

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

March 5, 2004

Minutes of the regular City Council meeting held Monday, March 1, 2004 at 7:00 p.m., Council Chambers, City Center.

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

Presentation - Jay Adams, Fort Western Director

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND NOT PASSED

004 BE IT ORDAINED, That the following section of the Code of Ordinances of the City of Augusta is hereby enacted:

Sec. 6-348 Removal of Items from Containers.

No person may open, inspect, tamper with, add any item to, or remove any item that has been placed in a rubbish/recycleable container at a residential or non-residential property unless written permission of the owner or occupant of property is requested by and provided to the person requesting permission to do any of the above prohibited activities.

Yeas: 1; Sotir

Nays: 7; Doore, Veilleux, Foster, Lerman,
Davis, Koski, Lund

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

034 ORDERED, That the City Manager is hereby authorized to execute an agreement between the City of Augusta and the Kennebec Valley YMCA for the sale of six acres, plus or minus, of City owned land off Union Street shown on an attached site plan prepared by Thayer Engineering and authorized by vote of the citizens of Augusta on November 5, 2002.

FURTHER ORDERED, That the conditions of said sale shall include a provision for up to 200 youth and family

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

034 Continued

scholarships to residents of Augusta for as long as the YMCA occupies the Union Street site, a provision for the property to revert to City ownership after six years should the new YMCA facility not be under construction by that time, and a provision that provides the YMCA with a right of first refusal to abutting City owned land should, at some future time, the City decide to sell said land.

FURTHER ORDERED, That upon the sale of the existing YMCA property to a tax exempt entity, the entity through a sale covenant will pay the city a fee in lieu of taxes.

FURTHER ORDERED, attorneys for the City shall draft and approve as to form the necessary deeds and other documents required for this transaction.

Yeas: 7; Sotir, Doore, Veilleux, Foster
Lerman, Davis, Lund

Nays: 1; Koski

HAS BEEN READ, FIRST READING

037 BE IT ORDAINED, By the City Council of the City of Augusta, Maine,

That the parcels of land shown as Lots 1, 2, and 4 on Augusta Tax Map 5; and Lots 3 and 3A on Augusta Tax Map 6 be generally re-zoned from RA (Low Density Residential District) to CD (Civic Center District).

(FIRST READING, NO VOTE REQUIRED)

038 BE IT ORDAINED, By the City Council of Augusta, that a new Section 5.1.14.3 dealing with parking requirements in the KBD1 (Kennebec Business District 1) be added to the Land Use Ordinance, as recommended unanimously to the Council by the Planning Board, as follows:

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

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

038 Continued

parking requirements shall apply in the KBD1 district:

- (1) In shoreland zones, Section 5.1.14.2(5) shall apply.
- (2) The number of required parking spaces for a development proposal shall be determined by using table 5.1.14-B below: (See attached Table)
- (3) An applicant for a development proposal shall meet the parking requirements identified in Table 5.1.14-B, Schedule of Parking Requirements in the KBD1 District, and adhere to the following standards:
 - (i) Off-street, parking spaces shall be provided by the applicant on the development site to meet the parking requirements identified in Table 5.1.14-B, to the greatest practicable extent as approved by the Planning Board.
 - (ii) Use of long-term (over 2 hours) off-street residential parking spaces controlled by the Augusta Parking District shall be as allowed by the Parking District. Such spaces that are duly leased from the parking district shall be counted towards meeting the Parking Requirements of Table 5.1.14-B.
 - (iii) Use of reasonably available on-street, short term parking spaces (time limit of 2 hours or less) for proposed residential uses shall be allowed as approved by the Augusta Planning Board, after a recommendation is made on the proposed project by the Augusta Parking District that the applicant will be able to meet their requirements in Parking District Spaces. The Parking District shall recommend the number of parking spaces it can accommodate for the proposal.
 - (iv) Use of reasonably available long-term parking spaces (time-limit of greater than 2 hours) for proposed non-residential uses shall be allowed as approved by the Augusta Planning Board, after a recommendation is made on the proposed project by the Augusta Parking District that the applicant will be able to meet their requirements in Parking District

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

038 Continued

Spaces. The Parking District shall recommend the number of parking spaces it can accommodate for the proposal.

(v) After all practicable on-site parking space has been proposed by an applicant, and after all reasonably available short and/or long term parking spaces have been approved for use by the Planning Board, an applicant for a development proposal shall be required to pay, for each parking space that it still lacks, a fee to the Augusta Parking District in-lieu-of providing on-site parking for the proposed development project.

The in-lieu-of parking fee shall be equal to the average cost of providing a surface parking space in a private parking lot, multiplied by the number of spaces a development proposal is deficient in providing. The average per-space cost of creating a private surface lot parking space shall be the average cost in Augusta of a surface parking space (including in that average the cost of land acquisition, site grading, stormwater handling, paving of aisles and spaces, landscaping, and professional engineering design).

(FIRST READING, NO VOTE REQUIRED)

039 BE IT ORDERED that (1) A sum not to exceed \$500,000 be and hereby is appropriated for the purpose of paying the costs of capital expenditures for the construction and equipment of buildings and other public improvements and the acquisition of equipment of a lasting character to constitute the following:

(A) Building Improvements, including but not limited to renovations, repairs and construction with respect to Lithgow Library, fire facilities, the Naval Reserve Building, the dispatch center and an evidence storage and preservation project \$188,000

(B) Property Improvements, including but not limited to improvements to Calumet Park, Mt. Vernon Avenue Ballfield and a cemetery in the City 115,000

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

039 Continued

(C) Public Safety Equipment Acquisition, including but not limited to a boat and a rescue unit	60,000
(D) Street and Sidewalk Improvements, including but not limited to improvements to Wilson Street, Boothby Street and sidewalks and related facilities throughout the City	137,000
Totals	500,000

The estimated period of utility of the foregoing improvements and equipment is hereby declared to be in excess of twelve (12) years.

(2) To meet the aforesaid appropriation, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$500,000. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of said bonds shall be determined by an Authorized Representative, provided that each of said bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to be payable on or before December 31 of the year after the year in which said bonds are issued, and the last installment to be payable not later than ten (10) years after the date for payment of the first installment. The bond issues authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the bonds of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption

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

039 Continued

with or without premium at the election of the City before the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certifications as are required in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on said bonds shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by said bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of said bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal note shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation subsection 1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing improvements and equipment and (2) that the maximum principal amount of debt

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

- 039 Continued
to be issued by the City for the foregoing improvements and equipment including for reimbursement purposes is \$500,000 and the City Manager is authorized to advance money of the City for payment of such costs.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

- 032 ORDERED, That minutes of the City Council meeting held February 17, 2004 submitted by the City Clerk be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 033 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$794.00.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 035 ORDERED, That the City Manager is authorized to execute a purchase and sale agreement between the City of Augusta and Joseph Boulos and Partners for approximately six acres of land now the site of Cony High School, consistent with the terms and conditions contained in a Request for Proposals issued by the City of Augusta, with appropriate additional terms and conditions that the City Manager, upon consultation with the Mayor and Council, shall deem proper, and with the understanding that no final transfer of ownership of said property shall occur until all reviews and approvals required of the Augusta Planning Board and Augusta City Council related to site development have been accomplished.

FURTHER ORDERED, That the city attorney shall review and approve as to form all necessary documents required for this transaction.

Yeas: 6; Sotir, Doore, Veilleux, Foster,
Lerman, Lund

Nays: 2; Davis, Koski

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

036 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 \$3,854.00, defendant 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. Hans Peaslee, Kennebec County Superior Court, Docket No. CR-02-386.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk