



# City Council Meeting and Workshop

## March 18, 2013

### Agenda

#### 5:30 P.M. Workshop

- A. Municipal Code Ordinance Adoption – Clint Deschene
- B. Charitable donation policy (special events) – Clint Deschene
- C. Bike-Ped Committee – Complete Streets Policy – Gary Johnson
- D. City Work Plan 2013 – Clint Deschene

#### 7:00 P.M. City Council Meeting

#### Pledge of Allegiance

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

- 1. Order 16-03182013\***  
Appointing of Susan Clements-Dallaire as Registrar of Voters with a term expiration of December 31, 2014.

- 1. Order 17-03182013\***  
Accepting the transfer of Forfeiture Asset (Travis St. Pierre).

- 2. Order 18-03182013\***  
Appointing Board and Committee Members as nominated by the Appointment Committee.

- II. Minutes**  
• March 4, 2013 Regular Council Meeting

- III. Reports**  
**Mayor's Report**  
**City Councilors' Reports**  
**City Manager's Report**

- Finance Director, Jill Eastman**  
• February 2013 Monthly Finance Report

- IV. Communications, Presentations and Recognitions**  
• Recognition – The Central Maine Community College Women's Basketball Team

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

# Auburn City Council Meeting & Workshop

March 18, 2013

---

## VI. Unfinished Business

## VII. New Business

### 1. Ordinance 01-03182013

Approving the proposed zoning map amendment in the Blanchard Road area. First Reading.

## VIII. Executive Session

- Discussion regarding a legal matter for negotiations on an economic development issue, pursuant to 1 M.R.S.A. §405(6)(C).

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

## X. Future Agenda/Workshop Items

## XI. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- 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. Labor contracts
- E. Contemplated litigation
- 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 in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



## City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** March 18, 2013

**Item** A

**Author:** Sue Clements-Dallaire, City Clerk

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☒ Ordinance/Charter ☐ Other Business\* ☐ Council Goals\*\*

\*\*If Council Goals please specify type: ☐ Safety ☐ Economic Development ☐ Citizen Engagement

**Subject:** Municipal Code Ordinance Adoption

**Information:** During the recodification which was adopted on 2/2/2011, there were 4 ordinances that were inadvertently omitted. The first Ordinance being presented is to readopt those and the second Ordinance corrects section numbering errors (the numbering changed with the recodification). We will bring this forward at the April 1<sup>st</sup> meeting for the first reading, and again at the April 16<sup>th</sup> meeting for the second and final reading.

**Financial:** N/A

**Action Requested at this Meeting:** Discussion

**Previous Meetings and History:** N/A

**Attachments:** Copies of draft Ordinances

*\*Agenda items are not limited to these categories.*

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE #

#### **AN ORDINANCE REINCORPORATING FOUR ORDINANCES OMITTED DURING THE RECODIFICATION OF THE CITY'S CODE OF ORDINANCES ADOPTED ON FEBRUARY 22, 2011.**

#### **BE IT ORDAINED BY THE AUBURN CITY COUNCIL:**

The council finds that certain ordinances were inadvertently omitted during the recodification of the city's code of ordinances, which recodification was adopted on February 22, 2011. By this article, the city council corrects such omissions and reinstates the following ordinances (except for editorial correction of internal section numbering as necessary to coordinate with the recodified code):

- (a) *Ordinance dated May 7, 1979*, creating the planning board (Attachment "A" to this article, as amended through February 21, 1990, and formerly codified as Article III of Chapter 16) to be inserted in the city's current code as new division 5 of Article V of Chapter 2, Administration, as edited in this article;
- (b) *Ordinance dated March 26, 1990*, adopting a housing code for the city (Attachment "B" to this article, as amended through March 26, 1990, and formerly codified as Chapter 20A), to be inserted as new Article IV in Chapter 12, Buildings;
- (c) *Ordinance dated July 20, 2009*, adopting post-construction stormwater management regulations (Attachment "C" to this article) to be inserted as new Article III in Chapter 18, as edited in this article; and
- (d) *Ordinance dated August 17, 2009*, amending former sections 7.1 and 7.3 of the city's zoning regulations, recodified as sections 60-1308 and 60-1363 respectively (Attachment "D" to this article), to be inserted as new Article III of Chapter 18.



## **ATTACHMENT A**

### **DIVISION 5. PLANNING BOARD**

#### **Sec. #. Membership: appointment, removal, terms, vacancies.**

(a) There shall be a planning board of seven members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.

(b) Members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.

(c) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.

(d) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.

#### **Sec. #. Chairman and vice-chairman.**

The members of the planning board shall annually elect one of their number as chairman to preside at all meetings and hearings, and another of their number as vice-chairman. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman.

#### **Sec. #. Staff secretary: minutes, public records.**

(a) The city planner shall designate a member of his staff who shall serve as staff secretary of the planning board and attend all of its proceedings.

(b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and all correspondence of the planning board.

#### **Sec. #. Quorum and necessary vote.**

(a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. If the requisite votes are not present the matter shall be tabled.

(b) If less than a quorum is present, the hearing may be adjourned. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

#### **Sec. #. Meetings, hearings and procedures.**

(a) Regular meetings of the planning board shall be held at the call of the chairman or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.

(b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may be waived by the chairperson upon good cause being shown.

#### **Sec. #. Workshop or informational meetings.**

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the city planner, as the case may be, for the presentation of information.

**Sec. #. Record and decisions.**

(a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.

(b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

(c) The staff secretary shall mail notice of any decision of the board to the applicant any designated interested parties within five business days of such decision.

**Sec. #. Conflicts.**

No member of the planning board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the members whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

**Sec. #. Appeals.**

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

**Sec. #. Jurisdiction and authority.**

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.
- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

**Sec. #. Committees.**

The chairman of the planning board shall from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to its concerning such specific items as may be assigned to them for study and report.

## **ATTACHMENT B**

### **ARTICLE IV. HOUSING CODE**

#### **DIVISION 1. GENERALLY**

##### **Sec. #. Purpose.**

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the city to insure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

##### **Sec. #. Definitions and rules of construction.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Basement* means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

*Housing inspector* means the legally designated housing inspection authority of the city or his authorized representative.

*Chief of police* means the legally designated head of the police department of the city or his authorized representative.

*Dwelling or dwelling unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

*Dwelling unit* means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

*Extermination* means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

*Fire chief* means the legally designated head of the fire department of the city or his authorized representative.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

*Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

*Health officer* means the legally designated health authority of the city or his authorized representative.

*Infestation* means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

*Manufactured housing* means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

*Mobile homes, older*, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restricted to location in

approved mobile home parks.

*Mobile home park* means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

*Multiple dwelling* means any dwelling containing more than three dwelling units.

*Occupant* means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Operator* means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

*Owner* means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

*Plumbing* means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Rooming house* means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

*Rubbish* means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

*Summer camps* means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

*Supplied* means paid for, furnished, installed or provided by or under the control of the owner or operator.

*Temporary housing* means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

(b) Whenever the words "dwelling", "dwelling unit", "lodging house", "rooming unit", or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof".

#### **Sec. #. Compliance required.**

(a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.

(b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

#### **Sec. #. Validity of other laws.**

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

#### **Sec. #. Exceptions permitted.**

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the housing inspector shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
- (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and
- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

#### **Sec. #. Procedure for granting exceptions.**

(a) The housing inspector shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.

(b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

### **DIVISION 2. INSPECTIONS**

#### **Sec. #. Authority of housing inspector.**

The housing inspector is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

#### **Sec. #. Right of entry for inspection.**

For the purpose of making such inspections, the housing inspector is hereby authorized to enter, examine, and survey any or all dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

#### **Sec. #. Owner and occupant to give free access.**

(a) *Access of housing inspector.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the housing inspector free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.

(b) *Access of owner.* Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisions of this article or any lawful order issued pursuant to this article.

### **DIVISION 3. ENFORCEMENT**

**Sec. #. Procedure generally.**

(a) If the housing inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.

(b) Any notice issued pursuant to this article shall:

- (1) Be in writing;
- (2) Include a statement of the reasons why it is being issued;
- (3) Set a reasonable time for the performance of any act it requires;
- (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:
  - a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or
  - b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and
  - c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of the housing inspector.
- (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

(c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the housing inspector that such corrective action has been taken.

**Sec. #. Method of petitioning for hearing.**

(a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.

(b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.

(c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.

(d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

**Sec. #. Power of board of appeals to alter notice.**

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is

served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

**Sec. #. Recording of public hearing.**

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

**Sec. #. Notice of intent to sell, transfer or rent property subject to order.**

(a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the housing inspector, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the housing inspector in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.

(b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

**Sec. #. Placarding of buildings unfit for human habitation.**

(a) *Authority of housing inspector.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the housing inspector, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the housing inspector.

(b) *Procedure.* To placard, the housing inspector shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the housing inspector may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.

(c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the housing inspector. The housing inspector shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

(d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

**Sec. #. Order to vacate dangerous premises.**

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing, filed in the office of the housing inspector, that extreme danger or menace to the occupants or the public health exists, the housing inspector may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

**DIVISION 4. MINIMUM STANDARDS**

**Sec. #. Compliance with city codes and state law required.**

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

**Sec. #. Maintenance.**

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

## **Sec. #. Plumbing.**

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin.

## **Sec. #. Heating and ventilation.**

(a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.

(b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.

(c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, excepting rooms use primarily for sleeping purposes, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet above floor level, as required by prevailing weather conditions from September 15 through may 15 of each year.

(d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

## **Sec. #. Passageways, stairways and exits.**

(a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.

(b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.

(c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

## **Sec. #. Garbage and rubbish.**

(a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.

(b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the housing inspector may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

## **Sec. #. Insect and rodent control.**

(a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

## **Sec. #. Space and occupancy.**



(a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

(b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

**Sec. #. Dwelling occupancies prohibited adjacent to hazardous establishments.**

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

## **ATTACHMENT C**

### **POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE**

#### **Sec. 1. Purpose.**

The purpose of this article is to provide for the health, safety, and general welfare of city citizens through monitoring and enforcement of compliance with post-construction stormwater management plans in order to comply with minimum control measures requirements of the Federal Clean Water Act (33 USC 1251 et seq.), other federal regulations and Maine's Small Municipal Separate Storm Sewer Systems General Permit.

#### **Sec. 2. Objectives.**

This article seeks to ensure that post-construction stormwater management plans are followed and stormwater management facilities are properly maintained and pose no threat to public safety.

#### **Sec. 3. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person with requisite right, title or interest or an agent for such person who has filed an application for new development or redevelopment that requires a post-construction stormwater management plan under this article.

*Best management practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Clean Water Act* means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), which is commonly referred to as the Clean Water Act.

*Construction activity* means construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

*Direct discharge* and *point source* means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

*Discharge* means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state."

*Disturbed area* means clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." "Disturbed area" does not include routine maintenance but does include redevelopment. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

*Enforcement authority* means the director of planning and permitting, director of community services, or their designees, the persons or departments authorized by the city to administer and enforce this article.

*Permitting authority* means the city official or body that has jurisdiction over the land use approval or permit required for a new development or redevelopment.

*Separate storm sewer system (MS4)* means conveyances for storm water, including, but not limited to, roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any city, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit* means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*New development* means any construction activity on unimproved premises.

*Pollutant* means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, city, domestic, commercial or agricultural wastes of any kind.

*Post-construction stormwater management plan* means BMPs and stormwater management facilities employed by a new development or redevelopment to meet the standards of the city’s subdivision, site plan, or other zoning, planning or other land use ordinances and approved by the permitting authority.

*Premises* means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the city.

*Qualified inspector* means a person who conducts post construction stormwater management facilities inspections. The director of community services or his designee may require inspections for engineered systems to be completed by a Registered Professional Engineer at his discretion.

*Redevelopment* means construction activity on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

*Regulated small MS4* means any Small MS4 regulated by Maine’s General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems effective July 1, 2008 (“general permit”), including all those located partially or entirely within an urbanized area (ua) and those additional small ms4s located outside a ua that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

*Small MS4 and Small Municipal Separate Storm Sewer System* means any MS4 that is not already covered by the Phase I MS4 stormwater program including city owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, state department of transportation and state turnpike authority road systems and facilities, and military bases and facilities.

*Storm drainage system* means the city’s regulated small MS4.

*Stormwater and storm water* mean any stormwater runoff, snowmelt runoff, and surface runoff and drainage.

*Stormwater management facilities* means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the post-construction stormwater management plan for a new development or redevelopment.

#### Sec. 4. Applicability.

This article applies to all new development and redevelopment within the city that discharges stormwater to the city’s MS4 and to associated stormwater management facilities. This article does not apply to new development or redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this article; the lot, tract or parcel shall not require additional review under this article, but shall comply with the post-construction stormwater management plan requirements for that approved subdivision.

#### **Sec. 5. Post-construction stormwater management plan approval.**

(a) *General requirement.* Notwithstanding any ordinance provision to the contrary, and except as provided in section 4.b. above, no applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable shall receive such permit or approval for that new development or redevelopment unless the applicant also receives approval under the city’s subdivision, site plan or other zoning, planning or other land use ordinances for its post-construction stormwater management plan and stormwater management facilities for that new

development or redevelopment, even if the city's subdivision, site plan or other zoning, planning or other land use ordinances would not otherwise apply to that new development or redevelopment.

**(b) Notice of BMP discharge to city's MS4. At the time of application for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable, the applicant shall notify the permitting authority if its post-construction stormwater management plan includes any BMPs that will discharge to the city's MS4 and shall include in this notification a listing of which BMPs will so discharge.**

**Sec. 6. Post-construction stormwater management plan compliance.**

(a) *General requirements.* Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under the city's subdivision, site plan or other zoning, planning or other land use ordinances shall demonstrate compliance with that plan as follows:

- (1) That person or a qualified inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all city and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (2) If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action to address the deficiency or deficiencies.
- (3) That person or a qualified inspector hired by that person, shall, on or by June 1<sup>st</sup> of each year provide a completed and signed certification to the enforcement authority in a form identical to that attached as appendix 1 to this article, certifying that the person has inspected the stormwater management facilities and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action taken.
- (4) In addition, any persons required to file an annual certification under section 6 of this article shall include with the annual certification payment in the amount established by the city for the purpose of contributing toward the administrative and technical costs of review of the annual certification.

(b) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, the enforcement authority may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the stormwater management facilities.

(c) *Annual Report.* Beginning July 1, 2009 and each year thereafter, the city shall include the following in its annual report to the state department of environmental protection:

- (1) The cumulative number of sites that have stormwater management facilities discharging into their MS4;
- (2) A summary of the number of sites that have stormwater management facilities discharging into their MS4 that were reported to the city;
- (3) The number of sites with documented functioning stormwater management facilities; and
- (4) The number of sites that required routine maintenance or remedial action to ensure that stormwater management facilities are functioning as intended.

(d) *Inspections.* The city shall annually inspect a percentage of stormwater management facilities. If the owner or operator of a stormwater management facility hires or is deemed to be a qualified inspector, the permittee will have no inspection requirements. If the owner or operator of a stormwater management facility does a "self" inspection and is not a qualified inspector, the city is required to conduct the following inspection schedule:

- (1) 1-10 post construction sites: inspect at least one site, or 40% (whichever is greater)
- (2) 11-30 post construction sites: inspect at least four sites, or 30% (whichever is greater)
- (3) 31-60 post construction sites: inspect at least nine sites, or 25% (whichever is greater)
- (4) 61-100 post construction sites: inspect at least fifteen sites, or 20% (whichever is greater)
- (5) 101-160 post construction sites: inspect at least twenty sites, or 17% (whichever is greater)
- (6) Over 160 post construction sites: inspect at least twenty seven sites, or 11% (whichever is greater)

## **Sec. 7. Enforcement.**

*Violations.* It is unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

*Notice.* Whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may order compliance with this article or with the post-construction stormwater management plan by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

The abatement of violations, and the cessation of practices, or operations in violation of this article or of the post-construction stormwater management plan;

At the Person's expense, compliance with bmps required as a condition of approval of the new development or redevelopment, the repair of stormwater management facilities or the restoration of any affected property; or

The payment of fines, of the city's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of stormwater management facilities or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair or restoration must be completed.

*Penalties, fines and other remedies.* Any person who violates this article or the post-construction stormwater management plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this article or the post-construction stormwater management plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article or of the post-construction stormwater management plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

*Consent agreement.* The enforcement authority may, with the approval of the city officers, enter into a written consent agreement with the violator to address timely abatement of the violations of this article or of the post-construction stormwater management plan for the purposes of eliminating violations of this article or of the post-construction stormwater management plan and of recovering fines, costs and fees without court action.

*Appeal.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the board of appeals in accordance with the rules of the board of appeals. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The board of appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt of the notice of appeal. The board of appeals may affirm, reverse or modify the decision of the enforcement authority. A party aggrieved by the decision of the board of appeals may appeal that decision in the manner provided by state law.

*Judicial action for enforcement.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the board of appeals, within 45 days of a decision of the board of appeals affirming the enforcement authority's decision, then the enforcement authority may recommend to the city officers that the city's attorney file an enforcement action in a court of competent jurisdiction pursuant to state law.

## **ATTACHMENT D**

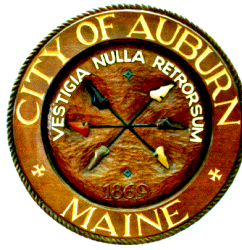
### **7.1 Site Plan Review** **D. Procedure**

9. Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. Any site plan that contains a phase concept approved by the Planning Board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the Planning Board not less than 30 days before the expiration of approval of his existing plan. The Planning Board shall approve or disapprove the requested extension at its next regular meeting.

### **7.3 Subdivision** **E. Final Approval and Filing** **4. Improvement Completion Time**

a. All required improvements shall be completed no later than two years after approval of the final plan. Should the subdivider request an extension it shall be made in writing to the Planning Board. Should the Planning Board grant an extension it shall be for a period not to exceed six months. Only one extension shall be granted. Should the subdivider not complete the required improvements within the time specified the subdivider shall be in violation of this chapter. If a development is proposed to be phased then specific requirements for each phase shall be complete prior to issuing Building Permits for that phase. If a development is contested with litigation, the two year completion requirement shall not commence until a final court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Jonathan LaBonte, Mayor

Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

## IN CITY COUNCIL

### ORDINANCE #

#### **AN ORDINANCE CORRECTING SECTION NUMBERS IN ORDINANCES ADOPTED DURING THE PENDENCY OF THE RECODIFICATION OF THE CITY'S CODE OF ORDINANCES ADOPTED ON FEBRUARY 22, 2011.**

#### **BE IT ORDAINED BY THE AUBURN CITY COUNCIL:**

**Sec. 1.** The city council finds that certain ordinances adopted while the recodification project was on-going included numbering inconsistent with the recodified code as ultimately adopted. By this ordinance, the city council readopts the following ordinances with numbering corrected as is necessary for consistency with the recodified code:

(a) *Ordinance dated February 1, 2010*, designating certain stop sign and restricted parking location and street uses (Attachment "E" to this ordinance), to be used to amend traffic schedules in Article VIII, Chapter 52, Traffic Regulatory Signage;

(b) *Ordinance dated February 16, 2010*, regarding setbacks in the Central Business District, (Attachment "F" to this ordinance), to be used to amend code sections 60-498 through 500;

(c) *Ordinance dated March 22, 2010*, establishing setbacks and height allowances for certain accessory structures, including windmills (Attachment "G" to this ordinance), to be used to amend code section 60-548;

(d) *Ordinance dated May 3, 2010*, adopting a business license fee schedule (Attachment "H" to this ordinance), to be used to amend the city fee schedule in Appendix A of the city code;

(e) *Ordinance dated June 7, 2010*, regarding sandwich boards and easel signs (Attachment "I" to this ordinance), to be used to add a new subsection 9(d) to code section 60-637;

(f) *Ordinance dated June 7, 2010*, amending the city's red flag rules (identity theft prevention program) (Attachment "J" to this ordinance), to be used to replace code sections 2-539 through 2-556;

(g) *Ordinance dated January 18, 2011*, changing maximum floor space for certain accessory buildings (Attachment "K" to this ordinance), to be used to amend code section 60-43(e);

(h) *Ordinance dated February 7, 2011*, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special uses in low density country residential zoning districts (Attachment "L" to this ordinance), to be used to amend code section 60-201(b);

(i) *Ordinance dated February 7, 2011*, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special exceptions in agriculture and resource protection districts (Attachment "M" to this ordinance), to be used to amend code section 60-144 through 173;

(j) *Ordinance dated February 7, 2011*, renaming current Chapter 14 to "Business Licenses and Permits", repealing and replacing former Chapter 24 (now Chapter 14) regarding business licensing, and repealing in their entirety Article IX (Taxicabs) of Chapter 26 (Traffic and Motor Vehicles), all of Chapter 36 (Peddlers,



Itinerant merchants and Solicitors), all of Chapter 40 (Secondhand Goods), and all of Chapter 58 (Vehicles for Hire);

(k) *Ordinance dated September 6, 2011*, regarding excavation permits (Attachment "N" to this ordinance), to be used to amend code sections 60-697 et seq., renumbering as necessary to accommodate the addition of a new section 60-701; and

(l) *Ordinance dated December 5, 2011*, regarding the sale and use of consumer fireworks (Attachment "O" to this ordinance), to be used as new code section 20-59 renumbering current section 20-59 as 20-60.



## City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** March 18, 2013

Item B

**Author:** Sue Clements-Dallaire, City Clerk

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business\* ☐ Council Goals\*\*

\*\*If Council Goals please specify type: ☐ Safety ☐ Economic Development ☐ Citizen Engagement

**Subject:** Charitable Organization Support Policy

**Information:** In preparation for the upcoming festivals and special events, we met with event coordinators and several city staff members to discuss our plans to implement a new application process with the possibility of a multiyear (3 year) agreement with a three year extension by the City Manager, pending any major changes with the event. In an effort to keep things consistent between Lewiston and Auburn and to simplify the process for organizations who are applying in both communities, we tried to mirror Lewiston's process as much as possible while tailoring it to Auburn's needs and staying in compliance with our Code of Ordinances. After presenting this to Council at the 3/4/2013 workshop, we've come back with some changes to the Charitable Donation Policy.

**Financial:**

**Action Requested at this Meeting:** Review changes since this was last presented at the 3/4/2013 workshop.

**Previous Meetings and History:** A Festival Planning Meeting was held on January 15 with the event coordinators and City Staff to discuss our proposed plans. This was also presented to Council at the March 4, 2013 workshop.

**Attachments:**

- Charitable Funding Policy

*\*Agenda items are not limited to these categories.*

## CHARITABLE ORGANIZATION SUPPORT POLICY

### PURPOSE

To establish a process for approving the funding of non-profit/charitable funding events that benefit residents in the City of Auburn.

### BACKGROUND

It has been the practice of the City of Auburn to allocate funding from the city's General Fund (through individual department budget lines—events such as the July 4<sup>th</sup> fireworks) and in-kind contributions to support a variety of highly successful and well-attended community-based events conducted by charitable/non-profit organizations.

The City also provides funding support for non-profits through its Community Development Block Grant (CDBG) funds. This policy shall not involve the utilization of those funds as the City employs a separate process to review and distribute CDBG funds.

In order to ensure a uniform process is followed in the appropriation of city General Funds or in-kind city support requests that are annually submitted to the city, the following guidelines will be followed.

### EXEMPT ORGANIZATIONS

For the purposes of this policy, certain organizations/events shall be exempt from the funding limitations articulated in this policy. This exemption shall not be meant to exempt these organizations from providing all required information, by March 1 of each year, required in the form outlined in Appendix A of this policy. Those organizations/events eligible for exemption under this section are:

- The Liberty Festival Committee or 4<sup>th</sup> of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge
- Holiday Parade

### A. DEFINITIONS

"Financial assistance" shall mean any municipal grant encompassing all forms of direct cash payments for eligible activities.

"In-kind" shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee used to support the event/program for which the non-profit is either sponsoring or participating in.

"Non-profit organization" shall mean any non-profit/charitable organization recognized as a tax exempt IRS approved 501.C.3/4 and/or recognized as a legally tax-exempt organization under Maine law.

Deleted: groups,

Deleted: , services, and programs

Deleted: programs and activities

## B. INTRODUCTION

The Charitable Organization Support Policy has been established by the city manager's office to provide guidelines to non-profit organizations that are seeking financial assistance or in-kind assistance with the following:

1. One time start-up funding for a new community event or festival (support will be limited to in-kind support not to exceed \$5,000).
2. Sponsorship funding for established community events or festivals.
3. Funding towards event partnerships between the city or organizations
4. Funding to maintain and/or operate private structures or property that are used to the benefit of the community as a whole.
5. Requests for in-kind support through the use of city equipment, structures, assets, public space, services and staffing

## C. CONDITIONS FOR NON-PROFIT SUPPORT CONSIDERATION AND APPROVAL

### 1. *EVENTS REQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY*

The following non-profit in-kind requests not requiring City Council approval shall be reviewed for possible approval by the City Manager's office and subject to the review and application process required of all participating departments. In all such cases, these requests for in-kind support will not require the filing of the formal application. Eligibility for consideration under this policy section shall not occur if any organization is not eligible as outlined in Section C.4 of this policy, and shall only occur under the following limited conditions:

- a. That the utilization of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- b. Any utilization of city properties & assets for the support of public meetings for county, state and federal agencies/commissions, local/state/national organizations to which the City of Auburn participates as a member, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in those instances when the event benefits the community; can be co-sponsored as a "City of Auburn" event; is consistent with the normal use of the facility; and can be supported with budgeted city staff/resources.
- d. Approval of any City Council approved prior year event which remains substantially similar in scope and did not require any direct city cash payment contribution and/or in-kind assistance.

### 2. *CITY COUNCIL APPROVAL - APPLICATION ELIGIBILITY*

All non-profit requests which do not fall under Section B.1 of this policy require the filing of an application. The City Council will review applications for municipal nonprofit support after

Deleted: /PROGRAMS/

Deleted: /program

considering the following eligibility criteria. All applications must be submitted no later than March 1 of each fiscal year. The following are the conditions for filing non-profit eligibility:

- a. A not-for-profit organization that meets the definition of “non-profit” as defined in this policy.
- b. Provides a recreation, cultural or community service to a significant proportion of city residents that the city does not otherwise provide.
- c. Has demonstrated revenue-generating capability for the event.
- d. If other government or private funding does not exceed fifty percent (50%) and the organization can demonstrate that it has exhausted all other potential avenues of funding for the service or event.
- e. Organizations demonstrate collaboration and cooperation with other local organizations in the sharing of resources.
- f. Organizations that receive any funding are required to acknowledge the support of the municipality through the use of the municipal, web site and tag line on any promotional material for the event, service, activity, etc. The plan for the use of the municipal logo, web site and tag line will be submitted as part of the event application to the City Clerk for his/her review

Deleted: /program

### 3. CITY COUNCIL APPROVAL - APPLICATION CONDITIONS

The following are those conditions which qualify for city financial assistance or in-kind support and will require the submission of the formal application.

- a. Start-up funds for a new community event or festival.
  - Start-up funds may be provided, on a ONE TIME basis only, to assist in the initial costs for providing the community with a new community event or festival.
  - Sponsorship funds for established community events or festivals.
  - Sponsorship funds may be given to organizations provided that Council acknowledges that the municipality is obtaining an economic benefit.
  - Depending on the monetary success of the event, Council may determine that the sponsorship funding or portion thereof be repaid or be carried forward to a subsequent year which must be within the city's fiscal year.
- b. Direct cash funding and any in-kind support for organizations that provide a service or engage in a community festival in partnership with the city.
- c. Direct cash funding to maintain and/or operate private structures or properties that are used for the benefit of the community.
  - Funding may be provided to organizations to offset operating costs such as taxes and insurance for private structures and properties if Council acknowledges that those facilities are used for the benefit of the community.

### 4. CITY COUNCIL WAIVER REQUIRED - NOT ELIGIBLE FOR FINANCIAL ASSISTANCE/IN- KIND SUPPORT

The following will not be eligible for financial assistance/in-kind unless specifically waived by the City Council:

**I. TYPES OF ORGANIZATIONS/INDIVIDUALS**

- i. Social assistance services that are provided by other government agencies or not-for-profit organizations.
- ii. For-profit organizations
- iii. Organizations with political affiliations
- iv. Organizations serving as funding sources for others, e.g. service clubs.
- v. Faith organizations where services/activities include the promotion and/or required adherence to a faith.
- vi. Organizations receiving greater than 50% funding from senior levels of government.
- vii. Political candidates.

**II. TYPES OF REQUESTS**

- i. Travel expenses for members of an organization.
- ii. Uniforms
- iii. Individuals
- iv. Programs with legislated mandates of other governments.
- v. Costs for major capital equipment/renovations and financing of deficits.
- vi. Any funding requests from organizations that do not submit the required reporting information for a previous year's grant in accordance with Section C of this policy.
- vii. Incorporation costs or Director's Liability insurance costs
- viii. Any request for the use of tables/chairs or other city assets off-site.
- ix. Under any one of the following conditions: The event involves fund raising supports with no general public purpose; will not be accessible to the general public; benefits the organization only as a fund-raiser; or provides a benefit limited to the participants, clients or membership of the organization.

**5. FUNDING LIMITS**

Any organization or event in any one fiscal year will be capped at a cash request of \$2,500 and/or in-kind value of \$5,000. Any amount, in total cash and/or in-kind, shall not exceed 25% of the total annual budget of the organization. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

**6. APPLICATION PROCESS & CONDITIONS**

Prior to considering any request for funding or in-kind support (not subject to City Manager's approval under this policy), Council shall require the following from the organization:

- A completed Charitable Funding Application form detailing the requested funding/in-kind support from the city.

- Financial statements which shall include an income and expense statement and a balance sheet (if one is available) from the previous event or fiscal year
- A detailed budget for the upcoming fiscal year or event

Information pertaining to the evaluation criteria:

- The applicant will provide one (1) copy of the application form and any supporting documents to the city. An electronic copy is acceptable.
- The city reserves the right to request supplementary information in support of the application.
- Requests for financial and/or in-kind assistance shall be received by the city no later than March 1 of each calendar year
- If the above information is not submitted by the March 1 deadline, applications will be returned and not considered by Council
- Filing an application does not necessarily guarantee the awarding of any funding to the applicant
- Previous year's funding allocations will not be considered and each application will be reviewed on its own merit
- The city reserves the right to deny or approve any/all requests

All approved applications will be approved for three years unless a substantial change has been identified in the application or financial request. The City Manager has the authority to extend the approval an additional three years if no substantial change has been identified in the application or financial request.



## City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** March 18, 2013

**Item** C

**Author:** Gary Johnson, Assistant City Engineer

Item(s) checked below represent the subject matter related to this workshop item.

☒ **Comprehensive Plan**   ☐ **Work Plan**   ☐ **Budget**   ☐ **Ordinance/Charter**   ☐ **Other Business\***   ☒ **Council Goals\*\***

\*\*If Council Goals please specify type:   ☒ **Safety**   ☐ **Economic Development**   ☐ **Citizen Engagement**

**Subject:** Complete Streets Policy Lewiston-Auburn Bike-Ped Committee

**Information:** The Lewiston-Auburn Bike-Ped Committee, as one of the specific activities outlined in their mission statement, has drafted a "Complete Streets Policy" for consideration and adoption by the Council. Complete Streets are designed and operated to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists and public transport users of all ages and abilities. These are the attributes specifically called for in many of the Transportation Policy-Goals, Objectives, & Strategies of the City's Comprehensive Plan. This policy would provide for a process to better ensure adherence to those objectives & strategies.

**Financial:**

**Action Requested at this Meeting:** Discussion

**Previous Meetings and History:** Presented to the Auburn Planning Board 2-12-2013.

**Attachments:** Complete Streets Policy - Draft 1-23-2013

*\*Agenda items are not limited to these categories.*



## COMPLETE STREETS POLICY

### 1. Vision

Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities. The vision of the Cities of Lewiston Auburn (Cities) is of a community in which all residents and visitors, regardless of their age, abilities, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.

### 2. Policy

The Cities will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

Transportation facilities that support the concept of complete streets include, but are not limited to, amenities such as pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.

The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

### 3. Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The L-A Bicycle Pedestrian Committee shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

### 4. Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- a. Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;

- b. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- c. Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- d. Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
  - require more space than is physically available, or
  - be located where both current and future demand is proven absent, or
  - drastically increase project costs and equivalent alternatives exist within close proximity, or
  - have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.

In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Administrator. If the City Administrator concludes that an exception to the policy is warranted, the Administrator or the staff representative to the L-A Bicycle Pedestrian Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.

- e. Street projects may exclude the development of sidewalks in areas falling outside those identified as appropriate for sidewalks on the basis of an adopted sidewalk policy.

## 5. Intergovernmental Cooperation

The Cities will cooperate together and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

## 6. Design Criteria

The Cities, through their Public Works and Planning Departments, shall develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street

design, construction, and operation. To the greatest extent possible, the Cities shall adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Highway Capacity Manual and Highway Safety Manual; and the Manual on Uniform Traffic Control Devices.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

## 7. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

## 8. Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- a. Corridors providing primary access to one or more significant destination such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- b. Corridors serving a relatively high number of users of non-motorized transportation modes;
- c. Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- d. Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC, Androscoggin Land Trust (ALT), and other associated groups.

## 9. Performance Measures

The City Administrator/Manager and/or designee shall report to the Planning Boards and City Councils on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the objectives of this policy.

## 10. Implementation

This policy will be primarily implemented through developing bike and pedestrian network plans on a regional basis through ATRC and within the Cities through the Joint Bicycle Pedestrian Committee. These plans shall specify the type and location of improvements and shall be implemented as funding becomes available or routine work is completed. Special emphasis shall be placed on those elements of these plans that can be accomplished with

little or no additional expense, such as providing bike lanes where existing pavement is adequate or where road shoulders are sufficient to allow for safe bicycle use.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; establishing design manuals that clearly set forth the standards to be followed for bike and pedestrian installations including signs and markings; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

Right-of-Way projects included within the Cities' annual or multi-year capital improvement plans shall specifically reference how the project addresses complete streets issues.



## City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: March 18, 2013

Item D

Author: Sue Clements-Dallaire, City Clerk

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☐ Other Business\* ☒ Council Goals\*\*

\*\*If Council Goals please specify type: ☒ Safety ☒ Economic Development ☒ Citizen Engagement

Subject: City Work Plan, Calendar Year 2013

Information: Pursuant to Council Goal setting the City Manager will present annual priorities of the City. This is not an all inclusive list but identifies and reinforces the Council's policy objectives.

Financial: None as a policy, individual items with the plan may have financial components but approval does not fund.

Action Requested at this Meeting: Review the plan and provide comments for later approval as a consent calendar item.

Previous Meetings and History: February 19, 2013 Workshop

Attachments: 2013 Work Plan

*\*Agenda items are not limited to these categories.*

# City of Auburn

## City Manager Work Plan 2013

---

### CREATE AND IMPLEMENT A COMMUNITY ECONOMIC DEVELOPMENT PLAN FOCUSED ON AUBURN'S ASSETS

**Coordination Area / Staff:** Economic Development: Clint Deschene, Howard Kroll, Roland Miller, Eric Cousens

**Description:** Design a structure for Economic Development that leverages assets in Auburn and streamlines the interaction of various partners, including ABDC, LAEGC, AVCOG, the Airport, Railroad and state/federal partners. The focus will be on small business/downtown development and industrial/trade-based growth in Auburn.

**Steps and Dates:**

1. Review existing structures, plans and budgets to strengths and partnership efficiencies (March-April, 2013)
  - a. Port of Auburn Area (LAEGC, FTZ, Railroad, Airport, ABDC, private industrial Parks)
  - b. Downtown/Small Business (CDBG, LAEGC)
2. Propose new Department Structure (May 2013)
3. Implementation of new structure and setting of metrics, review process (July - December, 2013)
4. Monitor and Review

### COMMUNITY SAFETY

**Coordination Area / Staff:** Public Safety (All Departments)

**Description:** Community Safety extends to staff and the City as a whole. The Council has indicated a desire to address or approach the City's direction for the next fiscal year in addressing the safety of Auburn.

**Steps and Dates:**

1. Staff will address budget with safety objectives (May 2013)
2. **Budget will include workplan and steps to be measured during FY14**
3. Safety Team will review approaches to expand (June 2013)
4. City Manager will provide quarterly update on progress improving stated safety measures during FY14 and recommend any necessary policy changes to City Council to address needs identified
5. Citizen Engagement Goal will highlight roles of citizens and visitors in community safety. (See Citizen Engagement Process below)

## **CITIZEN ENGAGEMENT PROCESS**

**Coordination Area / Staff:**

City Manager, Executive Coordinators (Kroll, Crowell, Bogart, & D' Auteuil)

**Description:**

Generate a map of potential neighborhoods (relating back to existing Ward Maps) in the City and begin regional sessions to share existing plans (Comp Plan for example), get feedback in plans and existing city services and obtain input on needs. A key area to concentrate on in the process is community safety. Potentially these events will be held at the schools and a new designation on the website will be created for citizens to view information.

**Steps and Dates:**

1. Generate Maps of Wards and historic "named" neighborhoods, goal of utilizing existing neighborhood schools in process. (May 1, 2013)
2. Develop meeting agendas, support materials by Ward, and potential partners for reaching residents in each area to attend. (June 2013)
3. Hold meetings (Summer, 2013)
4. Draft plans by area (Fall, 2013)
5. Conduct follow up meetings as part of redistricting planning (Winter 2014)

## **ICE ARENA IMPLEMENTATION**

**Coordination Area / Staff:**

Clint Deschene, Denis D'Auteuil, Ravi Sharma, Roland Miller, New Director

**Description:** The approved lease agreement for a two sheet arena requires many coordinated efforts of construction, hiring, planning, and operation.

**Steps and Dates:**

1. Determine Construction Schedule (Date Pending Developer)
2. Present an operation schedule and plan (Spring 2013)
3. Recruit a director (May 2013)
4. Develop schedules, contracts, operational planning, and fundraising (Summer 2013)
5. Present regular reports to Council and Community (Monthly)

## **DEVELOP A NEW COUNCILOR ORIENTATION PROGRAM**

**Coordination Area / Staff:**

All Staff

**Description:** The City Council of Auburn needs a program for post election orientation of duties and City functions. The orientation will include information on the role of the City Council, but will also include information on City Departments, training opportunities, City ordinances, policies, charter, etc. This process should also be coordinated with Lewiston in all areas possible.

**Steps and Dates (Dates delayed by Council):**

1. Manager compiles basic information for the program (May 2013)
2. Departmental meeting with staff to organize and delegate (June 2013)
  - a. Include roles of staff and Council.
  - b. Indicate Hiring process and structure.
  - c. List Unions.
3. Staff meeting to compile and review final product (July 2013)
4. Present and implement with Council (August 2013)
5. Implement (Nov. & Dec. 2013)

## **COUNCIL REQUESTED REPORTS AND COMMUNICATIONS**

**Coordination Area / Staff:**

Clint Deschene



**Description:** The City Council has identified 3 areas for more information and regular or more detailed reporting. The areas are financial reports, labor negotiations, and policy tracking.

**Steps and Dates:**

1. Add narratives to the monthly financial reports keying on trends (Monthly)
2. Include Policy implementations to the manager report to track progress on important projects. (Monthly)
3. Provide quarterly reports on union negotiations or as needed. (Quarterly)

## NEW ELHS PLANNING PROCESS

**Coordination Area / Staff:**

Clint Deschene, Mayor LaBonté, Katy Grondin.

**Description:** The School continues research into a new ELHS. The research and direction is still undergoing debate and until complete specific steps and plans are uncertain. The following steps will help lead the project to a definitive plan and schedule.

**Steps and Dates:**

1. Work with School on financing options and process.
2. Review existing School Department capital programs to determine adequacy of on-going maintenance of all education facilities (per Charter)
3. Determine action steps to ensure all capital needs are met for existing facilities as part of planning to take on any new debt for a new/renovated ELHS. (Spring)
4. Research all viable options and present to Committee, including facilitating/negotiating possible partnerships (USM, CMCC, and Lewiston High School) that could reduce the costs to Auburn taxpayers with state-level support. (On-going)
5. Work toward a City vote on a Council and School Committee agreed plan. Maximize city website to inform residents.

## 2013 BUDGET

**Staff:**

Clint Deschene, Jill Eastman, Department Heads, Council

**Description:** Working with the Council, create an informative engaged budget process.

**Steps and Dates:**

1. Staff requests submitted (January 2013)
2. Manager reviews with staff (February)
3. Manager meets individually with Council on CIP and Budget (March)
4. Budget presented to Council (April 1)
5. Joint Meeting with School Committee on Budget (March 25)
6. Council review process (March & April)
7. Council adopts budget (pending State budget) (Late April or May)
8. School Budget final review by Council (May 4)
9. School Validation Vote (June 11, 2013)

## **ADDENDUM**

1. L-A Forest Board Ordinance
  - a. Submission by the board for Council review by summer 2013.
2. Transportation Station
  - a. Project coordinated with LATC
3. Matrix Implementation. Review Rescue Delivery structure
  - a. On-going
4. Recreation Facilities Plan
  - a. Under Review by staff with fields currently contracted to Wright-Pierce
5. Recycling
  - a. Consider options during budget
6. Volunteer Committee/Group
  - a. May evolve from Citizen Engagement Task.
7. Ward Redistricting
  - a. Pending State process (estimated timeframe 2014)
8. Meeting with Lewiston City Council
  - a. On-going
9. Joint Meetings with School Committee
  - a. On-going
10. City Councilor "Tours" or Departmental Meeting (November 2013)
  - a. Part of Orientation
11. Discussions of Charter Review (More than a year?)

*Note, some of the above items are part of the Comprehensive Plan.*

The above goals will be reported to the City Council during the Manager's report as significant progress or changes occur. The City Manager will provide a six month progress report and a one-year recap. It is fully understood that the Manager will work toward the items but not all will be completed to be successful. It is also understood that the ability to complete these items is affected by additional items that arise during the normal course of business.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** March 18, 2013

**Order** 16-03182013\*

**Author:** Sue Clements-Dallaire, City Clerk

Item(s) checked below represent the subject matter related to this item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business\* ☐ Council Goals\*\*

\*\*If Council Goals please specify type: ☐ Safety ☐ Economic Development ☐ Citizen Engagement

**Subject:** Appointment of Sue Clements-Dallaire as Registrar of Voters for a term which will expire on December 31, 2014.

**Information:** The City Council must appoint a Registrar of Voters as outlined in 21-A, Section 101.

“The municipal officers of each municipality shall appoint in writing a qualified registrar of voters by January 1<sup>st</sup> of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar.”

**Financial:** N/A

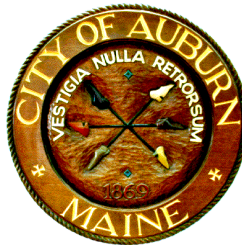
**Action Requested at this Meeting:** Passage

**Previous Meetings and History:** On December 27, 2011, Sue Clements-Dallaire was appointed through December 31, 2012.

**Attachments:** Order 16-03182013

\*Agenda items are not limited to these categories.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 16-03182013**

**ORDERED** that the City Council hereby appoints Susan Clements-Dallaire as Registrar of Voters with a term expiration of December 31, 2014.



## City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: March 18, 2013

Order 17-03182013\*

Author: Phillip L. Crowell, Jr., Chief of Police

Item(s) checked below represent the subject matter related to this item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business\* ☐ Council Goals\*\*

\*\*If Council Goals please specify type: ☐ Safety ☐ Economic Development ☐ Citizen Engagement

Subject: Transfer of Forfeiture Asset – Travis St. Pierre

Information: In October 2012, Auburn police officers conducted a JART detail (Federally funded grant targeting juvenile alcohol violations) in Hannaford's parking lot. While monitoring the area, officers observed suspicious activity which they believed to be a drug transaction based on their training and experience. The officers conducted a field interview with the individuals. Subsequently, officers were able to corroborate their suspicions. During their field interview investigation, officers confiscated \$3,032.00 in US Currency, a small amount of marijuana and drug paraphernalia associated with drug trafficking.

One subject was issued a summons for civil possession of marijuana while another subject was arrested for Aggravated Trafficking In Schedule Z Drugs, Marijuana. The charge was aggravated due to the fact the offense occurred within a posted designated "Safe Zone"; Drummond Street Park.

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$3,032.00 in U.S. currency to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of \$3,032.00 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- City Council Order 17-03182013

\*Agenda items are not limited to these categories.

Tizz Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Jonathan LaBonte, Mayor

Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

## IN CITY COUNCIL

ORDER 17-03182013

**ORDERED**, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about March 18, 2013.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** March 18, 2013

**Order** 18-03182013

**Author:** Sue Clements-Dallaire, City Clerk

Item(s) checked below represent the subject matter related to this item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business\* ☒ Council Goals\*\*

\*\*If Council Goals please specify type: ☐ Safety ☐ Economic Development ☒ Citizen Engagement

**Subject:** Board and Committee Appointments

Information: On March 6, 2013 the Appointment Committee met to review applications and nominate candidates to serve on the various boards and committees (see attached document) as part of the new appointment process. It is being presented to Council to vote on the appointment of these members.

Financial: N/A

Action Requested at this Meeting: Passage

Previous Meetings and History: The new appointment process was approved by Council on December 3, 2012.

Attachments:

- List of nominees
- Order 18-03182013

\*Agenda items are not limited to these categories.



**City Council  
Agenda Information Sheet**

**City of Auburn**

*\*Agenda items are not limited to these categories.*

## **Board and Committee Nominations**

**3-6-2013**

### **Auburn Housing Authority**

Gilda Berube - term expiration 10/01/2017  
Danelle Martel - term expiration 10/01/2017  
Dan Curtis - term expiration 10/01/2016  
Asmo Dal - term expiration 10/01/2015

### **Auburn Sewer District**

Beverley Heath – term expiration 03/01/2017

### **Auburn Water District**

Robert Cavanagh – term expiration 03/01/2017  
Richard S. Whiting – term expiration 03/01/2017

### **Board of Assessment Review**

Walter W. Crites – full member with term expiration of 10/01/2017  
Levi Gervais – alternate member with term expiration of 10/01/2017

We will need to repost for additional positions (two alternate members with term expirations of 10/01/15 and 10/01/16)

### **Cable TV Advisory Board**

Edward Desgrosseilliers – term expiration of 01/01/15  
Normand P. Morin – term expiration of 01/01/15

We will need to repost for additional positions with term expirations of 01/01/15.

### **CDBG Loan Committee**

Greg E. Whitney – with term expiration of 10/01/2015 (banker/lender position)  
Peter Simonitis – with term expiration of 10/01/2015 (resident position)

**Ethics Panel** – appointed by the Mayor with approval from Council majority

Linda Snyder – full member with term expiration of 01/01/2015  
Anthony Newman – Alternate member with term expiration of 01/01/2016

There are two more vacant positions, one full and one alternate position which are to be appointed by the Chair of the School Committee with approval from the School Committee majority.

L/A Transit Committee

Leonard Kimble – term expiration of 01/01/2015

Parks & Recreation Advisory Board

Sue Patenaude – term expiration of 10/01/2014

Tom Nadeau – term expiration of 10/01/2014

Zoning Appeals Board

Dan Curtis – associate member with term expiration of 10/01/2014

Two full member positions were not vacant as originally thought.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 14-02192013**

**ORDERED**, that the following individuals are hereby appointed to the following boards and committees with term expirations as noted;

#### Auburn Housing Authority

Gilda Berube - term expiration 10/01/2017  
Danelle Martel - term expiration 10/01/2017  
Dan Curtis - term expiration 10/01/2016  
Asmo Dal - term expiration 10/01/2015

#### Auburn Sewer District

Beverley Heath – term expiration 03/01/2017

#### Auburn Water District

Robert Cavanagh – term expiration 03/01/2017  
Richard S. Whiting – term expiration 03/01/2017

#### Board of Assessment Review

Walter W. Crites – full member with term expiration of 10/01/2017  
Levi Gervais – alternate member with term expiration of 10/01/2017

#### Cable TV Advisory Board

Edward Desgrosseilliers – term expiration of 01/01/15  
Normand P. Morin – term expiration of 01/01/15

#### CDBG Loan Committee

Greg E. Whitney – with term expiration of 10/01/2015  
Peter Simonitis – with term expiration of 10/01/2015

#### Ethics Panel – appointed by the Mayor with approval from Council majority

Linda Snyder – full member with term expiration of 01/01/2015  
Anthony Newman – Alternate member with term expiration of 01/01/2016

#### L/A Transit Committee

Leonard Kimble – term expiration of 01/01/2015

#### Parks & Recreation Advisory Board

Sue Patenaude – term expiration of 10/01/2014  
Tom Nadeau – term expiration of 10/01/2014

#### Zoning Appeals Board

Dan Curtis – associate member with term expiration of 10/01/2014

## **IN COUNCIL REGULAR MEETING MARCH 4, 2013 VOL. 33 PAGE 100**

Mayor LaBonte called the meeting to order at 7:05 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

### **I. Consent Items\* - None**

### **II. Minutes**

Motion was made by Councilor Gerry and seconded by Councilor Young to approve the minutes of the February 19, 2013 Council Meeting. Passage 7-0.

### **III. Reports**

**Mayor's Report** – No report.

**Committee Reports**-Councilors Crowley and Young submitted written reports.

**City Councilors' Reports** – Councilors Crowley and Walker submitted a written report.

**City Manager's Report** – City Manager Deschene submitted a written report and reported on a few additional items.

### **IV. Communications, Presentations and Recognitions - None**

### **V. Open Session** – No one from the public spoke

### **VI. Unfinished Business** -None

### **VII. New Business**

#### **1. Order 15-03042013** Approving the consolidation to one voting place (Auburn Hall) for the June 11, 2013 School Budget Election. Public hearing.

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley.

Public hearing – No one from the public spoke.

Passage 6-1, (Councilor Walker).

### **VIII. Executive Session**

#### **IX. Open Session** – John Chandler, Whitney Street, Auburn and member of the American Lung Association spoke in favor of the proposed Tobacco Ordinance.

**IN COUNCIL REGULAR MEETING MARCH 4, 2013 VOL. 33 PAGE 101**

**X. Future Agenda/Workshop Items** – Councilor Shea would like some discussion at a future workshop on Council having staggered terms.

**XI. Adjournment**

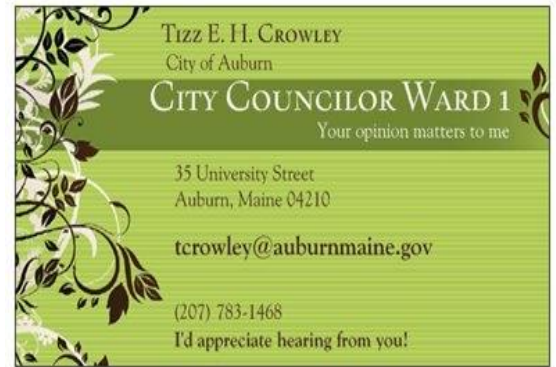
Motion was made by Councilor LaFontaine and seconded by Councilor Shea to adjourn.  
Passage 7-0, 7:35 P.M.

A True Copy.

ATTEST *Susan Clements-Dallaire*  
Susan Clements-Dallaire, City Clerk

## Auburn Ward 1 Report for Meeting Monday 2013.03.18

**Prepared:** Wednesday 2013.03.13  
**TO:** Residents of Auburn and the Auburn City Council  
**FROM:** Tizz E. H. Crowley- Auburn City Council Ward 1



**“Thank you”-** Thank you to all who participated in the second annual Salute to Dinny Sullivan- Hats Off to Neighborhood Businesses Day. Our presenters- John Henderson, Annette Dorey, and Larry Gowell were informative and entertaining. Janice Conant, owner of the Hungry Moose Company, is ward 1’s unofficial “cookie lady”. All who visited the library on Saturday can taste why. Thanks to Yollie Renwick , the community knows Zumba is a wholesome and fun fitness activity. Healthy Androscoggin and The Library Café, promoting 5-2-1-0 reminds every “big kids like us” to eat healthy. The children definitely love hugging the baby animals from Valley View Farms. Thank you to Rolly’s Diner, Naral’s, Lost Valley, and the Fire House Grille for providing a great eating opportunity and activity. Thank you to the United New Auburn Association for decorating the park. We appreciate the City of Auburn and Mayor Labonte for the support with the day. And lastly, we gratefully thank the Auburn Public Library that provided space and other resources for full day. To Marty Gagnon and the APL staff- you are wonderful partners in community activities.

**Happy Anniversary-** It is the 99th anniversary of Lamey Wellehan Shoes! Founded in Lewiston on Lisbon Street in 1914, Lamey Wellehan continues to be Maine's Shoe Store with an energy efficient facility in Auburn.

### Dates to watch-

**March 22<sup>nd</sup>**- A public hearing for on bill LD 763 "Resolve, Directing the Department of Transportation and the Maine Turnpike Authority to Conduct a Study Regarding the Need for a Passenger Transit Service Linking Municipalities from Portland North to Lewiston and Auburn" has been scheduled for Friday, March 22, 2013 at 9:00AM, State House, Room 126. Auburn residents, particularly those in Ward 1 who travel Route 4 regularly ,are encouraged to attend and testify.

**March 22<sup>nd</sup>**- Celebrate Water Day. Each year, on March 22, we join together to highlight the global water crisis and celebrate the progress made to date. Water is a vital element for human existence and all ecosystems on Earth, naturally shared through the hydrological cycle. It is the most precious resource on our planet. The fulfillment of basic human needs, our environment, socio-economic development and poverty reduction are all heavily dependent on water. Although there is enough freshwater on the globe for everyone, resources are unevenly distributed in time and space. In many regions, clean freshwater is becoming increasingly scarce due to population growth, urbanization, changes in lifestyle, economic development, pollution and climate change. Good management of water is especially challenging due to some of its unique characteristics: the hydrological cycle is highly complex and perturbations have multiple effects on quantity, quality and availability elsewhere; water cuts across all social, environmental and economic activities and touches upon multiple sectors; and water does



not respect political and cultural boundaries, be they local, regional or national. Our water is a shared resource and its management needs to take into account a wide variety of conflicting interests. On Friday, drive along the shores of Lake Auburn and be thankful for this valuable asset.

**March 23<sup>rd</sup>** -Local Children's Author Visit. Gloria Varney of Nezinscot Farm in Turner will read her new book 'The Painted Turtle 'on Saturday at 2 pm in the Maggie Trafton Program Room. She will also share with children what it is like to live and work on farm in Maine.

**March 25<sup>th</sup>** - Passover. Passover commemorates the freedom and exodus of the Israelites from Egypt, during the reign of the Pharaoh Ramses II. Passover also represents the commencement of the harvest season in the land of Israel. Wishing you and your family a Joyous Passover!

**March 25<sup>th</sup>**-City Council Joint Workshop with the School Board starting 6pm at Auburn Hall.

**March 26<sup>th</sup>** - please keep your calendar marked for the next Lake Auburn Watershed Protection Commission meeting 6:00 PM in the Community Room of Auburn City Hall. Agendas will be out shortly. The meeting will update the community on the Diagnostic Lake Study.

**March 30<sup>th</sup>** - The Auburn Rec. Dept., Boys and Girls Club and the United New Auburn Association will be hosting an egg hunt on the Walton School walking field. Egg Hunts begin outside at 1:00pm (Rain or Shine). 1-5 year olds at 1:00pm 6-10 year olds at 2:00pm



**March 30<sup>th</sup>** - Auburn Fire Fighters Ball The evening will benefit the Children's Fund for the Truckload at Christmas. We will be at the Hilton Garden Inn from 6pm to midnight. For more information, please contact [www.IAFF797.org](http://www.IAFF797.org). For tickets contact Jim Hart at 576-3348. Please save me a dance.

**March 31<sup>st</sup>** - Easter. This day is the greatest feast day in the Christian 2013 calendar as it celebrates the Resurrection of Jesus Christ. May the morning be glorious for the community sunrise services. Happy Easter!

**Visiting Hours** - Visiting hours for Auburn residents continue at the Auburn Public Library on:



Thursday, March 28<sup>th</sup> from 5:00pm to 7:00pm

Tuesday, April 9<sup>th</sup> from 2:00pm to 4:00pm

Thursday, April 25<sup>th</sup> from 5:00pm to 7:00pm

**Information provided to residents this period:** I received requests for information about-

Proposal to seek a permit for an Algicide application on Lake Auburn. The Auburn Water District and the LAWPC are trying to be prepared should this action be necessary. Expect more information at the meeting on Wednesday, March 26<sup>th</sup> at Auburn Hall. The public is welcome to attend.

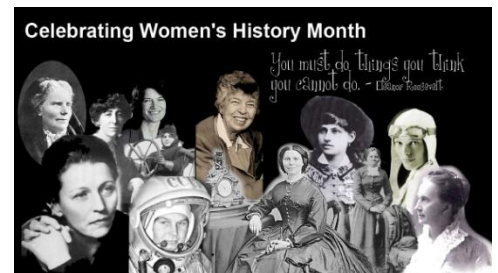


**City Website-** If you visit the City of Auburn's website regularly, please subscribe to e-alerts. This is one way the City monitors usage and value of the website. It's easy to keep up with what's happening in Auburn.

**Safety Reminder-** March is once again upon us and that means we begin the lookout for flood potential. On Thursday, March 7, the Maine River Flow Advisory Commission met to provide its "flood season prognostication". Here is the skinny of it all from our local emergency preparedness office:

".....stream flows and snowpack are within typical ranges for this time of year; .....there is less river ice than usual at this time of year; .....upon review of current hydrologic conditions across the state as well as short-term weather forecasts, the conclusion is that spring flood potential is normal for this time of year as official "flood season" begins; .....keep in mind that "normal" does not mean "no risk" as other factors such as significant rain in a short period of time (such as the Flood of '87), a rapid increase in temperatures causing very rapid snowmelt and/or a few more snowstorms with significant snowfall in the headwaters of the Androscoggin River could change the "normal" scenario to one of grave concern; .....everyone should stay aware of current weather forecasts though it appears that conditions will be stable for at least the next couple of weeks when temps are expected to be slightly below normal and precipitation slightly above normal; .....the best scenario is for days with above freezing temps and cooler nights so that snow melts gradually; .....snowpack water content ranges from 2-5 inches in southern and coastal areas and 7-9 inches in northern and western Maine with some areas in western Maine ranging in the 9-12 inches of water in the snowpack; .....the snow can still absorb some rainfall; river ice is below normal in most areas of the state so there are no plans to conduct ice-breaking operations on the Kennebec River this year; .....reservoir storages in the headwaters are being drawn down to prepare for spring runoff and river basin managers' report they are on track to achieve their drawdown targets; ..... snow surveys will begin this week and will continue each week until snow cover is gone."

**March is Women's History Month:** As the month comes to a close, thought you'd enjoy information on the Women of the Auburn City Council. Although women achieved the right to vote in 1919, finally in 1981 Ms. Georgia G. Chomas was elected to the City Council from Ward 2. Imagine, it was only thirty years ago! Numerous women had run for office for sixteen previous elections, but had never won. Ms. Chomas, a realtor for the Massiello Group still serves the City as a member of the Zoning Board of Appeals and an active participant in the Auburn Business Development Corporation.



Ms. Lee Young was the first and only woman Mayor of Auburn. She served on the City Council, representing ward three for several years before being elected as Mayor in 1997.

Ms. Bethel Shields was the first woman elected to the City Council from Ward one in 2002. She currently serves as a Commissioner for the Lake Auburn Watershed Protection Commission.

Ms. Donna Rowell, the first woman elected to the City Council from Ward four, enthusiastically encourages citizens to become involved in City activities. She told the new Councilor-Elects to enjoy the experience.

Ms. Neira Douglass who served as a Councilor at large is now Treasurer for the State of Maine

Ms. Belinda Gerry currently serves as a Councilor at Large on the Auburn Council. She will continue to work on the new Council. Ms. Gerry was the first woman elected from Ward five. She also served several terms in the Maine State Legislature.

Ms. Mary LaFontaine, currently serving as Councilor from Ward 3, is the current Chair of the Androscoggin County Chamber of Commerce. As chair, Ms. LaFontaine works to promote a positive business environment that contributes to the community and economic vitality of Auburn and the region.

Ms. Tizz Crowley was previously elected by Auburn voters in September 1971 at age 19. At the time, she would have been the youngest elected official in Auburn. Maine had only recently lowered the voting age from 21 to 18.

Ms. Ellen Peters currently lives in out of state.

Ms. Sue Stricker has passed away.

I was unable to locate any information on Ms. Linda Capone-Newton and Ms. Frances Abbott.

I am honored to follow this amazing group of leaders. “Thank you” for your continued work on behalf of the City of Auburn.

**In closing,** Happy Spring! Please share your thoughts on the budget proposals to be presented in the coming weeks. Your input is appreciated.

# MANAGER'S REPORT

---

*March 18, 2013*

## **Auburn Mall Ice Arena**

Ground has been broken! The contractor has started preparation of the site. A complete schedule has still not been provided, but as I understand, as soon as the company making the building gives a delivery date the City should have a complete timeframe.

- The Arena Manager position is posted. Once reviewed interviews will be scheduled.
- Construction and buildings news:
  - Colors are being clarified with a rendering; it will be using, tans, browns, and gold accents as I have been told.
  - The Fire Marshall's permit should be in hand soon. Capacity of the building still is being debated. The operation / life safety plan prepared by the City will be based upon 2,500 person capacity but aspects of the fire permit indicate 7,000.
  - The second sheet will be a sand floor. Research of other arenas indicated that a hockey surface intended for ice year around is better in sand. The savings was used to offset other increases, including a better air conditioning system for the portion of the building that will hold events in the summer and not have ice.
- The Twin City Titans have agreed to fundraise with the City for an Ice Resurfacer.
- Weekly construction meetings are tentatively planned to begin in early April.

## **Budget**

The date for the Manager proposed budget will be April 1<sup>st</sup>. Originally March 21<sup>st</sup> was expected but staff could use additional time and this prevents the need to have a Thursday meeting.

The School Department and City Council will have a joint budget meeting including a review of CIP's on March 25<sup>th</sup>.

## **Policy Updates**

Per City Council request staff and I are working on some issues per Council directive. These include:

1. Ice Arena operational schedule and plan. This goal is still pending a construction schedule. Staff have outlined the operational items to address and will be available soon.
2. Economic Development Operational Structure. The workshop laid out an approach that will be continued at the staff level and presented to the Council in the coming weeks.
3. Route 4 follow up public information session meeting is scheduled for Tuesday, 23 April 2013 @ 6:00 p.m. in Council Chambers and staff is outlining a presentation to inform the City.
4. The date for the Outlet Beach public information session presentation has been set for Tuesday, 26 March 2013 @ 5:30 p.m. in City Council Chambers.

## **New Auburn Center Study**

Staff has been directed to review 6 responses to RFP for the study of innovated ways to improve traffic in New Auburn. Focus will be to identify and make recommendations to improve connectivity, pedestrian safety and bike access in this area.

## **Governor's Budget Proposal Testimony**

Staff will be providing written/verbal testimony on Wednesday, 13 March 13 and Thursday, 14 mar 13 in regards to the Governor's proposed budget and the impact it will have on the City of Auburn taxpayer.

## **Joint Agency Sub Committee Budget Workshop**

City Manager and Finance Director met with Lewiston City Administrator and Finance Director to review the joint agency budget requests. Each request met with the 4 of us to review their request and hear recommendations on how to present their budget. We also reviewed the previous year's workshop and gathered information to help facilitate a more productive session.

## **Recreational Facility Master Plan Update Phase I**

Wright and Pierce and staff have met with most of the stakeholders and have sent the survey to each and have been in touch via phone as well. Consultant has met with the Auburn School Department and they seemed energized about the process but won't have data for the consultant until the second week in March given school vacation and winter sports season winding down.

We expect to have a draft assessment for review early March, minus the School information and possibly the YMCA / LAYSA still which have indicated that they are gathering what we asked for but have not sent. Consultant is available to attend a Council meeting with staff to update the Council as to

where the project stands; the consultant does feel however that they will have all of the data needed and the final phase I assessment completed by mid March.

### **Transportation Center Project**

City staff is coordinating a meeting with Hannaford Brothers to discuss the status of the proposed transportation center on Spring Street adjacent to their Auburn location. During the meeting we are in hopes to move forward on the project and make it a reality for our citizens who utilize public transportation. This piece of infrastructure is key to our long range plans in bringing further travel and commuting options to our residents. I will keep you updated on the status of this project once information is gathered.

### **Public Items**

No unresolved matters at this time.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO: Clinton Deschene, City Manager**  
**FROM: Jill Eastman, Finance Director**  
**REF: February 2013 Financial Report**  
**DATE: March 12, 2013**

The following is a discussion regarding the significant variances found in the City's February financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its eighth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 66.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### **Revenues**

Revenues collected through February 28th were \$45,904,321, or 63.81%, of the budget, which is higher than last year at this time by 1.09%. The accounts listed below are noteworthy.

- A. Property tax revenue for the month of February is at 61.52%. Dollar wise this is an increase of \$270,647 compared to last February. The second half of the property taxes are due on March 15<sup>th</sup>.
- B. State Revenue Sharing for the month of February is 69.18% or \$1,660,287. The city received \$76,715.58 this month compared to \$187,643.84 FY12, \$252,686.25 FY11, \$312,076.66 FY10, \$277,809.53 FY09 and \$328,480.68 FY08.
- C. Business and Non-Business Licenses and Permits are at 100.12% of budget due to Commercial Licenses, Street Openings, Building and Electrical Permits coming in higher than anticipated.

### **Expenditures**

City expenditures through February 28th were \$26,330,196, or 72.36%, of the budget as compared to last year at \$25,847,794, or 752.61%. Noteworthy variances are:

- A. Fiscal Services are at 73.96% of budget for the end of February primarily due to Debt Service at 91.03% and Property at 71.97%. The majority of the Debt Service is paid in the fall, and the City's Property and Casualty Insurance premiums are due in 2 installments, one in July and the balance in December.
- B. Health and Social services continues to exceed expectations and is at 85.76% of the total budget at the end of February. The Administration portion of the budget is at 63.4% of the total budget, where the Assistance portion is at 108.4% of its \$106,166 budget, or over budget by \$8,913.03.

### **Investments**

This section contains an investment schedule as of February 28th. Currently the City's funds are earning an average interest rate of .22%, which is less than last February.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M Eastman". The signature is written in a cursive, flowing style.

Jill M. Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND (NOT INCLUDING SCHOOL)**  
**AS OF February 2013, January 2013, and June 2012**

	UNAUDITED Feb 28 2013	UNAUDITED Jan 31 2013	Increase (Decrease)	AUDITED JUNE 30 2012
<b>ASSETS</b>				
CASH	\$ 21,592,484	\$ 19,538,463	\$ 2,054,021	\$ 15,074,324
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	640,546	673,250	(32,704)	1,218,554
TAXES RECEIVABLE-CURRENT	14,764,644	17,109,002	(2,344,358)	107,929
DELINQUENT TAXES	547,565	549,031	(1,466)	486,160
TAX LIENS	610,638	664,128	(53,490)	1,415,461
NET DUE TO/FROM OTHER FUNDS	11,666,029	12,403,544	(737,515)	470,312
<b>TOTAL ASSETS</b>	<b>\$ 49,821,905</b>	<b>\$ 50,937,418</b>	<b>\$ (1,115,513)</b>	<b>\$ 18,772,740</b>
<b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ (731,820)	\$ (896,650)	\$ 164,830	\$ (670,227)
PAYROLL LIABILITIES	(13,219)	(8,751)	(4,468)	(501)
ACCRUED PAYROLL	9,914	9,914	0	(2,274,075)
STATE FEES PAYABLE	(36,436)	(24,312)	(12,124)	-
ESCROWED AMOUNTS	(41,865)	(41,865)	(0)	(41,865)
DEFERRED REVENUE	(15,743,021)	(18,142,335)	2,399,314	(1,822,839)
<b>TOTAL LIABILITIES</b>	<b>\$ (16,556,446)</b>	<b>\$ (19,103,999)</b>	<b>\$ 2,547,553</b>	<b>\$ (4,809,507)</b>
FUND BALANCE - UNASSIGNED	\$ (32,479,752)	\$ (31,047,712)	\$ (1,432,040)	\$ (12,378,441)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	684,766
FUND BALANCE - RESTRICTED	(1,561,724)	(1,561,724)	-	(2,269,558)
<b>TOTAL FUND BALANCE</b>	<b>\$ (33,265,459)</b>	<b>\$ (31,833,419)</b>	<b>\$ (1,432,040)</b>	<b>\$ (13,963,233)</b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ (49,821,905)</b>	<b>\$ (50,937,418)</b>	<b>\$ 1,115,513</b>	<b>\$ (18,772,740)</b>



**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**THROUGH February 28, 2013 VS February 28, 2012**

REVENUE SOURCE	FY 2013 BUDGET	ACTUAL REVENUES THRU FEB 2013	% OF BUDGET	FY 2012 BUDGET	ACTUAL REVENUES THRU FEB 2012	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 42,121,141	\$ 25,912,797	61.52%	\$ 41,053,952	\$ 25,642,150	62.46%	\$ 270,647
PRIOR YEAR REVENUE	\$ -	\$ 813,757		\$ -	\$ 787,282		\$ 26,475
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 514,584	\$ 377,311	73.32%	\$ 488,573	\$ 369,692	75.67%	\$ 7,619
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,018,500	\$ 2,002,088	66.33%	\$ 2,719,000	\$ 1,941,801	71.42%	\$ 60,287
PENALTIES & INTEREST	\$ 140,000	\$ 95,206	68.00%	\$ 140,000	\$ 92,308	65.93%	\$ 2,898
<b>TOTAL TAXES</b>	<b>\$ 45,794,225</b>	<b>\$ 29,201,158</b>	<b>63.77%</b>	<b>\$ 44,401,525</b>	<b>\$ 28,833,233</b>	<b>64.94%</b>	<b>\$ 367,925</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 39,900	\$ 42,740	107.12%	\$ 30,000	\$ 43,246	144.15%	\$ (506)
NON-BUSINESS	\$ 260,700	\$ 258,210	99.05%	\$ 268,400	\$ 206,161	76.81%	\$ 52,049
<b>TOTAL LICENSES</b>	<b>\$ 300,600</b>	<b>\$ 300,950</b>	<b>100.12%</b>	<b>\$ 298,400</b>	<b>\$ 249,407</b>	<b>83.58%</b>	<b>\$ 51,543</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 378,000	\$ 342,034	90.49%	\$ 378,000	\$ 346,048	91.55%	\$ (4,014)
STATE REVENUE SHARING	\$ 2,400,000	\$ 1,660,287	69.18%	\$ 2,400,000	\$ 1,672,827	69.70%	\$ (12,540)
WELFARE REIMBURSEMENT	\$ 53,083	\$ 43,843	82.59%	\$ 44,955	\$ 36,206	80.54%	\$ 7,637
OTHER STATE AID	\$ 21,000	\$ 20,742	98.77%	\$ 20,000	\$ 22,615	113.08%	\$ (1,873)
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
CITY OF LEWISTON	\$ 158,362	\$ -	0.00%	\$ 158,362	\$ (3,698)	-2.34%	\$ 3,698
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 3,010,445</b>	<b>\$ 2,066,906</b>	<b>68.66%</b>	<b>\$ 3,001,317</b>	<b>\$ 2,073,998</b>	<b>69.10%</b>	<b>\$ (7,092)</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 130,955	\$ 100,752	76.94%	\$ 135,090	\$ 95,013	70.33%	\$ 5,739
PUBLIC SAFETY	\$ 263,102	\$ 88,848	33.77%	\$ 206,545	\$ 51,294	24.83%	\$ 37,554
EMS TRANSPORT	\$ -	\$ -		\$ -	\$ -		\$ -
EMS AGREEMENT	\$ 100,000	\$ 58,333	58.33%	\$ 100,000	\$ 69,400	69.40%	\$ (11,067)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 494,057</b>	<b>\$ 247,933</b>	<b>50.18%</b>	<b>\$ 441,635</b>	<b>\$ 215,707</b>	<b>48.84%</b>	<b>\$ 32,226</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 45,000	\$ 19,787	43.97%	\$ 55,000	\$ 22,243	40.44%	\$ (2,456)
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 30,000	\$ 13,797	45.99%	\$ 60,000	\$ 36,769	61.28%	\$ (22,972)
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 122,000	\$ 122,027	100.02%	\$ 122,000	\$ 121,827	99.86%	\$ 200
UNCLASSIFIED	\$ 5,150	\$ 44,678	867.53%	\$ 7,340	\$ 7,894	107.55%	\$ 36,784
SALE OF RECYCLABLES	\$ -	\$ -		\$ -	\$ 15,097		\$ (15,097)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 32,038		\$ -	\$ 30,070		\$ 1,968
SALE OF PROPERTY	\$ 20,000	\$ 16,694	83.47%	\$ 20,000	\$ 2,255	11.28%	\$ 14,439
RECREATION PROGRAMS/ARENA	\$ 43,275	\$ -	0.00%	\$ 33,275	\$ 393	1.18%	\$ (393)
MMWAC HOST FEES	\$ 197,400	\$ 134,604	68.19%	\$ 197,400	\$ 133,472	67.61%	\$ 1,132
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ (20)		\$ 98,318	\$ -	0.00%	\$ (20)
TRANSFER IN: TIF	\$ 324,212	\$ 324,212	100.00%	\$ 324,212	\$ -	0.00%	\$ 324,212
ENERGY EFFICIENCY	\$ 2,000	\$ 1,233	61.63%	\$ 2,600	\$ 444	17.08%	\$ 789
CDBG	\$ 8,000	\$ 1,334	16.68%	\$ 8,000	\$ 5,336	66.70%	\$ (4,002)
UTILITY REIMBURSEMENT	\$ 37,500	\$ 20,121	53.66%	\$ 37,500	\$ 14,756	39.35%	\$ 5,365
CITY FUND BALANCE CONTRIBUTION	\$ 1,350,000	\$ -	0.00%	\$ 1,050,000	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 2,141,537</b>	<b>\$ 710,718</b>	<b>33.19%</b>	<b>\$ 1,962,645</b>	<b>\$ 368,313</b>	<b>18.77%</b>	<b>\$ 342,405</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 51,785,864</b>	<b>\$ 32,547,453</b>	<b>62.85%</b>	<b>\$ 50,160,522</b>	<b>\$ 31,762,901</b>	<b>63.32%</b>	<b>\$ 784,552</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 17,942,071	\$ 12,879,973	71.79%	\$ 17,942,071	\$ 11,510,364	64.15%	\$ 1,369,609
EDUCATION	\$ 1,358,724	\$ 476,895	35.10%	\$ 1,358,724	\$ 829,067	61.02%	\$ (352,172)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 855,251	\$ -	0.00%	\$ 855,251	\$ -	0.00%	\$ -
<b>TOTAL SCHOOL</b>	<b>\$ 20,156,046</b>	<b>\$ 13,356,868</b>	<b>66.27%</b>	<b>\$ 20,156,046</b>	<b>\$ 12,339,431</b>	<b>61.22%</b>	<b>\$ 1,017,437</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 71,941,910</b>	<b>\$ 45,904,321</b>	<b>63.81%</b>	<b>\$ 70,316,568</b>	<b>\$ 44,102,332</b>	<b>62.72%</b>	<b>\$ 1,801,989</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH February 28, 2013 VS February 28, 2012**

DEPARTMENT	FY 2013 REVISED BUDGET	Unaudited EXP THRU FEB 2013	% OF BUDGET	FY 2012 BUDGET	Unaudited EXP THRU FEB 2012	% OF BUDGET	VARIANCE
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 99,690	\$ 93,757	94.05%	\$ 99,690	\$ 70,173	70.39%	\$ 23,584
CITY MANAGER	\$ 343,296	\$ 174,555	50.85%	\$ 280,915	\$ 242,004	86.15%	\$ (67,449)
ASSESSING SERVICES	\$ 183,801	\$ 110,015	59.86%	\$ 188,906	\$ 119,218	63.11%	\$ (9,203)
CITY CLERK	\$ 150,676	\$ 90,393	59.99%	\$ 137,422	\$ 94,175	68.53%	\$ (3,782)
FINANCIAL SERVICES	\$ 419,539	\$ 267,177	63.68%	\$ 365,023	\$ 260,651	71.41%	\$ 6,526
HUMAN RESOURCES	\$ 137,836	\$ 84,883	61.58%	\$ 137,363	\$ 82,627	60.15%	\$ 2,256
INFORMATION COMMUNICATION TECHNOLOGY	\$ 386,632	\$ 253,316	65.52%	\$ 361,058	\$ 280,045	77.56%	\$ (26,729)
LEGAL SERVICES	\$ 85,000	\$ 14,772	17.38%	\$ 84,284	\$ 60,907	72.26%	\$ (46,135)
CUSTOMER SERVICE	\$ -	\$ -		\$ 2,428	\$ 1,501	61.82%	\$ (1,501)
<b>TOTAL ADMINISTRATION</b>	<b>\$ 1,806,470</b>	<b>\$ 1,088,868</b>	<b>60.28%</b>	<b>\$ 1,657,089</b>	<b>\$ 1,211,301</b>	<b>73.10%</b>	<b>\$ (122,433)</b>
<b>COMMUNITY SERVICES</b>							
ENGINEERING	\$ 320,370	\$ 199,811	62.37%	\$ 293,612	\$ 187,072	63.71%	\$ 12,739
COMMUNITY PROGRAMS	\$ 14,050	\$ 10,850	77.22%	\$ 12,650	\$ 10,850	85.77%	\$ -
PLANNING & PERMITTING	\$ 776,532	\$ 461,717	59.46%	\$ 727,756	\$ 446,050	61.29%	\$ 15,667
PARKS AND RECREATION	\$ 602,191	\$ 362,396	60.18%	\$ 615,858	\$ 323,544	52.54%	\$ 38,852
HEALTH & SOCIAL SERVICES	\$ 176,567	\$ 151,419	85.76%	\$ 153,811	\$ 98,928	64.32%	\$ 52,491
PUBLIC LIBRARY	\$ 968,292	\$ 645,528	66.67%	\$ 929,407	\$ 619,605	66.67%	\$ 25,923
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 2,858,002</b>	<b>\$ 1,831,721</b>	<b>64.09%</b>	<b>\$ 2,733,094</b>	<b>\$ 1,686,049</b>	<b>61.69%</b>	<b>\$ 145,672</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 6,682,797	\$ 6,083,464	91.03%	\$ 6,810,550	\$ 6,567,050	96.42%	\$ (483,586)
PROPERTY	\$ 699,114	\$ 503,127	71.97%	\$ 680,137	\$ 476,265	70.02%	\$ 26,862
WORKERS COMPENSATION	\$ 415,000	\$ -	0.00%	\$ 451,890	\$ 219,256	48.52%	\$ (219,256)
WAGES & BENEFITS	\$ 4,602,545	\$ 2,831,244	61.51%	\$ 4,209,929	\$ 2,658,744	63.15%	\$ 172,500
EMERGENCY RESERVE (10108062-670000)	\$ 333,818	\$ -	0.00%	\$ 328,608	\$ -	0.00%	\$ -
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 12,733,274</b>	<b>\$ 9,417,835</b>	<b>73.96%</b>	<b>\$ 12,481,114</b>	<b>\$ 9,921,315</b>	<b>79.49%</b>	<b>\$ (503,480)</b>
<b>PUBLIC SAFETY</b>							
EMERGENCY MGMT AGENCY	\$ -	\$ -		\$ 2,903	\$ -	0.00%	\$ -
FIRE DEPARTMENT	\$ 3,904,344	\$ 2,588,918	66.31%	\$ 3,716,161	\$ 2,311,752	62.21%	\$ 277,166
POLICE DEPARTMENT	\$ 3,439,583	\$ 2,233,901	64.95%	\$ 3,315,380	\$ 2,088,793	63.00%	\$ 145,108
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 7,343,927</b>	<b>\$ 4,822,819</b>	<b>65.67%</b>	<b>\$ 7,034,444</b>	<b>\$ 4,400,545</b>	<b>62.56%</b>	<b>\$ 422,274</b>
<b>PUBLIC WORKS</b>							
PUBLIC WORKS DEPARTMENT	\$ 4,617,744	\$ 2,957,661	64.05%	\$ 4,682,884	\$ 2,568,466	54.85%	\$ 389,195
WATER AND SEWER	\$ 558,835	\$ 418,214	74.84%	\$ 558,835	\$ 418,194	74.83%	\$ 20
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 5,176,579</b>	<b>\$ 3,375,875</b>	<b>65.21%</b>	<b>\$ 5,241,719</b>	<b>\$ 2,986,660</b>	<b>56.98%</b>	<b>\$ 389,215</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 105,000	\$ 78,750	75.00%	\$ 106,750	\$ 80,062	75.00%	\$ (1,312)
E911 COMMUNICATION CENTER	\$ 1,035,381	\$ 776,339	74.98%	\$ 968,347	\$ 726,261	75.00%	\$ 50,078
LATC-PUBLIC TRANSIT	\$ 235,548	\$ 176,635	74.99%	\$ 207,779	\$ 155,834	75.00%	\$ 20,801
LAEGC-ECONOMIC COUNCIL	\$ 160,687	\$ 120,515	75.00%	\$ 160,687	\$ 80,343	50.00%	\$ 40,172
COMMUNITY LITTLE THEATER	\$ 20,160	\$ 46	0.23%	\$ 20,160	\$ 15,120	75.00%	\$ (15,074)
TAX SHARING	\$ 289,000	\$ 43,602	15.09%	\$ 288,593	\$ 39,602	13.72%	\$ 4,000
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 1,845,776</b>	<b>\$ 1,195,887</b>	<b>64.79%</b>	<b>\$ 1,752,316</b>	<b>\$ 1,097,222</b>	<b>62.62%</b>	<b>\$ 98,665</b>
<b>COUNTY TAX</b>	<b>\$ 2,006,244</b>	<b>\$ 2,006,244</b>	<b>100.00%</b>	<b>\$ 1,925,561</b>	<b>\$ 1,925,560</b>	<b>100.00%</b>	<b>\$ 80,684</b>
<b>TIF (10108058-580000)</b>	<b>\$ 2,619,142</b>	<b>\$ 2,590,947</b>	<b>98.92%</b>	<b>\$ 2,619,142</b>	<b>\$ 2,619,142</b>	<b>100.00%</b>	<b>\$ (28,195)</b>
<b>OVERLAY</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ 301,604</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 36,389,414</b>	<b>\$ 26,330,196</b>	<b>72.36%</b>	<b>\$ 35,746,083</b>	<b>\$ 25,847,794</b>	<b>72.31%</b>	<b>\$ 482,402</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 34,705,246</b>	<b>\$ 19,690,235</b>	<b>56.74%</b>	<b>\$ 34,705,246</b>	<b>\$ 25,198,826</b>	<b>72.61%</b>	<b>\$ (5,508,591)</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 71,094,660</b>	<b>\$ 46,020,431</b>	<b>64.73%</b>	<b>\$ 70,451,329</b>	<b>\$ 51,046,620</b>	<b>72.46%</b>	<b>\$ (5,026,189)</b>

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF February 28, 2013**

INVESTMENT		FUND	BALANCE	BALANCE February 28, 2013	INTEREST RATE	WEIGHTED AVG YIELD
BANKNORTH MNY MKT	24-1242924	GENERAL FUND	\$ 55,281.37	\$ 55,281.37	0.20%	
BANKNORTH MNY MKT	24-1745910	GF-WORKERS COMP	\$ 49,221.57	\$ 49,221.57	0.10%	
BANKNORTH MNY MKT	24-1745944	GF-UNEMPLOYMENT	\$ 66,838.84	\$ 66,838.84	0.20%	
BANKNORTH CD	7033	GF-UNEMPLOYMENT	\$ 102,404.84	\$ 102,404.84	2.64%	
BANKNORTH MNY MKT	24-1809302	SPECIAL REVENUE	\$ 52,508.44	\$ 52,508.44	0.20%	
BANKNORTH MNY MKT	24-1745902	SR-PERMIT PARKING	\$ 197,807.30	\$ 197,807.30	0.20%	
BANKNORTH MNY MKT	24-1745895	SR-TIF	\$ 1,116,777.84	\$ 1,116,777.84	0.20%	
BANKNORTH MNY MKT	24-1746819	CAPITAL PROJECTS	\$ 10,888,678.72	\$ 10,888,678.72	0.20%	
BANKNORTH MNY MKT	24-1745928	ICE ARENA	\$ 249,060.74	\$ 249,060.74	0.10%	
<b>GRAND TOTAL</b>			<b>\$ 12,778,579.66</b>	<b>\$ 12,778,579.66</b>		<b>0.22%</b>

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Clinton Deschene, City Manager  
From: Jill Eastman, Finance Director  
Re: Ingersoll Arena Financial Report as of February 28, 2013  
Date: March 12, 2013

Attached you will find a Statement of Net Assets and a Statement of Activities for the Ingersoll Arena as of February 28, 2013.

### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets.

### **Current Assets:**

As of the end of February 2013 the total current assets were \$341,242. These consisted of cash and cash equivalents of \$249,005, accounts receivable of \$100,691 and an interfund receivable is a -\$8,454, which means that the arena owes the General Fund \$8,454, so net cash available to the arena is \$240,551 at the end of February.

The accounts receivable of \$100,691, consists of the following outstanding invoices for ice time that has been billed to various organizations. At the end of January the outstanding accounts were categorized as follows: \$40,920 that was billed at the end of February, so these receivables are current, \$33,046 from January billing and \$26,725 that are over 120 days past due. The past due invoices are broken down as follows:

Auburn Youth Hockey: \$18,395 – the original balance was \$51,195, and the Youth Hockey Organization entered into a payment agreement and has paid a total of \$32,800 towards this outstanding balance to date.

B&B Catering: \$7,900 – B&B Catering used to lease the concession stand and this is unpaid lease fees the we have been unable to collect to date.

Twin City Titans: \$430 – 2 hours of ice time from the fall of 2012.

### **Noncurrent Assets:**

Noncurrent assets are the building, equipment and any building and land improvements, less depreciation. The total value of noncurrent assets as of February 28, 2013 was \$1,040,362.

### **Liabilities:**

The arena liabilities as of February 28, 2013, consisted of \$5,063 of accounts payable, which is for invoices that we had received, but had not paid as of the end of the month.

**Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues through February 2013, are \$293,485. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses through February 2013, are \$207,436. These expenses include personnel costs, supplies, utilities, repairs and maintenance.

As of February 2013 the arena has a operating gain of \$86,049.

Non-operating revenue and expenses consist of interest income and debt service payments. The interest income to date is \$246 and the debt service expense to date is \$84,038, for a net non-operating expense of \$83,792.

As of February 28, 2013 the arena has a increase in net assets of \$2,257.

**CITY OF AUBURN, MAINE**  
**Statement of Net Assets**  
**Proprietary Funds**  
**February 28, 2013**

---

**Business-type Activities - Enterprise Funds**

---

**Ingersoll  
Ice Arena**

---

**ASSETS**

Current assets:

Cash and cash equivalents	\$ 249,005
Interfund receivables	(8,454)
Accounts receivable	100,691

---

Total current assets	341,242
----------------------	---------

---

Noncurrent assets:

Capital assets:

Buildings	672,279
Equipment	826,911
Land improvements	18,584
Less accumulated depreciation	(788,043)

---

Total noncurrent assets	729,731
-------------------------	---------

---

Total assets	1,070,973
--------------	-----------

---

**LIABILITIES**

Accounts payable	5,063
------------------	-------

---

Total liabilities	5,063
-------------------	-------

---

**NET ASSETS**

Invested in capital assets	829,060
Unrestricted	236,850

---

Total net assets	<b>\$ 1,065,910</b>
------------------	---------------------

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Proprietary Funds**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**February 28, 2013**

	<b>Ingersoll Ice Arena</b>
Operating revenues:	
Charges for services	\$ 293,485
Operating expenses:	
Personnel	88,899
Supplies	14,248
Utilities	77,502
Repairs and maintenance	21,540
Depreciation	-
Other expenses	5,247
Total operating expenses	207,436
Operating gain (loss)	86,049
Nonoperating revenue (expense):	
Interest income	246
Interest expense (debt service)	(84,038)
Total nonoperating expense	(83,792)
Loss before transfer	2,257
Transfers out	-
Change in net assets	2,257
Total net assets, July 1	1,063,653
<b>Total net assets, February 28</b>	<b>\$ 1,065,910</b>



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** March 18, 2013

**Ordinance** 01-03182013

**Author:** Eric Cousens, Director of Planning and Permitting

Item(s) checked below represent the subject matter related to this item.

☒ **Comprehensive Plan**   ☐ **Work Plan**   ☐ **Budget**   ☒ **Ordinance/Charter**   ☐ **Other Business\***   ☐ **Council Goals\*\***

\*\*If Council Goals please specify type:   ☐ **Safety**   ☐ **Economic Development**   ☐ **Citizen Engagement**

**Subject:** Proposal to amend the City Of Auburn Zoning Map in the area of Blanchard Road, Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn as shown on the attached maps. (3 options under consideration)

**Information:** As the Council is aware, the Planning Board accepted input from the public and discussed the proposed amendment in detail at the February 12, 2013 Planning Board Meeting. The Board voted 7/0 to forward a favorable recommendation on a modified version of this proposal as shown on the attached map titled "Planning Board Recommended Map Change Area." The attached map also shows the Lake Auburn Watershed boundaries. The Planning Board recommended that the change exclude the agriculturally used land at the corner of Blanchard and Turner Roads and the land to the north, on the east side of Turner Road. The Board found that the proposal meets the requirements of the City's Comprehensive Plan with the amendment.

At the workshop on March 4, 2013 the Council expressed concerns with increased traffic and drive openings that additional residential development would create. When comparing existing zoning to proposed zoning, it is estimated that the Petitioned area would allow for 2-3 additional parcels, the Planning Board recommended change would allow for 5-6 additional parcels and the map generated in response to Council input at the workshop would allow for 2-3. It should be noted that the existing commercial use at the corner of Blanchard and Route 4 makes some of the splits very unlikely, at least while the use exists.

**Financial:** None. Could result in increased assessed value and costs to serve any new residences over time.

**Action Requested at this Meeting:** Consider public input and vote to approve the first reading of one of the options being discussed.

**Previous Meetings and History:** Planning Board Meeting February 12, 2013 and Council Workshop on March 4, 2013.

**Attachments:** Planning Board staff report dated February 12, 2013, Uses allowed in the LDCR zoning district vs. LDRR zoning district, Zoning Map showing petitioned area, staff recommended area and PB recommended areas, Planning Board Minutes, Map showing the area that the Council requested at the workshop, Abutters letter dated 3/12/13, Ordinance 01-03182013 (Option A and Option B).

*\*Agenda items are not limited to these categories.*



# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting Planning Board Recommendation

To: Honorable Auburn Mayor and City Council

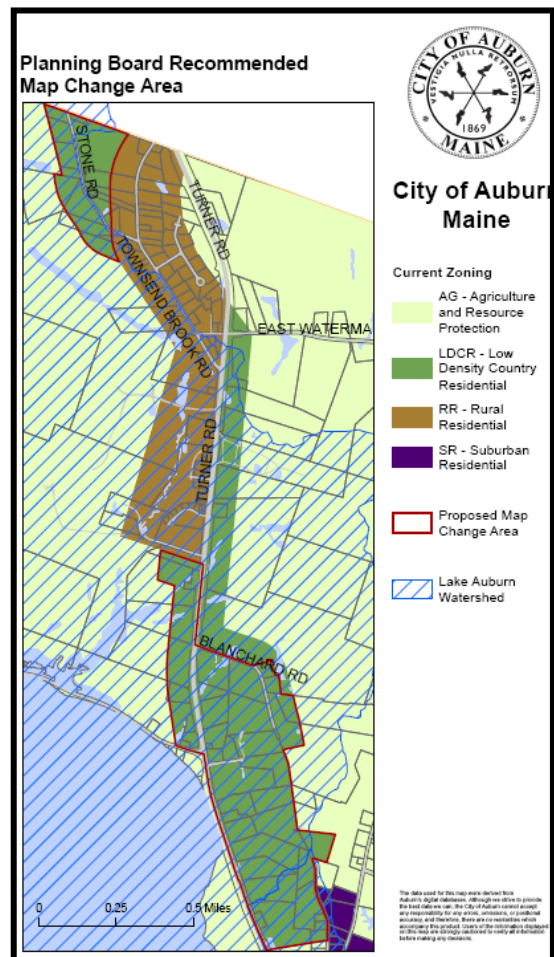
From: Emily Mottram, Acting Chairperson Auburn Planning Board

Re: Planning Board recommendation regarding a zoning map amendment to change the existing areas within the Low Density Country Residential (LDCR) zoning district along a portion of Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road to Low Density Rural Residential (LDRR).

Date: February 28, 2013

At the February 12, 2013 Planning Board meeting, the Board accepted input from the public and discussed the proposed amendment in detail. During the discussion and public hearing, the Board was made aware that stand-alone commercial greenhouses and slaughter houses were two use groups that are currently allowed that would not be permitted under the LDRR zoning district. That change could limit potential agricultural operations at the northern corner of Turner and Blanchard Roads. It should be noted that either use is currently allowed and would continue to be allowed after a change from LDCR to LDRR if it was accessory to or part of the operation of a farm, nursery, residence or other permitted use. The Planning Board determined that the change should exclude the agriculturally used land at the corner of Blanchard and Turner Roads and the land to the north, on the east side of Turner Road to avoid negative impacts to the agricultural uses. The Board found that the proposal meets the requirements of the City's Comprehensive Plan with the amendment.

The Board voted 7/0 to forward a favorable recommendation to the City Council on a modified version of this proposal as shown on the map to the right. The areas outlined in red are recommended to be changed from the LDCR to LDRR zoning district.



Emily Mottram, Acting Chairperson Auburn Planning Board

## Uses allowed in the LDCR zoning district vs. LDRR zoning district

<b>The following uses are permitted:</b>		
<b>Permitted Use Designation</b>	<b>Allowed in LDCR</b>	<b>Allowed in LDRR</b>
One-family detached dwellings.	X	X
Two-family dwellings.	X	X
Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.	X	X
Forest products raised for harvest.	X	X
Field crop farms.	X	X
Row crop farms.	X	X
Orchard farms.	X	X
Truck gardens.	X	X
Plant and tree nurseries.		X
Greenhouses.		X
Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.	X	X
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.	X	X
Wayside stands.	X	X
Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.	X	X
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.		X
Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.		X
Licensed veterinarians provided that the lot is of at least three acres.		X
Accessory uses, buildings or structures.		X
Lawn maintenance services.		
Municipal uses and buildings.		X

**The following uses are permitted by special exception after approval by the planning board in**

## Uses allowed in the LDCR zoning district vs. LDRR zoning district

accordance with the provisions of division 3 of article XVII of this chapter:		
Special Exception Use Designation	Allowed in LDCR	Allowed in LDRR
Bed and breakfast.	X	
<p>Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:</p> <p>a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.</p> <p>b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.</p> <p>c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.</p>	X	
Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.	X	
Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.	X	X
<p>Bona fide residences required for farm labor. Any residence constructed for farm labor 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 division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.</p>	X	

## Uses allowed in the LDCR zoning district vs. LDRR zoning district

<p>Recreational uses of land intended or designed for public use subject to the following conditions:</p> <p>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 in the manner and upon the same terms as approvals of initial recreational uses.</p> <p>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.</p>	X	X
<p>Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:</p> <p>a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.</p> <p>b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.</p>	X	
<p>Cemeteries, subject to the following conditions:</p> <p>a. At least 20 acres in area.</p> <p>b. Not located in any environmental overlay district or over any known aquifer.</p>	X	X
<p>Municipal sanitary landfills, subject to the following conditions:</p> <p>a. Not located in any environmental overlay district or over any known aquifer.</p> <p>b. Provisions shall be made to avoid surface water and groundwater pollution.</p> <p>c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.</p>	X	

## Uses allowed in the LDCR zoning district vs. LDRR zoning district

<p>Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:</p> <p>a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.</p> <p>b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.</p>	X	X
<p>Wholesale nurseries, subject to the following conditions:</p> <p>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.</p> <p>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.</p>	X	X
<p>Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:</p> <p>a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.</p> <p>b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.</p> <p>c. An end-use plan must be filed as part of the planning board process.</p>	X	
<p>Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.</p>	X	
<p>Care homes, lodginghouses and boardinghouses.</p>		X
<p>Child day care centers, provided that:</p> <p>a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.</p> <p>b. They shall not be located closer than 1,000 feet from other established day care centers.</p> <p>c. These standards shall not apply to section 60-52</p>		X

## Uses allowed in the LDCR zoning district vs. LDRR zoning district

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.		X
Licensed kennels provided that there shall be available land area of at least three acres.		X
Training schools.		X
Adult day centers.		X
Landscape services.		X
Schools.		X
Churches or temples.		X
Libraries.		X
Museums.		X

### 7 §153. FARM; FARM OPERATION OR AGRICULTURAL COMPOSTING OPERATION NOT A NUISANCE

A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Title 17, chapter 91 if the farm, farm operation or agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations and: **§§ 153-155**

**§§ 153-155**

**1. Farm; farm operation; agricultural composting operation.** The farm, farm operation or agricultural composting operation conforms to best management practices, as determined by the commissioner in accordance with Title 5, chapter 375;

**§ 153-155**

**2. Storage or use of farm nutrients; complaints.** For complaints regarding the storage or use of farm nutrients as defined in section 4201, subsection 4, the farm, farm operation or agricultural composting operation has implemented a nutrient management plan developed in accordance with section 4204 and operation of the farm, farm operation or agricultural composting operation is consistent with the nutrient management plan; or

**§ 153-155**

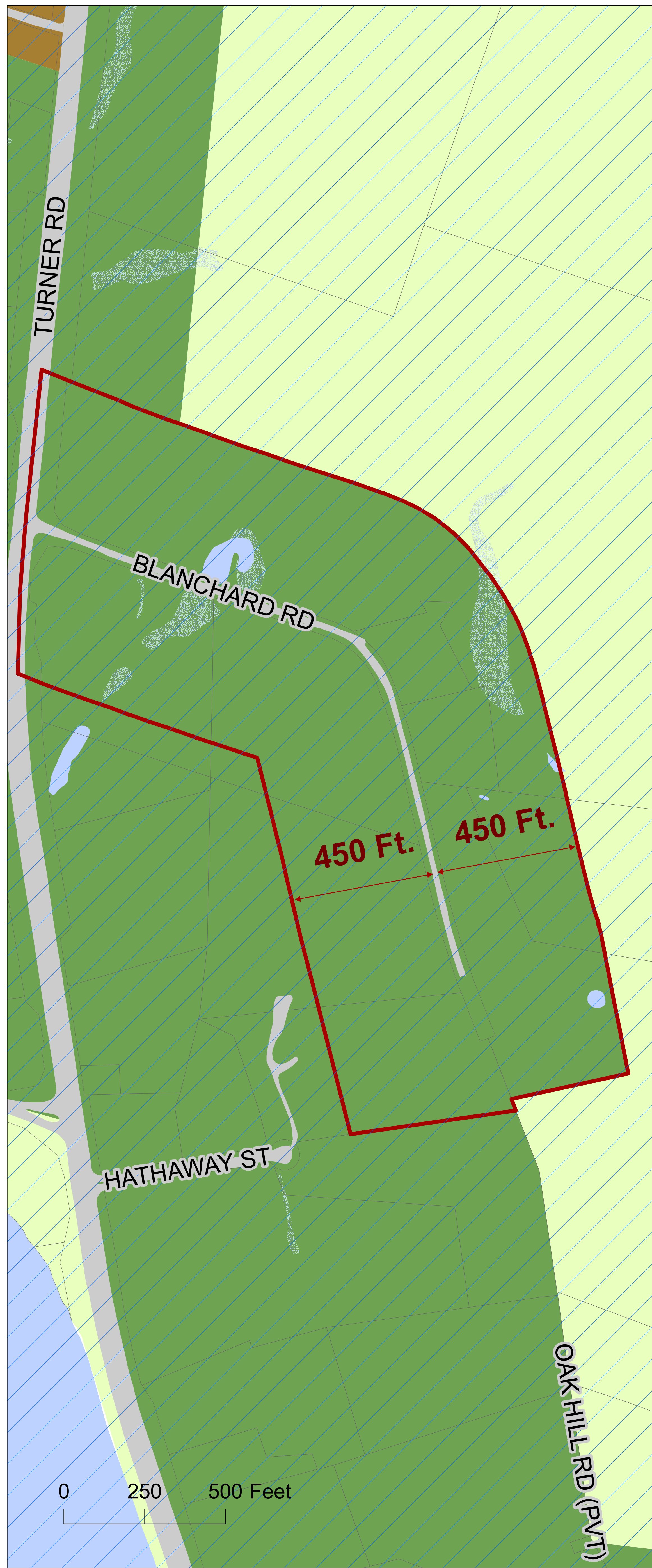
**3. Change in land use; occupancy of land.** The farm, farm operation or agricultural composting operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation as long as, before the change in land use or occupancy, the farm, farm operation or agricultural composting operation would not have been considered a nuisance. This subsection does not apply to a farm, farm operation or agricultural composting operation that materially changes the conditions or nature of the farm, farm operation or agricultural composting operation after a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation. Nothing in this subsection affects the applicability of any of the other provisions of this chapter.

**§ 153-155**

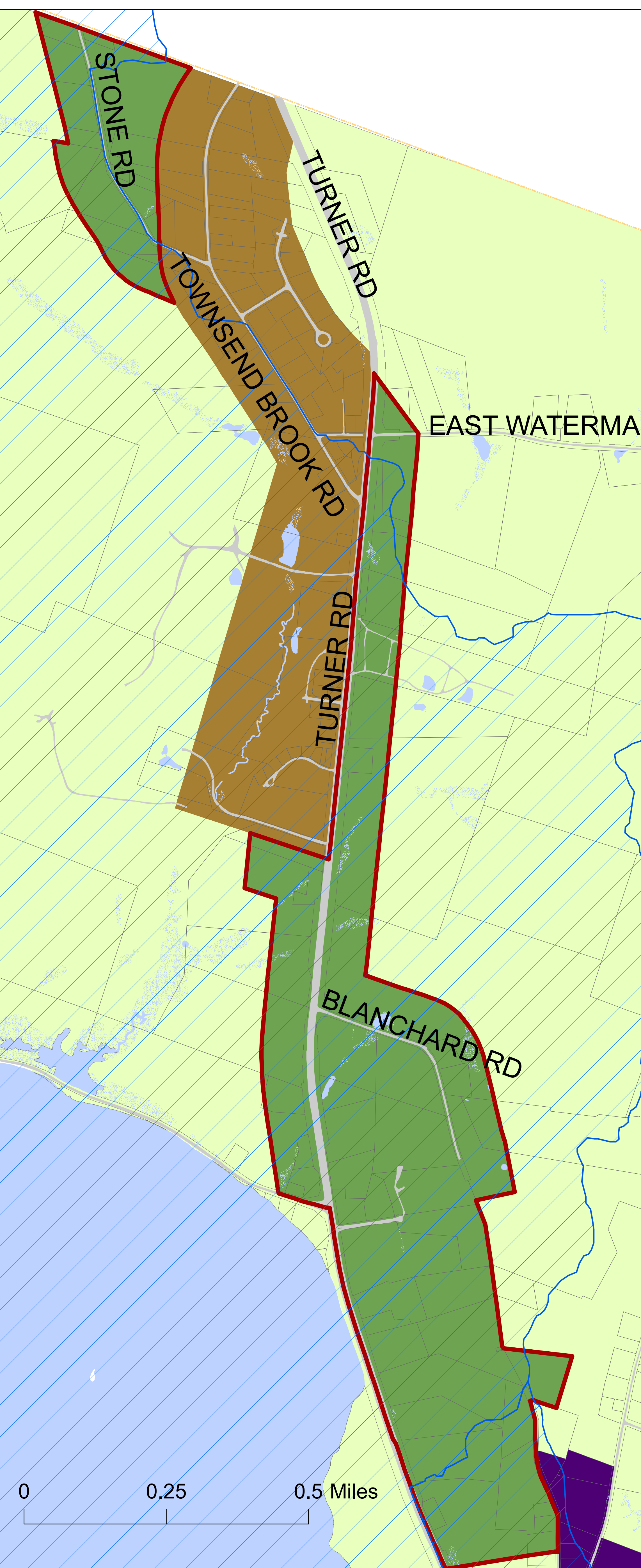


# Proposed Zoning Amendment

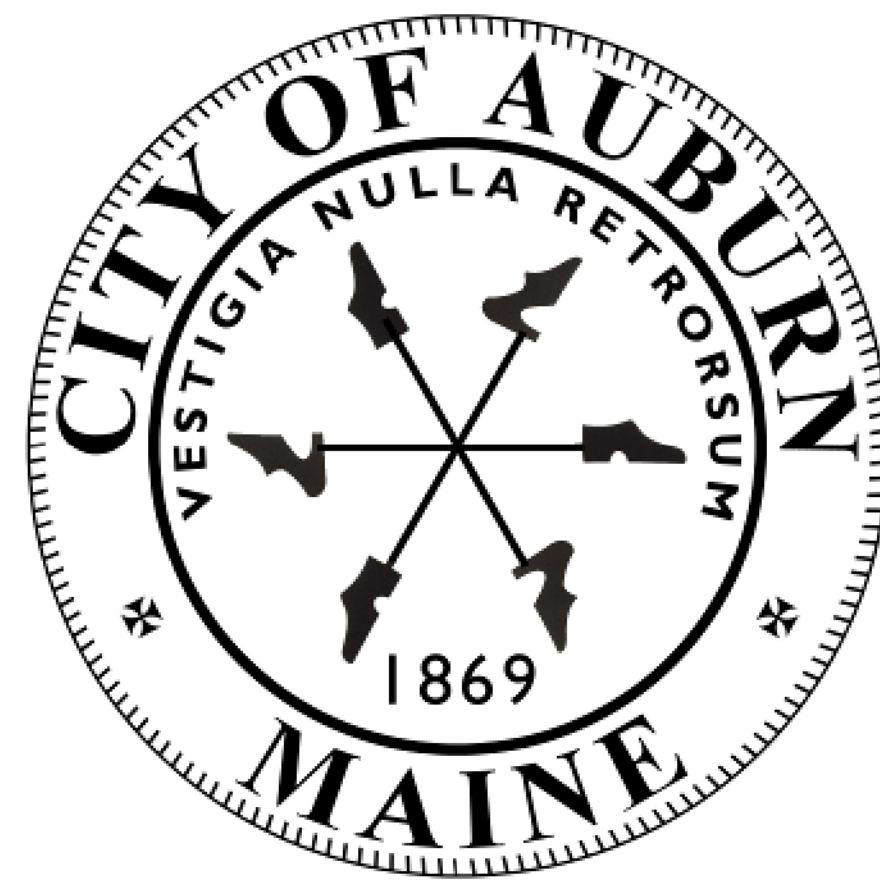
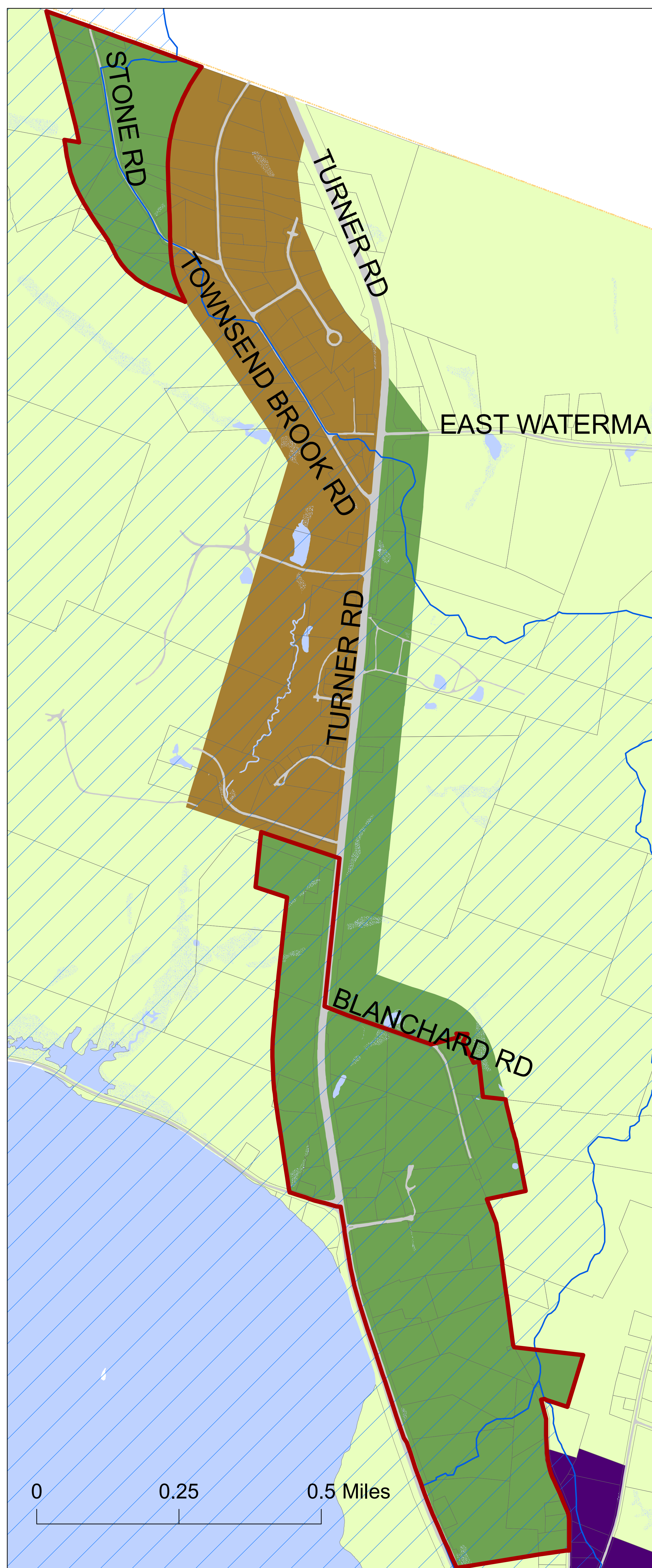
Petitioned Map Change Area



Comp Plan & Staff Recommended Map Change Area



Planning Board Recommended Map Change Area



## City of Auburn Maine

### Current Zoning

- AG - Agriculture and Resource Protection
- LDCR - Low Density Country Residential
- RR - Rural Residential
- SR - Suburban Residential

Proposed Map Change Area

Lake Auburn Watershed

The data used for this map were derived from Auburn's digital databases. Although we strive to provide the best data we can, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.



# **Auburn Planning Board Meeting Minutes**

## **February 12, 2013**

### **Roll Call**

**Full Members present:** Dan Bilodeau, Emily Mottram Presiding, Evan Cyr, Robert Gagnon, Marc Tardif and Dan Philbrick.

**Full Members absent:** Robert Bowyer

**Associate Members present:** Mia Poliquin Pross and Kenneth Bellefleur. Mia Poliquin Pross participated as a Full Member for this meeting due to Mr. Bowyer being absent.

**Also present:** Director of Planning and Permitting Eric Cousens represented City staff.

### **Minutes**

A request to approve the January 8, 2013 meeting minutes was made by staff.

Dan Bilodeau commented that there was a typo in the last paragraph of the 2<sup>nd</sup> page. He said LAWPCA should be spelled LAWPC.

A motion was made by Dan Bilodeau and seconded by Robert Gagnon to approve the January 8, 2013 meeting minutes as amended. After a vote, the motion carried 7-0-0.

Chairperson Mottram explained the procedure that is used for Public Hearings.

Robert Gagnon stated he would be abstaining from voting on this public hearing due to a conflict of interest. Kenneth Bellefleur was then appointed as a full voting member.

### **Public Hearings:**

The City of Auburn received a petition to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016) , 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

Based on the Comprehensive plan, staff recommends that the Planning Board and City Council consider applying the change to a larger area to include the existing areas within the LDCR zoning district along Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road. Changing any Agricultural zoning to residential is not recommended and not supported by the Comprehensive plan.



Eric read the staff report.

William Saucier of 145 Blanchard Road and applicant explained why he was petitioning for the zone change.

Eric stated that a majority of the area is located in the Lake Auburn Watershed which means that all of the properties within that area are still subject to all of the standards in the Lake Auburn Watershed. If those standards are met, the impacts to the watershed should not be a substantial concern.

Eric used the projector to show a map of the area depicting the watershed boundaries. The next screen showed a list of all of the uses allowed in the LDCR and the uses allowed in the LDRR.

Dan Bilodeau commented that current property owners in the Lake Auburn Watershed should be aware that there will be possibilities of review and revise septic requirements, strategy to adopt low impact development standards and update of the phosphorous control plan. He said these are all additional restrictions that people need to be made aware of.

#### Open Public Hearing

Britny Anderson of 2175 Turner Road asked for clarification on how the zoning change might affect the following:

- Taxes
- Tree management
- Hunting / Target shooting
- Mobile homes / Trailer parks allowed
- Apartment buildings allowed
- Would speed limit be reduced if more driveways are built

Eric replied the following:

- Taxes would not change unless the property owner chose to split the property. The tax value is set based on a neighborhood code and the neighborhood code would not change based on the zoning.
- Shooting is not affected by this proposed change other than for a commercial organized shooting range.
- Timber management is allowed in any zoning district.
- Trailer parks and mobile homes are allowed in the rural residential zoning district with approval of the Planning Board with a criterion that they have to be within 1,500 feet of municipal sewer. Very little of this area is within that distance of municipal sewer.
- There are some limitations to what people can have for access out there that are controlled by the state. Does not foresee a lot of additional driveways being built because of this proposed change.

Deborah Desjardins of 2768 Turner Road said she was not opposed, just concerned. Realizes that the Water District is very strict when it comes to adding septic systems as she had to jump

through hoops to replace her septic. She said she is concerned that if this goes through, more people will be driving down a blind road trying to cross north bound traffic on Turner Road.

Chairperson Mottram asked if traffic was taken into account when a lot is divided and Eric replied no.

Evan Cyr asked if Eric was aware of the number of lots that were currently located on Blanchard Road that were 500 feet or wider in terms of road frontage. Eric replied there were between 2 and 4 depending on house locations besides the farm on the corner that could be split into more. Eric added that if there was ever a proposal for a subdivision, the creation of 3 or more lots, then we would have to look at traffic but we don't have a mechanism to consider traffic for the individual one-lot-at-a-time split.

Dan Bilodeau commented that we all know Route 4 is a busy road with many accidents occurring and asked if there was some sort of capacity schedule for it. Eric replied that the City was looking at trying to get funding through our legislators for a comprehensive look at the Route 4 corridor to address safety concerns. The Maine Department of Transportation does not consider any one location to have a high enough accident rate to be a high crash location even though many accidents occur all along the corridor.

Luis Feliciano of 16 Blanchard Road stated his property was located at the corner of Route 4 and Blanchard Road and comprised of 104 acres of farm land. He asked who of the Planning Board members were knowledgeable with farming. 2 of the 7 Planning Board members raised their hands. Mr. Feliciano stated the following:

- The type of farming he does is the type that nobody wants to do. Everyone enjoys the fruits of our labor but nobody wants to think about what we do and how we do it.
- On the property are draft horses, bees, chickens and sheep and all are rotated throughout the fields at different times.
- Considers it a multi faceted operation.
- This change in zoning will drastically affect the way he does his business and will limit how much he can diversify in his operation. In business, the more diversified you are the more resilient and stronger you are.
- Having a corner lot with a proposed zone change and being in the watershed are obstacles in farming.
- More neighbors will increase three-fold the amount of people that he will have to please with his operation in terms of animals defecating and the travelling odor.
- Has a big wood lot and has to harvest his wood which means he has to invest in equipment and in order to be able to pay would need to offer services to other farmers. Mentioned slaughter houses and greenhouses as operations that would be limited.
- By changing the zone, it is bringing him closer to a residential area.
- Asked how many zone changes will need to happen before the area is zoned as moderate as is proposed in the Comp Plan.

Chairperson Mottram commented that it appeared greenhouses are not currently allowed but will be allowed with the zone change. Eric replied greenhouses should be allowed in either zone.

Dan Bilodeau asked Eric to show Mr. Feliciano's property up on the screen and Eric proceeded to do so.

Mr. Feliciano said a total of 8 acres will be affected by the zone change.

Eric clarified that you can have green houses as part of an agricultural use in either zoning district.

Mr. Bilodeau commented that the Comp Plan Committee looked at all of the residential strips and because the properties were in the watershed did not want to change the Agricultural Resource Protection. He said he was not aware that there was a large farm at that location and asked if the abutting parcels were also in farming or woodlots.

Mr. Feliciano said it is not an easy farm to manage because it is not a conventional type of landscape as it is basically rolling hills. He proceeded to show where his farm's boundaries were located on the map.

William Saucier of 145 Blanchard Road stated the reason he was trying to rezone is not to create more lots but to keep the land that he owns. He said he is trying to get the few lots that currently don't conform back to being conforming. He assured the Board that no land up there would pass the restrictions that the Water District has to install a septic system.

Mr. Feliciano said he wanted to talk about the issue of land conservation because he is a farmer and that is what he has to do to protect the land. He spoke about land being protected through a land trust and mentioned several websites that offered information about land preservation.

Robert Gagnon of 160 Stone Road said he probably started the whole problem in the neighborhood when he surveyed one of the lots and found a neighbor's septic system was on the land. He said the gentleman who owns the land wants to give the land to the owner of the septic system but cannot because the land is non-conforming so by going to 1-acre lot sizes, they would both become conforming.

A motion was made by Evan Cyr and seconded by Dan Philbrick to close the public hearing. After a vote, the motion carried 7-0-0.

Dan Bilodeau asked if it would be less difficult for City staff if the Board approved only what was proposed by the applicant and not the whole area as is recommended by the Comp Plan. Eric replied that the way he looks at any of these proposed changes is as an opportunity to implement more of the comprehensive plan in one shot. He said the Board's options were recommending approval of what was petitioned, or a portion of that area and or the Board can exclude the actively farmed properties from that recommendation so they stay Low Density Country Residential or include more than the petitioned land. He mentioned the point about greenhouses was well taken and if that's an important part of that agricultural operation, maybe the time isn't right for the change on that parcel.

Mia Poliquin Pross asked if there was any process in place for grandfathering a business or a lot that might span 2 different zones. Eric replied there is. He said existing greenhouse buildings that are there could continue to be there even if they were no longer allowed in the new zoning district but they would be limited as far as expansion would go. He said agriculture is difficult to keep in our community and if there is a way to modify the proposal to try to preserve it is certainly worthwhile.

Evan Cyr asked if there were only 2 nonconforming lots on Blanchard Road and stated even though this is not an ideal solution, asked if the Board could decide to only recommend those 2 lots for a zone change. Eric replied yes but encouraged the Board to look at recommending rezoning on a larger area. He said because it would be consistent with the Comprehensive Plan, it would not technically be considered spot zoning. He said the Board could decide to implement a portion of the change and still be consistent with the Comprehensive Plan.

A motion was made by Mia Poliquin Pross to forward a favorable recommendation of a portion of staff's proposed change to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan but to exclude all of the active farming area on the northern corner of Blanchard and Turner Roads and the east side of Turner Road. The motion was seconded by Marc Tardif.

After some discussion, the Board members asked for some clarity of the original motion.

Eric read the following motion as he understood it to be: to recommend approval of the amendment as shown on the map to rezone the West side of Turner Road which includes the Stone Road area, but excluding the areas on the east side of Turner Road down to Blanchard Road and all of the active farming area (Mr. Feliciano's property) within the Low Density Country Residential. All of the other areas outlined in red would still be included in that recommendation for the change.

Ms. Poliquin Pross and Mr. Tardif were in favor of and agreed with the clarification of the motion.

After a vote, the motion carried 7-0-0.

Eric explained that the recommendation would go to the City Council within the next 4 weeks and mentioned if anyone wanted to be kept informed of upcoming meetings to leave their name and email address so staff could notify them of upcoming discussions. He also mentioned that everyone who received a notice this time would receive a mailed notice of the future public hearing but would not get a notice for the initial workshop.

**OLD BUSINESS:** None at this time.

**MISCELLANEOUS**

**1) Discussion on complete streets with LA Bike Ped Committee representative.**

Jeremiah Bartlett of 107 Shepley Street and representative of LA Bike Pedestrian Committee explained the proposed complete streets policy. He presented a PowerPoint presentation and a discussion ensued.

A motion was made by Marc Tardif, seconded by Robert Gagnon to forward a favorable recommendation to the City Council.

After a vote, the motion carried 7-0-0.

Ken Bellefleur did not vote as he was now back as an Associate Member.

**2) Comprehensive Plan implementation update**

Eric gave an update on the status of the Comprehensive Plan implementation to date.

**3) Lake Auburn TRC update.**

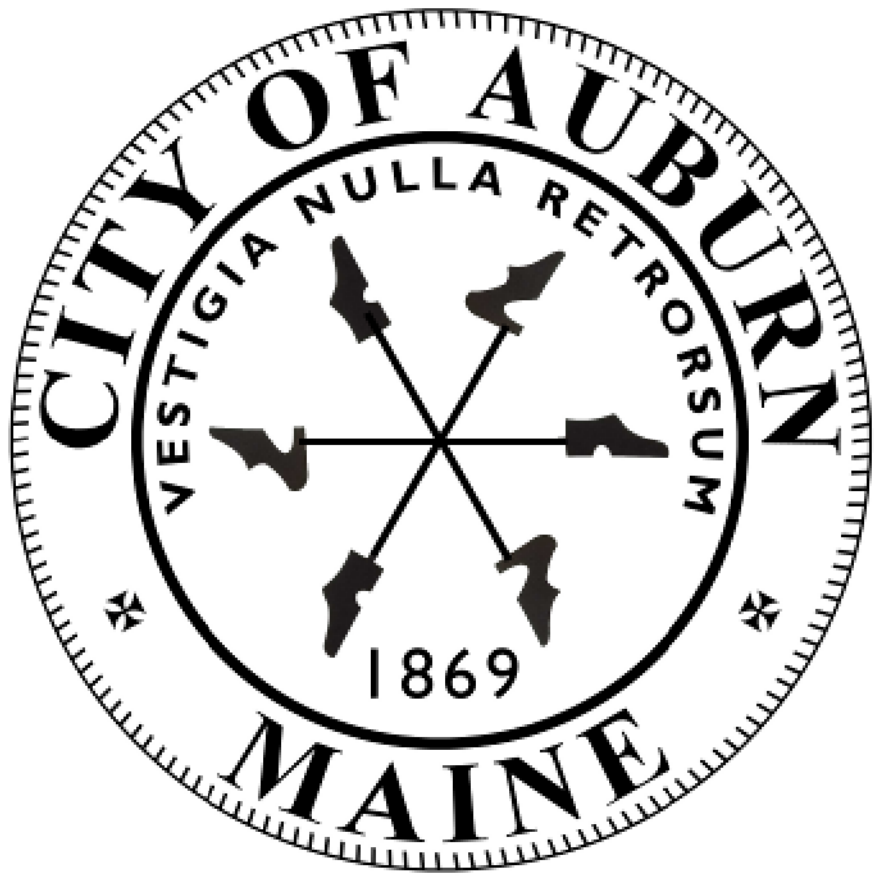
Eric mentioned that the Lake Auburn Watershed Protection Commission will be giving their update on the Lake Auburn Watershed Diagnostic study in Lewiston City Council Chambers at 5:00 pm on Wednesday, February 13, 2013. He said Auburn's City Council had appointed the Auburn Planning Board as the Technical Review Committee and gave a brief explanation as to what that involved.

**ADJOURNMENT**

A motion was made by Evan Cyr and seconded by Dan Bilodeau to adjourn. After a vote, the motion carried 7-0-0.



# Proposed Zoning Amendment



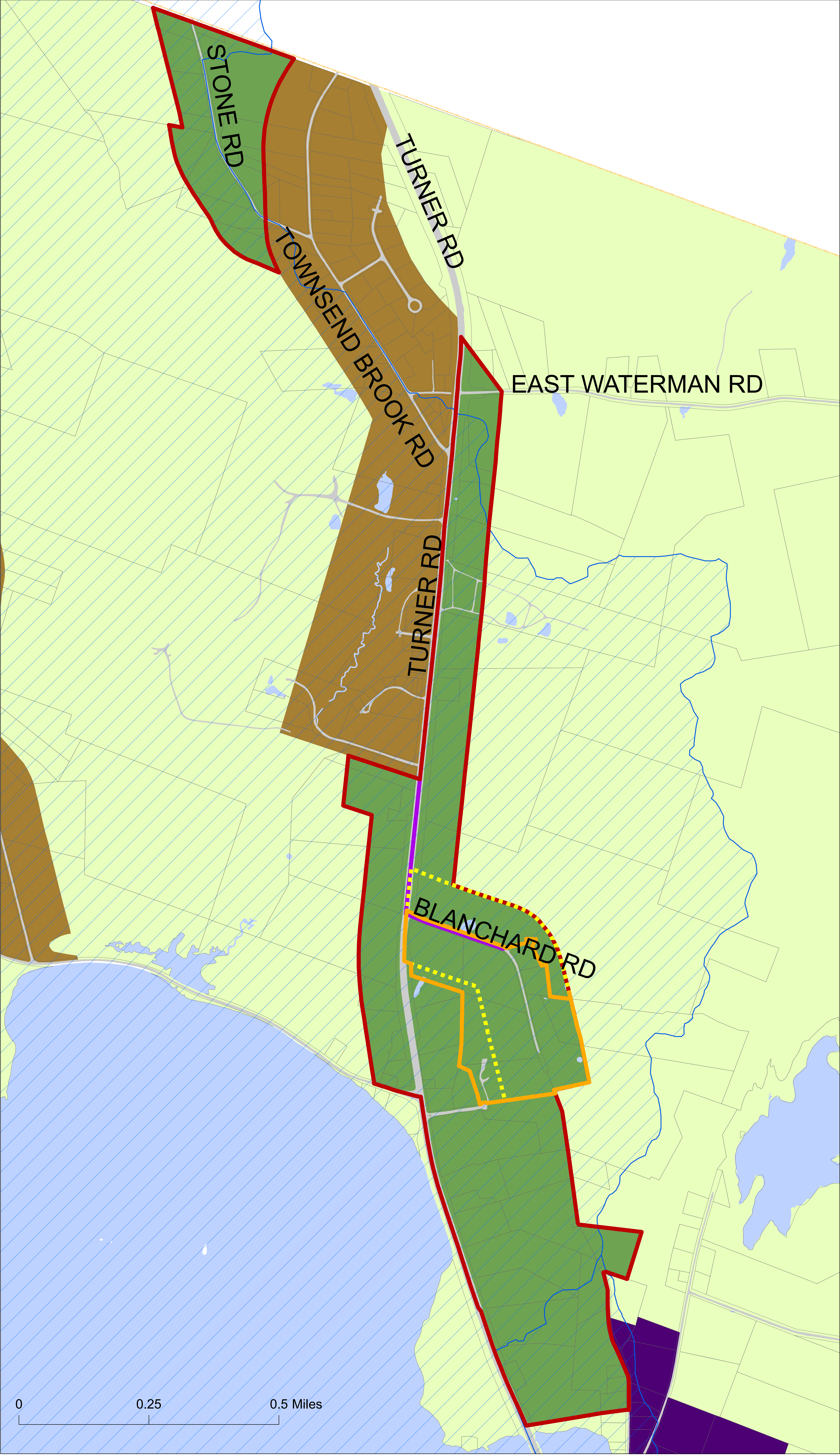
City of Auburn  
Maine

## Legend

- Council Map Amendment
- Petitioned Change Area
- Staff Recommended Area
- Planning Board Recommended Area
- Lake\_Auburn\_Watershed
- Parcel Lines

## Current Zoning

- AG - Agriculture and Resource Protection
- LDCR - Low Density Country Residential
- RR - Rural Residential
- SR - Suburban Residential



The data used for this map were derived from Auburn's digital databases. Although we strive to provide the best data we can, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.



# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting Services

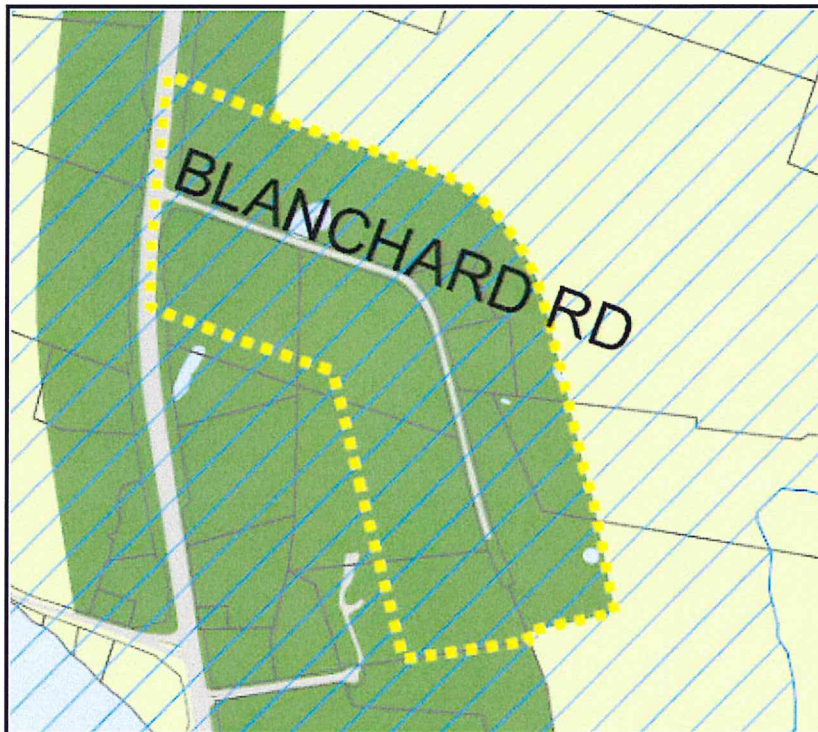
March 12, 2013

**Re: Auburn City Council Public Reading and Hearing – March 18, 2013 & April 1, 2013**

To Whom It May Concern,

The Auburn City Council will hold a Public Reading & Public Hearing on Monday, March 18, 2013 and Monday, April 1, 2013 at 7:00 PM in the City Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The following proposal will be heard:

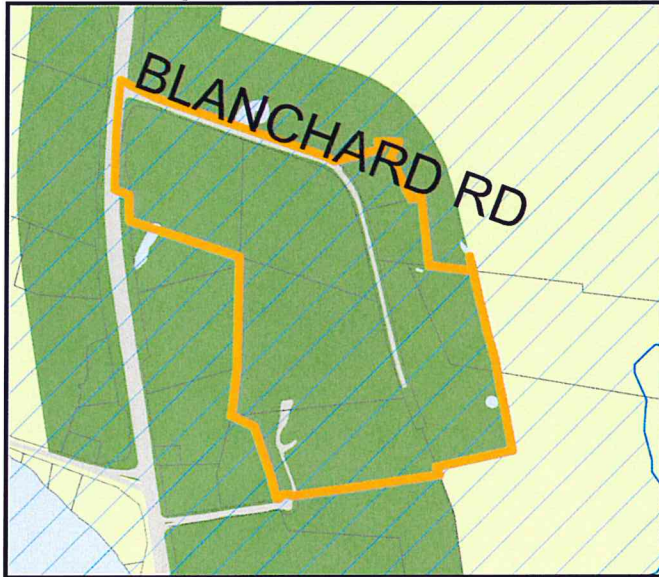
The City of Auburn received a petition to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan. The petition included a strip of land 450' deep from the centerline of and parallel to Blanchard Road as shown in the dashed yellow outline on the map to the right.



Based on the Comprehensive plan, staff recommended that the Planning Board and City Council consider applying the change to a larger area to include the existing areas within the LDCR zoning district along Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road. The planning Board considered public input and recommended that the Council apply the change to a larger area but also that the east side of Turner Street and the actively farmed parcel north of Blanchard Road be excluded from the change to minimize impacts to the agricultural use and to limit new driveways along Turner Road. A map of the Planning Board recommended area is on the map at the top of the next page of this letter. The Planning Board recommended area is outlined in purple.



On March 4, 2013 the City Council received an update from staff regarding the status of the proposed map amendment. Based on the Council discussion and ongoing concerns with traffic safety on Route 4, some councilors expressed concerns with changing the zoning over the larger area and asked staff to prepare a modified map for consideration. The new map below incorporates the Planning Board recommended changes into the petitioned map and generally follows property lines to avoid split zoned lots.

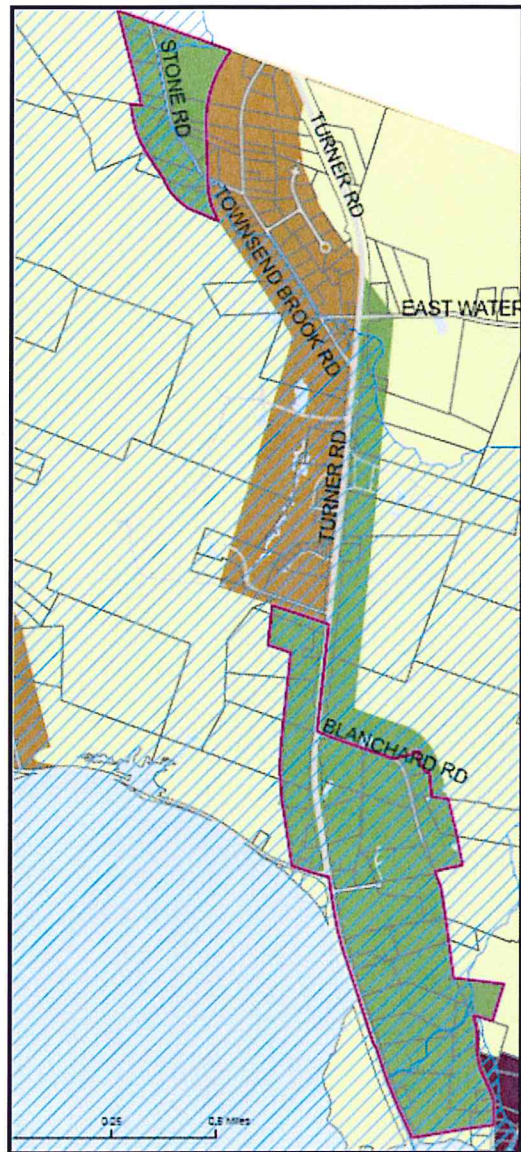


The Council wishes to hear from residents and property owners to help them make a decision on the map amendment. Please do not hesitate to contact me at 333-6601, ext: 1154 if you would like additional information. The Council agendas and more detailed supporting information will be available on the City Website in the Council Agendas section by the end of the week and much of it is already available under the March 4, 2013 Agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Cousens".

Eric J. Cousens  
Director of Planning & Permitting





## REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential to Rural Residential as described on the attached pages and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016), 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

	SIGNATURE	PRINTED NAME	ADDRESS
✓	<i>Lucille Sancier</i>	LUCILLE SANCIER	145 Blanchard Rd Aub
✓	<i>William Sancier</i>	WILLIAM SANCIER	145 Blanchard Rd Aub
✓	<i>Kissy Thompson</i>	KISSY THOMPSON	279 Oak Hill Rd. Aub.
✓	<i>Olivette Zando</i>	OLIVETTE ZANDO	117 Blanchard Rd, Auburn
✓	<i>Philip Zando</i>	PHILIP ZANDO	117 BLANCHARD RD AUBURN
NR	<i>Ronald Wallingford</i>	Ronald Wallingford	17 Jackson Hill Rd
✓	<i>Ivan Wallingford</i>	IVAN WALLINGFORD	57 JACKSON HILL RD AUBURN
NR	<i>Curtis Fargay</i>	Curtis Fargay	93 Gammage Ave Auburn
✓	<i>Arnold Burgess</i>	ARNOLD BURGESS	1438 Turner St Auburn
✓	<i>Roberta Burgess</i>	ROBERTA BURGESS	1438 Turner St Auburn
✓	<i>Patricia A. Bernard</i>	PATRICIA A. BERNARD	595 North River Rd Auburn
✓	<i>Julien E. Bernard</i>	JULIEN E. BERNARD	595 North River Rd Auburn
✓	<i>Robert O. Additon</i>	ROBERT O. ADDITON	1002 North River Rd. Auburn
✓	<i>Sarah Buchette</i>	SARAH BUCHETTE	130 Blanchard Rd. Auburn
✓	<i>Jessica Blanchard</i>	JESSICA BLANCHARD	96 Blanchard Rd Auburn
✓	<i>Mary Grant</i>	MARY GRANT	192 Stone Rd. Auburn
✓	<i>Constance M. Gagnon</i>	CONSTANCE GAGNON	160 Stone Rd AUBURN
✓	<i>Lawrence Robinson</i>	LAWRENCE ROBINSON	432 East Waterman Rd. Aub.
✓	<i>Richard A. Mercier</i>	RICHARD A. MERCIER	101 Bradman St. Aub.
✓	<i>Margaret Mercier</i>	MARGARET MERCIER	101 Bradman St Aub.
✓	<i>Ashley M. Auger</i>	ASHLEY M. AUGER	79 Lakeshore Dr. Aub.
✓	<i>Joan Auger</i>	JOAN AUGER	79 Lakeshore Dr. Aub.
✓	<i>Fredrick A. DeFilipp</i>	FREDRICK A. DEFILIPP	137 CEDARWOOD Rd. Aub.
NR	<i>Michael Hood</i>	Michael Hood	21 West Hartwood Rd.
✓	<i>Louis R. Martin</i>	LOUIS R. MARTIN	123 OAK HILL Rd. Aub.
✓	<i>Dawn R. Martin</i>	DAWN R. MARTIN	123 OAK HILL Rd. Aub.
✓	<i>Warren Gateway</i>	WARREN GATEWAY	179 OAK HILL RD
✓	<i>Alan Whitman</i>	ALAN WHITMAN	235 OAK HILL RD, AUBURN
✓	<i>Leah C. Whitman</i>	LEAH WHITMAN	235 Oak Hill Rd. Auburn
✓	<i>Nancy Abbin</i>	NANCY ABBIN	170 BLANCHARD Rd AUBURN
NR	<i>Stacie Sturgeon</i>	STACIE STURGEON	170 Blanchard Rd 04246
✓	<i>Christian Duchette</i>	CHRISTIAN DUCHETTE	120 Blanchard Rd. 04210



# REZONING PETITION

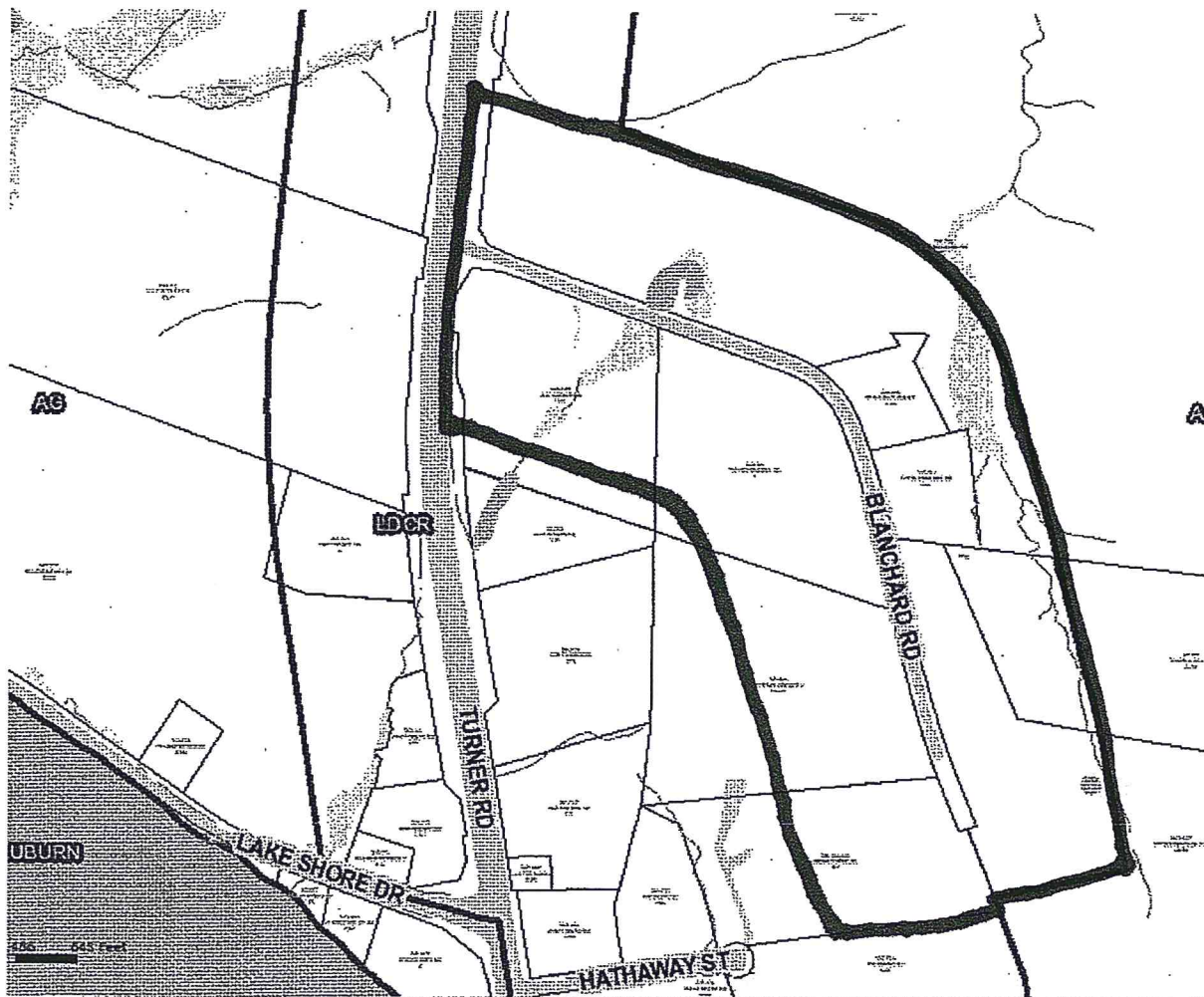
We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential to Rural Residential as described on the attached pages and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016), 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

**SIGNATURE**

**PRINTED NAME**

## ADDRESS

[illegible]



# Future Land Use

The Future Land Use plan recommends the following:

## Low Density Residential Development District (LDRD)

**Objective** – Allow for low density residential development (primarily detached single family homes) on the fringe of the built up area where public services can be reasonably provided, but where public sewerage is not available and is not likely to be available in the foreseeable future (see Figure 2.3).

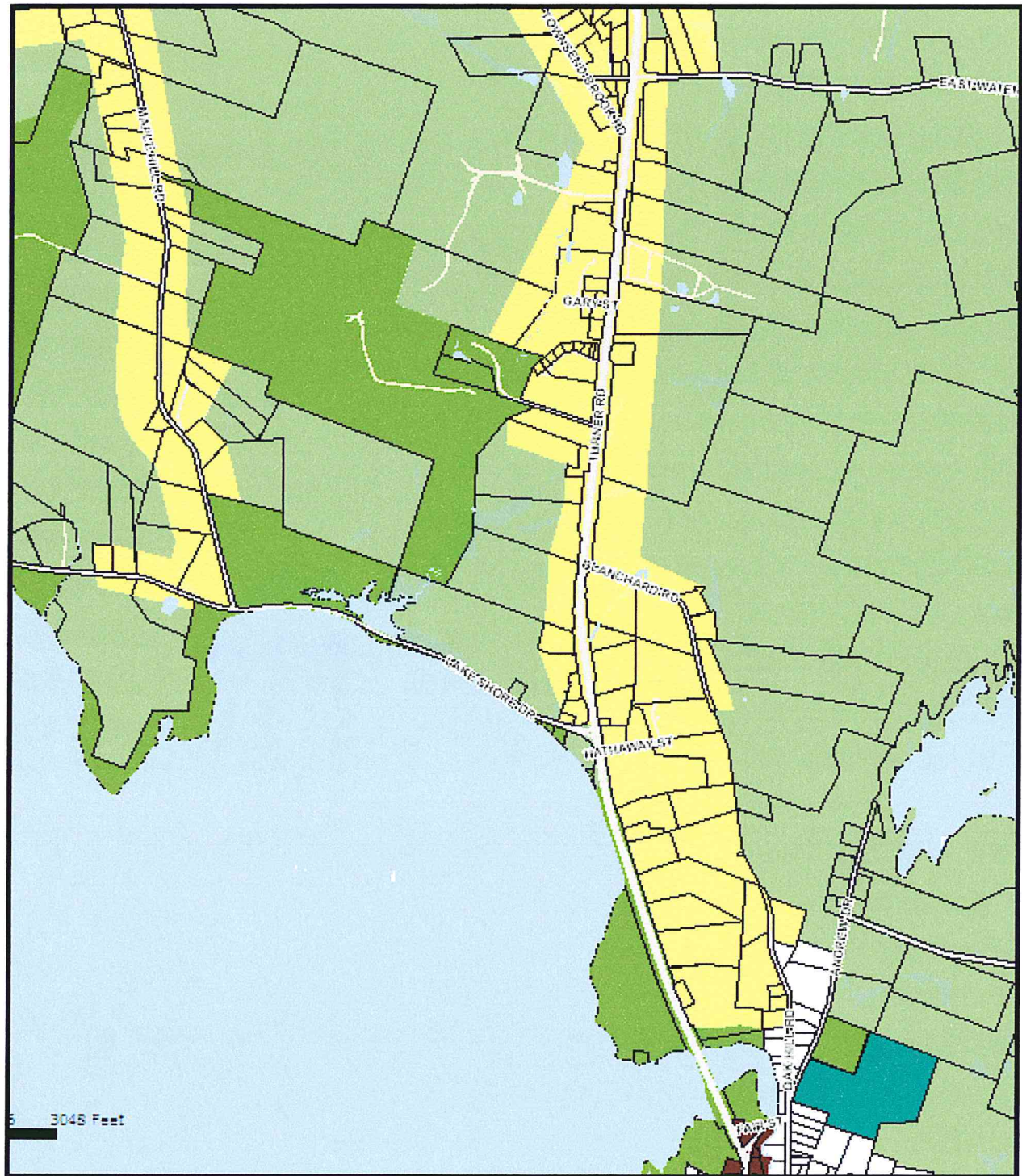
**Allowed Uses** – The allowed uses in the Low Density Residential Development District should be similar to the uses currently allowed in the existing Rural Residential District, including single and two-family homes and town-house style units.





**Development Standards** – The residential density in the Low Density Residential Development District should be one unit per acre. The development standards should be similar to the standards for the existing Rural Residential District, except for the lot width/frontage requirement. The current frontage requirements along existing public roads should be maintained, including the provision for larger frontage in areas currently zoned Very Low Density Country Residential. The frontage standards should allow lot widths of as little as 125-150 feet for lots that front on a new internal street, and for back lots with as little as 50 feet of frontage on an internal street. The standards should allow the size of individual lots to be reduced and the lots clustered to allow a portion of a development to be preserved as open space, provided that adequate provisions can be made for on-site sewage disposal and water supply and the overall density requirement is met.

The proposed change will be in conformance with the plan and will change the zoning to the Low Density Rural Residence Zone (LDRR). This will change from a 3 acre lot size with 325' frontage requirement to a 1 acre lot size with a 250' frontage requirement.



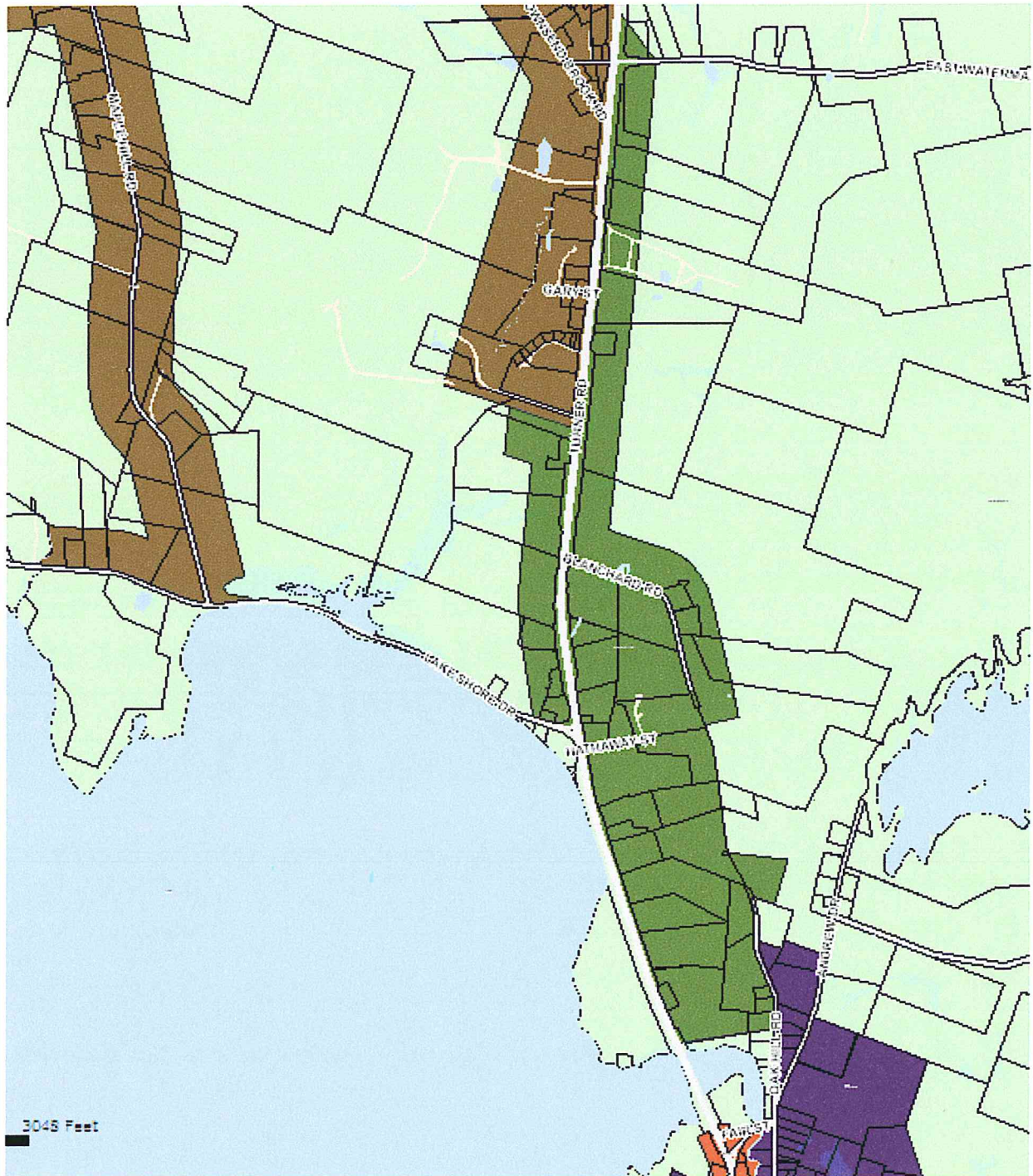
# Future Land Use








	Conservation / Open Space
	Low Density Residential Development
	Agriculture/Rural
	Community Use



# Current Zoning Map



	Agriculture and Resource Protection
	Rural Residential
	Low Density Country Residential
	Suburban Residential
	General Business

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



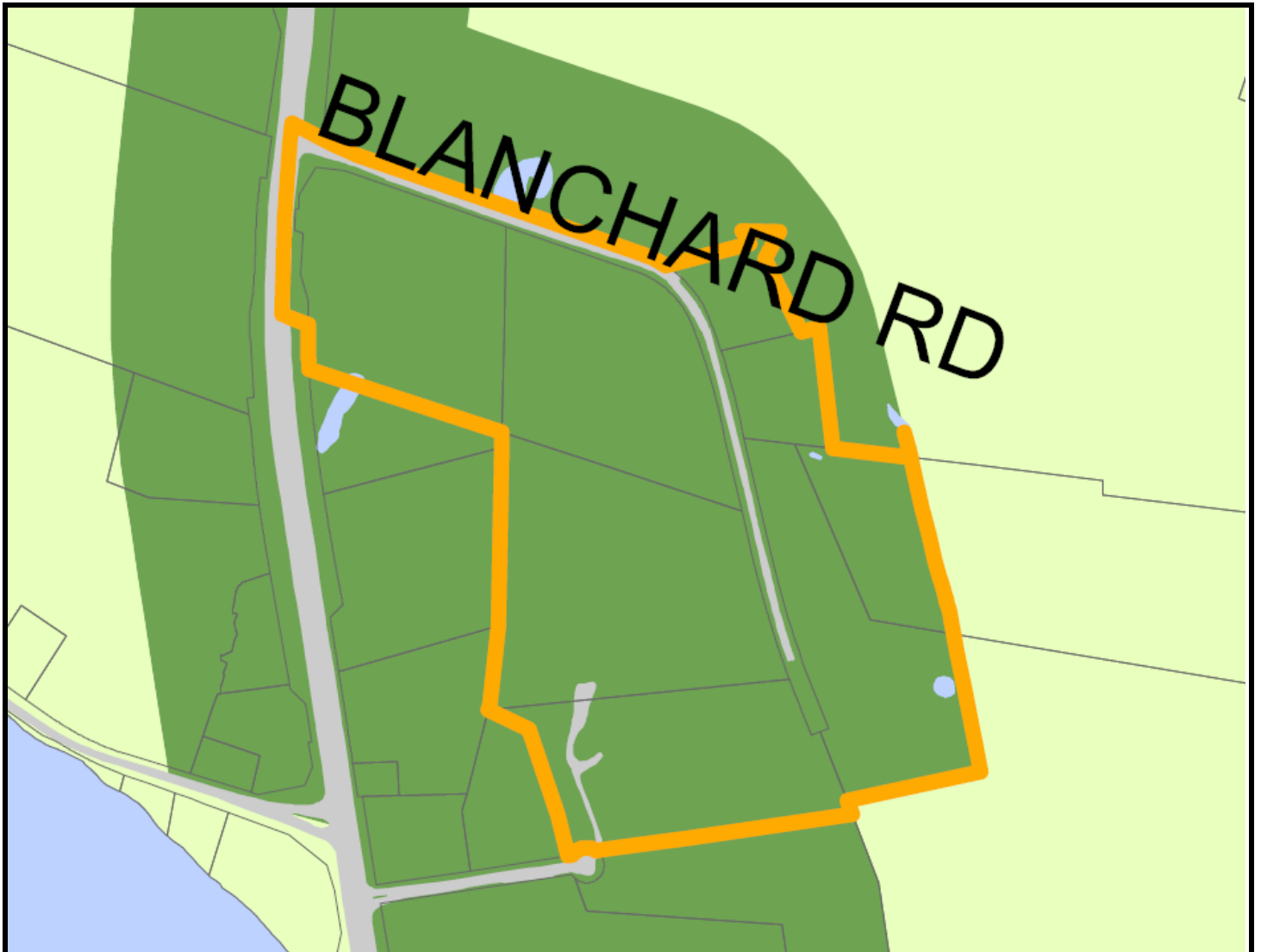
Jonathan LaBonte, Mayor

Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

## IN CITY COUNCIL

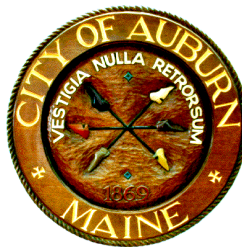
### ORDINANCE 01-03182013 (Option A)

BE IT ORDERED, that the City of Auburn Zoning Map is hereby amended in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) in the area outlined in yellow on the map below, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment is based on the finding that The City's Future Land Use Map shows the area as "Residential – Low Density". The Low Density Rural Residential zoning designation is consistent with the future land use map.





Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



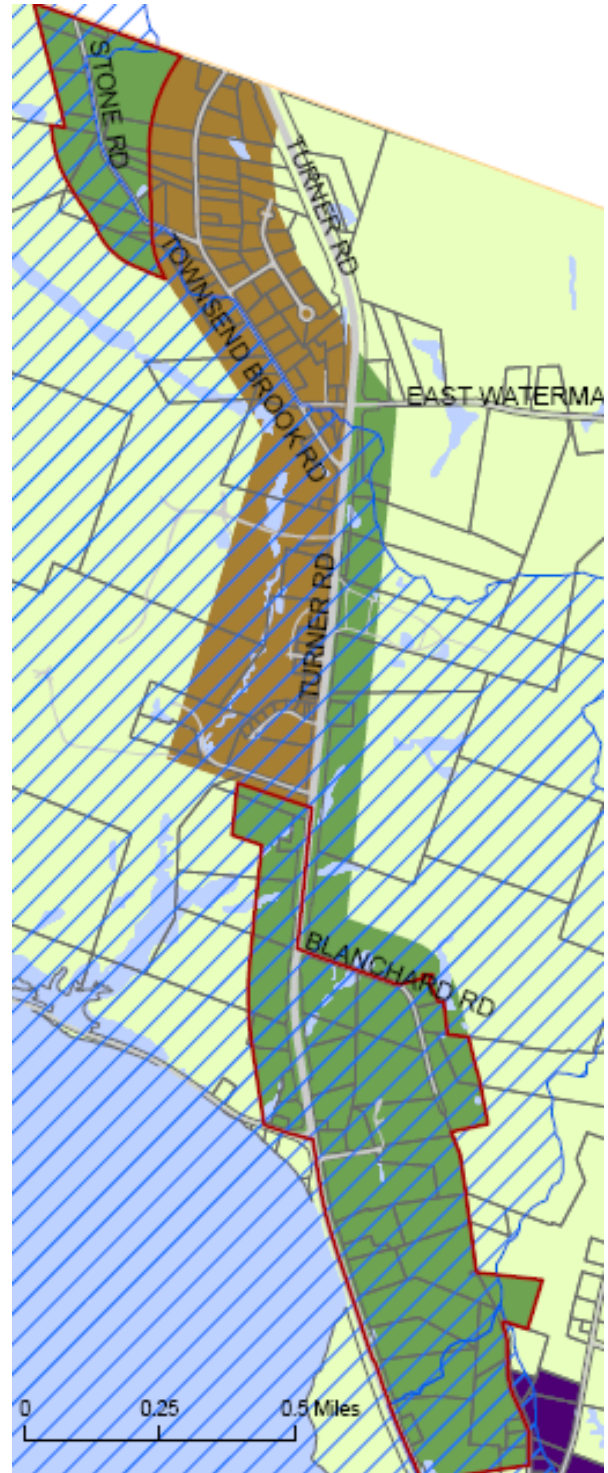
Jonathan LaBonte, Mayor

Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

## IN CITY COUNCIL

### ORDINANCE 01-03182013 (Option B)

BE IT ORDERED, that the City of Auburn Zoning Map is hereby amended in the area of Blanchard Road, Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) in the area outlined in red on the map to the right, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment is based on the finding that The City's Future Land Use Map shows the area as "Residential – Low Density". The Low Density Rural Residential zoning designation is consistent with the future land use map.







## City Council Information Sheet

City of Auburn

**Council Meeting Date:** March 18, 2013

**Subject:** Executive Session

**Information:** Executive Session regarding a legal matter for negotiations on an economic development issue, pursuant to 1 M.R.S.A. §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 of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- 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. Labor contracts
- E. Contemplated litigation
- 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 in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.