

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

November 21, 2007

Minutes of the regular City Council meeting held Monday, November 19, 2007 at 7:00 p.m., Council Chambers, City Center.

Public Hearing - Cony Village Affordable Housing Development Program and Tax Increment Funding (Order #235)

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Danny Switzer, d/b/a On The Rocks Night Club (Order #234)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

131 WHEREAS, commercial blasting and use of explosives for purposes of quarrying mineral extraction and the production of construction materials have been occurring frequently in the City of Augusta, and whereas numerous reports of property damage resulting from such blasting have been communicated to the City, and

WHEREAS, current City of Augusta Ordinances are inadequate to effectively regulate and prevent serious public harm and property damage which may occur as a result of blasting in the City, and

WHEREAS, City Staff is aware of planned blasting in the vicinity of residential homes in the City, and

WHEREAS, the City Council has appointed a Committee to draft a new Ordinance regulating blasting, which has not completed its work, and

WHEREAS, the City Council needs additional time to complete the process of enacting a new Ordinance regulating blasting.

NOW THEREFORE, The Council hereby ORDERS that a moratorium be enacted effective as of the date of passage by Council which prohibits all commercial blasting and use of explosives for the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

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

131 Continued

This moratorium will expire in one hundred eighty (180) days from the date of passage or upon the effective date of enactment of a new Ordinance regulating blasting, whichever occurs first.

222 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 73, Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by deleting all existing parking regulations on Arsenal Street.

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by adding the following:

Arsenal Street:

No parking on the west side the entire length.

No parking on the east side from Cony Street to Spruce Street

No parking on the east side from the intersection of East Chestnut Street, for sixty (60) feet.

Parking on the east side starting at a point sixty (60) feet southerly of East Chestnut Street for a distance of one hundred fifty-two (152) feet restricted to handicapped parking only.

Parking on the east side starting at a point two hundred twelve (212) feet southerly of East Chestnut Street southerly for a distance of one hundred forty (140) feet designated Patient Pickup and Discharge Only.

No parking on the east side starting at a point three hundred fifty-two (352) feet southerly of East Chestnut Street southerly for the remaining distance.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND NOT PASSED

212 BE IT ORDAINED, By the City Council of the City of Augusta that the following contract rezoning be approved:

The lots known as Assessor's Map 48, Lot 3 and 3B, shall be Contract Zoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new contract zone shall be the Capitol Commerce (CC) district with the following restriction: 1)Use of the lots shall be One Family Dwelling; Home Occupation; Retail sales of pool tables, other table games, and accessories; and Public Recreational Areas, Facilities, and Parks.

Yeas: 2; Doore, O'Brien

Nays: 5; Byron, Gomeau, Rollins, Coffin, Koski

HAS BEEN READ AND PASSED

219 ORDERED, That the Daniel Cony Manley conference table in possession of the City of Augusta be donated to the Kennebec Historical Society. Delivery of the table to be at a time mutually agreed upon.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski,

Nays: 0

NEW BUSINESS

WITHDRAWN

237 BE IT ORDERED, By the City Council of the City of Augusta that the following amendment to the Northern Quadrant Zoning Study be adopted:

Near where the new bridge connector will intersect with Riverside Drive, on the southern side of that intersection there is an existing regional business zone and on the northern side a small residential neighborhood. The Planning Board is recommending that they both be expanded as far as the new connector road (which will serve as a permanent separation between the zones). City Council further recommends that the land from the Connector north for approximately 800 feet and west of Riverside Drive be zoned to allow limited retail use.

(Page 5 of 8, Northern Quadrant Zoning Study, 2001)

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

235 WHEREAS, the City of Augusta (the City) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as Affordable Housing Development Districts (the District) and to adopt a Development Program for the District (the Development Program); and

WHEREAS, there is a need for affordable housing development in the City; and

WHEREAS, implementation of the Development Program will help to provide additional affordable housing in the community for the citizens of the City; help to maintain a diverse population including an array of social and economic backgrounds; help to ensure that new urban development is compact rather than scattered in order to minimize the costs of services; and improve the general economy of the City and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of affordable housing through the establishment of the District in accordance with the provision of Chapter 206 of Title 30-A; and

WHEREAS, the City desires to designate the Cony Village Affordable Housing Development District - consisting of the property located at Village Circle - and to adopt a Development Program for the District; and

WHEREAS, the Cony Village Affordable Housing Development District shall be the 25.99 acres defined as Augusta Tax Map 10, Lot 27B; and

WHEREAS, (a) At least twenty-five percent (25%), by area, of the real property within the District is suitable for residential use, blighted; or in need of rehabilitation, and redevelopment; (b) The total area of the District does not exceed two percent (2%) of the total acreage of the City and the total area of all development districts within the City does not exceed five percent (5%) of the total acreage of the City; (c) The original assessed value of the District plus the original assessed value of all existing affordable housing development districts within the City as of the date of this designation will not exceed five percent (5%) of the total taxable value of property within the City as of April 1, 2006; (d) The aggregate value of municipal general obligation

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

235 Continued

indebtedness financed by the proceeds from affordable housing development districts within Kennebec County does not exceed \$50,000,000 as adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City Average from January 1, 2002 to date of calculation; (e) Designation of the District and pursuit of the Development Program for the District will meet the need for additional affordable housing in the City; and provides a mechanism to ensure the ongoing affordability of the designated housing units constructed for at least 30 years; and therefore constitutes a valid public purpose of the City; (f) Acquisition, construction and installment of all property improvements, buildings, structures, fixtures and equipment included within the affordable housing development program will not be financed through municipal bonded indebtedness; and (g) at least 33% of the rental units in the affordable housing development district are affordable housing and all units receiving a mortgage subsidy be owner occupied; and (h) That an annual administrative fee equal to 1% of the incremental taxes reallocated back to the project will be charged by the City and credited to the General Fund to offset annual administrative costs and overhead associated with overseeing the T.I.F. District.

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority (MSHA), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, that the attached application, which creates the Cony Village Affordable Housing Development District, inclusive of approval with all Exhibits attached thereto, be approved.

NOW THEREFORE BE IT ORDERED, that the Augusta City Manager be authorized to finalize the development of a credit enhancement agreement with additions, deletions and amendments as noted during this Council Meeting and so voted at this Council Meeting to provide tax increment financing, via a credit enhancement agreement, to Cony Village LLC. for development of property within the District as outlined by way of a credit enhancement agreement and to authorize the City Manager to submit an application to MSHA for designation of the Affordable Housing Development District as presented. Pursuant to 30-A MRSA Section 5227(1) and the Development Program, the

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

- 235 Continued  
percentage of increased assessed value within the District to be retained as captured assessed value for Development Program purposes is seventy-five percent (75%).

Yeas: 5; Byron, Doore, Gomeau, Rollins, Koski  
Nays: 2; O'Brien, Coffin

HAS BEEN READ AND PASSED

- 228 ORDERED, That minutes of the City Council meetings held November 8, 2007 and November 13, 2007, submitted by the City Clerk be approved.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski  
Nays: 0

- 229 ORDERED, That Daniel A. Wathen be appointed to the Parks and Recreation Advisory Board; said term to expire November 19, 2010.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski  
Nays: 0

- 230 ORDERED, That the City Council accept donations for the Viles Memorial at Mill Park in the amount of \$100.00.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski  
Nays: 0

- 231 ORDERED, That the labor contract with the Teamsters Local 340, Police Supervisory Officers unit (July 2007 - June 2010) be ratified consistent with the agreement with the Union.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski  
Nays: 0

- 232 ORDERED, That the labor contract with the Teamsters Local 340, Police Officers unit (July 2007 - June 2010) be ratified consistent with the agreement with the Union.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski  
Nays: 0

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

- 233 ORDERED, That the City Council, consistent with salary adjustments awarded to union employees, authorize a 3% cost-of-living salary adjustment to non-union employees at the start of the pay week closest to July 1, 2007.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 234 ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:
- Danny Switzer, d/b/a On The Rocks Night Club, 349 Water Street
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 236 ORDERED, That \$5,989.00 for the Water Street Lights Service Relocation is appropriated from the Downtown T.I.F.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 238 ORDERED, That Mayor Katz is authorized to execute a new three-year employment contract between the City of Augusta and William R. Bridgeo to be effective upon execution. Said contract shall be consistent with the terms and conditions of William R. Bridgeo's expiring contract. In addition to said terms and conditions, a new contract shall provide for the availability of William R. Bridgeo to receive a one-time buyout of ten unused vacation days.
- Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski
- Nays: 0
- 239 ORDERED, That the City Manager is authorized to accept a Supplemental EMPG Grant from the State of Maine, Emergency Management Agency in the amount of \$6,200.00.

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

239 Continued

BE IT FURTHER ORDERED, That the local match requirement of \$6,200.00 be appropriated from the Fire Department Local Match Reserve. The grant is to install two electrical service lines for the generator located at Cony High School.

Yeas: 7; Byron, Doore, Gomeau, O'Brien,  
Rollins, Coffin, Koski

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk