



City Council Meeting and Workshop

February 9, 2015

(Postponed meeting of February 2, 2015)

Agenda

5:30 P.M. Workshop

- A. Lead Grant match – Reine Mynahan (30 minutes)
- B. Power Construction license agreement – Roland Miller (30 minutes)
- C. New Auburn Plan – Eric Cousens (30 minutes)

After each workshop item is presented, the public will be given an opportunity to comment.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Walker

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

- 1. **Order 07-02022015***
Setting the date for the Special Municipal Election for the vacant Ward 5 School Committee seat as June 9, 2015.

- II. **Minutes**
 - January 20, 2015 Regular Council Meeting

- III. **Reports***

Mayors Report

City Councilors' Reports

City Manager's Report

Committee Reports

- **Transportation**
 - Lewiston Auburn Transit – Councilor Gerry
 - Airport, Railroad – Councilor Hayes
 - Bike-Ped Committee – Councilor Lee
- **Housing**
 - Citizens Advisory Committee – Councilor Lee
 - Auburn Housing Authority – Councilor Gerry
- **Economic Development**
 - L-A Economic Growth Council, Auburn Business Development Corporation – Councilor Lee
- **Education**

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- Auburn School Committee – Councilor LaFontaine
- Auburn Public Library – Councilor LaFontaine
- Great Falls TV – Councilor Young
- Environmental Services
 - Auburn Water District, Auburn Sewerage District – Councilor Crowley
 - Mid-Maine Waste Action Corporation – Councilor Walker
- Recreation
 - Recreation and Special Events Advisory Board – Councilor Crowley
- Public Safety
 - LA 911 – Councilor Walker

IV. Communications, Presentations and Recognitions

- Community Little Theater
- LA Arts
- LA Harley and The Wolf Mass Gathering application
- Council Meeting Calendar

V. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

VI. Unfinished Business

1. Order 06-01202015

Approving the proposed amendment to the 2010 Comprehensive Plan's Land Use Plan from Agricultural/Rural to Low Density Residential for the property located at 113 Woodbury Road. Public hearing and second reading.

2. Ordinance 01-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article V, Boards, Commissions and Committees, Division 4, Planning Board. Public hearing and second reading.

3. Ordinance 02-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article II, Mayor and City Council, Division 2, Rules of Procedure, Section 2-59, Order of Business. Second reading.

4. Ordinance 04-01262015

Amending the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-275 – Alcoholic Beverages. Second reading.

VII. New Business

5. Order 08-02022015

Authorizing the Interim City Manager to execute all documents for a license agreement to lease property within the Auburn intermodal terminal.

6. Ordinance 05-02022015

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Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.19 - Tree Maintenance. Public hearing and first reading.

7. Ordinance 06-02022015

Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.21 – Shade Trees. Public hearing and first reading.

8. Ordinance 07-02022015

Adopting the proposed ordinance for a Conservation Commission (Part II – Code of Ordinance, Chapter 2 – Administration, Article V – Boards, Commissions and Committees, Division 5). Public hearing and first reading.

9. Ordinance 08-02022015

Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 2 – Administration, Article III – Officers and Employees, Division 7 – Tax Assessor, Section 2-256 (a) Powers and Duties. Public hearing and first reading.

10. Ordinance 09-02022015

Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 2 – Administration, Article IV – Departments, Division 3 – Finance, Section 2-359 -Established. Public hearing and first reading.

11. Order 09-02092015

Approving the Mass Gathering permit request for LA Harley and The Wolf Country Festival to be held August 1, and August 2, 2015 at the Auburn Lewiston Airport, pending all Ordinance requirements, applicable department approvals and conditions are met. Public hearing.

VIII. Executive Session

- Discussion regarding labor negotiations (Fire), pursuant to 1 M.R.S.A. Section 405(6)(D).

IX. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

X. Adjournment

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

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A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.