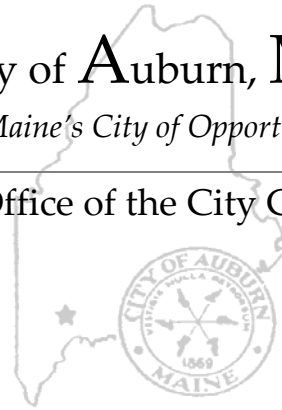


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

July 9, 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.



City Council Meeting and Workshop July 9, 2007 Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- Fire Department Fees
- Pay per bag solid waste and recycling
- School consolidation update
- Updates and Agenda Items

7:00 p.m. Council Meeting

- Pledge of Allegiance

* **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

*070907-00 Minutes of June 25, 2007 Council Meeting

Reports

- Mayor
- City Councilors
 - Dick Gleason: Water District, Consolidation, Audit Committee, Procurement Committee
 - Bob Hayes: Planning Board, L-A Railroad, Alternative Revenues
 - Eric Samson: LAEGC, MMWAC, City Manager Search
 - Bruce Bickford: A-L Airport, ABDC, Roads & Sidewalks
 - Ray Berube: School Committee, Auburn Housing, Communication
 - Bob Mennealy: Sewer District, University of Maine L-A, Impact Fees
 - Ellen Peters: 9-1-1 Center, Library Board, Comprehensive Plan
- City Manager

Communications and Recognitions

Unfinished Business

070907-01 Order – Authorizing Annual Capital Improvement Program Bond (Public Hearing)
(2nd Reading)

070907-02 Ordinance – Amendment to Chapter 29, Section 4.2 – Sign Ordinance (2nd Reading)

New Business

070907-03 Order – Ward Five Voting Location be Designated as Sherwood Heights School
(Public Hearing and action thereon)

070907-04 Resolve – Authorize Acting City Manager to Execute Memorandum of Understanding
with Auburn Housing Authority

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

ADJOURNMENT

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
JUNE 25, 2007
CITY COUNCIL MEETING**

PRESENT

Mayor John T. Jenkins, Councilors Richard D. Gleason, Robert P. Hayes, Eric G. Samson, Bruce A. Bickford, Raymond C. Berube, and Robert C. Mennealy, Acting City Manager Laurie Smith, City Clerk Mary Lou Magno, and Finance Director Chris Trenholm. Councilor C. Ellen Peters was absent. There were 31 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.

CONSENT AGENDA

Councilor Berube moved to accept and place on file the following items listed with an asterisk. Seconded by Councilor Bickford. Vote: 6 Yeas, No Nays.

***MINUTES - JUNE 11, 2007**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Jenkins noted the passing of Richard Williamson, a resident of Auburn and a professor at Bates College.

REPORTS OF CITY COUNCILORS

Councilors reported on their respective Council Committee Assignments.

REPORTS OF THE CITY MANAGER

FINANCE REPORT - MONTH OF MAY

Councilor Hayes moved to accept and place on file the Finance Report for the month of May as presented by Chris Trenholm, Finance Director. Seconded by Councilor Mennealy. Vote: 6 Yeas, No Nays.

COMMUNICATIONS AND RECOGNITIONS

***COMMUNICATION FROM JOHN F. DIONNE RE: HIGHWAY 95 NORTH**

Approved under consent agenda.

UNFINISHED BUSINESS

None

NEW BUSINESS

**1. ORDER - AUTHORIZING ANNUAL CAPITAL IMPROVEMENT PROGRAM BOND
(PUBLIC HEARING - 1ST READING)**

Councilor Bickford moved for acceptance of 1st reading. Seconded by Councilor Samson.

Mayor Jenkins opened the public hearing and the following persons commented: Dan Herrick, 470 Hatch Road; Brian Demers, 1085 Riverside Drive; Walter Reed, 173 Third Street; Ed Desgrosseilliers, 121 Hatch Road; Andy Titus, 45 Carson Street; Dee Chapman, 224 South Main Street; Larry Pelletier, 129 Second Street; and Dick Bussiere, 9 Winter Street.

Vote: 5 Yeas with Councilor Berube voting Nay.

**2. ORDINANCE - AMENDMENT TO CHAPTER 29, SECTION 4.2 - SIGN ORDINANCE
(1ST READING)**

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

Eric Cousens, City Planner, explained the above ordinance and answered Councilors questions. Roy Ulrickson, Neo Kraft Sign, spoke in favor of the above ordinance.

Vote: 6 Yeas, No Nays.

**3. PUBLIC HEARING AND ACTION ON LIQUOR LICENSE AND SPECIAL AMUSEMENT
PERMIT FOR THE HOT SPOT, 34 COURT STREET, AUBURN**

Councilor Mennealy moved to approve the licenses. Seconded by Councilor Hayes.

Mayor Jenkins opened the public hearing. Amanda Michaud, owner of The Hot Spot, spoke in favor of the above and answered Councilors questions.

Vote: 6 Yeas, No Nays.

4. RESOLVE - IMPLEMENTATION OF REVALUATION

Councilor Gleason moved for passage of the resolve by implementing the revaluation at 100%. Seconded by Councilor Samson. The following people made comments regarding the above resolve: Brian Demers, 1085 Riverside Drive; Ron Potvin, 82 Northern Avenue; Dee Chapman, 224 South Main Street; Andy Titus, 25 Carson Street; and Cheryl Dubois, Tax Assessor, answered Councilors questions.

Vote: 4 Yeas with Councilors Hayes and Mennealy voting Nay.

**5. ORDER - AUTHORIZE ACTING CITY MANAGER TO EXECUTE DOCUMENTS -
BROWNFIELD ASSESSMENT GRANT**

Councilor Mennealy moved for passage of the order. Seconded by Councilor Samson. Vote: 6 Yeas, No Nays.

OPEN SESSION

The following people spoke during open session: Ron Potvin, 82 Northern Avenue; Ed Desgrosseilliers, 121 Hatch Road; (Mr Potvin and Mr Desgrosseilliers presented to the Mayor and Council a communication with recommendations and requests regarding the Joint Consolidation Committee;

a copy of this letter has been made a part of the official record of this meeting;) Brian Demers, 1085 Riverside Drive; Dan Herrick, 470 Hatch Road; and Walter Reed, Third Street.

ADJOURNMENT - 9:15 P.M.

Councilor Mennealy moved to adjourn. Seconded by Councilor Hayes. Vote: 6 Yeas, No Nays.

A TRUE RECORD

ATTEST: _____ CITY CLERK

City Council

Agenda Information Sheet

Council Meeting Date: June 25, 2007 **Agenda Item No. 1**
July 9, 2007

SUBJECT:

Order – Authorizing the Issuance and Sale of Capital Improvement Bonds in the Amount of \$6 million [*Public Hearing*]

INFORMATION:

The City prepares a 5 Year Capital Improvement Plan each year which serves as a long-range planning tool for elected officials, staff and the public to identify buildings, equipment, technology and infrastructure needs. The CIP allows the City to develop a planned approach to protect the City's investment in the existing infrastructure and project the future funding levels necessary to maintain and enhance public facilities.

The proposed Capital Improvement Bond package continues this planned approach of investing in City and School capital needs including road improvements, building improvements and public safety equipment.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends that the Council approve the Capital Improvement program bond issue as presented.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

VOTE:

City of Auburn

CITY COUNCIL, AUBURN, MAINE

Date: June 25, 2007

TITLE: ORDER - AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL IMPROVEMENT BONDS IN THE AMOUNT OF \$6,000,000 (Annual Capital Improvement Program)

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds in the amount of \$6,000,000, the proceeds of which are hereby appropriated to fund the costs of the following Capital Improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto):

Acquisition of the following capital equipment and the design, construction, renovation, and rehabilitation of the following capital improvements, all constituting part of the City's FY08 Capital Improvement Program:

FY 08 Capital Improvement Program:

Project	Authorized Amount
School Building and Equipment Improvements and Repairs and technology improvements	\$ 900,000
Street/Drainage Reconstructions, Reclamation, Improvements and Upgrades, Sidewalks and Retaining Walls	\$ 4,229,469
Equipment and Technology	\$ 728,750
Building Improvements	\$ 52,000
Contingency	\$ 89,781

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

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

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$6,000,000 either from available funds of the City or from the proceeds of Bond Anticipation Notes (BAN's) which would be reimbursed or refinanced from bond proceeds.

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

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

A Public Notice describing the general purpose of the borrowing and the terms thereof was publishing the same on June 11, 2007, in the *Lewiston Sun-Journal*, a daily newspaper published in Androscoggin County.

Motion for acceptance of first reading: Bruce Bickford Seconded by: Eric Samson
Vote: 5 Yeas with Councilor Berube voting Nay

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

Action by City Council:

Date:

ATTEST:

CITY CLERK

City of Auburn
Capital Improvement Program
FY08

Department/Project	Type	Operating FY 08	Bond FY 08	Other Funds FY 08
<u>Assessing</u>				
Vehicle Replacement (1)	Equipment	\$10,000		
<u>Fire</u>				
Vehicle Replacement - Engine 5	Equipment		\$250,000	\$400,000 ¹
Turn out gear extractor	Equipment	\$10,000		
Rehab Kitchen at Engine 5 Station	Bldg/Facilities		\$10,000	
N95 Adapter	Equipment	\$3,500		
Hose	Equipment	\$7,000		
Nozzles and Axes	Equipment	\$8,000		
PPE for Influenza Plan	Equipment	\$10,000		
Washers/Dryers/Dishwashers	Equipment	\$10,000		
Rope Rescue Equipment	Equipment	\$1,033		
Station Security	Bldg/Facilities		\$10,000	
<u>Information Services</u>				
Computer Equipment Replacement	Technology	\$9,200		
IP Telephony	Technology			\$21,000 ²

City of Auburn
Capital Improvement Program
FY08

Department/Project	Type	Operating FY 08	Bond FY 08	Other Funds FY 08
<u>Parks & Recreation</u>				
Union St. Gully Tennis Court Conversion	Infrastructure			\$70,000 3
Vehicle Replacement - 4x4 Pickup	Equipment	\$34,000		
Replace Steam Traps	Bldg/Facilities	\$6,700		
Parks Equipment Replacement	Equipment	\$4,250		
Drummond Playground Equipment Replacement.	Equipment			\$25,000 3
Union St. Gully Playground	Equipment			\$25,000 2
Community Wide Survey	Administrative			\$5,000 2
<u>Planning & Permitting</u>				
<i><u>Planning</u></i>				
Vehicle Replacement (1)	Equipment	\$10,000		
<i><u>Electrical</u></i>				
Handeld Organizers/ Headsets	Equipment	\$3,250		
Traffic Signal LED Replacement	Equipment	\$3,500		
Roadway Lighting Upgrades	Equipment	\$5,000		
Aerial Fire Alarm Repairs	Equipment	\$5,000		
Underground Utilities	Equipment	\$4,000		
Traffic Signal Emergency Preemption Additions	Equipment			\$3,500 1
Moulton /Bonney Lighting Upgrades	Equipment			\$10,000 1
Downtown Main Street Light Upgrade	Equipment			\$5,000 1
<u>Police</u>				
Firearms Replacement	Equipment			\$28,000 2
Vehicle Replacement - Patrol	Equipment	\$81,000		
Secure Limited Access to the Police Facility	Bldg/Facilities	\$12,000		

City of Auburn
Capital Improvement Program
FY08

Department/Project	Type	Operating FY 08	Bond FY 08	Other Funds FY 08
<u>Property</u>				
<i>Great Falls Performing Art Center</i>				
Life Safety Upgrades - Phase 1B	Bldg/Facilities			\$245,000 ²
<i>Other Property</i>				
Building Demolition (Oak Hill)	Infrastructure			\$7,500 ²
<u>Public Works</u>				
Buildings & Bldg. Improvements	Bldg/Facilities		\$32,000	
General	Equipment		\$130,000	
CIP Other	Equipment		\$169,750	
Equipment	Equipment	\$10,000		
Vehicles	Equipment	\$16,000	\$179,000	
Resurface	Infrastructure		\$1,178,744	
Reclaim	Infrastructure		\$200,000	
Street Imp. Crack Seal	Infrastructure	\$20,000		
Reconstruction	Infrastructure		\$1,528,725	
Street Improv. Emuls	Infrastructure	\$20,000		
Gravel Road Conv.	Infrastructure		\$142,000	
Infrastructure	Infrastructure		\$75,000	
Guard Rail Replace	Infrastructure	\$15,000		
General Drainage	Infrastructure	\$55,000		
Major Drainage	Infrastructure		\$900,000	
Sidewalks	Infrastructure		\$100,000	
Municipal Parking Lots	Infrastructure			\$50,000 ²
MDOT Match	Infrastructure		\$105,000	

**City of Auburn
Capital Improvement Program
FY08**

Department/Project	Type	Operating FY 08	Bond FY 08	Other Funds FY 08
<u>School</u>			\$900,000	
<u>Contingency</u>			\$89,781	
GRAND TOTAL SUMMARY		\$373,433	\$6,000,000	\$895,000

¹ TIF Funds \$418,500
² Unallocated Bonds \$381,500
³ CDBG Funds \$95,000

City Council

Agenda Information Sheet

Council Meeting Date June 25, 2007
July 9, 2007

Agenda Item No. 2

SUBJECT:

ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 4.2 - SIGNS

INFORMATION:

On June 12, 2007 the Auburn Planning Board had a public hearing to review a private petition to Section 4.2 of the City of Auburn Zoning Ordinance to allow changeable message signs to be permitted by city staff review and a reduced hold time for messages to not less than five (5) seconds. The State law was recently changed to allow municipalities to reduce the frequency time of changeable message signs. The proposed text amendment is illustrated as underlined. The proposed Zoning Ordinance text amendment is attached.

STAFF COMMENTS/RECOMMENDATION:

At the June 12, 2007 the Planning Board held a public hearing regarding the proposed text amendment. The petitioner (Neocraft Signs) spoke in favor of the proposed change further recommended that the Planning Board further reduce the time from five (5) seconds, as Staff had supported, to two (2) seconds. The Planning Board was supportive of the proposed text amendment (as supported by Staff) and voted 4-0-0 in favor of sending a recommendation to the City Council to approve the proposed Ordinance Amendment.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

VOTE:

CITY OF AUBURN

City Council, Auburn, Maine

Date: June 25, 2007

TITLE: ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 4.2
SIGNS

Be It Ordained by the Auburn City Council that Chapter 29, Section 4.2 be amended as attached:

Purpose:

Ordinance (Chapter 29) Text Amendment to the City's Sign Ordinance, Section 4.2 to allow changeable message signs to be permitted by city staff review and a reduced hold time for messages to not less than five (5) seconds.

Motion for acceptance of first reading: Eric Samson Seconded by: Bruce Bickford

Vote: 6 Yeas, No Nays

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by City Council:

Date:

ATTEST:

CITY CLERK

4.2 Signs

- A. **General Provisions** – Signs in all districts shall be subject to the following general provisions and regulations:
1. Unless otherwise in this Article, no sign shall be erected until a Sign Permit has first been issued by the municipal officer charged with enforcement.
 - a. An application for a Sign Permit may be obtained at the Department of Community Development and Planning.
 - b. No Sign Permit shall be issued unless the municipal officer charged with enforcement is satisfied that the sign supporting devices and electrical appurtenances and connections are in conformance with the City's Building and Electrical Codes.
 - c. A processing fee in the amount stipulated in Article 9 of this Chapter shall accompany all applications for a Sign Permit.
 2. No sign shall contain any moving, flashing or animated lights, or visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature or changeable message automatically changing message signs permitted by the Director of Planning and Permitting or his/her designee pursuant to the following standards: shall be permitted only by special exception after approval by the Planning Board in accordance with the provisions of Article 7, Section 7.2, and upon a positive recommendation by the Chief of Police.
 - a. The property must be located in the General Business, General Business II, or Industrial zoning district.
 - b. The applicant must demonstrate to the satisfaction of the Chief of Police that the sign will not constitute a driving hazard.
 - c. Each message shall be a fixed static display with a five (5) second hold rate of change minimum between changes including the use of subtle transitions such as fade, dissolve, travel and scrolling or similar transitions and with frames that appear to move or change in size, or be revealed sequentially rather than at once including the movement of illumination or the scintillation or varying of light intensity as long as the intermittent lighting is used to change messages and not solely to attract attention. Definitions related to changeable

message signs shall have the meanings from Section 1914, subsection 11-A. of Title 23 of the Maine Revised Statutes annotated. Time & Temperature Signs are allowed to change display with a 2 second message hold rate.

- d. The changeable message portion of the sign shall not comprise more than 50% of the sign area allowed pursuant to 4.2.B.3 of this ordinance.
- e. Those provisions of MRSA 23, Section 1914 that are applicable to Changeable Message Signs as they apply to controlled-access highways or ramps remain in effect. A “flashing” sign or message with graphic, pictorial, animated, or photographic images is prohibited.

3. Signs may be illuminated only by the following means:

- a. By a white, steady, stationary light of reasonable intensity shielded and directed solely at the sign and not casting light off the premises.
- b. By interior non-exposed lights of reasonable intensity.

An illuminated sign or lighting device shall not be so placed or directed so that it constitutes a traffic hazard or nuisance through glare or reflection upon a public street, highway, sidewalk or adjacent premises.

- 4. No illuminated sign shall contain red, green or amber colors or lights if same would, in the opinion of the Chief of Police, constitute a driving hazard.
- 5. No sign shall project beyond the property line of the lot on which it is placed.
- 6. No sign may be located so as to obstruct a traffic control device or in a manner which would obscure the view of approaching or merging traffic.
- 7. Wall, projecting and roof signs shall be firmly affixed to the building. Wall signs shall not project more than twelve inches from the face of the wall to which it is attached. Projecting signs shall not project more than four feet perpendicularly from the face of the wall to which they are attached. Roof signs shall not project more than four feet above the roof line.
- 8. No sign which advertises or calls attention to any products, businesses or activities which are no longer sold or carried on

shall remain on the premises for more than six months after the product, business or activity has ceased being sold or carried on.

9. Temporary movable signs are not permitted except for the following uses:
 - a. To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at premises for more than ninety (90) days.
 - b. To advertise a Special Sale. In such cases a sign shall be allowed for a period not to exceed ninety (90) days in any calendar year.
 - c. Signs or other advertising devices as may be permitted by the City Council to promote community or civic activities. Petitions for such signs shall be made directly to the City Council and shall include a scaled map of the sign site, size and design of the sign, how the sign may be electrified, period of use, written permission of property owner if not the City, a description of the reason for the sign, a recommendation from the Police Department and the Department of Community Development and Planning and any other information the City may require. Such signs shall not be required to satisfy the requirements of Section 4.2.A.1. of this Article.
10. Signs legally erected before the adoption of this Ordinance which do not conform to the provision of this Ordinance may continue to be maintained, provided, however, that no such sign shall be permitted if it is, after the adoption of this Ordinance, enlarged, reworded (other than in the case of theater or cinema signs or signs with automatic or manually changing messages), redesigned or altered in any way excluding repainting in a different color, except to conform to the requirements of this Ordinance; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent of the replacement cost of the sign at the time of restoration shall not be repaired, rebuilt or altered except to conform to the requirements of this Ordinance. Any exemption provided in this Section shall terminate with respect to any sign which:

- a. Shall have been abandoned for at least 12 consecutive months;
 - b. Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; or
 - c. Shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the municipal officer charged with enforcement.
11. For those developments subject to site plan review (Section 7.1 of this Chapter) the relaxation of the number and location of signs shall be reviewed by the Planning Board. The modifications to the sign requirements shall be allowed as the Planning Board may deem necessary to carry out the objectives and intent of site plan review.

B. **Signs, On premises**

1. **All Districts** – The following signs are permitted in any use district, except where otherwise prohibited by law, and shall not be subject to the issuance of a Sign Permit.
- a. One sign not exceeding one square foot used to display the street number and/or name of the occupants of the premises.
 - b. One non-illuminated sign not exceeding two square feet used to describe a home occupation, boarding or lodging house, or tourist home located on the premises.
 - c. One sign not exceeding twenty-four square feet on the premises of public or semi-public buildings, funeral homes and charitable or religious institutions. This sign may incorporate a bulletin board.
 - d. One real estate sign not exceeding eight square feet relating to the sale, rental or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.
 - e. One sign each for a building contractor, architect or engineer, each sign not exceeding sixteen square feet, relating to construction projects. Such sign shall be

removed within one (1) week after the issuance of the certificate of occupancy (completion).

- f. Building name and date sign and/or memorial tablet, not exceeding an aggregate of ten (10) square feet, showing the name of the building and date of erection and/or historic information, when cut into masonry, formed of bronze or similar non-combustible material.
- g. One professional name plate sign not exceeding eight (8) square feet.
- h. Two signs, not exceeding sixteen (16) square feet each, describing farm products for sale on the premises. Instead of two signs, a single double-faced sign may be erected with a display area, not exceeding sixteen (16) square feet on each side.
- i. Political signs, not exceeding sixteen (16) square feet in total area for single faced signs on one (1) standard, or eight (8) square feet on each side of double-faced signs on one (1) standard, provided that:
 - (1) Such signs shall not be erected more than thirty (30) days prior to the election to which they pertain;
 - (2) Such signs are removed within seven (7) days after the election to which they refer;
 - (3) Removal of such signs shall be the joint responsibility of the candidate and the property owner on whose premises the signs are displayed.
- j. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, directional signs, non-commercial and temporary signs or street banners related to public or charitable purposes may be approved by the City Clerk along with stipulations as to the size, location, message, period of display and other requirements such as insurance and approval of building owners on whose property the banner will be attached.

- 2. **Residence Districts** – The following sign regulations apply in residence districts:

- a. Except where specifically permitted, all signs shall be single-faced mounted flat on the wall of a structure or standing.
- b. No off-premise signs are permitted, except as provided for in Chapter 27.
- c. No projecting or roof signs are permitted.
- d. One identification sign, not exceeding forty (40) square feet in area, at any public entrance to a subdivision or multi-family development.
- e. Signs permitted pursuant to a site plan review.
- f. In Agriculture and Resource Protection, Low Density Country Residential, Rural Residential and Suburban Residential Districts one non-illuminated sign, not exceeding 16 square feet, used to display the name of the business and products or services sold from a use which is permitted in the district.

3. **Business and Industrial Districts** – The following sign regulations apply in business and industrial districts:

- a. Sign shall relate to the premises on which they are located and shall only identify the occupants of said premises or advertise the nature of the products and services available within said premises. In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this Article.
- b. Wall signs and roof signs are permitted provided that the aggregate area of the signs shall not exceed fifteen (15) percent of the area of the wall on or over which the signs are located. Signs proposed for placement at an angle at the intersection of two walls shall use fifteen (15) percent of the area of the wall with the smallest dimensions.
- c. Projecting and standing signs, one of each per premise, are permitted subject to the following provision:
 - (1) The aggregate area of sign surface for any one premise shall not exceed four (4) square feet per

foot of street to the maximum of two hundred fifty (250) square feet or one (1) square foot per foot of street frontage, whichever is larger. These dimensions shall be halved in Neighborhood Business Districts (NB).

- (2) Standing signs may be located within the required front yard space but not nearer than twelve (12) feet from either side lot line unless written permission is obtained from the abutting property owner to erect such sign nearer than that distance from the common side lot line between the two properties.
 - (3) The maximum height of standing signs shall be twenty-five (25) feet above grade.
 - (4) Two projecting and two standing signs are permitted where the premise fronts on two streets; one sign of each type per street.
 - (5) Compliance with all State of Maine Sign Regulations when applicable.
- d. In addition to the foregoing sign or signs, one directory of the establishments occupying a building may be affixed to the exterior wall of the buildings at each public entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building.
 - e. Signs painted or placed on the inside of the glass of a window may be permitted in addition to the above, provided that the aggregate area of such signs does not exceed fifty (50) percent of the area of the window glass.
 - f. Sign permitted pursuant to Site plan review.
 - g. Commercial and industrial subdivisions and planned unit developments are allowed to have a single standing sign at each public entrance to the development to advertise the individual uses within the development, not to exceed in size the aggregate area of sign surface allowed by Section 4.2.B.3.c. for lots within the development. Individual standing signs for lots within the development are prohibited.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric Cousens, City Planner

Re: **Petition to Amend Sign Ordinance** – Petition from Roy Ulrickson of Neokraft Signs Inc. to amend Chapter 29, Section 4.2 of the City of Auburn Zoning Ordinance to allow changeable message signs to be permitted by city staff review and a reduced hold time for messages to not less than five (5) seconds.

Date: June 4, 2007

I. PROPOSAL

The current proposal has two main goals. The first of which is to allow staff to review the permit requests and the second is to reduce the minimum hold time for messages to not less than five (5) seconds. The petitioner has worked closely with the Planning and Permitting and Police Departments to draft a proposal that is acceptable to both Departments.

As the Board is aware, the authority to approve changeable message signs lies with the Planning Board. The Petitioner, Staff and Members of the Board have discussed the time and costs associated with permitting the signs with the current procedure as well as the benefits. The time and costs include the following:

1. \$450.00 application fee plus \$.89 per abutter within 500 feet.
2. Staff must prepare a mailing to abutters and a two-time newspaper notice for each sign.
3. 30-day wait for Board review after submission is complete.
4. The Planning Board must meet and review the proposal.
5. Staff must record minutes and draft approval letters for each sign hearing.

The benefits of the Board review are minimal because we have no specific standards for the Board to consider and rely solely on the opinion of the Police Chief to ensure that the sign does not constitute a driving hazard. If the change as proposed is approved, Planning and Permitting Staff would continue to rely on the opinion of the Police Chief when reviewing permit applications.

The second part of the proposal is to reduce the minimum hold times for messages to five (5) seconds. State Law regarding changeable signs has been amended to allow municipalities to adopt local ordinances that allow changeable signs with hold times of

60 Court Street • Suite 104 • Auburn, ME 04210

(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6623 Fax

www.auburnmaine.org

less than the twenty (20) minutes required by the State Law. Lewiston has adopted a change that allows a five (5) second hold time and other urban communities in Maine have done the same. The proposed amendment would allow the following:

- Hold times of as short as five (5) seconds for individual messages.
- Numerical or text messages that change by traveling, scrolling or fading to the next message frame.
- Sign size and locations would continue to be limited by the current zoning requirements. Displays could comprise as much as 50% of the surface area allowed pursuant to section 4.2.B.3 of the zoning ordinance.

The proposed amendment would not allow the following:

- Animated, graphic, pictorial or photographic images would continue to be prohibited.
- Flashing or moving lights, other than the above methods of changing messages would continue to be prohibited.

Please find attached for your review, a proposed amendment to section 4.2 of the City of Auburn Zoning Ordinance and a copy of M.R.S.A Title 23§1914 On-Premise Signs as amended in 2005.

Staff supports the proposed change for the following reasons:

1. The business community considers these signs to be a valuable and effective component of their advertising.
2. The changes are consistent with the Auburn Tomorrow Comprehensive Plan, Goals, Policies, Strategies, Pg. 15 by helping to support existing businesses and maintain Auburn as an attractive place to do business.
3. The changes are limited to the General Business, General Business II, or Industrial zoning districts.
4. The proposed change allows for an expedited review of permit requests while still ensuring that the signs will not create a safety hazard.
5. The change would make the standard in the City of Auburn very similar to that of the City of Lewiston.

II. RECOMMENDATION:

Staff recommends that the Planning Board make a positive recommendation to the City Council to approve the Petition from Roy Ulrickson of Neokraft Signs Inc. to amend Chapter 29, Section 4.2 of the City of Auburn Zoning Ordinance to allow changeable message signs to be permitted by City Staff review and a reduced hold time for messages to not less than five (5) seconds as shown on the attached sheets.

Eric Cousens
City Planner

City Council

Agenda Information Sheet

Council Meeting Date 7/9/2007 **Agenda Item No.** 3

SUBJECT:

**ORDER – WARD FIVE VOTING LOCATION BE DESIGNATED AS
SHERWOOD HEIGHTS SCHOOL (PUBLIC HEARING)**

INFORMATION:

Staff is suggesting that the Council consider a new voting place for Ward 5. Currently and for the last eleven years, Ward 5 voters have voted at the New Auburn Community Center aka Boy and Girls Club. The City has had an excellent relationship with the Club, as they have been more than cooperative as it relates to elections. However staff is always looking to make it easier and more accessible for voters on election day.

STAFF COMMENTS/RECOMMENDATION:

Staff is suggesting that the Ward Five voting location be designated as Sherwood Heights School.

REQUESTED ACTION:

Motion for passage of the order.

City of Auburn

City Council, Auburn, Maine

Date: July 9, 2007

**TITLE: ORDER – WARD FIVE VOTING LOCATION BE DESIGNATED A
SHERWOOD HEIGHTS SCHOOL**

Be It Ordered by the Auburn City Council, that the Ward Five voting place be designated as Sherwood Heights School.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date July 9, 2007 **Agenda Item No.** 4

SUBJECT:

**RESOLVE – AUTHORIZING ACTING CITY MANAGER TO EXECUTE MEMORANDUM
OF UNDERSTANDING WITH AUBURN HOUSING AUTHORITY**

INFORMATION:

Traditionally, the Auburn Housing Authority has paid the City of Auburn an amount of money in lieu of taxes on some of its properties. The Authority has requested that the attached Memorandum of Understanding be executed in order to expand its PILOT program with the City. .

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of this resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

City of Auburn

City Council, Auburn, Maine

Date: July 9, 2007

**TITLE: RESOLVE – AUTHORIZING ACTING CITY MANAGER TO
EXECUTE MEMORANDUM OF UNDERSTANDING
WITH AUBURN HOUSING AUTHORITY**

Be It Resolved by the Auburn City Council That, the Acting City Manager is authorized to execute the attached Memorandum of Understand with the Auburn Housing Authority.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

**Memorandum of Understanding
between the
Auburn Housing Authority and the City of Auburn**

In recognition of the mutually beneficial relationship existing between the above mentioned parties, and in furtherance of a cooperative working relationship between them, now therefore Auburn Housing Authority and the City of Auburn agree as follows:

1) Payments in Lieu of Taxes (PILOT) for traditional public housing developments, namely, the Lake Auburn Towne House, 74 Lake Auburn Avenue; Family Development, Broadview Avenue / Valerie Circle vicinity; Lincoln School Apartments, 56 Sixth Street; and Broadview Acres, 456 Broad Street are governed by the cooperation agreement dated 06/07/66 and amended 01/05/68.

- a) Public Housing PILOT is calculated by taking the total of dwelling rental income, minus utilities, and multiplying this amount by 10%.
- b) The PILOT may be increased by the amount of the Authority's trash collection for these properties if the City provides trash collection services for them.

2) Voluntary Payments in Lieu of Taxes (VPILOT) for Barker Mill Arms, 143 Mill Street, and Auburn Esplanade, 20 Great Falls Plaza: Subject to an annual vote by the Board of Commissioners, each development will pay, subject to the availability of funds, in lieu of taxes, an amount equal to 2% of gross revenues as calculated at the end of each fiscal year(3/31), after compilation of year end reports by the Authority's accountant, and acceptance by the Board of Commissioners.

3) The City agrees not to charge the Authority for routine police reports needed for appropriate background checks on potential residents of Auburn Housing Authority developments. Both parties agree to work cooperatively with each other to prevent and reduce criminality activity by persons assisted with Authority funds.

4) The City agrees not to charge the Authority for routine fire safety trainings necessary for the protection of residents located in high rise properties.

5) The Authority agrees to notify the City as soon as is practicable if it anticipates being unable to make the VPILOT for the year.

In witness whereof this Memorandum of Understanding is executed this ____ day of _____, 2007.

Witness

By: _____
Chairman, Auburn Housing Authority

Witness

By: _____
City Manager, City of Auburn