AGENDA FOR THE CITY COUNCIL BUSINESS MEETING
COUNCIL CHAMBERS
THURSDAY, September 21, 2017
7:00 P.M.

There will be 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.

PUBLIC COMMENTS ON ITEM LISTED ON THE AGENDA:

CONSENT AGENDA:

17-148  City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the Regular City Council Meeting held September 7, 2017 submitted by the City Clerk’s office be approved.

17-149  City Manager (Bureau of Audit Accounts)
BE IT ORDERED, that the Roll of Accounts for the month of August, 2017 in the amount of $5,903,614.32 be approved.

17-150  Mayor
BE IT ORDERED, that Steve P. Dumont be reappointed to the Planning Board, said term to expire October 6, 2020.

17-151  City Manager
BE IT ORDERED, that the City Council accept a donation of 75 Riddell Football helmets and 75 Riddell Football Shoulder pads from the Gronk Nation Youth Foundation for the Augusta Recreation Bureau Youth Football Program. The value of the equipment is Fifteen Thousand Dollars ($15,000.00).

17-152  City Manager
BE IT ORDERED, that the City Manager is authorized to sell by public auction, a parcel of land identified as tax map 36 lot 33.

17-153  City Manager
WHEREAS, the State of Maine, Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands require local snowmobile club grant funds to be administered through their municipality, and

WHEREAS, the City of Augusta has two snowmobile clubs who can benefit from said grant funds to help offset their operating and trail grooming expenses, and

WHEREAS, the North Augusta Trail Blazers and Fox Glen Snowmobile Clubs directly benefit from the state funds generated through snowmobile registrations, and
WHEREAS, the local match is generated by each club through their trail maintenance and grooming efforts and no local cash match is otherwise required.

NOW THEREFORE, BE IT ORDERED, that City Council on behalf of the North Augusta Trail Blazers and Fox Glen Snowmobile Clubs authorize the City Manager to submit a grant application in an amount up to $12,000.00 to help offset the club’s annual operating expenses and said funds will be proportionally distributed to clubs once funds have been received by the city and fund distribution will be based upon the final expenses submitted by each club.

17-154 City Manager
BE IT ORDERED, that the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated, section 5824(3) to the transfer of $7,802.00, or any portion thereof to the Augusta Police Department, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of the criminal case, namely, State of Maine vs. Brandon Darveau.

NEW BUSINESS
PART 2 – ORDINANCES - FIRST READING NO VOTE REQUIRED

17-155 Mayor and Council
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:

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

CONSUMER means a person who pledges or otherwise delivers personal property to a Pawnbroker.
PAWBROKER 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 regularly engages in the purchase, collection, transfer or storage for later resale, or who engages in 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, or “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, or who only purchases goods in bulk such as at estate, court or government issued sales.

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 or she:

   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. 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

4. An accurate description of all articles received, including any readily identifiable serial number or similar registration number, or any other personalized identifying characteristic marking having been uniquely applied. Digital photographs shall be kept of any article that has distinguishing features but no serial or registration number;

5. The name, residence and date of birth of the consumer, together with the correct and exact time when such articles were received in trade or purchased. Before recording the information required by this section, a dealer shall require a reasonable identification from the consumer in the form of a motor vehicle operator’s license, military identification card, state-issued identification card or similar item which confirms the person’s identification by date of birth and by physical description; and

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

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. Applicability. The requirements of this Section shall apply to the following types of items:

   a. Video game systems
   b. Televisions
   c. Digital photography and video equipment
   d. Mobile phones
   e. GPS devices
   f. Computer equipment, tablets and peripherals
   g. Power tools
   h. Firearms
   i. Jewelry
This Section shall not apply to goods of any type valued at or below $50.00, provided the total value of secondhand goods sold by the seller to the dealer within a thirty (30) day period does not exceed $150.00.

B. Required records. 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, including any readily identifiable serial number or similar registration number, or any other personalized identifying characteristic marking having been uniquely applied. Digital photographs shall be kept of any article that has distinguishing features but no serial or registration number;

2. The name, residence and date of birth of the seller, together with the correct and exact time when such articles were purchased, and the purchase price paid for the item. 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, state-issued 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.

5. Record retention and reporting.

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

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

6. Retention of articles.

A. Articles received or purchased by a pawnbroker or secondhand dealer shall be retained by such pawnbroker or dealer in the same condition in which they were obtained and in an accessible place at the licensed business location where such articles can be examined and inspected. Articles shall be held for at least 15 days before they are disposed of. This paragraph does not apply to secondhand dealers with respect to any item that is described as exempt under Section 4.A.

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.

7. Receiving Articles from minors, thieves.
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 who the licensee has reason to believe to be a thief or receiver of stolen property.

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 may 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.

17-156 **Mayor Rollins and Councilors Alexander, Blodgett, Conti, Day, Grant, and Wilson**

WHEREAS, City Council finds that the establishment of a local historic district in the West Side Neighborhood has been discussed in public forums by the City Council, Planning Board, and Augusta Historic District Review Board in great detail since 2008; and,

WHEREAS, the City Council finds that the establishment of a historic district has been shown by national studies to be beneficial to property values within historic districts.

NOW THEREFORE, BE IT ORDAINED, that the City Council adopts as a new historic overlay zoning district, the boundaries shown on the map entitled “Proposed Local Historic Districts”, dated September 18, 2017, to be added to the existing boundaries of that overlay district. All boundaries are to be combined onto a single map entitled Historic Districts.

**COMMUNICATIONS**

Committee Reports
City Manager’s Report

Respectfully submitted,

Loretta Lathe, Executive Assistant