



City Council Workshop & Meeting November 7, 2016 Agenda

5:30 P.M. Workshop

- A. EMS Collection Policy – Jill Eastman and Geoff Low (30 minutes)
- B. Cultural Plan – LA Arts – Louise Rosen, Director of LA Arts (30 minutes)
- C. General Business 1 & 2 Zoning Amendment – Michael Chamings and Eric Cousens (30 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Walker

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
 - 1. **Order 76-11072016***
Approving the temporary sign request for the Auburn Ski Association.
- II. **Minutes**
 - October 17, 2016 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Proclamation – Extra Mile Day
- IV. **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*.
- V. **Unfinished Business**
 - 1. **Ordinance 09-10172016**
Amending the zoning map in the area of 1863 Pownal Road. First reading.
 - 2. **Order 72-10172016**

Authorizing the Finance Director to appropriate \$40,000 of unallocated bond proceeds for the purpose of funding the necessary technical assistance to complete a study and plan of Auburn's Agricultural and Resource Protection District.

3. Ordinance 10-10172016

Amending Chapter 60, Article XVI, Division 2, Subdivision 1, Sec. 60-1301 (4) to update references to State Stormwater Standards to allow the City to maintain Delegated review Authority. Second reading.

VI. New Business

4. Order 77-11072016

Waiving fees for the annual Sixth Street Congregational Church Fair and Bake Sale.

5. Order 78-11072016

Reimbursing St. Dom's Academy for the Flea Market/Craft Fair fees for their annual St. Dom's Holiday Festival held on 11/05/2016.

6. Order 79-11072016

Adopting the Program Guidelines for the Storefront Traffic Accelerates revitalization (Star Program). Public hearing.

7. Order 80-11072016

Adopting the Neighborhood Challenge Grant Guidelines. Public hearing.

8. Public Hearing

Cooperative Housing Program.

9. Public Hearing

Allocation of CDBG funds for the Hampshire Street Reconstruction Project.

10. Ordinance 11-11072016

Amending Chapter 60 Zoning, Section 60-1 Definitions, Section 60-499 General Business Use Regulations and Section 60-525 General Business II Use Regulations to modify the light industrial use group to allow for industrial uses whose main process includes fabrication and not limit the use to the assembly of prefabricated parts if certain conditions are met. First Reading and Public Input.

11. Order 81-11072016

Authorizing the Acting City Manager to sign the contract between the City of Auburn and Community Concepts Financial Corporation (CCFC).

12. Order 82-11072016

Amending the original assessed value (OAV) included in the TIF #19 District's application that was found to be incorrect due to a typo (\$1,178,340 instead of the correct OAV of \$1,278,600).

13. Order 83-11072016

Authorizing the Acting City Manager to add additional language to the Development Program for TIF #20. Public hearing.

VII. Executive Session

VIII. Reports

- a. Mayor's Report**
- b. City Councilors' Reports**
- c. City Manager Report**
- d. Finance Director, Jill Eastman – September 2016 Monthly Finance Report**

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

X. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultation 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
City Council Information Sheet**

Council Workshop or Meeting Date: 11/07/2016

Author: Jill M Eastman, Finance Director

Subject: City of Auburn Policy on Emergency Medical Services Billing and Collection

Information: Attached is a policy that addresses the City of Auburn's Emergency Medical Services billing and collections for said services.

Advantages: This policy establishes procedures to bill patients and collect fees for the provisions of emergency medical services and transportation provided by the City.

Disadvantages: N/A

City Budgetary Impacts: N/A

Staff Recommended Action: Passage of policy.

Previous Meetings and History: Finance and Administration Committee meetings of March 10, 2016 and May 12, 2016.

Attachments:

Proposed City of Auburn Policy on Emergency Medical Services Billing and Collection

City of Auburn Policy on Emergency Medical Services Billing and Collection

PURPOSE

To establish a policy to bill patients and collect fees for the provisions of emergency medical services and transportation provided by the City.

POLICY

EMS Billing & Collection

- A. The City recognizes the need to bill for these services to aid in the provision of EMS.
- B. No person requiring emergency medical services and/or transportation shall be denied services due to a lack of insurance or ability to pay levied charges.
- C. The City may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills so long as the City determines that:
 - 1. The financial condition of the patient requires such an arrangement; and
 - 2. The patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.
- D. The City shall bill for all EMS services provided unless the City is reimbursed for services by another agency due to disaster declaration.
- E. Any applicable charges for EMS rendered shall be billed directly to the patient or to the patient's third party payer.
- F. The City may, at its option, and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.
- G. All patients and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the City according to the Fee Schedule attached as Appendix A.
 - 1. All patients shall be liable for any co-payment, deductibles and patient responsibility amounts not satisfied by public or private insurance, and the City shall Balance Bill and make reasonable collection efforts for all such balances. The City may bill any applicable coinsurance carriers for such amounts.

2. Exceptions include only those instances where the City or its agent has made a determination that the cost of billing and collecting such co-payments, deductibles and patient responsibility amounts exceeds or is disproportionate to the amounts to be collected as determined by the City's write off policy.

Account Adjustments and Write Offs

- A. The City's billing agency is authorized to consider all cases of financial hardship based on the City's financial assistance hardship guidelines.
- B. Uncollected balances on patients accounts that have been sent to collection and have had no activity shall be deemed uncollectible and may be written off of the City's accounts receivable balances.

PROCEDURES

EMS Billing & Collection

- A. Third party billing agencies must:

- 1) Have in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.
 - 2) Deposit funds payable to the City directly into a designated City account, through a lock box or similar arrangement.
 - 3) Not be subject to exclusion from any state or federal health care program.
 - 4) Be bonded and/or insured in amounts satisfactory to the City.
- B. A detailed listing of patients who utilize EMS will be compiled by the Auburn Fire Department. This information will be transmitted to the agency responsible for billing in the form of a patient care report. The information will however be subject to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:
- 1) Name, address, and telephone number of patient.
 - 2) Name, address and claim number of insurance carrier, if applicable.
 - 3) Date, time and EMS chart number.
 - 4) Point of origin and destination.
 - 5) A Center for Medicare & Medicaid Services approved method for mileage billing.
 - 6) Reason for transport/ patient's complaint/ current condition.
 - 7) Itemization and description of services provided and charges.
 - 8) Signature of the patient (when possible) or authorized decision maker.
 - 9) Name of receiving physician.
 - 10) Names, titles, and signatures of ambulance personnel, when possible.
- C. The fee schedule for EMS is attached as Appendix A and may be amended from time to time.
- D. Payments on EMS invoices may be made by mail to the City's third party billing agency, on the City's website, or in person at Auburn City Hall located at 60 Court Street. Auburn, Maine.

Account Adjustments

- A. All patients are to be billed for transport upon receipt of billing information from the fire department.
- B. The City may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills so long as the City determines that:
- 1) The financial condition of the patient requires such an arrangement; and

- 2) The patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.

C. The City shall not Balance Bill when prohibited by law.

- 1) Providers must accept the Medicare allowed charge as payment in full and may not bill or collect from the beneficiary any amount other than the unmet Part B deductible and Part B coinsurance amounts.
- 2) For patients covered by Medicaid (Mainecare), the city will accept the payment from Medicaid as payment for services and will not pursue the patient for the remaining balance of the invoice.

Write Off of Uncollectible Accounts

- A. The City authorizes the billing contractor/agent to bulk write off amounts not contractually allowed by Medicare and Medicaid and provide reports to the City of such write offs.
- B. For all commercial insurance and private pay clients; all appropriate charges shall be applied uniformly without regard to ability to pay or probability of payment.
- C. Any account that has aged more than 120 days without activity or payment history shall be referred to the City for review. The billing contractor/agent must include all account documentation that demonstrates timely and efficient billing practices. This should include but not be limited to:
 - 1) Account notes
 - 2) Proof of billing statements and date of mailing(s) or electronic contact
 - 3) Summary of amount billed and any current amount received
 - 4) Summary of outstanding balances
 - 5) Evidence of payment plan if applicable

After review the City will transfer uncollected balances to a collection agency designated by the City for continued collection efforts.

APPENDIX A

City of Auburn EMS Transport Rate Schedule as of September 29, 2016:

BLS emergency	\$650.00
ALS emergency	850.00

ALS2 emergency	1,200.00
Loaded mile	14.00

Executive Summary



Cultural Plan Lewiston Auburn

A Five Year Cultural Plan for Lewiston Auburn

Presented by



Louise Rosen Consulting Director

Tyson Pease Program Manager and Project Coordinator



Development Timeline

Duration: March 2015 - September 2016

Initial Research

Qualitative Data Gathering

- Public Launch Meeting
- Two Community Conversations
- Youth Conversations at Edward Little H.S. and Tree Street

Quantitative Data Gathering

- Public Opinion Survey
- Artisan and Maker Survey
- Cultural Organization and Creative Business Survey

Identifying Priorities

- Priorities and objectives were identified through careful analysis of qualitative and quantitative data.
- Feedback was sought on recommended priorities through a series of two public meetings.

Refining the Draft Blueprint

- Two meetings with the public were held to discuss and improve the recommended draft strategies.

Initial Research Included:

- AVCOG Comprehensive Economic Development Strategy 2015
- Auburn Comprehensive Plan 2010
- New Auburn Master Plan 2009
- Legacy Lewiston Comprehensive Plan 2015
- Lewiston Riverfront Island Masterplan 2010
- Auburn School Department Strategic plan vision and goals
- Lewiston School Department mission, beliefs, vision
- Lewiston Auburn Economic Growth Council Strategic Plan work
- Auburn Public Library mission, goals, programs
- Lewiston Public Library 2009- 2013 strategic plan and programs
- Bates College strategic priorities, mission, and outlook
- Bates Arts Collaborative mission, context, and annual report
- Online research on ACLA; Androscoggin Historical Society; Androscoggin Land Trust; Bates Dance Festival; Bates Museum of Arts; Community Little Theater, creative businesses; Emerge Film Festival, Franco Center; Great Falls Balloon Festival; Great Falls Brewfest; LA Arts; LA Metro Chamber; Museum LA; New England School of Metalworking; secondary education institutions; The Public Theater; UMVA Lewiston Auburn; Young Professionals of the Lewiston Auburn Area

Data Gathering Included:

- Community Conversations at Auburn and Lewiston Public Libraries (qualitative)
- Community Youth Conversations at Edward Little High School and Tree Street Youth (qualitative)
- Online Survey Campaign (quantitative):
 - Public Opinion Survey
 - Creative Business and Cultural Organization Survey
 - Artist and Artisan Survey
 - Total Survey Responses: 591 (~1%) of LA's population

Data Reliability:

CPLA consulting firm Reinholt Consulting, which has extensive experience in data collection and analysis, has applauded the CPLA survey data's high "confidence interval", in part thanks to the demographic similarity between the survey respondents and LA's most recent Census data.



Overarching Priorities & Strategies

Note: Priorities are of equal importance and are NOT ranked.

Foster community cohesion and cultural understanding. A. Create opportunities that build cultural bridges.	<i>With a population rich in ethnic diversity, LA has an opportunity to establish itself as a leader in cultural awareness and inclusivity by promoting and providing opportunities that celebrate LA's unique cultures.</i>
Amplify quality of life with accessible lifelong learning in arts and culture. A. Strengthen and expand arts and cultural education learning experiences in public, private and nonprofit settings.	<i>LA's population is composed of high rates of young people and families, as well as high rates of elderly. Arts and cultural learning experiences have ripple effects including higher student SAT scores, social well-being, and enhanced quality of life.</i>
Further the position of arts and culture in local governments. A. Foster arts and cultural advocacy in local governments. B. Incorporate arts and culture into planning and development of city infrastructure.	<i>Cities around the world recognize the benefits brought by a thriving creative economy and are using arts and cultural assets as tools for community revitalization, development, and as a means of establishing local economic resilience.</i>
Bolster LA's creative capital and entrepreneurial activity. A. Support the development of LA's creative professionals to promote a resilient local economy.	<i>As the community continues to face pressures of shifting economies LA can encourage workforce ingenuity by strengthening and building on its thriving network of artists and creative professionals.</i>
Utilize arts and culture to enhance LA's image to attract and engage residents, tourism and new investment. A. Boost the image of LA cultural resources through coordinated marketing and promotion. B. Cultivate a creative identity and a meaningful sense of place.	<i>As Maine's second largest urban area, LA is poised to position itself as a hub for cultural and creative activity by supporting existing assets and defining new and exciting opportunities for cultural engagement.</i>



Implementing the Plan

WHO WILL LEAD THE PLAN'S IMPLEMENTATION?

L/A Arts will serve as a guide and facilitator for Cultural Plan LA implementation in cooperation with ACLA and the municipalities. More partners from the nonprofit, public and private sectors will be engaged to assist with and support next steps. L/A Arts has been awarded \$50,000 from the National Endowment for the Arts as an "Our Town" grant to launch an initiative titled: Lewiston Auburn - A Place for Makers: Past, Present, and Future. Transformation through Artisan-Based Manufacturing. This project will help kick off Cultural Plan LA implementation with funding slated for makerspaces, popup exhibition and retail spaces, artisan maker professional development, branding and marketing centered on LA's rich history of makers.

HOW WILL PLAN IMPLEMENTATION BE FINANCED?

As a result of completing the Cultural Plan, LA is the only community eligible for a three-year \$75,000 implementation grant from the Maine Arts Commission. This application has been submitted accompanied by letters of support from the mayors of both municipalities and a letter signed by the 19 organizations that participated in the Cultural Planning process. L/A Arts is also leading an active campaign for funding that will match and exceed the amount of the implementation grant, supporting ongoing Cultural Plan implementation.

PLAN IMPLEMENTATION

As lead organization, L/A Arts will strive to connect cultural development to regional development goals. With dedicated partners such as the municipalities, ACLA, Androscoggin Valley Council of Governments (AVCOG), Bates College, Lewiston Auburn Economic Growth Council (LAEGC), Maine College of Art (MECA) and USM's Lewiston-Auburn College, L/A Arts will facilitate the cultural sector's role in broader agendas essential to regional progress and quality of life. As overseer of Cultural Plan LA, L/A Arts will measure and report progress annually.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2016

Ordinance: 11-11072016

Author: Eric Cousens, Deputy Director of Economic and Community Development

Subject: First Reading regarding amendments to Chapter 60 Zoning, Section 60-1 Definitions, Section 60-499 General Business Use Regulations and Section 60-525 General Business II Use Regulations to modify the light industrial use group to allow for industrial uses whose main process includes fabrication and not limit the use to the assembly of prefabricated parts if certain conditions are met.

Information: There have been a couple requests over the past few years to open small machine shops in Auburn. In 2013 and again recently there has been an inquiry regarding the possibility of a machine shop in the General Business (GB) zoning district. Attached is a recommendation that we consider amending the ordinance to allow additional flexibility for this use. The Council initiated the process to consider an ordinance amendment on October 3rd. On October 18th Planning Board vetted the draft through a public hearing and provided a unanimous recommendation to the Council to recommend the proposed change be approved. The Council needs to host two public readings, a public hearing and vote on the proposal as required for all ordinance amendments.

Advantages: Flexibility to attract new businesses to Auburn with a review process that ensures compatibility with surrounding properties and uses.

Disadvantages: None known if ordinance ensures compatibility with surrounding areas as it is written to do.

City Budgetary Impacts: May bring additional taxpayers to the city or help occupy existing commercial buildings.

Staff Recommended Action: Host first reading and accept public input. Vote to approve the proposed change at first reading and schedule for public hearing and second reading on November 21st.

Previous Meetings and History: October 3, 2016 Council Meeting and October 18, 2016 Planning Board Meeting.

Attachments: Staff Memo dated September 15, 2016, draft ordinance sections showing an option for amending the ordinance to allow the referenced use and a Planning Board Report recommending approval.



City of Auburn, Maine

Office of Economic and Community Development
60 Court Street, Auburn, Maine 04210
www.auburnmaine.gov 207.333.6601

To: Auburn City Council and Mayor LaBonte

From: Douglas M. Greene, AICP, RLA; City Planner

Date: October 19, 2016

RE: Planning Board Recommendation on General Business Zone Text Amendment

At its October 18th meeting, the Auburn Planning Board held a public hearing and made a recommendation to the City Council on a text amendment to the General Business (GB) and Minot Avenue General Business (GBII) zoning ordinance. The purpose of the text amendment is to amend the definition of light industry to allow the fabrication and manufacture of parts. Currently, the General Business and Minot Avenue General Business zones allow light industrial use as a special exception but only *“light industrial plants whose main processes involve the assembly of prefabricated parts and which will not create a nuisance of noise, vibration, smoke, odor or appearance.”* Over the last few years, the planning office has been approached by light industrial type businesses looking to locate in Auburn’s General Business zones. These potential businesses have been turned away because their business operation included the manufacture of parts.

The staff was approached again a few months ago by a business owner wanting to locate his light industrial type business on a General Business zone property. The business involves lathes and the manufacturing of small parts which would then be assembled. This type of light industrial use is currently not allowed but instead of locating in another municipality, the business owner was agreeable to wait to see if a text amendment could be approved that would allow the fabrication and manufacture of parts as part of the light industrial development application process in the GB and GB II zones. The staff took the approach that the main issue of concern was whether a development proposal would impact the surround property with possible noise, vibration, smoke, odor or appearance and that the Planning Board would be able to evaluate those impacts in its review as a special exception application. With that in mind, the text amendment seeks to change the definition of light industrial manufacturing to allow the fabrication and manufacturing of parts as long as that process does not produce obnoxious noise, vibration, smoke, odor or appearance that would negatively impact surrounding properties.

At the October 18, 2016 Planning Board meeting, no one from the public spoke for or against the text amendment during the public hearing. A few questions were raised by the Planning Board, “What zone is light industry allowed as a permitted use and would this text amendment take away land from traditional, permitted, commercial uses in the General Business zones? The staff answered that the Industrial zone allows light industry as a permitted use to the first question and to the second question, the staff said that there is an adequate amount of available land in our commercial zones and that they did not feel that this expanded definition of light industrial use would create a shortage of commercial property. The Planning Board voted unanimously 7-0 to forward a recommendation of approval of the text amendment to the City Council.



City of Auburn, Maine

Office of Economic & Community Development
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Auburn, Maine 04210
207.333.6601

To: Michael Chammings, Director of Economic and Community Development

From: Eric J. Cousens, Deputy Director of Economic and Community Development

Re: Suggested Ordinance Amendment Request for Light Industrial/Machine Shop uses in General Business Zoning Districts

Date: September 15, 2016

There have been a couple requests over the past few years to open small machine shops in Auburn. In 2013 and again recently there has been an inquiry regarding the possibility of a machine shop in the General Business (GB) zoning district. Currently light industrial uses in the GB district are limited to businesses that meet the following use category: Light industrial plants whose main processes involve assembly of prefabricated parts and which will not create a nuisance by noise, vibration, smoke, odor or appearance. It is staffs opinion that the main processes involving the assembly of prefabricated parts is not an important distinction over the main processes involving the fabrication of parts, as you would have in a machine shop, as long as the proposed business can operate in a way that does not create a nuisance by noise, vibration, smoke, odor or appearance.

Staff drafted a proposed amendment in 2013 and offered to help the business with a petition to amend the ordinance if they were serious about the location. We generally recommend a petition for a proposal that benefits an individual or company so that they cover some of the expenses of the process and that expense does not fall on the general tax payers. At that time the business decided to stay where they were currently located and did not make a move. There has been a recent inquiry about a similar business that would consider occupying a building in the GB zoning district if the ordinance allowed it. When a business is looking at a property to relocate, the thought of an unfamiliar zoning amendment process prior to a site plan review can be seen as a hurdle that they would rather avoid. This has come up enough times that Staff recommends that the Council consider initiating a change to the ordinance if they are interested in expanding this use into the GB zone to allow for the retention and expansion of our tax base. Machine shops within enclosed buildings can be operated in a way that prevents impacts to abutters. Special exception uses require individual proposals to be reviewed through a public process with the Planning Board to ensure that impacts are avoided. If the Council wishes to have this considered we need a vote to initiate a change that will then go through a public hearing with the Planning Board for

a recommendation and then back to Council for a review and public hearing. If the change passes a proposal for an individual site could be reviewed by the Planning Board.

Staff recommends that we consider this change for the current opportunity and any future requests. Staff also recommends that if we consider the change in the GB district that we also consider a change in the GB II (Minot Avenue) district. The two districts generally include our main arterial corridors, the Manley and Rodman Road area and the mall area. If that is not desirable to the Council we could also consider changing the zoning in the area of the current inquiry as it is near an existing industrial zoned area.

DIVISION 12. - GENERAL BUSINESS DISTRICT

Sec. 60-498. - Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.

- (26) Accessory uses, building and structures.
- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
 - (1) Automobile filling stations.
 - (2) Automobile repair and service stations.
 - (3) Automobile and marine sales lots and sales and service agencies.
 - (4) Automobile and marine paint and body repair shops.
 - (5) Hospitals, care homes, boardinghouses and lodginghouses.
 - (6) Research or philanthropic institutions.
 - (7) Outdoor theaters.
 - (8) Drive-in or carry-out restaurants.
 - (9) Commercial parks.
 - (10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
 - (11) Light industrial plants ~~whose main processes involve assembly of prefabricated parts and~~ which will not create a nuisance by noise, vibration, smoke, odor or appearance.
 - (12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.
 - (13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (14) Convenience stores.
 - (15) Research, experimental and testing laboratories.
 - (16) Landscape services.
 - (17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.
 - (18) Automotive towing and storage.
 - (19) Major retail development provided that it meets the conditions noted in section 60-45(g).
 - (20) Outpatient addiction treatment clinics.

(Ord. of 9-21-2009, § 3.62B)

Sec. 60-500. - 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 building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building 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.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commis- sion may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010)

Secs. 60-501—60-523. - Reserved.

DIVISION 13. - MINOT AVENUE (GBII)

Sec. 60-524. - Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.

- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
 - (1) Commercial parks.
 - (2) Automobile repair and service stations.
 - (3) Hospitals, care homes, boardinghouses and lodginghouses.
 - (4) Research or philanthropic institutions.
 - (5) Outdoor theaters.
 - (6) Drive-in or carry-out restaurants.
 - (7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.
 - (8) Light industrial plants ~~whose main processes involve assembly of prefabricated parts and which support a retail store selling goods made on the premises and~~ will not create a nuisance by noise, vibration, smoke, odor or appearance.
 - (9) Convenience stores.
 - (10) Research, experimental and testing laboratories.
 - (11) Landscape services and lawn maintenance services.
 - (12) Halls, private clubs and lodges.
 - (13) Outpatient addiction treatment clinics.
 - (14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-499(a) which will occupy an area of 5,000 square feet or more.

(Ord. of 9-21-2009, § 3.63B)

Sec. 60-526. - 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 building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).
- (2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

- b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building 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.
 - e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.
 - (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.63C)

Secs. 60-527—60-545. - Reserved.

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, ~~the main processes of which involve the assembly of prefabricated parts and~~ which will not create a nuisance by noise, smoke, vibration, odor or appearance.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016)

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-11072016

Be it ordained by the Auburn City Council, that Chapter 60, Zoning be amended as follows:

Article IV, DIVISION 13. - GENERAL BUSINESS DISTRICT, Sec. 60-525. - Use regulation, (b) Special exception uses.

The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-11072016

Be it ordained by the Auburn City Council, that Chapter 60, Zoning be amended as follows:

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication ~~the main processes of which involve the assembly of prefabricated parts and~~ which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Article IV, DIVISION 12. - GENERAL BUSINESS DISTRICT, Sec. 60-499. - Use regulation, (b) Special exception uses.

The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(11) Light industrial plants ~~whose main processes involve assembly of prefabricated parts and~~ which will not create a nuisance by noise, vibration, smoke, odor or appearance.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 11-07-2016

Order: 76-11072016

Author: Sue Clements-Dallaire, City Clerk

Subject: Temporary Sign Request – Auburn Ski Association

Information: The Auburn Ski Association is holding their annual ski swap on Sunday November 13, 2016. They are seeking permission to place a temporary sign advertising the event. More details are provided in the attached letter.

Advantages: Promotes this local event

Disadvantages: Some may not like the appearance of the temporary sign.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends approval of the request.

Previous Meetings and History: This is a yearly event.

Attachments:

Letter of request

Order 76-11072016

City of Auburn Me

October 25, 2016

Dear Mayor and Council

The Auburn Ski Association (ASA) will be holding their annual Ski Swap on Sunday November 13th, 9:00-2:00 p.m. at the Auburn Middle School Cafeteria and Gym. We would like permission to place a sign to inform the public of this annual event in the following location. The public location is at the intersection of Turner Street and Lake Auburn Avenue below Starbucks. The sign is the same size (4'x8') and construction (plywood painted white with the date, time and location of the event some have a graphic of a skier) that we have been using for over a decade.

The Auburn Ski Association is a non-profit organization that promotes skiing and snowboarding in the Auburn area. The organization helps fund the Edward Little High School and the Auburn Middle School alpine and Nordic ski programs, as well as the Snow-Mad Freestyle program, Lost Valley Ski Racing Club and Special Olympics skiing. ASA awards college scholarships each year to a male and female graduating from Edward Little High School and helps athletes who need financial support to pursue skiing (i.e., US Ski Team) by granting them funds for equipment, training and associated travel costs. Also, ASA collaborates with and supports the development of Nordic programs and trails in our city.

Jodd Bowles

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 76-11072016

ORDERED, that City Council hereby approves the Auburn Ski Association request for a temporary sign for their Annual Ski Swap which will be held on Sunday, November 13th, 2016. The sign will be placed at the intersection of Turner Street and Lake Auburn Avenue below Starbucks.

IN COUNCIL REGULAR MEETING OCTOBER 17, 2016 VOL. 34 PAGE 285

Mayor LaBonté called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 70-10172016*

Appointing Wardens and Ward Clerks for the November 8, 2016 Election.

Motion was made by Councilor Stone and seconded by Councilor Walker for passage. Passage 7-0.

II. Minutes

- October 3, 2016 Regular Council Meeting

Motion was made by Councilor Burns and seconded by Councilor walker to accept the minutes of the October 3, 2016 Regular Council Meeting as presented.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Auburn Police Department Badge Pinning Ceremony
 - Patrol Officer Travis M. Barnies
 - Patrol Officer Devon A. Bohacik
 - Patrol Officer Jonathan P. Edwards
 - Patrol Officer Andrew W. Jarman
- Proclamation - Food Day
- Community Little Theater Presentation

IV. 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*.

Dan Herrick, 470 Hatch Road thanked the Public Services Crews for doing an exceptional job on an issue that he has been dealing with for a while.

V. Unfinished Business

1. Ordinance 08-10032016

Adopting the General Assistance Appendices A and C, effective 10/01/2016 to 9/30/2017. Second reading.

Motion was made by Councilor Titus and seconded by Councilor Burns for passage of Ordinance 08-10032016.

Public comment – no one from the public spoke. Passage 7-0. A roll call vote was taken.

VI. New Business

2. PUBLIC HEARING – Consolidated Annual Performance and Evaluation Report (CAPER).

No one from the public spoke.

Motion was made by Councilor Burns and seconded by Councilor Pross to accept the report. Passage 7-0.

3. Order 71-10172016

Approving the renewal of the Auto Graveyard/Junkyard permit for TY Auto located at 249 Merrow Road. Public hearing.

Motion was made by Councilor Stone and seconded by Councilor Walker for passage of Order 71-10172016.

Public hearing – no one from the public spoke. Passage 7-0.

4. Ordinance 09-10172016

Amending the zoning map in the area of 1863 Pownal Road. Public hearing and first reading.

Motion was made by Councilor Pross and seconded by Councilor Walker for passage of Ordinance 09-10172016.

Public hearing – John Shumadine, Attorney from Murray, Plumb & Murray and a representative of Jenis Holding Company, recommends postponing this item to allow time for the interested parties to work together to come up with an agreement to conform this property.

Heaven Love, previous owner of the property, commented that nobody was willing to work with her to get this property conformed adding that as a result, she got rid of her home because she felt her hands were tied.

Dan Herrick, 470 Hatch Road commented on the proposed Agricultural Study that is on the agenda, and he recommended that Council postpone this item until the Agricultural Study is done (if approved).

Jim Mcphee, 72 Hillcrest Street, representing Gary McFarland, the current owner of 1863 Pownal Road. He commented that he and Mr. McFarland have made repeated requests to Jenis Holding Company to convey property to make the property whole again with no luck. Mr. McFarland is more than willing sit down with the Jenis Holding representative in order to make this right. He suggested that this item be postponed to allow time for parties to sit down and discuss further.

John Mclean, owner of 741 Broad Street spoke regarding item #9 on the agenda.

Joe Gray, Sopers Mill Road, suggested this item be postponed until the two parties can work this out.

Motion was made by Councilor Burns and seconded by Councilor Young to postpone this item until the next meeting (November 7, 2016). Passage 6-1 (Councilor Titus opposed).

5. Order 72-10172016

Authorizing the Finance Director to appropriate \$40,000 of unallocated bond proceeds for the purpose of funding the necessary technical assistance to complete a study and plan of Auburn's Agricultural and Resource Protection District.

Motion was made by Councilor Titus and seconded by Councilor Burns for passage of Order 72-10172016.

Public comment:

Dan Herrick, 470 Hatch Road, stated that he was not in favor of this study.

Robert Spencer, advised that he did an analysis on properties in the South Auburn area. He spoke of the 50% rule stating that it should be lifted and in doing so, the value of the properties increase.

Kirsten Walters, St Mary's nutrition center spoke in support of the study.

Jim McPhee, spoke in opposition of the study.

Joe Gray, Sopers Mill Road, said that the 50% rule is the biggest roadblock. The 10 acre minimum is another roadblock. He does not think the study is needed adding that it is a "complete waste of money".

Motion was made by Councilor Gilbert and seconded by Councilor Pross to postpone this item until the next meeting (November 7, 2016). Passage 4-3 (Councilors Stone, Titus, and Walker opposed).

6. Ordinance 10-10172016

Amending Chapter 60, Article XVI, Division 2, Subdivision 1, Sec. 60-1301 (4) to update references to State Stormwater Standards to allow the City to maintain Delegated review Authority. Public hearing and first reading.

Motion was made by Councilor Pross and seconded by Councilor Burns for passage of Ordinance 10-10172016.

Public hearing - no one from the public spoke. Passage 7-0. A roll call vote was taken.

7. Order 73-10172016

Authorizing the Acting City Manager to execute the Downtown Auburn Transportation Center Ground Lease.

Motion was made by Councilor Titus and seconded by Councilor Gilbert for passage of Order 73-10172016.

Public comment – no one from the public spoke. Passage 7-0.

8. Order 74-10172016

Authorizing the Acting City Manager to sign a Memorandum of Understanding between the Lewiston-Auburn Transit Committee (LATC) and the City of Auburn.

Motion was made by Councilor Titus and seconded by Councilor Gilbert for passage of Order 74-10172016.

Public comment – no one from the public spoke. Passage 7-0.

9. Order 75-10172016

Disposition of building located at 741 Broad Street under dangerous building statute.

Hearing for parties with interest in property.

Parties with interest: Eric Cousens, Deputy Director of Economic and Community Development, and John McLean, property owner.

Motion was made by Councilor Pross and seconded by Councilor Burns for passage of Order 75-10172016 accepting the findings of facts, conclusions of law and the conditions of the order as laid out.

Passage 6-1 (Councilor Walker opposed).

VII. Executive Session - none

VIII. Reports

A. Mayor's Report – asked that we keep Kim Taylor, Principal at Sherwood Heights School, in our thoughts and prayers as she grieves the loss of her husband.

B. City Councilors' Reports

Councilor Walker - October 29th is Hello-ween Day in new auburn.

Councilor Burns – gave thanks to the Clerk's office for their service when he went in to request an absentee ballot and he reminded residents that they have until Thursday, November 3rd to request an absentee ballot.

Councilor Gilbert – reminded residents of the ribbon cutting for the bus station (Downtown Auburn Transportation Center) on Thursday at 3pm on October 20, 2016.

C. City Manager Report

He complimented the Norway Savings Bank Arena staff for putting on two great games. Central Maine Community College Mustangs had their first game, and the Lady Black Bears topped Boston College, ranked 5th in the nation, with 36 seconds left in the game. There were over 775 attendees. It was a great event.

On October 20th, the Tax Office is closed due to a software upgrade. The Clerk's office will be open for voting only.

He also reminded the public of the joint workshop with the School Department which will held on Wednesday.

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

Joe Gray, Sopers Mill Road said that he hopes we do not charge the owner of 741 Broad Street for the demolition of his property.

- X. Adjournment** - Motion was made by Councilor Walker and seconded by Councilor Burns to adjourn. All were in favor, the meeting adjourned at 9:17 PM.

A True Copy.

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

OFFICE OF THE MAYOR
CITY OF AUBURN



PROCLAMATION

EXTRA MILE DAY

WHEREAS, Auburn, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Auburn, Maine is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Auburn, Maine is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Auburn, Maine acknowledges the mission of Extra Mile America to create 550+ Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2016.

NOW THEREFORE, I, Mayor of Auburn, Maine do hereby proclaim November 1, 2016, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto

Set my hand and caused the Seal of the

City of Auburn, Maine

to be fixed this 7th day of November, 2016

A handwritten signature in blue ink, reading "Jonathan P. LaBonté".

Mayor Jonathan P. LaBonté



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2016

Ordinance: 09-10172016

Author: Eric Cousens, Deputy Director of Economic and Community Development

Subject: Zoning Map Amendment Request for Pownal Road Area

Information: The City Manager's office received a request from two Councilors for consideration to be given to a zone change in the area of 1863 Pownal Road and passed that along to the Economic and Community Development Department to carry through the review process. Staff brought the request to the Council Committee on Economic and Community Development and the committee directed staff to bring the item to the Planning Board for a recommendation to Council as required by ordinance for any zoning amendment. Staff drafted 4 options for the request and the Planning Board considered the item at the August 9th meeting. After public input and substantial deliberation the Planning Board tabled the item and requested additional information. At the September 13th meeting the board accepted additional public input beginning at about 8:00 minutes into the meeting and continued the extensive deliberation until making a motion to recommend approval at 46:50 minutes into the meeting. The motion to recommend approval with conditions failed 3 to 4 and the deliberation continued until 1 hour 04:05 minutes when a motion was made to recommend to the City Council that no change in Zoning District be approved at this time; the motion passed 4 / 3. The draft minutes of both meetings are attached and the videos of the Planning Board meetings are available at <http://www.greatfallstv.net/webstream.htm>. At the October 17, 2016 Council meeting the item was tabled to November 7th to allow the owner of 1863 Pownal Road to discuss obtaining land with the abutter. As of November 2nd they are still talking but have not reached an agreement. The owner of 1863 Pownal Road is asking for more time to continue the discussion.

Advantages: See staff report.

Disadvantages: See staff report.

City Budgetary Impacts: See staff report.

Planning Board Recommended Action: The Planning Board recommended that that no change in the Zoning District near 1863 Pownal Road be approved at this time.

Staff Recommended Action: See staff report. New option of reducing the impacted area was supported by staff for Planning Board review. At this time we ask that the Council postpone this item to a future meeting to allow additional time for the property owners to meet.

Previous Meetings and History: July Council Committee on Economic and Community Development and August 9, 2016 Planning Board Meeting, August 22nd Council Workshop, August 9th and September 13th Planning Board, and 10/3/2016 Council Workshop.

Attachments: Planning Board Report to Council, 1863 Pownal Road ZC Staff Report 8-9-16 w/ attachments, Planning Board Meeting Minutes 8.9.16 Showing DVD Times (Pending Approval), 1863 Pownal Road ZC Staff Report 9-13-16 w/ attachments, 4 Planning Board Meeting Minutes 9.13.16 Showing DVD Times (Pending Approval), Comp Plan Excerpt for Rural Residential strip criteria, 1863 Pownal Rd map and aerial photo, Photo of home from assessment records.



City of Auburn, Maine

Office of Planning & Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

PLANNING BOARD RECOMMENDATION

To: Auburn City Council

From: Eric J. Cousens, Deputy Director of Economic and Community Development

Re: Zoning Map Amendment Request for Pownal Road Area

Date: September 27, 2016

I. **THE PROPOSAL-** The City Manager's office received a request from two Councilors for consideration to be given to a zone change in the area of 1863 Pownal Road. Staff prepared a number of options for consideration by the Planning Board and the Board held a public hearing as required by the ordinance.

II. **PLANNING BOARD ACTION and RECOMMENDATION** - The Planning Board held a public hearing regarding the proposed map amendment on August 9, 2016 and September 13, 2016. Members of the public spoke both for and against the proposal. The Planning Board voted (4/3) to send the City Council a recommendation that no change in the Zoning District near 1863 Pownal Road be approved at this time.



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Zoning Map Amendment Request for Pownal Road Area

Date: August 9, 2016

I. PROPOSAL- The Auburn City Council has initiated a zoning map amendment for properties located in the southern end of Auburn along Pownal Road from Agricultural-Resource Protection to Low Density Rural Residential Development. The proposed properties are; a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001

The property that triggered this request is 1863 Pownal Road. The property was created by a deed split around 2010 and was done in error. One property was created as an 8 to 9 acre parcel, which does not meet the 10 acre minimum lot size. As a result, this property and the parent tract is in a legally "locked up" situation and neither property can be issued building permits or is unable to be sold through financial institutions. The current owner has gone into foreclosure and has had difficulty in maintaining the large Victorian mansion.

At their June 16th Economic and Community Development Committee meeting, Council Members Walker and Gilbert presented a memo (attached) that proposed a zone change for 1863 Pownal Road and the surrounding area. The Committee voted to have the Planning Board consider a zoning map amendment, hold a public hearing and bring a recommendation on the proposed zone change back to the Council.

II. DEPARTMENT REVIEW-

- a. Police- No concerns.
- b. Auburn Water and Sewer- This rural area is served by private well and septic systems.
- c. Fire Department- Would like to see the home at 1863 become occupied, repairs made and brought up to code. The house currently has no heat and the

Fire Department is concerned about the home being protected during the upcoming winter.

- d. Engineering- No concerns.
- e. Public Services-No concerns.
- f. Economic and Community Development (ECD)- The Planning Office has attempted numerous ways to resolve the illegal lot situation at 1863 Pownal Road to no avail. The Staff is will consider this limited zone change as a way of correcting undersized lot and to bring the property back into productive use.

III. PLANNING BOARD ACTION- The Planning Board is being asked to consider whether the zone change either meets the future land use plan from the 2010 Comprehensive Plan or that evidence has been presented to prove that significant changes have taken place to the physical, economic or social nature of the area that were not anticipated by the last comprehensive plan.

In addition, the 2010 Comprehensive Plan (pages 70-71) lists the specific criteria that need to be present to approve an extension of a rural residential strip.

3. Rural Residential Road Strips

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip may be provided along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Staff Comment- The existing half mile of Rural Residential zoned land along Pownal Road before the proposed zone change area has 10 homes, which meets criteria #1.

Consideration #2 – Reserve Area Adjacency

A residential strip should not be provided along a rural road if the area adjacent to the road is a "reserve area" where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be

some realistic expectation that something will occur that will change the desired land use for the area in the future.

Staff Comment- The area adjacent to the proposed zone change is not designated as a "reserve area".

Consideration #3 – Natural Resource Adjacency

A residential strip should not be provided along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Staff Comment- The area adjacent to the proposed zone change is not considered a significant natural resource area.

Consideration #4 – Conservation/Open Space Adjacency

A residential strip should not be provided along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Staff Comment- The land adjacent to the proposed zone change is not protected open space nor is there a reasonable expectation to preserve open space in the foreseeable future.

Consideration #5 -- Ability to Provide Public Services

A residential strip should not be provided along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- *The road is a gravel or dirt road*
- *The road is a poorly maintained paved road that will need to be improved to support residential development along it*

Staff Comment- The proposed zone change will not tax the City's ability to provide municipal services. Given the nearby area already zoned Rural Residential has 10 homes in a half mile, police and fire already must serve the area. All water and sewerage are provided by private wells and septic systems.

Consideration #6 – Water Quality Protection

A residential strip should not be provided along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

Staff Comment- The proposed zone change is not located in the watershed of Lake Auburn.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

IV. STAFF RECOMMENDATION- The Staff considered how the proposal meets the six considerations of the Rural Residential Strips in the 2010 Comprehensive Plan and finds that this area meets those criteria. Criteria 6 does not apply.

Other issues the Staff considered were:

- Correcting non-conformities through a zone change is not a normal procedure.
- The staff wants to minimize the number of lots that would be possible as a result of the zone change to a rural residential zoning type.
- There are some concerns that approving this could be considered a precedent for other areas in Auburn's Agricultural Zone.

Zoning Map Amendment Staff Scenario Options- The memo from Councilman Walker initiating the zone change amendment labeled the existing and proposed zoning in the Pownal Road area as Low Density Country Residential. The zoning in the area is actually Low Density Rural Residential. The staff has created different 4 scenarios (attached) for the Planning Board to consider.

1. Rezone both sides of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Rural Residential to be consistent with the existing zoning. This option rezones approximately 23 acres and creates the potential for 5 new residential lots.
2. Rezone both sides of Pownal Road from Agriculture to Low Density Rural Residential to the end of 1863 Pownal Road but not include Parcel # 021-012-001. This option rezones approximately 20 acres and creates the possibility of 4 new residential lots.
3. Rezone both side of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Country Residential. This option rezones approximately 23 acres and creates the possibilities of 3 new lots.
4. Rezone both side of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Country Residential but not include Parcel # 021-012-001. This option rezones approximately 20 acres and creates the possibilities of 2 new lots.

STAFF RECOMMENDS SCENARIO OPTION 4. While rezoning to Low Density Country Residential is not consistent with the adjoining Rural Residential zoning, it would limit the number of new lots and still meet the Council directive of correcting the non-conformity of 1863 Pownal Road.



City of Auburn, Maine

Office of Planning & Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

The Staff recommends sending a recommendation of **APPROVAL** to the City Council using Scenario 4 provided in the Staff Report to rezone a 20 acre that consists of; portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road and 1863 Pownal Road from Agriculture/Resource Protection to Low Density Country Residential with the following findings.

1. The rezoning complies with the Rural Residential Strips criteria from the 2010 Comprehensive Plan.
2. The rezoning will allow the property at 1863 Pownal Road to be purchased, repaired, maintained and put on the tax rolls.

A handwritten signature in black ink that reads "Douglas M. Greene".

Douglas M. Greene, A.I.C.P., R.L.A.
City Planner



City Council Workshop Agenda Item Request Form

City of Auburn

Requesting Councilor's Name: Leroy Walker- Councilor Ward 5

Second Councilor Name: *Cristine M. Gilbert*

Policy: Change in zoning for City owned property- 1863 Pownal Road

Summary of Issue:

This property has been a zoning problem for years and is costing the City of Auburn a significant amount of loss tax revenue due to a mistake made in dividing lots. We have the opportunity to fix the problem. I think City staff has avoided settling the matter in a reasonable way. As the Council it's time to settle the matter in Auburn's favor.

The Property at 1863 Pownal Road was created in or about 2010 when it was divided from a 67 acre parcel into two lots: the house lot on an 8.1 acre lot and a 58 acre vacant field and woods lot. Both lots are in the AG/RP zone requiring a minimum lot size of 10 acres. When the City permitted the division, the property at 1863 Pownal Road was left with 1.9 acres less than required. The penalty for this violation is Chapter 60, Sec. 60-40-Reduction of Dimensional Regulations. "No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots in conformance with all dimensional requirements." Attempts to correct the violation through the purchase of the needed land from the two contiguous property owners have been unsuccessful. If the zoning issue is not resolved it will be difficult to secure a mortgage and insurance and to do the renovations that are necessary to bring this 1900's house and property back to its former beauty. It needs to be put back on the tax roll and so the non-conforming lot issue needs resolution.

Recommended Action for Consideration: Request the Planning Board to review and make a recommendation on a proposal to amend the Zoning Map in the vicinity of Pownal Road and Jordan School Road, specifically, 1863 Pownal Road, Parcel ID # 021-001, from Agricultural/Resource Protection to Low Density Country Residence (with 3 acre minimum lot size). This is a tax acquired property now owned by the City of Auburn.

There are 4 solutions to this issue, but I think #4 rezoning is the best answer:

1. Have the City issue a "No Action Letter" as a condition of sale.
2. The City, as the current property owner, request that Jenis Holding Company convey back a 1.1 acre lot to make both properties conforming. Sec.60-40 also penalizes any development of the Jenis lot unless the 1863 Pownal Road lot is made conforming. Conveying a strip of land 57.05' by 840' (47,922sf) along the length of the rear line dividing the two properties is suggested.
3. Purchase 1.1 acres from John F. Murphy Homes at 1805 Pownal Road.
4. Have the City initiate a rezoning to Low Density Country Residence District to include this lot and the two lots across Pownal Road. This action would make all three lots conforming.

Existing Policy References (Comp. Plan, etc): Copies attached: Auburn Maine Code of Ordinances- Sec. 60-146 Dimensional Regulations, Auburn Maine Code of Ordinances- Sec. 60-1445 zoning amendments purpose, Auburn Maine Code of Ordinances- Sec. 60-40 Reduction in dimensional regulations, Auburn Parcel Inquiry for 1863 Pownal Road,



Auburn Parcel Inquiry

City of Auburn Website MapAuburn Home Page

+

Find address or place



-



AGRICULTURE/
RESOURCE PROTECTION

LOW DENSITY
~~RESIDENCE~~ RESIDENCE

COUNTRY 3 ACRES or more

1863
POWINAL RD.

IFM

COUNTRY RESIDENCE

Total - \$ 413,000

Total - \$ 215,00 Building V.

600ft

44.005 - 70.232 Degrees

ZONING AMENDMENTS

Sec. 60-1445. - Purpose.

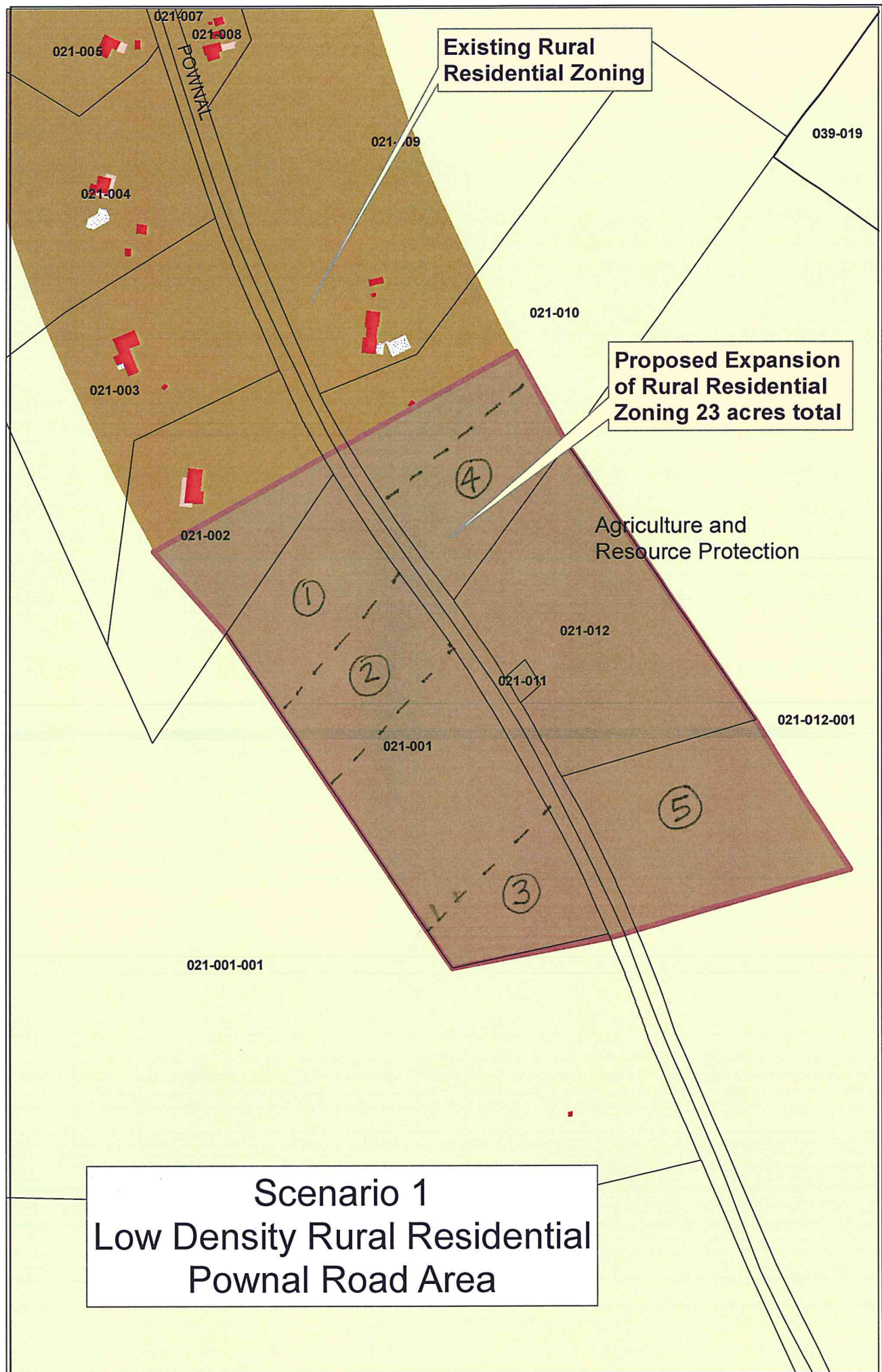
Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city.

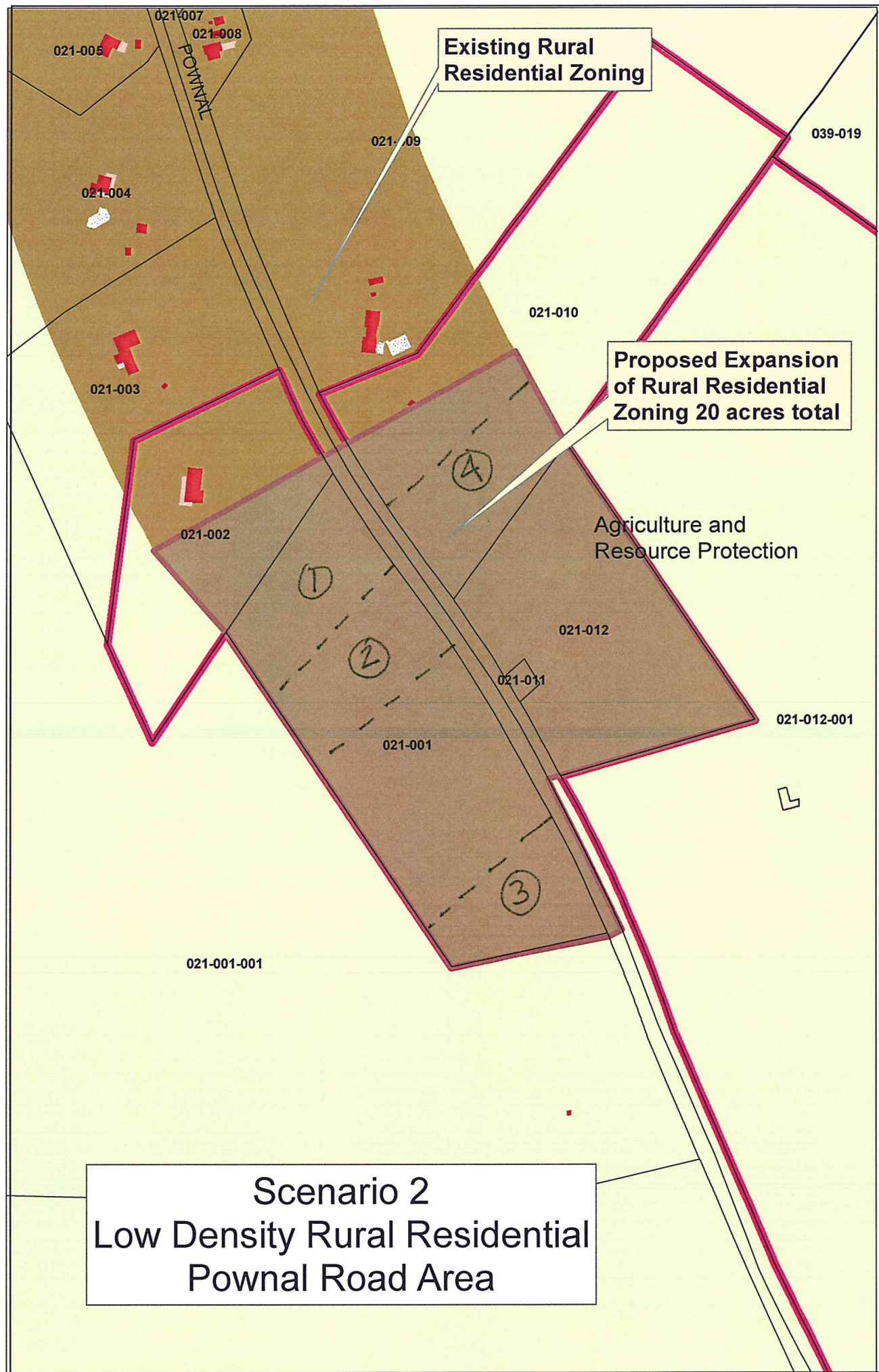
(Ord. of 9-21-2009, § 8.1A)

Sec. 60-40. - Reduction in dimensional regulations.

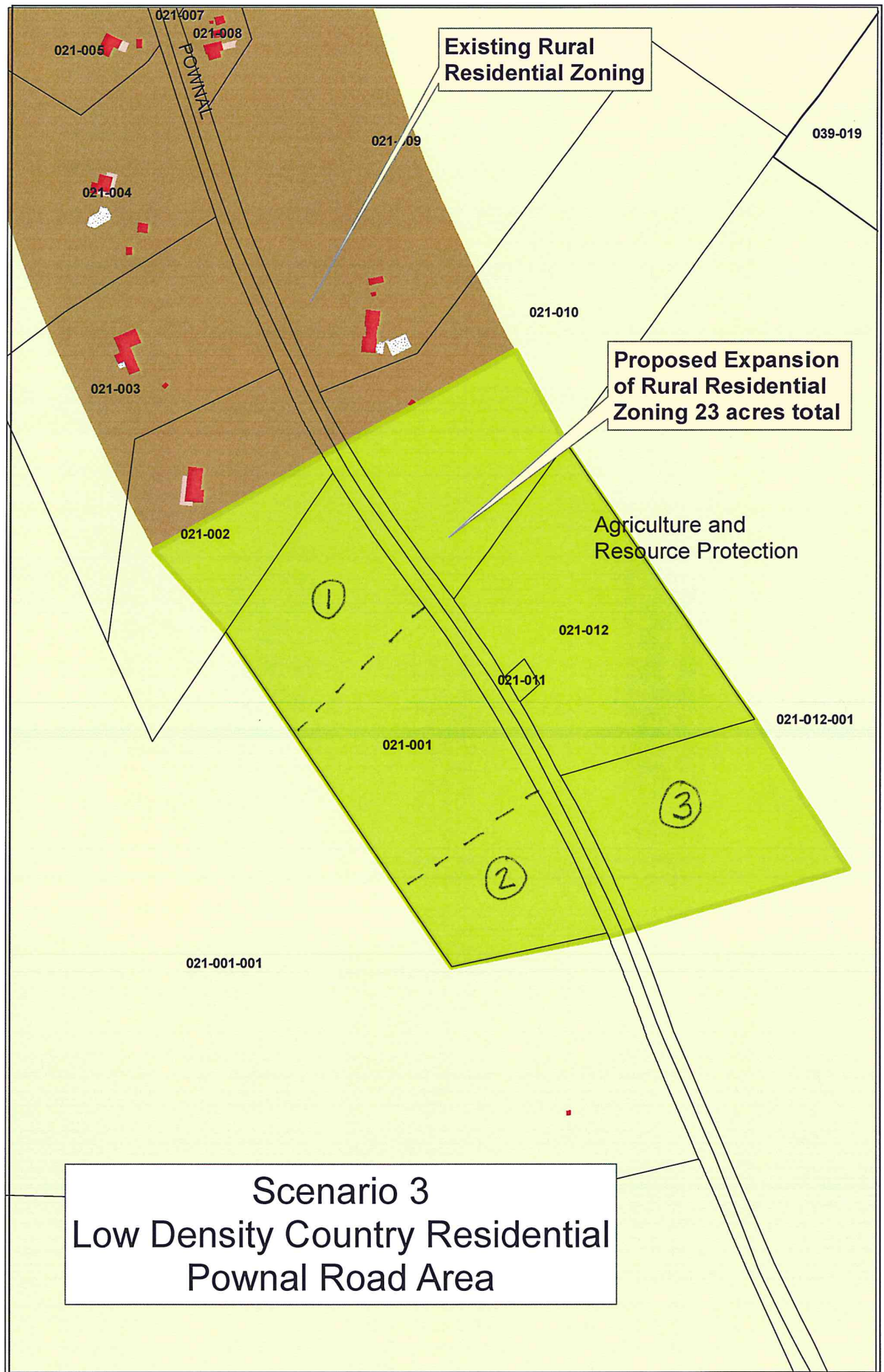
No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

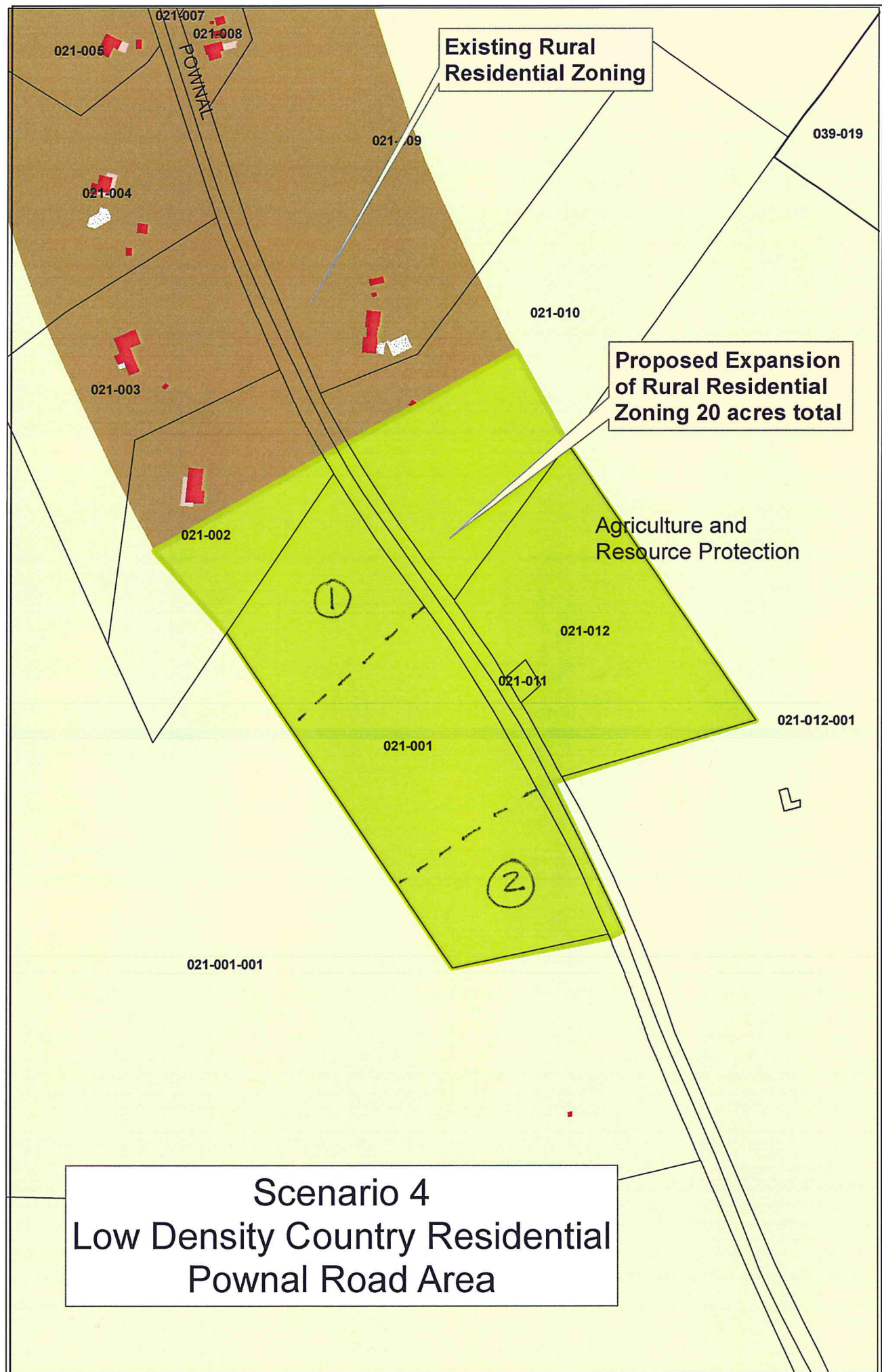
(Ord. of 9-21-2009, § 3.1H)





Scenario 2
Low Density Rural Residential
Pownal Road Area





Auburn Planning Board Meeting Minutes August 9, 2016

ROLL CALL:

Regular Members present: Mia Poliquin Pross, Robert Bowyer, Evan Cyr, Ken Bellefleur Presiding, Dan Philbrick, and Marc Tardif.

Regular Members absent: Samuel Scogin

Associate Members present: Nathan Hamlyn

Associate Members absent: Elaine Wickman

Also present representing City staff: Douglas Greene, City Planner and Eric Cousens, Deputy Director of Economic & Community Development

Chairperson Bellefleur called the meeting to order and stated Nathan Hamlyn would be acting as a Full member for this meeting. He also stated meeting minutes would be reviewed and acted upon at the end of this meeting.

PUBLIC HEARINGS & NEW BUSINESS:

Special Exception and Site Plan Review for an 8,400 sf commercial building and drive through restaurant located at 410 Center Street, 10 Blackmer Street and 19 West Dartmouth Street submitted by R & D Resources, LLD

Doug Greene presented the Staff Report via PowerPoint.

(09:50 on DVD)

Sean Thies, agent for R & D Resources, LLD continued with the presentation and answered questions from the Board members. The following topics were discussed: parking, pedestrian safety, deliveries, signage, lighting, etc...

(35:45 on DVD)

Open Public Input

David Rutenberg of 27 West Dartmouth Street said they had nothing but trouble with Tim Horton's from the beginning. He said they never put in the acoustic fence as they agreed to do and the dumpster was picked up at 3:00 in the morning and the banging sound could be heard 3 houses up the street. He mentioned Sysco trucks blocking West Dartmouth Street when they made deliveries and that the promised landscaping was never completed by the developers and never enforced by the City. He said these issues needed to be addressed here somehow.

Paul Bellanceau of 4 University Street said he had issues with vehicle headlights shining through his house windows and the lack of buffering.

Fern Masse of 25 Blackmer Street gave a brief history of the property and asked who was responsible for enforcing the planting of shrubs and trees around the perimeter.

Frank Pepin of 36 West Dartmouth Street stated he was in favor of the proposal.

(46:10 on DVD)

A motion was made by Robert Bowyer and seconded by Evan Cyr to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A discussion ensued regarding the following: the concerns of the neighbors, provision requiring maintenance of landscape & plantings if it's spelled out on approved plans, willingness of developer to install a tall fence while waiting for shrubbery to grow to address headlight issue, and scheduling of deliveries and dumpster pick up.

Douglas proposed adding the following conditions to the 2 already mentioned in the staff report:

- 3) Staff will monitor each new tenant and each use – ensure they are not adding to traffic and hours of operation
- 4) Addition of crosswalk, striping and pedestrian lighting where appropriate
- 5) 6' to 8' plantings in southern end (in lieu of a fence)
- 6) Hours of operation concerning dumpster and delivery trucks: After 10:00 am and before 7:00 pm.
- 7) One-way directional signage

A discussion continued regarding times of truck deliveries and dumpster pick-up.

(59:15 on DVD)

A motion was made by Evan Cyr and seconded by Dan Philbrick to approve the Special Exception and Site Plan Review for an 8,400 sf commercial building and drive through restaurant located at 410 Center Street, 10 Blackmer Street and 19 West Dartmouth Street submitted by R & D Resources, LLD citing that the plans meet conditions for both site plan review and special exception and subject to the following conditions:

1. No development activity shall occur until any bonding and inspection fees are determined by the Department of Engineering.
2. The owner is responsible for maintaining all boundary and buffer area landscaping and will replace any damaged or dead plantings to the approval of the Planning Staff.
3. The Planning Staff shall review and monitor all proposed tenants for their type of use, hours of operation and parking requirements for the project with regards to the traffic analysis submitted with this application.
4. The applicant shall install cross walk striping and pedestrian lighting to the approval of the Planning Staff.
5. The plantings along the southwest and southern boundaries shall have 6-8 foot tall eastern red cedar installed.
6. On site signage shall be used at the Center Street entrance to direct incoming traffic around the building and for employee parking to the rear of the building.
7. The hours of operation for dumpster service and deliveries shall be between the hours of 7

am and 7 pm.

8. The development of the site shall be as per the site plan dated July 12, 2016 and revised as per the conditions listed above.

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

George Courbron, agent for John Vallieres, is seeking Special Exception and Site Plan Review of an auto sales and service facility at 204 Minot Avenue pursuant to Section 60-499 (b) (3) Auto sales and service agency, Section 60-1336, and Section 60-1277 Auburn Ordinance.

Doug went over the staff report and presented slides via PowerPoint.

John Vallieres, owner and applicant and George Courbron from Survey Works and agent for Mr. Vallieres spoke about the proposal.

(01:21:00 on DVD)

Open Public Input

A motion was made by Evan Cyr and seconded by Mia Poliquin Pross to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A lengthy discussion ensued regarding the waiver request and it was decided that the Board members would vote on the waiver request separately.

A motion was made by Dan Philbrick and seconded by Mia Poliquin Pross to approve the waiver request Section 60-607 (13) (d) Off Street Parking for the property of John Vallieres at 204 Minot Avenue. After a vote of 6-1-0, the motion carried. Robert Bowyer opposed.

A motion was made by Dan Philbrick and seconded by Mia Poliquin Pross to approve the Special Exception with the 7 conditions as recorded by the City Planning Office and Site Plan with the 4 conditions as recorded by the City Planning Office of an auto sales and service facility at 204 Minot Avenue pursuant to Section 60-499 (b) (3) Auto sales and service agency, Section 60-1336, and Section 60-1277 Auburn Ordinance with the additional 2 conditions:

1. Bonding and inspection fees must be approved and a notice to proceed obtained from the City Engineer.
2. Prior to development activity, the applicant shall obtain a written maintenance agreement with the City of Auburn for a landscape area on the southern portion of the project that is located with the street right of way.

After a vote of 6-1-0, the motion carried. Robert Bowyer opposed.

(01:39:50 on DVD)

After a brief recess, the meeting was called back to order.

William T. Conway, agent for the Auburn Housing Development Corporation is seeking approval of a 39,152 sf, mixed use building at 62 Spring Street pursuant to Section 60-550,

Downtown Traditional Center T-5.1, and Section 60-556 Form Based Code Plan Types, (b) (3) New construction over 12,000 s.f. of the Auburn Code of Ordinance.

Doug went over the staff report and presented slides via PowerPoint.

Richard Whiting of Auburn Housing Development Corporation, Ethan Boxer-Macomber of Anew Development, LLC, William Conway of Sebago Technics, Inc. and several other members on the development team presented additional information on the proposal.

Open Public Input

(02:19:25 on DVD)

A motion was made by Robert Bowyer and seconded by Evan Cyr to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A long discussion ensued amongst Board members regarding the waiver request and Form Based Code regulations.

A motion was made by Robert Bowyer to approve the Special Exception and Site Plan Review of the mixed use building at 62 Spring Street based on the site plan dated 7/7/16 and revised on August 3, 2016 based on the 4 Findings listed in the Staff report and that the Planning Board approve the waiver request A thru E listed in the Staff report and subject further to the Conditions that no development activity shall be allowed until a bonding inspection fee has been determined by the Department of Engineering and with the additional amendment that there may be up to 41 dwelling units in the development.

Douglas mentioned that Staff would like to add another condition that the applicant will provide an updated and corrected site plan that reflects the appropriate statistics for the T-5.1.

The motion was seconded by Marc Tardif. After a vote of 7-0-0, the motion carried.

(02:35:00 on DVD)

The Auburn City Council initiated a zoning map amendment for the following properties: a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001 from Agricultural Resource Protection District to Low Density Rural Residential District pursuant to Section 60-1445 Amendments to the Zoning Map.

Eric Cousens went over the history of how the property came to be and then went over the Staff report using a PowerPoint presentation.

Eric answered several questions from Board members.

(02:56:45 on DVD)

Open Public Input

A woman from the audience asked if the zone was being changed on both sides of the road.

Dan Herrick of 470 Hatch Road told Board members he had a chance to purchase the property back in the 1970's when it was a 464 acre farm. Along with giving a brief history he commented on the following:

- That the subcommittee is not the full council and that they did not write this proposal.
- The City is now approving rezoning both sides of the road because it is now owned by a developer.
- The lot was split as an illegal lot and added that when a lot is split you have to get a permit.
- Didn't know who from the City permitted it but now the City is trying to come together to fix the mistake.
- Didn't have a problem with fixing it but there are a lot of these in the city that need fixing.

Joe Gray of Sopers Mill Road stated there was a whole lot of back story that we are not getting from Staff mostly because Staff caused the problem and added the following comments:

- The owner who just lost the house had a plan to make it right and Mr. Cousens just blamed her for the demise of the property.
- Former owner asked for it to be rezoned a long time ago but Mr. Cousens said no.
- The property is useless due to vandals stripping the copper and doors but the City is still taxing property extremely high
- It's not fair the way it happened
- The process did not follow the tax acquired policy which doesn't make sense.
- Rezone it all the way to Durham

Previous owner tearfully spoke about her struggles with the City to try to get the property conformed. She asked that the lot gets conformed as Agricultural and that the shooting range does not get approved.

Eric read a letter from Linda Hansen. Ms. Hansen could not be at the meeting so requested that her comments be read as part of Public Comment. She states in the letter that she objects to the rezoning as it seems the City would be rewarding bad behavior.

Kim Visbaras of Hersey Hill Road said he, on behalf of the owner of the property at the time, had worked with an abutter, Jenis Holdings to convey some land to try to make this lot conforming but when his client made what was thought to be a generous offer to purchase the land, Jenis Holdings basically said to go pound sand.

(03:12:15 on DVD)

A motion was made by Dan Philbrick and seconded by Robert Bowyer to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A lengthy discussion ensued amongst Board members and Staff. The following are some of the items that were discussed:

- Are the 4 options the only options available?
- Taxing City services

- Focus on the lot that isn't legal instead of creating a bunch of new lots and changing the zoning
- Variance option and Council petition
- Current owner willing to have a deed restriction stating that the lot can never be split for any other residential purpose

Evan Cyr stated his preference would be to Table this until a deed restriction is in place before the Board makes a recommendation to rezone.

(03:33:40 on DVD)

Doug explained that the Board can only make a recommendation to the City Council so whether a deed restriction is part of the recommendation or not, it's still up to the City Council as to whether or not they take it into consideration. Eric added the ordinance does not allow for conditional rezoning so holding it hostage over that is pushing the boundaries of what the Board would have authority to do.

Chairperson Bellefleur commented that he would not vote for any of these solutions because it was a spot attempt and not fair to other property owners in similar situations. A long discussion ensued between Board members.

Dan Herrick stated he owns a dead piece of land which he cannot build on because of him (as he pointed to staff).

Eric explained we have zoning standards of which staff is given a set of rules that were approved by the Council.

A motion was made by Marc Tardif and seconded by Evan Cyr to table until the next meeting.

James McPhee asked for 5 minutes of comment time of which he was granted. He spoke about Non-Action Letters as a simple solution to this and explained why.

(03:45:40 on DVD)

After a vote of 7-0-0, the motion carried. Eric asked for direction as to what the Board would like staff to put together for the next meeting. Marc Tardif said he would like staff's opinion on what Mr. McPhee spoke about.

Chairperson Bellefleur stated that he wanted to make clear that there wasn't anything nefarious going on within City government to somehow impose hardships on any particular property.

Reggie Bouffard, Home Builder, is seeking approval of a 2 lot subdivision located at Woodbury Road (PID # 110-008)

Douglas went over the staff report and presented slides via PowerPoint.

Kim Visbaras on behalf of the applicant, Gary McFarland, commented that lot 5 will be slightly larger than what is depicted on the plans.

Chairperson Bellefleur commented since there were no members of the public present, he wouldn't open the Public Hearing.

A motion was made by Dan Philbrick and seconded by Evan Cyr to approve the 2 lot subdivision for Mountain View Estates located on Woodbury Road (PID # 110-008) with the Finding #1 in the staff recommendation and the Conditions that no development activity shall occur until the subdivision plan is recorded at the County Board of Registration and that no development activity shall occur until the Division of Engineering has determined if bonding or inspection fees are required. After a vote of 7-0-0, the motion carried.

The Auburn Planning Board has initiated a zoning map amendment in Colonial Ridge PUD for a .81 acre area of the southwest portion of lots 8 and 9 and an adjacent open space area from Industrial District to Suburban Residential District.

Douglas mentioned that this was just a correction. A short discussion ensued.

Open Public Input

No members of the public were present.

A motion was made by Evan Cyr and seconded by Robert Bowyer to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Robert Bowyer added the following points:

- It is essential to do a change from Industrial to Residential because residence is not a permitted use in the Industrial District.
- The property in the Industrial District is essentially inaccessible because there's a provision in our zoning ordinance that you cannot access an industrial property through a residential district.
- Zoning should be consistent with the Use.

A motion was made by Robert Bowyer and seconded by Dan Philbrick to send a favorable recommendation to the City Council the zoning map amendment in Colonial Ridge PUD for a .81 acre area of the southwest portion of lots 8 and 9 and an adjacent open space area from Industrial District to Suburban Residential District subject to the findings and conditions that are listed in the staff report dated August 9, 2016 and including the comments as presented by Mr. Bowyer.

(04:03:30 on DVD)

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

OLD BUSINESS:

Douglas passed around documents regarding the Adaptive Re-use. He said the City attorney suggested we look at contract zoning but staff feels we need to keep working on it.

MISCELLANEOUS:

None

MINUTES:

June 14, 2016 Meeting Minutes Approval Request

A motion was made by Evan Cyr and seconded by Nathan Hamlyn to approve the June 14, 2016 meeting minutes. After a vote of 7-0-0, the motion carried.

ADJOURNMENT

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

AMENDED PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Zoning Map Amendment Request for Pownal Road Area

Date: September 13, 2016

I. **AMENDED STAFF REPORT-** At their August 9th meeting, the Planning Board deliberated a Council initiated zoning map amendment for properties located in the southern end of Auburn along Pownal Road from Agricultural-Resource Protection to Low Density Rural Residential Development. The properties proposed for rezoning at the meeting were; a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001

After lengthy public input and Planning Board discussion, the item was tabled to the September 13th meeting. The Board asked the staff to provide the following additional information at the September 13 meeting.

1. A revised Zoning Map Amendment that would only re-zone the southwest side of Pownal Road from Agricultural Resource Protection to Low Density Country Residential for to an 1.35 acre portion of 1807 Pownal Road (J. F. Murphy Homes Property) and approximate 8.89 acre property at 1863 Pownal Road.
2. A copy of a proposed Declaration of Covenant and Restrictions for 1863 Pownal Road that would permanently restrict that property to one existing dwelling unit.
3. Provide additional information regarding the timeline of events for 1863 Pownal Road.
4. Information pertaining to a “no-decision” option presented at the 8/9 meeting.

These items are attached with this revised and amended Staff Report. In addition, the City Council held a workshop on this item on August 22nd.

II. **DEPARTMENT REVIEW- NO NEW COMMENTS** since the August 9th meeting.

- a. Police- No concerns.

- b. Auburn Water and Sewer- This rural area is served by private well and septic systems.
- c. Fire Department- Would like to see the home at 1863 become occupied, repairs made and brought up to code. The house currently has no heat and the Fire Department is concerned about the home being protected during the upcoming winter.
- d. Engineering- No concerns.
- e. Public Services-No concerns.
- f. Economic and Community Development (ECD)- The Planning Office has attempted numerous ways to resolve the illegal lot situation at 1863 Pownal Road to no avail. The Staff will consider this limited zone change as a way of correcting undersized lot and to bring the property back into productive use.

III. PLANNING BOARD ACTION-

1. At the September 13th meeting, the Planning Board is being asked to bring this item back on the table for further discussion.
2. The Planning Board is being asked to consider a new scenario # 5, which includes 2 properties located in the southern end of Auburn along Pownal Road to be rezoned from Agricultural-Resource Protection to Low Density Rural Residential Development.

At the August 9th meeting, the Planning Board also considered language from the 2010 Comprehensive Plan (pages 70-71) regarding criteria that need to be present to approve an extension of a rural residential strip.

Rural Residential Road Strips

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip may be provided along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Staff Comment- The existing half mile of Rural Residential zoned land along Pownal Road before the proposed zone change area has 10 homes, which meets criteria #1.

Consideration #2 – Reserve Area Adjacency

A residential strip should not be provided along a rural road if the area adjacent to the road is a “reserve area” where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Staff Comment- The area adjacent to the proposed zone change is not designated as a “reserve area”.

Consideration #3 – Natural Resource Adjacency

A residential strip should not be provided along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Staff Comment- The area adjacent to the proposed zone change is not considered a significant natural resource area.

Consideration #4 – Conservation/Open Space Adjacency

A residential strip should not be provided along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Staff Comment- The land adjacent to the proposed zone change is not protected open space nor is there a reasonable expectation to preserve open space in the foreseeable future.

Consideration #5 -- Ability to Provide Public Services

A residential strip should not be provided along a rural road if residential development will tax the City’s ability to provide municipal services as indicated by the following:

- *The road is a gravel or dirt road*
- *The road is a poorly maintained paved road that will need to be improved to support residential development along it*

Staff Comment- The proposed zone change will not tax the City’s ability to provide municipal services. Given the nearby area already zoned Rural Residential has 10 homes in a half mile, police and fire already must serve the area. All water and sewerage are provided by private wells and septic systems.

Consideration #6 – Water Quality Protection

A residential strip should not be provided along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

Staff Comment- The proposed zone change is not located in the watershed of Lake Auburn.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

IV. STAFF RECOMMENDATION-

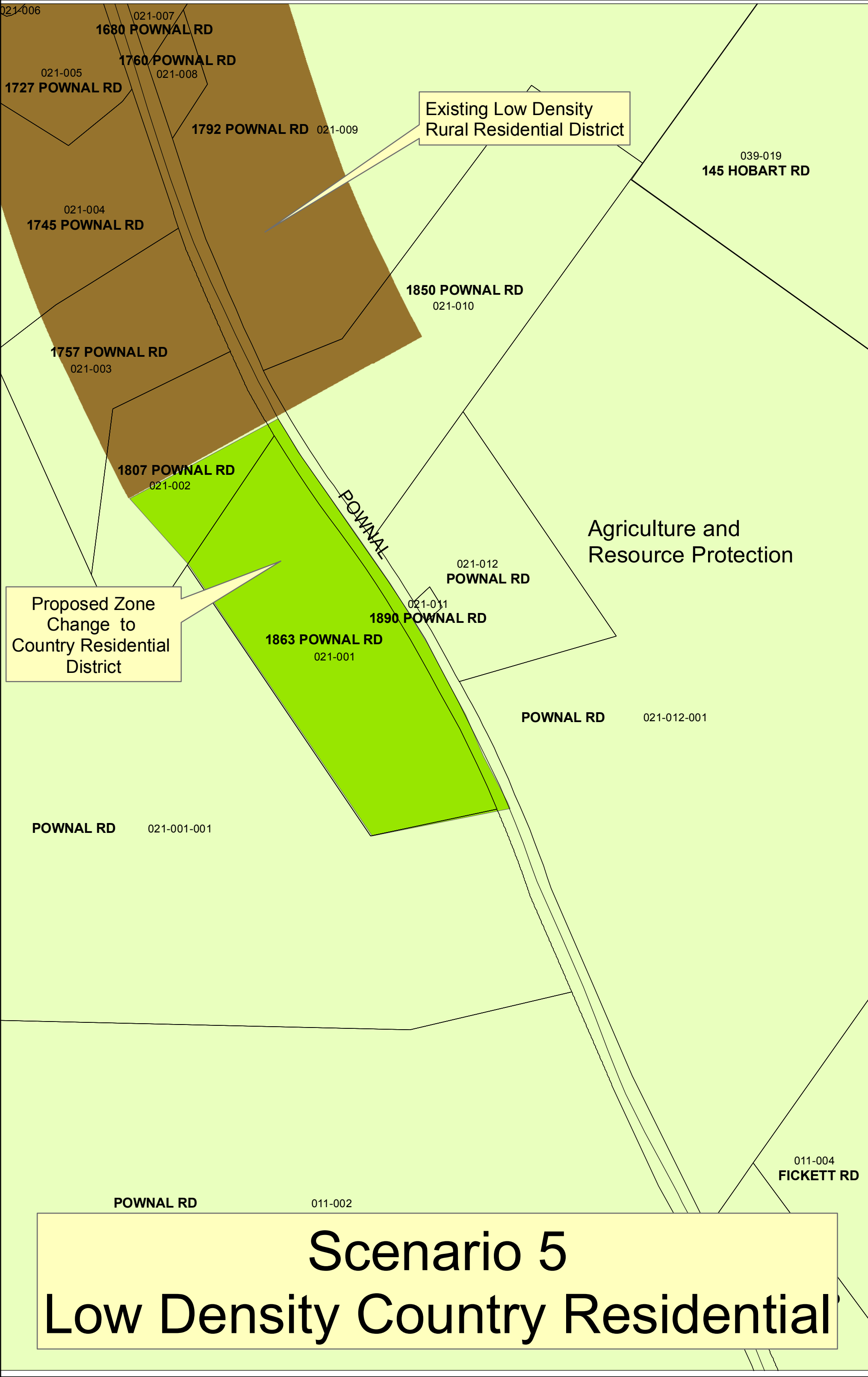
STAFF COMMENTS- The Staff is still concerned that correcting non-conformities through a zone change is not a normal justification for rezoning a property. The Staff is also concerned that approving this Zoning Map Amendment could be considered a precedent for rezoning other areas in Auburn's Agricultural Zone.

STAFF RECOMMENDATION- Last month, the Staff produced 4 possible scenarios for a possible zone change, based on a Zone Change initiated by the City Council. At the end of this item's discussion at the August 9th meeting, the Planning Board asked the Staff to produce a 5th scenario that only proposed Low Density Country Residential for a 1.35 acre portion of 1807 Pownal Road and all of 1863 Pownal Road, which is approximate 8.87 acres. The applicant has produced a Declaration of Covenant and Restrictions, which would permanently restrict 1863 Pownal Road to only one existing home on the 8.9 acres. While this offers protection from future subdivisions, it cannot be used as a condition of the zone change.

PLANNING BOARD ACTION- Should the Planning Board consider Scenario # 5 as the preferred option for "fixing" the illegal lot status of 1863 Pownal Road, they should forward a recommendation of approval to the City Council for the Zoning Map Amendment based on Scenario # 5 with the following findings:

1. Scenario # 5, as presented by staff at the September 13 meeting, meets the six considerations of the Rural Residential Strips in the 2010 Comprehensive Plan. Criteria 6 will not apply.
2. Scenario # 5 minimizes the number of new lots that could be created.
3. The rezoning will allow the property at 1863 Pownal Road to be purchased, repaired, maintained and put on the tax rolls.


Douglas M. Greene, A.I.C.P., R.L.A.
City Planner



**DECLARATION OF COVENANT AND RESTRICTION
FOR AGHRA CAPALL LLC**

THIS Declaration of Covenant and Restriction is made effective this day of _____, 2016, by **Aghra Capall LLC**, a limited liability company duly organized and existing under the laws of the State of Maine, with a place of business at 195 Center Street in Auburn, Androscoggin County, Maine, hereinafter referred to as the "LLC", which expression shall include its successors and assigns.

WHEREAS

The LLC owns a certain parcel of improved real property (hereafter the "Real Estate") located at 1863 Pownal Road in Auburn, Androscoggin County, Maine, and being the same premises conveyed to the LLC by deed of Heaven Lee Love and Ralph Searles, Jr. dated July 26, 2016 and recorded in the Androscoggin County Registry of Deeds in Book 9422, Page 216; and

WHEREAS,

The LLC has elected to place, without any requirement imposed upon the LLC and without any coercion on the part of any person or entity, a perpetual restriction, running with the land, upon the Real Estate in order to prevent further division of the Real Estate into multiple lots and to restrict development on the Real Estate, which is the purpose of this document to recite (this document hereafter referred to as the "Declaration").

NOW, THEREFORE,

The LLC, for itself and its successors and assigns, declares the Real Estate, as described in the aforementioned deed recorded in said Registry in Book 9422, Page 216, to be subject to the following covenant and restriction:

ARTICLE 1. Restriction. The LLC hereby states and declares that the Real Estate, from the effective date of this instrument set forth above, is and shall be subject to a perpetual restriction,

running with the land, that the Real Estate shall not be divided into multiple lots, without regard to any municipal zoning provisions applicable to the Real Estate, whether hereby existing or hereafter arising. This restriction shall not prevent the LLC from accepting delivery of any subsequent deed which would add additional real property to the Real Estate, but the acceptance of any such deed shall not in any manner affect the nature or scope of the restriction established hereby or any other aspect of this Declaration. Any such additional real property once acquired by the LLC shall be included under the definition of “Real Estate” hereunder, and shall be subject to all terms and conditions set forth herein.

ARTICLE 2. Triggering Events. This restriction shall only take effect upon the following triggering events occurring; (a) the City of Auburn confirming to the LLC in writing that the City will allow permits to be issued to the LLC in order to make repairs and perform maintenance on the residential structure currently located on the Real Estate and to allow accessory structures to the currently existing residential structure to be located on the Real Estate, and (b) the recording of this Declaration in the Androscoggin County Registry of Deeds. In the event subpart (a) of this Article 2 occurs, the LLC shall be legally obligated to promptly accomplish subpart (b) of this Article 2. The cost of recording this Declaration shall be borne by the LLC.

ARTICLE 3. Enforcement. The authority for enforcement of any violation of the restriction imposed upon the Real Estate by this Declaration is hereby granted to the City of Auburn and any real estate property owner whose property abuts the Real Estate. This enforcement authority may be exercised by any of the parties set forth in this Article 2, and shall not require all of said parties to engage in any applicable enforcement action.

IN WITNESS WHEREOF, Gary McFarland, duly authorized Member of Aghra Capall LLC, has caused this instrument to be executed on the day and date first above written.

AGHRA CAPALL LLC

By: Gary McFarland
Its: Member, Duly Authorized

**STATE OF MAINE
ANDROSCOGGIN, SS.**

_____, 2016

Then personally appeared the above-named **Gary McFarland**, duly authorized Member of **AGHRA CAPALL LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **AGHRA CAPALL LLC**.

Notary Public/Attorney At Law
Print Name: _____
Commission Expires: _____

1863 Pownal Road Timeline and questions raised by the Council at the Workshop on 8/22/16

Parcel References: Parcel 021-001 is the entire parcel in question totaling nearly 80 acres before the illegal split and after the split, Parcel 021-001 is the home and 8-9 acres with the house and barn. Parcel 021-001-001 is the vacant land parcel estimated at 56.4 Acres based on information submitted as part of the shooting range application. Below are the transfers and timelines that were available in the assessors record and the Registry of Deeds and other timeline information discussed at the meeting.

7/15/2005 – Deed from Richard and Raylene McCubrey to Carol and Jonathan Flink – Book 6409 Page 245 – Parcel 021-001 – 1863 Pownal Road before illegal lot split - Estimated at 80 Acres in Deed – Sale Price \$648,500

5/13/2008 – Deed of Foreclosure on Flinks By Sun Trust Mortgage - \$0 – Parcel estimated at 8-9 Acres - Staffs opinion is that this foreclosure caused the split of the parcel - Parcel 021-001

11/7/2008 - Deed from Sun Trust Mortgage Inc to Sun Trust Mortgage Inc – Book 7940 Page 284 – Sale Price \$525,000 - Parcel 021-001

5/13/2011 – Deed from Sun Trust Mortgage to US Bank National Association – Book 8159 Page 209 – Sale Price \$234,900 - Parcel 021-001

11/23/2010 – Bankruptcy Sale of Estate of Jonathan and Carol Flink to Jenis Holdings – Book 8061 Page 172 – Parcel 021-001-001 – Estimated at 56.4 Acres – Sale Price 37,500.

5/19/2011 – Wachovia Bank to Heaven Lee Love and Ralph Searles – Book 8159 Page 214 – Parcel 021-001 – Estimated at 8-9 Acres – Sale Price \$140,000

5/13/2013 – Application for Planning Board approval of a Firearms Training Facility – Parcel 021-001-001
Legal notice of Planning Board project sent June 25, 2013 for July 9, 2013 meeting. Substantial public input and concerns raised by neighbors and the application was withdrawn prior to the meeting after notifying staff that they had been unable to correct the lot size violation.

6/2/2016 – As was raised at the Council meeting, it appears based on a file name in the footer of the Councilor request that someone worked on drafting the request on this day.

6/10/2016 – Economic and Community Development Staff receives Councilor Request from City Manager's Office after Agenda Setting Meeting.

6/13/2016 – Staff adds the request to Council Economic and Community Development Committee Agenda for direction.

6/16/2016 - Council Economic and Community Development Committee Considers Councilor Request and recommends that staff follow the ordinance prescribed process and bring the request to the Planning Board for a recommendation to the Council.

7/26/2016 – Deed from Heaven Lee Love and Ralph Searles Jr. to Aghra Capall LLC Recorded at the Registry on 8/3/2016. The City has not yet received a copy of this deed from the registry as of 8/22/2016.

1863 Pownal Road Timeline and questions raised by the Council at the Workshop on 8/22/16

7/27/2016 – Planning Board Notice of public hearing mailed to owners and abutters based on required schedule for 8/9/2016 Board Meeting.

7/28/2016 and 8/2/2016 – Planning Board Notice Appears in Sun Journal based on required schedule for 8/9/2016 Board Meeting.

8/9/16- Planning Board Considers proposal and requests additional information. Board tables item to September 13 meeting.

8/22/2016 – Council agenda includes update and discussion on the proposed zoning change.

Other questions raised at the meeting on 8/22/2016:

1. When did we change the zoning at the intersections of Rt 136 and Jordan School Road and Pownal and Jordan School Roads? Both ends of Jordan School Road (Rt 136 and Pownal) appear to be zoned as they are today on the 2002 zoning map on file in the Economic and Community Development Office. We did not research beyond 2002.
2. When did the South Witham Road zoning change near the Alpaca Farm and how far did the change extend? Ordinance 06-09172012 approved the second and final reading on a zoning change on South Witham Road. Second and final reading vote for passage was 4-3 (Councilors Crowley, Walker, and Gerry). The change did not impact the AG zone but did change an area from Low Density Country Residential (LDCR) to Rural Residence (RR) which went from a lot size requirement of 3 acres with 325 feet of street frontage to a 1 acre minimum with 250' frontage requirement. Both ends of the road were already RR with a section of LDCR in between. The Change replaced about 4,000 feet of LDCR frontage with RR Frontage.

BRANN & ISAACSON
ATTORNEYS AND COUNSELORS AT LAW

DANIEL C. STOCKFORD | Partner
dstockford@brannlaw.com

MEMORANDUM

To: Howard Kroll, City Administrator;
Eric Cousens, Deputy Director of Planning & Development
From: Daniel Stockford, Esq.; Anne Torregrossa, Esq.
Date: May 2, 2016
Re: Request for No-Action Letter

This memorandum is in response to your inquiry regarding the possibility of issuing a “no-action letter” regarding 1863 Pownal Road, which is a nonconforming lot due to its failure to meet minimum lot size requirements.¹ We understand that a representative for a potential purchaser of the property has requested that the City issue a no-action letter, essentially agreeing not to take enforcement action on the basis of the nonconformity. Because no-action letters are not enforceable, and because a no-action letter would likely not accomplish the purchaser’s goals anyway, we do not recommend that the City issue a no-action letter in this case.

A no-action letter is generally a letter by municipal officers or a municipal official agreeing not to prosecute a landowner on the basis of a land use or zoning violation. The authority for issuing a no-action letter is the City’s inherent prosecutorial discretion on when, and how, to enforce its own ordinances. Both Maine Municipal Association and the State Planning Office recognize no-action letters as a tool for code enforcement officers, but they also recognize that such letters are not binding on future administrations. This is exactly what limits their effectiveness, because a future City Council could decide to pursue enforcement action despite any previously issued letter.

A case decided by the Law Court last year highlights the limitations of a no-action letter. The Phippsburg Board of Selectmen issued a property owner a no-action letter that the Town would not enforce its ordinance against two nonconforming lots and would “consider both lots to be lawful nonconforming lots.” On the basis of this letter, the property owner applied for, and received a permit to develop one of the lots. An abutter sued the owner, requesting a declaratory judgment that the lot was not lawfully nonconforming. After a year and a half of litigation, the Law Court agreed with the abutter, and the no-action letter did nothing to protect the owner’s development rights. *Day v. Town of Phippsburg*, 2015 ME 13, 110 A.3d 645.

¹ Whether this lot is lawfully nonconforming is a question that we are currently researching and will separately address.

May 2, 2016
Page 2

Additionally, it is likely that a no-action letter would not give the City the authority to grant building and other permits that it could not otherwise grant under its ordinances. The no-action letter is simply a statement agreeing not to prosecute. It is not an agreement to violate the City's own permitting ordinances. Even if the City granted a building or other permit, an abutter or other interested party could challenge that decision, just as the abutter did in the *Phippsburg* case. Any such challenge likely would be successful.

DCS/lh

Auburn Planning Board Meeting Minutes September 13, 2016

ROLL CALL:

Regular Members present: Mia Poliquin Pross, Robert Bowyer, Ken Bellefleur Presiding, Dan Philbrick, Samuel Scogin and Marc Tardif.

Regular Members absent: Evan Cyr

Associate Members present: Elaine Wickman and Nathan Hamlyn

Associate Members absent: None

Also present representing City staff: Eric Cousens, Deputy Director of Economic & Community Development

Chairperson Bellefleur called the meeting to order and stated Nathan Hamlyn would be acting as a Full member for this meeting. He also stated any action on the meeting minutes would take place at the end of this meeting.

PUBLIC HEARINGS & NEW BUSINESS:

Zoning map amendment for a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001 from Agricultural Resource Protection District to Low Density Rural Residential District pursuant to Section 60-1445 Amendments to the Zoning Map. *Proposal was heard and tabled August 9, 2016.*

A motion was made by Dan Philbrick and seconded by Mia Poliquin Pross to take the item off the table. After a vote of 7-0-0, the motion carried.

Eric Cousens explained that staff left the description of the proposed zone change the same as it was for the last meeting because staff wanted to make sure that the description and public notice brought everybody possible that would have been interested or affected to this meeting. He said staff provided 4 additional pieces of information and listed the following:

- 1) A revised zoning map that would limit any zone change to just the southernmost portion of the John F. Murphy lot and the 1863 Pownal Road lot.
- 2) A copy of a proposed declaration of covenants and restrictions by the owner of 1863 Pownal Road,
- 3) A copy of a timeline that staff put together of the transfers and events of 1863 Pownal Road
- 4) A copy of the opinion of the City Attorney about why a No-Action letter probably would not accomplish the goals of the property owner or solve the problem that the City has outlined.

Eric went on to explain the 5th scenario and presented slides on the projector.

Robert Bowyer asked Eric to further explain the restricted covenants.

(08:00 on DVD)

Open Public Input

Dan Herrick of 470 Hatch Road said this means nothing because he too could promise Board members that he would not build any more homes at 240 Hatch Road other than the one that currently exists and said he would give the Board members the same letter. He mentioned that the City Council would soon be working on the Ag & Resource Protection Zone and that the Comprehensive Plan held no water but our City staff constantly uses the plan as a go-forward mark. He said he has been affected by the Ag Zone for 20 years and told Board members that if they approved this, many others would be coming forward. He suggested that the Board waits until City Council and staff works this through with owners of Ag zoned properties.

Joe Gray of Sopers Mill Road asked how is this fair when one lot gets what they want when for 5 years the previous owner didn't get any consideration from the City at all. He said this was spot zoning and many people will be coming forward to get theirs spot zoned as well.

Peter Moore, owner of a large tract of land on Jordan School Road and Pownal Road stated he didn't think this was a perfect solution but about the best you are going to find. He said the important thing is to get the property back into good repair and back on the regular tax rolls. He wishes it could have been resolved differently but is in favor of what is proposed.

Mike Pelletier of 1282 Pownal Road said he tried to get a permit to build a house but was told by Eric he could only build a barn and could change it later. He said it's been 5 years and is being told by the City it's looking too much like a house. He said he planned on building a log cabin but neighbors are complaining to the City and Council so he doesn't know what to do. He hopes this passes and gets to his property which is a half mile up the road.

Kim Visbaras of 42 Hersey Hill and representing the owner of the property Gary McFarland said there are only 2 options here. If the Board does not recommend that this be solved in some way, this property will basically be blight on the City and secondly, he said this is not spot zoning and explained why. He urged Board members to pass scenario #5.

(19:05 on DVD)

A motion was made by Mia Poliquin Pross and seconded by Samuel Scogin to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Marc Tardif said this is a unique situation and because the building exists and will be going into disrepair, he would go with scenario #5.

Robert Bowyer said the City is being asked to bail out a series of private actions that were incorrect which created an illegal lot and that this has all the earmarks of being spot zoning. He said he was troubled that this would open up Pandora's Box for others that would want similar treatment and for these reasons he said he would probably vote against it.

The Board members discussed at length all the various options that were on the table. Eric and Mr. Visbaras answered questions that were asked by Board members.

(46:50 on DVD)

A motion was made by Marc Tardif and seconded by Mia Poliquin Pross to forward a recommendation of approval to the City Council for the Zoning Map Amendment based on scenario #5 with the following Findings: 1) Scenario # 5, as presented by staff at the September 13 meeting, meets the six considerations of the Rural Residential Strips in the 2010 Comprehensive Plan. Criteria 6 will not apply. 2) Scenario # 5 minimizes the number of new lots that could be created. 3) The rezoning will allow the property at 1863 Pownal Road to be purchased, repaired, maintained and put on the tax rolls. And also to recommend to the City Council that the restrictive covenants prepared by the applicant be incorporated in this approval.

After a vote of 3-4-0 the motion failed. Robert Bowyer, Chairperson Bellefleur, Samuel Scogin and Nathan Hamlyn opposed.

Members who opposed gave the following reasons for doing so:

- Asking City to solve a problem created by private entities,
- Spot zoning characteristics so if we are to rezone this one property we should do so in the rest of the area,
- Don't want to see this used as a precedent for other petitions,
- Ag Zone has been an issue and needs to be looked at more comprehensively.

Eric asked the Board members to make a recommendation to the City Council; even if the Board is opposed to this, they should make a motion to recommend that it not be approved by the City Council.

Robert Bowyer asked what particular set of boundaries is in the petition in front of the City Council. Eric replied that this was one of the challenges with the proposal. He said there was a map that showed the outline of 1863 Pownal Road and extended the zone the same way Scenario #5 did and there was also a written description that said that it should be both sides of the road. He explained that public notices were sent to property owners affected within the larger area and all those within 500 feet from that area.

(01:04:05 on DVD)

A motion was made by Robert Bowyer and seconded by Samuel Scogin to forward a recommendation to the City Council that no change in Zoning District be approved at this time. After a vote of 4-3-0 the motion passed. Mia Poliquin Pross, Dan Philbrick and Marc Tardif opposed.

Recommendation to the Council on an amendment to Chapter 60, Article XVI, Division 2, Subdivision 1, Sec. 60-1301(14) pursuant to Chapter 60 Article XVII- Amendments, Division 2- Amendment to the Zoning Map of the Auburn Code of Ordinances. The changes amend references to State Stormwater Standards to allow the City to maintain Delegated Review Authority.

Eric explained the proposal to the Board members.

Open Public Input

No members of the public spoke.

A motion was made by Dan Philbrick and seconded by Samuel Scogin to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

(01:08:15 on DVD)

A motion was made by Mia Poliquin Pross and seconded by Dan Philbrick to send a favorable recommendation to the City Council an amendment to Chapter 60, Article XVI, Division 2, Subdivision 1, Sec. 60-1301(14) pursuant to Chapter 60 Article XVII- Amendments, Division 2- Amendment to the Zoning Map of the Auburn Code of Ordinances with the following Finding: Updating the Site Plan Law to reflect the newer State regulations will allow the city to maintain its Delegated Review Authority.

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

OLD BUSINESS:

None

MINUTES:

July 12, 2016 Meeting Minutes Approval Request

A motion was made by Robert Bowyer and seconded by Samuel Scogin to approve the July 12, 2016 meeting minutes with the sole correction that the last word on page 5 be changed to Street. After a vote of 7-0-0, the motion carried.

MISCELLANEOUS:

Eric updated Board members regarding the Recommendation on the Capital Improvement Plan which the Planning Board recommended that the City Council fund the Ag District Study. He said the Council did not fund it but there was some interest at the Council level to revisit and said Council asked staff for a study outline to be updated to everything staff has prepared to date. He mentioned the Economic & Community Development Committee was a good place to get some more input before going for a full Council review so would be presenting to that committee on Thursday evening. He said any Ag District Study draft would be brought before the Planning Board for review.

ADJOURNMENT

A motion was made by Marc Tardif and seconded by Dan Philbrick to adjourn. After a vote of 7-0-0, the motion carried.

all areas subject to shoreland zoning under state law. It establishes water body setback requirements and performance standards, and is being updated to reflect current state requirements.

3. RURAL RESIDENTIAL ROAD STRIPS

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip **may be provided** along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Consideration #2 – Reserve Area Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road is a “reserve area” where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Consideration #3 – Natural Resource Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Consideration #4 – Conservation/Open Space Adjacency

A residential strip **should not be provided** along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Consideration #5 -- Ability to Provide Public Services

A residential strip **should not be provided** along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- The road is a gravel or dirt road
- The road is a poorly maintained paved road that will need to be improved to support residential development along it

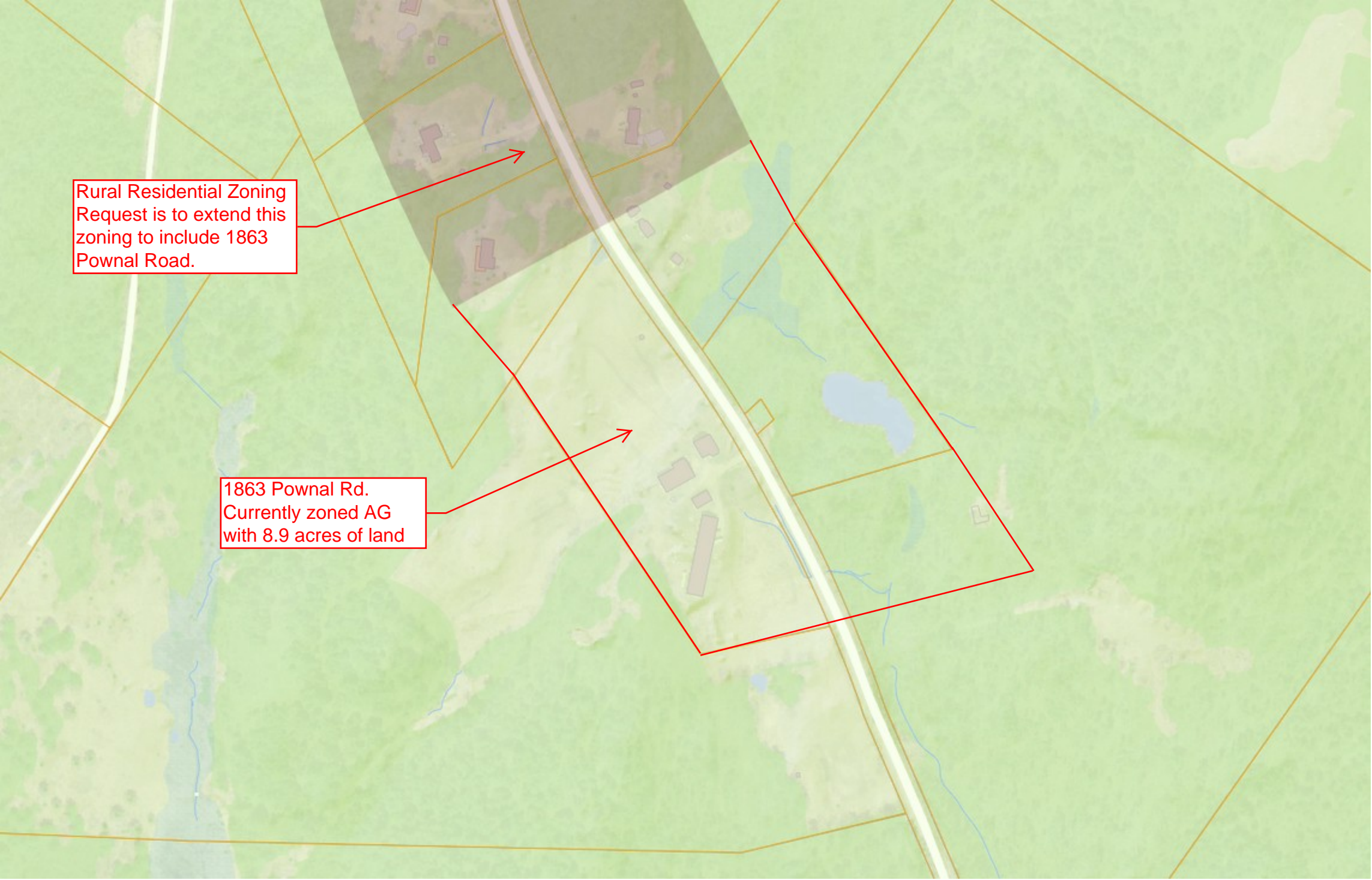
Consideration #6 – Water Quality Protection

A residential strip **should not be provided** along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

4. NEIGHBORHOOD BUSINESS DISTRICTS

The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use.



Rural Residential Zoning
Request is to extend this
zoning to include 1863
Pownal Road.

1863 Pownal Rd.
Currently zoned AG
with 8.9 acres of land





James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



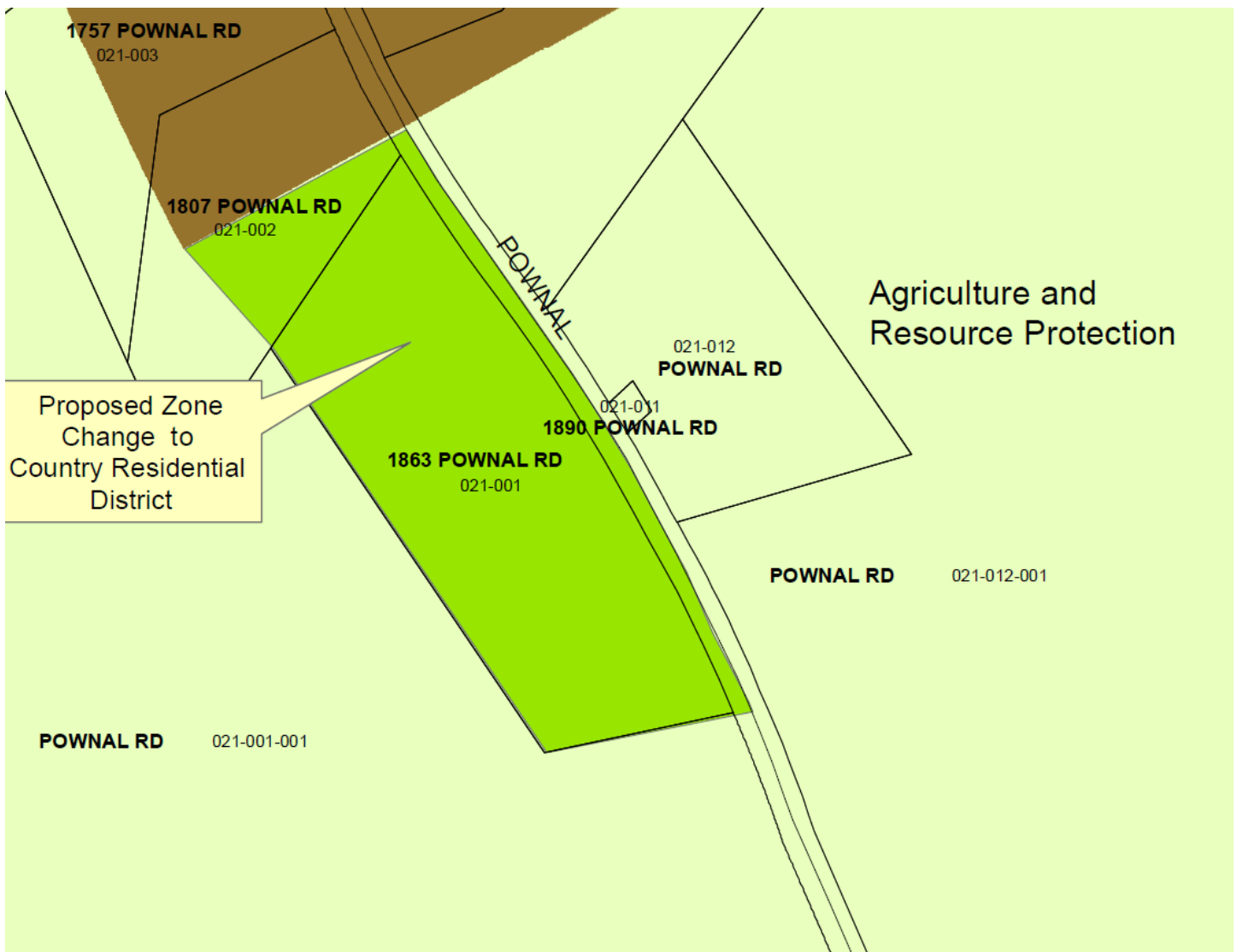
Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-10172016

Be it ordained by the Auburn City Council, that the zoning map be amended in the area of 1863 Pownal Road to extend the Residential Zoning district to include the portion of 1807 within 450' of the centerline of Pownal Road and the entire parcel at 1863 Pownal Road as shown on the below map. The extension shall be Low Density Country Residential District.





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2016

Order: 72-10172016

Author: Doug Greene, City Planner

Subject: Funding request for an Agricultural and Resource Protection District Plan

Information: At the October 17th Council meeting, the City Council discussed appropriating \$40,000 of unallocated bond proceeds for the purpose of funding the necessary technical assistance to complete a study and plan of Auburn's Agricultural and Resource Protection District. The Council voted to postpone action on the item and asked the Staff to bring it back at their November 7th meeting.

Since that time, a public meeting has been arranged for Monday, November 14th at 6 pm in the Council Chamber, to allow for public input on the Agricultural areas of Auburn. A meeting notice is being mailed along with a survey to solicit land owner opinions. This information is also being posted on the City's website

The Staff would like to request the City Council postpone this item until after the November 14 meeting and the City Council is encouraged to attend. The next Council meeting is on Monday, November 21st.

Advantages: Postponing action on the funding request will allow for a broader public input..

Disadvantages: Not postponing would limit the public input process that would be available at the November 14 public meeting.

City Budgetary Impacts: If approved at a future meeting, the \$40,000 of unallocated bond funds would be used for the proposed AGRP study.

Staff Recommended Action: The staff requests postponement of this item until after the November 14 public meeting. The next Council meeting is on Monday, November 21st.

Previous Meetings and History: : The City Council turned down a text amendment request in the AGRP Zone in June of 2014, and asked the Planning staff to initiate a complete study of the AGRP district. The Staff applied unsuccessfully for grant funding in 2015 and since then has periodically come before the City Council to discuss the need for an AGRP study. The staff presented a request for funding to the City Council at their August 22nd workshop and regular meetings on October 3rd and 17th.

Attachments:

1. November 14 meeting notice letter.
2. Property owner survey.



City of Auburn, Maine

Office of Economic and Community Development
60 Court Street www.auburnmaine.gov
Auburn, Maine 04210
207.333.6601

November 3, 2016

Dear Property Owner,

You are invited to a public meeting that will be held on Monday, November 14th at 6 p.m. in Auburn City Hall. The purpose of the meeting is to get input from farmers, foresters and rural land owners living and working in the Agricultural and Resource Protection (AGRP) Zone. We'd like to gain a better understanding of what is important to rural land owners and how best to support agriculture and natural resource development. Included with this invitation is a survey that you can fill out and mail to (60 Court St., Auburn, ME 04210) or hand deliver to our office at City Hall or you can complete the survey online at <https://www.surveymonkey.com/r/NHHS58Q>.

For more information or if you'd like to talk directly to City Staff, please contact Eric Cousens, Deputy Director of Economic and Community Development at: ecousens@auburnmaine.gov or 207-333-6601 ext. 1154; or Doug Greene, City Planner at: dgreene@auburnmaine.gov or 207-333-6601 ext. 1156.

You can also check the city's website at: www.auburnmaine.gov/AGRP for additional background information.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Douglas M. Greene".

Douglas M. Greene
City Planner

C: File



Auburn Agricultural and Resource Protection Zone Information and Opinion Survey

1. Are you:
☐ A land owner
☐ A renter or lessee
☐ An interested citizen
2. How long have you owned or leased your property?
☐ 0 to 2 years
☐ 2 to 5 years
☐ 5 to 10 years
☐ More than 10 years
3. Are you currently: (Answer all that apply)
☐ Farming (Hay, livestock, orchards, field crops)
☐ Logging or harvesting forest products
☐ Quarrying or other extraction operations
☐ Inactive or just residing on property
4. How many acres are on the property?
☐ 0 to 3 acres
☐ 3 to 10 acres
☐ 10 to 20 acres
☐ Greater than 20 acres
5. Has your property in the past been used for agriculture, forestry or mineral extraction?
☐ Yes ☐ No ☐ Don't know
6. Do you have long term plans for your property?
☐ Yes ☐ No ☐ Don't know
7. Do you intend to pass down your land to an heir?
☐ Yes ☐ No ☐ Don't know

8. Would like to see the City of Auburn include agricultural, forestry and mineral extraction as part of its Economic Development programming?

☐ Yes ☐ No ☐ Don't know

9. Which of the following would help to improve or expand yours or other's AGRP related businesses?

<input type="checkbox"/> Business Planning	<input type="checkbox"/> Small Business Loans
<input type="checkbox"/> Less Regulations	<input type="checkbox"/> Technical Assistance
<input type="checkbox"/> Expanded allowable uses	<input type="checkbox"/> Marketing Assistance

10. Would you consider leasing all or some of your property for agricultural use?

☐ Yes ☐ No ☐ Don't know

11. Are you interested in developing your property for non-agricultural uses?

☐ Yes ☐ No ☐ Don't know

12. Are you familiar with Auburn's Agricultural and Resource Protection District Ordinance?

☐ Yes ☐ No ☐ Don't know

13. In Auburn's AGRP zone, a property owner is required to prove that 50% of their joint income comes from revenue generated on the property in order to build a home. Do you think the 50% rule should:

☐ Stay the same
☐ Be changed
☐ Be removed completely
☐ Don't know

14. What should the minimum lot size in the AGRP District be?

☐ 3 acres
☐ 10 acres
☐ 20 acres
☐ The average lot size of the general area

15. Other Comments: Please list any other ideas, concerns or thoughts you'd like share:

Note: Help us by using the on-line survey at: <https://www.surveymonkey.com/r/NHHS58Q>

OPTIONAL: PERSONAL AND CONTACT INFORMATION:

Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

THANK YOU FOR PARTICIPATING IN THIS SURVEY

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 72-10172016

ORDERED, that the City Council hereby authorizes the Director of Finance to appropriate \$40,000 of unallocated bond proceeds for the purpose of funding the necessary technical assistance to complete a study and plan of Auburn's Agricultural and Resource Protection District.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2016

Ordinance: 10-10172016

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Text Amendment to update State Stormwater Standard References in the Auburn Zoning Ordinance.

Information: The Maine Department of Environmental Protection (DEP) has updated their stormwater standards and the new standards apply statewide. DEP has asked the City of Auburn to amend references to State Stormwater Standards as found in Article XVI- Administration and Enforcement- Division 2- Site Plan Law, to allow the City to maintain its Delegated Review Authority and issue permits in Auburn on behalf of the State. We review stormwater changes as part of our normal project reviews and we can complete reviews faster and at less cost than permits at the State. The local review also allows us to collect revenue for the permits.

Advantages: Maintains Delegated Review Authority and local permit reviews that are more responsive to business requests and less costly than State Reviews.

Disadvantages: None. Standards apply State wide anyways.

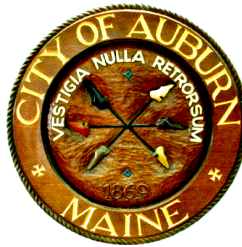
City Budgetary Impacts: Fairly Neutral. Revenues generally cover expenses associated with these permits.

Staff Recommended Action: Hold a public Hearing and Approve First Reading

Previous Meetings and History: Planning Board September 13, 2016, Council Workshop October 3, 2016 and public hearing and passage of first reading on 10/17/2016.

Attachments: Planning Board Staff Report, proposed ordinance changes, summary of State Stormwater changes, Planning Board Report/Recommendation, Minutes excerpt (DRAFT, pending approval) for Planning Board vote on this item.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 10-10172016

Be it ordained by the Auburn City Council, that Chapter 60, Article XVI, Division 2, Subdivision 1, Sec. 60-1301(14) be amended to update references to State Stormwater Standards, as shown below, to allow the City to maintain Delegated Review Authority.

- (14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500, 501 and 502, as last amended ~~December 21, 2006~~ August 12, 2015. ~~Adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by Legislative Resolve, chapter 87, Public Laws of 2005 (LD 625/HP 458), amended March 20, 2006.~~ If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 07, 2016

Order: 77-11072016

Author: Alison F. Pepin, License Specialist

Subject: Request by Sixth Street Congregational Church to waive the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$50.00 for the annual Craft Fair and Bake Sale.

Information: Sixth Street Congregational Church, 109 6th Street, is requesting the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$50.00 be waived for their annual Craft Fair and Bake Sale being held on November 12th, from 9AM to 1PM.

Sec. 14-31. Fees; waiver. The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the City Council. The City Council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the City Council at its next available meeting.

Advantages: Will support Sixth Street Congregational Church to continue providing a venue for local groups and organizations.

Disadvantages: Could potentially set a precedent for other non-profits requesting waiver of fees.

City Budgetary Impacts: \$50.00

Staff Recommended Action: Consider waiving the fee.

Previous Meetings and History: N/A

Attachments:

- Letter from Margaret Theriault, Member of Sixth Street Church
- Flea Market/Craft Fair/Swap Meet/Bazaar application
- Order 77-11072016

CITY OF AUBURN, MAINE
Flea Market/Craft Fair/Swap Meet/Bazaars
License Application
One Day Event

Application date 10-12-16 Date & Time of Event 11-12-16 9 AM - 1:00 P.M

Event and/or Location Sixth Street Cong. church - Fair and Bake Sale

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | \$50.00 Up to 25 tables |
| <input type="checkbox"/> | \$100.00 Over 25 tables |

ALL QUESTIONS MUST BE ANSWERED IN FULL

BUSINESS

APPLICANT

Business name Sixth St. Cong Church

Full name Margaret Elizabeth

Business address 109 6th Street

Maiden name A/K/A MARGARET E. GROVES

City Auburn State Me Zip 04210

Date of birth April 27, 1931

Mailing address 109 6th Street

Home address 393 Center St. Apt 14A

City Auburn State Me Zip 04210

City Auburn State Me Zip 04210

Business phone 704-782-7517

Home phone 207-783-2759

Cell phone _____

Driver's Lic.# & State 726 5016 - Maine

Has applicant(s) ever been convicted of any violation of the law other than minor traffic violations, of any State of the United States, within the past 5 years? Yes ☐ No ☒ (If yes, complete the following)

Name _____ Date of conviction _____

Offense _____ Location _____

Disposition _____

Does applicant(s) own the premises? Yes ☐ No ☒ (If "No", give name and address of owner)

Name 6th St. Church Address 109 Sixth Street, Auburn, Maine

**THE OMISSION OF FACTS OR ANY MISPRESENTATION OF ANY OF THE
INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS
FOR THE REFUSAL OF SUCH LICENSE.**

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer. Please allow at least 3 weeks for this process.*

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

*****READ CAREFULLY BEFORE SIGNING*****

I hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto.

Margaret E. Theriault
Signature of Applicant

Oct. 12, 2016
Date

**STAFF USE ONLY
DO NOT COMPLETE BELOW THIS LINE**

AUBURN CITY COUNCIL
60 COURT STREET
AUBURN, MAINE 04210

Dear Members of the City,

I am writing this letter to see if something can be done about the amount of money that is expected of a small church for a permit to make a few dollars to help pay for their upkeep and fuel for the year.

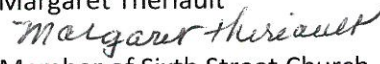
I have been a member of Sixth Street Church at 109 Sixth Street, Auburn, Maine for over 65 years. All this time we have put on Yard Sales and Craft Sales and Bake Sales to help defray the cost of helping to maintain the cost and up keep of the church. Over the years we always got a permit to hold these events. In the past 3 years or more the cost has been increased so much (\$60) that I had taken it upon myself to pay the fee instead of taking it out of the profits. I can no longer do this as I became a widow last year and it is becoming a hardship financially. Also that amount from the profits would not help the bottom line of our income. Everything we sell is made by our small group of ladies, bake goods wrapped, marked and priced before putting them out for sale, knits and crafts are also made by the members. White elephant items are donated by members and friends of the church.

The church is used by a Boy Scout Troop for their meetings, we do not charge them, also the New Auburn Neighborhood is using our vestry for their meetings every month at no charge. As you well know this takes money for fuel and electricity, paid for by our Fairs and Bake Sales.

I am hoping that the council will take this into consideration and with an open mind. My husband was on the council for 9 years and many will remember him saying "we can all agree to disagree but the bottom line is what is good for all in the end". I hope this will be taken into consideration when talking this matter over and voting.

Thank you for taking the time to read this open letter to the council, it will mean a lot to all the small churches who are trying to keep their doors open.

Sincerely,

Margaret Theriault

Member of Sixth Street Church

October 12, 2016

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 77-11072016

ORDERED, that the City Council hereby approves the request by Sixth Street Congregational Church to waive the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$50.00 for the Craft Fair and Bake Sale being held on November 12, 2016.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 07, 2016

Order: 78-11072016

Author: Alison F. Pepin, License Specialist

Subject: Request by Saint Dominic Academy to waive the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$100.00 for the Annual St. Dom's Holiday Festival.

Information: Saint Dominic Academy, 121 Gracelawn Road, a non-profit Catholic school for students in grades 7-12, is requesting the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$100.00 be waived for the Annual St. Dom's Holiday Festival being held on November 5th, from 9AM to 3PM.

Sec. 14-31. Fees; waiver. The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the City Council. The City Council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the City Council at its next available meeting.

Advantages: Will support St. Dom's to keep their programs open to students, regardless of religious denomination and economic background.

Disadvantages: Could potentially set a precedent for other non-profits requesting waiver of fees.

City Budgetary Impacts: \$100.00

Staff Recommended Action: Consider waiving the fee.

Previous Meetings and History: Fees have been waived in the past.

Attachments:

- Letter from Saint Dominic Academy
- Flea Market/Craft Fair/Swap Meet/Bazaar application
- Order 78-11072016



SAINT DOMINIC ACADEMY

Donald Fournier, President

Marianne Pelletier, Principal
Grades Pre K-6
17 Baird Avenue
Lewiston, Maine 04240
783-9323 fax: 783-9491

Shelly Wheeler, Principal
Grades 7-12
121 Gracelawn Road
Auburn, Maine 04210
782-6911 fax: 795-6439

10/11/2016

Dear City Council members,

I am writing you with regard to our Annual St. Dom's Holiday Festival. This event, scheduled for November 5th, is a celebration to kick off the impending holiday season. It is composed of a craft fair, a holiday themed children's activity room and assorted food items such as a bake sale and gingerbread house contest. This year would represent the 11th year that we have had this event and the community has enthusiastically supported it each year. Children eagerly wait in line to meet Santa and share their status (naughty or nice) and their Christmas wish list.

In the past the city has seen fit to waive the per table fees because this is not a typical road side flea market. St. Dom's is a non-profit organization and our mission compels us to make our school open to Catholics and non- Catholics, rich and poor alike. Like most non-profits, our funds go to directly assist those we serve. This year over \$700,000 will go to help families to afford tuition and attend St. Dom's. This is a huge part of an otherwise frugal and modest budget, but a required part of our mission.

I have been told that the process has changed and that I should reach out to you with regard to this waiver. I respectfully ask you to consider this in light of the following information.

- While this technically qualifies as a Flea Market, that is a small part of a larger event that supports and attracts the whole community.
- We have a 11 year history of running this event and it has become a tradition in the area. No one who attends would categorize this as a flea market.
- Any revenue goes to support a non-profit institution that is part of the history of our community.

It is my hope and prayer that you will grant us this waiver. We successfully worked with the city in the past and have demonstrated that this is not a flea market in the traditional sense. I hope that you will agree with this resolution. We respectfully await your decision.

Sincerely,

Wayne Zimmerman
Saint Dominic Academy Advancement Director



CITY OF AUBURN, MAINE
Flea Market/Craft Fair/Swap Meet/Bazaars
License Application
One Day Event

Application date 10/5/2016 Date & Time of Event 11/5/16 9:00AM - 3:00 PM

Event and/or Location St. Dominic Academy 121 Gracelawn Road, Auburn ME.

- ☐ \$50.00 Up to 25 tables
☒ \$100.00 Over 25 tables 84 Tables

ALL QUESTIONS MUST BE ANSWERED IN FULL

BUSINESS

APPLICANT

Business name St. Dominic Academy

Full name Wayne V. Zimmerman

Business address 121 Gracelawn Road

Maiden name A/K/A (none)

City Auburn State ME Zip 04210

Date of birth 10/31/57

Mailing address 121 Gracelawn Road

Home address 24 Clover Lane

City Auburn State ME Zip 04210

City Turner State ME Zip 04282

Business phone 207. 782. 6911 EXT 2111

Home phone 207 - 782 - 6911 ext. 2111

Cell phone 207. 513. 2272

Driver's Lic.# & State 8500290 (maine)

Has applicant(s) ever been convicted of any violation of the law other than minor traffic violations, of any State of the United States, within the past 5 years? Yes ☐ No ☒ (If yes, complete the following)

Name _____ Date of conviction _____

Offense _____ Location _____

Disposition _____

Does applicant(s) own the premises? Yes ☐ No ☒ (If "No", give name and address of owner)

Name St. Dominic Academy Address 121 Grasslawn Road Auburn Me 04210

THE OMISSION OF FACTS OR ANY MISPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer. Please allow at least 3 weeks for this process.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY
*****READ CAREFULLY BEFORE SIGNING*****

I hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto.

Wayne Zimm
Signature of Applicant

10/5/2016
Date

STAFF USE ONLY
DO NOT COMPLETE BELOW THIS LINE

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 78-11072016

ORDERED, that the City Council hereby approves the request by Saint Dominic Academy to reimburse the Flea Market/Craft Fair/Swap Meet/Bazaar license fee of \$100.00 for the Annual St. Dom's Holiday Festival being held on November 05, 2016.



**City of Auburn
City Council Information Sheet**

City Council Meeting Date: November 7, 2016

Order: 79-11072016

Author: Yvette Bouttenot

Subject: Public Hearing - Substantial Amendment to 2016 CDBG Action Plan
Adoption of Storefront Traffic Accelerates Revitalization (STAR) Business Loan Program

Information: On May 16, 2016 the City Council approved the FFY2016 CDBG/HOME Action Plan with amendments to four line items. This action constitutes a Substantial Amendment and requires the City Council to hold a public hearing as outlined in the Citizen Participation Plan and to then submit the Amendment to the Department of Housing and Urban Development.

One of the amendments was to re-allocate \$200,000 from the Small Business Loan Program and develop the STAR Business Loan Program. The criteria for the program will be to offer \$50,000 forgivable loans to business owners or to owners of properties with storefronts located in the Downtown, New Auburn or Union Street CDBG Target Areas. The funds will be used to finance the purchase of equipment and for construction improvements in buildings which house storefront businesses. Micro-Enterprise Businesses may use funds for working capital. The Program Guidelines were developed based on the Gardiner Growth Initiative.

Advantages: Increases economic growth in Auburn designed to encourage the creation or enhancement of business enterprises by providing financing in the form of a forgivable loan. Creates new employment opportunities for low- and moderate-income (LMI) households.

Disadvantages: High risk loans

City Budgetary Impacts: \$200,000 – CDBG Funds

Staff Recommended Action: Public Hearing following by adoption the program guidelines for the Storefront Traffic Accelerates Revitalization (STAR) Program.

Previous Meetings and History: City Council Meeting, May 16, 2016 – establish the STAR Program re-allocating \$200,000 CDBG funding from the Economic Development Loan Program. August 18, 2016 - update before the City Council Sub-Committee for Economic and Community Development. October 17, 2016 City Council Workshop – power point presentation.

Attachments: Program Guidelines

STOREFRONT TRAFFIC ACCELERATES REVITALAZATION (STAR) BUSINESS LOAN PROGRAM

A. PROGRAM OBJECTIVE

The Storefront Traffic Accelerates Revitalization (STAR) Business Loan Program is designed to encourage the creation or enhancement of business enterprises by providing a source of low interest and forgivable financing for commercial property owners, new or expanding businesses, or micro-enterprise business. The program objective is to create new employment opportunities for low- and moderate-income (LMI) households and to revitalize storefront spaces in the target areas.

B. ELIGIBLE APPLICANTS

1. Sole proprietorship, limited liability company, corporation, partnership, S-corporation or non-profit;
2. Commercial property owner of a building with storefront space;
3. New or expanding business owners;
4. Micro-enterprise business owners (5 or fewer employees);
5. Taxes due on property owned by the applicant/owner must be paid in full or acceptable arrangements are made with the Treasurer of the City of Auburn;
6. Only one forgivable loan will be made per applicant.

C. ELIGIBLE ACTIVITIES

1. Commercial property and/or business must be located in one of the following CDBG target areas: Downtown, New Auburn, and Union Street.
2. Building improvements to include exterior, major building systems, correction of code violations, accessibility improvements and retro-fit of business space.
 - a. If the project involves construction activity, the administration of the loan shall follow the guidelines of the Rehabilitation Loan Program.
3. Purchase of equipment
4. Working capital – (Micro-enterprises only)

D. LOAN TERMS

1. Maximum Loan Amount: \$50,000; Micro-enterprise loans for working capital capped at \$10,000;
2. 50% match is required – a reduced match will be considered in exchange for a payable loan at an amount equal to the match reduction at the interest rate of Prime minus 1/2%;
3. Loan cannot exceed 50% of the total project costs;
4. Loan is a 5 year forgivable loan with interest rate to be Prime minus 1/2%.
5. First year of interest is paid up front, held in escrow and returned at end of year 5;
6. Interest in years 2-5 accrues, but payment is deferred until the end of year 5 at which time it is forgiven;
7. At the end of year 3, 25% of loan principal is forgiven, at end of year 4, 50%; at end of year 5, 100% of loan principal is forgiven provided business remains active (open at least 40 hours per week) in one of the target areas, funds are used as described in the application and business submits annual financial reports.

E. CONDITIONS

1. Funds may be used for fixed assets and business related equipment with preference given for infrastructure improvements. In the case of a micro-enterprise funds may be used for working capital;
2. The applicant will secure a private cash match or loan assistance from any other public agency or private lender who will be responsible for due diligence on behalf of the City's assistance;
3. The applicant must provide a commitment which describes the terms and any conditions of the commitment;
4. The business must remain open for business within the target areas in the City of Auburn until the loan is forgiven;
5. The business must provide a valid lease, right, title or interest for the space it will occupy;
6. The business must have written permission from property owner to make building improvements;
7. Creation of one job for loans up to \$25,000 and two jobs for loans over \$25,000.

8. Property owner will enter into a lease with a business within 3 months of completion of rehabilitation of the building.

F. JOB CREATION CRITERIA

1. For Micro-Enterprise Business: If the applicant's income is less than 80% of area median income the job creation requirement is met. The owner's job shall satisfy the requirement for low-moderate income benefit (LMI).
2. Special Economic Development Activity
 - a. At least one 1 full-time equivalent job will be created within three months after rehabilitation of the space is completed for loans up to \$25,000 and two jobs for loans over \$25,000 of Community Development funded loan assistance.
 - b. During the application process, jobs will be evaluated to determine if there is potential to satisfy the 51% low-income job requirement.
 - c. 51% of any jobs created will be taken by LMI households based on income limits established by the U. S. Department of Housing and Urban Development for Lewiston-Auburn SMSA. Only the initial job will be subject to income limitations.
 - d. Spin-off jobs (jobs that have an indirect link to the project and financing) and turn-over jobs (jobs that were previously taken by an employee and are now open) are not eligible to be counted to satisfy the jobs requirement.
 - e. The applicant will be required to sign a Job Agreement as a condition of the loan and must comply with all required reporting.

G. APPROVAL PROCESS

COMMUNITY DEVELOPMENT LOAN COMMITTEE

1. Loans will be reviewed by the Community Development Loan Committee who will be responsible for making a decision to approve or deny loan;
2. Appeal Procedure: The reason(s) for rejection shall be given to the applicant. Applications that have been denied may be appealed to the Community Development Loan Committee for a period of thirty days after the date of rejection. The applicant will be allowed to present his/her case to the Community Development Loan Committee. The Community Development Loan Committee may reconsider a vote denying the application after the appeal review has been completed;

3. Waiver of Loan Amount and Term: The City Manager may authorize a different interest rate, repayment term or loan amount than what is specified in this program guideline;
4. Loan Considerations: In approving or denying loan requests, the Community Development Loan Committee shall be guided by the following loan considerations:

a. Underwriting

Projects will be analyzed to determine risk according to typical lending considerations.

1) Required for All Loans:

a) Cash Flow: Ability to repay the debt will be the most important consideration with a minimum debt coverage ratio of 1.1. to 1.

b) Collateral Coverage- minimum of 100%

- Real Estate: 100% of market value
- Business Equipment: 90% of market value
- Inventory: 60% of market value
- Accounts Receivable: 90% of market value
- Furniture & Fixtures: 80% of market value
- Vehicles: 90% of retail value
- Marketable Securities: 100% of market value
- Personal Assets: (same as above)

c) Owner Equity: minimum 10%

d) Character: Good credit history and reputable, no bankruptcies in past 5 years.

e) Additional Considerations: The following shall be evaluated by the Committee before making a decision.

- Security - Assignment of Leases and Other Assets
- Commitment to the project is strongly encouraged
May include: Personal guarantees from owners with 25% or greater ownership; lease commitments; owner equity or cash contribution
- Management experience in running the business
- Business Plan
- Market Analysis
- Experience in development team

2) Project is financially appropriate

- a) Project costs are reasonable
- b) All sources of financing are committed
- c) To the extent practicable:
CDBG funds not substituted for non-federal financial support

Project is financially feasible
The return on the owner's equity investment is
not unreasonably high

3) Terms of the Bank Loan - as defined in the commitment letter.

b. Assessment of Public Benefit

The Community Development Loan Committee will also consider the broader implications of public benefits in making a decision to approve or deny the loan and will make a necessary and appropriate determination that the amount of assistance is reasonable in relation to the public benefit to be achieved. The Community Development Loan Committee will consider the following factors in assessing public benefits:

Number and type of jobs

Increase in needed services

Increase in tax base including real estate and personal property

Development which is likely to be stimulated in the area by the activity

Other public benefits

H. ADMINISTRATION

1. Non-Discrimination

Administration of this program shall be in accordance with Title VI of the Civil Rights Act of 1964 as amended. No person shall, on the ground of race, color, national origin, sex, age, disability, religion or familial status be excluded from participation in, be denied the benefits of, or subjected to discrimination under this program.

2. Participation by Religious Organizations

a. Religious organizations can apply through the STAR Business Loan Program with the understanding that funds cannot be used to support inherently religious activities such as worship, religious instruction, or proselytizing. The organization can engage in such activities, but the business must be at a different location than the place of worship. Jobs must be open to non-religious members, and religious participation by beneficiaries must be voluntary.

b. The organization must not discriminate against an employee or prospective employee on the basis of religious belief or refusal to participate in a religious practice.

3. Household Income

For the purpose of determining eligibility of a Micro-Enterprise business owner, Community Development staff will calculate income by projecting the prevailing rate

of income of each person at the time assistance is requested. Estimated annual income shall include income from all household members. Income will be based on Part 5 as defined by the Department of Housing and Urban Development.

4. Income Limits

To determine income for certain benefits under the STAR Business Loan Program, Community Development staff will use income limits for Lewiston-Auburn SMSA, established by the Department of Housing and Urban Development and available in the Community Development Department. Revised income limits will be used upon receipt.

5. Loan Processing

Applications shall be processed on a first-come, first-served basis. Community Development Department staff shall use the receipt date of application to establish the order of priority. The applicant will be notified if there is funding available to proceed with the project and if there is inadequate funding, then the application may be placed on a STAR Business Program Waiting List.

I. APPLICATION PROCEDURES

1. Business Plan

The applicant shall submit a business plan that

- a. **describes the business** (type of business, status of the business, the form of ownership, the profit potential, employment opportunities, and other market/community benefits, location and hours of the business);
- b. **the market** (products/service, customers, market size, competition, estimated market share, production and distribution, image/packaging, advertising, and pricing);
- c. **operations/organizational management** (management responsibilities, professional services, background and experience);
- d. **financial plan** (costs, revenues/chart of accounts, assets, liabilities, cash flow projections, balance sheet, equipment list, sources and uses, business pro-forma, and
- e. **supporting documents** (personal resume, personal financial statement, job descriptions, letters of reference, copies of leases, contracts, etc.), as applicable.

2. Financial Submission

The applicant(s) shall submit the application form, the last two years of business and/or personal tax returns as well as personal financial statements or other documentation from an accountant or other acceptable source. The applicant may be asked to supply a listing of personal property and inventory.

This section sets forth the application procedures for the STAR Business Loan Program.

1. **Initial Application** - Loan application may be obtained from the Economic and Community Development Department;
2. **Loan Processing** - Community Development staff will evaluate eligibility of the application. After approval, Community Development staff will hold a loan closing.
3. **Loan Closing** - Loan documents shall include a promissory note, mortgage, security agreements, job agreement, and any other documents necessary to secure the terms and conditions of the loan. Any legal costs incurred by the city for the closing documents will be the responsibility of the owner and may be paid for with loan proceeds.
4. **Disbursement of Funds** - Personal funds will be disbursed first. Any other resources and City funds will then be disbursed on a pro-rata basis. Disbursement of funds will require approval of the Economic and Community Development Department. In the case of building improvements the loan recipient will also be required to approve disbursements of funds for payment to contractors.
5. **Post Closing Counseling** – The applicant will agree to meet with the Economic and Community Development Department quarterly during the first two years after the closing, or more frequently, if necessary, to review the financial status of the business.

J. **OTHER PROGRAM REQUIREMENTS**

All loans will comply with applicable Federal Regulations, as amended, of the Community Development Program as listed below:

1. **Civil Rights** - The owner will be required to comply with Title VIII of the Civil Rights Act of 1968, as amended, 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 property.

2. **Federal Labor Standards Provisions** - The owner must abide by established minimum wage rates (Davis-Bacon Act) for the area for construction work exceeding \$2,000.
3. **Conflict of Interest** - No elected or appointed official or employee of the City of Auburn, and no member of any municipal board or committee which exercises any decision-making function with respect to the Community Development Program, 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 the term is defined by 20 MRSA Section 2250.
4. **Prohibition against Payment of Bonus, Commission, or Fee** - The owner cannot pay any bonus, commission, or fee for the purpose of obtaining the City of Auburn's approval of the loan application, or any other approval or concurrence required by the City of Auburn or its designee obtain a loan under these guidelines.
5. **Equal Employment Opportunity** - The owner must abide by the provisions of Executive Order 11246 as amended by Executive Order 11375 concerning equal employment opportunity and will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, familial status, handicap, or national origin.
6. **Lead-Based Paint Hazards** - Any loan made by the City of Auburn for construction work is subject to requirements of the Department of Housing and Urban Development's with respect to treating lead-based paint hazards as set forth in Title 24 CFR, Part 35.
7. **Flood Hazard Insurance** - If the property to be improved is located in a designated flood hazard area, the owner will be required to purchase flood hazard insurance or show evidence of coverage, and abide by the regulations of the Flood Disaster Protection Act of 1973 located in or owned in substantial part by persons residing in the area of the project.
8. **Environmental Review Procedures** - All projects shall be subject to environmental review procedures of the National Environmental Protection Act.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 79-11072016

ORDERED, that the City Council hereby adopts the Program Guidelines for the Storefront Traffic Accelerates revitalization (Star Program).



**City of Auburn
City Council Information Sheet**

City Council Meeting Date: November 7, 2016 **Order:** 80-11072016

Author: Yvette Bouttenot

Subject: Public Hearing - Substantial Amendment to 2016 CDBG Action Plan
Adoption of Neighborhood Challenge Grant Guidelines

Information: On May 16, 2016 the City Council approved the FFY2016 CDBG/HOME Action Plan with amendments to four line items. This action constitutes a Substantial Amendment and requires the City Council to hold a public hearing as outlined in the Citizen Participation Plan and to then submit the Amendment to the Department of Housing and Urban Development.

One of the amendments was to re-allocate \$25,000 of CDBG funds from the Rehabilitation Loan Program to establish the Neighborhood Challenge Grant. Staff has developed guidelines to implement this program in three target areas: Downtown, Union Street and New Auburn. This is a competitive process and scoring criteria will be used to determine the winners. Examples of projects can include gateway signage, crosswalks, lighting, and installation of benches, bike racks or park equipment.

Advantages: Beautification of neighborhoods

Disadvantages: Competitive process could put some neighborhoods at a disadvantage

City Budgetary Impacts: \$25,000 – CDBG Funding

Staff Recommended Action: Public Hearing followed by Adoption the Neighborhood Challenge Grant Guidelines.

Previous Meetings and History: City Council Meeting, May 16, 2016 – establish a Neighborhood Challenge Grant by re-allocating \$25,000 from the CDBG Rehabilitation Loan Program; August 18, 2016 update before the City Council Sub-Committee for Economic and Community Development; October 17, 2016 City Council Workshop – Power Point Presentation

Attachments: Program Guidelines and Application

CITY OF AUBURN

Neighborhood Challenge Grant Program

DRAFT

*Do you and your neighbors have ideas to improve your neighborhood,
to beautify or create a safer environment
but just don't have the funds or know how to move forward?
The City of Auburn has created a program to help improve your neighborhood by
offering grants to neighborhood groups and organizations.
Innovative ideas and unique designs are welcomed!*

Funds available for this grant

1 grant of \$10,000

3 grants of \$5,000

All Grants are subject to the availability of funds at the time of award.

**Grant Workshop Presentations will be offered through December 31, 2016 at your
neighborhood meeting or at Auburn Hall**

Please call us at the number below for a schedule of presentation dates

Due Date for completed Application Packet* 4:30 PM - 3/30/2017

***IMPORTANT NOTE: Please BE SURE your application is complete and submitted by the
date/time shown above. Late or incomplete applications will NOT be considered!**

Submit your completed application to:

ybouttenot@auburnmaine.gov

or

Yvette Bouttenot

City of Auburn

60 Court Street

Auburn, ME 04210

Americans with Disabilities Act (ADA): A neighborhood organization, in carrying out this activity must make a good faith effort to ensure they are in compliance with the Americans with Disabilities Act of 1991. Community Development Programs do not discriminate on the basis of race, color, national origin, sex, age, religion, familial status, or disability.

For questions about this grant or application, visit:

<http://www.auburnmaine.gov>

or contact:

Yvette Bouttenot, Development Manager

Department of Economic and Community Development

City of Auburn.

207.333.6601 ext. 1336

ybouttenot@auburnmaine.gov

General Information

Types of Projects Accepted

Each application must consist of a single project with a clearly defined goal, one that has a direct benefit to the neighborhood and its residents.

Examples of Improvements Considered “Eligible” and “Not Eligible”

Eligible projects include (but are not limited to):

- Improvements to government owned property and/or rights of way (such as park equipment, street lighting, sidewalk repair/construction, roadway enhancements and neighborhood entrance improvements and/or identification signs).
- Total replacement and/or rehabilitation of some existing physical improvements might be deemed eligible (this would be based on the individual circumstances and available funding and will be judged on a case- by-case basis). Applicants are encouraged to reach out to appropriate city departments for assistance.

Ineligible projects include (but are not limited to):

- Routine maintenance or repair of existing physical improvements in a neighborhood (including, but not limited to: streets, fences, irrigation systems, storm water retention facilities, and entrance signs).
- Funding for ongoing programs or administrative expenses.
- Funding of printed brochures, guides, marketing and promotional materials.

The Grant Process and How it Works

The Neighborhood Challenge Program makes funds available to groups and organizations (for eligible projects) to improve public property.

- a. An organization obtains an application packet from the City of Auburn website at www.auburnmaine.gov, completes and emails or delivers the completed application to ybouttenot@auburnmaine.gov. Applications may also be mailed to Yvette Bouttenot, City of Auburn, Department of Economic and Community Development, 60 Court Street, Auburn, ME 04210;
- b. Applicants are encouraged to contact the city for assistance in preparing this application;
- c. Applications are reviewed and scored by the Review Committee.
(NOTE: The applicant should be prepared to make a presentation on their project proposal Review Committee after submission);
- d. If approved, a grant agreement will be awarded to the applicant. The applicant will be required to provide a check for any “matching” cash funds to the City of Auburn. The agreement will then be finalized and a copy returned to the applicant (along with the reporting forms needed to complete the project).
- e. The Neighborhood Services Coordinator will oversee projects to ensure compliance with all federal, state and local laws and ordinances.
- f. The City will issue vendor payments as the project progresses or at completion but only after inspections have been completed.

IMPORTANT: Grantees must submit before & after digital photographs documenting the progress of their project. ***

Grant Requirements and Criteria

Project Criteria

Each project will be scored based on the following criteria:

- a. The application must be for a "single project" and will include drawings or photographs;
- b. A budget that is well documented, reasonable, and cost effective. Three (3) quotes must be provided for each item to be purchased or component of the project;
- c. A well-planned project, clearly understood, and ready to be executed;
- d. The project can be completed within the term of the grant agreement;
- e. The amount of matching funds in the form of cash, donated labor from professional contractors, volunteer labor by neighborhood and/or in-kind donations; and
- f. The Association must prove it is able/prepared and committed to address any ongoing maintenance created by the project.

Since funds for projects are limited, awards will be based on a project's competitive status. Extra consideration will be given to:

- a. Level of neighborhood participation and benefit
- b. Projects located in the Union Street area will score higher followed by the New Auburn area and finally the Downtown area.
- c. Bonus points may be assigned for a project that is innovative or unique.

The Match Specifics

For this grant, a match is not required however projects that include a match may score higher. The total of all forms of match that equals or exceeds 50% of the project cost requested from the City will score the highest points in the match category. The match may be accomplished with a combination of any one or more of the following: cash, donated materials or services, or volunteer labor.

The match must be secured, and ready to be expended.

Volunteer Labor: (a) Credit for "Volunteer labor" will be valued at \$20 per hour. (b) If a professional (such as an electrician or a carpenter) donates "volunteer labor", you may calculate the value of this labor by using the hourly rate normally paid for this service. (Remember- your volunteer hours will not be accepted by vendors as payment for goods or services. The combined total of your grant and cash match must cover your project's cash costs).

In-kind donations: Credit for donated professional services, materials or supplies will be at their "reasonable and customary" rates. Professionals who donate their services as part of the match cannot also receive compensation from the award money. This is intended to ensure that persons hired to provide services or skilled labor are selected on the basis of their qualifications, experience or fees, not on their willingness or ability to donate services.

Cash Match: Must be deposited with the City before the project may begin.

Examples:

The cash cost of the project may be covered by a variety of combinations including the following:

The applicant submits a project with total cost of \$7,000. The applicant may provide 100 hours (valued at \$2,000) of volunteer labor to the project. The city will provide cash grant in the amount of \$5,000.

-or-

The applicant submits a project with total cost of \$6,000. The total cash needed for the applicant's proposed project is \$6,000. The City may award a cash grant of \$5,000 and the applicant could "match" that award with \$1,000 private cash match.

-or-

The total cash needed for the applicant's proposed project is \$5,000. 100% funded by the City Grant.
No match required.

A match is not required however it will give a project a competitive advantage.

PLEASE NOTE: Your vendors and contractors will require actual cash. Your association must be sure all cash costs to be incurred for the project are covered (even if you do not have a cash match).

- a. The amount and type of match must be appropriate to the needs of the project.
- b. The proposed match must be spent during the implementation/construction of the project. (Costs incurred prior to an award or after the contract has ended will not be eligible as a match).
- c. On-going maintenance (or volunteer hour match) following the contract period will not be eligible.
- d. Match must be not only pledged, but also secured. *Secured* means that the donor has specifically valued and described the contribution, and has signed a "Letter of Intent" to confirm the commitment.
- e. Be sure to include fees for any required permits.
- f. Activities that are NOT eligible as a "match" include:
 - Time spent preparing the Matching Grant Application
 - Time spent fund raising
 - Assistance from City staff or funds from other City departments
- g. Applicant will be responsible for keeping track of all volunteer hours donated for your project.
- h. A neighborhood organization, in carrying out a project, must make a good faith effort to ensure they are in compliance with the American Disabilities Act. This Act extends the same civil rights protection to persons with disabilities which have already been granted on the basis of race, color, religion, sex and national origin.

Vendor Payment Process

1. The vendor submits an original invoice to the group representative for review and/or approval.
2. The group representative submits the original vendor invoices to the Economic and Community Development Department;
3. The invoice is reviewed and an inspection is scheduled:
4. Person(s) performing the work should be present during the inspection:
5. If approved, a check will be issued directly to each vendor within 14 days of receipt of invoice.

NOTE: Applicants may not contract with City of Auburn employees as vendors on the funded projects.*

DRAFT

**Neighborhood Challenge Grant
Application Form
2016-2017
"Public Property" Improvements**

Total amount of funds requested: \$_____

ASSOCIATION INFORMATION

1. Neighborhood Group/Association: _____
2. Project Title: _____
3. Group/Association Contact: _____
(This person will be the designated contact for all project matters)
4. Mailing Address: _____

5. Phone _____ (home) _____ (cell)
(E-mail address) _____
6. Target Area: _____ Union Street _____ New Auburn _____ Downtown

SPECIFIC PROPERTY INFORMATION

This information will be used to keep our database system up-to-date with the most current information about your association.

1. Neighborhood Group/Association boundaries: _____

2. Attach the following:
☐ A map showing the boundaries of the neighborhood.
3. How many total members are in the Group/Association? _____
a. These members are (check all that applies):
_____ Homeowners _____ Renters _____ Business Owners _____ Other (specify)

4. When and where does the Group/Association meet? _____

5. Please list the most important needs, issues, or concerns in the neighborhood:

PROPOSED GRANT PROJECT

1. Provide a detailed description of the proposed project:

2. How will the project specifically address the needs, issues and concerns of the neighborhood?

3. Attach the following specific information to the back of the application:

- ☐ Site plan, drawing or rendering of the proposed project - detailing the location (placement), size and measurements.
- ☐ Photographs of the project area(s).

NOTE: Approval and any required permits for projects in the public right of way must be obtained from the City prior to commencing work.

- *An application will be considered incomplete and will NOT be approved if the above information is omitted.*
- *Written permission must be obtained from the appropriate government agency for the use of public rights-of-way.*

PROJECT MAINTENANCE AND SUPPORT

Maintenance of the project is an important aspect of this grant. It is not the intent of the Neighborhood Challenge Program to increase maintenance for the City. The applicant is required to provide any initial and ongoing maintenance made necessary by the project.

1. Describe what type of initial and ongoing maintenance (such as tree trimming, painting signs, repairs to equipment, service contract, etc.) will be required upon completion of the project and how it will be achieved.

2. Because support and maintenance is critical to project success, consent of the owners of property immediately adjacent to proposed physical improvements must be secured. Please complete the information below as needed. *(For example...support of a proposed sign in the right-of-way next to a residence, or support and ongoing maintenance of landscaping improvements adjacent to the owner).*

Owner's name <i>(Please print)</i>	Address	Support and/or maintain project* <i>(Circle all that apply)</i>	Signature
		Support - Maintain	
		Support - Maintain	
		Support - Maintain	
		Support - Maintain	

** Approved projects may require additional documentation of pledge/commitment from the affected property owner.*

3. How will neighborhood residents be involved in the project? Who will perform maintenance and what is the maintenance schedule for each element? (Example: association members, residents adjacent to the project, a contractor hired by the association, etc.) Please be specific! Broad neighborhood participation is highly encouraged.

List five (5) association members who will serve as the project team:

Position	Name	Address	Telephone
1. Project Leader			
2. Coordinator			
3.			
4.			
5.			

PROJECT COSTS AND CONTRIBUTIONS

1. Attach the following specific information as part of the application (make additional copies if necessary):

- ☐ Project Costs Breakdown (form A) – REQUIRED
- ☐ Project Plan and Time-line (Form D) - REQUIRED
- ☐ Volunteer Hours Pledged (Form B) – If applicable
- ☐ Project Grant / Match Computation – If applicable
- ☐ Partner's Letter Of Intent (Form E) - If applicable

PROJECT PROGRESS REPORTS

1. The grant recipients will meet with the Neighborhood Services Coordinator on a regular basis. Inspections will be required prior to disbursement of funds.
 - a. Each month, until the completion of the project, the applicant will fill out a monthly status reports and submit it to the Neighborhood Services Coordinator. This must be done monthly until completion of the project.
 - b. This report should detail the project's activities. It must be submitted with copies of all receipts, invoices, Volunteer Hour sheets, and documentation of Partners' in-kind and cash contributions occurring in that particular month.

APPLICATION SUPPORT

1. We certify that the _____ neighborhood group/association is in full support of this application.
2. We pledge a matching contribution totaling \$_____ for this Neighborhood Challenge Program grant request.

Print name of person preparing application

Signature of person preparing application

Date

Print name of Lead Contact Person

Signature of Lead Contact Person

Date

Form "A" - Required!

Project Costs Breakdown

Page _____ of _____
(Make additional copies if necessary)

Neighborhood Group/Association: _____

Project Title: _____

1. Attach signed, written project estimates from at least three (3) separate vendor/contractors. (Remember - each of these estimates must include an itemized breakdown of the all the project costs with all labor and materials included.)
2. Once you have selected a vendor for your project, please provide a detailed breakdown of all project costs from that vendor (including material costs and/or services).
 - a. You will need to complete this form - using your contractor's information.
 - b. These are project expenditures to be paid from the GRANT AWARD and any CASH matched by the Association. Do not include volunteer labor or other in-kind donations. The items on this breakdown should be the items that require cash expenditure only.
 - c. Be sure the amounts you are requesting combined with any cash will cover your cash expenditure.

Description of Materials, Services, or Labor	Quantity	Unit Cost	Total Cost
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13. Total project CASH costs (Put this figure in the space on line "9" in Form "C")			\$

Form "B"

Volunteer Hours Pledged

Page _____ of _____
(Make additional copies if necessary)

Neighborhood Group/Association: _____

Project Title: _____

Name	Address/Zip	Phone number	Hours pledged	Task(s)
1.			hrs.	
2.			hrs.	
3.			hrs.	
4.			hrs.	
5.			hrs.	
6.			hrs.	
7.			hrs.	
8.			hrs.	
9.			hrs.	
10.			hrs.	
11.	Total hours from extra attached sheet(s)		hrs.	
12. Total number of volunteer hours			<div> <div>_____ hrs. X \$20.00/hr =</div> <div>\$ _____</div> <div>(Put this figure in the space on line "5" in Form "C", column "A" & "B")</div> </div>	

Project Grant / Match Computation (Form C)

Neighborhood Group/Association: _____ Project Title: _____

Requested Grant Amount: _____ (Get this information from line 8 below)

Cash Needed for this project: _____ (From Form A, line #13) Match required for this grant: _____ (Line 7 below)

Summary of Association's Grant Match:

Cash Contribution(s) : (These funds must be deposited with City of Auburn upon execution of grant contractual agreement.			
		Form(s) required	Amount
1	Neighborhood Association		
2	Partner(s)	Form E	
3	Total Cash Contribution(s) (add item 1 & 2):		
In-kind Contribution(s):			
4	Volunteer labor: _____ hrs. at \$20 per hour (<i>Volunteer hours are valued at a rate of \$20 per hour for determination of match value only. Vendors will not accept them for payment. </i>)	Form B	
5	Materials/Supplies/Services	Form E	
6	Total In-kind Contribution(s) (add item 4 & 5):		
7	TOTAL ASSOCIATION MATCH (add item 3 & 6): <i>Equal to half the PNC Grant</i>		

City of Auburn Contribution

8	Neighborhood Challenge Program Grant	
9	Total cash available for Project (add item 3 & 8) Must equal 'Total Project Costs' on Form A	

Form "D" - Required! Project Plan and Time-line

Page _____ of _____
(Make additional copies if necessary)

Neighborhood Group/Association: _____

Project Title: _____

	Description of activity	Project team-member responsible	Estimated # of hours to complete task	Anticipated expenditures, In-kind contribution and Volunteer hours
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

Form "E"
Partner Letter of Intent
(Donated materials/supplies/services)

Page _____ of _____
(Make additional copies if necessary)

This letter is to confirm that _____ will participate as a partner
(Company/Agency)
with the _____ neighborhood association in the implementation of its
(Association Name)
Neighborhood Challenge Program Grant project.

The contribution will consist of the following:

1. Cash amount of \$ _____

3. The following in-kind services valued at \$ _____

Please itemize (or attach list of) in-kind contribution(s): _____

4. The following in-kind materials/supplies valued at \$ _____

Please itemize (or attach list of) in-kind contribution(s): _____

4. We will donate a total of \$ _____ (in cash and/or in-kind services
(Put this amount on line 7 in Form "C")
and/or in-kind materials/supplies – see # 1 – 3 above).

Name: _____
(Signature) (Please print your name)

Company/Agency: _____
(Please Print)

Mailing Address: _____
(Please Print)

City/State/Zip: _____
(Please Print)

Phone: _____ FAX: _____

Date: _____

Application Checklist

Please complete the attached checklist to help insure that the application is finished.

Group/Organization Information

Information complete?

Membership list attached?

Map attached?

Yes

Proposed Grant Project

Project information/details complete?

Site plan attached?

Drawings attached?

Photographs attached?

Yes

Project Maintenance and Support

Ongoing maintenance identified?

Maintenance adequately addressed?

Adjacent Property Owner(s) consent secured?

Yes

N/A

--

Neighborhood Participation

Participation Information complete?

Project team identified?

Appropriate organization signatures?

Yes

N/A

Forms

Form "A" (Cost Breakdown Sheet) completed and attached?

Form "B" (Volunteer Hours Pledges) completed and attached?

Form "C" (Grant / Match Computation Sheet) completed and attached?

Form "D" (Project Plan and Time-line) completed and attached?

Form "E" (Partner Letter(s) of Intent) completed and attached?

Computation Sheet, Cost Breakdown and Project Description/site plan all correspond?

Yes

N/A

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 80-11072016

ORDERED, that the City Council hereby adopts the Program Guidelines for the Neighborhood Challenge Grant.



**City of Auburn
City Council Information Sheet**

Council Meeting Date: **November 7, 2016**

Author: Yvette Bouttenot

Subject: Public Hearing - Substantial Amendment to 2016 CDBG Action Plan
Cooperative Housing Project

Information: On May 16, 2016 the City Council approved the FFY2016 CDBG/HOME Action Plan with amendments to four line items. This action constitutes a Substantial Amendment and requires the City Council to hold a public hearing as outlined in the Citizen Participation Plan and to then submit the Amendment to the Department of Housing and Urban Development.

One of the amendments was to re-allocate HOME funds of \$225,000 intended to purchase two single family dwellings and develop a Cooperative Housing Project. Staff will issue a Request for Proposals (RFP) in the spring of 2017 to reach out to potential developers. Research shows that the State of Maine has 21 organizations listed as Housing Cooperatives with many of them located in coastal towns as mobile home parks or senior retirement communities. The one local cooperative is interested in locating a project in Auburn however their timeframe for moving forward may bring us to the next fiscal year.

Advantages: Establishing affordable housing opportunities for LMI households in Auburn

Disadvantages: There are a limited number of Affordable Cooperative Housing developers in this area.

City Budgetary Impacts: \$225,000 HOME Funds

Staff Recommended Action: Public Hearing

Previous Meetings and History: May 16, 2016 – City Council Amendment to 2016 Action Plan; October 17 – City Council Workshop.

Attachments: none



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 7, 2016

Author: Yvette Bouttenot

Subject: Public Hearing - Substantial Amendment to 2016 CDBG Action
Hampshire Street Reconstruction

Information:

On May 16, 2016 the City Council approved the FFY2016 CDBG/HOME Action Plan with amendments to four line items. This action constitutes a Substantial Amendment and requires the City Council to hold a public hearing as outlined in the Citizen Participation Plan and to then submit the Amendment to the Department of Housing and Urban Development.

One of the amendments was to re-allocate \$186,000 from the Sidewalk Project to the Hampshire Street Reconstruction Project. Construction of this project is scheduled to begin in April or May of 2017. A total of \$312,050 is allocated to the project.

Advantages: Addresses safety issues and improves the aesthetic look of this corridor.

Disadvantages: None

City Budgetary Impacts: \$312,050 – CDBG Funds

Staff Recommended Action: Public Hearing

Previous Meetings and History: May 16, 2106 City Council Meeting – City Council Amendment to 2016 Action Plan

Attachments: None



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2016

Ordinance: 11-11072016

Author: Eric Cousens, Deputy Director of Economic and Community Development

Subject: First Reading regarding amendments to Chapter 60 Zoning, Section 60-1 Definitions, Section 60-499 General Business Use Regulations and Section 60-525 General Business II Use Regulations to modify the light industrial use group to allow for industrial uses whose main process includes fabrication and not limit the use to the assembly of prefabricated parts if certain conditions are met.

Information: There have been a couple requests over the past few years to open small machine shops in Auburn. In 2013 and again recently there has been an inquiry regarding the possibility of a machine shop in the General Business (GB) zoning district. Attached is a recommendation that we consider amending the ordinance to allow additional flexibility for this use. The Council initiated the process to consider an ordinance amendment on October 3rd. On October 18th Planning Board vetted the draft through a public hearing and provided a unanimous recommendation to the Council to recommend the proposed change be approved. The Council needs to host two public readings, a public hearing and vote on the proposal as required for all ordinance amendments.

Advantages: Flexibility to attract new businesses to Auburn with a review process that ensures compatibility with surrounding properties and uses.

Disadvantages: None known if ordinance ensures compatibility with surrounding areas as it is written to do.

City Budgetary Impacts: May bring additional taxpayers to the city or help occupy existing commercial buildings.

Staff Recommended Action: Host first reading and accept public input. Vote to approve the proposed change at first reading and schedule for public hearing and second reading on November 21st.

Previous Meetings and History: October 3, 2016 Council Meeting and October 18, 2016 Planning Board Meeting.

Attachments: Staff Memo dated September 15, 2016, draft ordinance sections showing an option for amending the ordinance to allow the referenced use and a Planning Board Report recommending approval.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-11072016

Be it ordained by the Auburn City Council, that Chapter 60, Zoning be amended as follows:

Article IV, DIVISION 13. - GENERAL BUSINESS DISTRICT, Sec. 60-525. - Use regulation, (b) Special exception uses.

The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-11072016

Be it ordained by the Auburn City Council, that Chapter 60, Zoning be amended as follows:

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication ~~the main processes of which involve the assembly of prefabricated parts and~~ which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Article IV, DIVISION 12. - GENERAL BUSINESS DISTRICT, Sec. 60-499. - Use regulation, (b) Special exception uses.

The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(11) Light industrial plants ~~whose main processes involve assembly of prefabricated parts and~~ which will not create a nuisance by noise, vibration, smoke, odor or appearance.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 7, 2016

Order: 81-11072016

Author: Michael Chammings, Director of Economic and Community Development

Subject: Community Concepts Financial Corporation (CCFC)

NB11

Information: The Council approved a budget that included allocating funds to CCFC to make loans to small businesses that leveraged additional financial resources to allow more lending to be provided within the City.

Advantages: Money leveraging; CCFC will maintain at least a 1:1 match of lending within the City.

Disadvantages: None.

City Budgetary Impacts: None.

Staff Recommended Action: Approve the order.

Previous Meetings and History: Budget meetings, July 21, 2016 Community and Economic Development Committee Meeting and October 17, 2016 Council Workshop.

Attachments: Memorandum of Understanding and Agreement (MOU) and Order 81-11072016.

**Memorandum of Understanding and Agreement Between
Community Concepts Finance Corporation and the City of Auburn**

Community Concepts Finance Corporation (CCFC) & The City of Auburn (The City) enter into this Memorandum of Understanding and Agreement (“MOU”) dated as of October 25, 2016 (the “Effective Date”).

Recitals:

WHEREAS, CCFC is a Maine nonprofit corporation & Community Development Finance Institution which provides Loan products to businesses in Maine and The City is a Municipality in Maine with a desire to stimulate economic development;

WHEREAS, CCFC has a track record of deploying loan funds in a fair and sustainable manner, to foster the growth of businesses and economic development;

WHEREAS, The City has allocated funds through the budget process to make loans to small businesses through CCFC while leveraging additional financial resources to allow more lending to be provided within The City; and

WHEREAS, The City and CCFC desire to state their mutual understandings and intentions with respect to the administration of a loan pool designed to benefit and attract businesses to Auburn, in anticipation of entering a definitive agreement with respect to the implementation and administration of the program.

NOW THEREFORE, CCFC and The City hereby agree as follows:

1. Negotiation of a Definitive Agreement

Following the execution of this MOU, The City and CCFC shall negotiate and enter a definitive agreement for the administration and implementation of the loan pool described herein (the “Definitive Agreement”). The loan pool shall not be funded, and no loans shall be made, until the Definitive Agreement has been duly executed by the parties.

2. Responsibilities of CCFC

The Definitive Agreement shall require CCFC to do the following:

- (A) CCFC shall create a designated loan pool named City of Auburn Loan Fund (The Pool).
- (B) CCFC shall contribute one-half of the initial funding of the Pool, with CCFC’s initial contribution to be \$100,000.00 (One Hundred Thousand Dollars).
- (C) CCFC will follow its own internal underwriting guidelines as provided to and deemed reasonably acceptable to the City.

- (D) CCFC will provide matching funds for all principal contributed by The City to The Pool, and will ensure that all loans made by the Pool disburse funds equally contributed by The City and CCFC, in order to maintain at least a 1:1 match of lending within The City at all times, and to ensure The City is never lending more than CCFC.
- (E) CCFC will only loan Pool funds to for-profit businesses expanding in or moving to The City.
- (F) CCFC will view the Downtown (TIF District #10, as amended) as a priority for all Pool lending.
- (G) CCFC will provide a quarterly report to The City to include the name of the borrower, original amount of the loan and the status of the loan at the end of the quarter. Said report will be provided within 30 days of the end of each calendar quarter.
- (H) CCFC will seek to collect The Pool funds in the same manner as all other loan pools under its control.
- (I) CCFC will use The Pool as a revolving fund relending as principal is repaid.

2. Responsibilities The City

The Definitive Agreement shall require the City to do the following:

- (A) The City will contribute one half of the funding for the Loan Pool, with the City's initial contribution to be \$100,000.00 (One Hundred Thousand Dollars).
- (B) The City will use reasonable efforts to promote the Loan Pool to potential borrowers.
- (C) The City will provide timely feedback from clients to continuously improve the process.
- (D) The City will provide written notice to CCFC if it desires to no longer fund The Pool. CCFC will return funds to The City as repaid to CCFC less any written off funds which may have occurred over the life of the agreement.
- (E) The City will provide CCFC a detailed map showing TIF District #10 as amended.

3. Mutual Understandings

- (A) Both parties agree that any mutually funded loans will be based on a pari passu basis and any incurred loss will be equally shared between both entities.
- (B) Both parties agree The Pool is intended as an economic development investment. CCFC shall secure collateral is to mitigate any potential borrower default, according to mutually acceptable guidelines.
- (C) This is a revolving fund and as principal is repaid CCFC shall immediately work to re-loan available funds.
- (D) All notices shall be provided to the following individuals:

CCFC: CEO of CCFC
17 Market Square
Paris, ME 04281

The City: City Manager
Auburn Hall
60 Court Street
Auburn, ME 04210

4. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Maine, exclusive, however, of such State's rules respecting the choice of law. Any disputes in this MOU or the Definitive Agreement shall be resolved through binding arbitration, to be conducted by JAMS according to its streamlined arbitration rules and procedures.

5. Term This MOU shall remain in effect unless notice of termination is given in writing by either party to the address provided in 3D, or until a Definitive Agreement is executed, whichever shall occur first.

6. Further Assurances and Actions. CCFC and The City both covenant and agree to take such further actions and to execute such instruments as either deem reasonable necessary or beneficial to implement the covenants set forth herein.

7. Waiver. The waiver or breach of any term, condition or covenant contained in this agreement shall be effective only if waived in writing and shall not be considered a waiver of any subsequent breach of any other term, condition or covenant.

8. Severability. In the event that any portion of this Agreement is declared void or unenforceable by a court of competent jurisdiction, the remaining portion shall remain in full force and effect, unless both parties to this MOU agree to the contrary in a written amendment hereto with respect to any particular provision.

9. Entire Agreement. This Agreement contains the entire understandings of the parties. It may not be changed orally, but only by an Agreement in writing signed by the parties hereto.

Executed as of the Effective Date.

Community Concepts Finance Corp.

By:
Its: CEO

The City of Auburn

By:
Its: Acting City Manager

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 81-11072016

ORDERED, that the City Council hereby authorizes the City Manager to sign the Memorandum of Understanding and Agreement Between Community Concepts Finance Corporation and the City of Auburn.



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 7, 2016

Order: 82-11072016

Author: Michael Chammings, Director of Economic and Community Development

Subject: TIF 19 Order

Information: The City of Auburn designated the #19 Hartt Transportation Industrial Park Municipal Tax Increment Financing District on December 15, 2014, which received conditional approval of the Commissioner of the Department of Economic and Community Development on March 11, 2015 and full approval on December 18, 2015.

It was discovered that the original assessed value (OAV) included in the #19 District's application was incorrect due to a typo (\$1,178,340 instead of the correct OAV of \$1,278,600), the Department of Economic and Community Development will consider corrections of this TIF program in the form of a technical revision without requiring a new public hearing or formal Development Program amendment; however, the Council must authorize such technical revisions in this case.

This typo causes issues with the Hartt Credit Enhancement agreement, with the pending #20 Spring Street TIF and any future TIFs.

Advantages: Corrects the original assessed values (OAVs) for current and pending TIFs and authorizes the City Manager to make such further revisions to the Development Program as he/she deems reasonably necessary, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Disadvantages: Slight shift in the tax shelter formula.

City Budgetary Impacts: Minimal.

Staff Recommended Action: Approve the order.

Previous Meetings and History:

October 17, 2016 Council Workshop

Attachments: Order 82-11072016

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 82-11072016

ORDERED, that the City Council hereby authorizes the City Manager to correct the Original Assessed Value of the District to \$1,278,600 (corrected from \$1,178,340) in order to fix the typo that appeared in the original Development Program; such authorization to include:

- (a) Correcting any mention of the Original Assessed Value contained in the Development Program,
- (b) Directing the Assessor to execute and submit an Amended Assessor's Certificate that certifies to this corrected Original Assessed Value, and
- (c) To correct, as necessary, the references to the Original Assessed Value contained within the Credit Enhancement Agreement entered into by and between the City and Hartt Transportation Systems, Inc.

The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such further revisions to the Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.



**City of Auburn
City Council Information Sheet**

Council meeting: November 7, 2016

Order: 83-11072016

Author: Michael Chammings, Director of Economic and Community Development

Subject: TIF 20 Public Hearing and Order

NB13

Information:

In the course of reviewing the TIF #20 application, the State of Maine Department of Economic and Community Development is requiring that the City hold an additional public hearing and vote on this Council Order to verify four items about the District prior to permitting the City to begin reimbursement of payments pursuant to a Credit Enhancement Agreement.

Advantages: Fulfills the State of Maine Department of Economic and Community Development's requirements.

Disadvantages: None.

City Budgetary Impacts: Minimal.

Staff Recommended Action: Hold the Public Hearing and approve the order.

Previous Meetings and History:

September 12, 2016 Council Meeting.

Attachments: Order 83-11072016.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 83-11072016

WHEREAS, the City of Auburn (the "City") designated the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** (the "District") and adopted a development program (the "Development Program") for the District on September 12, 2016; and

WHEREAS, in the course of reviewing the application, the State of Maine Department of Economic and Community Development is requiring that the City hold an additional public hearing and vote on this Council Order to verify four items about the District prior to permitting the City to begin reimbursement of payments pursuant to a Credit Enhancement Agreement.

ORDERED AS FOLLOWS:

Section 1. Authorize and direct the City Manager to add to the Development Program the following statements:

- a) There will be no displaced persons as a result of the District and implementation of the Development Program.
- b) The District development will be required to comply with all applicable environmental controls that would otherwise be required under law.
- c) The developer of the District property will be responsible for the operations of the improvements made within the District.
- d) The District project costs do not include any transportation improvements.

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Denis D'Auteuil, Acting City Manager

FROM: Jill Eastman, Finance Director

REF: September 2016 Financial Report

DATE: October 28, 2016

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

The City has completed its third month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 25.0% 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 September 30th, including the school department were \$29,792,556, or 37.00%, of the budget. The municipal revenues including property taxes were \$25,768,886, or 44.87% of the budget which is more than the same period last year by 0.93%. The accounts listed below are noteworthy.

- A. September 15th the first installment for real estate taxes were due. The current year tax revenue is at 49.76% as compared to 49.2% last year.
- B. Excise tax for the month of September is at 30.55%. This is a \$79,195 increase from FY 16. Our excise revenues for FY17 are 5.55% above projections as of September 30, 2016.
- C. State Revenue Sharing for the month of September is 24.03% or \$352,891. This is \$73,803 decrease from this September to last September.

- D. Homestead Exemption is 75.88% of budget at the end of September. We received 75% of our allotted amount in September and we will receive the balance in June.
- E. Business and Non-Business Licenses and Permits are at 28.49% of budget due to non-business licenses and permits coming in higher than anticipated.

Expenditures

City expenditures through September 2016 were \$12,019,217 or 30.21%, of the budget. This is 8.33% increase from the same period last year. Noteworthy variances are:

- A. Debt Service payments were posted in September this year and last year they were not posted until after I had prepared my September report. If these had been posted last year the total for Debt Service expenditures would have been \$4,798,555. This would have brought the total expenditures last September to \$13,220,629, \$1,201,412 more than this year.

Investments

This section contains an investment schedule as of September 30th. Currently the City's funds are earning an average interest rate of .55%.

Respectfully submitted,

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

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of September 2016, August 2016, and June 2015

	UNAUDITED September 30 2016	UNAUDITED August 31 2016	Increase (Decrease)	AUDITED JUNE 30 2015
ASSETS				
CASH	\$ 18,191,322	\$ 10,864,131	\$ 7,327,191	\$ 11,951,131
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,354,160	1,959,560	394,600	2,429,419
TAXES RECEIVABLE-CURRENT	21,733,815	39,466,573	(17,732,758)	37,898
DELINQUENT TAXES	700,079	700,757	(678)	571,005
TAX LIENS	1,110,021	1,231,205	(121,184)	1,721,395
NET DUE TO/FROM OTHER FUNDS	5,269,664	3,033,891	2,235,773	266,370
TOTAL ASSETS	\$ 49,359,061	\$ 57,256,117	\$ (7,897,056)	\$ 16,977,218
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (79,850)	\$ (30,644)	\$ (49,206)	\$ (1,935,471)
PAYROLL LIABILITIES	(82,488)	(1,172,838)	1,090,349	-
ACCRUED PAYROLL	529,353	(868,199)	1,397,553	(2,329,832)
STATE FEES PAYABLE	(35,180)	(39,313)	4,134	-
ESCROWED AMOUNTS	(11,223)	(9,023)	(2,200)	(6,039)
DEFERRED REVENUE	(23,374,198)	(41,496,276)	18,122,078	(1,860,686)
TOTAL LIABILITIES	\$ (23,053,585)	\$ (43,616,294)	\$ 20,562,708	\$ (6,132,028)
FUND BALANCE - UNASSIGNED	\$ (25,214,523)	\$ (12,548,871)	\$ (12,665,652)	\$ (8,018,394)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	
FUND BALANCE - RESTRICTED	(1,866,970)	(1,866,970)	-	(2,826,796)
TOTAL FUND BALANCE	\$ (26,305,476)	\$ (13,639,823)	\$ (12,665,652)	\$ (10,845,190)
TOTAL LIABILITIES AND FUND BALANCE	\$ (49,359,061)	\$ (57,256,117)	\$ 7,897,056	\$ (16,977,218)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH September 30, 2016 VS September 30, 2015

REVENUE SOURCE	FY 2017 BUDGET	ACTUAL REVENUES THRU SEPT 2016	% OF BUDGET	FY 2016 BUDGET	ACTUAL REVENUES THRU SEPT 2015	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE- PRIOR YEAR TAX REVENUE	\$ 46,032,435	\$ 22,907,842	49.76%	\$ 44,021,283	\$ 21,659,850	49.20%	\$ 1,247,992
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ -	\$ 303,089		\$ -	\$ 289,406		\$ 13,683
ALLOWANCE FOR ABATEMENT	\$ 750,000	\$ 569,088	75.88%	\$ 505,000	\$ 258,527	51.19%	\$ 310,561
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ -	\$ -		\$ -	\$ -		\$ -
PENALTIES & INTEREST	\$ 3,365,000	\$ 1,028,052	30.55%	\$ 3,350,000	\$ 948,857	28.32%	\$ 79,195
	\$ 150,000	\$ 24,863	16.58%	\$ 150,000	\$ 19,983	13.32%	\$ 4,880
TOTAL TAXES	\$ 50,297,435	\$ 24,832,934	49.37%	\$ 48,026,283	\$ 23,176,623	48.26%	\$ 1,656,311
LICENSES AND PERMITS							
BUSINESS	\$ 48,000	\$ 11,303	23.55%	\$ 48,300	\$ 14,813	30.67%	\$ (3,511)
NON-BUSINESS	\$ 427,384	\$ 124,137	29.05%	\$ 356,800	\$ 106,127	29.74%	\$ 18,010
TOTAL LICENSES	\$ 475,384	\$ 135,440	28.49%	\$ 405,100	\$ 120,940	29.85%	\$ 14,500
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 440,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 1,468,313	\$ 352,891	24.03%	\$ 1,477,641	\$ 426,694	28.88%	\$ (73,803)
WELFARE REIMBURSEMENT	\$ 59,000	\$ -	0.00%	\$ 70,000	\$ 4,456	6.37%	\$ (4,456)
OTHER STATE AID	\$ 22,000	\$ -	0.00%	\$ 22,000	\$ -	0.00%	\$ -
CITY OF LEWISTON	\$ 160,000	\$ -	0.00%	\$ 155,000	\$ 5,040	3.25%	\$ (5,040)
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,109,313	\$ 352,891	16.73%	\$ 2,164,641	\$ 436,190	20.15%	\$ (83,299)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 132,640	\$ 20,751	15.64%	\$ 133,040	\$ 21,340	16.04%	\$ (589)
PUBLIC SAFETY	\$ 139,077	\$ 23,419	16.84%	\$ 239,138	\$ 7,762	3.25%	\$ 15,657
EMS TRANSPORT	\$ 1,250,000	\$ 267,734	21.42%	\$ 1,250,000	\$ 253,827	20.31%	\$ 13,907
TOTAL CHARGE FOR SERVICES	\$ 1,521,717	\$ 311,904	20.50%	\$ 1,622,178	\$ 282,929	17.44%	\$ 28,975
FINES							
PARKING TICKETS & MISC FINES	\$ 65,000	\$ 14,827	22.81%	\$ 60,000	\$ 16,246	27.08%	\$ (1,419)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 10,000	\$ 3,720	37.20%	\$ 5,000	\$ 2,409	48.18%	\$ 1,311
INTEREST-BOND PROCEEDS	\$ -	\$ -		\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 18,000	\$ 9,873	54.85%	\$ 18,000	\$ 11,573	64.29%	\$ (1,701)
UNCLASSIFIED	\$ 10,000	\$ 19,787	197.87%	\$ 20,000	\$ 17,040	85.20%	\$ 2,747
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 22,017		\$ -	\$ 11,115		\$ 10,902
SALE OF PROPERTY	\$ 20,000	\$ 10,427	52.13%	\$ 20,000	\$ 6,012	30.06%	\$ 4,415
RECREATION PROGRAMS/ARENA	\$ -	\$ -		\$ -	\$ -		\$ -
MMWAC HOST FEES	\$ 210,000	\$ 53,443	25.45%	\$ 210,000	\$ 52,664	25.08%	\$ 779
TRANSFER IN: TIF	\$ 1,537,818	\$ -	0.00%	\$ 545,000	\$ -	0.00%	\$ -
TRANSFER IN: POLICE	\$ -	\$ -		\$ 45,000	\$ -	0.00%	\$ -
TRANSFER IN: REC SPEC REVENUE	\$ 54,718	\$ -	0.00%	\$ 42,718	\$ -	0.00%	\$ -
TRANSFER IN: SPECIAL REVENUE	\$ -	\$ -		\$ -	\$ -		\$ -
ENERGY EFFICIENCY	\$ -	\$ 1,625		\$ -	\$ 3,600		\$ (1,975)
CDBG	\$ 254,127	\$ -	0.00%	\$ 58,000	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 27,500	\$ -	0.00%	\$ 37,500	\$ -	0.00%	\$ -
CITY FUND BALANCE CONTRIBUTION	\$ 825,000	\$ -	0.00%	\$ 1,650,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,967,163	\$ 120,891	4.07%	\$ 2,653,218	\$ 104,413	3.94%	\$ 16,478
TOTAL GENERAL FUND REVENUES	\$ 57,436,012	\$ 25,768,886	44.87%	\$ 54,931,420	\$ 24,137,341	43.94%	\$ 1,631,545
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 21,373,337	\$ 3,970,412	18.58%	\$ 20,854,672	\$ -	0.00%	\$ 3,970,412
EDUCATION	\$ 814,540	\$ 53,257	6.54%	\$ 856,607	\$ 40,777	4.76%	\$ 12,480
SCHOOL FUND BALANCE CONTRIBUTION	\$ 906,882	\$ -	0.00%	\$ 906,882	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 23,094,759	\$ 4,023,669	17.42%	\$ 22,618,161	\$ 40,777	0.18%	\$ 3,982,892
GRAND TOTAL REVENUES	\$ 80,530,771	\$ 29,792,556	37.00%	\$ 77,549,581	\$ 24,178,118	31.18%	\$ 5,614,438

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH September 30, 2016 VS September 30, 2015

DEPARTMENT	FY 2017 BUDGET	Unaudited EXP THRU SEPT 2016	% OF BUDGET	FY 2016 BUDGET	Unaudited EXP THRU SEPT 2015	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 78,464	\$ 12,315	15.70%	\$ 77,366	\$ 16,211	20.95%	\$ (3,896)
CITY MANAGER	\$ 378,880	\$ 82,161	21.69%	\$ 269,340	\$ 58,755	21.81%	\$ 23,406
CITY CLERK	\$ 177,906	\$ 34,605	19.45%	\$ 165,053	\$ 33,299	20.17%	\$ 1,306
FINANCIAL SERVICES	\$ 637,754	\$ 154,442	24.22%	\$ 619,855	\$ 145,289	23.44%	\$ 9,153
HUMAN RESOURCES	\$ 150,435	\$ 23,200	15.42%	\$ 143,526	\$ 31,714	22.10%	\$ (8,514)
INFORMATION TECHNOLOGY	\$ 479,324	\$ 122,963	25.65%	\$ 390,190	\$ 108,448	27.79%	\$ 14,515
LEGAL SERVICES	\$ 45,650	\$ 28,348	62.10%	\$ 65,000	\$ 9,661	14.86%	\$ 18,687
TOTAL ADMINISTRATION	\$ 1,948,413	\$ 458,034	23.51%	\$ 1,730,330	\$ 403,377	23.31%	\$ 54,657
COMMUNITY SERVICES							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,938,437	\$ 277,163	14.30%	\$ 1,267,711	\$ 380,666	30.03%	\$ (103,503)
HEALTH & SOCIAL SERVICES	\$ 171,474	\$ 46,145	26.91%	\$ 184,711	\$ 38,666	20.93%	\$ 7,479
RECREATION & SPECIAL EVENTS*	\$ 341,772	\$ 65,976	19.30%	\$ 338,871	\$ 75,336	22.23%	\$ (9,360)
PUBLIC LIBRARY	\$ 979,516	\$ 161,519	16.49%	\$ 979,516	\$ 240,004	24.50%	\$ (78,485)
TOTAL COMMUNITY SERVICES	\$ 3,431,199	\$ 550,803	16.05%	\$ 2,770,809	\$ 734,672	26.51%	\$ (183,869)
FISCAL SERVICES							
DEBT SERVICE	\$ 6,406,845	\$ 5,416,910	84.55%	\$ 6,324,864	\$ 90,807	1.44%	\$ 5,326,103
FACILITIES	\$ 645,756	\$ 342,913	53.10%	\$ 653,080	\$ 296,272	45.37%	\$ 46,641
WORKERS COMPENSATION	\$ 522,088	\$ -	0.00%	\$ 496,536	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 5,274,528	\$ 1,484,062	28.14%	\$ 5,171,309	\$ 1,169,436	22.61%	\$ 314,626
EMERGENCY RESERVE (10108062-670000)	\$ 375,289	\$ -	0.00%	\$ 375,289	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 13,224,506	\$ 7,243,885	54.78%	\$ 13,021,078	\$ 1,556,515	11.95%	\$ 5,687,370
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,049,396	\$ 1,040,889	25.70%	\$ 4,099,634	\$ 1,045,174	25.49%	\$ (4,285)
FIRE EMS	\$ 590,997	\$ 179,134	30.31%	\$ 549,801	\$ 155,146	28.22%	\$ 23,988
POLICE DEPARTMENT	\$ 3,875,113	\$ 881,199	22.74%	\$ 3,870,995	\$ 840,898	21.72%	\$ 40,301
TOTAL PUBLIC SAFETY	\$ 8,515,506	\$ 2,101,222	24.68%	\$ 8,520,430	\$ 2,041,218	23.96%	\$ 60,004
PUBLIC WORKS							
PUBLIC SERVICES DEPARTMENT	\$ 4,496,349	\$ 874,018	19.44%	\$ 4,525,898	\$ 918,483	20.29%	\$ (44,465)
SOLID WASTE DISPOSAL	\$ 932,689	\$ 147,819	15.85%	\$ 927,278	\$ 132,008	14.24%	\$ 15,811
WATER AND SEWER	\$ 599,013	\$ 146,627	24.48%	\$ 599,013	\$ 146,628	24.48%	\$ (1)
TOTAL PUBLIC WORKS	\$ 6,028,051	\$ 1,168,464	19.38%	\$ 6,052,189	\$ 1,197,119	19.78%	\$ (28,655)
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 106,000	\$ 29,269	27.61%	\$ 105,000	\$ 26,250	25.00%	\$ 3,019
E911 COMMUNICATION CENTER	\$ 1,088,857	\$ 267,281	24.55%	\$ 1,069,122	\$ 268,344	25.10%	\$ (1,063)
LATC-PUBLIC TRANSIT	\$ 182,244	\$ 182,244	100.00%	\$ 209,244	\$ 52,311	25.00%	\$ 129,933
LA ARTS	\$ -	\$ -		\$ -	\$ -		\$ -
TAX SHARING	\$ 270,000	\$ 18,015	6.67%	\$ 270,000	\$ -	0.00%	\$ 18,015
TOTAL INTERGOVERNMENTAL	\$ 1,647,101	\$ 496,809	30.16%	\$ 1,653,366	\$ 346,905	20.98%	\$ 149,904
COUNTY TAX	\$ 2,167,824	\$ -	0.00%	\$ 2,142,268	\$ 2,142,268	100.00%	\$ (2,142,268)
TIF (10108058-580000)	\$ 2,824,803	\$ -	0.00%	\$ 2,599,914	\$ -	0.00%	\$ -
OVERLAY	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 39,787,403	\$ 12,019,217	30.21%	\$ 38,490,384	\$ 8,422,074	21.88%	\$ 3,597,143
EDUCATION DEPARTMENT	\$ 40,743,368	\$ 2,603,419	6.39%	\$ 39,062,197	\$ 1,217,693	3.12%	\$ 1,385,726
TOTAL GENERAL FUND EXPENDITURES	\$ 80,530,771	\$ 14,622,636	18.16%	\$ 77,552,581	\$ 9,639,767	12.43%	\$ 4,982,869

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF September 30, 2016**

INVESTMENT		FUND	BALANCE September 30, 2016	BALANCE August 31, 2016	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 4,169,347.82	\$ 2,268,518.74	0.45%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,004,671.75	\$ 1,004,341.59	0.45%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 7,052,811.75	\$ 62,542.56	0.45%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 50,190.07	\$ 50,173.61	0.45%
ANDROSCOGGIN BANK	748	UNEMPLOYMENT	\$ 50,190.07	\$ 50,173.60	0.45%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 230,461.72	\$ 130,451.62	0.45%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	0.70%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	0.70%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	0.85%
GRAND TOTAL			\$ 14,307,673.18	\$ 5,316,201.72	0.55%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2016 - June 30, 2017
Report as of September 30, 2016

	Beginning Balance 09/01/16	September 2016				Ending Balance 9/30/2016
		New Charges	Payments	Refunds	Adjustments	
Bluecross	\$ 29,763.66	\$ 7,886.80	\$ (4,953.39)		\$ (1,433.74)	\$ 31,263.33
Intercept	\$ 400.00	\$ 200.00	\$ (300.00)			\$ 300.00
Medicare	\$ 60,720.16	\$ 87,750.40	\$ (28,873.08)		\$ (40,252.51)	\$ 79,344.97
Medicaid	\$ 4,529.83	\$ 25,523.80	\$ (12,692.07)		\$ (18,692.59)	\$ (1,331.03)
Other/Commercial	\$ 115,064.11	\$ 44,401.40	\$ (27,627.27)	\$ 160.19	\$ (17,272.62)	\$ 114,725.81
Patient	\$ 488,845.04	\$ 12,572.60	\$ (5,691.07)	\$ 26.86	\$ (1,000.00)	\$ 494,753.43
Worker's Comp	\$ -	\$ -	\$ -			\$ -
TOTAL	\$ 699,322.80	\$ 178,335.00	\$ (80,136.88)	\$ 187.05	\$ (78,651.46)	\$ 719,056.51

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2016 - June 30, 2017
Report as of September 30, 2016

	July 2016	August 2016	Sept 2016	Adjustment	Totals	% of Total
No Insurance Information		\$ 4,649.80		\$ (4,649.80)	\$ -	0.00%
Bluecross	\$ 10,000.40	\$ 13,101.80	\$ 7,886.80	\$ 680.80	\$ 31,669.80	5.60%
Intercept	\$ 200.00	\$ 800.00	\$ 200.00		\$ 1,200.00	0.21%
Medicare	\$ 65,787.40	\$ 79,078.20	\$ 87,750.40	\$ 6,526.20	\$ 239,142.20	42.32%
Medicaid	\$ 34,317.20	\$ 36,679.60	\$ 25,523.80	\$ 1,168.60	\$ 97,689.20	17.29%
Other/Commercial	\$ 54,548.80	\$ 49,906.40	\$ 44,401.40	\$ 1,290.60	\$ 150,147.20	26.57%
Patient	\$ 16,125.40	\$ 20,867.80	\$ 12,572.60	\$ (4,365.00)	\$ 45,200.80	8.00%
Worker's Comp	\$ 651.40			\$ (651.40)	\$ -	0.00%
TOTAL	\$181,630.60	\$205,083.60	\$178,335.00	\$ -	\$ 565,049.20	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2016 - June 30, 2017
Report as of September 30, 2016

	July 2016	August 2016	Sept 2016	Adjustment	Totals	% of Total
No Insurance Information		6			6	0.83%
Bluecross	12	15	9		36	5.01%
Intercept	2	10	2		14	1.95%
Medicare	80	99	105		284	39.50%
Medicaid	45	50	33		128	17.80%
Other/Commercial	69	65	56		190	26.43%
Patient	20	25	16		61	8.48%
Worker's Comp	1				0	0.00%
TOTAL	229	270	221	0	719	100.00%

TOTAL REVENUE COLLECTED AS OF 09/30/16 \$ 267,734.

TOTAL EXPENDITURES AS OF 09/30/16 \$ 179,134.

**EMS BILLING
AGING REPORT
July 1, 2016 to June 30, 2017
Report as of September 30, 2016**

	Current		31-60		61-90		91-120		121+ days		Totals							
Bluecross	\$	9,484.03	90%	\$	-	0%	\$	890.60	8%	\$	-	0%	\$	150.66	1%	\$	10,525.29	1.46%
Intercept	\$	100.00	33%	\$	200.00		\$	-		\$	-		\$	-		\$	300.00	0.04%
Medicare	\$	64,624.42	95%	\$	2,794.56	4%	\$	861.20	1%	\$	-	0%	\$	-	0%	\$	68,280.18	9.50%
Medicaid	\$	29,024.87	76%	\$	4,875.40	13%	\$	1,661.17	4%	\$	1,575.60	4%	\$	875.20	2%	\$	38,012.24	5.29%
Other/Commercial	\$	44,382.25	59%	\$	7,586.76	10%	\$	3,597.34	5%	\$	4,304.80	6%	\$	14,993.44	20%	\$	74,864.59	10.41%
Patient	\$	51,783.72	10%	\$	18,546.17	4%	\$	24,389.70	5%	\$	26,726.14	5%	\$	405,628.48	77%	\$	527,074.21	73.30%
Worker's Comp	\$	-		\$	-		\$	-		\$	-		\$	-		\$	-	0.00%
TOTAL	\$	199,399.29		\$	34,002.89		\$	31,400.01		\$	32,606.54		\$	421,647.78		\$	719,056.51	
		28%			5%			4%			5%			59%			100%	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS
As of September 30, 2017

	1902	1905	1909	1910	1913	1914	1915	1917	1922	1926	1927	1928	1929	1930		
	Riverwatch	Winter Festival	Kittyhawk Park	Community Service	Police Fitness Equipment	Oak Hill Cemeteries	Fire Training Building	Wellness Grant	Walmart Risk/Homeless	Healthy Androscoggin	Insurance Reimbursement	Vending	Fire Prevention	211 Fairview		
Fund Balance 7/1/16	\$ 998,289.00	\$ 3,504.80	\$ 44,875.00	\$ 3,822.59	\$ 5,932.53	\$ 27,084.76	\$ 3,511.16	\$ 4,657.35	\$ 7,158.93	\$ (169.41)	\$ (42,276.05)	\$ 97.26	\$ 4,094.47	\$ (566,303.71)		
Revenues FY17	\$ 23,195.09	\$ -		\$ 133.25				\$ 2,204.00	\$ 196.12	\$ 8,164.96	\$ 17,636.87	\$ 192.00				
Expenditures FY17	\$ 105,681.60	\$ -						\$ 1,593.72	\$ 647.83	\$ 3,360.00	\$ 658.19	\$ 410.17				
Fund Balance 09/30/16	\$ 915,802.49	\$ 3,504.80	\$ 44,875.00	\$ 3,955.84	\$ 5,932.53	\$ 27,084.76	\$ 3,511.16	\$ 5,267.63	\$ 6,707.22	\$ 4,635.55	\$ (25,297.37)	\$ (120.91)	\$ 4,094.47	\$ (566,303.71)		
	1931	2003	2005	2006	2007	2008	2010	2013	2014	2019	2020	2025	2030	2032		
	Donations	Byrne JAG	MDOT	PEACE	Seatbelt Grant	Homeland Security	State Drug Money	OUI Grant	Speed Grant	Law Enforcement Training	CDBG	Community Cords	Parking	HEAPP		
Fund Balance 7/1/16	\$ 4,030.22	\$ 5,601.31	\$ (300,767.41)	\$ 5,113.91	\$ 3,838.00	\$ (79,902.47)	\$ 32,161.49	\$ 20,076.97	\$ 9,286.00	\$ (2,764.26)	\$ 4,390,795.83	\$ 29,363.56	\$ 7,326.18	\$ (4,994.50)		
Revenues FY17	\$ 66.40	\$ (2,057.90)					\$ 4,098.00			\$ 4,436.00	\$ 266,145.13	\$ 2,416.14	\$ 41,588.66			
Expenditures FY17	\$ 66.40	\$ 927.74		\$ 368.72		\$ 15,956.32	\$ 5,485.89	\$ 9,240.00	\$ 6,156.00	\$ 850.00	\$ 83,454.34	\$ 500.00	\$ 15,275.48			
Fund Balance 09/30/16	\$ 4,030.22	\$ 2,615.67	\$ (300,767.41)	\$ 4,745.19	\$ 3,838.00	\$ (95,858.79)	\$ 30,773.60	\$ 10,836.97	\$ 3,130.00	\$ 821.74	\$ 4,573,486.62	\$ 31,279.70	\$ 33,639.36	\$ (4,994.50)		
	2033	2037	2038	2040	2041	2042	2044	2045	2046	2050	2051	2052	2053	2054		
	Safe School/Health (COPS)	Bulletproof Vests	Community Action Team	Great Falls TV	Blanche Stevens	High Visibility	Federal Drug Money	Forest Management	Joint Land Use Study	Project Lifesaver	Project Canopy	Nature Conservancy	St Louis Bells	EMS Transport Capital Reserve		
Fund Balance 7/1/16	\$ (11,598.45)	\$ 11,591.10	\$ 7,206.21	\$ 49,695.26	\$ 51,105.26	\$ 3,528.71	\$ 28,246.58	\$ 4,661.52	\$ 0.57	\$ 100.00	\$ -	\$ 975.05	\$ 2,357.75	\$ 230,363.06		
Revenues FY17							\$ 2,879.29			\$ 50.00	\$ 12,970.00					
Expenditures FY17	\$ 22,882.14			\$ 4,375.38	\$ 642.45		\$ 1,344.98									
Fund Balance 09/30/16	\$ (34,480.59)	\$ 11,591.10	\$ 7,206.21	\$ 45,319.88	\$ 50,462.81	\$ 3,528.71	\$ 29,780.89	\$ 4,661.52	\$ 0.57	\$ 150.00	\$ 12,970.00	\$ 975.05	\$ 2,357.75	\$ 230,363.06		
	2055	2056	2057	2058	2059	2201	2500	2501								
	Work4ME-PAL	Lake Auburn Neighborhood	ASPCA Grant	Barker Mills Greenway	Distracted Driving	EDI Grant	Parks & Recreation	Recreation Donation								
Fund Balance 7/1/16	\$ (10,824.92)	\$ 125.00	\$ 800.00	\$ (36,787.03)	\$ (720.00)	\$ (1,336,528.99)	\$ 285,658.91	\$ 1,757.00								
Revenues FY17					\$ (3,024.00)		\$ 51,835.71									
Expenditures FY17	\$ 6,675.00				\$ 8,466.00		\$ 167,270.60									
Fund Balance 09/30/16	\$ (17,499.92)	\$ 125.00	\$ 800.00	\$ (36,787.03)	\$ (12,210.00)	\$ (1,336,528.99)	\$ 170,224.02	\$ 1,757.00								
	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	Total
	Tambrands TIF 4	J Enterprises TIF 5	Tambrands II TIF 6	J & A Properties TIF 7	Formed Fiber TIF 8	Mall TIF 9	Downtown TIF 10	Safe Handling TIF 11	Auburn Industrial TIF 12	Auburn Plaza TIF 13	Auburn Plaza II TIF 14	Webster School TIF 16	Bedard Pharm TIF 17	Slapshot LLC TIF 18	Hartt Transport TIF 19	Special Revenues
Fund Balance 7/1/16	\$ (127,347.23)	\$ 14,500.44	\$ (471,229.88)	\$ 2,558.27	\$ 134,174.73	\$ 538,642.58	\$ 700,419.73	\$ 50,183.21	\$ (373,286.94)	\$ 112,923.51	\$ (90,278.95)	\$ 360.91	\$ 388.80	\$ (111,372.97)	\$ (5.40)	\$ 4,275,786.91
Revenues FY17																\$ 433,125.72
Expenditures FY17							\$ 392,886.16		\$ 136,810.59		\$ 390,735.66			\$ 84,567.93		\$ 1,467,289.29
Fund Balance 09/30/16	\$ (127,347.23)	\$ 14,500.44	\$ (471,229.88)	\$ 2,558.27	\$ 134,174.73	\$ 538,642.58	\$ 307,533.57	\$ 50,183.21	\$ (510,097.53)	\$ 112,923.51	\$ (481,014.61)	\$ 360.91	\$ 388.80	\$ (195,940.90)	\$ (5.40)	\$ 3,241,623.34

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Denis D'Auteuil, Acting City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for September, 2016



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of September 30, 2016.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of September 30, 2016.

Current Assets:

As of the end of September 2016 the total current assets of Ingersoll Turf Facility were (\$11,650). This consisted of an interfund payable of \$11,650.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of September 30, 2016 was \$195,659.

Liabilities:

Ingersoll had accounts payable of \$118 as of September 30, 2016.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through September 2016 are \$13,273. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through September 2016 were \$24,601. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of September 2016 Ingersoll has an operating loss of \$11,328.

As of September 30, 2016 Ingersoll has a decrease in net assets of \$11,328.

The budget to actual reports for revenue and expenditures, show that the revenue for FY17 only. For the October 2016 report I will begin to show comparison budget to actual against FY16.

Statement of Net Assets
Ingersoll Turf Facility
September 30, 2016
Business-type Activities - Enterprise Fund

	September 30 2016	August 31 2016	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ -	\$ -	-
Interfund receivables/payables	\$ (11,650)	\$ (7,832)	(3,818)
Accounts receivable	-	-	-
Total current assets	(11,650)	(7,832)	(3,818)
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	86,625	86,625	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(581,829)	(581,829)	-
Total noncurrent assets	195,659	195,659	-
Total assets	184,009	187,827	(3,818)
LIABILITIES			
Accounts payable	\$ 118	\$ -	\$ 118
Total liabilities	118	-	118
NET ASSETS			
Invested in capital assets	\$ 195,659	\$ 195,659	\$ -
Unrestricted	\$ (11,768)	\$ (7,832)	\$ (3,936)
Total net assets	\$ 183,891	\$ 187,827	\$ (3,936)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
September 30, 2016

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 13,273
Operating expenses:	
Personnel	19,056
Supplies	808
Utilities	1,716
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	3,021
Total operating expenses	24,601
Operating gain (loss)	(11,328)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(11,328)
Transfers out	-
Change in net assets	(11,328)
Total net assets, July 1	195,219
Total net assets, September 30, 2016	\$ 183,891

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through September 30, 2016

REVENUE SOURCE	FY 2017 BUDGET	ACTUAL REVENUES THRU SEPT 2016	% OF BUDGET
CHARGE FOR SERVICES			
Sponsorship	\$ 15,000	\$ 3,000	20.00%
Batting Cages	\$ 9,940	\$ 1,625	16.35%
Programs	\$ 90,000	\$ 6,978	7.75%
Rental Income	\$ 100,000	\$ 1,670	1.67%
TOTAL CHARGE FOR SERVICES	\$ 214,940	\$ 13,273	6.18%
INTEREST ON INVESTMENTS			
	\$ -		
GRAND TOTAL REVENUES	\$ 214,940	\$ 13,273	6.18%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through September 30, 2016

DESCRIPTION	ACTUAL		
	FY 2017 BUDGET	EXPENDITURES THRU SEPT 2016	% OF BUDGET
Salaries & Benefits	\$ 101,899	\$ 19,056	18.70%
Purchased Services	\$ 20,750	\$ 3,271	15.76%
Programs	\$ 5,000	\$ 370	7.40%
Supplies	\$ 6,750	\$ 188	2.79%
Utilities	\$ 41,320	\$ 1,716	4.15%
Insurance Premiums	\$ 2,383	\$ -	0.00%
Capital Outlay	\$ -	\$ -	
	\$ 178,102	\$ 24,601	13.81%
GRAND TOTAL EXPENDITURES	\$ 178,102	\$ 24,601	13.81%

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Denis D'Auteuil, Acting City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for September 30, 2016

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of September 30, 2016.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, August 31, 2016.

Current Assets:

As of the end of September 2016 the total current assets of Norway Savings Bank Arena were (\$450,909). These consisted of cash and cash equivalents of \$91,225, accounts receivable of \$63,849, and an interfund payable of \$605,983.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of September 30, 2016 was \$186,561.

Liabilities:

Norway Arena had accounts payable of \$4,548 as of September 30, 2016.

Statement of Activities:

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

The operating revenues for Norway Arena through September 2016 are \$205,155. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through September 2016 were \$311,492. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

As of September 2016 Norway Arena has an operating loss of \$106,337 compared to the September 2016 operating loss of \$69,730 an increase in the operating loss for the fiscal year of \$36,607.

As of September 30, 2016 Norway Arena has a decrease in net assets of \$106,337.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY17 is \$15,291 less than in FY16 and expenditures in FY17 are \$21,317 more than last year in September.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
September 30, 20156
Business-type Activities - Enterprise Fund

	September 30, 2016	August 31, 2016	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 91,225	\$ 91,237	\$ (12)
Interfund receivables	\$ (605,983)	\$ (536,230)	\$ (69,753)
Prepaid Rent	\$ -	\$ 42,207	\$ (42,207)
Accounts receivable	63,849	35,448	\$ 28,401
Total current assets	(450,909)	(367,338)	(83,571)
Noncurrent assets:			
Capital assets:			
Buildings	35,905	35,905	-
Equipment	285,813	285,813	-
Land improvements	-	-	-
Less accumulated depreciation	(135,157)	(135,157)	-
Total noncurrent assets	186,561	186,561	-
Total assets	(264,348)	(180,777)	(83,571)
LIABILITIES			
Accounts payable	\$ 4,548	\$ 43,205	\$ (38,657)
Net pension liability	52,880	51,083	1,797
Total liabilities	57,428	94,288	(36,860)
NET ASSETS			
Invested in capital assets	\$ 186,561	\$ 186,561	\$ -
Unrestricted	\$ (508,337)	\$ (461,626)	\$ (46,711)
Total net assets	\$ (321,776)	\$ (275,065)	\$ (46,711)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
September 30, 2016

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 205,155
Operating expenses:	
Personnel	96,038
Supplies	12,392
Utilities	58,379
Repairs and maintenance	1,809
Rent	126,621
Depreciation	-
Capital expenses	11,168
Other expenses	5,085
Total operating expenses	311,492
Operating gain (loss)	(106,337)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(106,337)
Transfers out	-
Change in net assets	(106,337)
Total net assets, July 1	(215,439)
Total net assets, September 30, 2016	\$ (321,776)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through September 30, 2016 compared to September 30, 2015

REVENUE SOURCE	FY 2017 BUDGET	ACTUAL REVENUES THRU SEPT 2016	% OF BUDGET	FY 2016 BUDGET	ACTUAL REVENUES THRU SEPT 2015	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 18,000	\$ -	0.00%	\$ 30,000	\$ -	0.00%	\$ -
Sponsorships	\$ 230,000	\$ 61,767	26.86%	\$ 230,000	\$ 61,288	26.65%	\$ 479
Pro Shop	\$ 8,500	\$ 1,628	19.15%	\$ 8,500	\$ 1,750	20.59%	\$ (122)
Programs	\$ 31,000		0.00%	\$ 280,000	\$ 49,804	17.79%	\$ (49,804)
Rental Income	\$ 672,250	\$ 102,865	15.30%	\$ 398,500	\$ 107,604	27.00%	\$ (4,739)
Camps/Clinics	\$ 50,000	\$ 38,895	77.79%				\$ 38,895
Tournaments	\$ 50,000	\$ -	0.00%	\$ 50,000	\$ -	0.00%	\$ -
TOTAL CHARGE FOR SERVICES	\$ 1,059,750	\$ 205,155	19.36%	\$ 997,000	\$ 220,446	22.11%	\$ (15,291)
INTEREST ON INVESTMENTS	\$ -			\$ -			
GRAND TOTAL REVENUES	\$ 1,059,750	\$ 205,155	19.36%	\$ 997,000	\$ 220,446	22.11%	\$ (15,291)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through September 30, 2016 compared to September 30, 2015

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2016 BUDGET	EXPENDITURES THRU SEPT 2016	% OF BUDGET	FY 2015 BUDGET	EXPENDITURES THRU SEPT 2015	% OF BUDGET	
Salaries & Benefits	\$ 311,000	\$ 96,038	30.88%	\$ 311,000	\$ 92,570	29.77%	\$ 3,468
Purchased Services	\$ 87,306	\$ 12,449	14.26%	\$ 96,150	\$ 8,909	9.27%	\$ 3,540
Supplies	\$ 37,150	\$ 6,836	18.40%	\$ 17,500	\$ 6,508	37.19%	\$ 328
Utilities	\$ 199,800	\$ 58,380	29.22%	\$ 200,200	\$ 53,967	26.96%	\$ 4,413
Capital Outlay	\$ 57,000	\$ 11,168	19.59%	\$ 57,000	\$ 1,600	2.81%	\$ 9,568
Rent	\$ 507,000	\$ 126,621	24.97%	\$ 507,000	\$ 126,621	24.97%	\$ -
	\$ 1,199,256	\$ 311,492	25.97%	\$ 1,188,850	\$ 290,175	24.41%	\$ 21,317
GRAND TOTAL EXPENDITURES	\$ 1,199,256	\$ 311,492	25.97%	\$ 1,188,850	\$ 290,175	24.41%	\$ 21,317