

**MINUTES FOR THE SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
THURSDAY, APRIL 10, 2014
7:00 P.M.**

All members of Council were present except Councilor Bilodeau; Mayor Stokes presided.

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

READ AND PASSED, FINAL READING

14-060

WHEREAS, the City Council finds that Minor Municipal and Public Utilities and Communications Facilities is a use that forwards the public interest; and

WHEREAS, the Greater Augusta Utility District intends to install new municipal water supply wells in the PD2 District; and

WHEREAS, the Planning Board has reviewed the issue, held a public hearing, and made a unanimous recommendation in favor of amending the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the PD2 zoning district be amended such that Minor Municipal and Public Utilities and Communications Facilities are added to the district in the Table of Uses, Table 3.6.A.1 as conditional uses.

Motion for passage by: Byron Second by: Rollins

Yeas: 7; Byron, Grant, Paradis, O'Brien

Rollins, McCormick, Munson

Nays: 0

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

14-062

BE IT ORDERED, That (1) borrowing of a sum not to exceed \$8,000,000 be and hereby is authorized for the purpose of paying costs of capital expenditures for the acquisition of land, the construction, reconstruction, repair, renovation, improvement and equipment of buildings and the acquisition of equipment of a lasting character to constitute a renovated and expanded Lithgow Library for the City of Augusta (the "City") to be located on property owned by the City. The estimated period of utility of the permanent improvements constituting the renovated and expanded Lithgow Library is hereby declared to be in excess of thirty-two (32) years.

(2) Borrowing of a sum not to exceed \$7,590,000 be and hereby is authorized for the purpose of refinancing the outstanding taxable Pension Obligation Bonds of the City.

(3) To fund and refund any such borrowing, 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 7 of Article VII of the City Charter and other enabling authority to prepare, sell, with or without public bidding, and issue, at one time or from time to time, as one or more separate issues, general obligation bonds of the City that in aggregate amount produced by such sale, less underwriter's compensation and less a reasonable rounding amount, if any, will not exceed the aggregate amount authorized to be borrowed. The date or dates, denominations, interest rate or rates, method of sale and all other particulars as to form, sale and issue of each issue of the bonds shall be determined by an Authorized Representative, provided that each of the 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 the bonds are issued, and the last installment with respect to an amount authorized to be payable not later than thirty (30) years after the date of issue of such bonds. 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 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 certificates as are required in connection with the issuance of the bonds.

(4) An amount sufficient for the payment of the annual installments of principal of and interest on the bonds or any notes 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 the bonds or notes is extinguished.

(5) 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 the bonds as herein authorized, and to prepare, sell, with or without public bidding, and issue, 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 sale and issue 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. The notes may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the notes. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(6) For purposes of U.S. Treasury Regulation §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 construction, reconstruction, renovation, repair, improvement and equipment acquisition and (2) that the maximum principal amount of debt to be issued by the City for the foregoing construction, reconstruction, renovation, repair, improvement and equipment acquisition including for reimbursement purposes is \$8,000,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

(7) Section 6 of this Order takes effect when approved by the City Council. Sections 1, 2, 3, 4 and 5 of this Order take effect when approved by the City Council initially for the purpose of submitting the following question of ratification of the borrowing authorization to the voters of the City at the municipal election to be held on June 10, 2014 in substantially the following form:

“Do you favor borrowing money as authorized by City Council Order No. 14-062 to provide (1) an amount not to exceed \$8,000,000 for a renovated and expanded Lithgow Library to be matched by funds provided by Friends of Lithgow Library and by sources other than the City in the minimum amount of \$2,000,000 and (2) \$7,590,000 to pay for refinancing of the City’s taxable Pension Obligation Bonds? (Because of the reduction of annual borrowing costs from refinancing of the Pension Obligation Bonds, the addition of annual borrowing costs for the Lithgow Library will not require an increase in City taxes).”

If such question is answered in the affirmative by a majority of the voters voting thereon at such June 10, 2014 election, then Sections 1, 2, 3, 4 and 5 of this Order take effect for all purposes set forth in this Order.

Motion to amend (replace question) by: McCormick Second by: Byron

Yeas: 7; Byron, Grant, Paradis, O’Brien
 Rollins, McCormick, Munson

Nays: 0

Motion to further amend (\$2,000,000 to \$3,000,000) by: O’Brien Second by: Rollins
Withdrawn by O’Brien

Motion to further amend (June 10 to November 5) by: O’Brien Second by: None

Motion for passage, as amended, by: Paradis Second by: Byron

Yeas: 7; Stokes, Byron, Grant, Paradis,
 Rollins, McCormick, Munson

Nays: 1 O’Brien

NEW BUSINESS (Con’t)

READ AND PASSED

14-063

ORDERED, That the City Council enter into executive session to discuss real estate negotiations; 1 M.R.S.A. §405(6)(c).

Motion for passage by: O'Brien Second by: Byron
Yeas: 7; Byron, Grant, Paradis, O'Brien
 Rollins, McCormick, Munson
Nays: 0

Meeting adjourned at 9:52 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
April 14, 2014