

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

January 30, 2008

Minutes of the regular City Council meeting held Tuesday, January 22, 2008 at 7:00 p.m., Council Chambers, City Center.

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

Public Hearing - Cony Village Affordable Housing Development Program and Tax Increment Financing

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Kennebec Investments Group, INC., d/b/a Club On the Rocks

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

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

131 Continued
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)

004 ORDERED, That the City Manager is authorized to execute an amendment to the lease agreement between the City of Augusta and Augusta Boys and Girls Club establishing rent for the premises at the Buker Center for calendar year 2008 to be \$21,000.

(NO MOTION TO REMOVE FROM TABLE)

HAS BEEN READ AND PASSED, FINAL READING

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

That Chapter 6. City Services, Article II. Code Enforcement, Division 2. Safe and Sanitary Housing Code, Section 6-54. Access, of the Revised Code of Ordinances 1990, as amended, be further amended as follows:

Every dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties and as in accordance with the BOCA National International Code Council's International Building Code, latest edition.

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

Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

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

That Section 6.5-366. Planting Trees on Privately Owned Property, as attached, be added to Chapter 6.5 Community Services, Article VIII. Trees., of the Revised Code of Ordinances 1990, as amended.

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

Nays: 0

NEW BUSINESSHAS BEEN READ AND TABLED

018 ORDERED, That a street known as Cony Village Drive (to be named Village Circle) on a plan entitled "Recording Plat, Cony Village LLC, Cony Road and Eastern Avenue, Augusta, Kennebec County, Maine", drawings 1 and 2 of 2, dated June 26, 2007 and revised through December 5, 2007, by E.S. Coffin Engineering and Surveying, Augusta, Maine, recorded in the Kennebec County Registry of Deeds in Plan File numbers 2007-0299 and 2007-0300, be accepted as a public way. The boundary of the roadway is more particularly described in a deed from Cony Village LLC to the Inhabitants of the City of Augusta dated January 18, 28, 2008 to be recorded in the Kennebec County Registry of Deeds.

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

Nays: 0

HAS BEEN READ AND NOT PASSED

017 ORDERED, That the following application for a Taxi Driver's License be approved:

William Wadleigh, 178 Quaker Rd., Sidney, Maine.

Yeas: 1; Coffin

Nays: 7; Byron, Doore, Paradis, O'Brien,
Rollins, Munson, Stokes

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED, AS AMENDED

015 WHEREAS, there exists a need in the City of Augusta to address building deficiencies and related concerns associated with the Lithgow Library, and

WHEREAS, Mayor Katz has committed to the creation of a Lithgow Library Study Committee to be comprised of a chair and eight additional members; all appointed by the Mayor, and

WHEREAS, said committee shall be charged with studying all potential options for the renovation and expansion of the Lithgow Library, and the funding of the same, and

WHEREAS, said committee shall include representation from the Lithgow Library Board , from the Friends of Lithgow Library, and from the ~~prier~~ Lithgow Library Building Committee, as well as from the community at large and two members of the City Council and that staff support for this committee shall be provided at the direction of the City Manager, and

WHEREAS, said committee shall be charged to make bi-monthly reports to the City Council at televised Council meetings; to consider all aspects of the matter of renovating and expanding the City's library facilities, including financing; to make timely requests to Council for financial support of it's committee work; and to deliver unto City Council a final report and recommendations by ~~July~~ June 1st 2008,

NOW THEREFORE, BE IT RESOLVED, That the Augusta City Council does hereby support the appointment of said Lithgow Library Study Committee and does authorize the various administrative actions associated with the committee's activities.

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

Nays: 0

HAS BEEN READ, FIRST READING

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

That Section 2-265. Joint Audit Committee, be added to Chapter 2. Administration, Article V. Finance, of the Revised Code of

NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

022 Continued
Ordinances 1990, as amended, as follows:

Section 2-265. Joint Audit Committee.

There is hereby established a Joint Audit Committee composed of: two (2) Councilors appointed by the Mayor, two (2) School Board Members appointed by the Chairperson of the School Board, and one (1) member at-large appointed by the Mayor. The terms of the Councilors and School Board Members are to coincide with their respective terms of office. The at-large member term shall be three (3) years.

The committee shall lead the process of selecting an independent auditor, direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls. Finally, the committee shall receive the report of the independent auditor and present that report to the City Council and School Board with any recommendation from the committee.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

010 ORDERED, That minutes of the City Council meeting held January 7, 2008 submitted by the City Clerk be approved.

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

Nays: 0

011 ORDERED, That the City Council accept donations for the Viles Memorial at Mill Park in the amount of \$50.00.

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

Nays: 0

012 ORDERED, That the City Council accept a donation of \$100.00 from Kennebec Behavioral Health, Rep. payee for Walter Goodwin to purchase fire prevention materials.

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

Nays: 0

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

013 ORDERED, That Kenneth R. Knight and Thomas A. Sotir be reappointed to the Greater Augusta Utility District; said terms to expire June 1, 2010 and February 19, 2011, respectively.

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

Nays: 0

014 ORDERED, That Tim Dennett and David Hopkins be reappointed to the Parks and Recreation Advisory Board; said terms to expire January 1, 2011.

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

Nays: 0

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

Kennebec Investment Group, INC., d/b/a Club On the Rocks, 349 Water Street.

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

Nays: 0

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

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

Nays: 0

020 ORDERED, That the labor contract with AFSCME Council #93, Augusta Public Works Department Local 1458 unit (July 2007 - June 2010) be ratified consistent with the agreement with the Union.

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

Nays: 0

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

021 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;

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

021 Continued

(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 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; (g) at least 33% of the 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; 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 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 in

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

021 Continued
substantive form herein. Pursuant to 30-A MRSA Section 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 seventy-five percent (75%).

Yeas: 7; Byron, Doore, Paradis,
Rollins, Coffin, Munson, Stokes

Nays: 1; O'Brien

Respectfully submitted,

Barbara E. Wardwell
City Clerk