilson.

PUBLIC HEARING: Dangerous building located at 79 Mt. Vernon Ave., Map 35, Lot 242

Meeting suspended at 6:40pm until 7:00pm. Meeting reopened at 7:00pm.

PUBLIC HEARING: Dangerous building located at 197 Northern Ave., Map 36, Lot 9

PUBLIC HEARING: Dangerous building located at 118 Civic Center Drive, Map 5, Lot 55

PUBLIC HEARING: Dangerous building located at 22 Maple Street, Map 39, Lot 2.

NEW BUSINESS:

PART I – ORDERS AND RESOLVES

18-076 City Manager
WHEREAS, it has come to the attention of the City of Augusta that the building located at 79 Mt. Vernon Avenue, Augusta appears to be extremely structurally unstable, and

WHEREAS, the City’s Code Enforcement Officer has found, upon inspection of the building, that:

Motion to suspend the reading of order 18-076.
By: Grant Second by: Conti
Yeas: 6 Nays: 0

1. The building, a capped over foundation, is structurally unsound. The wood framed foundation “cap” is severely degraded and has visible structural damage.
2. Portions of the concrete block foundation are collapsing into the basement. The structural integrity of the foundation has been compromised.
3. The foundation cap is leaking in multiple locations. These leaks have caused portions of the foundation cap to rot and degrade, and it is collapsing into the foundation it serves to protect. Holes in the cap are present, creating a serious safety hazard.
4. The interior of the foundation is dilapidated and has a significant accumulation of discarded furniture, mattresses, televisions, tires, junk and garbage.

WHEREAS, the City Council on May 10, 2018 held a hearing pursuant to 17 M.R.S.A. § 2851;

WHEREAS, Owner Thomas W. Harville was duly notified of said hearing pursuant to 17 M.R.S.A. § 2851; and

WHEREAS, the City’s Code Enforcement Officer testified at the hearing as to his findings regarding the building, as stated above;

NOW THEREFORE, the City Council hereby ORDERS, that:

5. The City Council accepts the findings of the Code Enforcement Officer as stated above as true and hereby accepts said findings as its own.
6. The building located at 79 Mt. Vernon Avenue, Tax Map 35, Lot 242 is hereby declared a “dangerous building” that is:
   a. structurally unsafe and unstable
   b. unsanitary
   c. unsuitable for occupancy
   d. constitutes a fire hazard, and
   e. constitutes a health or safety hazard because of inadequate maintenance, dilapidation, obsolescence or abandonment

Therefore, the above-mentioned property is adjudged to be a dangerous nuisance.

7. For the above reasons, the City Council ORDERS that the building located at 79 Mt. Vernon Avenue shall be removed in a safe and sanitary way, in consultation with the City’s Code Enforcement Officer and in compliance with all relevant City and State laws, WITHIN 60 DAYS OF THE DATE OF THIS ORDER. The Code Enforcement Officer may, in his discretion, grant an extension of up to 60 days if reasonable progress is being made toward removal of the building.

8. If said building is not removed by the stated date or any granted extension, the City or its properly engaged agents or contractors shall enter the property and remove the building. All expenses relating to the removal of the building and abatement of the nuisance shall be repaid to the City by the owner within 30 days after the City’s demand, or a special tax shall be assessed against the land on which the building was located for the amount of the expenses, and that amount shall be included on the next annual warrant to the Tax Collector for collection and collected in the same manner as other City taxes are collected. Expenses to be recovered shall include, but are not limited to, the cost of title searches, location reports, service of process, reasonable attorney's fees, costs of removal of the building, any costs incurred in securing the building pending its removal and all other costs incurred by the City that are reasonably
related to the removal of the building. The City shall also reserve the right to collect any expenses through a civil action.

9. An appeal of this Order may be made to the Kennebec County Superior Court, pursuant to M.R. Civ. P. 80B, within 30 days of the date of the Order.

Motion for passage of order 18-076.
By: O’Brien Second by: Elliott
Yeas: 6
Nays: 0

18-077 City Manager
WHEREAS, it has come to the attention of the City of Augusta that the building located at 197 Northern Avenue, Augusta appears to be extremely structurally unstable, and

Motion to suspend the reading of order 18-077.
By: Conti Second by: Day
Yeas: 6
Nays: 0

WHEREAS, the City’s Code Enforcement Officer has found, upon inspection of the building, that:

1. The building is structurally unsound. The rear wall of the building is deflecting outward and the roof above this wall is collapsing. Portions of the foundation are collapsing into the basement.
2. Doors and windows throughout the building are broken or missing, causing the building to be unsecured;
3. Stair and porch structures have broken and structural members, handrails and guards.
4. The roof is leaking in multiple locations, causing portions of the ceilings inside the building to collapse.
5. The exterior of the building is dilapidated. There are large areas of missing vinyl siding, rotting fascia boards and trim and broken gutters.
6. The electrical service entrance to the building has holes that are covered with duct tape.
7. The building has a significant mold infestation and is unsanitary.
8. The interior of the building is dilapidated and has a significant accumulation of discarded furniture, mattresses, tires, junk and garbage.

WHEREAS, the City Council on May 10, 2018 held a hearing pursuant to 17 M.R.S.A. § 2851;

WHEREAS, Owner David A. Fritz was duly notified of said hearing pursuant to 17 M.R.S.A. § 2851; and

WHEREAS, the City’s Code Enforcement Officer testified at the hearing as to his findings regarding the building, as stated above;

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NOW THEREFORE, the City Council hereby ORDERS, that:

9. The City Council accepts the findings of the Code Enforcement Officer as stated above as true and hereby accepts said findings as its own.

10. The building located at 197 Northern Avenue, Tax Map 36, Lot 9 is hereby declared a “dangerous building” that is:

f. structurally unsafe and unstable

g. unsanitary

h. unsuitable for occupancy

i. constitutes a fire hazard, and

j. constitutes a health or safety hazard because of inadequate maintenance, dilapidation, obsolescence or abandonment

Therefore, the above-mentioned property is adjudged to be a dangerous nuisance.

11. For the above reasons, the City Council ORDERS that the building located at 197 Northern Avenue, Map 36, Lot 9 shall be removed in a safe and sanitary way, in consultation with the City’s Code Enforcement Officer and in compliance with all relevant City and State laws, WITHIN 60 DAYS OF THE DATE OF THIS ORDER. The Code Enforcement Officer may, in his discretion, grant an extension of up to 60 days if reasonable progress is being made toward removal of the building.

12. If said building is not removed by the stated date or any granted extension, the City or its properly engaged agents or contractors shall enter the property and remove the building. All expenses relating to the removal of the building and abatement of the nuisance shall be repaid to the City by the owner within 30 days after the City’s demand, or a special tax shall be assessed against the land on which the building was located for the amount of the expenses, and that amount shall be included on the next annual warrant to the Tax Collector for collection and collected in the same manner as other City taxes are collected. Expenses to be recovered shall include, but are not limited to, the cost of title searches, location reports, service of process, reasonable attorney's fees, costs of removal of the building, any costs incurred in securing the building pending its removal and all other costs incurred by the City that are reasonably related to the removal of the building. The City shall also reserve the right to collect any expenses through a civil action.

13. An appeal of this Order may be made to the Kennebec County Superior Court, pursuant to M.R. Civ. P. 80B, within 30 days of the date of the Order.

Motion for passage of order 18-077.
By: O’Brien Second by: Elliott
Yeas: 6
Nays: 0

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WHEREAS, it has come to the attention of the City of Augusta that the building located at 118 Civic Center Drive, Augusta appears to be extremely structurally unstable, and

Motion to suspend the reading of order 18-078.
By: Elliott  Second by: O’Brien
Yeas: 6  Nays: 0

WHEREAS, the City’s Code Enforcement Officer has found, upon inspection of the building, that:

1. The property consists of two buildings: a single family dwelling and a detached garage.
2. Both the garage and dwelling are not in a usable or repairable condition.
3. The foundation walls below the dwelling have collapsed into the basement, causing the structure to collapse.
4. Doors and windows throughout the building are broken or missing, causing the building to be unsecured.
5. The interior of the dwelling has been vandalized and was heavily damaged by a fire in December 2014.
6. There is no working heating, electrical or plumbing system.
7. The garage is unsecured and has rotting and damaged structural members.
8. There is evidence of “squatting” at the premises including food, empty beer cans, a mattress, blankets and a propane heater.

WHEREAS, the City Council on May 10, 2018 held a hearing pursuant to 17 M.R.S.A. § 2851;

WHEREAS, Owner Zi Qian Zhang and mortgagee Jibryne E. Karter, Jr. were duly notified of said hearing pursuant to 17 M.R.S.A. § 2851; and

WHEREAS, the City’s Code Enforcement Officer testified at the hearing as to his findings regarding the building, as stated above;

NOW THEREFORE, the City Council hereby ORDERS, that:

9. The City Council accepts the findings of the Code Enforcement Officer as stated above as true and hereby accepts said findings as its own.
10. The building located at 118 Civic Center Drive, Map 5, Lot 55, is hereby declared a “dangerous building” that is:
   a. structurally unsafe and unstable
   b. unsanitary
   c. unsuitable for occupancy
   d. constitutes a fire hazard, and
   e. constitutes a health or safety hazard because of inadequate maintenance, dilapidation, obsolescence or abandonment

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Therefore, the above-mentioned property is adjudged to be a dangerous nuisance.

f. For the above reasons, the City Council ORDERS that the building located at 118 Civic Center Drive, Map 5, Lot 55 shall be removed in a safe and sanitary way, in consultation with the City’s Code Enforcement Officer and in compliance with all relevant City and State laws, WITHIN 60 DAYS OF THE DATE OF THIS ORDER. The Code Enforcement Officer may, in his discretion, grant an extension of up to 60 days if reasonable progress is being made toward removal of the building.

g. If said building is not removed by the stated date or any granted extension, the City or it’s properly engaged agents or contractors shall enter the property and remove the building. All expenses relating to the removal of the building and abatement of the nuisance shall be repaid to the City by the owner within 30 days after the City’s demand, or a special tax shall be assessed against the land on which the building was located for the amount of the expenses, and that amount shall be included on the next annual warrant to the Tax Collector for collection and collected in the same manner as other City taxes are collected. Expenses to be recovered shall include, but are not limited to, the cost of title searches, location reports, service of process, reasonable attorney's fees, costs of removal of the building, any costs incurred in securing the building pending its removal and all other costs incurred by the City that are reasonably related to the removal of the building. The City shall also reserve the right to collect any expenses through a civil action.

h. An appeal of this Order may be made to the Kennebec County Superior Court, pursuant to M.R. Civ. P. 80B, within 30 days of the date of the Order.

Motion for passage of order 18-078.
By: Elliott Second by: O’Brien
Yeas: 6
Nays: 0

18-079 City Manager
WHEREAS, it has come to the attention of the City of Augusta that the building located at 22 Maple Street, Augusta appears to be extremely structurally unstable, and

Motion to suspend the reading of order 18-079.
By: O’Brien Second by: Day
Yeas: 6
Nays: 0

WHEREAS, the City’s Code Enforcement Officer has found, upon inspection of the building, that:

1. The building is structurally unsound. The south wall of the building is collapsing inward.

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2. Doors and windows throughout the building are broken or missing, causing the building to be unsecured.
3. There is missing and rotted siding on the building, and a porch with rotted and broken structural members.
4. There is a large concrete retaining wall adjacent to the building that is leaning heavily and is in danger of falling.
5. There is a significant accumulation of solid waste on the property including used pallets, scrap wood, scrap metal, tires, and other junk and debris.
6. The building is unsuitable and unsafe for any type of occupancy.

WHEREAS, the City Council on May 10, 2018 held a hearing pursuant to 17 M.R.S.A. § 2851;

WHEREAS, Owner Eugene H. Green was duly notified of said hearing pursuant to 17 M.R.S.A. § 2851; and

WHEREAS, the City’s Code Enforcement Officer testified at the hearing as to his findings regarding the building, as stated above;

NOW THEREFORE, the City Council hereby ORDERS, that:

7. The City Council accepts the findings of the Code Enforcement Officer as stated above as true and hereby accepts said findings as its own.
8. The building located at 22 Maple Street, Tax Map 39, Lot 2 is hereby declared a “dangerous building” that is:
9. structurally unsafe and unstable
10. unsanitary
11. unsuitable for occupancy
12. constitutes a fire hazard, and
13. constitutes a health or safety hazard because of inadequate maintenance, dilapidation, obsolescence or abandonment

Therefore, the above-mentioned property is adjudged to be a dangerous nuisance.

14. For the above reasons, the City Council ORDERS that the building located at 22 Maple Street, Map 39, Lot 2 shall be removed in a safe and sanitary way, in consultation with the City’s Code Enforcement Officer and in compliance with all relevant City and State laws, WITHIN 60 DAYS OF THE DATE OF THIS ORDER. The Code Enforcement Officer may, in his discretion, grant an extension of up to 60 days if reasonable progress is being made toward removal of the building.

15. If said building is not removed by the stated date or any granted extension, the City or it’s properly engaged agents or contractors shall enter the property and remove the building. All expenses relating to the removal of the building and abatement of the nuisance shall be repaid to the City by the owner within 30 days after the City’s demand, or a special tax shall be assessed against the land on which the building was located for the amount of the expenses, and that amount shall be included on the next annual warrant to the Tax Collector.

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for collection and collected in the same manner as other City taxes are collected. Expenses to be recovered shall include, but are not limited to, the cost of title searches, location reports, service of process, reasonable attorney's fees, costs of removal of the building, any costs incurred in securing the building pending its removal and all other costs incurred by the City that are reasonably related to the removal of the building. The City shall also reserve the right to collect any expenses through a civil action.

16. An appeal of this Order may be made to the Kennebec County Superior Court, pursuant to M.R. Civ. P. 80B, within 30 days of the date of the Order.

Motion for passage of order 18-079.
By: O’Brien Second by: Elliott
Yeas: 6
Nays: 0

Motion to adjourn at 7:36 pm.
By: O’Brien Second by: Elliott
Yeas: 6
Nays: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk
May 13, 2018