MINUTES FOR THE CITY COUNCIL BUSINESS MEETING
COUNCIL CHAMBERS
THURSDAY, June 1, 2017
7:00 P.M.

There was a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.


Absent: Councilors Grant and Alexander.

PRESENTATION: Maureen Thompson, Augusta School Nutrition Director, Summer Lunch Program.

PUBLIC COMMENTS ON ITEM LISTED ON THE AGENDA:

CONSENT AGENDA:
17-092 City Manager (Bureau of City Clerk)
ORDERED, that the minutes of the Regular City Council Meeting held May 18, 2017 submitted by the City Clerk’s office be approved.

17-093 City Manager (Bureau of City Clerk)
ORDERED, that the minutes of the Special City Council Meeting held May 25, 2017 submitted by the City Clerk’s office be approved.

Motion for passage of the Consent Agenda order 17-092 to 17-093
By: Conti Second by: Wilson
Yeas: 5
Nays: 0

NEW BUSINESS PART 1
17-094 Mayor and Council
ORDERED, That the City Council accept a donation for up to 100 flats of annual flowers valued at $3,500.00 to be used in the City’s gardens from Longfellow’s Greenhouses.

Motion for passage of the order 17-094
By: Wilson Second by: Blodgett
Yeas: 5
Nays: 0

17-095 Mayor Rollins, Councilors Alexander, Blodgett, Elliott, Grant, O’Brien, Wilson
ORDERED, that the City Manager is authorized to sign the requisite Memorandum of Agreement (MOA) between Blue Sky West LLC, the Friends of Maine’s Mountains and the City of Augusta accepting a donation for The Bond Brook Recreation Area in an amount totaling
Fifty Thousand Dollars ($50,000.00) from the Friends of Maine’s Mountains. As required in the MOA the funds will be used for capital improvements. No local matching funds are required.

Motion for passage of the order 17-095
By: O’Brien Second by: Wilson
Yeas: 4
Nays: 0

Councilor Conti was not in the room when the vote was taken.

17-096 Mayor and Council
WHEREAS, the City of Augusta wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

Motion to suspend the reading of order 17-096
By: Wilson Second by: Blodgett
Yeas: 5
Nays: 0

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Augusta is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the City of Augusta that the City Manager:

1) Is authorized and directed to submit an application for the following program and within the State of Maine’s CDBG Program:

   Program: NAMI of Maine Workforce Development Grant
   Amount: 50,000.00

   To the Department of Economic and Community Development on behalf of the City of Augusta, substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the City of Augusta as required as part of such applications, and

3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Augusta and the laws and regulations governing planning and implementation of community development programs in the State of Maine.
Motion for passage of the order 17-096  
By: Blodgett  Second by: Elliott  
Yeas: 5  
Nays: 0

17-097 Councilors Alexander and Grant.  
WHEREAS, Mr. Anthony Thomas and Ms. Le Nhu Truong wish to donate their property at 11 State Street to the City of Augusta;  

Now therefore be it ORDERED that the city of Augusta accepts the donation of 11 State Street and authorizes the City Manager to execute any and all necessary legal documents to complete the donation.  

Motion for passage of the order 17-097  
By: O’Brien  Second by: Wilson

Motion to table order 17-097  
By: O’Brien  Second by: Wilson  
Yeas: 5  
Nays: 0

NEW BUSINESS PART 2 – ORDINANCES - FIRST READING

NO VOTE REQUIRED

17-098 City Manager  
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:  

That Article 1: §190-14 Pawnbrokers, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:  

Motion to suspend the reading of order 17-098  
By: Wilson  Second by: Blodgett  
Yeas: 5  
Nays: 0

Section 190-14 - Pawnbrokers.  
(a) The City Clerk may grant licenses to persons of good moral character to be pawnbrokers for one (1) year unless sooner revoked for violation of law.  
(b) The annual license fee for pawnbrokers shall be set from time to time and a schedule of such fee is on file in the City Clerk's office.  
(c) Whoever carries on such business without a license shall be punished in accordance with 30- A M.R.S.A. § 3961.  
(Code 1970, § 12-4; Ord. No. 79, 5-3-99)

That Article 1: §190-14 Pawnbrokers, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:
Section 190-14 Pawnbrokers and Secondhand Dealers

1. **Definitions**

Pawnbroker means any person engaged in the business of lending money on the security of pledged tangible personal property that is delivered to the pawnbroker and held by the pawnbroker. The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

Secondhand Dealer means any person who engages in the purchase, collection, transfer or storage for later resale, or who engages in the trading or selling, any article, vehicle or material, or portion thereof, of which prior use has been made in a manner whatsoever. The term "secondhand dealer" shall not be construed to include pawnbrokers, junk collectors, "dealer" as defined by 29-A M.R.S.A. § 851; nor shall it include any person primarily engaged in the retail sale of new and unused goods, who deals with used goods only incidentally, such as accepting such goods in trade as part of a transaction involving the sale of new goods, but only to the extent that such used goods are of the same type as the new goods sold by such person.

For purposes of this section, the term "purchase" includes the provision of any item or thing of value in exchange for the acquisition of a secondhand good.

2. **License**

A. No person shall conduct business as a pawnbroker or secondhand dealer without first obtaining a license pursuant to the following provisions:

1. The city clerk shall issue a license to conduct business as a pawnbroker or secondhand dealer to any person over the age of 21 who demonstrates that he:

   a. Has no record of criminal convictions for crimes of moral turpitude, dishonesty, theft, dealing of stolen goods, or fraud; and

   b. Has not been adjudged by a court to have violated this Ordinance, other than the licensure requirement, in the three years preceding the date of application.

2. A license shall be obtained by the owner or duly authorized agent of the premises where the business is to be located ("licensed business location") by submitting a completed application to the City Clerk's office upon forms provided for such purposes.

3. The annual license fee shall be set from time to time and a schedule of such fee is on file in the City Clerk's office.

4. Whoever carries on business as a pawnbroker or secondhand dealer without a license shall be punished in accordance with 30-A M.R.S.A. § 3961.

B. Any license issued pursuant to this provision shall be valid for one year only.

3. **Pawnbrokers - Account of business done and disclosure to consumer**
A. Account kept. Every pawnbroker shall maintain records in which a pawnbroker shall enter:

1. The date, duration, amount, periodic rate of interest and annual percentage rate of every loan that is made;

2. The finance charge, due dates for payment and the total payment needed to redeem or repurchase the pawned property;

3. An accurate account and description of the property pawned, including any readily identifiable serial number or similar registration number, or any other personalized identifying characteristic marking having been uniquely applied;

4. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the consumer to at least one extension of 31 days at the same rate of interest upon request in writing or in person; and

5. The name and address of the consumer.

B. Delivery to consumer: At the time of the pawn transaction, the pawnbroker shall deliver to the consumer a signed, written disclosure complying with the truth-in-lending provisions of the Maine Consumer Credit Code, 9-A M.R.S.A § 8-A containing the items required by subsection A of this section and the name and address of the pawnbroker.

4. Secondhand dealers - Required recordkeeping

A. A secondhand dealer shall make out, and have available for periodic collection, a legible and correct list containing:

1. An accurate description of all articles purchased, or taken in exchange, including any readily identifiable serial number or similar registration number, or any other personalized identifying characteristic marking having been uniquely applied;

2. The name, residence and date of birth of the seller, together with the correct and exact time when such articles were received in trade or purchased, and the amount of the item was sold for. Before recording the information required by this section, a dealer shall require a reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification card, adult liquor identification card or similar item which confirms the person's identification by date of birth and by physical description; and

3. The name and residence of the buyer, together with the correct and exact time when such articles were given in trade or sold.

B. Application to low value goods. This section shall not apply to secondhand goods of a mass manufacture process with no specific individual identifying feature, valued at or below $20.00, provided the total value of secondhand goods sold by the seller to the dealer within a thirty (30) day period does not exceed $100.00. Any sale of a secondhand good in excess of the
limits established in this paragraph must comply with the requirements set forth in subsection (A) of this section.

5. Record retention and reporting.

A. All records required to be kept by this Ordinance may be retained in paper or electronic form. Records shall be maintained no less than two (2) years.

B. Inspection: The pawnbroker shall allow the City Council or any law enforcement agency to inspect the records at all reasonable times.

C. Transmittal to Police Department. No later than the 15th day of each calendar month, the pawnbroker or secondhand dealer shall transmit to the Chief of Police, or the Chief’s designee, the records collected by the dealer under Sections (3) and (4) of this ordinance during the prior calendar month. Transmittal may be provided in electronic form.

6. Receiving Articles from minors, thieves.

A. No one licensed pursuant to this ordinance shall purchase or receive any article from any person under the age of 18 years without the written consent of such person's parent or guardian; from any person known by the licensee to be a thief or to have engaged in the receiving of stolen property, or from any person whom the licensee has reason to believe to be a thief or receiver of stolen property.

7. Retention of articles purchased.

A. Articles received or purchased by a pawnbroker or secondhand dealer shall be retained by such dealer in the same condition in which they were obtained and in accessible place at the licensed business location where such articles can be examined and inspected. Articles purchased by a secondhand dealer shall be held for at least 15 days before they are disposed of. This paragraph does not apply with respect to the sale of any secondhand good or goods which conforms to Section 4(B).

B. No pawnbroker or secondhand dealer shall sell, destroy or alter any property received or purchased until it has remained in his possession for the duration of time as required by this article or by applicable state law.

8. Fixed Establishment

Any person or business meeting the definition of pawnbroker or secondhand dealer shall have a fixed principal establishment in the city.

9. Violation

This ordinance shall be enforced by any law enforcement agency. Violation of any section of this ordinance shall be considered a civil violation in accordance with 17-A M.R.S.A. § 4-B and shall subject the offender to a civil penalty in the amount of $100 to $2,500 per offense, an injunctive order, payment of the City's legal fees and costs, and any other penalty
available by law. The City Council may, if it determines that a pawnbroker or secondhand dealer has violated this ordinance, revoke the pawnbroker's or secondhand dealer's license, after notice and hearing. The requirements and penalties provided for by this ordinance are in addition to and do not limit or supersede any other requirements or penalties provided for by state or federal law.

COMMUNICATIONS

Committee Reports
City Manager’s Report

Motion to adjourn at 8:35pm.
By: Elliott Second by: Wilson
Yeas: 5
Nays: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk
June 1, 2017