There was a pre-meeting of the City Council in Conference Room A at 6:30 p.m. No Council actions were taken at pre-meetings. Pre-meetings are open to the public.

**Present:** Mayor Rollins, Councilors Conti, Judkins, Lind, O’Brien, Day and Alexander

**PROCLAMATION:** Recognition of Rob Gordon on the Occasion of his Retirement as Executive Director of the United Way of Kennebec Valley

**PUBLIC HEARING:** St. Mark’s Church Tax Increment Financing (TIF) District

**PUBLIC HEARING:** Senior Living at the Market Place Affordable Housing Tax Increment Financing (TIF) District

**PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:**

**CONSENT AGENDA:**
19-113  City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held July 18, 2019, submitted by the City Clerk’s office be approved.

19-114  City Manager (Bureau of Audit)
BE IT ORDERED, that the Roll of Accounts for the month of July, 2019 in the amount of $5,844,280.80 be approved.

Motion for passage of the Consent Agenda orders 19-113 to 19-114.
By: Day  Second by: Lind
Yeas: 6
Nays: 0

**OLD BUSINESS AND TABLED MATTERS:**

**SECOND READING (ORDINANCES)**
19-111  City Manager
WHEREAS, the City finds that regulating and licensing home occupations is in the best interest of the public and the neighborhoods where the uses are located; and

WHEREAS, the Planning Board and City Council held multiple public meetings and hearings and heard testimony on the topic; and

WHEREAS, the following modifications to the Land Use Ordinance are necessary to ensure careful management in the city;
NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments to the Code of Ordinances, Land Use Ordinance be enacted:

Motion to suspend further reading of order 19-111
By: Alexander Second by: Day
Yeas: 6
Nays: 0

§ 300-202. Definitions
HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property, which meets the standards of § 300-510 Home Occupations, and which:

A. Is conducted by a resident of the property; with a valid Home Occupation License.
B. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses;
C. Does not change the outside appearance of the residential dwelling unit or premises;
D. Is conducted entirely within the dwelling unit or accessory structure; and
E. Operates with no more than two persons other than family members residing in the home; and
F. Generates any vehicular or pedestrian traffic.


Commentary:
Traditionally, in zoning, certain occupational uses termed "home occupations" have been allowed in dwelling units. Such uses have been allowed largely on the basis that such uses are incidental to the use of the premises as a residence, that the nature of home occupational uses is such that they are compatible with or even "belong" in the home, or that home occupational uses are of a highly professional nature involving the use of mental rather than physical capabilities and are therefore compatible with residential uses.

Based on the previous paragraph, it is difficult to discern exactly which home-based businesses are to be permitted in residential districts. It is recognized, in Augusta, that certain limited home occupational uses can be useful to both the general community as well as the resident proprietor. Also recognized is the difficulty of writing an ordinance dealing with home occupations in a "middle-of-the-road" fashion, which is neither discriminatory or arbitrary. It is hoped that both the citizens and the courts will recognize these difficulties; that the former will not abuse the privileges granted within the following text and that the latter will aid in the enforcement of the sometimes seemingly arbitrary restrictions necessary to preserve residential character in an expedient manner.

With the above in mind, it is the intent and purpose of this section to provide for home occupations in residential districts subject to the following restrictions. (The preceding discussion was modified from Rockford, Illinois, Home Occupation Ordinance.)

A. The conduct of home occupations in residential dwelling units may be permitted under the following provisions:
   (1) License:
      a. A license shall be required only for home occupations which generate vehicular or pedestrian traffic.
b. Licenses shall be granted by a Code Enforcement Officer to a resident of a specific dwelling.
c. Licenses are non-transferrable.
d. Licenses are subject to revocation by the Code Enforcement Officer, after notice and hearing, if the licensee fails to comply with the terms of the Home Occupation ordinance and/or operates in a manner other than that stated on the license application.
e. Licensees shall be issued for a three-year term. The Licensee shall file a renewal license application prior to expiration of the previous license in order for the home occupation to remain in compliance.
f. Home occupations requiring a license shall apply for a license within one year of (insert the date of adoption), the date this licensing requirement was enacted.

(2) See definition of "home occupation."

(3) Home occupations shall be carried on wholly within the principal dwelling unit building or within a building or other structure accessory to it.

(2) Home Occupation Operating Requirements:

a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; no more than 30% of the total existing floor area of the principal dwelling unit or volume, whichever is greater, shall be used for operating the home occupation.
b. There shall be no visible evidence of the operation of such home occupation outside of typical home uses and equipment, other than one sign, unless such sign is otherwise prohibited by this chapter.
c. A home occupation shall to no extent be carried on in a manner that alters the residential character of the structure, lot or neighborhood. There shall be no outside storage or display of materials or products or equipment or vehicles, nor any window display of any of the same.
d. The sign for a home occupation shall be limited to a property owner "name" sign with the street number and name clearly denoted. The "name" sign may include the type of occupation. The sign shall be non-illuminated and no larger than two square feet. See § 300-516 for additional standards.
e. No traffic shall be generated by such home occupation in greater volumes than would ordinarily be expected in the neighborhood, and any need for parking generated by the operation of the home occupation shall be met on the lot, off the street, in designated parking spaces, in other than what is the required front yard; the burden of proof shall be on the applicant.
f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
g. The sale of products shall be limited to those which are grown, crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.
h. A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than one person, including a business associate, who is not a resident two employees who are not residents of the dwelling unit. The owner’s written permission is required for said home occupation if the resident is a tenant.
i. Licensed home occupations shall terminate when a licensee no longer resides at the location.
j. Only one home occupation is permitted per lot.
k. Initial and periodic inspections by a Code Enforcement Officer, or other city staff, shall be conducted, and shall be consented to the applicant / licensee as part of the licensing process.

1. Planning Board review, as a conditional use, shall be required for any applicant wishing to exceed the above-stated limitations.

m. No auto repair/service home businesses shall be licensed if it did not exist as a legal home business on January 1, 2019. All existing auto repair/service home businesses proposed in the R.A., RB1, RB2, and RC Zones shall be reviewed as a conditional use shall obtain a non-transferable license and may continue operating as long as the original licensee is able to renew the license as required by this ordinance.

n. Hazardous materials used during the course of the operation of the home occupation will be stored and disposed of in accordance with any applicable city, state or federal regulations.

o. Medical Marijuana Registered Caregiver (Home Occupation) shall meet all license requirements for a home occupation and the additional license requirements for a Medical Marijuana Registered Caregiver (Home Occupation). This use shall be a delivery only operation, with no customers coming to the site for any purpose. All in-person caregiver operations shall be done at the patient’s home or other legal site.

B. Failure to obtain a license prior to beginning operation will result in a doubling of the fee for a license after-the-fact. For home occupations in existence when this ordinance is adopted, failure to apply for a license within 12 months of the effective date of the ordinance will result in a doubling of the fee.

Motion for passage of order 19-111
By: O’Brien Second by: Conti

Motion to amend order 19-111; 300-202 Definitions E. Employs Operates with no more than one two persons other than family members residing in the home; and except uses classified by this ordinance as a Day Care Home, which may have no more than two persons other than family members residing in the home.
By: Day Second by: O’Brien
Yeas: 6
Nays: 0

Motion to amend order 19-111; 300-510, section A 2, subsection N to add the word “city” prior to state and federal.
By: Conti Second by: Alexander
Yeas: 6
Nays: 0

Vote on motion for passage of order 19-111 as amended
Yeas: 6
Nays: 0

NEW BUSINESS

PART 1 – ORDERS AND RESOLVES

19-115 Mayor and Council
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 establish the “St. Mark’s Church Tax Increment Financing (TIF) District” (the “District”) and establish the Development Program for the District; and,
WHEREAS, there is a need for Mr. Adam Turner to make a substantial investment to renovate the historic St. Mark’s Church and Parish Hall; and,

WHEREAS, the improvement of these historic buildings will add significantly to the tax base of the community; and,

WHEREAS, the addition of new, market-rate apartments will help achieve the City’s goals for additional, quality rental housing; and,

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta; 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 improvement and the establishment of certain 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 St. Mark’s Church Tax Increment Financing (TIF) 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 Development Program creating the St. Mark’s Church Tax Increment Financing (TIF) 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.

Motion for passage of order 19-115
By: Day Second by: Lind
Yea's: 6 Nays: 0

19-116 Mayor and Council
WHEREAS, the City of Augusta (the “City”) is authorized pursuant to Chapter 206 of Title 30-A §5250-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the “Senior Living at the Market Place Affordable Housing Tax Increment Financing (TIF) District” (the “District”) and to adopt a Development Program for the District (the “Development Program”); and

WHEREAS, there is a need for maintain, improve and expand affordable age-restricted housing in the City of Augusta; and

WHEREAS, implementation of the Development Program will help to facilitate additional investment in the City of Augusta; 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, the City desires to designate the Senior Living at the Market Place Affordable Housing Tax Increment Financing (TIF) District, and to adopt a Development Program for the District; and
WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority (the “Housing Authority”), 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 Senior Living at the Market Place Affordable Housing Tax Increment Financing (TIF) 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.

Motion for passage of order 19-116
By: Alexander Second by: O’Brien
Yea: 5
Nay: 0
Abstained: 1 – Councilor Judkins, because he is an employee of the Maine State Housing Authority

19-117 Mayor and Council
BE IT ORDERED, that the City Clerk is hereby directed to prepare the necessary notice of election and ballots for a special municipal election to be held on Tuesday, November 5, 2019 for the purpose of filling a vacancy on the City Council, an At-Large position, term to expire December 31, 2020.

BE IT FURTHER ORDERED, that the nomination petitions shall be available on the 91st day prior to the election, shortening the time period from the 100th day prior, as established in Article V, Section 5 of the City Charter.

BE IT FURTHER ORDERED, that nomination petitions shall be available for 32 days from August 5th to September 5th, 2019 shortening the time period from the 40 days established in Article V, Section 5 of the City Charter.

Motion for passage of order 19-117
By: Conti Second by: Judkins
Yea: 6
Nay: 0

19-118 Mayor and Council
BE IT ORDERED, that the City Manager is hereby authorized to spend an additional $50,000 (from the previously appropriated FY 2019 Capital Improvement Program, New Police Station Project) on architectural engineering and other professional services related to the proposed police station construction project.

Motion for passage of order 19-118
By: Conti Second by: Alexander
Yea: 6
Nay: 0

19-119 Mayor and Councilors O’Brien and Alexander
BE IT ORDERED, That the City Council hereby send to the Planning Board for recommendation the contract re-zoning of 3 Bangor Street to allow a Medical Marijuana Retail Store, where it is not currently allowed due to the current zoning district not allowing this use and the lot’s proximity to a religious use.
Motion for passage of order 19-119
By: O’Brien Second by: Alexander
Yea: 6
Nay: 0

**19-120 City Manager**
**BE IT ORDERED,** that the City Manager is hereby authorized to offer for sale by public auction the City owned property Map 75 Lot 8 for a minimum bid of $1,800.

Motion for passage of order 19-120
By: Conti Second by: Lind
Yea: 6
Nay: 0

**19-121 City Manager**
**BE IT ORDERED,** that the City Manager is hereby authorized to sign a collective bargaining agreement with IAFF 1650-A Battalion Chiefs to cover the period of July 1, 2017 through June 30, 2018 and for the period July 1, 2018 through June 30, 2021.

Motion for passage of order 19-121
By: Lind Second by: Day
Yea: 6
Nay: 0

**COMMUNICATIONS**

Committee Reports
City Manager’s Report

**19-122 City Manager**
Executive Session: Potential Litigation (two items); 1 M.R.S. §405 (6, E)

Motion to enter Executive Session at 8:15 p.m., in accordance with 1 M.R.S. §405(6,E), Potential Litigation (two items).
By: Conti Second by: Lind
Yea: 6
Nay: 0

Motion to leave executive session and adjourn at 8:50 p.m.
By: Conti Second by: Lind
Yea: 6
Nay: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk
August 1, 2019