



**City Council Workshop & Meeting
June 3, 2019
Agenda**

5:30 P.M. City Council Workshop

- A. Recycling Committee – Phil Crowell (30 minutes)
- B. Executive Session – Personnel matter, pursuant to 1 M.R.S.A., Sec 405(6)(A) – (20 minutes)
- C. Executive Session – Economic development, pursuant to 1 M.R.S.A., Sec 405(6)(C) – (20 minutes)

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

Pledge of Allegiance

- I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
 - 1. **Order 72-06032019**
Appointing Wardens and Ward Clerks for the June 11, 2019 Election.
 - II. **Minutes**
 - May 20, 2019 Regular Council Meeting
 - III. **Communications, Presentations and Recognitions**
Recognition – Spirit of America Award
Recognition – Certificate of Excellence in Financial Reporting
 - IV. **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*.
 - V. **Unfinished Business**
 - 2. **Ordinance 03-05202019**
Adopting the proposed amendment to Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance*. **Second reading.**
 - 3. **Ordinance 04-05202019**

Adopting the proposed amendment to Chapter 60, Section 60-145(a) Use regulations, permitted uses.
Second reading.

4. Ordinance 05-05202019

Adopting the proposed amendment to Chapter 60, Section 60-499(a) Use regulations, permitted uses.
Second reading.

5. Ordinance 06-05202019

Adopting the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses.
Second reading.

6. Ordinance 07-05202019

Adopting the proposed amendment to Chapter 60, Section 60-554 Form Base Code and Matrix.
Second reading.

7. Ordinance 08-05202019

Adopting the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses.
Second reading.

VI. New Business

1. Order 73-06032019

Approving the Mass Gathering Permit for the Liberty Festival to be held July 4, 2019 (rain date July 5, 2019).
Public hearing and vote.

2. Resolve 07-06032019

Supporting the restructuring of the Recreation, Ingersoll Turf Facility, and Norway Savings Bank Arena.

3. Order 74-06032019

Authorizing the Finance Director to execute the issuance of general obligation bonds and a tax levy therefore. Public hearing and first reading. ***Passage requires an affirmative vote of 5 Councilors at the second and final reading.***

4. Order 75-06032019

Reallocation of bonds. Public hearing and first reading. ***Passage requires an affirmative vote of 5 Councilors at the second and final reading.***

5. Resolve 08-06032019

Adopting the Appropriations Resolve for Fiscal Year 2020. Public hearing and first reading.
Passage requires an affirmative vote of 4 Councilors at the second and final reading.

VII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

- VIII. 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*.
- IX. Executive Session**
- X. Adjournment**



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: Workshop - June 3, 2019

Author: Phil Crowell

Subject: Purpose, Composition, Term, and Outcomes of a Recycling Ad-hoc Committee

Information: The city council adopted a resolve to create a Recycling ad-hoc committee. Attached is a document which will outline the purpose, composition, term, and outcomes for the created ad-hoc committee

City Budgetary Impacts: N/A

Staff Recommended Action: Council should provide feedback for any changes to the attached document

Previous Meetings: 5/13/2019 Workshop discussion, and 5/20/2019 Resolve to create the Recycling Ad-hoc Committee was approved.

Recent History: In the past eight years, the following actions were taken by city council relating to recycling and formed committees –

- April 13, 2010 the city council voted to end curbside recycling
- April 20, 2010 the city council voted to reinstate curbside recycling but suggested a recycling committee be formed
- August 2010 the city council formed the Recycling and Energy Committee
- September 2010 a workshop was held with a presentation by the committee
- November 2013 a Solid Waste and Recycling Committee was formed and began reviewing various options for an improved solid waste and recycling program.
- December 18, 2014 a public information session was held proposing various options and public comment was given to be provided in the final report.
- January 21, 2014 the committee provided city council an analysis of various options and a recommendation to adopt an automated solid waste and recycling program. *no funding was allocated in the FY15 budget to support the recommendation. The committee met and updated their recommendation.
- 1/5/15 the city council requested a new plan on recycling.
- March 2015 the Solid Waste and Recycling Committee presented their updated recommendation to the city council at a workshop. *these recommendations were not adopted in the FY16 Budget.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coit".

Attachments: Recycling Ad-hoc Committee Purpose, Composition, Term, and Outcome document

Recycling Ad-hoc Committee

Purpose – Composition – Term - Outcomes

The mission of the Recycling Committee is to study, recommend, and report on programs/models being implemented in response to the changing marketplace. Our goal is to have both the residential and commercial community conscious of recycling and related issues that affect the quality of life in Auburn.

Recycling in the broad sense is the reuse or extension of usable life of materials that have fulfilled the purpose of original manufacture or possession. Recycled materials may be remanufactured into new or different materials, renovated to their original purpose or reused in their current configuration via change in ownership. Recycling may parallel waste removal but is the opposite of waste disposal as recycled materials are removed from the waste stream to begin a new economic life.

For these reasons, the Auburn City Council has created a Recycling Ad-hoc Committee. This Committee, composed of seven Auburn residents appointed by the City Council for a six-month term, shall conduct a minimum of six scheduled public meetings and shall:

1. Identify the key impacts of the current recycling program;
2. Compare the current model with different models we could adopt;
3. Identify our current costs for recycling and compare with other municipalities which have adapted to the changing market; and
4. Create a public education and awareness campaign for the recommended changes.

The Recycling Committee shall provide the City Council with one status report in September 2019 and a final report in December 2019 of the studies, reports, activities, and recommendations to the City Council.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 3, 2019

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

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:

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.



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 3, 2019

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

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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 - (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.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 3, 2019

Order: 72-06032019

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the June 11, 2019 Election.

Information:

Warden and Ward Clerk Appointments are made every two years. Appointments were made in February of 2018 for the 2018-2019 term, however, there have been a few vacancies for this election. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the June 11, 2019 Election.

Paul Ouellette – Warden
Roland Jordan – Warden
Stephen Martelli – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cusitto".

Attachments: Order

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 72-06032019

ORDERED, that the City Council hereby appoints Paul Ouellette and Roland Jordan to serve as Wardens and Stephen Martelli to serve as Ward Clerk for the June 11, 2019 Election.

IN COUNCIL REGULAR MEETING MAY 20, 2019 VOL. 35 PAGE 50

Mayor Levesque called the meeting to order at 7: 00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag, following with a moment of silence for former City Councilor, Ray Berube who passed. All Councilors were present.

I. **Consent Items – None**

II. **Communications, Presentations and Recognitions**

The Mayor began the meeting with Communications, Presentations, and Recognitions.

Communication – Jody Durisko provided an update on the Memorial Day Parade.

Proclamation – Maine Arbor Week

Communication – The Liberty Festival Special Event/Mass Gathering Request

III. **Minutes**

May 6, 2019 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Lasagna to approve the minutes of the May 6, 2019 Regular Council Meeting. Passage 7-0.

May 13, 2019 Special Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Young to approve the minutes of the May 13, 2019 Special Council Meeting. Passage 7-0.

IV. **Open Session** – Mamie Anthoine Ney, Auburn Public Library Director invited the public to partake in the online auction that will take place May 29th – June 8th. More information can be found on their website at www.auburnpubliclibrary.org.

V. **Unfinished Business - None**

VI. **New Business**

1. **Resolve 06-05202019**

Supporting the formation of a Recycling Committee.

Motion was made by Councilor Gerry and seconded by Councilor Lasagna for passage.

Public comment:

Sam Boss, 7 Morse Street read a letter written by Auburn resident, Camille Parish of 42 Lake Street who commented on the recycling program. Mr. Boss also noted that he supports recycling and urged council not to suspend the program.

Silver Moore-Leamon, 15 Forest Avenue spoke in support of the resolve adding that she would be interested in serving on a recycling committee.

Chrissy Adamowicz, Sustainable Maine Outreach Coordinator for the Natural Resource Council of Maine, supports recycling and would like to see the recycling program continue.

Jan Phillips, West Shore Road, spoke in support of the resolve and if a committee is formed, she would like to see the committee charged with doing research and to think about education, marketing, and getting more people involved. She said she would like the recycling program to continue during the research of the committee.

Motion was made by Councilor Young and seconded by Councilor Gerry to amend by shortening the 12 month committee meeting period to 6 months with a 6 month extension option with Council approval. Passage 5-2 (Councilors Lasagna and Titus opposed).

Passage of Resolve 06-05202019 as amended 6-1 (Councilor Lasagna opposed).

2. Order 68-05202019

Adopting the 5 year Capital Improvement Plan (CIP).

Motion was made by Councilor Gerry and seconded by Councilor Fournier for passage.

Public comment – no one from the public spoke.

Motion was made by Councilor Titus and seconded by Councilor Fournier to amend by striking \$500,000 from the annual reserve account for the Great Falls Plaza development project.

Motion failed 3-4 (there was a 3-3 tie vote with Councilors Lasagna, Hayes, and Young opposed, Councilor Walker abstained, and in accordance the City Charter, Article III, Section 3.3 the Mayor voted to break the tie vote, voting in opposition of the proposed amendment).

Passage of Order 68-05202019 4-3 (Councilors Gerry, Fournier, and Walker opposed). A roll call vote was taken.

3. Order 69-05202019

Approving the request to waive the business licensing fees for the Auburn PAL Center, a non-profit organization.

Motion was made by Councilor Gerry and seconded by Councilor Hayes for passage.

Public comment – no one from the public spoke.

Passage 7-0.

4. Order 70-05202019

Authorizing the City Manager to sign the Auburn-Lewiston Consortium Mutual Co-operation Agreement to extend the consortium between the City of Auburn and City of Lewiston under the HOME Investment Partnerships Program for a three-year period

Motion was made by Councilor Lasagna and seconded by Councilor Gerry for passage.

Public comment – no one from the public spoke.

Passage 7-0.

5. Order 71-05202019

Authorizing marijuana businesses to operate in the City of Auburn in accordance with applicable state and local laws, ordinances and regulations.

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.

Public comment – John Engler, 8 Cushman Place spoke in favor of the proposed Marijuana Ordinances.

Passage 7-0.

6. Ordinance 03-05202019

Adopting the proposed amendment to Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance. Public hearing and first reading.*

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.

Public hearing – Joel Pepin, a Standish resident who grew up in Auburn and has a medical marijuana processing business located at 1591 Hotel Road in Auburn, spoke in favor of the proposed ordinances.

Passage 7-0. A roll call vote was taken.

7. Ordinance 04-05202019

Adopting the proposed amendment to Chapter 60, Section 60-145(a) Use regulations, permitted uses. *Public hearing and first reading.*

Motion was made by Councilor Lasagna and seconded by Councilor Walker for passage.

Public hearing – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

8. Ordinance 05-05202019

Adopting the proposed amendment to Chapter 60, Section 60-499(a) Use regulations, permitted uses. *Public hearing and first reading.*

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.

Public hearing – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

9. Ordinance 06-05202019

Adopting the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses. *Public hearing and first reading.*

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

10. Ordinance 07-05202019

Adopting the proposed amendment to Chapter 60, Section 60-554 Form Base Code and Matrix. *Public hearing and first reading.*

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.

Public comment – a woman in the audience who did not identify herself asked where she could find the full text of these proposed ordinances and amendments that are being discussed.

Passage 7-0. A roll call vote was taken.

11. Ordinance 08-05202019

Adopting the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses. *Public hearing and first reading.*

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

12. Ordinance 09-05202019

Adopting the proposed amendment to Chapter 60, Section 60-1038 - Odors. *Public hearing and first reading.*

Motion was made by Councilor Titus and seconded by Councilor Young for passage.

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

VII. Reports

Mayor Levesque – reported on his planned trip to Kansas City which was cancelled due to the tornadoes they are experiencing. He also reported on Museum LA's Heritage Trail System.

Councilor Young – reported that it is Bates College weekend, the Knight House will open on Saturday, and last he provided an update on the ELHS girls and boys track teams.

Councilor Walker – reported on the May Day Egg Hunt that was held at Walton School, and announced a meeting of the United New Auburn Association on Tuesday at Rolly's Diner, and there will be another meeting on Thursday at 6:30 PM at the Sixth Street Congregational Church.

Councilor Fournier – reported that on Wednesday, June 5th at 5:00 PM at Park Avenue School they will be honoring Auburn School Department retirees, the Adult Ed and Community Ed graduation will be held at ELHS on Friday June 7th at 7:00 PM, the ELHS graduation will be held at 7:00 PM on Saturday, June 8th, on Tuesday, June 11th is the School Budget Referendum and new ELHS Referendum vote, and the next School Committee meeting is scheduled for Wednesday, June 19th at 7:00 PM.

Councilor Titus – reported on his tour of Walton School last week, the County Commissioners meeting he attended last week, and noted that he will be attending the Auburn Sewer District meeting is tomorrow and on Wednesday he will attend the Water District meeting.

Councilor Hayes – reported on the Citizen of the Year Award that was presented to Peter Murphy. He also reported that there are three planes currently parked out at the airport.

Councilor Lasagna – reported on the new high school building committee meeting, and anyone who would like to submit a letter to the editor on the proposed new high school can contact Adam Hanson at the School Department. She also reported that Wednesday at 5:30 PM is the first meeting of the group to develop an Ag Advisory Committee ordinance.

Councilor Gerry – was not in the room during reports.

City Manager – reported that the FY20 budget process is under way, he provided an update on Municipal Revenue Sharing, and he thanked Assistant City Manager Phil Crowell for his leadership and efforts on the Strategic Plan process.

Assistant City Manager – provided an update on the Strategic Plan and next steps.

Finance Director, Jill Eastman – April 2019 Monthly Finance Reports

Motion was made by Councilor Fournier and seconded by Councilor Hayes to accept and place on file the Finance report for April 2019. Passage 7-0.

VIII. Open Session – No one from the public spoke.

IX. **Executive Sessions** - None

X. **Adjournment** - Motion was made by Councilor Fournier and seconded by Councilor Titus to adjourn. All were in favor and the meeting adjourned at 8:36 PM.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 3, 2019

Author: Liz Allen

Subject: Spirit of America Foundation Tribute

Information:

Each year, the Auburn City Council is asked by the Spirit of America Foundation to pick a local person, project or group to receive the 2019 Auburn Spirit of America Foundation Tribute for outstanding community service and to honor the recipient at a Council meeting.

A few months ago, we solicited nominations from the community and got some well-written, heartfelt and very deserving submissions. The Council voted, and it is our honor to recognize two very special recipients: **Mr. Larry Pelletier** and the **Danville Center Grange #65**.

The plaques that will be presented read: "On behalf of a grateful community, thank you for your generous support of the City of Auburn and the people who live, work and play here." There is also a quote that says, "We rise by lifting others."

City Budgetary Impacts: None

Staff Recommended Action: Presentation of Awards by Mayor Levesque and City Council. Larry Pelletier is unable to attend the June 3rd meeting, however his award will be presented to him at a future date.

Previous Meetings and History:

This is an annual presentation.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coakley".

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop Meeting Date: June 3, 2019

Ordinance: #'s 03-05202019 through 08-05202019

Author: Phil Crowell, Assistant City Manager

Subject: Adult Use and Medical Marijuana Business Ordinance

Information: The marijuana workgroup has been meeting regularly since the City Council meeting on February 5, 2018 to consider local impacts relating to adult use and medical marijuana businesses.

The workgroup has completed their work and have presented the proposed ordinance changes to the council at four workshops. A great deal of involvement was done to prepare an ordinance which best meets the needs of the community. The city council will need to determine if the city will be opting in for Adult Use Marijuana for the City of Auburn. The city council will then need to adopt the first reading of the new ordinance and the amended ordinances.

Staff will have a great deal of administrative work to accept licenses for existing and new businesses. In the order, we have proposed the Adult Use and Medical Marijuana Business ordinance to take effect July 1, 2019. For the month of July, the City of Auburn will except applications for existing city approved medical marijuana businesses. Effective August 1, 2019, the City of Auburn will be accepting all new medical marijuana businesses. Adult use marijuana business applications will only be received upon having a conditional license approved by the State of Maine. While the "Marijuana Legalization Act" has already been approved, the rulemaking has yet to be completed.

City Budgetary Impacts: New revenue and new expenses will occur with the adoption of this ordinance. The estimated financials were reviewed at the April 11, 2019 workshop meeting.

Staff Recommended Action: If the city council votes to "opt-in" to allow marijuana businesses – staff recommends the city council approve the new and amended ordinances as outlined in the attachments.

Previous Meetings and History: December 5, 2016, January 23, 2017, February 5, 2018, June 4, 2018, and November 19, 2018. Presented to the City Council during the March 18, 2019, April 1, 2019, April 16, 2019, and May 6, 2019 workshop. Public hearings and passage of the first readings on each were on 5/20/2019. The second reading on 09-05202019 Section 60-1038 Odors, is tentatively scheduled to be held on 6/17/2019.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Crowell".

Attachments:

Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance*, and associated Chapter 60, Zoning Ordinance amendments to Section 60-145(a), Section 60-499(a), Section 60-525(a), Section 60-554, and Section 60-578(a).

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 03-05202019

TITLE: Adopting the proposed amendment to Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance.*

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

BE IT FURTHERED ORDERED, the Adult Use and Medical Marijuana Business ordinance will take effect July 1, 2019. For the month of July, the City of Auburn will except applications for existing city approved medical marijuana businesses. Effective August 1, 2019, the City of Auburn will be accepting all new medical marijuana businesses. Adult use marijuana business applications will only be received upon having a conditional license approved by the State of Maine. All Registered Caregivers operating out of their residence, the City of Auburn will begin accepting applications on July 1, 2019.

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq.; and the City's home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

CITY OF AUBURN

**Adult Use and Medical Marijuana Businesses
Ordinance**

ENACTED: _____, 2019

CERTIFIED BY: _____
Sue Clements-Dallaire

City Clerk
Title

Affix Seal

City of Auburn
Chapter 14 – Business Licenses and Permits
Table of Contents

Article XVIII – Adult Use and Medical Marijuana Businesses

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Adult Use and Medical Marijuana Businesses Ordinance
Chapter 14 – Business Licenses and Permits

14-650 Title:

This ordinance shall be known and cited as the “City of Auburn Adult Use and Medical Marijuana Businesses Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all subject Adult Use and Medical Marijuana Businesses to the zoning districts specified under the Auburn Zoning Ordinance, prescribes definitions of Adult Use and Medical Marijuana Businesses, and provides for permitting/licensing and regulation of Adult Use and Medical Marijuana Businesses, and provides performance standards for Adult Use and Medical Marijuana Businesses.

14-651 Authority and Applicability:

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq.; and the City’s home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

14-652 Purpose:

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana Businesses in Auburn.

Persons or entities wishing to establish an Adult Use or a Medical Marijuana Business within the City of Auburn shall first obtain a license from the Auburn City Council (hereinafter “the City Council”) and shall be subject to the provisions of this Ordinance. This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

14-653 Conflict with Other Ordinances; State Law:

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with State law; whenever a provision of this Ordinance conflicts with State law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable State laws.

14-654 Effective Date:

The effective date of this Ordinance, and the business licensing thereunder, shall be the date of adoption by the City Council.

14-655 Validity and Severability:

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

14-656 Definitions:

Adult Use Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate not more than 1,000 SF of plant canopy pursuant to 28-B M.R.S. §501.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

"Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.

Medical Marijuana Cultivation Facility: a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.

Medical Marijuana Manufacturing Facility: a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

Medical Marijuana Testing Facility: a public or private laboratory that:

- A. Is authorized in accordance with 22 M.R.S. §2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
- B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical Use: the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Qualifying patient: a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S. § 2425-A.

Registered Caregiver Retail Store: a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use.

Registered Dispensary: an entity registered under 22 M.R.S. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

14-657 License Required:

No person may establish, operate or maintain a Marijuana Business without first obtaining a license from the City Council.

It is a violation of this Ordinance for any person to operate a Marijuana Business without a valid Marijuana Business license issued by the City pursuant to this Ordinance.

Pursuant to 28-B M.R.S. § 402, an applicant seeking to operate an Adult Use Marijuana Business may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

Marijuana Business Licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered Caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with Article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered Caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S. § 1502. Home cultivation of adult use marijuana for personal use is exempt from the licensing requirements of this Ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

14-658 Application Procedure:

- A. An application for a license must be made on a form provided by the City.
- B. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.
- C. Application to establish a Marijuana Business
 - 1. If the applicant who wishes to operate a Marijuana Business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 - 2. The completed application for a Marijuana Business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, they must state the Marijuana Business' name and submit the required registration documents.
- f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- i. The type of Marijuana Business for which the applicant is seeking a license.
- j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.
- k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Business

pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

- l. The applicant's mailing address and residential address.
 - m. Recent passport-style photograph(s) of the applicant(s).
 - n. The applicant's driver's license.
 - o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - p. A copy of a City Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Businesses within one thousand (1,000) feet of the subject property; and the property lines of any public or preexisting private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with Section 14-659.
3. All applications for a Marijuana Business license shall be kept confidential by the City .
4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Adult Use Marijuana Business license, excepting Adult Use Marijuana Testing Facilities, must be residents of the State, as defined in 28-B M.R.S. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.

All applicants, including all individuals, officers, directors, managers, members, and partners, for any Medical Marijuana Business license must be residents of the State, as defined in 22 M.R.S. §2422.

5. If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

E. Application and License Fees

All applications must be submitted with a \$500 fee. If an application is approved, the following license fees must be paid before the City will issue a license:

Marijuana Store: Annual Operation License Fee: \$5,000

Marijuana Manufacturing Facility: Annual Operation License Fee: \$2,500

Marijuana Testing Facility: Annual Operation License Fee: \$2,500

Adult Use Marijuana Cultivation:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501-2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001-7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000SF of mature plant canopy: Annual License Fee: \$5,000.

Medical Marijuana Cultivation: Annual Operation License Fee: \$1,000

Adult Use Marijuana Nursery Cultivation: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Renewal applicants for Adult Use Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for Adult Use Marijuana Cultivation licenses may not hold more than three (3) such licenses or a total combined plant canopy in excess of 30,000 SF.

14-659 Standards for License:

A. General

1. All Marijuana Businesses shall comply with applicable state and local laws and regulations.
2. Marijuana Businesses shall only be located within the zoning districts permitted in the Auburn Zoning Ordinance.
3. Marijuana Businesses may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12.

Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Business is located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front

door of the Marijuana Business to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. Marijuana Businesses may not be located on property within one thousand (1,000) feet of the property line of a parcel containing one or more Marijuana Businesses. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property lines of the parcels of land on which the Marijuana Businesses are located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Businesses. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Notwithstanding the foregoing, more than one Marijuana Businesses may be located on the same parcel, provided all state and local requirements are met.

Adult Use and Medical Marijuana Cultivation Facilities and Adult Use and Medical Marijuana Manufacturing Facilities operating within the industrial zoning district are exempt from this setback requirement.

This setback requirement does not apply to properties with more than one Marijuana Business that are subdivided, as long as the Marijuana Business(es) located on the property were operating with City approval prior to December 13, 2018.

5. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted, except that outdoor cultivation of marijuana in the Agricultural District is permitted.
6. Pursuant to 22 M.R.S. §2429-D(3), Registered Caregiver Retail Stores, Registered Dispensaries, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facilities, as well as Medical Marijuana Cultivation Facilities, that were operating with City approval prior to December 13, 2018, are grandfathered in their current location and current use and shall be treated as legally non-conforming uses in accordance with Article III of the Auburn Zoning Ordinance if their location or use is not in conformance with this ordinance or applicable zoning ordinances, provided, however, that said Marijuana Businesses shall apply for and obtain a license.

Notwithstanding Section 60-79(4) of the Auburn Zoning Ordinance, the holder of a license for a Medical Marijuana Cultivation Facility or a Medical Marijuana Manufacturing Facility that complies with all applicable provisions of this Ordinance and the Auburn Zoning Ordinance, may exchange their license for an Adult Use Cultivation Facility or Adult Use Manufacturing Facility license in the

same location, provided they meet all requirements and standards to operate an Adult Use Cultivation Facility or Adult Use Manufacturing Facility, with the exception of the required setbacks between facilities and schools. Said holder must file an application and pay a \$500 fee.

Notwithstanding Section 60-79(4) of the Auburn Zoning Ordinance, the holder of a license for a Registered Caregiver Retail Store that complies with all applicable provisions of this Ordinance and the Auburn Zoning Ordinance may exchange their license for an Adult Use Marijuana Store license in the same location, provided they meet all requirements and standards to operate an Adult Use Marijuana Store. Said holder must file an application and pay a \$500 fee.

7. All Adult Use Marijuana Stores and Registered Caregiver Retail Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer pays for and picks up such orders in the store on the day the order is made, an exception is made for Registered Caregiver Retail Stores whereas it may be a necessity for the business to deliver medical marijuana to a patient. These deliveries will be made by the business and no contracted/paid delivery service will be authorized. Delivery must be made directly to the Qualified Patient and proper identification is verified.
8. Adult Use Marijuana Stores and Registered Caregiver Retail Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.
9. Security measures at all Marijuana Business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and
 - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion

detectors, and complies with applicable provisions of the lighting performance standards in the City of Auburn Zoning Ordinance; and

- e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars; and
- f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

11. Ventilation

All Marijuana Businesses are required to be in compliance with the Odor Nuisance Control and Abatement Performance Standards in the City's Zoning Ordinance, and all Marijuana Cultivation facilities shall have odor mitigation systems and a plan.

12. Operating Plan

Marijuana Businesses which cultivate, test, and/or manufacture are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater; and
- b. disposal of waste

13. Required Notices

There shall be posted in a conspicuous location inside each Marijuana Store, at least one legible sign containing the following information:

On-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of twenty-one (21) may purchase marijuana or marijuana products, except a minor with medical marijuana card; Loitering prohibited.

14. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims. All signage shall meet the City's Sign Ordinance and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.

The exterior of all Marijuana Stores shall display a 1' x 1' image of any universal symbol for Medical or adopted by the State's Department of Administration and Financial Services.

B. Right of Access/Background Check/Inspection

Every Marijuana Business shall allow law enforcement officers and the Auburn Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of a Marijuana Business applying for a license, shall contact the Auburn Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Marijuana Businesses shall submit emergency contact information to the Lewiston – Auburn 911 Communication Center.

Due to fire, explosion, and other hazards inherent in Marijuana Cultivation, Testing, and Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO², etc.), high-pressure extraction methods (CO², etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Auburn Fire Department and have a Knox Box installed at the structure's exterior entrance for emergency access. Knox Boxes shall be obtained and installed in coordination with the Auburn Fire Department.

C. Indemnification

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Marijuana or Marijuana products, the additional or stricter regulation shall control the establishment or operation of any Marijuana Business in Auburn.

Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

14-660 Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, may be enforced in accordance with 30-A M.R.S. §4452. Every day a violation exists constitutes a separate violation.
2. Commencement of any Marijuana Business without a City license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the City can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Law Enforcement Officer ("LEO") and Code Enforcement

Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of the Ordinance.

1. If the LEO or CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the City Council and be maintained as a permanent record.
2. The LEO or CEO shall keep a complete record of all essential transactions of the LEO or CEO, including Marijuana license applications submitted, permits/licenses granted or denied, training certifications, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found, and fees collected.

C. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Marijuana Business, the

City Council, upon receiving written notification from the LEO or CEO, may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The City Council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/Fines

Any person, including but not limited to, a Marijuana Business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

14-661 Training:

A. Individuals who sell marijuana and marijuana products, pursuant to a Marijuana Store business license, must complete responsible marijuana vendor sales practices training, if and when such training is available. This training may be completed on-line and an employee must be certified within 30 days of employment.

B. Recordkeeping.

Marijuana Store licensees shall maintain on the licensed premises, written records of the vendor training programs completed by individuals who sell marijuana and marijuana products and shall produce those records upon request by the CEO or LEO with the Auburn Police Department.

C. Failure to comply with the training requirements.

Failure to meet the training requirement imposed by §14-661 may result in the denial/revocation of a Marijuana Business license.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 04-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-145(a) Use regulations, permitted uses

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-145 (a) Use regulations, permitted uses (as attached).

ORDINANCE 04-05202019B

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult Use and Medical Marijuana Cultivation, but not retail sales of any kind.
- (15) Marijuana Manufacturing accessory to a licensed cultivation site.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 05-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-499(a) Use regulations, permitted use

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-499 (a) Use regulations, permitted use (as attached).

ORDINANCE 05-05202019B

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.
- (26) Accessory uses, building and structures.
- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.

(31) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(32) Marijuana Cultivation accessory to a licensed retail store on the same property.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 06-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses (as attached).

ORDINANCE 06-05202019B

Sec. 60-525. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.
- (30) Marijuana Cultivation accessory to a licensed retail store on the same property.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
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Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 07-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-554 Form Base Code and Matrix

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-554-Form Base Code and Matrix (as attached).

ORDINANCE 07-05202019B

DIVISION 14. - FORM BASED CODE

Sec. 60-554. - Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest

Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp/400 sf
Personal Services	S		P	P	P	1 sp/400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats

Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	To be determined by the planning board depending on use(s)

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.
- (3) Where more than 50% of floor space is devoted to age restricted goods. This may include licensed Adult Use or Medical Marijuana Stores.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017)

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Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 08-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses (as attached).

ORDINANCE 08-05202019B

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:
- (1) Farming of field crops, row crops, orchards and truck gardens.
 - (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
 - (3) Farm dwellings on premises actively farmed.
 - (4) Financial institutions.
 - (5) Office buildings.
 - (6) Post offices.
 - (7) Telephone exchanges or telephone business offices.
 - (8) Public transportation passenger stations.
 - (9) Churches or temples.
 - (10) Municipal uses buildings.
 - (11) Airports.
 - (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
 - (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
 - (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
 - (15) Manufacture of ceramic products, brick and cinder blocks.
 - (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
 - (17) Building material sales yard and contractor's equipment storage yard and plant.
 - (18) Research, experimental or testing laboratories.
 - (19) Lumber yard, including planning, milling and other processing.
 - (20) Ice manufacturing and storage plant.
 - (21) Beverage bottling plants.
 - (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants.
 - (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.

- b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
- (24) Training schools.
 - (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
 - (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult Use and Medical Marijuana Cultivation, Manufacturing and Testing Facilities subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(28) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a Marijuana Cultivation Facility or Marijuana Manufacturing Facility.

- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
 - (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.
 - (5) Retail food stores.
 - (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (7) Motels and hotels.
 - (8) Automobile scrap yards.
 - (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
 - (10) Outdoor advertising.
 - (11) Junkyard.
 - (12) Airplane manufacture or assembly.
 - (13) Alcohol, methanol, or ethanol manufacture.
 - (14) Automobile or automotive manufacture or assembly.
 - (15) Brewery or distillery.

- (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (17) Machinery and machine tool manufacture.
- (18) Metal fabrication plant.
- (19) Municipal incinerator or sewage treatment plant.
- (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
- (21) Asphalt batching plant.
- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.
- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.

DIVISION 12. - GENERAL BUSINESS DISTRICT

Sec. 60-498. - Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.
- (26) Accessory uses, building and structures.

- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.

(31) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(32) Marijuana Cultivation accessory to a licensed retail store on the same property.

SECTION BREAK

DIVISION 13. - MINOT AVENUE (GBII)

Sec. 60-524. - Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.

- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.
- (30) Marijuana Cultivation accessory to a licensed retail store on the same property.

SECTION BREAK

DIVISION 15. - INDUSTRIAL DISTRICT

Sec. 60-577. - Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or

unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:

- (1) Farming of field crops, row crops, orchards and truck gardens.
- (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
- (3) Farm dwellings on premises actively farmed.
- (4) Financial institutions.
- (5) Office buildings.
- (6) Post offices.
- (7) Telephone exchanges or telephone business offices.
- (8) Public transportation passenger stations.
- (9) Churches or temples.
- (10) Municipal uses buildings.
- (11) Airports.
- (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
- (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
- (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
- (15) Manufacture of ceramic products, brick and cinder blocks.
- (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
- (17) Building material sales yard and contractor's equipment storage yard and plant.
- (18) Research, experimental or testing laboratories.
- (19) Lumber yard, including planning, milling and other processing.
- (20) Ice manufacturing and storage plant.
- (21) Beverage bottling plants.
- (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants.
- (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
- (24) Training schools.

- (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
- (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult Use and Medical Marijuana Cultivation, Manufacturing and Testing Facilities subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(28) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a Marijuana Cultivation Facility or Marijuana Manufacturing Facility.

- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
 - (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.
 - (5) Retail food stores.
 - (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (7) Motels and hotels.
 - (8) Automobile scrap yards.
 - (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
 - (10) Outdoor advertising.
 - (11) Junkyard.
 - (12) Airplane manufacture or assembly.
 - (13) Alcohol, methanol, or ethanol manufacture.
 - (14) Automobile or automotive manufacture or assembly.
 - (15) Brewery or distillery.
 - (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (17) Machinery and machine tool manufacture.

- (18) Metal fabrication plant.
- (19) Municipal incinerator or sewage treatment plant.
- (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
- (21) Asphalt batching plant.
- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.
- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.

SECTION BREAK

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult Use and Medical Marijuana Cultivation, but not retail sales of any kind.
- (15) Marijuana Manufacturing accessory to a licensed cultivation site.

SECTION BREAK

DIVISION 14. - FORM BASED CODE

Sec. 60-554. - Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						

Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp/400 sf
Personal Services	S		P	P	P	1 sp/400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf

Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	To be determined by the planning board depending on use(s)

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.
- (3) Where more than 50% of floor space is devoted to age restricted goods. [This may include licensed Adult Use or Medical Marijuana Stores.](#)

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017)

SECTION BREAK

DIVISION 3. - LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. - Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-~~145172~~(a)(8) ~~and~~ (9), (14 and (15)).
- (2) One-family detached dwellings.
- (3) Lawn maintenance services.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

- (1) All uses permitted by special exception in the Agriculture And Resource Protection (AR) District, (divisions 2 and 3 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).
- (2) Bed and breakfast.
- (3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-202. - Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.32C)

Secs. 60-203—60-227. - Reserved.

SECTION BREAK

DIVISION 4. - LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. - Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) All uses permitted in the Agriculture and Resource Protection District pursuant to (section 60-172(A)), except 60-145(a)(14) and (15).
 - (2) One-family detached dwellings.
 - (3) Two-family dwellings.
 - (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 10 of article IV and division 4 of article XVII of this chapter.

- (5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
 - (6) Licensed veterinarians provided that the lot is of at least three acres.
 - (7) Wayside stands.
 - (8) Accessory uses, buildings or structures.
 - (9) Lawn maintenance services.
 - (10) Municipal uses and buildings.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:
- (1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, buildings occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (2) Care homes, lodging houses and boardinghouses.
 - (3) Recreational uses of land intended or designed for public use, subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (4) Child day care centers, provided that:
 - a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.
 - b. They shall not be located closer than 1,000 feet from other established day care centers.
 - c. These standards shall not apply to section 60-52.
 - (5) Cemeteries, provided that:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (6) Community-based residential facilities, provided that:
 - a. The minimum distance between any two such facilities shall be 1,500 feet.
 - b. Any such facility shall house no more than eight persons.
 - (7) Licensed kennels provided that there shall be available land area of at least three acres.
 - (8) Training schools.
 - (9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (10) Adult day centers.

- (11) Landscape services.
- (12) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (13) Schools.
- (14) Churches or temples.
- (15) Libraries.
- (16) Museums.
- (17) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-230. - Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.41C)

Secs. 60-231—60-253. - Reserved.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 03, 2019

Order: 73-06032019

Author: Kelsey Earle, License Specialist

Subject: Approving the Mass Gathering Permit for the 2019 Liberty Festival. Public hearing.

Information: We received an application on 05/8/2019 for a Mass Gathering to be held July 4, 2019 (rain date July 5, 2019). Set up would begin on July 3rd and clean up would be completed on July 5th (rain date July 6th). The event will include fireworks, vendors, and entertainment. This is an annual event.

The certificate of liability insurance (through Champoux Insurance Agency) will be provided approximately 10 days before the event as it has in past years.

City Budgetary Impacts: \$10,000 towards the cost of fireworks which have already been funded in the City budget.

Staff Recommended Action: Public hearing and recommend approval.

Previous Meetings and History: This is a yearly event. The Mass Gathering application for 2019 was presented to Council under Communications at the May 20, 2019 Council Meeting.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cudde".

Attachments:

Application, map, and public notice.

**CITY OF AUBURN
PUBLIC NOTICE**

A public hearing will be held by the Auburn City Council on Monday, June 3, 2019 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liberty Festival/Independence Day Committee application for:

**The Liberty Festival to be held at Great Falls, Festival Plaza and surrounding areas,
July 4, 2019 (rain date July 5, 2019).**

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

Date received: _____
Date approved: _____



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

For any Special Event on City property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 5/7/19

SPONSOR INFORMATION

Name of Sponsoring Organization: Liberty Festival/Independence Day Committee

Name of Contact Person for Event: Cathy McDonald

Title of Contact Person: President

Mailing Address: PO Box 97, Lewiston, Me 04240

Daytime Telephone: 207-786-3088 Cell Phone: 207-212-8227

Email Address: liberty.festival@aol.com

Contact Name and Cell Phone Number DURING the Event: Cathy McDonald - 207-212-8227

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 04-3358113

EVENT INFORMATION

Name of Event: Liberty Festival

Type of Event (walk, festival, concert, etc.): festival

Date of Event: July 4th, 2019 Rain Date: July 5th, 2019

Times of Event: Start Time including set-up: 7am Ending time including clean up: 1am

Actual Event Start Time: 4pm Actual Event End Time: 11pm

Estimated Attendance: 2000

Location of Event: Great Falls, Festival Plaza and surrounding areas

Have you held an event at this location within the last 12 months? Yes No

If the location is a city park, have you applied for use of the property with the Parks & Recreation Department and has your request been approved?

Yes No Pending Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee & application, conditions & restrictions may apply	Banner across Court Street Non-profit groups only, \$250 fee per week, 2 week maximum. First come first serve basis, proof of insurance required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: <u>food vendors</u> Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: <u>t-shirts and novelty items</u> Note - A peddler permit may be required and must be submitted 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: <u>DJ in the Great Falls Plaza area and Auburn Community Band in Festival Plaza</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	ALCOHOL – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate permit	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

required		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Note - A permit from the Fire Department is required.			
N/A	TENT/CANOPY - Will you be setting up a tent or canopy? If yes, list number and sizes: Small Pop up canopy tents around vendors and staging area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT - Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? vending booths, musical equipment and stage lighting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	ROAD/INTERSECTION CLOSURE - Will any roads need to be closed to accommodate your event? If yes, please list: Main, Court Street, Longley Bridge, Great Falls Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	MAP/DIAGRAM - Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a <u>mandatory</u> requirement for this application and must be included. attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARKING ACCOMODATIONS - What will be the anticipated need for parking and what is your parking plan? Great Falls lots, Auburn City Hall garage. We will be manning donation requested lots	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TOILETS - Please list amount at event and/or nearest location: 10 Regular and 2 handicap units between Lewiston and Auburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	WASTE DISPOSAL - Please list process and location: City provided trash cans and liners	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	HAND WASHING FACILITIES - Please list amount at event and/or nearest location: 1 at port-a-potties and 1 portable at each vending station	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	POTABLE WATER - Please list amount at event and location: 1 hook up from TD Bank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	FIRST AID FACILITIES - Please list location at event: United Ambulance and Auburn Fire at Great Falls Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$	TOTAL FEE AMOUNT INCLUDED - Checks payable to the <u>City of Auburn</u>			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage - general liability. The City of Auburn is to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed as additional insured on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the City. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

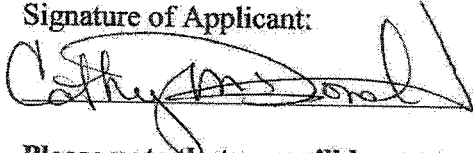
DESCRIPTION OF EVENT - Please describe what will occur during your event

We will begin set up on July 3rd for the festival. The event will take place on July 4th (rain date July 5th)

and include fireworks, food and novelty vendors and a variety of entertainers.

Clean up will be completed on 7/5 (rain date 7/6)

Signature of Applicant:



Printed Name:

Cathy McDonald

Date Submitted:

5/7/19

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
 60 Court Street, Suite 150
 Auburn, ME 04210

FAX: 207-333-6623

EMAIL: sdallaire@auburnmaine.gov

PHONE: 207-333-6600

****FOR STAFF USE****

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: _____ Date applicant notified: _____

TURNER ST

PYROTECHNIC LAUNCH SITE

1

PARKING

2

3

HAMPSHIRE ST

GREAT FALLS PLZ

STAGE

84 Court vending area

W E D O R E S

TURNER ST

MECHANICS ROW

PARKING

COURT ST

5

MAIN ST

NORTH MILLER ST

LONGLEY MEMORIAL BRIDGE

KIND

HIGH ST

MAIN ST

MILLER ST

second possible Vending / entertainment area

NOT TO SCALE

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 73-06032019

ORDERED, that the Auburn City Council hereby approves the Special Event/Mass Gathering permit for the Liberty Festival to be held, July 4, 2019 (rain date July 5, 2019) at Great Falls, Festival Plaza, and surrounding areas pending the receipt of the Certificate of Liability Insurance.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 30, 2019 **Resolve:** 07-06032019

Author: Peter Crichton, City Manager

Subject: Resolve for Department of Sports Tourism & Recreation

Information: This is the Resolve supporting the restructuring into the Department of Sports Tourism & Recreation

City Budgetary Impacts: As proposed in the FY20 Budget.

Staff Recommended Action: Approve the Resolve

Previous Meetings and History: City Council Executive Session on November 5, 2018; Workshop and Tour on January 14, 2019; other discussions

City Manager Comments:

I concur with the recommendation.

Signature: 

Attachments:

Resolve

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

RESOLVE 07-06032019

Resolve, Supporting the Restructuring of the Norway Savings Bank Arena, Recreation, and Ingersoll Turf Facility into the Department of Sports Tourism and Recreation

Resolved: As demonstrated by the success of outstanding events and activities like the recent country music concert held at the Arena, New Year's Auburn, and the Memorial Day Parade, the Department of Sports Tourism and Recreation is taking the lead on developing and organizing city-sponsored events and activities that add value to the city's reputation as a "place to be," positioning the Department as one of the keys to the economic future of the city.

Resolved: In addition to organizing, managing, and carrying out the numerous daily activities of the Arena, Recreation, and Turf Facility, including 22 events that are held annually, the Department is building relationships both internally within the city and externally outside of the city, region, and state.

Resolved: That the Department of Sports Tourism and Recreation shall report quarterly to the City Council on the programs, activities, events being offered to the community and the budget that pulls them all together by better coordinating and focusing the efforts and resources of the three areas with our private sector partners.

Therefore, Be it Resolved: The Council supports the restructuring.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 3, 2019 **Order:** 74-06032019

Author: Jill M. Eastman, Finance Director

Subject: Order – Authorizing Issuance of General Obligation Bonds and Tax Levy Therefor

Information: This is the order authorizing the sale of \$9,500,000 in General Obligation Bonds to finance the FY 19-20 Capital Improvement Projects. (list attached)

City Budgetary Impacts: There are no budgetary impacts at this time.

Staff Recommended Action: Staff recommends holding a public hearing on the General Obligation Bond Order and passage of 1st reading.

Previous Meetings and History: Joint Council and School Committee workshop on 3/25/19, various budget workshops through April and May 2019.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coakley".

Attachments:

- List of projects
- Bond Order
- Public Hearing Notice

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing on Monday, June 3, 2019, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the City's general obligation bonds in the amount of \$9,500,000 to finance the City's FY20 Capital Improvement Program.

Following the public hearing, the City Council expects to conduct the second reading and take final action on the order at the June 17, 2019 meeting.

The order is available for inspection at the City Clerk's office during regular business hours.

Holly C. Lasagna, Ward One
 Robert P. Hayes, Ward Two
 Andrew D. Titus, Ward Three
 Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
 Belinda A. Gerry, At Large
 David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 74-06032019

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City’s general obligation bonds and notes in anticipation thereof on either a taxable or a tax-exempt basis in the amount of \$9,500,000, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds), all constituting part of the City’s FY20 Capital Improvement Program:

**CAPITAL IMPROVEMENT
 FY 20 BONDS**

Description		
Airport	Runway Maintenance - Runway 04/22 (FAA/MDOT 95% eligible)	\$ 200,000
Airport	Construct New Fuel Farm	\$ 400,000
Econ & Comm Develop	New Auburn Village Center Revitalization	\$ 200,000
Econ & Comm Develop	Dangerous Building Demolition	\$ 100,000
Econ & Comm Develop	Comprehensive Plan Property Acquisition Program	\$ 100,000
Econ & Comm Develop	Great Falls Redevelopment	\$ 200,000
Facilities	Public Works Roof Replacement Phase II	\$ 225,000
Facilities	Central Fire Boiler Replacement	\$ 50,000
Facilities	Auburn Hall-Police Station Improvements	\$ 150,000
Fire	Apparatus Replacement (Reserve Truck, FY 21 CIP)	\$ 200,000
LATC	Bus Replacement	\$ 50,000
LA911	Radio Replacement Project	\$ 1,598,553
LA911	Mobile & Portable Radios - Police and Fire	\$ 433,137
LA911	Station Alerting & Fire Alarm Box Control	\$ 37,500
LA911	Radio System Connectivity	\$ 22,500
NSB Arena	Portable Stage	\$ 180,000
Police	Vehicle Replacement (4)	\$ 192,000
Police	Firearms Replacement	\$ 70,800

Holly C. Lasagna, Ward One
 Robert P. Hayes, Ward Two
 Andrew D. Titus, Ward Three
 Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
 Belinda A. Gerry, At Large
 David C. Young, At Large

Jason J. Levesque, Mayor

Engineering	Reclamation/Resurfacing (Granite, Holly, Josslyn and Haskell)	\$ 1,000,000
Engineering	Reconstruction (Penley Corner Rd)	\$ 1,000,000
Engineering	Major Drainage	\$ 500,000
Engineering	MDOT Match (\$500,000-MPI, Rte 4 Match)	\$ 750,000
Engineering	Sidewalks	\$ 50,000
Public Works	Plow Trucks (1-7 Yd-\$208,000 and 1-12 Yd- \$232,000)	\$ 440,000
Public Works	One Ton Truck	\$ 67,000
Public Works	Hot Box Pavement Reclaimer	\$ 46,000
Public Works	Slope Mower	\$ 33,000
Public Works	Replace VacAll (Tank)	\$ 45,000
Recreation	Union St Park/Chestnut Park Upgrades (Courts, Playground, Storage)	\$ 60,000
Recreation	Pettengill Baseball Field Renovation	\$ 90,000
School Department	School Department Projects (See School CIP Projects)	\$ 1,000,000
Administration	Contingency	\$ 9,510
TOTAL CIP		\$ 9,500,000

THAT the bonds and notes authorized hereunder shall be signed by the City’s Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds and notes may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City’s Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$9,500,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT the bonds and notes authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT the authority and discretion to designate the bond or notes authorized hereunder, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order, as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT the authority to issue the bonds or notes authorized hereunder shall automatically expire 2 years from the approval of this Order.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before May 20, 2019, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on June 3, 2019.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 3, 2019 **Order:** 75-06032019

Author: Jill M. Eastman, Finance Director

Subject: Order – Reallocating Unspent Proceeds from the City’s General Obligation Bonds.

Information: This is the order authorizing the reallocation of \$245,500 from previous General Obligation Bonds that were unspent to fund a portion of the City’s FY 19-20 CIP. (list attached)

City Budgetary Impacts: There are no budgetary impacts at this time.

Staff Recommended Action: Staff recommends holding a public hearing on the Reallocation Order and passage of 1st reading, the second reading will be scheduled June 17, 2019.

Previous Meetings and History: Joint Council and School Committee workshop on 3/26/19, various budget workshops through April and May 2019.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coakley".

Attachments:

- List of projects
- Bond Order
- Public Hearing Notice

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing on Monday, June 3, 2019, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order reallocating \$245,500 of unspent proceeds from various General Obligation Bonds to finance a portion of the City's FY 20 Capital Improvements.

The City Council expects to conduct the first reading and public hearing on the order at the June 3, 2019 meeting and second reading and final action at the meeting of June 17, 2019.

The order is available for inspection at the City Clerk's office during regular business hours.

Holly C. Lasagna, Ward One
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 Andrew D. Titus, Ward Three
 Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
 Belinda A. Gerry, At Large
 David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 75-06032019

ORDER - Reallocating Unspent Proceeds from the City's General Obligation Bonds

WHEREAS, the City of Auburn issued General Obligation Bonds in various amounts for various projects; and

WHEREAS, there remain unspent proceeds of the Bonds borrowed for multiple capital improvements, \$245,500 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the projects listed below;

**CITY OF AUBURN
 CAPITAL IMPROVEMENT PLAN FY 20 Unallocated**

Description		Unallocated Bond Proceeds
Airport	Small Tractor	\$ 30,500
City Clerk	Record Restoration	\$ 20,000
Facilities	PW Life Safety/Code Compliance Corrections	\$ 50,000
Finance	Vehicle for Assessing	\$ 5,000
Fire	Exhaust Management-South Auburn Station	\$ 25,000
Museum LA	Capital Campaign-Architectural Fees	\$ 25,000
Police	Radar/Message Sign Trailer	\$ 25,000
Recreation/Sports Facilities	Department Re-Brand	\$ 15,000
Recreation/Sports Facilities	Fitness Room Equipment	\$ 25,000
Recreation/Sports Facilities	Senior Center Phase III	\$ 25,000
TOTAL CIP		\$ 245,500

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the Bonds, in the amount of \$245,500 be and hereby are appropriated from the amount borrowed as part of various Bonds to finance the costs of the projects listed above.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver,

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.

A Public Notice describing the repurposing of these Bond proceeds borrowed for Various Projects to the list above was published on or before May 20, 2019, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on June 3, 2019.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 3, 2019

Resolve: 08-06032019

Author: Jill M. Eastman, Finance Director

Subject: Resolve Adopting the 2019—2020 Annual Appropriation and Revenue Resolve (First Reading and Public Hearing)

Information: In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation resolve has been incorporated into this annual appropriation resolve for the City of Auburn.

Two readings are required for passage of this resolve.

City Budgetary Impacts: With this F20 Proposed Budget the tax levy increase is 1.24%, which is below CPIU at 2.40%. At this time, the proposed mill rate increase is 1.24%.

Staff Recommended Action: Staff recommends passage of the resolve on the first reading.

Previous Meetings and History: Budget presentation on March 25, 2019, various budget workshops in April and May.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Caulton".

Attachments:

Resolve for the 2019-2020 Annual Appropriation and Revenue
Summary of Proposed Budget
Summary of Estimated Non Property Tax Revenue

CITY OF AUBURN
FY 2020 EXPENDITURES
COMPARISON FY19 AND FY20 BUDGETS

	COUNCIL ADOPTED BUDGET FY 18-19	DEPARTMENT PROPOSED BUDGET FY 19-20	MANAGER PROPOSED BUDGET FY 19-20	\$ Change	% Change
City Expenses					
Operating Expenses	29,100,879	30,733,678	30,036,555	935,676	3.22%
Debt Service/TIF	9,752,311	10,134,493	10,384,493	632,182	6.48%
Intergovernmental	4,171,977	4,278,480	4,409,163	237,186	5.69%
Total City Expenses	43,025,167	45,146,651	44,830,211	1,805,044	4.20%
School Expenses					
Operating Expenses	43,024,719	45,020,065	44,594,669	1,569,950	3.65%
Debt Service	669,064	742,768	742,768	73,704	11.02%
Total School Expenses	43,693,783	45,762,833	45,337,437	1,643,654	3.76%
Total Expenses	86,718,950	90,909,484	90,167,648	3,448,698	3.98%
Less: Non-Tax Revenues					
City	14,514,483	14,487,474	15,646,974	1,132,491	7.80%
School	25,696,522	27,281,605	27,440,176	1,743,654	6.79%
Total Non-Tax Revenues	40,211,005	41,769,079	43,087,150	2,876,145	7.15%
Tax Levy					
City	26,099,008	28,191,312	26,700,516	601,508	2.30%
School	17,997,261	18,481,228	17,897,261	(100,000)	-0.56%
County	2,407,766	2,467,865	2,482,721	74,955	3.11%
Overlay					
Total Tax Levy	46,504,035	49,140,405	47,080,498	576,463	1.24%
Total Assessed Value	1,964,206,026	1,964,206,026	1,964,206,026		
Tax Rate					
City	13.29	14.35	13.59	0.31	2.30%
School	9.16	9.41	9.11	(0.05)	-0.56%
County	1.23	1.26	1.26	0.04	3.11%
Overlay				0.00	0.00%
Total	23.68	25.02	23.97	0.29	1.24%

CITY OF AUBURN
FY 2020 REVENUES
COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	MANAGER PROPOSED BUDGET FY 19-20	COUNCIL ADOPTED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<u>General Government</u>					
Homestead Exemption Reimbursement	1,190,000	1,230,000	1,250,000	60,000	5.04%
Personal Property Reimbursement	2,175,000	2,400,000	2,400,000	225,000	0.00%
Tree Growth Reimbursement	10,000	10,000	10,000	-	0.00%
Veterans Reimbursement	18,000	18,000	18,000	-	0.00%
In Lieu of Taxes	90,000	90,000	90,000	-	0.00%
Excise Tax-Vehicles	3,800,000	3,850,000	3,875,000	75,000	1.97%
Excise Tax-Boats	15,000	15,000	15,000	-	0.00%
Excise Tax-Aircraft	20,000	20,000	20,000	-	0.00%
State Revenue Sharing	1,689,669	1,689,669	2,089,669	400,000	23.67%
Other State Aid	4,000	4,000	4,000	-	0.00%
Penalties & Interest	150,000	150,000	150,000	-	0.00%
Investment Income	32,000	70,000	70,000	38,000	118.75%
Transfer in from TIF	1,117,818	1,117,818	1,117,818	-	0.00%
Transfer in from TIF Workforce Development	200,000	-	-	(200,000)	-100.00%
Transfer in from Recreation Special Revenue	54,718	36,416	36,416	(18,302)	-33.45%
Transfer in from PAL Center	25,000	25,000	25,000	-	0.00%
Transfer in from School Dept (Electrician)	18,000	18,000	18,000	-	0.00%
NSBA Revenue		413,865	413,865	413,865	0.00%
Ingersoll Revenue		27,730	27,730	27,730	0.00%
Transfer in from Capital Projects (IT)	-	45,000	45,000	45,000	0.00%
Rental Income (Intermodal)	35,000	35,000	35,000	-	0.00%
Sale of Property	20,000	20,000	20,000	-	0.00%
Tax Sharing Revenue	165,000	165,000	165,000	-	0.00%
Cable Television Franchise	150,000	133,000	133,000	(17,000)	-11.33%
Cable Television Franchise - City of Lewiston	63,384	63,384	63,384	-	0.00%
MMWAC Host Fees	221,000	225,000	225,000	4,000	1.81%
Utility Reimbursement	27,500	20,000	20,000	(7,500)	-27.27%
Unclassified	10,000	10,000	10,000	-	0.00%
Fund Balance Contribution	527,500	200,000	527,500	-	0.00%
Total General Government	11,828,589	12,101,882	12,874,382	1,045,793	8.84%

CITY OF AUBURN
FY 2020 REVENUES
COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	MANAGER PROPOSED BUDGET FY 19-20	COUNCIL ADOPTED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<u>City Clerk</u>					
Hunting/Fishing/Dogs	2,000	2,000	2,000	-	0.00%
Neutered Animals	3,000	3,000	3,000	-	0.00%
Voter Reg List	100	100	100	-	0.00%
Clerk/Sale of Copies	100	100	100	-	0.00%
City Clerk Notary	1,500	1,500	1,500	-	0.00%
Banner Hanging Fee	3,000	3,000	3,000	-	0.00%
Garage Sale Permits	3,200	3,200	3,200	-	0.00%
Commercial License	50,000	50,000	157,000	107,000	214.00%
Taxi License	4,000	4,000	4,000	-	0.00%
Marriage License	5,000	5,000	5,000	-	0.00%
Birth/Death/Marriage Cert	25,000	25,000	25,000	-	0.00%
Permits - Burial	7,000	7,000	7,000	-	0.00%
Fines-Dog	3,000	3,000	3,000	-	0.00%
Total City Clerk	106,900	106,900	213,900	107,000	100.09%
<u>Finance</u>					
Reg - Vehicles	60,000	60,000	60,000	-	0.00%
Total Finance	60,000	60,000	60,000	-	0.00%
<u>Community Services-ICT</u>					
GIS/Data & Maps	20	20	20	-	0.00%
Total Community Services-ICT	20	20	20	-	0.00%
<u>Assessing</u>					
Maps & Copies	20	20	20	-	0.00%
Total Assessing	20	20	20	-	0.00%
<u>Health & Social Services</u>					
GA Reimbursement	103,747	94,122	94,122	(9,625)	-9.28%
Total Health & Social Services	103,747	94,122	94,122	(9,625)	-9.28%

CITY OF AUBURN
FY 2020 REVENUES
COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	MANAGER PROPOSED BUDGET FY 19-20	COUNCIL ADOPTED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<u>Planning & Permitting</u>					
Maps & Copies	500	500	500	-	0.00%
Departmental Reviews	16,000	16,000	16,000	-	0.00%
Fire Alarm Inspections	29,000	29,000	29,000	-	0.00%
Citation Ordinance	2,000	2,000	2,000	-	0.00%
Advertising Costs	5,000	5,000	5,000	-	0.00%
Permits - Building	110,000	110,000	190,000	80,000	72.73%
CDBG Reimbursement for Services	214,430	214,430	214,430	-	0.00%
Permits - Electrical	18,000	20,000	20,000	2,000	11.11%
Permits - Plumbing	11,000	12,000	12,000	1,000	9.09%
Permits - Sign	5,000	5,000	5,000	-	0.00%
Total Planning & Permitting	410,930	413,930	493,930	83,000	20.20%
<u>Public Works-Engineering</u>					
Fees - Inspection	6,000	10,000	10,000	4,000	66.67%
Fees - Drive Opening	200	200	200	-	0.00%
Fees - Bid Documents	1,000	1,000	1,000	-	0.00%
Permits - Fill	1,000	1,000	1,000	-	0.00%
Permits - Street Opening	40,000	30,000	30,000	(10,000)	-25.00%
Total Community Services-Engineering	48,200	42,200	42,200	(6,000)	-12.45%
<u>Fire Department</u>					
Copies of Reports	200	200	200	-	0.00%
EMS Transport	1,250,000	1,000,000	1,200,000	(50,000)	-4.00%
Salvage Calls	100	100	100	-	0.00%
Permits - Oil Burner	800	800	800	-	0.00%
Total Fire Department	1,251,100	1,001,100	1,201,100	(50,000)	-4.00%

CITY OF AUBURN
 FY 2020 REVENUES
 COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	MANAGER PROPOSED BUDGET FY 19-20	COUNCIL ADOPTED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<u>Police Department</u>					
Accident & Police	12,000	11,000	11,000	(1,000)	-8.33%
Court	10,000	10,000	10,000	-	0.00%
Photos & Tapes	3,500	800	800	(2,700)	-77.14%
False Alarms	12,000	12,500	12,500	500	4.17%
Animal Impound	1,000	-	-	(1,000)	-100.00%
Veh Rel/Non Driver	2,000	2,000	2,000	-	0.00%
Veh Rel/Driver Licence	13,000	9,000	9,000	(4,000)	-30.77%
ARRA Cops Grant	12,477	-	-	(12,477)	-100.00%
MDEA Reimbursement	170,000	170,000	170,000	-	0.00%
Permits - Firearms	4,000	2,000	2,000	(2,000)	-50.00%
Fines - Parking Violations	65,000	50,000	50,000	(15,000)	-23.08%
Total Police Department	304,977	267,300	267,300	(37,677)	-12.35%
<u>Public Works</u>					
State/Local Road Assistance	400,000	400,000	400,000	-	0.00%
Total Public Works	400,000	400,000	400,000	-	0.00%
Total Municipal	14,514,483	14,487,474	15,646,974	1,132,491	7.80%

CITY OF AUBURN
FY 2020 REVENUES
COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	MANAGER PROPOSED BUDGET FY 19-20	COUNCIL ADOPTED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
School Department					
Reg Secondary Tuition	160,973	165,026	165,026	4,053	2.52%
SOS Tuition	60,000	50,000	50,000	(10,000)	-16.67%
Adult Ed Tuition	93,300	93,300	93,300	-	0.00%
State Subsidy for Education	23,678,756	25,249,723	25,249,723	1,570,967	6.63%
Debt Service Reimbursement	624,158	601,933	601,933	(22,225)	-3.56%
Capital Reserve-EL Project	-	-	-	-	-
Special Ed/Mainecare	120,000	140,000	140,692	20,692	17.24%
State Agency Clients	30,000	50,000	50,000	20,000	66.67%
State Aid for Adult Education	91,918	94,206	94,206	2,288	2.49%
Miscellaneous	68,000	68,000	68,000	-	0.00%
Daycare Rent	50,000	50,000	50,000	-	0.00%
Fund Balance	719,417	719,417	877,296	157,879	0.00%
Total School	25,696,522	27,281,605	27,440,176	1,743,654	6.79%
Total Non-Property Tax Revenue - Municipal					
Total Non-Property Tax Revenue - Municipal	14,514,483	14,487,474	15,646,974	1,132,491	7.80%
Total Non-Property Tax Revenue - School	<u>25,696,522</u>	<u>27,281,605</u>	<u>27,440,176</u>	<u>1,743,654</u>	<u>6.79%</u>
Total Non-Property Tax Revenue	40,211,005	41,769,079	43,087,150	2,876,145	7.15%
Total Proposed Budget - Municipal					
Total Proposed Budget - Municipal	43,025,167	44,830,211	44,830,211	1,805,044	4.20%
Total Proposed Budget - School	<u>43,693,783</u>	<u>45,337,437</u>	<u>45,337,437</u>	<u>1,643,654</u>	<u>3.76%</u>
Total Proposed Budget	86,718,950	90,167,648	90,167,648	3,448,698	3.98%
Total Property Tax Dollars Needed - Municipal					
Total Property Tax Dollars Needed - Municipal	28,510,684	30,342,737	29,183,237	672,553	2.36%
Total Property Tax Dollars Needed - School	<u>17,997,261</u>	<u>18,055,832</u>	<u>17,897,261</u>	<u>(100,000)</u>	<u>-0.56%</u>
Total Property Tax Dollars Needed	46,507,945	48,398,569	47,080,498	572,553	1.23%

CITY OF AUBURN
FY 2020 EXPENDITURES
COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	DEPARTMENT PROPOSED BUDGET FY 19-20	MANAGER PROPOSED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<u>Administration</u>					
City Clerk	185,898	223,068	207,139	21,241	11.43%
City Manager	474,086	582,119	582,119	108,033	22.79%
Finance	694,109	859,797	734,597	40,488	5.83%
Human Resources	149,953	153,182	153,182	3,229	2.15%
IT	588,403	777,379	713,729	125,326	21.30%
Mayor & Council	111,610	113,137	113,137	1,527	1.37%
Total Administration	2,204,059	2,708,682	2,503,903	299,844	13.60%
<u>Community Services</u>					
Health & Social Services					
Administration	75,290	76,911	76,911	1,621	2.15%
Assistance	148,210	134,460	134,460	(13,750)	-9.28%
Economic and Community Development	1,471,918	1,333,724	1,333,724	(138,194)	-9.39%
Recreation	384,630	461,625	433,575	48,945	12.73%
Public Library	998,189	1,006,217	1,006,217	8,028	0.80%
Total Community Services	3,078,237	3,012,937	2,984,887	(93,350)	-3.03%
<u>Fiscal Services</u>					
Debt Service	6,702,508	7,084,690	7,334,690	632,182	9.43%
Emergency Reserve	431,003	452,999	445,802	14,799	3.43%
Facilities	650,641	657,128	667,128	16,487	2.53%
Transfer to TIF	3,049,803	3,049,803	3,049,803	0	0.00%
Fringe Benefits	6,471,614	7,073,669	6,797,826	326,212	5.04%
Workers' Compensation	581,360	664,910	637,910	56,550	9.73%
Total Fiscal Services	17,886,929	18,983,199	18,933,159	1,046,230	5.85%
<u>Public Safety</u>					
Fire	4,422,256	4,521,061	4,515,511	93,255	2.11%
Fire EMS Transport	683,181	695,751	695,751	12,570	1.84%
Police	4,166,631	4,363,414	4,275,323	108,692	2.61%
Total Public Safety	9,272,068	9,580,226	9,486,585	214,517	2.31%
<u>Public Services</u>					
Public Works	4,778,668	4,920,256	4,836,798	58,130	1.22%
Solid Waste	988,013	1,017,655	1,030,500	42,487	4.30%
Water & Sewer	645,216	645,216	645,216	0	0.00%
Total Public Works	6,411,897	6,583,127	6,512,514	100,617	1.57%
Total Municipal	38,853,190	40,868,171	40,421,048	1,567,858	4.04%

CITY OF AUBURN
 FY 2020 EXPENDITURES
 COMPARISON FY19 AND FY20 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	DEPARTMENT PROPOSED BUDGET FY 19-20	MANAGER PROPOSED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<u>Intergovernmental Programs</u>					
County Taxes	2,407,766	2,467,865	2,482,721	74,955	3.11%
Tax Sharing	270,000	270,000	270,000	0	0.00%
Auburn-Lewiston Municipal Airport	172,000	191,000	191,000	19,000	11.05%
Lew-Aub Transit Committee	199,130	215,311	331,138	132,008	66.29%
Lew-Aub 911 Communications Center	1,123,081	1,134,304	1,134,304	11,223	1.00%
Total Intergovernmental Programs	4,171,977	4,278,480	4,409,163	237,186	5.69%
Grand Total Municipal	43,025,167	45,146,651	44,830,211	1,805,044	4.20%
Education Operation	43,024,719	45,020,065	44,594,669	1,995,346	4.64%
Education Debt Service	669,064	742,768	742,768	73,704	11.02%
Total School	43,693,783	45,762,833	45,337,437	1,643,654	3.76%
Total Budget	86,718,950	90,909,484	90,167,648	3,448,698	3.98%

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CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 18-19	DEPARTMENT PROPOSED BUDGET FY 19-20	MANAGER PROPOSED BUDGET FY 19-20	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
Non-Property Tax Revenue					
Municipal	14,514,483	14,487,474	15,646,974	1,132,491	7.80%
Education	25,696,522	27,281,605	27,440,176	1,743,654	6.79%
Total	40,211,005	41,769,079	43,087,150	2,876,145	7.15%
Property Tax Dollars Needed					
Municipal	28,506,774	30,659,177	29,183,237	676,463	2.37%
Education	17,997,261	18,481,228	17,897,261	(100,000)	-0.56%
Total	46,504,035	49,140,405	47,080,498	576,463	1.24%
Property Tax Rate Based on Assessed Values of :	23.68	25.02	23.97	0.29	1.24%
	1,964,206,026	1,964,206,026	1,964,206,026		
Property Tax Rate					
Municipal Tax Rate	\$14.51	\$15.61	\$14.86	0.34	2.37%
Education Tax Rate	\$9.16	\$9.41	\$9.11	(0.05)	-0.56%
	23.68	25.02	23.97	0.29	1.24%

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Alfreda M. Fournier, Ward Four



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Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 08-06032019

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2019-2020, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2019 and ending June 30, 2020.

The estimated aggregate amount of non-property tax revenue is \$43,087,150 with a municipal revenue budget of \$15,646,974 and a School Department revenue budget of \$27,440,176.

The aggregate appropriation for the City of Auburn is \$90,167,648, with a municipal budget of \$42,347,490 County budget of \$2,482,721 and a School Department budget of \$45,337,437 which received School Committee approval on May 1, 2019, and school budget approved at the May 13, 2019 Council Meeting pursuant to the School Budget Validation vote on June 11, 2019, in accordance with Maine Revised Statutes, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 15, 2019, by the City Manager, and notification was posted on the City of Auburn website on May 30, 2019 that a public hearing would be held on June 3, 2019 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2019-2020 beginning July 1, 2019 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2019-2020.

SCHOOL BUDGET ARTICLES

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2019-2020

1. That \$18,399,387 be authorized to be expended for Regular Instruction;
2. That \$ 10,597,542 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$ 834,264 be authorized to be expended for Other Instruction;
5. That \$ 4,894,395 be authorized to be expended for Student and Staff Support;

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6. That \$ 965,499 be authorized to be expended for System Administration;
7. That \$ 1,525,475 be authorized to be expended for School Administration;
8. That \$ 1,822,093 be authorized to be expended for Transportation and Buses;
9. That \$ 5,134,574 be authorized to be expended for Facilities Maintenance;
10. That \$ 742,768 be authorized to be expended for Debt Service and Other Commitments;
11. That \$ 39,260 be authorized to be expended for All Other Expenditures;
12. That \$ 42,001,8775 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$16,355,070 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding*

Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That \$140,835 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statutes, Title 20-A, Section 15690 (2A);

Explanation: *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That \$1,210,952 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$1,210,952, as required to fund the budget recommended by the School Committee.

The School Committee recommends \$1,210,952, which exceeds the State's Essential Programs and Services allocation model by \$1,210,952. The School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model:

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The Essential Programs and Services funding model does not recognize all of the costs of special education services, transportation services, instructional services, co-curricular services and other services that the School Department provides.

Explanation: *The additional local funds are those locally raised funds over and above the city's local contribution to the total cost of funding public education from Pre- kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for educational programs.*

15. That the school committee be authorized to expend \$44,955,256 for the fiscal year beginning July 1, 2019 and ending June 30, 2020 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate \$382,181 for Adult Education and raise \$190,404.00 as the local share, with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

17. That in addition to amounts approved in the preceding articles, the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

We the Council of the City of Auburn adopt and approve the following items

RESOLVED, that the following be, and hereby is the Annual Budget and Revenue Estimate for the City of Auburn Enterprise Fund – Norway Savings Bank Arena for the fiscal year 2019 – 2020, which includes the amounts budgeted herein beginning July 1, 2019 and ending June 30, 2020.

The Enterprise Fund-Norway Savings Bank Arena estimated amount of non-property tax revenue is \$1,146,500.

The Enterprise Fund-Norway Savings Bank Arena operating budget is \$718,386.

If the Enterprise Fund-Norway Savings Bank Arena has a deficit at the end of the fiscal year, this deficit will be covered by the General Fund and will be considered a loan to the Arena to be paid back in subsequent years.

RESOLVED, that the following be, and hereby is the Annual Budget and Revenue Estimate for the City of Auburn Enterprise Fund – Ingersoll Turf Facility for the fiscal year 2019 – 2020, which includes the amounts budgeted herein beginning July 1, 2019 and ending June 30, 2020.

The Enterprise Fund-Ingersoll Turf Facility estimated amount of non-property tax revenue is \$230,000.

The Enterprise Fund- Ingersoll Turf Facility operating budget is \$214,491 and capital budget of \$11,000.

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RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2019 and ending June 30, 2020, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 16, 2019 and the remaining fifty percent (50%) shall be due on March 14, 2020.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 17, 2019 and March 15, 2020 respectively shall bear interest at a rate of 8% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 16, 2019. Any personal property taxes remaining unpaid on September 18, 2018 shall bear an interest rate of 8% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.