

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

November 15, 2005

Minutes of the regular City Council meeting held Wednesday, November 9, 2005 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor Sotir; Mayor Dowling presided.

Presentation - Merger of Augusta Water and Sanitary Districts:  
David Smith and Kenneth Knight

Public Hearing - Malt, Spirituous, Vinous Liquor License application for Chouchom Aiumwongwut Phattharin Amawasri, d/b/a Siamese Orchid, Inc, 75 Airport Road (Order #185)

Public Hearing - Proposed amendment to the "City of Augusta Downtown Development and Tax Increment Financing District (Order #192)

Public Hearing - To discuss the proposed creation of an Affordable Housing Tax Increment Financing District for "Water Street Apartments" at 90 Water Street (Order #193)

Public comments were held on items listed on the agenda

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

186 ORDERED, That the City Manager is authorized to submit grant funding applications to the Department of Conservation for the development and enhancement of trail facilities at the Capital Area Technical Center and Augusta Nature Center as recommended by the Director of Community Services and Augusta Conservation Commission.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

188 ORDERED, That \$50,000 is hereby appropriated from Fund Balance for architectural and engineering professional services for purposes of restoration and expansion of the Lithgow Library. Said funds to be expended upon

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

- 188 Continued  
authorization of the City Manager Mayor and City Council as recommended by the Lithgow Library Building Committee.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

HAS BEEN READ, FIRST READING

- 194 BE IT ORDAINED, by the City Council of Augusta, that Section 5.1.14.3 of the Land Use Ordinance, dealing with parking requirements in the KBD1 district be amended to slightly expand the area available to utilize those requirements, by adding the language shown in underscore below:

5.1.14.3 Parking Requirements in the KBD1 District  
Recognizing that providing on-site parking for employees, customers, clients, visitors, and residents of Augusta's densely built downtown is more problematic than in the less-densely developed areas of the City, the following parking requirements shall apply in the KBD1 district and on Cony Street, west of Cony Circle.

(FIRST READING, NO VOTE REQUIRED)

- 195 BE IT ORDAINED, by the City Council of Augusta, that Section 5.1.14.2(d) of the Land Use Ordinance, dealing with off-street parking, be amended to allow churches, as defined in the Land Use Ordinance, to utilize available on street parking to meet their parking needs within the Institutional/Business/Professional Zoning Districts (BP), by adding new language shown in underscore and by eliminating existing language shown in strikethrough, as follows:

5.1.14.2 Off-Street Parking  
No use of premises shall be changed or expanded and no structures shall be constructed or enlarged unless there is provided adequate off-street parking space. See section 3.5.7.

(subsections (a) (b) (c) = unchanged)

(d) Exceptions to on-site parking: All off-street parking shall be located on the same lot as the principal structure

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

195 Continued

or use to be served except:

- (i) As permitted by the Planning Board; and
- (ii) Uses located in the Kennebec District 1 zone in existence prior to the effective date of the ordinance.

Requests for off-site parking in (i) and (ii) above must meet the following requirement: if not owned in fee by the applicant, the use of the land shall be legally bound to serve as a parking lot for the life of the building or use that is being permitted to serve.

(iii) As permitted by the Planning Board, churches located in the BP District, provided that the minimum number of spaces required for a development proposal by said churches shall be available on a public street within 1000 feet of the church.

(FIRST READING, NO VOTE REQUIRED)

196 BE IT ORDAINED, by the City Council of Augusta, that Order #74 dated May 16, 2005 be repealed and that the attached New Mineral Ordinance recommended by the Mineral Extraction Amendment Committee and prepared by Corporation Counsel is hereby adopted and shall be added as the new Division 3 of Chapter 6 (City Services), Article II (Code Enforcement of the Revised Code of Ordinances, and shall be entitled "Mineral Extraction Ordinance", and shall begin as Section 6-69 thereunder.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

176 ORDERED, That minutes of the City Council meeting held October 17, 2005, submitted by the City Clerk be approved.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

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

177 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$10,900.00.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

178 ORDERED, That the City Council accept a donation of \$200.00 from Rural Cellular Corporation to purchase fire prevention materials.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

179 ORDERED, That the City Council accepts the donation of \$3,500.00 from Wal-Mart Foundation for the purpose of child education and/or safety purposes through the Police Department.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

180 ORDERED, That Charlene M. Hamiwka be appointed to the Board of Zoning Appeals; said term to expire November 9, 2008.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

181 ORDERED, That Joseph Roderick be appointed to the Augusta Housing Authority; said term to expire January 25, 2009.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

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

- 182 ORDERED, That the following reappointments be confirmed by the City Council:

<u>Name</u>	<u>Committee</u>	<u>Term Expires</u>
Richard E. Bridges	Historic Preservation Commission	September 23, 2008
John W. Royce	Board of Zoning Appeals	December 21, 2008
David R. Simard	Conservation Commission	December 21, 2008

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

- 183 ORDERED, That Roll of Accounts for the month of October 2005 in the amount of \$8,593,132.18 be approved.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

- 184 ORDERED, That the tabulation results for the State Referendum / Municipal Election held November 8, 2005 submitted by the City Clerk, be and hereby certified.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

- 185 ORDERED, That the following application for a Malt, Spirituous, Vinous Liquor License be approved:

Chouchom Aiumwongwut and Phattharin Amawasri, d/b/a Siamese Orchid, Inc., 75 Airport Road.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

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

187 ORDERED, That Council does hereby create a Lithgow Library Building Committee to be comprised of nine members to include two members of the City Council, two Lithgow Library Trustees, one member of the Friends of Lithgow Library, and four community representatives. Said committee members to be appointed by the Mayor upon recommendation of members of Council.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund  
Nays: 0

189 ORDERED, That the City Council authorize the following cost-of-living salary adjustments to non-union employees at the start of the pay week closest to: July 1, 2005 - 1%; January 1, 2006 - 1%; January 1, 2006 - additional 2% adjustment equal to the premium savings generated by a change in health insurance plan.

BE IT FURTHER ORDERED, that the City Council authorize effective, January 1, 2006, a change in health insurance plan for non-union employees to the Maine Municipal Employees Health Trust Point-of-Service C plan.

BE IT FURTHER ORDERED, that the City Council authorize that , effective January 1, 2006, the City will continue to pay 90% of the total monthly health insurance premiums for employees and their eligible dependants. Employees will be responsible for the remaining 10% of the total monthly premium. The City will continue to pay 100% of the total monthly premium for the employee's dental insurance. Employees may elect dependent coverage at their cost.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund  
Nays: 0

190 ORDERED, That the labor contract with the Teamsters Local 340, Dispatch unit (July 2005 - June 2007) be ratified consistent with the agreement with the Union.

BE IT FURTHER ORDERED, that the labor contract with the

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

190 Continued

Teamsters Local 340, Civic Center unit (July 2005 - June 2007) be ratified consistent with the agreement with the Union.

BE IT FURTHER ORDERED, that the labor contract with the AFSCME Council 93, Public Works unit (July 2005 - June 2007) be ratified consistent with the agreement with the Union.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

191 ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated, sections 5824(3) & 5826(6) to the transfer of \$15,000.00 and one pistol, defendant(s) in Rem, or any portion thereof, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Rafael Lopez Cordero, Kennebec County Superior Court, Docket No. CR-05-564.

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

192 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.

WHEREAS, there is a need to amend the District in order to extract out assessed valuation that was originally included in the District; and

WHEREAS, by doing so, the amended Original Assessed

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

192 Continued

Valuation (OAV) will now be at a level which will allow for incremental tax growth above the Original Assessed Valuation (OAV) should there be an increase in valuation in the District.

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

That parcels identified as Map 34, Lot 51 (Key Bank building) and Map 34, Lot 83 (Central Maine Power building) be extracted from the Original Assessed Value (OAV) of the Downtown TIF District adopted on August 26, 2002 and which was valued at \$39,267, 700 at that time. As a result, the Original Assessed Value (OAV) would be modified to show a decrease of \$8,890,600 (the assessed value of both the Key Bank and Central Maine Power buildings at that time) and thereby now show the OAV of the District to be \$30,377,100.

Yeas: 6; Doore, Gomeau, Foster,  
Lerman, Davis, Lund

Nays: 1; Koski

193 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, there is a need to provide affordable housing in the downtown area for the citizens of the City; to maintain a diverse population including an array of social and economic backgrounds; ensure that new urban development is compact rather than scattered in order to minimize the costs of services; and to improve the general economy of the City and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional affordable housing in the

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

193 Continued

downtown area 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 Water Street Apartments Affordable Housing Development District - consisting of the property located at 90 Water Street - and to adopt a Development Program for the District; and

WHEREAS, the Water Street Apartments Affordable Housing Development District shall be the .23 acres defined as Augusta Tax Map 34, Lot 83; and

WHEREAS, (a) At least twenty-five (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, 2005; (d) The aggregate value of municipal general obligation 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

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

193 Continued

meet the need for additional affordable housing in the City; and provides a mechanism to ensure the ongoing affordability of the rental 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) 100% of the rental units in the affordable housing development district are affordable housing; and

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

(1) the attached application, which creates the Water Street Apartments Affordable Housing Development District and the Water Street Apartments Affordable Housing Development District Development Program, inclusive of approval with all Exhibits attached thereto, be approved.

(2) the City Manager be and hereby is authorized, empowered and directed to submit an application to MSHA for designation of the Affordable Housing Development District as presented. Pursuant to 30-A MRSA Sec 5227(1) and the Development Program, the percentage of increased assessed value within the District to be retained as captured assessed value for Development Program purposes is fifty percent (50%).

(3) the City Manager be and hereby is authorized and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, and in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development program, as the said City Manager may approve, his approval to be conclusively evidenced by his execution thereof.

Yeas: 4; Doore, Foster, Lerman, Lund

Nays: 3; Gomeau, Davis, Koski

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

196A ORDERED, That the City Council enter into Executive Session to discuss personnel matters; 1 M.R.S.A., Sec. 405(6)(A)

Yeas: 7; Doore, Gomeau, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk