

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, MARCH 3, 2011
COUNCIL CHAMBERS, CITY CENTER
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.

PROCLAMATION - Peace Corps Volunteer Month

PUBLIC HEARING - Old Belgrade Road / Exit 113 Economic Development Program and Tax Increment Financing District

PUBLIC HEARING - 2011 J.S. McCarthy Economic Development Program and Tax Increment Financing District

PUBLIC HEARING - 222-232 Water Street Economic Development Program and Tax Increment Financing District

PUBLIC HEARING - Fourth Amendment to the Downtown Development and Tax Increment Financing District

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

11-30 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held February 17, 2011, submitted by the City Clerk, be approved.

11-31 Manager (Bureau of Audit Accounts)

ORDERED, That the Roll of Accounts for the month of February 2011 in the amount of \$3,933,767.55 be approved.

11-32 Manager (Bureau of City Clerk)

ORDERED, That the attached list for Wardens and Ward Clerks be appointed in accordance with the City of Augusta Charter, Article V, Section 2.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

10-166 Mayor Paradis and Councilor Munson

WHEREAS, the City Council finds that the criteria for approving a Text Amendment to the Land Use Ordinance, found in section 1.6.1.A, has been satisfied; and

WHEREAS, the City Council finds that bituminous mix plants and ready mix concrete plants in the Rural River 2 zoning district conflict with residential uses in that district to such a degree that no new plants should be permitted and all existing plants should be eliminated at the end of their current licensing period; and

WHEREAS, snow dumps and crushing/screening operations are found to be acceptable and critical accessory uses of a mineral extraction site; and

WHEREAS, the City Council finds that all bituminous mix plants and ready mix concrete plants require Planning Board review and the opportunity for public input, regardless of size or location; and

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance and the Mineral Extraction Ordinance be amended as follows:

Amend the Land Use Ordinance Section 2.2 definition for “Mineral Extraction Activity” as follows:

Mineral extraction activity. Any operation where soil, topsoil, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled. ~~Uses associated with mineral extraction include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants.~~ All of the land area disturbed or otherwise developed for the extraction, removal, handling, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area, structures, office building, parking lots and stockpiles, is considered to be a part of the mineral extraction site or area. Accessory uses may be conducted at a mineral extraction activity site.

Add a new definition to the Land Use Ordinance Section 2.2, Definitions, for a new use called “Mineral Extraction Associated Use” as follows:

Mineral Extraction Associated Use. Temporary, portable, or permanent bituminous mix plants and ready mix concrete plants that are constructed, erected, or placed within the Footprint of Operation for a licensed mineral extraction site.

Also amend Table 3.6.A.1 Land Uses in the Base Zoning Districts line 30 with a new title for the use as follows:

~~Mineral Extraction Activities and Associated Uses~~

Add a new use to Table 3.6.A.1 Land Uses in the Base Zoning Districts as line 31, renumbering the table appropriately, to include the following use as a Conditional Use only in the Rural River (RR) zoning district.

Mineral Extraction Associated Use

Amend the Land Use Ordinance Section 2.2 definition for “Development” adding the following language under the subsection on *Major Development*:

g. proposes the construction, erection, or placement of a fixed, portable, or temporary bituminous mix plant, or ready mix concrete plant as a primary use or mineral extraction associated use on the site.

Also amend the Mineral Extraction Ordinance to replace the phrase “Associated Mineral Extraction Activity” with the phrase “Mineral Extraction Associated Use” throughout the ordinance.

Amend the definition of Accessory Uses in the Mineral Extraction Ordinance as follows:

Accessory Uses. Uses clearly incidental and subordinate to a principal use and located on the same lot as the principle use. Such uses must be clearly spelled out in the application and license. Accessory uses may include, but are not limited to snow dumps, screening of materials, and crushing of materials.

Amend Section 6-79, License Renewal, of the Mineral Extraction Ordinance as follows:

(6) Any use, primary, associated, or accessory, that becomes non-conforming as a result of changes to the Land Use Ordinance or this Mineral Extraction Ordinance shall be sunsetted as part of the license renewal process and shall not be allowed to continue under a renewed license.

(7) Any Mineral Extraction Associated Use that is a Conditional Use or Nonconforming Use per the Land Use Ordinance, but did not receive a detailed review as part of the original licensing approval of the primary Mineral Extraction Activity, shall receive Conditional Use review at the time of relicensing as an amendment to the existing approval for the site.

(8) Any use, primary, associated, or accessory, that requires Major or Minor Development Review under the Land Use Ordinance at the time of license renewal, but did not require or obtain such approval at the time of initial establishment, shall receive such review from the Planning Board at the time of license renewal.

NEW BUSINESS

11-33 City Manager

ORDERED, That the City Manger is authorized to accept a bid from Biskit Properties, LLC, PO Box 268, East Winthrop, Maine in the amount of \$36,808.00 for the sale of the property and building located at 223 Northern Avenue (former Northern Avenue Fire Station) subject to the terms of sale as published in the Kennebec Journal on January 13, 2011 and January 20, 2011. This order replaces the order dated November 18, 2010 titled Sale of Northern Avenue Property to Paul Anderson.

11-34 Manager (Bureau of City Clerk)

ORDERED, That Voter Registration hourly schedule for open session for the March 29, 2011 Special Municipal Election be:

Thursday, March 24, 2011 from 1:00 p.m. to 6:00 p.m.

The intent of this order is to change the evening session time in accordance with M.R.S.A., Title 21-A, Section 122(8), as amended.

11-35 Mayor and City Council

ORDERED, That City Manager William Bridgeo be appointed as the City of Augusta delegate to the Maine Service Center Coalition.

BE IT FURTHER ORDERED, That Assistant City Manager Ralph St. Pierre be appointed as alternate delegate to said coalition.

11-36 Councilors Byron, Rollins and Stokes

WHEREAS, the City of Augusta (the "City") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the "Old Belgrade Road/Exit 113 Economic Development Program and Tax Increment Financing District" (the "District") and to adopt a Development Program for the District (the "Development Program"); and

WHEREAS, there is a need for commercial development in the City of Augusta; and

WHEREAS, there is a need to provide employment for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta and stabilize employment; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the Old Belgrade Road/Exit 113 Economic Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached Development Program, which creates the Old Belgrade/Exit 113 Economic Development Program and Tax Increment Financing District, be approved.

11-37 Councilors Byron, Rollins and Stokes

WHEREAS, the City of Augusta (the “City”) is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the “2011 J.S. McCarthy Economic Development Program and Tax Increment Financing District” (the “District”) and to adopt a Development Program for the District (the “Development Program”); and

WHEREAS, there is a need for commercial development in the City of Augusta; and

WHEREAS, there is a need to provide employment for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta and stabilize employment; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the 2011 J.S. McCarthy Economic Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached Development Program, which creates the 2011 J.S. McCarthy Economic Development Program and Tax Increment Financing District, be approved and that the City Manager is authorized to sign a Credit Enhancement Agreement with the developer consistent with the Development Program adopted herein.

11-38 Councilors Byron, Rollins and Stokes

WHEREAS, the City of Augusta (the “City”) is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the “222-232 Water Street Economic Development Program and Tax Increment Financing District” (the “District”) and to adopt a Development Program for the District (the “Development Program”); and

WHEREAS, there is a need for commercial development in the City of Augusta; and

WHEREAS, there is a need to provide employment for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta and stabilize employment; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the 222-232 Water Street Economic Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached Development Program, which creates the 222-232 Water Street Economic Development Program and Tax Increment Financing District, be approved and that the City Manager is authorized to sign a Credit Enhancement Agreement with the developer consistent with the Development Program adopted herein.

11-39 Councilors Byron, Rollins and Stokes

WHEREAS, the City of Augusta (the “City”) designated it’s “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 approved by Order of the City Council on March 19, 2007 and by the DECD by letter dated March 29, 2007; and

WHEREAS, the Third Amendment to the Development Program was approved by Order of the City Council on March 3, 2008 and by the DECD by letter dated March 18, 2008; and

WHEREAS, there is a need to further 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 the list of properties that make up the TIF District be modified so as to delete Map 34 Lots 60 and 61 from being included within the TIF District.
2. That the Original Assessed Value (OAV) of the District, reset at \$30,377,100 by the First Amendment to the District, be further modified to reflect the subtraction of the valuation of the property of Maps 34 Lots 60 and 61 herein, \$77,400 and \$71,600 respectively. Therefore, that the new OAV of the District now be set at \$30,228,100.

COMMUNICATIONS

Committee Reports

City Manager’s Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
February 28, 2011