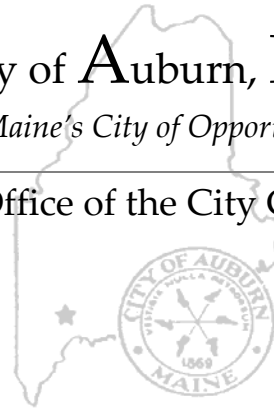


# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Clerk



## Council Meeting Agenda Packet

February 16, 2010

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 February 16, 2010

## Agenda

**5:00 p.m. Dinner**

**5:30 p.m. Workshop**

- A. Discussion: Discussion of Windmills (Roland Miller & Eric Cousens) (10 min)
- B. Update: Brownfield's Progress Report (Kelly Race, Weston & Sampson, and Tracey Steuber) (20 min)
- C. Discussion: National Endowment for the Arts (NEA) Grant (Tracey Steuber) (10 min)
- D. Discussion: Sno Gypsies (Glenn Aho) (20 min)
- E. Update: Minot Avenue Rotary (Eric Labelle) (10 min)
- F. Update: Minot Avenue – November 2009 Petition (Eric Labelle) (10 min)
- G. Update: Recycling
- H. Discussion: Appointments

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

**I. Consent Items**—All items listed with an asterisk (\*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda. **Consent item is as follows: Minutes of February 1, 2010**

### II. Minutes

\* Minutes of February 1, 2010

### III. Reports

#### Mayor

#### City Councilors

- Michael Farrell: Recreation Adv Bd, Airport, Audit, Lake Auburn Watershed Protection Comm
- Robert Hayes: Planning Bd, Water, Library, and Railroad
- Daniel Herrick: MMWAC, Auburn Housing
- David Young: School Committee, Cable TV Adv Board
- Raymond Berube: Lewiston-Auburn Economic Growth Council, Sewer, Audit, USM-L/A
- Belinda Gerry: LA Transit, Neighborhood Stabilization Program
- Eric Samson: 9-1-1, Auburn Business Development Corp, Andros Valley Council of Gov

#### City Manager

Finance Report – Month of January

### IV. Communications, Presentations and Recognitions

021610-00 Communication from Museum LA Re: LA DU (run, cycle and run event) Re: Use of City property and services

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

**VI. Unfinished Business**

021610-01 Ordinance – Amendment to Chapter 29, Section 3.69 – Setbacks in the Central Business District (Second Reading)

**VII. New Business**

021610-02 Resolve – Authorize Community Development Director to Execute Documents in Connection with Housing Development at 22 Pine Street

021610-03 Resolve – Authorize City Manager to Release Rights of Easement to Maine Department of Transportation (Old Danville Road to the Royal River)

021610-04 Resolve – Adopting a Moratorium on Medical Marijuana Dispensaries

021610-05 Appointments to the Railroad Board and the Board of Assessment Review

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

**IX. Future Agenda/Workshop Items**

**X. 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:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Labor contracts
- D. Contemplated litigation
- E. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- F. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- G. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

**CITY OF AUBURN  
FEBRUARY 1, 2010  
CITY COUNCIL MEETING**

**PRESENT**

Mayor Richard D. Gleason, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Eric G. Samson and Belinda A. Gerry, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Tracy Roy, Finance Director and City Clerk Mary Lou Magno. There were 45 people in the audience.

Mayor Gleason 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. Seconded by Councilor Young. Vote: 7 Yeas

**\*MINUTES OF JANUARY 19, 2010**

Approved under consent agenda.

**REPORTS OF THE MAYOR**

Mayor Gleason read a prepared written report noting events from January 28 thru January 31. (A copy of the report is on file in the City Clerk's Office.)

**REPORTS OF CITY COUNCILORS**

Councilors reported on their Council Committee Assignments

**REPORTS OF THE CITY MANAGER**

None

**COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS**

**RECOGNIZING RECIPIENTS OF THE 2009 PRESIDENTIAL VOLUNTEER SERVICE AWARDS**

Mayor Gleason and Chief Crowell recognized five Volunteers in Police Service that have been selected to receive the 2009 Presidential Volunteer Service Award for their many hours of service to the Auburn Police Department, they are, Norm Ness, David Levesque, Paul Paradis, Bruce Tilton, and Claire Barclay.

**PRESENTATION BY AMY SMITH – 2010 US CENSUS BUREAU RECRUITING ASSISTANT**

Amy Smith, Recruiting Assistant, for the 2010 US Census Bureau, spoke about the many temporary, part-time jobs that are available with the Census; she left an information packet with the City Clerk.

**COMMUNICATION FROM ADVOCATES FOR CHILDREN RE: USE OF CITY PROPERTY**

Councilor Herrick moved to accept the communication, place it on file, and that the request be approved. Seconded by Councilor Gerry. Vote: 7 Yeas.

**OPEN SESSION**

Larry Pelletier, 129 Second Street; Larry Morrissette, PO Box 3037; Rene Ouellette, 511 Merrow Road, representing the Andy-Valley Sno Gypsies (Mr. Ouellette read a prepared statement – copies of the statement and materials he circulated to the Council are on file in the City Clerk’s Office); and Dan Bilodeau, 207 North Auburn Road.

**OPEN SESSION CLOSED**

**UNFINISHED BUSINESS**

**1. RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF TAX ACQUIRED PROPERTY LOCATED AT 18 WESTERN PROM AND 126 GOFF STREET (TABLED 1/19/2010)**

Councilor Young moved to remove this item from the agenda. Seconded by Councilor Samson. Vote: 7 Yeas.

Councilor Berube moved for passage of the resolve. Seconded by Councilor Young. Vote: 4 Yeas with Councilors Farrell, Herrick and Gerry voting Nay.

**2. ORDINANCE – AMENDMENTS TO CHAPTER 26, ARTICLE 9, REGULATORY SIGNAGE (SECOND READING)**

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

**NEW BUSINESS**

**3. RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE LEASE WITH NEW AUBURN LITTLE LEAGUE**

Councilor Berube moved for passage of the resolve. Seconded by Councilor Gerry. Vote: 7 Yeas.

**4. ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.69 – SETBACKS IN THE CENTRAL BUSINESS DISTRICT (FIRST READING)**

Councilor Hayes moved for acceptance of first reading. Seconded by Councilor Berube. Eric Cousens, City Planner, explained the above ordinance and answered Councilors questions. Vote: 5 Yeas with Councilors Farrell and Gerry voting Nay.

**5. RESOLVE – AMENDMENT TO THE URBAN CONDITIONS STUDY OF 1994 (BLIGHT STUDY)**

Councilor Farrell moved for passage of the resolve. Seconded by Councilor Young. Vote: 7 Yeas.

**6. PUBLIC HEARING AND ACTION ON SPECIAL AMUSEMENT PERMIT APPLICATION FOR BABYLON, 34 COURT STREET**

Mayor Gleason opened the public hearing. Mary Katende, Police Chief Crowell, and Larry Morrissette, PO Box 3037, all made comments.

Councilor Berube moved to approve the permit. Seconded by Councilor Herrick. Vote: 7 Yeas.

**7. EXECUTIVE SESSION TITLE 1 MRSA, SECTION 405(A) PERSONNEL (ASSESSOR'S POSITION)**

City Manager Aho requested this be removed from the agenda.

**8. EXECUTIVE SESSION TITLE 1 MRSA, SECTION 405(D) CONTEMPLATED LITIGATION)**

Councilor Berube moved to go into Executive Session for the above stated reason. Seconded by Councilor Young. Vote: 7 Yeas.

**OPEN SESSION**

Larry Morrissette, PO Box 3037;

**CLOSED OPEN SESSION**

**ADJOURNMENT – 8:35 PM**

Councilor Farrell moved to adjourn. Seconded by Councilor Herrick. Vote: 7 Yeas.

**A TRUE RECORD**

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

# *City of Auburn, Maine*

## FINANCIAL MANAGEMENT REPORT JANUARY 2010



PREPARED BY THE FINANCE DEPARTMENT  
TRACY ROY, FINANCE DIRECTOR

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO:** Glenn E. Aho, City Manager  
**FROM:** Tracy Roy, Finance Director  
**REF:** January 2010 Financials  
**DATE:** February 10, 2010

Attached please find the financial report for the month of January 2010. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 58.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### **Revenues**

Revenues collected through January 31<sup>st</sup> were \$38,767,061, or 58.3%, of the budget. The accounts listed below are noteworthy.

- A. Excise tax collected for the month of January is \$185,095. Excise tax collected through January is at 53.34%. This is a \$143,628 decrease from last January and a \$222,066 decrease from fiscal year 2008.
- B. State Revenue Sharing for the month of January is \$295,947 which is 12.7% more than January 2009. The total percent of budget is 53.47% which is 4.96% less than projected. The State's original projection for fiscal year 2009 was \$3,667,110 which was then decreased to \$3,451,184 than decreased to \$3,110,749 and now further decreased to \$2,746,140. This revenue line item will be under budget by 22%
- C. Penalties & Interest are above anticipation due to collection of prior year's real estate and personal property taxes in the month of January, whereby \$10,711 was collected.



**Expenditures**

Expenditures through January 31<sup>st</sup> were \$38,507,336 or 58.3%, of the budget. Noteworthy variances are:

- A. Water and Sewer: Third quarter payment for hydrant charges paid.
- B. Property: The City paid \$2,812 to winterize Merrill Hill and Land Lab which was not budgeted and Tax office for H1N1 ordered plexi glass for protection.

**Investments**

This section contains an investment schedule as of January 31<sup>st</sup>, as well as a comparison of the investments between January 31<sup>st</sup> and the prior month. Currently the City's funds are earning an average interest rate of .36%, compared to approximately .65% last year at this time.

Respectfully submitted,

Tracy Roy  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - GENERAL FUND**  
**January 31, 2010**

| <u>ASSETS</u>  | January 31<br>2010 | December 31<br>2009 | Increase<br>(Decrease) |
|--|--------------------|---------------------|------------------------|
| CASH   | 17,584,488         | 19,652,720          | (2,068,231)            |
| RECEIVABLES  |                    |                     | -                      |
| ACCOUNTS RECEIVABLES   | 742,283            | 918,822             | (176,539)              |
| TAXES RECEIVABLE-CURRENT                                     | 16,566,507         | 16,882,218          | (315,711)              |
| DELINQUENT TAXES   | 415,075            | 415,075             | -                      |
| TAX LIENS  | 484,293            | 546,403             | (62,110)               |
| NET DUE TO/FROM OTHER FUNDS                                  | (6,822,424)        | (6,900,527)         | 78,103                 |
| <b>TOTAL ASSETS</b>  | <b>28,970,222</b>  | <b>31,514,711</b>   | <b>(2,544,489)</b>     |
|  |                    |                     | -                      |
| <u>LIABILITIES &amp; FUND BALANCES</u>                       |                    |                     | -                      |
|  |                    |                     | -                      |
| ACCOUNTS PAYABLE   | 216,877            | 207,426             | 9,451                  |
| WAGES & TAXES PAYABLE  | (135,219)          | (151,096)           | 15,877                 |
| ACCRUED PAYROLL  | 462,815            | 462,815             | -                      |
| STATE FEES PAYABLE   | 25,934             | 25,958              | (24)                   |
| PREPAID TAXES  |                    |                     | -                      |
| IN LIEU OF BONDS   | 64,250             | 64,250              | -                      |
| DEFERRED REVENUE   | 16,940,174         | 17,321,562          | (381,388)              |
| <b>TOTAL LIABILITIES</b>                                     | <b>17,574,830</b>  | <b>17,930,914</b>   | <b>(356,084)</b>       |
|  |                    |                     | -                      |
| FUND BALANCE - NOT DESIGNATED                                | 9,698,914          | 9,698,914           | -                      |
| FUND BALANCE - DESIGNATED FOR<br>WORKERS COMP & UNEMPLOYMENT |                    |                     | -                      |
| FUND BALANCE - DESIGNATED                                    | 1,134,224          | 1,134,224           | -                      |
| NET CHANGE IN FUND BALANCE                                   | 562,254            | 2,750,659           | (2,188,405)            |
| <b>TOTAL FUND BALANCES</b>                                   | <b>11,395,391</b>  | <b>13,583,796</b>   | <b>(2,188,405)</b>     |
|  |                    |                     | -                      |
| <b>TOTAL LIABILITIES<br/>AND FUND BALANCES</b>               | <b>28,970,222</b>  | <b>31,514,711</b>   | <b>(2,544,489)</b>     |

**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**AS OF January 31, 2010 vs. January 31, 2009**

| REVENUE SOURCE   | FY 2010<br>BUDGET    | ACTUAL<br>REVENUES<br>THROUGH JANUARY 3 | % OF<br>TOTAL<br>BUDGET | FY 2009<br>BUDGET    | ACTUAL<br>REVENUES<br>THROUGH JANUARY 3 | % OF<br>TOTAL<br>BUDGET |
|--|----------------------|---|-------------------------|----------------------|---|-------------------------|
| <b>TAXES</b>   |                      |   |                         |                      |   |                         |
| PROPERTY TAX REVENUE-<br>PRIOR YEAR REVENUE                  | \$ 38,616,214        | \$ 21,320,682                           | 55.21%                  | \$ 38,606,328        | \$ 22,030,158                           | 57.06%                  |
| HOMESTEAD EXEMPTION REIMBURSEMENT<br>ALLOWANCE FOR ABATEMENT | \$ 648,980           | \$ 626,815                              | 96.58%                  | \$ 648,980           | \$ 649,520                              | 100.08%                 |
| ALLOWANCE FOR UNCOLLECTIBLE TAXES                            | \$ -                 | \$ -                                    |                         | \$ -                 | \$ -                                    |                         |
| EXCISE   | \$ 3,100,000         | \$ 1,653,524                            | 53.34%                  | \$ 3,200,000         | \$ 1,797,152                            | 56.16%                  |
| PENALTIES & INTEREST   | \$ 180,000           | \$ 166,093                              | 92.27%                  | \$ 125,000           | \$ 124,243                              | 99.39%                  |
| <b>TOTAL TAXES</b>   | <b>\$ 42,545,194</b> | <b>\$ 24,926,566</b>                    | <b>58.59%</b>           | <b>\$ 42,580,308</b> | <b>\$ 25,242,122</b>                    | <b>59.28%</b>           |
| <b>LICENSES AND PERMITS</b>                                  |                      |   |                         |                      |   |                         |
| BUSINESS   | \$ 49,600            | \$ 22,940                               | 46.25%                  | \$ 49,900            | \$ 25,340                               | 50.78%                  |
| NON-BUSINESS   | \$ 297,600           | \$ 139,710                              | 46.95%                  | \$ 309,200           | \$ 188,461                              | 60.95%                  |
| <b>TOTAL LICENSES</b>  | <b>\$ 347,200</b>    | <b>\$ 162,650</b>                       | <b>46.85%</b>           | <b>\$ 359,100</b>    | <b>\$ 213,801</b>                       | <b>59.54%</b>           |
| <b>INTERGOVERNMENTAL ASSISTANCE</b>                          |                      |   |                         |                      |   |                         |
| STATE-LOCAL ROAD ASSISTANCE                                  | \$ 446,000           | \$ 181,455                              | 40.68%                  | \$ 450,000           | \$ 235,342                              | 52.30%                  |
| STATE REVENUE SHARING  | \$ 3,510,000         | \$ 1,876,923                            | 53.47%                  | \$ 3,775,000         | \$ 2,287,396                            | 60.59%                  |
| WELFARE REIMBURSEMENT  | \$ 42,000            | \$ 28,375                               | 67.56%                  | \$ 22,500            | \$ 28,156                               | 125.14%                 |
| OTHER STATE AID  | \$ 25,000            | \$ 23,475                               | 93.90%                  | \$ 30,000            | \$ 15,866                               | 52.89%                  |
| FEMA REIMBURSEMENT   | \$ -                 | \$ -                                    |                         | \$ -                 | \$ -                                    |                         |
| CITY OF LEWISTON   | \$ 154,000           | \$ -                                    | 0.00%                   | \$ 154,000           | \$ -                                    | 0.00%                   |
| EDUCATION SUBSIDY  | \$ 16,331,017        | \$ 9,092,556                            | 55.68%                  | \$ 16,418,792        | \$ 9,631,937                            | 58.66%                  |
| <b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>                    | <b>\$ 20,508,017</b> | <b>\$ 11,202,784</b>                    | <b>54.63%</b>           | <b>\$ 20,850,292</b> | <b>\$ 12,198,696</b>                    | <b>58.51%</b>           |
| <b>CHARGE FOR SERVICES</b>                                   |                      |   |                         |                      |   |                         |
| GENERAL GOVERNMENT   | \$ 132,675           | \$ 84,940                               | 64.02%                  | \$ 145,525           | \$ 89,701                               | 61.64%                  |
| PUBLIC SAFETY  | \$ 103,400           | \$ 78,199                               | 75.63%                  | \$ 80,000            | \$ 63,673                               | 79.59%                  |
| EMS TRANSPORT  | \$ -                 | \$ 3,230                                |                         | \$ 310,000           | \$ 4,282                                | 1.38%                   |
| EMS AGREEMENT & EMS SPECIAL REVENUE                          | \$ 70,000            | \$ 8,200                                | 11.71%                  | \$ -                 | \$ -                                    |                         |
| EDUCATION  | \$ 2,294,836         | \$ 1,885,166                            | 82.15%                  | \$ 2,212,514         | \$ 1,708,074                            | 77.20%                  |
| <b>TOTAL CHARGE FOR SERVICES</b>                             | <b>\$ 2,600,911</b>  | <b>\$ 2,059,734</b>                     | <b>79.19%</b>           | <b>\$ 2,748,039</b>  | <b>\$ 1,865,730</b>                     | <b>67.89%</b>           |
| <b>FINES</b>   |                      |   |                         |                      |   |                         |
| PARKING TICKETS & MISC FINES                                 | \$ 75,000            | \$ 12,820                               | 17.09%                  | \$ 65,000            | \$ 17,854                               | 27.47%                  |
| <b>MISCELLANEOUS</b>   |                      |   |                         |                      |   |                         |
| INVESTMENT INCOME  | \$ 300,000           | \$ 49,661                               | 16.55%                  | \$ 400,000           | \$ 209,786                              | 52.45%                  |
| INTEREST-BOND PROCEEDS                                       | \$ 125,000           | \$ 1,830                                | 1.46%                   | \$ 125,000           | \$ -                                    | 0.00%                   |
| RENTS  | \$ 129,000           | \$ 126,028                              | 97.70%                  | \$ 132,500           | \$ 129,732                              | 97.91%                  |
| UNCLASSIFIED   | \$ 40,500            | \$ (4,109)                              | -10.15%                 | \$ 40,000            | \$ 473,802                              | 1184.50%                |
| SALE OF RECYCLABLES  | \$ 21,000            | \$ 24,311                               | 115.77%                 | \$ 85,000            | \$ 50,652                               | 59.59%                  |
| COMMERCIAL SOLID WASTE FEES                                  | \$ 49,600            | \$ 42,735                               | 86.16%                  | \$ 57,500            | \$ 49,637                               | 86.33%                  |
| SALE OF PROPERTY   | \$ 30,000            | \$ 726                                  | 2.42%                   | \$ 490,000           | \$ 19,144                               | 3.91%                   |
| RECREATION PROGRAMS/ARENA                                    | \$ 33,102            | \$ -                                    | 0.00%                   | \$ 20,000            | \$ -                                    | 0.00%                   |
| MMWAC HOST FEES  | \$ 190,000           | \$ 115,606                              | 60.85%                  | \$ 190,400           | \$ 115,210                              | 60.51%                  |
| 9-1-1 DEBT SERVICE REIMBURSEMENT                             | \$ -                 | \$ -                                    |                         | \$ -                 | \$ -                                    | 0.00%                   |
| TRANSFER IN: TIF   | \$ 258,241           | \$ -                                    | 0.00%                   | \$ -                 | \$ -                                    |                         |
| TRANSFER OUT: TIF  | \$ -                 | \$ -                                    |                         | \$ (2,500,000)       | \$ -                                    | 0.00%                   |
| ENERGY EFFICIENCY  | \$ 7,000             | \$ 2,012                                | 28.74%                  | \$ -                 | \$ -                                    |                         |
| CDBG   | \$ 8,000             | \$ 4,002                                | 50.03%                  | \$ -                 | \$ -                                    |                         |
| UTILITY REIMBURSEMENT  | \$ 60,000            | \$ 39,706                               | 66.18%                  | \$ -                 | \$ -                                    |                         |
| CITY FUND BALANCE CONTRIBUTION                               | \$ 600,000           | \$ -                                    | 0.00%                   | \$ 575,534           | \$ -                                    | 0.00%                   |
| SCHOOL FUND BALANCE CONTRIBUTION                             | \$ 631,000           | \$ -                                    | 0.00%                   | \$ -                 | \$ -                                    |                         |
| <b>TOTAL MISCELLANEOUS</b>                                   | <b>\$ 2,482,443</b>  | <b>\$ 402,507</b>                       | <b>16.21%</b>           | <b>\$ (384,066)</b>  | <b>\$ 1,047,963</b>                     | <b>-272.86%</b>         |
| <b>TOTAL GENERAL FUND REVENUES</b>                           | <b>\$ 68,558,765</b> | <b>\$ 38,767,061</b>                    | <b>56.55%</b>           | <b>\$ 66,218,673</b> | <b>\$ 40,586,166</b>                    | <b>61.29%</b>           |

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**AS OF January 31, 2010 vs. January 31, 2009**

| DEPARTMENT                             | ACTUAL               |                                 |                   | ACTUAL               |                                 |                   |
|--|----------------------|---------------------------------|-------------------|----------------------|---------------------------------|-------------------|
|  | FY 2010 BUDGET       | EXPENDITURES THROUGH JANUARY 31 | % OF TOTAL BUDGET | FY 2009 BUDGET       | EXPENDITURES THROUGH JANUARY 31 | % OF TOTAL BUDGET |
| <b>ADMINISTRATION</b>                  |                      |                                 |                   |                      |                                 |                   |
| MAYOR AND COUNCIL                      | \$ 98,763            | \$ 57,913                       | 58.64%            | \$ 103,500           | \$ 58,569                       | 56.59%            |
| LEGAL SERVICES                         | \$ 64,200            | \$ 37,712                       | 58.74%            | \$ 55,000            | \$ 45,866                       | 83.39%            |
| CITY CLERK                             | \$ 147,306           | \$ 84,244                       | 57.19%            | \$ 140,367           | \$ 101,613                      | 72.39%            |
| CITY MANAGER                           | \$ 365,536           | \$ 145,208                      | 39.72%            | \$ 227,703           | \$ 141,607                      | 62.19%            |
| HUMAN RESOURCES                        | \$ 137,800           | \$ 71,773                       | 52.09%            | \$ 125,797           | \$ 78,212                       | 62.17%            |
| ASSESSING SERVICES                     | \$ 187,118           | \$ 100,456                      | 53.69%            | \$ 270,103           | \$ 147,964                      | 54.78%            |
| FINANCIAL SERVICES                     | \$ 412,589           | \$ 244,171                      | 59.18%            | \$ 374,058           | \$ 196,426                      | 52.51%            |
| CUSTOMER SERVICE                       | \$ 7,500             | \$ 580                          | 7.74%             | \$ 16,000            | \$ 7,423                        | 46.39%            |
| <b>TOTAL ADMINISTRATION</b>            | <b>\$ 1,420,812</b>  | <b>\$ 742,059</b>               | <b>52.23%</b>     | <b>\$ 1,312,528</b>  | <b>\$ 777,680</b>               | <b>59.25%</b>     |
| <b>COMMUNITY SERVICES</b>              |                      |                                 |                   |                      |                                 |                   |
| HEALTH & SOCIAL SERVICES               |                      |                                 |                   |                      |                                 |                   |
| ADMINISTRATION                         | \$ 61,766            | \$ 35,390                       | 57.30%            | \$ 49,240            | \$ 28,944                       | 58.78%            |
| ASSISTANCE                             | \$ 85,835            | \$ 44,263                       | 51.57%            | \$ 48,450            | \$ 51,758                       | 106.83%           |
| INFORMATION SYSTEMS                    |                      |                                 |                   |                      |                                 |                   |
| ICT                                    | \$ 293,862           | \$ 150,151                      | 51.10%            | \$ 258,809           | \$ 173,109                      | 66.89%            |
| ENGINEERING                            | \$ 347,145           | \$ 179,834                      | 51.80%            | \$ 435,626           | \$ 204,050                      | 46.84%            |
| PLANNING & PERMITTING                  | \$ 782,426           | \$ 436,224                      | 55.75%            | \$ 829,982           | \$ 480,394                      | 57.88%            |
| PARKS AND RECREATION                   | \$ 585,295           | \$ 326,039                      | 55.71%            | \$ 613,361           | \$ 347,851                      | 56.71%            |
| PUBLIC LIBRARY                         | \$ 919,407           | \$ 536,321                      | 58.33%            | \$ 919,407           | \$ 536,321                      | 58.33%            |
| COMMUNITY PROGRAMS                     | \$ 13,650            | \$ 10,500                       | 76.92%            | \$ 13,650            | \$ 11,850                       | 86.81%            |
| <b>TOTAL COMMUNITY SERVICES</b>        | <b>\$ 3,089,386</b>  | <b>\$ 1,718,722</b>             | <b>55.63%</b>     | <b>\$ 3,168,525</b>  | <b>\$ 1,834,276</b>             | <b>57.89%</b>     |
| <b>FISCAL SERVICES</b>                 |                      |                                 |                   |                      |                                 |                   |
| DEBT SERVICE                           | \$ 6,780,939         | \$ 6,141,807                    | 90.57%            | \$ 7,026,199         | \$ 6,734,365                    | 95.85%            |
| PROPERTY                               | \$ 629,749           | \$ 504,261                      | 80.07%            | \$ 553,307           | \$ 423,097                      | 76.47%            |
| WORKERS COMPENSATION                   | \$ 200,000           | \$ 200,000                      | 100.00%           | \$ 200,000           | \$ 200,000                      | 100.00%           |
| WAGES & BENEFITS                       | \$ 4,133,953         | \$ 2,372,933                    | 57.40%            | \$ 4,120,408         | \$ 2,345,497                    | 56.92%            |
| EMERGENCY RESERVE                      | \$ -                 | \$ -                            |                   | \$ 329,500           | \$ -                            | 0.00%             |
| <b>TOTAL FISCAL SERVICES</b>           | <b>\$ 11,744,641</b> | <b>\$ 9,219,001</b>             | <b>78.50%</b>     | <b>\$ 12,229,414</b> | <b>\$ 9,702,959</b>             | <b>79.34%</b>     |
| <b>PUBLIC SAFETY</b>                   |                      |                                 |                   |                      |                                 |                   |
| EMERGENCY MGMT AGENCY                  | \$ 6,352             | \$ 4,058                        | 63.88%            | \$ 7,120             | \$ 5,941                        | 83.44%            |
| FIRE DEPARTMENT                        | \$ 3,541,533         | \$ 1,993,594                    | 56.29%            | \$ 3,642,524         | \$ 2,046,543                    | 56.18%            |
| POLICE DEPARTMENT                      | \$ 2,953,587         | \$ 1,800,616                    | 60.96%            | \$ 2,995,571         | \$ 1,696,299                    | 56.63%            |
| <b>TOTAL PUBLIC SAFETY</b>             | <b>\$ 6,501,472</b>  | <b>\$ 3,798,268</b>             | <b>58.42%</b>     | <b>\$ 6,645,215</b>  | <b>\$ 3,748,783</b>             | <b>56.41%</b>     |
| <b>PUBLIC WORKS</b>                    |                      |                                 |                   |                      |                                 |                   |
| PUBLIC WORKS DEPARTMENT                | \$ 4,632,101         | \$ 2,446,828                    | 52.82%            | \$ 4,548,651         | \$ 2,657,784                    | 58.43%            |
| WATER AND SEWER                        | \$ 504,700           | \$ 381,219                      | 75.53%            | \$ 504,700           | \$ 258,313                      | 51.18%            |
| <b>TOTAL PUBLIC WORKS</b>              | <b>\$ 5,136,801</b>  | <b>\$ 2,828,047</b>             | <b>55.05%</b>     | <b>\$ 5,053,351</b>  | <b>\$ 2,916,097</b>             | <b>57.71%</b>     |
| <b>INTERGOVERNMENTAL PROGRAMS</b>      |                      |                                 |                   |                      |                                 |                   |
| AUBURN-LEWISTON AIRPORT                | \$ 106,750           | \$ 80,063                       | 75.00%            | \$ 96,750            | \$ 72,563                       | 75.00%            |
| E911 COMMUNICATION CENTER              | \$ 937,589           | \$ 703,197                      | 75.00%            | \$ 950,589           | \$ 712,942                      | 75.00%            |
| LATC-PUBLIC TRANSIT                    | \$ 130,000           | \$ 97,500                       | 75.00%            | \$ 130,000           | \$ 97,500                       | 75.00%            |
| LAEGC-ECONOMIC COUNCIL                 | \$ 96,429            | \$ 72,322                       | 75.00%            | \$ 106,429           | \$ 79,822                       | 75.00%            |
| L-A ARTS                               | \$ 24,267            | \$ 18,200                       | 75.00%            | \$ 24,267            | \$ 18,200                       | 75.00%            |
| COUNTY TAX                             | \$ 1,804,820         | \$ 1,804,820                    | 100.00%           | \$ 1,969,765         | \$ 1,969,765                    | 100.00%           |
| TAX SHARING                            | \$ 290,027           | \$ 45,124                       | 15.56%            | \$ 325,000           | \$ 47,174                       | 14.52%            |
| <b>TOTAL INTERGOVERNMENTAL</b>         | <b>\$ 3,389,882</b>  | <b>\$ 2,821,226</b>             | <b>83.22%</b>     | <b>\$ 3,602,800</b>  | <b>\$ 2,997,965</b>             | <b>83.21%</b>     |
| <b>EDUCATION DEPARTMENT</b>            | <b>\$ 34,197,536</b> | <b>\$ 17,380,014</b>            | <b>50.82%</b>     | <b>\$ 34,206,840</b> | <b>\$ 17,504,952</b>            | <b>51.17%</b>     |
| <b>TOTAL GENERAL FUND EXPENDITURES</b> | <b>\$ 65,480,530</b> | <b>\$ 38,507,336</b>            | <b>58.81%</b>     | <b>\$ 66,218,673</b> | <b>\$ 39,482,712</b>            | <b>59.62%</b>     |

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF JANUARY 31, 2010**

| INVESTMENT         | FUND              | ACCOUNT<br>BALANCE   | INTEREST<br>RATE | VALUE                |                      | WEIGHTED<br>AVG YIELD |
|--------------------|-------------------|----------------------|------------------|----------------------|----------------------|-----------------------|
|                    |                   |                      |                  | BOOK                 | MARKET               |                       |
| BANKNORTH MNY MKT  | GENERAL FUND      | 5,024,832.30         | 0.35%            | 5,024,832.30         | 5,024,832.30         | 17,586.91             |
| BANKNORTH MNY MKT  | GF-WORKERS COMP   | 49,070.75            | 0.10%            | 49,070.75            | 49,070.75            | 49.07                 |
| BANKNORTH MNY MKT  | GF-UNEMPLOYMENT   | 66,295.90            | 0.35%            | 66,295.90            | 66,295.90            | 232.04                |
| BANKNORTH CD       | GF-UNEMPLOYMENT   | 101,960.27           | 2.64%            | 101,960.27           | 101,960.27           | 2,691.75              |
| BANKNORTH MNY MKT  | SPECIAL REVENUE   | 1,747,089.62         | 0.35%            | 1,747,089.62         | 1,747,089.62         | 6,114.81              |
| BANKNORTH MNY MKT  | SR-PERMIT PARKING | 196,200.42           | 0.35%            | 196,200.42           | 196,200.42           | 686.70                |
| BANKNORTH MNY MKT  | SR-TIF            | 2,799,294.82         | 0.35%            | 2,799,294.82         | 2,799,294.82         | 9,797.53              |
| BANKNORTH MNY MKT  | CAPITAL PROJECTS  | 11,519,275.97        | 0.35%            | 11,519,275.97        | 11,519,275.97        | 40,317.47             |
| BANKNORTH MNY MKT  | CAPITAL PROJECTS  | 271,880.27           | 0.35%            | 271,880.27           | 271,880.27           | 951.58                |
| BANKNORTH CD       | CAPITAL PROJECTS  | 32,892.59            | 2.96%            | 32,892.59            | 32,892.59            | 973.62                |
| BANKNORTH MNY MKT  | SCHOOL            | 980,087.26           | 0.17%            | 980,087.26           | 980,087.26           | 1,666.15              |
| BANKNORTH MNY MKT  | ICE ARENA         | 46,992.50            | 0.10%            | 46,992.50            | 46,992.50            | 46.99                 |
| <b>GRAND TOTAL</b> |                   | <b>22,835,872.67</b> |                  | <b>22,835,872.67</b> | <b>22,835,872.67</b> | <b>0.36%</b>          |

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
COMPARISON OF DECEMBER 31, 2009  
AND JANUARY 31, 2010**

| INVESTMENT           | FUND             | DECEMBER 31, 2009    |                      | JANUARY 31, 2010     |                      | INCREASE (DECREASE) |                     |
|----------------------|------------------|----------------------|----------------------|----------------------|----------------------|---------------------|---------------------|
|                      |                  | VALUE                |                      | VALUE                |                      | VALUE               |                     |
|                      |                  | BOOK                 | MARKET               | BOOK                 | MARKET               | BOOK                | MARKET              |
| BANKNORTH MNY MARKET | GENERAL FUND     | 5,024,816.01         | 5,024,816.01         | 5,024,832.30         | 5,024,832.30         | 16.29               | 16.29               |
| BANKNORTH MNY MARKET | WORKERS COMP     | 49,066.58            | 49,066.58            | 49,070.75            | 49,070.75            | 4.17                | 4.17                |
| BANKNORTH MNY MARKET | UNEMPLOYMENT     | 66,276.20            | 66,276.20            | 66,295.90            | 66,295.90            | 19.70               | 19.70               |
| MBIA CLASS ACCOUNT   | UNEMPLOYMENT     | 101,805.50           | 101,805.50           | 101,960.27           | 101,960.27           | 154.77              | 154.77              |
| BANKNORTH MNY MARKET | SPECIAL REVENUE  | 1,747,074.14         | 1,747,074.14         | 1,747,089.62         | 1,747,089.62         | 15.48               | 15.48               |
| BANKNORTH MNY MARKET | PERMIT PARKING   | 196,142.11           | 196,142.11           | 196,200.42           | 196,200.42           | 58.31               | 58.31               |
| BANKNORTH MNY MARKET | TIF              | 2,799,278.69         | 2,799,278.69         | 2,799,294.82         | 2,799,294.82         | 16.13               | 16.13               |
| BANKNORTH MNY MARKET | CAPITAL PROJECTS | 11,519,275.97        | 11,519,275.97        | 11,519,275.97        | 11,519,275.97        | 0.00                | 0.00                |
| BANKNORTH MNY MARKET | CAPITAL PROJECTS | 271,799.46           | 271,799.46           | 271,880.27           | 271,880.27           | 80.81               | 80.81               |
| BANKNORTH CD         | CAPITAL PROJECTS | 32,849.07            | 32,849.07            | 32,892.59            | 32,892.59            | 43.52               | 43.52               |
| BANKNORTH MNY MARKET | SCHOOL           | 0.00                 | 0.00                 | 980,087.26           | 980,087.26           | 980,087.26          | 980,087.26          |
| BANKNORTH MNY MARKET | ICE ARENA        | 46,988.51            | 46,988.51            | 46,992.50            | 46,992.50            | 3.99                | 3.99                |
| <b>GRAND TOTAL</b>   |                  | <b>21,855,372.24</b> | <b>21,855,372.24</b> | <b>22,835,872.67</b> | <b>22,835,872.67</b> | <b>\$980,500.43</b> | <b>\$980,500.43</b> |

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 2/16/2010    **Agenda Item No.**    **Communication**

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**SUBJECT:**

**COMMUNICATION FROM MUSEUM LA RE: LA DU (RUN, CYCLE AND RUN EVENT) RE: USE OF CITY PROPERTY AND SERVICES**

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**INFORMATION:**

LADU is a “Duathlon” of historic proportion presented by Museum L-A; it is a run, cycle and run through the historic landscape of both cities. A minimum of 475 racers are expected with a cap at total of 560 racers. There will also be 100 course volunteers. The purpose of the race is to connect the generations through the celebration of rich history of work and community and to create a deep appreciation for our sense of place while contributing to the local economy. A complete copy of the request is attached.

Appropriate city departments have reviewed this request and the only concern is that there are no funds budgeted for this event. The cost for Police services is approximately \$300.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of the request. The City’s cost recovery is indirect in that the participants, spectators and volunteers will inject dollars into our local economy. There is also a community spirit factor that must be considered.

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**REQUESTED ACTION:**

Motion to approve request.

---

**VOTE:**

LA DU APPROVAL REQUEST FOR CITY OF AUBURN

Museum L-A

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

Re: LADU. A Duathlon of Historic Proportion presented by Museum L-A

Dear Councilors,

The Board of Directors and staff of Museum L-A respectfully submit the schedule for the premiere of LADU- a run, cycle and run through our remarkable historic landscape. The 2.6 mile run, 15 mile bike and 3 mile finish will race by our mills, our amazing river, over our canals and along side our century old businesses starting from the Camden Yarns Mill, future home of Museum L-A in the Simard-Payne Park. Expected total racers are 475 with a cap at total of 560 racers. We expect an additional 100 course volunteers. The purpose of this race is to connect the generations through the celebration of rich history of work and community and to create a deep appreciation for our sense of place while contributing to the downtown economy. Racers will be encouraged to- post race- spend time in the downtown eateries and shops.

Sunday, June 27, 8:00 A.M race start total race time expected 7AM-1PM.  
Permission to use Riverwalk along the Auburn Side of Simard-Payne park.

Run # 2

Museum L-A Volunteers = **25**

Police Officers = **2**

Leave TA cross Railroad Bridge- **1 Volunteer** at the River Walk intersection

Continue under Main St.

Through Molton Park- **1 Volunteer** in the Park

Exit Park @ Lt ,on Hutchins St.- **1 Volunteer** at the exit directing runners to their left and stay left

*(There should be cones out to the turnaround with signs indicating the runners stay left of cones in both directions)*

Follow dirt road trail out to turnaround- **1 volunteer** at Turnaround

Return on trail to Hutchins St.- **1 volunteer** at end of trail indicating runners continue to High St

Rt. On High St.- **1 volunteer**

*(There should be cones keeping runners to the right of traffic all along High St)*

Cross Academy- **1 officer** and **1 volunteer**

Rt. On Elm St.- **2 volunteers**

*(There should be cones directing the runners across to the left running into traffic)*

Left on Main St.- **1 officer** and **1 volunteer**

*(There should be cones keeping runners on the right running with traffic)*

Rt. On Miller St.- **1 volunteer**

Enter River Walk Path to left- **2 volunteers** at path intersection and entry

Follow River walk Past Hilton Garden Up to West Pitch Lookout – **1 volunteer** at Lookout turnaround



Turn around Follow River Walk Back down under bridge

Rt. On Alley near Gritty's – **2 volunteers**- one on path directing runners out towards West Pitch and one guiding them through the alley

Rt. On Main st.- **1 volunteer**

*(From this point until Water St there should be cones keeping runners to the right side of the road, cones on their left)*

Rt. Cross Longley Bridge- **1 volunteer** at corner directing runners to their right

Rt. On Lincoln St.- **2 volunteers**, one directing runners onto Lincoln and one watching car wash to hold up customers

Rt. On Water St.- **1 volunteer**

Cross walking bridge into Park- **1 volunteer**

Stay to left of finish 3.1 miles- **1 volunteer** at entrance to park directing runners to their left

In addition to the volunteers there should be approx 200-300 traffic cones for the streets as well as a dividing barrier along both the Trail off of Hutchins and the River walk from the alley at Gritty's up to West Pitch Lookout.

High St and Elm St: Runners will be on this course from approx. 8:50 am probably until about 10:30 am. If traffic gets backed up on High St waiting to turn onto Academy those drivers waiting on Minot Ave may go to Elm St to get around the wait. This could provide a higher traffic count on Elm than usual.

Moving runners across Elm St and Main St are the critical crossing areas. Suggest moving them to the side they are going to be turning to immediately upon entering those roads. By doing this they cross Elm and run down against traffic to Main St.

When they enter Main St from Elm they are directed immediately across to run with traffic. There should also be signs posted in advance prohibiting parking along Main St that morning. This would provide additional area to direct the runners. Cones should be used in both areas as well.

Respectfully request that any licensing fees be waived.

#### Liability Insurance

Museum L-A will secure USAT insurance in the amount of XXX (will be faxed to city clerk prior to the race).

#### Security

The Auburn Police Department will be asked to be responsible for traffic control, security in defined Auburn activity areas above. A full briefing will be held with Police Department liaison and staffing will be organized to cover manpower needs throughout the race.

#### Emergency Medical Services

Museum L-A will have EMS available on site at the Camden Yarns Mill parking lot at 1 Beech Street in Lewiston. No medical services will be required in Auburn due to brevity of race and proximity to medical services.

#### Trash Removal

Volunteers will be used to collect and bag trash. Volunteers will be used to keep race areas clean and clean up post race. Museum L-A and volunteers will collect trash at the water stop area in the city of Auburn.

#### Sanitary Facilities

A total of at least 8 portable toilets will be located at the Race Expo area at the Camden Yarns Mill on 1 Beech Street along the Simard-Payne Park by Museum L-A/no toilets will be required in Auburn due to race time and proximity to 1 Beech Street.

#### Sanitary Compliance for race nutrition tent

Museum L-A will ensure compliance with all dispensing of water and race course hydration. Race food will be provided at Camden Yarns Mill, 1 Beech Street Lewiston.

Parking for LADU Attendees

Participants will be asked and encouraged to park in the Lewiston parking garage at the corner of Lincoln and Canal.

We greatly appreciate Auburn's participation and are very appreciative that Tracey Steuber invited Museum L-A to host our logistics meeting in the Auburn City Building in early January. We look forward to an amazing race and to much enhanced civic pride post race!

Respectfully,

Rachel Desgrosseilliers  
Executive Director  
Museum L-A

Jennifer Dube-Works  
Development Director  
Museum L-A

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 2/16/2010      **Agenda Item No.** 1

---

**SUBJECT:**

**ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.69 – SETBACKS  
IN THE CENTRAL BUSINESS DISTRICT (SECOND READING)**

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**INFORMATION:**

Applicants for projects in the Central Business (CB) District have been requesting setback modifications to fit into the urban environment and continue the downtown appeal with modern development. Those projects include Auburn Hall, Mechanics Row Parking Garage, Riverwatch LLC (Hilton Garden Inn), Auburn Public Library, Great Falls Plaza Hotel and the proposed Great Falls Plaza Municipal Parking Garage. Based on all of the projects in this area requesting modifications, input from citizens and developers, the Auburn Downtown Master Plan, the Auburn Tomorrow Comprehensive Plan, and the purpose statement of the CB Zoning District, it is Staff's opinion that the setback requirements are making it difficult to achieve the City's short and long range goals and plans. The Planning Board reviewed this proposal and requested that the proposal be modified to assure that the City could require adequate sidewalks for new developments. Based on Planning Board's recommendation, the proposed changes now include a reference to existing sidewalk requirements in Chapter 32 to assure that adequate sidewalks are provided as part of any new developments. For additional information, please see the Planning Board staff reports provided for this item.

The Planning Board voted 4-0, with one abstention, to recommend that the City Council adopt the attached ordinance language.

City Council Workshop January 25, 2010

First reading approved Feb 1, 2010

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**STAFF COMMENTS/RECOMMENDATION:**

City Manager recommends approval of second reading and final passage.

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**REQUESTED ACTION:**

Motion for acceptance of second reading and final passage.

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**VOTE:**

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# City of Auburn

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City Council, Auburn, Maine

Date: February 1, 2010

## TITLE: ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.69 – SETBACKS IN THE CENTRAL BUSINESS DISTRICT (FIRST READING)

Be It Ordained by the Auburn City Council, That Chapter 29, Section 3.69 be amended as follows:

### 3.69 Central Business (CB)

- C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:
1. **Minimum Lot Width and Depth** – No minimums shall be applied to buildings in this district.
  2. **Density** – Not more than 80 percent of the total lot area shall be covered by buildings.
  3. **Yard Requirements**
    - a. **Rear** – There shall be behind every building a rear yard having a minimum depth of ~~35~~5 feet ~~or 20 percent of the average depth of the lot, whichever is less.~~
    - b. **Side** – All new buildings shall be constructed at least 5 feet from the side property line unless sharing a common wall with an adjacent building.
    - c. **Front** – ~~There shall be in front of every building a front yard having a minimum depth of 20 feet or 20 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots on either side. For the purpose of this Section, a vacant lot, a parking lot, a street or a lot occupied by a building with a front yard of more than 20 feet shall be considered as having a front yard of 20 feet. no front yard requirement where adequate sidewalks are available to meet the requirements of Chapter 32 Design and Construction Standards, section 5.J. Sidewalks and Other Walkways.~~

Where adequate right-of-way is not available, setbacks necessary to meet the sidewalk requirements referenced above shall be provided.

- d. **Principal Buildings** – More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

Motion for passage for acceptance of first reading: Robert Hayes      Seconded by: Raymond Berube

Vote: 5 Yeas with Councilors Farrell and Gerry voting Nay

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: City initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.69.C.3 to reduce the setback requirements in the Central Business District, pursuant to Section 8.1 of Chapter 29.

Date: January 12, 2010

### I. HISTORY

The Board discussed this proposal at the September meeting. The item was tabled to modify the language to include a reference to sidewalk standards. This reference is intended to require a larger front setback to accommodate pedestrian sidewalks on private property where adequate right-of-way is not available.

### II. PROPOSED LANGUAGE

#### 3.69 Central Business (CB)

C. Dimensional Regulations – All structures in this district, except as noted, shall be subject to the following dimensional regulations:

1. Minimum Lot Width and Depth – No minimums shall be applied to buildings in this district.
2. Density – Not more than 80 percent of the total lot area shall be covered by buildings.
3. Yard Requirements
  - a. Rear – There shall be behind every building a rear yard having a minimum depth of ~~35~~ 5 feet ~~or 20 percent of the average depth of the lot, whichever is less.~~

- b. **Side** – All new buildings shall be constructed at least 5 feet from the side property line unless sharing a common wall with an adjacent building.
- c. **Front** – ~~There shall be in front of every building a front yard having a minimum depth of 20 feet or 20 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots on either side. For the purpose of this Section, a vacant lot, a parking lot, a street or a lot occupied by a building with a front yard of more than 20 feet shall be considered as having a front yard of 20 feet.~~ no front yard requirement where adequate sidewalks are available to meet the requirements of Chapter 32 Design and Construction Standards, section 5.J. Sidewalks and Other Walkways. Where adequate right-of-way is not available, setbacks necessary to meet the sidewalk requirements referenced above shall be provided.
- d. **Principal Buildings** – More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

Below is a copy of Chapter 32 Design and Construction Standards, section 5.J. Sidewalks and Other Walkways:

- J. Sidewalks and Other Walkways: It is the policy of the City of Auburn to encourage developers to construct sidewalks as part of all new residential and commercial projects in order to enhance the quality of life, area aesthetics, neighborhood integrity, and to promote alternative, non-motorized modes of transportation.
  - 1. Sidewalks with esplanades shall be provided along one side of all local streets and both sides of all collector, commercial and industrial streets and shall connect with the existing sidewalk network in the vicinity of the development.
  - 2. The Planning Board may require walkways in open space or recreation areas that are designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks and walkways in the vicinity.
  - 3. Sidewalks and walkways shall be clear and free of encumbrances.
  - 4. Areas within street right of ways which are reserved for future sidewalks and esplanades shall be designed and graded to the standards and specifications contained herein.
  - 5. Esplanades shall be sloped at 1/2 inch per foot from the sidewalk to the street curb and shall be loamed, seeded, and mulched in accordance with Subsection 6.3,F (4,5, &6).

6. The Planning Board may waive the requirement to build sidewalks under certain circumstances.
  - a. When the developer can demonstrate to the Planning Board's satisfaction that the nature of the development does not lend itself to pedestrian uses by the residents, employees, or the public;
  - b. When the developer can demonstrate that the cost of building the sidewalk makes the project financially impossible (i.e. the developer has sufficient financing for the project except for the cost directly attributable to the construction of the sidewalks);
  - c. With respect to residential developments, if there are no existing sidewalks in the proximity of the development and the City has no plans to construct sidewalks that would connect to the proposed development, the Planning Board may waive the requirement at the developer's request.

If the City does have plans to construct new sidewalks that would connect to the proposed development, then the Planning Board shall require the developer to place an amount in interest bearing escrow sufficient to fund the cost of constructing sidewalks within the development. If the City has not budgeted the new connecting sidewalk within 5 years after the development has been completed, at the request of the developer to the City Manager, the City shall return the money held in escrow, plus interest.

I look forward to discussing this with the Board and hope that we can finalize recommended language at the hearing.

Eric Cousens  
City Planner



# 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: City initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.69.C.3 to reduce the setback requirements in the Central Business District, pursuant to Section 8.1 of Chapter 29.

Date: September 9, 2009

### I. HISTORY

Applicants for projects in the Central Business (CB) District have been requesting setback modifications to fit into the urban environment and continue the downtown appeal with modern development. Those projects include Auburn Hall, Mechanics Row Parking Garage, Riverwatch LLC (Hilton Garden Inn), Auburn Public Library, Great Falls Plaza Hotel and the proposed Great Falls Plaza Municipal Parking Garage. Based on all of the projects in this area requesting modifications, input from citizens and developers, the Auburn Downtown Master Plan, the Auburn Tomorrow Comprehensive Plan, and the purpose statement of the CB Zoning District, Staff opines that the setback requirements are making it difficult to achieve the City's short and long range goals and plans.

### II. PLAN SECTIONS

#### Auburn Downtown Master Plan (ADAPT) Land Use and Zoning Analysis (Page 5)

The **Central Business Zone** (Pink) is not as uniformly developed as the other two zones in the study area. This zone has a number of distinctive historic buildings, and in contrast, a variety of new types of development and large open spaces dedicated to parking. With the exception of the historic district this area appears to be on the verge of becoming suburbanized, and an extension of the General Business District. In order to arrest this trend it will be important for the City to exercise all of its power, authority and influence in discouraging the further loss of historic buildings and developing alternatives to seas of surface parking within the core of the City. The City should adopt definitive design guidelines for this zone that address the character and style of new buildings, signage, parking, landscaping and lighting. Over the long term areas that are now large open surface parking lots should be developed with new buildings or structured parking. In addition to physical design guidelines, the City should create incentives for creating ground floor uses that are "people generators" - restaurants, galleries, boutiques, shops, office service centers. Parking regulations should be structured so that it is easy and inexpensive to park long term in more remote areas and convenient but more expensive to park in short-term parking areas.

|    |   |    |  |  |
|----|---|----|--|--|
| 3. | <u>Commercial Mix</u> . Allow maximum use of existing commercial areas. | A. | <u>Development Mixture</u> . Continue to allow, encourage and expand a diversity of uses (mixed uses) in commercial areas.                 | Community Development and Planning/Ongoing |
|    |   | B. | <u>Intensity</u> . Allow commercial uses to be used more intensively.  | Planning Board, City Council/1997          |
|    |   | C. | <u>Downtown</u> . Continue to allow and encourage high value, intensive uses in the downtown. Encourage a pedestrian-oriented environment. |  |

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### III. PROPOSED LANGUAGE

#### 3.69 Central Business (CB)

- A. **Purpose** – This district is intended to provide for the diversity of uses appropriate and compatible with the City’s historic center and central business district. It seeks to preserve and promote the variety of interrelated uses present in or appropriate to the district; a city-wide and regional marketplace, light industry area, medium to high density residential environment and major focus of governmental, civic, meeting, entertainment and culture activity.
- B. **Use Regulations** –
1. **Permitted Uses** – The following uses are permitted:
    - a. All uses permitted in General Business (GB) District except warehouses, wholesale offices and animal hospitals.
    - b. All uses permitted in the Multi-Family Urban (MFU) District.
    - c. Delicatessens and similar carry-out restaurants.
    - d. Temporary outdoor places of amusement.
  2. **Special Exception Uses** – The following uses are permitted as Special Exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:
    - a. Any use permitted by Special Exception in the General Business (GB) District except: automobile sales lots and service agencies, automobile scrap yards, outdoor theaters, automobile paint and body repair shops, commercial parks and outdoor places of amusement and sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers and machine equipment and carry-out restaurants.
    - b. Any use permitted by Special Exception in the Multi-Family Urban (MFU) District.

- c. All new construction and expansions of existing buildings. In the review of these developments, the Planning Board shall consider the development guidelines in Section 3.69.D.
  - d. Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under Section 3.69.B.1 which will occupy an area of 5,000 square feet or more.
- C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:
- 1. **Minimum Lot Width and Depth** – No minimums shall be applied to buildings in this district.
  - 2. **Density** – Not more than 80 percent of the total lot area shall be covered by buildings.
  - 3. **Yard Requirements**
    - a. **Rear** – There shall be behind every building a rear yard having a minimum depth of ~~355~~ feet ~~or 20 percent of the average depth of the lot, whichever is less.~~
    - b. **Side** – All new buildings shall be constructed at least 5 feet from the side property line unless sharing a common wall with an adjacent building.
    - c. **Front** – There shall be ~~in front of every building a front yard having a minimum depth of 20 feet or 20 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots on either side. For the purpose of this Section, a vacant lot, a parking lot, a street or a lot occupied by a building with a front yard of more than 20 feet shall be considered as having a front yard of 20 feet.~~ no front yard requirement.
    - d. **Principal Buildings** – More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

### III. RECOMMENDATION:

We have a unique opportunity, thanks to Urban Renewal Plans of the 1960's, to choose to develop the remainder of our downtown in a way that is consistent with the historic areas or to

move in a more suburban direction. The public input and extensive planning processes of the Auburn Tomorrow-Comprehensive Plan and especially the ADAPT Plan have clearly stated that the suburbanization of the Central Business District is not desirable. The current setback requirements of the CB District are similar to the General Business (GB) Zoning District. The current requirements are encouraging buildings to be set back from the street and rear property lines and promoting a suburban style of development when modifications of the requirements are not in place. We have developers and long range plans asking for the same thing-to develop the remaining land in the downtown in a way that is consistent with the historic portions of the downtown. Providing public parking will be a key component of realizing the goals set out in the above mentioned plans.

Staff recommends that the Board consider public input and existing conditions/situations in the CB District and support or modify the proposed language based on that information.

Staff supports the adoption of the proposed language, with any Board modifications, and recommends that the Planning Board forward a favorable recommendation to the City Council to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.62 Central Business to reduce setback requirements in an effort to avoid suburbanization of the district and promote a pedestrian friendly traditional downtown, as shown above, pursuant to Section 8.1 of Chapter 29.

Eric Cousens  
City Planner

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 2/16/2010

**Agenda Item No.** 2

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**SUBJECT:**

**RESOLVE – AUTHORIZE COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE DOCUMENTS IN CONNECTION WITH HOUSING DEVELOPMENT AT 22 PINE STREET**

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**INFORMATION:**

Community Development staff has been working with Tedford Housing for the past three years to redevelop the former Franklin School property at 22 Pine Street. The FY2009 HOME Investment Partnerships Program budget included funds that were earmarked for rehabilitation of this building. The property will house 6 formerly homeless individuals who will receive support services. Grants and deferred loans from the U. S. Department of Housing and Urban Development and Maine Housing make up the majority of the \$916,654 redevelopment budget. The City of Auburn's share of the package is \$120,000. The developer is preparing to proceed with the purchase and construction. The last detail before the closing is for the Department of Housing and Urban Development to complete a subsidy layering analysis of the project funding. Before that is undertaken, all funds must be committed to the project. The proposed commitment letter is attached for City Council approval.

City Council Workshop February 1, 2010

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**STAFF COMMENTS/RECOMMENDATION:**

City Manager recommends passage of the resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

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# City of Auburn

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City Council, Auburn, Maine

Date: February 16, 2010

TITLE: RESOLVE - AUTHORIZE COMMUNITY DEVELOPMENT  
DIRECTOR TO EXECUTE DOCUMENTS IN  
CONNECTION WITH THE HOUSING DEVELOPMENT  
AT 22 PINE STREET

Be It Resolved by the Auburn City Council that the terms of the Commitment Letter dated February 17, 2010 presented to the City Council, to be issued to Tedford Housing to support the local development of affordable supportive housing; that the City Council authorizes the Community Development Director to execute and deliver a Commitment Letter substantially in the form of such Commitment Letter and to execute and deliver any and all other documents necessary in connection with the transaction described in the Commitment Letter in connection with the housing development at 22 Pine Street.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine  
*"Maine's City of Opportunity"*  
Community Development Program

February 17, 2010

Don L. Kniseley, Executive Director  
Tedford Housing  
P. O. Box 958  
Brunswick, ME 04011

Dear Don:

I am pleased to advise you that the City of Auburn (hereinafter "City") is extending its commitment to make a loan on the following terms and conditions:

|   |   |
|---|---|
| <b>Borrower:</b>                              | Tedford Housing   |
| <b>HOME Funds:</b>                            | \$120,000 for construction financing for the development of affordable housing.   |
| <b>Location:</b>                              | Union Street Community Development Target Area at 22 Pine Street, Auburn, ME  |
| <b>Project:</b>                               | Develop rental housing for the homeless.  |
| <b>HOME Units:</b>                            | 6   |
| <b>Other Units to Benefit<br/>Low Income:</b> | n/a   |
| <b>Term:</b>                                  | Deferred loan due on sale or transfer of real estate title or when the property ceases to be occupied by formerly homeless persons. |
| <b>Interest Rate:</b>                         | Non-interest bearing loan (0%)  |
| <b>Financing Repayment:</b>                   | There will be no monthly payments provided project complies with HOME Investment Partnerships Program (HOME) regulations and        |

requirements during the affordability period. The loan will be due on sale or transfer of real estate title.

**Prepayment Penalty:** None.

**Legal Fees:** Borrower agrees to pay any legal fees for all costs incurred by the City in connection with this loan.

**Security:** Shared first priority lien with MaineHousing on a parity basis based upon the pro rata contribution of both parties on 22 Pine Street.

**HOME Program Conditions:**

This commitment is subject to the laws, rules and regulations that apply to activities assisted by the HOME Investment Partnership Act (24 CFR Part 92), as authorized by Title II of the Cranston-Gonzalez National Affordable Housing act, also known as the HOME Investment Partnership Act (the "HOME Act"). The Project shall comply with the HOME Act for the term of the loan.

**Borrower's Commitment:**

The Borrower agrees 6 rental units shall be available to persons earning less than 80% of median income, and subject to HOME rent limitations and income targeting of tenants.

**Handicap Accessible Units:**

The developer will make reasonable accommodations for persons with disabilities. Five percent of the total housing units will meet ADA accessibility standards.

**Affirmative Marketing Plan:**

The Borrower shall develop an Affirmative Marketing Plan in accordance with the City's Fair Housing and Affirmative Marketing Policy, and shall remain in compliance with the Auburn HOME Consortium Fair Housing and Affirmative Marketing Policy during the duration of the loan.

**Disbursement of Funds:**

All City funds will be paid out as construction costs incurred for construction of the project pursuant to a construction loan agreement. Requests for payments shall be submitted and approved by the City. The pro forma total development cost is \$916,654. Total construction cost will be \$916,654 less acquisition of \$35,000 and less sponsor's overhead of \$30,000, or \$851,654. The City's disbursement of funds will be 14% of the construction cost of \$851,654, or \$119,231.56. The City will pay for 14% of each approved requisition until the total for the City's disbursements equal \$119,231.56. The balance of the City's funding will be paid at the time of the last approved requisition.

**Cost Overruns:**

The Borrower shall pay for all cost overruns. The Borrower will not incur additional debt to pay for any such cost overruns without the prior written consent of the City, which permission shall not be unduly withheld.

**Inspections:**



The City shall have the right to inspect all construction work financed, in whole or in part, with the proceeds of the loan. The City will inform the Borrower and/or contractor of any non-compliance with respect to the construction work, and the corrective action needed. The Borrower agrees that no payment shall be made until the work is acceptable. The Borrower will take all steps necessary to assure that the City is permitted to examine and inspect the construction work, and all contracts, materials, equipment, payrolls, and conditions of employment pertaining to the work, including all relevant data and records.

**Access to Records:**

The Borrower agrees to keep such records as may be required by the City with respect to the construction work financed, in whole or in part, with the aid of the loan. The Borrower will, at any time during normal business hours, and as often as the City may deem necessary, permit the City or any agency or duly authorized representative providing funding for the project, to have full and free access to its books, documents, papers, and records which are duly pertinent to this project for the purpose of making audits, examinations, excerpts and transcriptions.

**Borrower's Responsibility:**

The Borrower agrees that it will indemnify and hold harmless the City, its employees, agents, or invitees from any and all disputes on claims of any nature for damages which may arise from the performance of any duties and responsibilities performed on behalf of the Borrower and from the performance or any construction activity.

**Construction Requirements:**

- a. The Borrower accepts ultimate responsibility for fulfillment of the construction work.
- b. Prior to loan closing, the Borrower will provide the City with construction proposals that document the cost and competitive pricing.
- c. The Borrower shall pay all fees or charges for permits, as may be required by the local regulatory body.
- d. The Borrower shall execute a Construction Loan Agreement satisfactory to the City.
- e. The Borrower shall supervise the construction work.
- f. The City and Borrower shall authorize the payment upon receipt of itemized invoices from the general contractor indicating the work activity and percentage of work completed. The Borrower shall require that the general contractor keep the project free of mechanics' liens and provide partial lien waivers.
- g. The construction of improvements shall commence by June 15, 2010 and shall be complete by June 15, 2011.
- h. The units shall be constructed in accordance with all applicable property codes.

**Environmental Conditions:**

The Borrower agrees that the Project shall comply with all federal, state and municipal environmental requirements, including without limitation, the requirements of National Environmental Policy Act to the extent applicable, and that a Request for Release of Funds will be required prior to closing.

**Compliance with Laws and Federal Regulations:**

The commitment is subject to the project's compliance with all applicable federal, state, and local laws, regulations, and ordinances pertaining to, without limitation, land use, the

environment and equal access to public accommodations. If required, borrower's counsel shall provide written opinions regarding these issues.

The Borrower further agrees to abide by all terms and conditions of Federal Regulations listed below:

- a. Civil Rights - The Borrower will be required to comply with Title VIII of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988, barring discrimination upon the basis of race, color, religion, creed, sex, handicap, familial status, or national origin in the sale, lease, rental, use, or occupancy of the subject property.
- b. Federal Labor Standards - The Borrower shall require that the contractor pay wages to laborers and mechanics at a rate not less than the minimum specified in the Wage Decision for the entire project. Further, the Wage Determination and Federal Labor Standards Provisions found in Appendix A shall be inserted in all construction contracts for work to be performed subcontractors during the construction period.
- c. Interest of Members, Officers, or Employees of City of Auburn, Members of the Local Governing Body, or Other Public Officials - No elected or appointed official or employee of the City, and no member of any municipal board or committee which exercises any decision making functions with respect to the Community Development Programs, shall participate in negotiating or shall exercise any influence in awarding or administering any contract in which he has a direct or indirect pecuniary interest as that term is defined by 30 M.R.S.A. Section 2250.
- d. Bonus Commission or Fee - Borrower will not pay any bonus, commission, or fee for the purpose of obtaining the City's approval of the loan application, or any other approval or concurrence required by the City or its designee to complete the project.
- e. Equal Employment Opportunity - The Borrower shall require that the Contractor comply with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR Part 60).
- f. Section 3 Compliance in the Provision of Training, Employment and Business Opportunities: This commitment is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u), as amended, the HUD regulations issued pursuant thereto at 24 CFR part 135, and any applicable rules and orders of HUD.
- g. Energy Efficiency: The construction work shall comply with the standards and policies relating to energy efficiency which are contained in the State of Maine energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163) and HUD's Energy Star Standards.

- h. The Copeland Anti-Kickback Act: The Borrower shall require that the contractor comply with the Copeland Anti-Kickback Act. This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which he is otherwise entitled.
- i. Contract Work Hours and Safety Standards Act: The Borrower shall require that the contractor comply with the Contract Work Hours and Safety Standards Act. Each contractor shall be required to compute wages of every mechanic or laborer on the basis of a standard workweek of 40 hours. No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor.
- j. Fair Housing: The Borrower shall comply with applicable federal and state laws. Executive orders and regulations pertaining to fair housing and equal housing opportunity under Title VI of the Civil Rights “Act of 1964, as amended, Title VIII of the Civil Rights Act of 1968, as amended, Executive Order 12259 Age Discrimination Act of 1975, as amended, and Maine Human Rights Act.
- k. Lead-Based Paint: The Borrower shall comply with applicable federal and state laws with respect to the Residential Lead-Based Paint Hazard Reduction Act of 1992, Title X of the Housing and Community Development Act of 1992, as amended.

**Legal Opinions:**

Borrower shall provide the City at closing a legal opinion from counsel satisfactory to the City as follows:

- a. Stating that all Loan Documents have been duly authorized, executed, and delivered by Borrower.
- b. Indicating compliance of the real estate with all laws, ordinances, codes, rules and regulations applicable to the use, occupancy and operation thereof.
- c. Stating that there are no actions, suits, or proceedings pending or threatened against or affecting Borrower or its assets.
- d. That Borrower is duly authorized under the laws of the state of Maine and in good standing, and that the execution of the Loan Documents and the compliance with the obligations of Borrower pursuant to the Loan Documents will not violate any of Borrower’s constituent documents, and all Loan Documents will be binding and enforceable against the Borrower.

**Title Requirement:**

Borrower shall provide the City, prior to loan closing, a commitment from a mortgagee’s title insurance policy with respect to the project from a title insurer acceptable to the City, in the face amount of One Hundred Twenty Thousand Dollars (\$120,000.00), for a policy in standard ALTA form insuring the City that Borrower holds marketable fee simple title and that the mortgage securing the loan will create a valid, enforceable and first shared priority lien on Borrower’s title to such property, subject only to such exceptions as the City may approve in writing. The policy shall further contain such endorsements or affirmative insurance as the City in its discretion may require. The cost of the title

insurance and any title search required for the issuance of the insurance shall be paid by the Borrower.

**Insurance Requirement:**

Borrower shall obtain and maintain with respect to the project and any additional property which is to serve as collateral for the loan and its operations such insurance as the City may require including:

“all risks” property insurance on the project written on a builder’s risk, completed value, non-reporting form and in compliance with any co-insurance clause;

“hazard and comprehensive general liability” insurance on all personal and business assets taken as security for this transaction, in such amounts and for such coverage as shall be satisfactory in all respects to the City.

“flood insurance since the property is located in a designated flood hazard area. The borrower will provide evidence of flood hazard insurance coverage and abide by the regulations of the Flood Disaster Protection Act of 1973.

The insurance policies shall name the City as mortgagee and loss payee and shall be first payable in case of loss to the City pursuant to standard non-contributory mortgage clauses and lender’s loss payable endorsements. The liability insurance policies shall name the City as an additional insured. For the purpose of insurance, the City shall be named as City of Auburn, its successor and assigns.

All insurance referred to in this commitment shall be issued by such insurers as are approved by the City and licensed by the Maine Bureau of Insurance. Policies shall provide for written notice to the City as least thirty (30) days prior to notice of cancellation, non-renewal, modification or expiration. The Borrower shall provide proof of insurance for the duration of the loan. Duplicate originals or certified copies of the insurance required above, together with proof of payment of premiums, shall be delivered to the City prior to the closing of the loan.

**Authority to Act:**

Borrower shall provide such evidence of its organization, existence, legal good standing, and authority to enter into the transaction contemplated by this commitment letter as may be required by the City and its counsel.

**Miscellaneous:**

The Borrower is required to obtain the City’s written approval prior to any corporate officer, or designated representative, initiating any material change in the ownership structure, control, or operation of the Borrower including, but not limited to 1) merger into or consolidation with any other person, firm, partnership or corporation; 2) selling or transferring any portion of the ownership or capital stock of the Borrower; 3) changing the nature of its business; or 4) distribution, liquidation, dissolution or other disposal of the Borrower’s assets.

This commitment letter shall not be assigned by the Borrower without the prior written consent of the City.

The transactions contemplated by this letter shall be governed by the laws of the State of Maine.

The City may terminate this commitment prior to the loan closing if:

- a. the Borrower fails or refuses to comply with any of the terms and conditions set forth herein; or
- b. any adverse change, in the sole opinion of the City, shall occur with respect to the Borrower, any partner of Borrower or any other person or entity connected with the loan or any collateral for the loan or other source of repayment of the loan at any time prior to the loan closing; or
- c. any part of the assets to be pledged as collateral for the loan shall have been taken in condemnation or other like proceeding, or any such proceeding is pending or threatened at the time of loan closing, or
- d. the Borrower, any partner to the Borrower or any other person on entity connected with the loan or any collateral for the loan or other source of repayment shall be insolvent or involved as debtor in any termination.

Such termination shall become effective upon the mailing of notice to the Borrower at the address of the Borrower shown on this commitment letter.

The Borrower agrees that any and all disputes or claims of the Borrower or against the City or its agents arising out of or relating to this commitment letter, the loan, the loan documents, any collateral securing the loan or the conduct of the City or its agents, shall be resolved solely by means of binding arbitration conducted in Auburn, Maine in accordance with the rules of the American Arbitration Association governing commercial arbitration.

The terms of the commitment will not be waived or modified except in writing and signed by the parties to this commitment.

Unless the loan is closed by June 1, 2010 this commitment will expire. Any extension or revision of this commitment will be at the sole option of the City and must be in writing.

If these terms and conditions are satisfactory, please sign and return the enclosed copy of this letter no later than our close of business on February 26, 2010, unless we receive a signed copy of this letter by that date, this commitment will expire.

Sincerely,

Reine Mynahan  
Community Development Director

Acceptance of Commitment Letter

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Don L. Kniseley  
For Tedford Housing

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 2/16/2010      **Agenda Item No.** 3

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**SUBJECT:**

**RESOLVE – AUTHORIZE CITY MANAGER TO RELEASE RIGHTS OF EASEMENT TO MAINE DEPARTMENT OF TRANSPORTATION (OLD DANVILLE ROAD AT THE ROYAL RIVER)**

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**INFORMATION:**

The Maine Department of Transportation, as part of their bridge replacement project on the Old Danville Road at the Royal River, has requested the City of Auburn release a certain easement. This easement was acquired by the City from the adjacent property owner, Thelma Redmun, in 1990. The easement is for the right to maintain a retaining wall and stone riprap slope protection that was constructed as part of repairs for flood damage from 1989. The wall and slope are in an area being acquired by MDOT and will be removed as part of their project. This negates the necessity of the easement and is why they are requesting the release.

MDOT will pay the City \$500 at the time of acquisition as just compensation and full payment for the easement to be released.

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**STAFF COMMENTS/RECOMMENDATION:**

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: February 16, 2010

**TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO RELEASE RIGHTS OF EASEMENT TO MAINE DEPARTMENT OF TRANSPORTATION (OLD DANVILLE ROAD AT THE ROYAL RIVER)**

Be It Resolved by the Auburn City Council That the City Manager is authorized to execute a release of an easement as requested by the Maine Department of Transportation in the area of the Old Danville Road at the Royal River and as depicted on the attached plan.

Motion for acceptance:

Seconded by:

Vote:

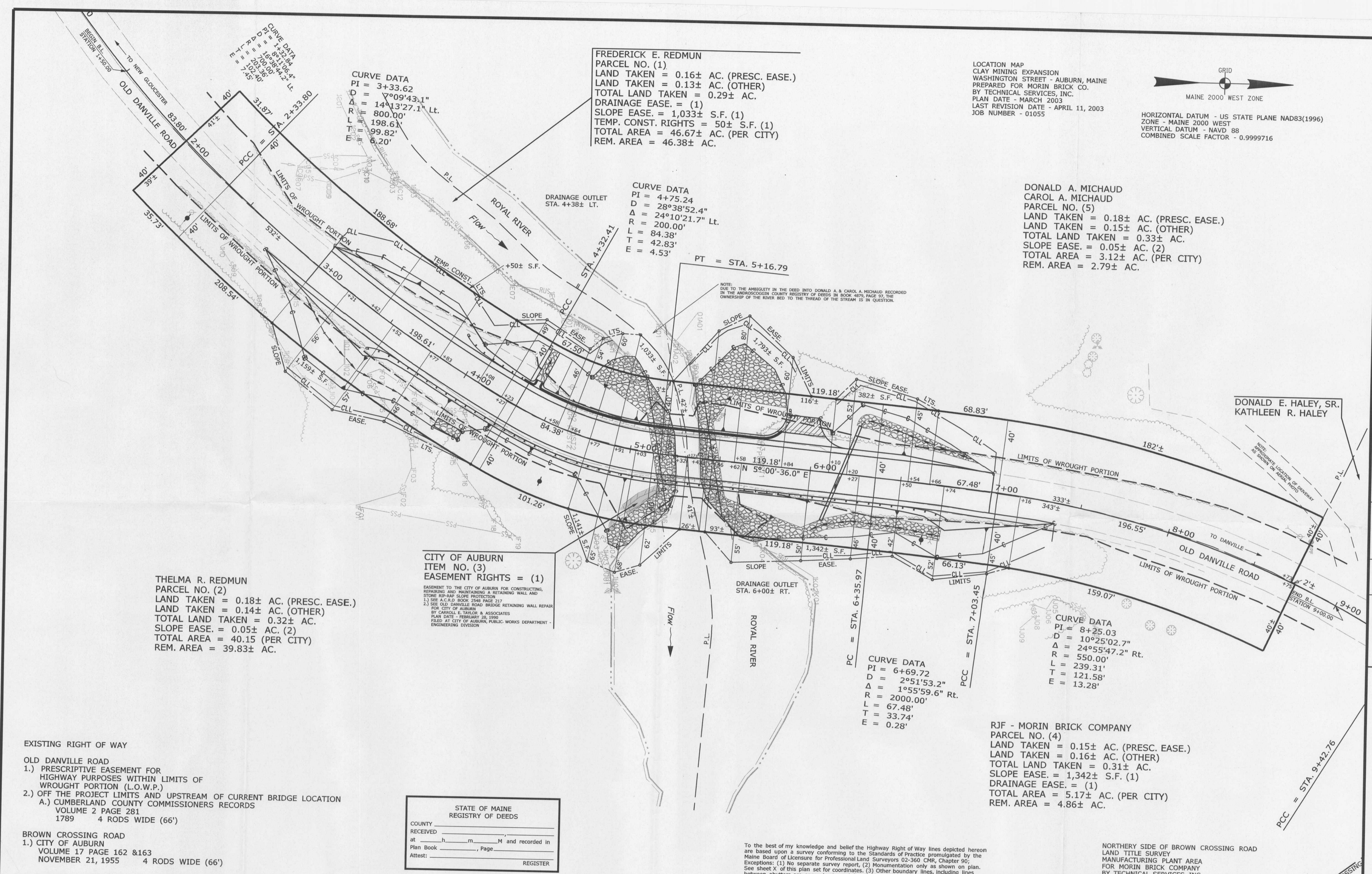
Action by the City Council:

Date:

Attest:

City Clerk





**FREDERICK E. REDMUN  
PARCEL NO. (1)**  
 LAND TAKEN = 0.16± AC. (PRESC. EASE.)  
 LAND TAKEN = 0.13± AC. (OTHER)  
 TOTAL LAND TAKEN = 0.29± AC.  
 DRAINAGE EASE. = (1)  
 SLOPE EASE. = 1,033± S.F. (1)  
 TEMP. CONST. RIGHTS = 50± S.F. (1)  
 TOTAL AREA = 46.67± AC. (PER CITY)  
 REM. AREA = 46.38± AC.

LOCATION MAP  
 CLAY MINING EXPANSION  
 WASHINGTON STREET - AUBURN, MAINE  
 PREPARED FOR MORIN BRICK CO.  
 BY TECHNICAL SERVICES, INC.  
 PLAN DATE - MARCH 2003  
 LAST REVISION DATE - APRIL 11, 2003  
 JOB NUMBER - 01055

GRID  
 MAINE 2000 WEST ZONE  
 HORIZONTAL DATUM - US STATE PLANE NAD83(1996)  
 ZONE - MAINE 2000 WEST  
 VERTICAL DATUM - NAVD 88  
 COMBINED SCALE FACTOR - 0.9999716

**DONALD A. MICHAUD  
CAROL A. MICHAUD  
PARCEL NO. (5)**  
 LAND TAKEN = 0.18± AC. (PRESC. EASE.)  
 LAND TAKEN = 0.15± AC. (OTHER)  
 TOTAL LAND TAKEN = 0.33± AC.  
 SLOPE EASE. = 0.05± AC. (2)  
 TOTAL AREA = 3.12± AC. (PER CITY)  
 REM. AREA = 2.79± AC.

CURVE DATA  
 PI = 4+75.24  
 D = 28°38'52.4"  
 Δ = 24°10'21.7" Lt.  
 R = 200.00'  
 L = 84.38'  
 T = 42.83'  
 E = 4.53'

CURVE DATA  
 PI = 3+33.62  
 D = 7°09'43.1"  
 Δ = 14°13'27.1" Lt.  
 R = 800.00'  
 L = 198.61'  
 T = 99.82'  
 E = 6.20'

**CITY OF AUBURN  
ITEM NO. (3)  
EASEMENT RIGHTS = (1)**  
 EASEMENT TO THE CITY OF AUBURN FOR CONSTRUCTING,  
 REPAIRING AND MAINTAINING A RETAINING WALL AND  
 STONE RIP-RAP SLOPE PROTECTION  
 1.) SEE A.C.R.D. BOOK 2548 PAGE 217  
 2.) SEE OLD DANVILLE ROAD BRIDGE RETAINING WALL REPAIR  
 FOR CITY OF AUBURN  
 BY CARROLL E. TAYLOR & ASSOCIATES  
 PLAN DATE - FEBRUARY 20, 1996  
 FILED AT CITY OF AUBURN, PUBLIC WORKS DEPARTMENT -  
 ENGINEERING DIVISION

**THELMA R. REDMUN  
PARCEL NO. (2)**  
 LAND TAKEN = 0.18± AC. (PRESC. EASE.)  
 LAND TAKEN = 0.14± AC. (OTHER)  
 TOTAL LAND TAKEN = 0.32± AC.  
 SLOPE EASE. = 0.05± AC. (2)  
 TOTAL AREA = 40.15 (PER CITY)  
 REM. AREA = 39.83± AC.

**RJF - MORIN BRICK COMPANY  
PARCEL NO. (4)**  
 LAND TAKEN = 0.15± AC. (PRESC. EASE.)  
 LAND TAKEN = 0.16± AC. (OTHER)  
 TOTAL LAND TAKEN = 0.31± AC.  
 SLOPE EASE. = 1,342± S.F. (1)  
 DRAINAGE EASE. = (1)  
 TOTAL AREA = 5.17± AC. (PER CITY)  
 REM. AREA = 4.86± AC.

STATE OF MAINE  
 REGISTRY OF DEEDS  
 COUNTY \_\_\_\_\_  
 RECEIVED \_\_\_\_\_  
 at \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_ M and recorded in  
 Plan Book \_\_\_\_\_, Page \_\_\_\_\_  
 Attest: \_\_\_\_\_ REGISTER

- EXISTING RIGHT OF WAY  
 OLD DANVILLE ROAD  
 1.) PRESCRIPTIVE EASEMENT FOR  
 HIGHWAY PURPOSES WITHIN LIMITS OF  
 WROUGHT PORTION (L.O.W.P.)  
 2.) OFF THE PROJECT LIMITS AND UPSTREAM OF CURRENT BRIDGE LOCATION  
 A.) CUMBERLAND COUNTY COMMISSIONERS RECORDS  
 VOLUME 2 PAGE 281  
 1789 4 RODS WIDE (66')
- BROWN CROSSING ROAD  
 1.) CITY OF AUBURN  
 VOLUME 17 PAGE 162 & 163  
 NOVEMBER 21, 1955 4 RODS WIDE (66')

To the best of my knowledge and belief the Highway Right of Way lines depicted hereon are based upon a survey conforming to the Standards of Practice promulgated by the Maine Board of Licensure for Professional Land Surveyors 02-360 CMR, Chapter 90. Exceptions: (1) No separate survey report, (2) Monumentation only as shown on plan. See sheet X of this plan set for coordinates. (3) Other boundary lines, including lines between abutters are approximate and for general reference purposes only.

NORTHERLY SIDE OF BROWN CROSSING ROAD  
 LAND TITLE SURVEY  
 MANUFACTURING PLANT AREA  
 FOR MORIN BRICK COMPANY  
 BY TECHNICAL SERVICES, INC.  
 PLAN DATE - SEPTEMBER 2004  
 JOB NUMBER - 85-89  
 PIN 17092.01

SYMBOLS

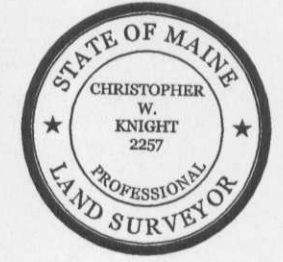
|  |  |
|--|--|
| ○ (WELL)                                 | ○ (WELL)                                 |
| ○ (IRON PIPE OR PIN FOUND)               | ○ (IRON PIPE OR PIN FOUND)               |
| □ (SEPTIC TANK)                          | □ (SEPTIC TANK)                          |
| □ (ROW MONUMENT)                         | □ (ROW MONUMENT)                         |
| △ (TRANSVERSE POINT)                     | △ (TRANSVERSE POINT)                     |
| — (WATER LINE)                           | — (WATER LINE)                           |
| — (GAS LINE)                             | — (GAS LINE)                             |
| — (ELECTRIC LINE)                        | — (ELECTRIC LINE)                        |
| — (TELEPHONE LINE)                       | — (TELEPHONE LINE)                       |
| — (SEWER LINE)                           | — (SEWER LINE)                           |
| — (LIMITS OF WROUGHT PORTION (L.O.W.P.)) | — (LIMITS OF WROUGHT PORTION (L.O.W.P.)) |
| — (EXISTING RIGHT OF WAY)                | — (EXISTING RIGHT OF WAY)                |
| — (NEW ROW WITHIN EXIST. ROW)            | — (NEW ROW WITHIN EXIST. ROW)            |
| — (CONTROL OF ACCESS)                    | — (CONTROL OF ACCESS)                    |

| ITEM        | TECH   | CHECKED |
|-------------|--------|---------|
| BASE MAP    | G.L.L. | C.W.K.  |
| EXIST. R/W  | G.L.L. | G.L.L.  |
| PROP. LINES | G.L.L. | G.L.L.  |
| AREAS       | G.L.L. | J.C.C.  |

STATE OF MAINE  
 DEPARTMENT OF TRANSPORTATION  
 16 STATE HOUSE STATION - AUGUSTA, ME 04333-0016  
 AUBURN  
 RIGHT OF WAY MAP

| NO. | DATE | REVISIONS DESCRIPTION | BY | PLAN FILED IN PLAN BOOK |         |            |      | PAGE COUNTY RECORD |      |  |  |  |  |
|-----|------|-----------------------|----|-------------------------|---------|------------|------|--------------------|------|--|--|--|--|
|     |      |                       |    | No.                     | GRANTOR | INSTRUMENT | DATE | BOOK               | PAGE |  |  |  |  |
|     |      |                       |    |                         |         |            |      |                    |      |  |  |  |  |

DAVID A. COLE  
 COMMISSIONER  
 KENNETH L. SWEENEY  
 CHIEF ENGINEER  
 DATE \_\_\_\_\_



OLD DANVILLE ROAD  
 TOWN WAY  
 AUBURN ANDROSCOGGIN COUNTY  
 FEDERAL AID PROJECT NO. AC-BR-1709(201)X  
 JANUARY 2010 RIGHT-OF-WAY MAP  
 SCALE 1" = 25' SHEET 1 OF 1  
 D.O.T. FILE NO. 1-294

SHEET NUMBER  
**1**  
 OF \_\_\_\_\_



# City Council

## Agenda Information Sheet

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**Council Meeting Date: 2/16/2010      Agenda Item No. 4**

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**SUBJECT:**

**RESOLVE – ADOPTING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES**

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**INFORMATION:**

On November 3, 2009 a State Referendum was passed by Maine voters liberalizing the laws relating to medical marijuana dispensaries. The State of Maine has not formulated the rules and regulations relating to the licensing of medical marijuana dispensaries or the licensing of primary caregivers. The current City of Auburn Zoning and Land Use Code and Code of Ordinances do not currently regulate medical marijuana dispensaries or primary caregivers. The possible effect of the location of medical marijuana dispensaries and primary caregivers has implications for the health, safety, welfare, and moral climate of the City and its citizens.

Staff is recommending the attached resolve which will establish a 180 day moratorium to enable the City time to study the rules and regulations relating to the licensing, registration and siting of medical marijuana dispensaries and primary caregivers and to study its own Code of Ordinances and Zoning and Land Use Code to determine the implications of future proposed medical marijuana dispensaries and primary caregivers to develop reasonable regulations governing location and operations of such dispensaries and caregivers.

City Council Workshop – December 21, 2009

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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: February 16, 2010

## TITLE: **RESOLVE – ADOPTING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES**

WHEREAS, a referendum was passed by the Maine voters November 3, 2009 liberalizing the laws relating to marijuana dispensaries; and

WHEREAS, the State of Maine has not formulated the rules and regulations relating to the licensing of marijuana dispensaries; and

WHEREAS, the laws relating to marijuana dispensaries also include that a registered primary caregiver may assist up to 5 qualifying patients with their medical use of marijuana by cultivating up to 6 marijuana plants for each qualifying patient; and

WHEREAS, the State of Maine has not formulated the rules and regulations relating to the licensing of primary caregivers; and

WHEREAS, the potential location of marijuana dispensaries and primary caregivers in the City of Auburn raises legitimate and substantial questions and concerns about the impact of such facilities on the City of Auburn, including questions of the adequacy of streets to additional traffic; the compatibility of marijuana dispensaries and location of primary caregivers within existing residential and commercial zones, including proximity to homes, schools, churches, day cares and other land uses; the potential adverse health and safety effects of such facilities on the community; the possibility of illicit sale and use of illegal drugs, misuse of prescribed marijuana, associated criminal activity, and drug related deaths; and the increased burden on City's Police Department; and

WHEREAS, the current City of Auburn Zoning and Land Use Code and Code of Ordinances do not currently regulate marijuana dispensaries or primary caregivers as such, and do not adequately address the concerns listed above; and

WHEREAS, the possible effect of the location of marijuana dispensaries and primary caregivers has implications for the health, safety, welfare, and moral climate of the City and its citizens; and

WHEREAS, once the State of Maine issues its required rules and regulations, the City needs time to study the rules and regulations relating to the licensing, registration and siting of medical marijuana dispensaries and primary caregivers and to study its own Code of Ordinances and Zoning and Land Use Code to determine the implications of future proposed marijuana dispensaries and primary caregivers to develop reasonable regulations governing location and operations of such dispensaries and caregivers;

WHEREAS, the City, under its home rule authority and its police power, has the authority to impose reasonable restrictions, conditions, and limitations on such a facility; and

WHEREAS, the City Council, through the advice of the Planning Board and City staff, shall study the Code of Ordinances and Zoning and Land Use Code to determine the land use and licensing implications of a medical marijuana dispensary and a primary caregiver and consider what locations and conditions of approval might be appropriate for such dispensaries and caregivers; and

WHEREAS, the existing City Code of Ordinances, Zoning and Land Use Code, or other applicable laws and regulations, if any, are not adequate to prevent serious public harm by the development of marijuana dispensaries and primary caregivers in the City; and

WHEREAS, the moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of marijuana dispensaries and primary caregivers being located in the City; and

WHEREAS, the City intends to study, review and develop regulations governing marijuana dispensaries and primary caregivers during the time this moratorium is in effect; and,

WHEREAS, it is anticipated that such a study, review, and development of recommendations will take at least one hundred eighty (180) days from the date this Moratorium Resolve on Marijuana Dispensaries; becomes applicable; and

NOW, THEREFORE, based upon the foregoing findings, the City of Auburn hereby ordered that a moratorium on marijuana dispensaries is hereby enacted as follows and primary caregivers:

1. **Applicability and Purpose:** This moratorium shall apply to any marijuana dispensary or primary caregiver, as defined below, that may be proposed to be located within the City on or after February 16, 2010.
2. **Prohibition:** During the time this Order is in effect, no officer, official, employee, office, board, or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a building permit, certificate of occupancy, conditional use permit, development review, and/or any other permits related to such use. No person or organization shall develop or operate marijuana dispensaries or be a primary caregiver within the City on or after the effective date of this prohibition.
3. **Enforcement, violation, and penalties:** If marijuana dispensaries or primary caregivers are established in violation of this Resolve, each day of any continuing violation shall constitute a separate offense for this purpose, pursuant to 30-A MRSA sec. 4452. The City shall be entitled to all rights available to, but not limited to, it in law and equity, including its reasonable attorney fees and costs in prosecuting any violations.
4. **Definitions:** As used in this Resolve, the following terms have the following meanings:
  - a. Marijuana dispensary means a “nonprofit dispensary” as that term is defined in Title 22 M.R.S.A. § 2422(6), as may be amended from time to time, that may be proposed to be located within the City on or after the applicability date of this Resolve
  - b. Primary caregiver means a “primary caregiver” as defined in Title 22 M.R.S.A. § 2422(8), as may be amended from time to time, that may be proposed to be operated within the City on or after the applicability date of this Resolve.
5. **Effective dates:** This Resolve shall take effect on February 16, 2010; this Order shall apply to any application or proposal related to location or operation of a marijuana dispensary or primary caregiver that were or have been pending before any officer, board or agency of the City of

Auburn on or after February 16, 2010; and this Resolve shall remain in effect until August 15, 2010, unless extended, repealed or modified by the City Council.

6. **Pending proceedings**: Notwithstanding the provisions of Title 1 M.R.S.A § 302, this Resolve shall apply to any proposal to establish a marijuana dispensary or operate as a primary caregiver as may be amended from time to time, whether or not an application or proceeding to establish said use would be deemed a pending proceeding under Title 1 M.R.S.A. § 302.
8. **Severability**: Should any section or provision of this Resolve be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

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** 2/16/2010    **Agenda Item No.** 5

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**SUBJECT:**

**APPOINTMENTS – LEWISTON/AUBURN RAILROAD BOARD  
BOARD OF ASSESSMENT REVIEW (3)**

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**INFORMATION:**

Lewiston/Auburn Railroad Board – Stephen Lunt – until April 2013

Board of Assessment Review – Gerard Belanger – until December 2014  
Georgia Chomas – until January 2015  
Bruce Mason – until June 2014

City Council Workshop – February 1<sup>st</sup>

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**STAFF COMMENTS/RECOMMENDATION:**

Councilors Hayes and Berube recommend approval of the above appointments.

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**REQUESTED ACTION:**

Motion to approve the above appointments.

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**VOTE:**