

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

March 4, 2008

Minutes of the regular City Council meeting held Monday, March 3, 2008 at 7:00 p.m., Council Chambers, City Center.

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

Public Hearing - Third amendment to the "City of Augusta Downtown Development and Tax Increment Financing District" (Order #037)

Public Hearing - Eighth amendment to the City of Augusta "Mall Area Development District Development Program and Tax Increment Financing District" (Order #038)

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

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

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the purpose of mineral extraction, quarrying or the production of construction materials within 2000 feet of a residence.

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.

(NO MOTION TO REMOVE FROM TABLE)

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

That Section 6-246. Street Light Review Committee, be added to Chapter 6. City Services, Article IV. Streets and Sidewalks. Division 1. Generally. of the Revised Code of Ordinances 1990, as amended, as follows:

Section 6-246. Street Light Review Committee.

There is hereby established a Committee to provide for a uniform method to install, rearrange or to remove street lights, and to make such other recommendations related to the provision of street lighting as they may deem appropriate included, but not limited to, type of lighting.

The committee shall consist of the Director of Public Works, Chief of Police, and Facilities and Systems Manager. The committee shall be known as the Street Light Review Committee, and committee members shall serve for as long as they perform the functions of the above-named positions.

The Street Light Review Committee is hereby delegated the authority to investigate, consider and determine the need for street lights on the public ways of the City. Their action shall be appealable to the City Council.

In the exercise of the authority delegated herein, the committee shall make its decision upon findings of fact by consensus. The action of installation, rearrangement or removal must be based on positive findings of fact of the following standards, where applicable:

- a. Will provide for the safety of pedestrians and

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

032 Continued

vehicular traffic while using public ways;

b. Will provide for the protection of citizens from criminal activities that are dependent on the cover of darkness or where the rate of criminal incidents are high;

c. Will provide for effective illumination in direct relation to population density for residential areas of the City;

d. Will provide for effective illumination to attract business invitees in certain commercial areas; and

e. Will provide the optimal use of public funds in the attainment of the standards.

In applying the standards provided for, the committee shall promulgate rules and regulations that will provide in greater detail the implementation of these standards. Such rules and regulations shall apply to:

a. Applications by individuals or groups for installation of street lights;

b. Procedures for determination of independent action by the committee as to installation rearrangement and removal of street lights;

c. Methods of proper notice to, and public hearing for, affected citizens prior to initiation of action by the committee on applications or independent committee determinations;

d. Specifics as to the elements that will permit the committee to make a finding of fact in the applications of standards set forth in this Section. The elements to be addressed are such as, but not limited to, traffic flows or counts, crime statistics, population densities, zoning districts, and limitations of street lights by the number of pole locations in a district; and

e. Under the authority of the committee to rearrange existing street lights, guidelines shall be provided to

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

032 Continued

allow for alternative types of solutions such as, but not so limited to, changes in sign information, size and type of bulb and the change in the direction of light emanations.

Upon determination of findings of fact that the standards of this Section have been met, the committee shall submit an order, with findings of fact attached, to the City Council for its action. When any action ordered to be undertaken by the City Council, the City Manager shall delegate the implementation of the order to the appropriate department.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

NEW BUSINESSHAS BEEN READ, FIRST READING

039 WHEREAS, the 2007 Augusta Comprehensive plan speaks generally to allowing appropriately designed commercial development on parcels adjacent to Western Avenue.

WHEREAS, the Council finds that the contract rezoning will permit the developer to present the project to the Planning Board for full review under the Major Development criteria of the Land Use Ordinance, including neighborhood compatibility;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Augusta that the following contract rezoning be approved:

A portion of the lot known as Assessor's Map 84, Lot 2, as shown on the attached map entitled "Proposed Rezoning 11-13-2007" 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 Regional Business district (CC) with the following restriction: 1) Use of the lot shall be for a Hotel and Accessory Uses for the Hotel only.

(FIRST READING, NO VOTE REQUIRED)

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

033 ORDERED, That minutes of the City Council meeting held February 19, 2008 submitted by the City Clerk be approved.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

034 ORDERED, That Peter J. Pare be appointed to the Planning Board; said term to expire February 19, 2011.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

035 ORDERED, That Phyllis vonHerrlich be reappointed to the Historic Preservation Commission; said term to expire March 18, 2011.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

036 ORDERED, That Donald A. Roberts be appointed to the Greater Augusta Utility District to fill a vacancy; said term to expire July 2, 2010.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

037 WHEREAS, the City of Augusta (the "City") designated its "City of Augusta Downtown Development and Tax Increment Financing District" (the "District") and approved Program for the District (the "Development Program") by Order 267 of the City Council adopted August 26, 2002. The designation of the District and the Development Program were approved by the Maine Department of Economic and Community Development (the "DECD") by letter dated January 8, 2003; and

WHEREAS, the First Amendment to the Development Program was approved by Order of the City Council on November 9, 2005 and by the DECD by letter dated February 2, 2006; and

WHEREAS, the Second Amendment to the Development Program was

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

037 Continued

approved by Order of the City Council on March 19, 2007 and by the DECD by letter dated March 29, 2007; and

WHEREAS, there is a need to amend the District in order for it to better meet the needs of the City and to carry out the goals that were approved by the community in the adoption of the District.

NOW THEREFORE BE IT ORDERED, that the District and Development Program is amended as follows:

1. That all increases in incremental tax revenues beyond that of the Original Assessed Value (OAV) be captured in the District and that 100% of the incremental tax revenues be sheltered.
2. Increase the duration of the TIF District by 2 years, to now end in 2028-2029.
3. That the boundaries of the TIF District be modified to add additional territory as illustrated in the amendment. More specifically, that the westerly boundary of the District be extended along Winthrop Street up to and including the intersection at North and South Chestnut Streets, southerly along South Chestnut Street and terminating at Western Avenue, including Court Street from Chapel Street up to South Chestnut, and then heading northerly along North Chestnut Street and terminating at Bridge Street. It is the intention that the District boundaries will mirror the public right-of-way along these corridors.
4. Due to the fact that the City has now provided for all incremental increases in valuation in the Downtown above the OAV to be captured and sheltered, that TIF funds be allowed to be diverted into the Downtown TIF program from the Phase II MarketPlace TIF. The City will provide for this by amending the Phase II MarketPlace TIF.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

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

038 WHEREAS, the City of Augusta (the "City") designated its "Mall Area Development District" (the "District") and approved Program for the District (the "Development Program") by Order 338 of its City Council adopted and approved February 20, 1990. The designation of the District and the Development Program were approved by the Maine Department of Economic and Community Development (the "DECD") by letter dated March 19, 1990; and

WHEREAS, the First Amendment to the Development Program was approved by Order of the City Council on May 13, 1992, and by the DECD by letter dated July 1, 1992; and

WHEREAS, the Second Amendment to the Development Program was approved by Order of the City Council on April 28, 1995, and by the DECD by letter dated June 8, 1995; and

WHEREAS, the Third Amendment to the Development Program was approved by Order of the City Council on June 24, 1996; and

WHEREAS, the Fourth Amendment to the Development Program was approved by Order of the City Council on December 16, 1996, and by the DECD by letter dated March 31, 1997; and

WHEREAS, the Fifth Amendment to the Development Program was approved by Order of the City Council on August 26, 2002, and by the DECD by letter dated January 8, 2003; and

WHEREAS, the Sixth Amendment to the Development Program was approved by Order of the City Council on July 12, 2004, and by the DECD by letter dated March 9, 2005; and

WHEREAS, the Seventh Amendment to the Development Program was approved by Order of the City Council on March 19, 2007, and by the DECD by letter dated March 29, 2007; and

WHEREAS, there is a need to amend the District in order for it to better meet the needs of the City and to carry out the goals that were approved by the community in the adoption of the District.

NOW THEREFORE BE IT ORDERED, that the District and Development Program is amended as follows:

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

038 Continued

1. That the duration of Phase II of the TIF District, currently set to expire in 2019, be extended until fiscal year 2029-2030.

2. That an additional \$26,734,500 in annual taxable value in Phase II of the TIF District be captured above what is currently being captured and that 100% be sheltered. That an additional \$19,500,000 in annual taxable value in Phase II be captured starting in FY 2010 and that 100% be sheltered. That the tax revenues generated from this valuation be allocated to the City's Downtown TIF District.

Yeas: 8; Byron, Doore, Paradis, O'Brien,
Rollins, Coffin, Munson, Stokes

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk