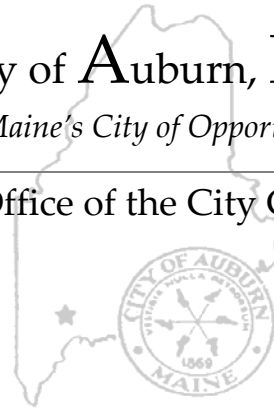


# City of Auburn, Maine

*"Maine's City of Opportunity"*

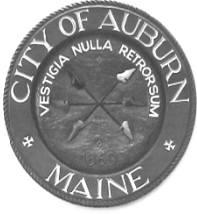
Office of the City Clerk



## Council Meeting Agenda Packet

June 1, 2009

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 June 1, 2009

"While your responsibility may be individual, your authority is collective" <sup>1</sup>

## Agenda

### 5:30 p.m. Workshop

- A. Discussion: Zoning Ordinance Amendment – Large Scale Development (15 min)
- B. Discussion: Request for Tax Abatement from Ideal Tag A Long (20 min)
- C. Discussion: Request from Gritty's for use of City property (20 min)
- D. Discussion: NIMS/ICS Training (10 min)

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

**1. 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.

### 2. Minutes

\*060109-00 Minutes of May 18, 2009

### 3. Reports

#### Mayor

Appointment to 9-1-1 Committee

#### City Councilors

- **Michael Farrell:** Water Dist., L/A Jt. City Council Planning, Audit and Procurement, Neighborhood Stabilization Program Advisory Committee
- **Bob Hayes:** Railroad, Library, Audit and Procurement
- **Dan Herrick:** MMWAC, Auburn Housing
- **David Young:** A-L Airport, L/A Joint City Council Planning, Cable TV Adv Board
- **Ray Berube:** LAEGC, Planning Board, L/A Joint City/School, ABDC, AVCOG
- **Bob Mennealy:** Sewer District, University of Maine L-A,
- **Ron Potvin:** School Committee, LATC, L/A Joint City/School

#### City Manager

### 4. Communications, Presentations and Recognitions

\*060109-00 Communication from Women's Literary Union Re: Waive fee for Garage Sale Permit

\*060109-00 Communication from the Great Falls Balloon Festival Committee Re: Request for Services

060109-00 Communication from Gritty's Re: Use of City Property

**5. 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

## 6. Unfinished Business

060109-01 Resolve – (Tabled 5/18/09) Disposition of Tax Acquired Property (0 Brann Avenue)

## 7. New Business

060109-02 Order – Authorizing the Issuance and Sale of Capital Improvement Bonds in the amount of \$6,500,000 (1<sup>st</sup> Reading – Public Hearing)

060109-02A Resolve – Approving Capital Purchases – Special Revenue (CIP3) for FY2010 - \$491,080

060109-03 Ordinance – Amendment to the Zoning Map in the Vicinity of Lake Auburn Avenue (1<sup>st</sup> Reading)

060109-04 Resolve – Amendment to Community Development Program 2008 Action Plan (Public Hearing)

060109-05 Resolve – Authorize City Manager to Execute an Option for Webster School to Auburn Housing Authority

060109-06 Public Hearing and action on Special Amusement Permit for Club Texas, 150 Center Street

060109-07 Resolve – Accepting Certain Forfeited Funds (\$840.)

060109-08 Resolve – Accepting Certain Forfeited Funds (\$729.)

060109-09 Resolve – Commitment of U.S. Department of Energy Grant Funds (\$105,200) under the American Recovery and Reinvestment Act of 2009

060109-10 Resolve – City Manager's Employment Agreement Adjustments

**8. 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

## 9. Future Agenda/Workshop Items

## 10. ADJOURNMENT

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**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. 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.

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Large-scale retail and the Informed Growth Act(30-A MRSA Chapter 187, Sub-Chapter. 3-A)

Date: April 10, 2009

I am writing this quick summary because we would like to address the requirements of the Informed Growth Act to exempt developments in Auburn from the State review requirements and accomplish the requirements locally. This is time sensitive because we may have a significant project that is impacted by this Act. I would like to discuss this with the Planning Board as a miscellaneous business item on Tuesday. Below is what we have in our Ordinance and then an example of what we might need.

**Auburn's existing provisions**

**Major Retail Development** – A single building in excess of 100,000 square feet of new ground floor retail space.

**General Provisions, 3.1.M.4** - The City finds that a Major Retail Development can have a significant impact on the immediate and surrounding areas and accordingly requires a determination by the City of Auburn Planning Board of consistency with the adopted Comprehensive Plan in addition to the review and approval process of Site Plan/Special Exception Review and other state and/or municipal permitting. A request for a determination of consistency shall be submitted to the Department of Planning and Code Enforcement a minimum of 15 days prior to this item being placed on the Planning Board agenda for action. Action on the request for a determination of consistency shall be made a minimum of one regularly scheduled meeting prior to the Planning Board meeting at which the project is to be reviewed. Notice for the consideration of a request for a determination of consistency shall conform to the requirements found in Article 8, Section 8.2.A. and must state that the determination of consistency is being sought for a Major Retail Development.

**Example of Possible Language**– We could add something similar to general provisions with our existing “Major Retail Development” language or as a special exception standard for Large-scale retail. This language is from Lewiston-ignore the section references.

**Additional standards for large-scale retail development.**

In addition to the criteria set forth in article XIII, section 4, applications for large-scale retail development as defined below, shall meet the following additional standards of this section.

(a) *Purpose.* The State of Maine passed the Informed Growth Act (30-A MRSA Chapter 187, Sub-Chapter. 3-A) to add additional development review criteria that evaluate the economic impact of large-scale retail development. Subsection 4371 of the Informed Growth Act provides an exemption to municipalities that have (adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration among other evidence in applying the review criteria to the application. (The following ordinance provisions meet that criteria, exempting large-scale retail projects proposed in Lewiston from 30-A MRSA Chapter 187, Sub-Chapter. 3-A.

(b) *Definitions.*

(1) *Comprehensive economic impact area* means the geographic area affected by a proposed large-scale retail development. The area includes Lewiston and may include abutting municipalities.

(2) *Comprehensive economic impact study* means a study that estimates the effects of a large-scale retail development on the local economy, downtown and community. It will identify the economic effects of large-scale retail development on existing retail operations; supply and demand for retail space; number and locations of existing retail establishments where there is overlap of goods and services offered; projected net job creation/loss; projected net retail related payroll increase/decrease; captured share of existing retail sales; sales revenue retained and reinvested in the comprehensive economic impact area; municipal revenues generated; increased municipal costs caused by the development's construction and operation, including municipal costs of roads, water, sewer, police and fire; and the costs or return on investment of any public subsidies including tax increment financing; and public water, sewer and solid waste disposal capacity.

(3) *Land use permit* means approval granted by the planning board for major developments pursuant to article XIII, subsections 3(b) and (c) of this Code. This definition of land use permit applies to any large-scale retail development approved by the planning board prior to September 20, 2007.

(4) *Large-scale retail development* means any single retail business establishment having a gross floor area of 75,000 square feet or more in one or more building at the same location and any expansion or renovation of an existing building that will result in a single retail business having a gross floor area of 75,000 square feet or more except when the expansion or renovation is 20,000 square feet or less.

(c) *Preparation of comprehensive impact study.* As part of its review of a land use permit application for a large-scale retail development the planning board shall require the preparation and submittal of a comprehensive impact study.

(1) *Qualified preparer.* A comprehensive economic impact study must be prepared by a person or firm, other than the applicant, that is qualified by education, training and experience to prepare such a study.

(2) *Selection of preparer.* The applicant shall choose the preparer and directly pay the preparer for their services.

(3) *Peer review.* The city may choose to have the study peer reviewed, at the applicant's expense, by a consultant of the city's choice.

(d) *Public hearing.*

(1) *Public hearing required.* As part of the development review process the planning board shall provide the public with at least one public hearing to be heard prior to the approval of a land use permit for a large-scale retail development.

(2) *Notice.* Notice of the public hearing on the land use permit application for a large-scale retail development must state that the comprehensive economic impact study will be presented at the hearing and that the planning board will take testimony on the comprehensive impact of the proposed project. The notice shall advertise said public hearing in a newspaper of general circulation in the city at least two times, the date of the first publication to be at least six days prior to the date of the hearing. Notice of the hearing will be sent by regular mail to abutters within 1,000 feet of the proposed development and to the municipal officers of abutting municipalities.

(e) *Land use permit process approval.* The applicant must complete and submit for planning board review and findings a comprehensive impact study. At the applicants option, the study can be completed and submitted for planning board review and determination prior to or concurrent with other development review criteria set forth in article XIII. If the study is submitted independently of other development review criteria, the development review process will be a two-step process. Each step of the two-step processes must meet the above referenced notice requirements.

(f) *Land use permit approval.* In addition to other applicable development review criteria required by this Code, the planning board shall evaluate the impacts of the proposed large-scale retail development based on the comprehensive economic impact study, other materials submitted to the planning board by the city's peer review consultant, and other persons and entities, including the applicant, state agencies, nonprofit organizations and members of the public; and testimony received during the public hearing to determine whether the overall negative effects of the proposed project outweigh the overall positive effects. The planning board may deny the land use permit on the basis of economic impact only if it determines that there is likely to be a significant adverse impact.

## INFORMED GROWTH ACT INFORMATION SHEET

To assist Maine municipalities in complying with the new Informed Growth Act, 30-A M.R.S.A. §§ 4365-4371, the Institute for Local Self-Reliance (ILSR) retained Maine attorneys with experience in land use regulation and municipal law to prepare this package of sample documents for municipal officials, including planners and planning board members, to use at their discretion. The approach provided with this package is only one way to address the provisions of the Act, among a variety of other approaches. The package includes this information sheet, and the following sample forms:

1. Checklist
- 2a. Notice of Request for Proposals<sup>2</sup>
- 2b. Request for Proposals
- 2c. Proposal Form
3. Services Agreement
4. Specifications for Study
5. Notice of Public Hearing
6. Municipal Decision Form

***Municipal Exemption provision:** At the end of this Information Sheet is an explanation how a municipality can become exempt from the provisions of the Act.*

**Informed Growth Act Generally.** The Informed Growth Act is effective as of September 20, 2007. It requires a municipality to decide whether a proposed large-scale retail development, a proposed single retail development 75,000 sq. ft. in size or larger, seeking a municipal land use permit will have an "undue adverse impact" on the municipality and its abutting municipalities (the "comprehensive economic impact area"). If the municipality decides that the project will cause an undue adverse impact, the permit cannot be approved.

The municipality's permitting authority (referred to below as "the board") is the body that decides if the project will have an undue adverse impact or not.

The Act lists a number of economic and environmental impact factors for the board to consider in making its decision. The economic impact factors relate to impacts on retail businesses, jobs, wages and municipal costs. The environmental impact factors relate to more general impacts on residential neighborhoods, traffic, noise, air, water, and wildlife habitat.

To assist the board's review, the applicant must fund a "comprehensive economic impact study" commissioned by the board. The applicant pays a \$40,000 fee to the State Planning

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<sup>1</sup> This information sheet is provided to assist municipalities in applying the Informed Growth Act to large-scale retail development permit applications. It describes only one way, among other possible ways, to apply the Act. ILSR and Perkins, Thompson, P.A. disclaim any liability arising from the use of, or reliance upon, this sheet and its companion forms and explanations

<sup>2</sup> Forms 2a, 2b and 2c, are provided only for use by municipalities that have an RFP process.

Office ("SPO"). The SPO pays up to \$39,000<sup>3</sup> of the fee to the municipality upon the board's request to cover the board's cost to hire the study's preparer, as well as its cost of public hearing notice and staff support. The SPO also provides the board a list of qualified preparers from which the board can select a consultant to prepare the study.

The study is presented at a public hearing held by the board within 4 months of the applicant's filing of its permit application and its payment to the SPO of the \$40,000 fee.

At the hearing, anyone, including other municipalities, the applicant, and businesses and residents, can submit evidence and testimony about the anticipated economic and environmental impacts of the proposed project within the comprehensive impact area.

After considering the study and all other related evidence and testimony, the board decides if the project's impact will be unduly adverse or not. If the board finds that the project's impact will not be unduly adverse, the applicant must still meet the board's other permit standards to obtain the permit.

There is a two-step "findings of fact" process for the board to complete to reach a conclusion of undue adverse impact or no undue adverse impact.

The first step is to find whether the project will have a negative effect on any of 11 economic factors. There can be no undue adverse impact conclusion unless the board finds that the proposed development will have an estimated negative effect on at least two of the 11 factors.

The second step is to find whether the project's overall negative effects on the economy and the environment will outweigh the overall positive effects. There can be no undue adverse impact conclusion unless the board also finds that there will be an overall negative impact on the economy and the environment.

Thus, a conclusion of "undue adverse impact" requires negative findings in both steps---that is, (1) two or more negative findings as to the economic impact factors, and (2) a negative impact finding overall. Otherwise, the conclusion must be that there is no undue adverse impact.

The sample municipal decision form (Form 6) is in a "checkbox" format to provide the board a logical progression through its decision making process. For more information regarding the implementation of the Informed Growth Act, please refer to the Informed Growth Act Guidebook brochure.

#### **Explanation of Sample Informed Growth Act Forms:**

**1. Sample Checklist (Form 1).** This Checklist is to help municipal planners and planning boards keep track of the administrative steps in reviewing large-scale retail development permit applications under the Informed Growth Act.

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<sup>3</sup> The SPO may charge up to \$1,000 against the fee to cover its costs "to record, administer and disburse the fee". 30-A M.R.S.A. §4367(3).



**2 a., b. and c. Sample Notice of Request for Proposals (Form 2a.), Request for Proposals (Form 2b.), Proposal Form (Form 2c.)** Municipalities that have charter, ordinance or policy provisions requiring competitive bidding for contracts for professional services at the level contemplated here (a comprehensive economic impact study costing up to \$39,000) will need this set of contract documents, and the Services Agreement (Form 3), and can complete them as appropriate. Municipalities without competitive bidding requirements or whose requirements are inapplicable here simply may use the Services Agreement (Form 3). In either case, the municipality will want to prepare a set of specifications (see Sample Specifications, Form 4) to accompany the request for proposals (if proposals are required) and the services agreement (whether or not proposals are required) to detail the requirements of the comprehensive economic impact study.

**3. Sample Services Agreement (Form 3).** This is a sample contract for use by the municipality in contracting with the selected preparer of the Comprehensive Economic Impact Study

**4. Sample Specifications (Form 4).** This sample specifications document informs the consultant of the scope of services expected in the preparation of the Comprehensive Economic Impact Study.

**5. Sample Notice of Informed Growth Act Public Hearing (Form 5).** This sample notice form is drafted with reference to the Act's requirement *"that the comprehensive impact study will be presented at the hearing and that the municipal reviewing authority will take testimony on the comprehensive impact of the proposed large-scale retail development, and the notice must include the name of any potential retailer, a map of the development location and a map of the comprehensive impact area."* The Act states further that the municipality shall send the notice of public hearing *"by regular mail to municipal officers [selectmen or councilors] of adjacent municipalities, to all persons residing in the municipality within 5,000 feet of the proposed development and to persons who have made timely requests to be notified of a specific application."*

**6. Sample Municipal Decision Form (Form 6).** This sample form is designed to assist the municipal reviewing authority in making the findings and conclusions called for by the Act as to whether the proposed large-scale retail development is likely to present an undue adverse impact within the comprehensive economic impact area. The findings and conclusions do not replace, but are in addition to, the municipality's usual permitting standards.

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## MUNICIPAL EXEMPTION FROM THE INFORMED GROWTH ACT<sup>4</sup>

Under the terms of the exemption provision of the Informed Growth Act, 30-A M.R.S.A. §4371, municipalities that wish to be exempt from the Act, need only to have adopted "economic and community impact review criteria that apply to large-scale retail

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<sup>4</sup> This explanation is provided to assist municipalities in responding to the Informed Growth Act, 30-A M.R.S.A. §§ 4365-4371. ISLR and Perkins, Thompson, P.A. disclaim any liability arising from the use of, or reliance upon, this explanation, or its companion forms and explanations

development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration, among other evidence, in applying the review criteria to the application".

**To be exempt from the Act, a municipality would have a land use permit ordinance that:**

- applies to large-scale retail development as defined by the Act (§ 4365(6));
- applies to the same impact area as defined by the Act (§4366(1));
- applies the same, or substantially similar, economic and community impact review criteria and review factors as described in the Act (§§4366(10) and 4367 (4));
- requires the same, or a substantially similar, comprehensive economic impact study as required by the Act (§4366(2)).

**The municipality's land use permit ordinance is not required to have any of the following provisions in order to be exempt from the Act:**

- any applicant fee requirement to finance the study; or, conversely;
- a \$40,000 limit on an applicant fee to finance the study;
- any requirement that the fee be paid to the State Planning Office, or anyone else other than the municipality;
- any study preparer qualifications, including any State Planning Office prequalification standards;
- any study preparer selection limitations;
- any time limit for the study to be completed and presented;
- any additional public hearing notice requirements, including those stated in the Act;
- any requirement that the name of the potential retailer be disclosed.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of the Assessor



**CHERYL DUBOIS, C.M.A.**  
CITY ASSESSOR  
STATE CERTIFIED RESIDENTIAL  
APPRAISER CR # 576

**KAREN SCAMMON, C.M.A.**  
CITY APPRAISER

**RENEE LACHAPPELLE, SRA**  
CITY APPRAISER, C.M.A.  
STATE CERTIFIED GENERAL  
APPRAISER CG# 116

### **Workshop Item B**

5/11/2009

City Manager Glenn Aho  
Mayor John Jenkins and City Council

**Ref: Abatement by City Council for 2007/2008 & 2006/2007  
Ideal Tag A Long INC  
PID # 208-064  
575 Minot Avenue**

The above referenced property consists of a .64 acre parcel improved with a 4,060 square foot warehouse, of fair quality construction. In 2001 the property was a part of a larger lot with several buildings on it. The subject parcel was split from a larger lot in 10/11/2001, as part of a bank sale recorded in Book 4810 Page 25, of the Androscoggin County Registry of Deeds. When the split took place, the Assessing Department conveyed both the warehouse and garage, which sits to the rear, with the .64 acres to Ideal Tag A Long LLC. The transfer of the garage was in error. The boundary lines clearly do not include the garage on parcel 208-064. The garage should have been assessed to PID # 208-063.

This was brought to the attention of Diane Douglas in March of 2009, during an inspection. The assessment to the subject property changed from 205,800 to 164,200, after she made corrections to the warehouse and removed the garage. The 2008/2009 abatement deadline for appeal was 1/02/2009. However, the Assessor has the authority to act on their own initiative up to one year from the date of commitment. I have granted an abatement in the amount of \$41,600 to Ideal Tag A Long INC for the 2008/2009 tax year only.

The Appellant has also requested that further abatements be granted going back to 2001, but the State Statutes are specific to the timeline for abatements. Municipal Officers, Auburn City Council, may grant an abatement after one year, but within three years from the date of the commitment to correct illegality, error or irregularity in assessment. They cannot abate to correct an error in the valuation of a property. The assessment of the garage was an error, as it was not located on Ideal Tag A Long INC's property, it belonged to the abutter. Additional abatements may not be granted on the warehouse as that was a valuation correction. I have verified this with the State Revenue Department and have attached a copy of Title 36 §841 ¶2 for your reference. I

am also attaching a copy of the abatement request from Mr. Robinson Whitney, President of Ideal Tag A Long INC.

The years in questions are 2007/2008, in which the garage had an assessment of \$8,200 and 2006/2007, where the garage had an assessment of \$5,600 during the phase in of the revaluation. I am recommending that the Council grant the abatement request for the two applicable years to Ideal Tag A Long INC, to be processed by the City Assessor.

FY 2007/2008 in the amount of \$8,200

FY 2006/2007 in the amount of \$5,600

Please fell free to contact me with any questions you may have.

Regards,

Cheryl A. Dubois, C.M.A.  
City Appraiser



## Workshop Item C

**Mary Lou Magno**  
**City Clerk, City of Auburn**  
**45 Spring Street**  
**Auburn, ME 04210**

May 26, 2009

Dear Ms. Magno –

I am writing on behalf of Gritty McDuff's. We are requesting that the City of Auburn allow us to extend our Liquor License so that we can offer food & beverage service outside in the area between our deck and the new fence along the river walkway. Rather than approaching the council to extend our license for every single event, we would like to secure permission for all the events at one time. Of course we would inform the city at least 1 week in advance of each event to inform them about the individual gatherings. Currently we have two events we would like to schedule outside. The first one is on Saturday, June 6, 2009. It is a 90 person banquet for the Dragan Disc Golf Tournament. The second event is to be a part of the Liberty Festival on July 4<sup>th</sup>. We have been in contact with Peter Bushway who has authorized Gritty's to be a part of the Liberty Festival, if the council agrees to allow us to offer outside service. At all these events, we would like to offer BBQ style food, beverage service and possibly feature live entertainment. We feel this agreement with the city & Gritty McDuff's will help spark new energy and business to the newly renovated downtown Auburn area. Here are some specific details:

- We do not plan to charge a cover for these events. However, there will be security personnel on hand to supervise the "gate". We plan to have of our own security people stationed outside at our expense. The number of security people will depend on the size of the anticipated crowd. Stanchion posts and double ropes or police style tape would be erected around the area and enough staff would be present to prevent any alcoholic beverages from being transferred beyond the perimeter. Signs indicating no food or beverages beyond the perimeter would also be posted.
- We would target the events towards families or organizations. We want these events to be family type events, where people can feel comfortable having their special event at Gritty's or to be a part of community-wide events. (For example, the Liberty Festival.)
- We would set-up the tables and the stage to allow ample space for emergency vehicle access.
- No port-a-potties will be needed because we have rest room facilities inside the building and they will be open.
- We plan to have one portable bar and one food station outdoors in this area. Orders from event spectators would be placed at each station by our customers; there will be wait staff outdoors, bartenders, a cashier, cooks and the previously mentioned security personnel.
- Prior to the event we would contact all the nearby residents to inform them about the event and to invite them to join us if the event is open to the public.
- If entertainment is offered at some these events, the bands would be limited to play to no later than 10pm and we would position the bands so that any music is directed away from living units on Main Street.

Ms. Magno, your prompt response to this request would be appreciated because there are considerable promotions and planning that we have to do if you grant our request, making time of the essence. Thank you for considering our request and we look forward to hearing from you soon. If you have any questions or concerns, please feel free to contact me. My office number is 772-2739 X104.

B/R

Thomas Wilson,  
Marketing Director, Gritty McDuff's Brewing Co.  
[Thomas@grittys.com](mailto:Thomas@grittys.com)  
772-2739 X104  
Encl: are photos of the area outback that we planning to use.

**CITY OF AUBURN  
MAY 18, 2009  
CITY COUNCIL MEETING**

**PRESENT**

Mayor John T. Jenkins, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Finance Director Tracy Roy 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 the Auburn City Building with a salute to the flag.

**CONSENT AGENDA**

Councilor Berube moved to accept, approve and place on file the item marked with an asterisk and remove the Communication regarding the Dempsey Challenge from the consent agenda. Seconded by Councilor Young. Vote: 7 Yeas.

**\*MINUTES OF MAY 4 AND 11, 2009**

Approved under consent agenda.

**REPORTS OF THE MAYOR**

Mayor Jenkins noted several events taking place in the community during the month of May.

**PROCLAMATION – MAINE ARBOR WEEK**

Mayor Jenkins noted that May 18 through 22 was Maine Arbor Week; Mayor Jenkins and members of the Community Forest Board attended the kick-off in Augusta and for the sixth consecutive year the City of Auburn was recognized with a certificate as a “Tree City USA”.

**REPORTS OF CITY COUNCILORS**

Councilors reported on their respective Council Committee Assignments.

**REPORTS OF THE CITY MANAGER**

**FINANCE REPORT – MONTH OF APRIL**

Councilor Berube moved to accept and place on file the Finance Report for the month of April as presented by Tracy Roy, Finance Director. Seconded by Councilor Young. Vote: 7 Yeas.

**UPDATE: 9-1-1 COMMITTEE APPOINTMENT**

Mary Lou Magno updated the Councilors on the 9-1-1 appointment. Councilors should express their interest to Mayor Jenkins regarding this appointment and it will appear on the June 1<sup>st</sup> agenda.

**COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS**

**COMMUNICATION FROM THE “DEMPSEY CHALLENGE, A JOURNEY OF HOPE”  
RE: USE OF CITY PROPERTY AND REQUEST FOR SERVICES**

Councilor Berube moved to accept the communication, place it on file, and that the requests be approved. Seconded by Councilor Young.

Peter Chalke, CMMC, and Jim Baril, organizer of the event explained the above festival to Councilors. Chief Crowell and City Manager Aho made comments regarding city services.

Councilor Mennealy moved the question. Seconded by Councilor Herrick. Vote: 5 Yeas with Councilors Farrell and Potvin voting Nay.  
Vote: 5 Yeas with Councilors Farrell and Potvin voting Nay.

**OPEN SESSION**

Dan Bilodeau, 207 No Auburn Road; and Joseph Mailey, 82 Webster Street.

**CLOSED OPEN SESSION**

**UNFINISHED BUSINESS**

**1. ORDINANCE – AMENDMENT TO ZONING MAP IN THE VICINITY OF 827 SOUTH  
MAIN STREET (2<sup>ND</sup> READING)**

Councilor Farrell moved for acceptance of second reading and final passage. Seconded by Councilor Berube. Vote: 7 Yeas.

**2. RESOLVE – 2009-2010 ANNUAL APPROPRIATION RESOLVE (2<sup>ND</sup> READING)**

Councilor Berube moved for acceptance of second reading and final passage. Seconded by Councilor Farrell.

Councilor Potvin moved to amend by adding \$200,000 to the Fire Department budget for the rescue program and Fire Prevention Officer position. Seconded by Councilor Mennealy.

Vote on the amendment: 5 Nays with Councilors Potvin and Mennealy voting Yea.

Vote for acceptance of second reading and final passage: 5 Yeas with Councilor Potvin and Mennealy voting Nay.

**NEW BUSINESS**

**3. ORDER – 2009-2010 TAX COMMITMENT**

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

Glenn Aho, City Manager, answered Councilors questions.

Vote: 7 Yeas.

**4. RESOLVE – ACCEPTANCE OF CAPTIAL IMPROVEMENT PROGRAM**

Councilor Hayes moved for passage of the resolve. Seconded by Councilor Mennealy.

The following made comments regarding the above resolve: Glenn Aho, City Manager; David Das, Chair, School Committee; Tom Morrill, Superintendent of Schools; and Andy Titus, 45 Carson Street.



Councilor Mennealy moved the question. Seconded by Councilor Berube. Vote: 7 Yeas.

Vote on passage of the resolve: 7 Yeas.

**5. RESOLVE – DISPOSITION OF TAX ACQUIRED PROPERTY (0 BRANN AVENUE)**

Councilor Berube moved for passage of the resolve. Seconded by Councilor Herrick.

Councilor Potvin moved to amend by selling this property to Roxann Reetz Fryer for \$110. Seconded by Councilor Young.

Councilor Hayes moved to table. Seconded by Councilor Berube. Vote: 6 Yeas with Councilor Herrick abstaining.

**6. PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT APPLICATION FOR MAC’S GRILL, 1052 MINOT AVENUE**

Council Potvin moved to approve the Special Amusement Permit. Seconded by Councilor Berube. Mayor Jenkins opened and closed the public hearing with no public comment.

Vote: 7 Yeas.

**OPEN SESSION**

Marie Herrick, 470 Hatch Road;

**CLOSE OPEN SESSION**

**7. EXECUTIVE SESSION**

Councilor Mennealy moved to go into Executive Session for the purpose of discussing Economic Development Title 1 M.R.S.A. Section 405. Seconded by Councilor Hayes. Vote: 7 Yeas.

Councilor Berube moved to come out of Executive Session. Seconded by Councilor Potvin. Vote: 4 Yeas (Councilors Farrell, Young and Mennealy out of the room).

**ADJOURNMENT – 9:55 P.M.**

Councilor Berube moved to adjourn. Seconded by Councilor Herrick. Vote: 4 Yeas (Councilors Farrell, Young and Mennealy out of the room).

**A TRUE RECORD**

**ATTEST:** \_\_\_\_\_  
**CITY CLERK**

May 18, 2009

To Mayor, City Manager and members  
of the Auburn City Council.

I am organizing a yard sale to be held on June 6, 2009. This will be held at 19 Elm St, Auburn, the clubhouse of the Woman's Literary Union, a non-profit organization. Proceeds from the sale will be used for maintenance of the building that is the mansion of the former shoe magnate, Horace Foss. We do our best to maintain the building in its historic federal style.

I would like to have our \$10.00 sale permit waived.

Thank you.

Dorothy A. Bowyer  
Sale Organizer

786-7418

dotbow9221@roadrunner.com

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 6/1/2009      **Agenda Item No.** Consent

---

**SUBJECT:**

**COMMUNICATION FROM GREAT FALLS BALLOON FESTIVAL  
COMMITTEE RE: REQUEST FOR SERVICES**

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**INFORMATION:**

All appropriate departments, Police, Fire, Planning & Permitting and Public Works have reviewed this request and given their approval.

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**STAFF COMMENTS/RECOMMENDATION:**

City Manager recommends approval of this request.

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**REQUESTED ACTION:**

Motion to approve under consent agenda.

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**VOTE:**

**FESTIVAL APPROVALS REQUIRED FROM THE CITY OF AUBURN**

by  
GREAT FALLS BALLOON FESTIVAL, INC.,  
AUGUST 21-23, 2009

May 1, 2009

Auburn City Council  
City of Auburn  
45 Spring Street  
Auburn , ME 04210

Re: Great Falls Balloon Festival

Dear Councilors,

The Board of Directors for the Great Falls Balloon Festival respectfully submits the schedule of the Great Falls Balloon Festival and requests the following:

Friday, August 21, 12:00 p.m. – Sunday, August 23, midnight

Posted closure of Main Street from Court Street to Vine Street (North lane only to Mechanics Row) to facilitate safe pedestrian movement and access for festival activities and logistical vehicles. Tents, food booths, static displays, activities, and a stage may be set up on Main Street and on Festival Plaza. Emergency vehicle access will be maintained on Main Street and at the Androscoggin River boat launch below Festival Plaza at all times.

Permission to use public parking areas and green spaces in Bonney Park for festival activity and to control use, access and security in these areas.

Permission to use public areas, green spaces and parking lots in the downtown Main Street area including Festival Plaza, Miller parking lot, Mechanic's Row Parking lot (between Main and Mechanic's Row) and the new Riverwalk.

Friday, August 21, 5:00 p.m. – Sunday, August 23, 7:00 p.m.

Permission for the police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors, as well as other non approved activities in the Great Falls Plaza area and in all public areas and sidewalks on Court Street between the Longley Memorial Bridge to Pleasant Street, on Turner Street between Court Street and the Union Street Bypass, and on Main Street from Court Street to Newbury Street and on Hampshire, Academy, Elm, Vine, Drummond, Mechanics Row, and all parking lots or city owned property referenced above.

Posted closure of one lane of the Longley Memorial Bridge (downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

### Saturday, August 22, 10:30 am. – 12:30 pm.

Posted closure of Longley Bridge from Auburn into Lewiston, Court Street from Spring St. to Bridge, and all of Spring Street for 3rd Annual Balloon Festival parade. Parade path will start on Spring Street in Auburn, onto Court Street, across Longley Bridge turning onto Lincoln Street, then onto Oxford Street, ending at the intersection of Cedar and Oxford. Parade staging area will be on Spring Street. Grand Marshall/Judging stage will be needed around 60 Court Street for float/group judging. The Continental Mill will be used for participant (groups on foot) pick up. We respectfully request that any licensing fees be waived.

### Liability Insurance

The Great Falls Balloon Festival, Inc. has secured a \$1,000,000 general liability (will be faxed to city clerk prior to the festival).

### Security

The Auburn Police Department will be responsible for traffic control, security, and crowd control in Auburn activity areas. A full briefing will be held with Police Department liaison and staffing will be organized to cover manpower needs throughout the weekend and for all scheduled events and activities.

### Emergency Medical Services

A city of Auburn water rescue boat will be stationed on site for emergency medical needs.

### Trash Removal

Volunteers will be used to collect and bag trash. Volunteers will be used to keep festival areas clean on an ongoing basis and clean up after the festival. We request that the city provide dumpsters for garbage disposal. The City of Auburn has picked up the tipping fees for the past eight years and we are again requesting this assistance.

### Sanitary Facilities

A total of at least 5 portable toilets (4 regular, 1 handicapped) will be located in festival activity areas in Auburn. Additional units will be located in Lewiston. A contract has been executed with a private company to supply and service the units. More units may be added if it is deemed necessary.

### Sanitary Compliance for Food Booths

If needed, non-profit organizations will vend food from booths or their own tents and have been briefed on requirements. Great Falls Balloon Festival, Inc. has entered into a contract with a private company to remove cooking grease following the festival.

### Safety Compliance

A representative of each non-profit agency dispensing food is required to attend a fire safety demonstration (including the use of extinguishers) on the proper methods for putting out ordinary and grease fires.

An Auburn Fire Department Truck will stand by at the balloon-refueling site (normally Ness Oil located on Washington St.).

### Licenses

The Festival will supply license information for food and beverage booths to the City Clerk and Health Inspector. As in previous years we are requesting the waiver of fees by the City Council.

### Parking for Festival Attendees

There will be a free shuttle bus operating between the Lewiston and Auburn activity areas. Handicap parking will be at Bank of America on Court Street and in the Pamco lot in Lewiston. Parking in the Great Falls lots will remain free to the public. Parking in the open-air Mechanics Row lot will be used for Festival volunteers, vendors and we will gladly set-aside 10 spaces for the residents of the Roak Block Apartments.

### Alternate Launch Sites

The Festival would like to be able to use alternate sites to launch hot air balloons from for the early morning and late afternoon

launches. These sites include: Chestnut Street field, Pettingill Park, Lakeview Fields, Cleveland Field, the fields by Auburn Middle School, and the Edward Little High School practice football field. These fields may or may not be used at each launch depending on the prevailing wind patterns. There are two possible launch times each day of the festival.

We greatly appreciate Auburn's cooperation in the past and look forward to its participation this year.

Respectfully,

Ann Dehetre-Arsenault  
Great Falls Balloon Festival  
President

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 05/18/2009

**Agenda Item No.** 1

---

**SUBJECT:**

**RESOLVE – DISPOSTION OF TAX ACQURIED PROPERTY (0 BRANN AVE)**

---

**INFORMATION:**

On April 6<sup>th</sup> the City Council awarded the bid to Habitat for Humanity. Since that time Habitat for Humanity has decided to rescind their offer for the property due to financing issues. The remaining bid results are listed below.

<b>Address &amp; Parcel ID</b>	<b>Assessed Value</b>	<b>Bids</b>
0 Brann Avenue (187-034-001)	\$100	\$ 110 (Roxann Reetz Fryer) – Abutter \$ 265 (Michael Bigos) – Public \$ 306 (Jonathan Turgeon) - Public \$ 400 (Scott Richard) – Public \$1,600 (J.T. Mill LLC) – Public

**STAFF COMMENTS/RECOMMENDATION:**

This item was tabled at the May 18<sup>th</sup> City Council Meeting.

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**REQUESTED ACTION:**

Motion for passage or amendment of the resolve.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: May 18, 2009

**TITLE: RESOLVE – DISPOSITION OF TAX ACQUIRED PROPERTY  
(0 BRANN AVENUE)**

Be It Resolved by the Auburn City Council That the City Manager is authorized to sell 0 Brann Avenue to J.T. Mill LLC for \$1,600.

May 18, 2009 –Councilor Potvin moved to amend by selling this property to Roxann Reetz Fryer for \$110. Seconded by Councilor Young.

Councilor Hayes moved to table. Seconded by Councilor Berube. Vote: 6 Yeas with Councilor Herrick abstaining.

Motion for passage: Raymond Berube

Seconded by: Daniel Herrick

Vote:

Action by the City Council:

Date:

Attest:

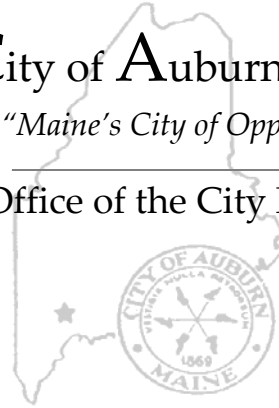
City Clerk



# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of the City Manager



To: Glenn E. Aho, City Manager

From: Laurie Smith, Assistant City Manager and Dennis Roderick, Purchasing Agent

Re: Sale of Tax Acquired Properties

Date: May 14, 2009

0 Brann Avenue was advertised for sale in the Sun Journal and has been advertised on the city's website. City staff also sent letters to the abutters and requested a response by March 31<sup>st</sup>. The advertisements and letters included the assessed value price sought by the City.

On April 6<sup>th</sup> the City Council awarded the bid to Habitat for Humanity. Since that time Habitat for Humanity has decided to rescind their offer for the property due to financing issues. The remaining bid results are listed below.

<b>Address &amp; Parcel ID</b>	<b>Assessed Value</b>	<b>Bids</b>
0 Brann Avenue (187-034-001)	\$100	\$ 110 (Roxann Reetz Fryer) – Abutter \$ 265 (Michael Bigos) – Public \$ 306 (Jonathan Turgeon) - Public \$ 400 (Scott Richard) – Public \$1,600 (J.T. Mill LLC) – Public

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

To: Laurie Smith, Assistant City Manager  
From: David C.M. Galbraith, Director of Planning & Permitting Services  
Date: May 27, 2009  
Re: O Brann Avenue – ID # 187-034-001 / Tax Acquired Property

As requested, below is information regarding O Brann Avenue (Property ID # 187-034-001) and the property owned by Mark & Roxanne M. Fryover, located at 31 Royal Avenue:

O Brann Avenue – ID # 187-034-001: This property is located in the Urban Residential (UR) zoning district. The lot is conforming lot in terms of lot size & dimensions. The UR requires a minimum of 100' x 100' & the subject property is 100' in depth and 200' width. There is a ROW in front of the property it does not have a City accepted street or what is considered "street frontage". Anyone wanting to build on this lot would be required to extend the roadway, approximately 130 feet. The City's Zoning Ordinance (Chapter 29) requires the lot to have a minimum of 100 feet of City accepted street frontage. This could be a fairly costly extension as it could cost close to \$200. per lineal foot depending on the needed roadway design & construction. The lot does not have sewer or water immediately in front of it but the adjacent lots seem to have long private lines tapping into the ASW lines. To extend to the property line they would need to have runs approximately 80' (minimum).

Mark & Roxanne M. Fryover property: 31 Royal Avenue ID# 187-034: This property is also located within the UR zone. It is 100' x 100' so is conforming in regards to minimum lot size, depth, width etc. The property is listed as a single family home which is also permitted on lots of this size. The property could NOT be expanded into a 2 family home as it does not have the required 14,500 square feet. This property seems to have a legally non-conforming side yard setback on one side but our selling O Brann to them would not eliminate the non-conformity as O Brann is located immediately behind this property.

Should you have any questions regarding this matter or wish to discuss in additional detail please don't hesitate to contact me.

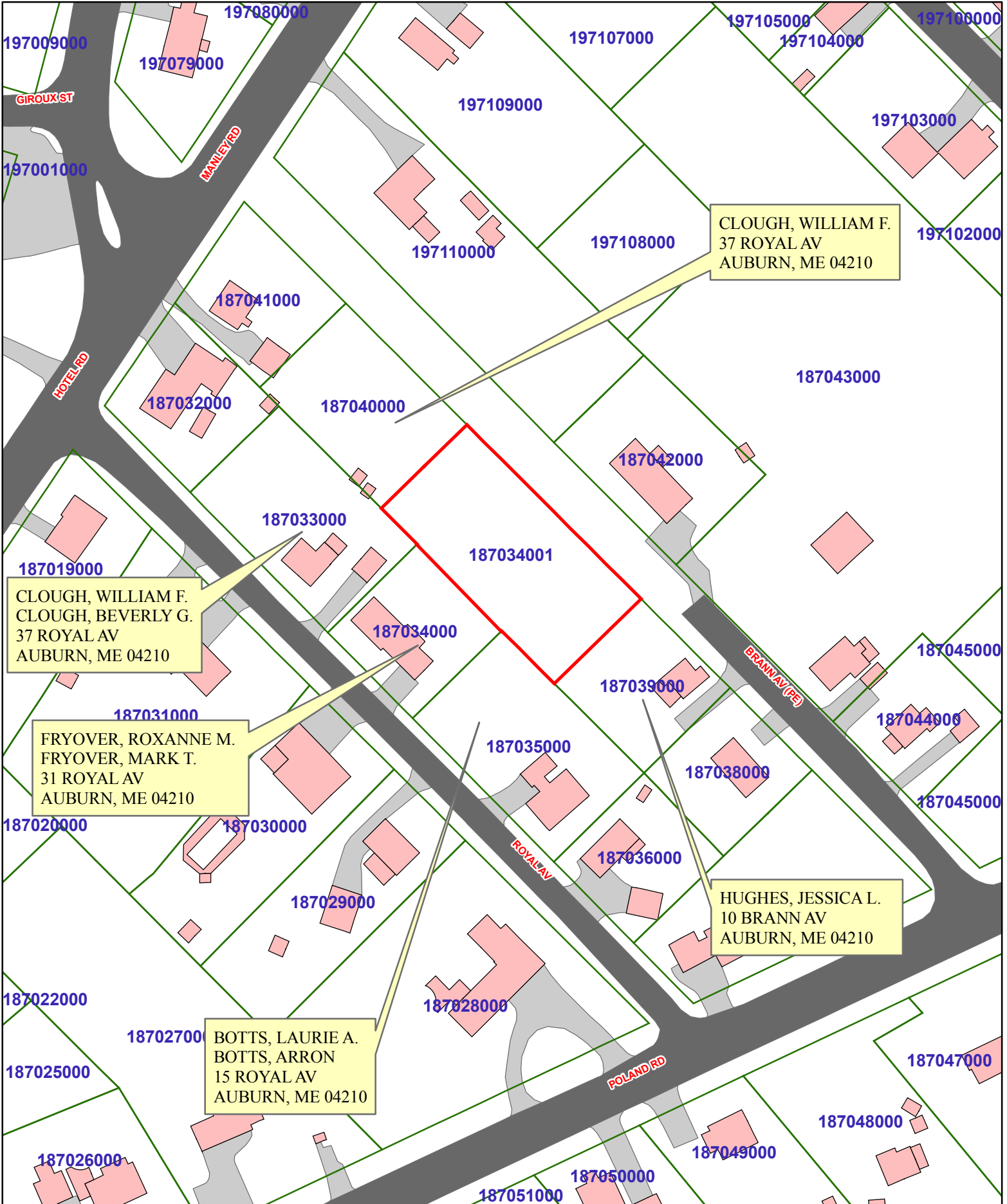
Sincerely,

David C.M. Galbraith  
Director of Planning & Permitting Services



**Parcel ID: 187-034**  
**Address: 0 Brann Avenue**  
**Total Acres: 0.46**

1 inch = 100 feet



CLOUGH, WILLIAM F.  
37 ROYAL AV  
AUBURN, ME 04210

CLOUGH, WILLIAM F.  
CLOUGH, BEVERLY G.  
37 ROYAL AV  
AUBURN, ME 04210

FRYOVER, ROXANNE M.  
FRYOVER, MARK T.  
31 ROYAL AV  
AUBURN, ME 04210

HUGHES, JESSICA L.  
10 BRANN AV  
AUBURN, ME 04210

BOTTS, LAURIE A.  
BOTTS, ARRON  
15 ROYAL AV  
AUBURN, ME 04210

# City Council

## Agenda Information Sheet

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**Council Meeting Date: June 1, 2009    Agenda Item No. 2**

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**SUBJECT:**

**ORDER – AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL IMPROVEMENT BONDS IN THE AMOUNT OF \$6,500,000 (First Reading – Public Hearing)**

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**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.

This item was discussed during Budget Workshops and on May 18<sup>th</sup> when the Capital Improvement Program was adopted.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of first reading.

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**REQUESTED ACTION:**

Motion for acceptance of first reading.

---

**VOTE:**

# City of Auburn

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CITY COUNCIL, AUBURN, MAINE

Date: June 1, 2009

TITLE: ORDER - AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL IMPROVEMENT BONDS IN THE AMOUNT OF \$6,500,000 (Annual Capital Improvement Program) (First Reading – Public Hearing)

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 \$6,500,000, 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 FY10 Capital Improvement Program:

FY 10 Capital Improvement Program:

<b>Project</b>	<b>Authorized Amount</b>
School Building and Equipment Improvements and Repairs and technology improvements	\$ 1,000,000
Street/Drainage Reconstructions, Reclamation, Improvements and Upgrades, Sidewalks and Retaining Walls	\$ 5,020,000
Equipment and Technology	\$ 246,000
Ice Arena	45,000
General Building Improvements	125,000
Administrative	14,000
Contingency	\$ 50,000

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 \$6,500,000 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 May 18, 2009, in the *Lewiston Sun-Journal*, a daily newspaper published in Androscoggin County.

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: 6/1/2009      Agenda Item No. 2A**

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**SUBJECT:**

**RESOLVE – APPROVING CAPITAL PURCHASES – SPECIAL REVENUE  
(CIP3) FOR FY2010 - \$491,080**

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**INFORMATION:**

The City's capital projects have three funding sources: CIP1 which is operational and has already been approved; CIP2 which is bonded and has been approved in first reading in the aforementioned resolve; and CIP3 which is funded through special revenues and unallocated bond funds. This resolve will approve the capital projects that have been selected for FY2010 funding as discussed at the City Council's April 15, 2009 Budget Workshop. The list of CIP3 projects were included in the Budget Summary Document and the Capital Improvement Planning Document.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of this resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

---

**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: June 1, 2009

**TITLE: RESOLVE – APPROVING CAPITAL PURCHASES – SPECIAL  
REVENUE (CIP3) FOR FY2010 - \$491,080**

Be It Resolved by the Auburn City Council that Capital Purchases – Special Revenue (CIP3) for FY 2010 in the amount of \$491,080 are hereby approved.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk





# City of Auburn

## Capital Summary

Fiscal Year 2010  
Approved 4.27.2009

Department	FY10 Projects Only (See CIP for full description)		Proposed Financing	CIP	FY 2010 Dept. Request	FY 2010 Manager Request
<b>Capital Purchases -- Special Revenue (CIP3)</b>						
CS-ICT	CIP - Server Replacement	p. 77	Spec. Rev.	CIP3	\$ 8,000	\$ 8,000
CS-ICT	CIP - IP Telephony Rollout	p. 76	Unallocated	CIP3	\$ 14,000	\$ 14,000
CS-ICT	CIP - MUNIS Permitting Module	p. 72	Unallocated	CIP3	\$ 63,760	\$ 63,760
CS-ICT	CIP - MUNIS Citizen Services Module	p. 75	Unallocated	CIP3	\$ 12,080	\$ 12,080
CS-Engineering	CIP - Sidewalk Improvement Program	p. 31	Unallocated	CIP3	\$ 100,000	\$ 100,000
CS-Engineering	CIP - Main Street Retaining Wall	p. 32	CDBG	CIP3	\$ 117,700	\$ -
CS-Engineering	CIP - Dunn Street Retaining Wall	p. 33	Unallocated	CIP3	\$ 75,000	\$ 75,000
Recreation	CIP - Paint for Hasty Community Center	p. 100	Unallocated	CIP3	\$ 5,000	\$ 5,000
Recreation	CIP - Hasty Gym Floor	p. 98	Unallocated	CIP3	\$ 120,740	\$ 120,740
Planning	CIP - LED Streetlight Replacement - Main Street	p. 128	TIF	CIP3	\$ 46,500	\$ 46,500
Recreation	CIP - New Exit Doors - Ingersoll Arena	p. 101	Enterprise	CIP3	\$ 16,000	\$ 16,000
Recreation	CIP - Hasty Community Center Replacement Windows	p. 102	Grant	CIP3	\$ 30,000	\$ 30,000
<b>TOTALS</b>					<b>\$ 608,780</b>	<b>\$ 491,080</b>

# City Council

## Agenda Information Sheet

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**Council Meeting Date: 6/1/2009      Agenda Item No. 3**

---

**SUBJECT:**

**ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF  
LAKE AUBURN AVENUE FROM URBAN RESIDENTIAL TO  
MULTI-FAMILY URBAN (FIRST READING)**

---

**INFORMATION:**

The City received a petition to rezone four properties on the east side of Lake Auburn Avenue, immediately north of Stanley Street, from Urban Residential (UR) to Multi-family Urban (MFU). The proposed rezoning includes four properties from 85-99 Lake Auburn Avenue (including PID #260-195, 260-194, 260-193-2 and 260-193-3. The City’s Comprehensive Plan illustrates the subject area as “Residential – Medium-High Density” as shown on the future land use map. Based on the zoning district purpose statements either zoning district UR or MFU, is supported. The existing UR zoning district conforms to the “Residential-Medium Density” portion of this future land use map classification. The proposed MFU zoning district conforms to the “Residential-High Density” portion of this future land use classification.

The Planning Board held a public hearing regarding the proposed rezoning on May 12, 2009. One person, the petitioner, spoke in favor of the proposed rezoning. The Planning Board based their recommendation on the City’s existing Comprehensive Plan, which supports the proposed change. The Planning Board voted 5-0-0 in favor of sending a recommendation to the City Council to approve the proposed rezoning request.

This item was discussed at the May 18<sup>th</sup> City Council Workshop.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of first reading.

---

**REQUESTED ACTION:**

Motion for acceptance of first reading.

---

**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: June 1, 2009

## **TITLE: ORDINANCE – AMENDMENT TO ZONING MAP IN THE VICINITY OF LAKE AUBURN AVENUE (FIRST READING)**

Be It Ordained by the Auburn City Council that the Zoning Map be amended by rezoning four (4) properties on the east side of Lake Auburn Avenue, immediately north of Stanley Street, from Urban Residential (UR) to Multi-family Urban (MFU). The proposed rezoning includes four properties from 85 to 99 Lake Auburn Avenue (including PID #260-195, 260-194, 260-193-2 and 260-193-3).

Motion for passage for acceptance of first reading:

Seconded by:

Vote:

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

### Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Petition to change the zoning designation along the portion of Lake Auburn Avenue from 85-99 Lake Auburn Avenue (Including PID #260-195, 260-194, 260-193-2 and 260-193-3) as illustrated on the attached map from Urban Residential (UR) to Multi-family Urban (MFU).

Date: May 12, 2009

#### I. PROPOSAL

The City of Auburn has received a petition from at least twenty-five (25) registered voters to rezone property at 85-99 Lake Auburn Avenue (Including PID #260-195, 260-194, 260-193-2 and 260-193-3) as illustrated on the attached map from Urban Residential (UR) to Multi-family Urban (MFU). The subject area is generally located on the east side of Lake Auburn Avenue from the intersection with Stanley Street, extending generally north along the centerline of the street to the northern property line of 99 Lake Auburn Avenue. As the petition indicates, the lots included in the petition are currently zoned UR. The lot sizes and maximum number of units that could be permitted in the UR and, if changed, the MFU zone are shown in the following table.

Parcel ID (Map-Lot)	Lot Area (Acre/SF)	# Units UR Zone	# Units MFU Zone
260-195	.17 / 7,405sf	1	2
260-194	.12 / 5,227sf	1	1
260-193-002	.23 / 10,018sf	1	4
260-193-003	.36 / 15,681	2	8

If the zoning is changed as proposed, the minimum lot size for the parcels would change from the 10,000 sf UR minimum to a 5,000sf MFU minimum. This would allow additional units on 3 of the four parcels under the petition. That said, as far as I know there is only one property owner that intends to add a dwelling unit at this time. The owner of parcel ID 260-193-003 has a legally existing 2-unit building permitted under the UR zoning standards that has been modified without permits to include a 3<sup>rd</sup> dwelling unit. Staff was made aware of this change and has been working to correct the violation. This can be accomplished in one of two ways, eliminate the unit or change the zoning to MFU and then apply for permits and legitimize the 3<sup>rd</sup> unit under the MFU standards. The 3<sup>rd</sup> unit cannot be permitted under the current UR standards. The City's Comprehensive Plan illustrates the subject area as "Residential – Medium-High Density" as shown on the future land use map. Based on the zoning district purpose statements either zoning district, UR or MFU, is supported. The existing UR zoning district conforms to the

“Residential – Medium Density” portion of this future land use map classification. The proposed MFU zoning district conforms to the “Residential – High Density” portion of this future land use Map classification. The lots immediately abutting this parcel (please see map) are currently zoned MFU to the southwest, UR to the northwest and General Business (GB) to the east. The MFU zone is often used as a transition zone between commercial (GB) areas and 1-2 family residential (UR) areas as it could be in this location. Based on the Comprehensive Plan - Auburn Tomorrow, the proximity to the GB zone and the transitional character between GB, MFU and UR zones, staff believes that the proposed change has some merit.

## II. PLANNING FINDINGS / CONSIDERATIONS:

Staff has evaluated the proposed rezoning and suggests the following findings:

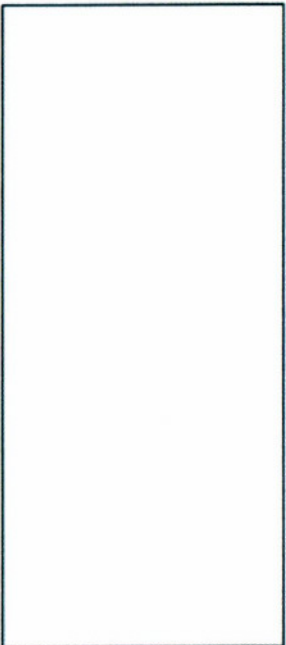
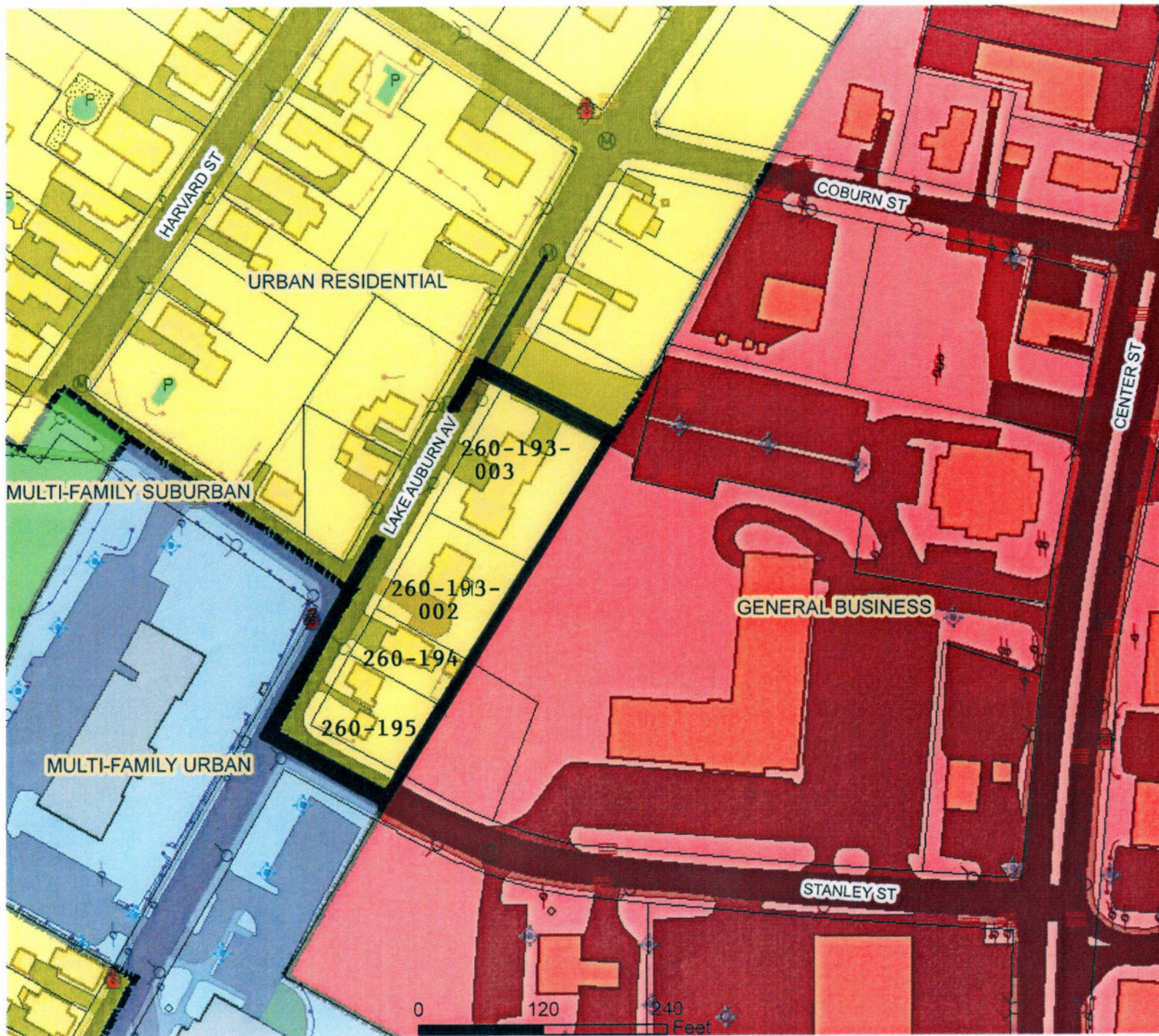
- A. The City’s Future Land Use Map shows the area as “Residential – Medium-High Density”. The UR or MFU zoning designation is consistent with the future land use map.
- B. The area included in the petition abuts MFU, GB and UR zoning districts.
- C. There is some value in using the MFU to transition between GB and UR zones as it would in this proposal.

## III. RECOMMENDATION:

Staff recommends that the Planning Board forward a favorable recommendation to the City Council to rezone the property at 85-99 Lake Auburn Avenue (Including PID #260-195, 260-194, 260-193-2 and 260-193-3) as illustrated on the attached map from Urban Residential (UR) to Multi-family Urban (MFU).

Eric Cousens  
City Planner





**DISCLAIMER**

The City of Auburn offers no warranties or guarantees as to the accuracy or fitness of purpose of this data. Use at your own risk.





# City Council

## Agenda Information Sheet

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**Council Meeting Date** 6/1/2009

**Agenda Item No.** 4

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**SUBJECT:**

**RESOLVE – AMENDMENT TO COMMUNITY DEVELOPMENT PROGRAM  
2008 ACTION PLAN (PUBLIC HEARING)**

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**INFORMATION:**

The Substantial Amendment of the FY2008 Action Plan involves allocating \$169,648 of Community Development Block Grant funds to the Main Street Beautification project. These are an increase in grant funds allocated to the City of Auburn through the American Recovery and Reinvestment Act of 2009.

This item was discussed at the May 18<sup>th</sup> City Council Workshop.

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**STAFF COMMENTS/RECOMMENDATION:**

City Manager recommends approval of this resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# **CITY OF AUBURN**

**CITY COUNCIL, AUBURN, MAINE**

**DATE June 1, 2009**

## **TITLE: RESOLVE – AMENDMENT TO COMMUNITY DEVELOPMENT PROGRAM 2008 ACTION PLAN AMENDMENT**

Be It Resolved by the Auburn City Council, That the FY2008 Action Plan of the Community Development Program be amended as recommended by Community Development staff. The amendment would allocate Community Development funds of \$169,648 to the Main Street Beautification project.

Motion for passage:

Seconded by:

Vote:

**Action by Council:**

**Date:**

**ATTEST:**

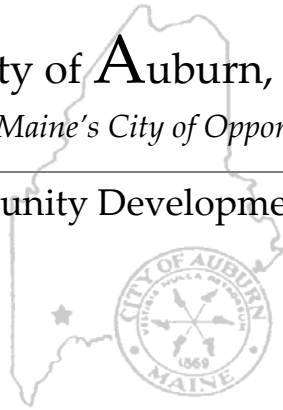
**CITY CLERK**



# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Community Development Program



TO: Glenn Aho, City Manager

FROM: Reine Mynahan, Community Development Administrator

RE: Community Development Program Amendment

DATE: May 14, 2009

On February 17, 2009 Congress enacted the American Recovery and Reinvestment Act of 2009 (ARRA). Through ARRA, Community Development Block Grant funds for FY2008 were increased by \$169,648. These funds have been labeled CDBG-R by the U. S. Department of Housing and Urban Development. I am requesting approval of a Substantial Amendment to the City of Auburn's FY2008 Action Plan to allocate CDBG-R funds to the Main Street Beautification project.

**Citizen Participation**—One of the modifications in federal requirements under ARRA is citizen participation. Instead of the usual 30-day comment period for substantial amendments, this amendment requires only a 7-day period. A notice of this program amendment was sent to the Citizen's Advisory Committee on May 15 with the request that they provide comments either orally or in writing by the morning of June 1<sup>st</sup>. A notice was published in the Sun-Journal on May 18, 2009. The Substantial Amendment was posted on the City's website.

**Public Hearing**—The City Council shall hold a public hearing prior to their deliberations on the amendment. A public hearing is required under the requirements of the City of Auburn's Citizen Participation Plan to give citizens an opportunity to comment.

**Program Amendment** –The FY2008 Action Plan included a budget of \$219,352 of Community Development Block Grant funds for beautification of Main Street. This budget represents only a portion of the amount needed to undertake this project. The remaining budget is the \$169,648 from CDBG-R. The project involves improvements to Main Street beginning at Academy Street and terminating at the Little Androscoggin River bridge. Improvements will consist of sidewalk reconstruction, replacing street lighting, street trees, and improvements to the wall mural. The total amount budgeted is \$389,000.

**Recommendation**—The Community Development Department recommends that the City Council approve this Substantial Amendment of the FY2008 Action Plan of the Community Development Program.

# **CDBG-R SUBSTANTIAL AMENDMENT TO FY2008 ACTION PLAN**

## **CITY OF AUBURN, MAINE**

### **INTRODUCTION TO CDBG-R SUBSTANTIAL AMENDMENT**

This Substantial Amendment involves Community Development Block Grant funds that have been made available from the U. S. Department of Housing and Urban Development. These funds were enacted by Congress as part of the stimulus package, American Recovery and Reinvestment Act of 2009. Under this Act, the FY2008 allocation of Community Development Block Grant funds was increased by \$169,648.

### **ACTIVITY NAME**

Main Street Beautification

### **ACTIVITY DESCRIPTION**

CDBG-R funds of \$169,648 will be allocated to undertake an improvement project on Main Street. On May 4, 2009 the Auburn City Council adopted the FY2009 Action Plan and allocated \$219,352 for the Main Street Beautification project. The combined FY2008 CDBG-R funds and FY2008 funds will provide a budget of \$389,000 for the Main Street Beautification project.

The project will improve pedestrian routes by replacing deteriorated sidewalks. Both sides of Main Street will be improved with CDBG-R funds. The project involves relocating the sidewalk to make way for an esplanade, to make the sidewalk handicap accessible including truncated domes for the visually impaired, new bituminous pavement and granite curbing, replacement of street lighting, street trees, and art improvements to a 750 foot retaining wall, the Main Street wall mural.

The project is currently in the design phase. Auburn's Engineering Department has undertaken an in-house project design with the assistance of an engineering company who will produce topography and identify the right-of-way. The design will be complete in mid-July. The Community Development office expects to advertise an invitation to receive bids on July 21 and to award a contract on early August 2009. The construction will commence by mid-August and will be substantially complete by November 30, 2009. The final completion date is June 1, 2010.

## **PROJECT LOCATION**

The project location is Main Street beginning at Academy Street and terminating at the bridge adjacent to Newbury Street, a total of 1,470 linear feet. The project is located in the Downtown Target Area.

## **ELIGIBILITY**

The Main Street Beautification project is eligible under 24 CRF 570.201(c) of the Community Development Block Grant regulations.

## **NATIONAL OBJECTIVE**

The Main Street Beautification project is located in Census Tract 101, Block Group 2 where 67.67% of the residents are low and moderate income persons. The project meets a national objective of low income benefit on an area basis. Based on area basis criteria 100% of the CDBG-R funds will benefit persons of low and moderate income.

## **CDBG-R PROJECT BUDGET**

\$169,648

## **OTHER LEVERAGED FUNDING**

\$219,352

## **TOTAL ACTIVITY BUDGET**

\$389,000

## **JOBS CREATED/RETAINED**

Since the Main Street project involves contracting, the City anticipates the project will create an economic benefit. The project is expected to create 6-9 full-time positions, 3 of which would be with the general contractor and the remaining 3-6 jobs will be hires by subcontractors.

## **ADDITIONAL ACTIVITY INFORMATION—ENERGY CONSERVATION**

The street lights involve replacing lease-lights with City-owned led lights. The LED lights will meet green standards with reduced environmental impacts, and will save the City considerable dollars over the years on lease fees, lighting maintenance, and energy costs.

## **ADMINISTRATION**

None of the CDBG-R funds will be allocated for administrative costs.

## **PUBLIC SERVICES**

None of the CDBG-R funds will be allocated for public services.

## **RESPONSIBLE ORGANIZATION/CONTACT INFORMATION**

The program administrator for CDBG-R funds will be the Community Development office of the City of Auburn. The contact person is Reine Mynahan, Community Development Office, 60 Court Street, Suite 344, Auburn, ME 04210, tel. 207 333-6601 ext. 1330, e-mail [rmynahan@ci.auburn.me.us](mailto:rmynahan@ci.auburn.me.us)

## **PUBLIC COMMENT PERIOD**

The City of Auburn's Citizen Participation Plan requires a 30-day comment period for substantial amendments to an Action Plan. The U. S. Department of Housing and Urban Development has granted waivers for certain requirements under CDBG-R funds. One of the waivers is to reduce the 30-day comment period to 7 days.

A notice was published in the Sun-Journal on May 18, 2009 that the CDBG-R Substantial Amendment of the FY2008 Action Plan was available for review and public comment. This Substantial Amendment was also published on the City's website. The public comment period was 14 days.

An elevator was in service for persons with accessibility needs. The Community Development office published a notice that a translator would be available to meet the needs of non-English speaking persons, a sign language interpreter to meet the needs of persons who are speech impaired. Persons with special needs needed to be contacted the Community Development Office to make arrangements for such services.

The Substantial Amendment was mailed to the Citizen's Advisory Committee members on May 15, 2009.

The Auburn City Council voted on the Substantial Amendment on June 1, 2009. The deadline for submitting the Substantial Amendment to the U. S. Department of Housing and Urban Development is June 5, 2009.

## **PUBLIC COMMENTS**

A member of the Citizen's Advisory Committee commented that he supported the general scope of work but was concerned about narrowing Main Street to slow down traffic. He felt this created a danger for people on bikes.

Response: The comment was forwarded to the Engineering Department for their consideration in determining the street width.

# CERTIFICATIONS

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



OPTIONAL CERTIFICATION

CDBG-R

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

# City Council

## Agenda Information Sheet

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**Council Meeting Date: 6/1/2009      Agenda Item No. 5**

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**SUBJECT:**

**RESOLVE – AUTHORIZE THE CITY MANAGER TO EXECUTE AN OPTION  
FOR WEBSTER SCHOOL TO AUBURN HOUSING  
AUTHORITY**

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**INFORMATION:**

On September 8, 2008, the City Council grant to the Auburn Housing Authority an option on the former Webster School building, located at 95 Hampshire Street, for the purpose of assisting a redevelopment of this property and building into an assisted housing project. Housing Authority staff and consultants completed and submitted an application for the requisite low income housing tax credits necessary to undertake this project. Due to a processing glitch the Housing Authority's application did not receive the tax credits needed for the project.

In order for the project to be considered it is necessary to grant an Option so that the Auburn Housing Authority can demonstrate site control. It is recommended that the Council grant an Option that runs sixty days subsequent to the due date of applications for the next round of tax credits by Maine Housing.

This item was discussed at the May 18<sup>th</sup> City Council Workshop.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of the resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: June 1, 2009

**TITLE: RESOLVE – AUHTORIZE CITY MANAGER TO EXECUTE AN  
OPTION FOR WEBSTER SCHOOL TO AUBURN  
HOUSING AUTHORITY.**

Be It Resolved by the Auburn City Council that the City Manager is hereby authorized to execute an Option for Webster School to Auburn Housing Authority as explained in the attached memo.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Manager



To: Glenn E. Aho, City Manger  
From: Roland G. Miller, Dir. Of Comm. & Economic Development  
Date: May 28, 2009

Re: Granting of an Option for Webster School

On September 8, 2008, the City Council granted to the Auburn Housing Authority an option on the former Webster School building, located at 95 Hampshire St., for the purpose of assisting a redevelopment of this property and building into an assisted housing project. Housing Authority staff and consultants completed and submitted an application for the requisite low income housing tax credits necessary to undertake this project. Due to a processing glitch the Housing Authority's application did not receive the tax credits needed for the project.

Since the application was submitted additional funds have been made available through the American Recovery and Reinvestment Act of 2009. Auburn Housing Authority staff has continued to work with Maine Housing and is hopeful that funding for this "shovel ready" project will be made available. If this project is not funded in the initial round, we expect it to rank very high when a second round of applications.

In order for the project to be considered it is necessary to grant an Option so that the Auburn Housing Authority can demonstrate site control. Under the terms of the original agreement the option expired on February 28, 2009. It is recommended that the Council grant an option that runs sixty days subsequent to the due date of applications for the next round of tax credits by Maine Housing.

# City Council

## Agenda Information Sheet

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**Council Meeting Date: 6/1/2009      Agenda Item No. 6**

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**SUBJECT:**

**PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT FOR CLUB TEXAS,  
150 CENTER STREET, AUBURN**

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**INFORMATION:**

All appropriate departments, Treasurer, Fire, Police and Planning and Permitting have given approval to this permit application.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of this permit.

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**REQUESTED ACTION:**

Motion to approve issuance of Special Amusement Permit until December 18, 2009.

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**VOTE:**

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 6/1/2009      **Agenda Item No.** 7

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**SUBJECT:**

**RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS (\$840)**

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**INFORMATION:**

Federal Forfeiture Law permits the forfeiture of currency/property used to facilitate drug trafficking or which exists as the result of being the proceeds of drug trafficking. The law further permits the United States to distribute up to 90% of the value of forfeited property to State and local law enforcement agencies who participate in the underlying investigation. Justice Department policy dictates that local law enforcement agencies must use the monies for “law enforcement purposes”. The funds being forfeited are \$840.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends passage of the resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: June 1, 2009

## **TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS (\$840)**

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$840. in connection with drug enforcement matters. The funds in question shall be made available to the Auburn Police Department for use in their law enforcement purposes.

Motion for passage:  
Vote:

Seconded by:

**ACTION BY COUNCIL:**

**DATE:**

**ATTEST:**

**CITY CLERK**

# City Council

## Agenda Information Sheet

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**Council Meeting Date 6/1/2009      Agenda Item No. 8**

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**SUBJECT:**

**RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS (\$729)**

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**INFORMATION:**

Federal Forfeiture Law permits the forfeiture of currency/property used to facilitate drug trafficking or which exists as the result of being the proceeds of drug trafficking. The law further permits the United States to distribute up to 90% of the value of forfeited property to State and local law enforcement agencies who participate in the underlying investigation. Justice Department policy dictates that local law enforcement agencies must use the monies for “law enforcement purposes”.  
The funds being forfeited are \$729.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends passage of the resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**



# CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: June 1, 2009

## **TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS (\$729)**

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$729 in connection with drug enforcement matters. The funds in question shall be made available to the Auburn Police Department for use in their law enforcement purposes.

Motion for passage:

Seconded by:

Vote:

**ACTION BY COUNCIL:**

**DATE:**

**ATTEST:**

**CITY CLERK**

# City Council

## Agenda Information Sheet

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**Council Meeting Date: 6/1/2009    Agenda Item No. 9**

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**SUBJECT:**

**RESOLVE – COMMITMENT OF U.S. DEPARTMENT OF ENERGY GRANT FUNDS (\$105,200) UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

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**INFORMATION:**

In an effort to reduce energy consumption and future maintenance, it is recommended that the existing lighting system for the Mechanics Row Parking Garage be changed to an LED (Light Emitting Diode) light system. The energy reduction will be in the range of 40 – 60% based upon the final fixtures that will be selected. The annual electrical cost for the Parking Garage is approximately \$50,000. Testing of various fixtures will be completed in June. This information will be forwarded to the U. S. Department of Energy prior to the application deadline of June 25, 2009.

This was discussed at the May 18<sup>th</sup> City Council Workshop.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of the resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: June 1, 2009

**TITLE: RESOLVE – COMMITMENT OF U.S. DEPARTMENT OF ENERGY  
GRANT FUNDS (\$105,200) UNDER THE AMERICAN  
RECOVERY AND REINVESTMENT ACT OF 2009**

Be It Resolved by the Auburn City Council That the City Manager is hereby authorized to submit to the U. S. Department of Energy the use of Grant Funds (\$105,200), under the American Recovery and Reinvestment Act of 2009, for the replacement of the existing lighting system in the Mechanics Row Parking Garage to LED (Light Emitting Diode) lighting. This action will reduce the cost of operating and maintaining the Parking Garage.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

# City Council

## Agenda Information Sheet

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**Council Meeting Date: 6/1/2009      Agenda Item No. 10**

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**SUBJECT:**

**RESOLVE – CITY MANAGER’S EMPLOYMENT AGREEMENT  
ADJUSTMENTS**

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**INFORMATION:**

For the period commencing May 27, 2008 and ending May 27, 2009, and in accordance with the Employment Agreement between the City and Glenn Aho, Section 2, “Term of Agreement” and Section 7, “Salary and Performance Evaluation”, the following compensation adjustments as of May 27, 2009: Bonus (0%), cost of living (0%), and performance (2.9%). The employment agreement is extended by one year to May 27, 2012.

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**STAFF COMMENTS/RECOMMENDATION:**

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: June 1, 2009

**TITLE: RESOLVE – CITY MANAGER’S EMPLOYMENT AGREEMENT  
ADJUSTMENTS**

Be It Resolved by the Auburn City Council that the following adjustments be made to the City Manager’s Employment Agreement:

For the period May 27, 2008 and ending May 27, 2009, and in accordance with the Employment Agreement between the City of Auburn and Glenn Aho, Section 2, “Term of Agreement” and Section 7, “Salary and Performance Evaluation”, the following compensation adjustments as of May 27, 2009: bonus (0%), cost of living (0%), and performance (2.9%); and extend the employment agreement by one year to May 27, 2012.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk