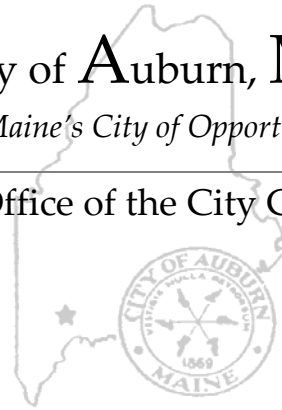


# City of Auburn, Maine

*"Maine's City of Opportunity"*

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Office of the City Clerk



## Council Meeting Agenda Packet

January 2, 2007

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at [www.adobe.com](http://www.adobe.com).



# City Council Meeting and Workshop January 2, 2007

## Agenda

### 5:00 p.m. Workshop

- Auburn Police Dept (at the Police Department)

### 7:00 p.m. Council Meeting

**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.

### Minutes

\*010207-00 Minutes of December 18, 2006 Council Meeting

### Reports

- Mayor
- City Councilors
- City Manager

### Communications and Recognitions

#### Appointment of Constables

#### Police Department Promotions and Appointments

**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

### Unfinished Business

010207-01 Ordinance – Amendment to Chapter 1, Article 3 Rules of Procedure (1<sup>st</sup> Reading)  
Tabled from the meeting of Dec. 18, 2006

### New Business

010207- 02 **Public Hearing** and Action on Liquor License for Tracy Enterprises, Inc. d/b/a  
Uncle Troy's, 34 Court Street

010207-03 **Public Hearing** and Action on Liquor License for TGI Fridays Inc. d/b/a TGI  
Fridays, 649 Turner Street

### ADJOURNMENT

*Workshop after the Meeting adjourns (see next page)*

## Workshop

- Amendment to Licensing Ordinance: Tattoo License (Chapter 24, Art.2, Section 2.34 (B.1))
- Updates

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**Executives Sessions:** 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. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion 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.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

**CITY OF AUBURN  
DECEMBER 18, 2006  
CITY COUNCIL MEETING**

**PRESENT**

Mayor John T. Jenkins, Councilors Richard D. Gleason, Robert P. Hayes, Eric G. Samson, Bruce A. Bickford, Raymond C. Berube, C. Ellen Peters and Robert C. Mennealy, City Manager Pat Finnigan, Assistant City Manager Laurie Smith, Finance Director Chris Trenholm and City Clerk Mary Lou Magno. There were 24 people in the audience.

Mayor Jenkins called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall with a salute to the flag.

**MINUTES OF NOVEMBER 20, 2006**

Councilor Bickford moved to accept and place on file the minutes of November 20, 2006. Seconded by Councilor Peters. Vote: 6 Yeas, with Councilor Peters abstaining.

**CONSENT AGENDA**

Councilor Samson moved to accept, approve and place on file the following items listed with an asterisk. Seconded by Councilor Hayes. Vote: 7 Yeas.

**REPORTS OF THE MAYOR**

**CAPT. RAY LAFRANCE, ANDROSCOGGIN COUNTY SHERIFF'S DEPT.**

Capt. Ray Lafrance of the Androscoggin County Sheriff's Department thanked the Auburn Police, Fire and Public Works Departments and staff for their participation and assistance at the time of Deputy David Rancourt's death.

**REPORTS OF CITY COUNCILORS**

Councilor Bickford recently attended the High Street Crossing announcement and the groundbreaking at Kittyhawk and First Flight Drive.

Councilor Mennealy thanked Ron Potvin for his participation on the Budget Committee and his role with the Small Property Owners.

**REPORTS OF THE CITY MANAGER**

**FINANCE REPORT – MONTH OF NOVEMBER**

Councilor Bickford moved to accept and place on file the Finance Report for the month of November as prepared and presented by Chris Trenholm, Finance Director. Seconded by Councilor Hayes. Vote: 7 Yeas.

**WEB SITE**

Laurie Smith, Assistant City Manager, previewed the City's new website; it should be up and running by January 1<sup>st</sup>.

**COMMUNICATIONS AND RECOGNITIONS**

**COMMUNICATION FROM TONIE RAMSEY RE: RESIGNATION FROM  
COMMUNITY DEVELOPMENT LOAN COMMITTEE**

Approved under consent agenda

**COMMUNICATION FROM RICHARD LEE RE: RESIGNATION FROM  
PLANNING BOARD**

Approved under consent agenda

**COMMUNICATION FROM THE ANDROSCOGGIN COUNTY  
COMMISSIONERS RE: APPRECIATION FOR ASSISTANCE**

Approved under consent agenda.

**OPEN SESSION**

The following people spoke during open session: Mike Woodworth, 374 Main Street; Laurier Morrissette, 13 Gamage Avenue; Francois Bussiere, 9 Winter Street; Andy Titus, 45 Carson Street; Charles Soule, 170 Bartlett Street, Lewiston; Jonathan Labonte, 41 Third Street; Dan Herrick, 470 Hatch Road; Ron Potvin, 82 Northern Avenue; and Bob Bernier, 17 Lamplighter Circle.

**CLOSED OPEN SESSION**

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**1. ORDINANCE – AMENDMENT TO CHAPTER 1, ARTICLE 3, RULES  
OF PROCEDURE (1<sup>ST</sup> READING)**

Councilor Samson moved for acceptance of first reading. Seconded by Councilor Hayes.

Jonathan Labonte, 41 Third Street, made comments regarding the above ordinance.

Councilor Bickford moved to postpone indefinitely. Seconded by Councilor Peters.  
Vote: 4 Yeas with Councilors Gleason, Hayes and Samson voting Nay.

**2. ORDER – ACCEPTANCE OF VISTA DRIVE AS A CITY STREET**

Councilor Samson moved for passage of the order. Seconded by Councilor Hayes.

Gary Johnson, Assistant City Engineer, explained the above order and answered Councilors questions.

Vote: 7 Yeas.

**3. ORDER – ACCEPTANCE OF HORIZON DRIVE AS A CITY STREET**

Councilor Hayes moved for passage of the order. Seconded by Councilor Samson. Vote: 7 Yeas.

**4. SET MEETING SCHEDULE FOR THE FIRST QUARTER  
(JANUARY – MARCH 2007)**

Pat Finnigan, City Manager, distributed a draft schedule of meeting dates for the first quarter. No action required.

**5. SET DATES FOR COUNCIL MEETINGS IN JANUARY**

Councilor Samson moved that the Council Meetings next month be held on January 2<sup>nd</sup> and 16<sup>th</sup>. Seconded by Councilor Bickford. Vote: 7 Yeas.

**ADJOURNMENT – 9:35 p.m.**

Councilor Hayes moved to adjourn. Seconded by Councilor Peters. Vote: 7 Yeas.

**A TRUE RECORD**

**ATTEST:** \_\_\_\_\_  
City Clerk

## MEMORANDUM

TO: Honorable Mayor John Jenkins and Members of the City Council

FROM: Chief Phillip L. Crowell, Jr., Auburn Police Department

DATE: December 19, 2006

SUBJECT: CONSTABLE

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We request that the following named persons continue to be named Constable for the Auburn Police Department.

Lucien Asselin	Civil Process Only	Without Firearm	Re-appointment
Steven Chouinard	Civil Process Only	Without Firearm	Re-appointment
Harry Darling	Civil Process Only	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment

# City Council

## Agenda Information Sheet

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**Council Meeting Date:** December 18, 2006    **Agenda Item No. 1**

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**SUBJECT:** Ordinance Amendment to Chapter 1, Article 3 - City Council Rules of Procedure

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**INFORMATION:**

The City Ordinance establishes the order that items can be considered on the City Council. The proposed amendment would move Open Session to the end of the meeting in order to allow the Mayor and City Councilors to manage their time at City Council meetings effectively, and address the scheduled business items on the agenda first, while also providing time for citizens to bring issues to the Council's attention.

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**STAFF COMMENTS /RECOMMENDATION:**

**REQUESTED ACTION:**

Motion for passage of 1<sup>st</sup> Reading of the Ordinance Amendment

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**VOTE:**



# City of Auburn

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CITY COUNCIL, AUBURN, MAINE  
Date: December 18, 2006

**TITLE: Amendment to the City Ordinances: Chapter 1 Article 3 Rules of Procedure**

Be it Ordained by the Auburn City Council that Chapter 1, "The Mayor and City Council," Article 3 "Rules of Procedure" be amended as follows:

**Section 3.16 Order of Business**

At every meeting of the City Council, the order of business shall be as follows:

- (a) Consent Agenda – All items listed with an asterisk (\*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (b) ~~Minutes Reading by the City Clerk of the records, not previously read and approved, of all preceding meetings, and action thereon~~
- (c) ~~Reports of the City Manager~~
- (c) Reports of the Mayor
- (d) Reports of the City Councilors
- (e) Reports of the City Manager
- (f) ~~Petitions and Communications~~ and Recognition
- (g) ~~Open Session~~
- ~~(f) Action on ordinances, orders and resolves~~
- (h) Unfinished Business
- (i) New Business
- (j) Open Session
- (k) Adjournment

Motion for acceptance of first reading:      Seconded by:  
Vote:

Motion, for acceptance of second reading and final passage      Seconded by:  
Vote:

Action by City Council:

Date:  
ATTEST:

CITY CLERK

# **City Council**

## **Agenda Information Sheet**

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**Council Meeting Date:** January 2, 2007      **Agenda Item No. 2**

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**SUBJECT:**

Public Hearing and Action on Liquor License Application for Tracy Enterprises, Inc. d/b/a Uncle Troy's, 34 Court Street

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**INFORMATION:**

Uncle Troy's, is a new "family-style" restaurant that will be located at 34 Court Street (the former Midnight Blues Club). All departments have reviewed and approved the application, with the exception of the Fire Department, which is awaiting plans from the owner in order to conduct the inspection. The applicant is working with the Fire Department on this.

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**STAFF COMMENTS/RECOMMENDATION:**

Staff recommends approval of this license contingent upon the owner receiving approval from the Fire Department. Contingent approval allows the restaurant to open without having to come back for another City Council meeting for a hearing and approval. The restaurant will not be allowed to open until the owner has received approval from the Fire Department.

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**REQUESTED ACTION:**

Motion to approve contingent upon the Fire Department giving its approval.

# **City Council**

## **Agenda Information Sheet**

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**Council Meeting Date:** January 2, 2007

**Agenda Item No. 3**

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**SUBJECT:**

Public Hearing and Action on Liquor License Application for TGI Fridays Inc. d/b/a/  
TGI Fridays, 649 Turner Street

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**INFORMATION:**

TGI Fridays is located in the development at the corner of Turner and Mt. Auburn Ave. The applicant has received approvals from all the City Departments who are responsible for reviewing the application: the Police Department, Fire Department, Planning & Permitting, and the City Clerk.

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**STAFF COMMENTS/RECOMMENDATION:**

Staff recommends approval of this license

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**REQUESTED ACTION:**

Motion to approve the license.