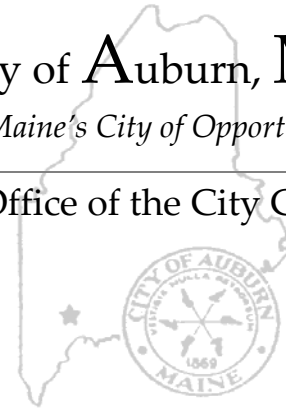


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

August 13, 2007

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



City Council Meeting and Workshop August 13, 2007

Agenda

4:30 p.m. Dinner

5:00 p.m. Workshop

Impact Fees

6:00 p.m. Council Meeting

7:00 p.m. Public Hearing – The Commission on Accreditation for Law Enforcement Agencies

- Pledge of Allegiance

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

Minutes

*081307-00 Minutes of July 30, 2007 Council Meeting

Reports

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

Communications and Recognitions

Unfinished Business

081307-01 Ordinance – Chapter 21, Article 2 – Fire Department Service Charges
(2nd Reading)

New Business

081307-02 Public Hearing and action on Liquor License Application and Special Amusement Permit for Midnight Special Inc., d/b/a Midnight Special, 34 Court Street

081307-03 Public Hearing and action on Special Amusement Permit Applications for Gritty McDuff's, 68 Main Street and Hilton Garden Inn, 14 Great Falls Plaza

081307-04 Set date for first meeting in September (Sept 3 – Labor Day)

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

ADJOURNMENT

Executives Sessions: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda.

The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405. Those applicable to municipal government are:

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

Auburn City Council

August 13, 2007

Page Two

**CITY OF AUBURN
JULY 30, 2007
CITY COUNCIL MEETING**

PRESENT

Mayor John T. Jenkins, Councilors Richard D. Gleason, Robert P. Hayes, Eric G. Samson, Bruce A. Bickford, Raymond C. Berube, Robert C. Mennealy, and C. Ellen Peters, Acting City Manager Laurie Smith, City Clerk Mary Lou Magno, and Finance Director Chris Trenholm. There were 26 people in the audience.

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

ADD TO THE AGENDA

Councilor Bickford moved to add the following items to the agenda: Communication from Police Chief Crowell Re: Constable; and Item #7 Order – Authorizing Tax Assessor to Abate Taxes Re: 130 First Flight Drive. Seconded by Councilor Samson. Vote: 7 Yeas.

REPORTS OF THE MAYOR

Mayor Jenkins noted that on August 7th the Auburn City Council will host a joint meeting with the Lewiston City Council at 7:00 p.m. in the Council Chambers of Auburn Hall; the Mayor recognized Jason Parker, 112 Western Avenue, with a “Hero Award” as it relates to an incident that took place at his residence recently.

REPORTS OF CITY COUNCILORS

Councilors reported on their respective Council Committee Assignments.

REPORTS OF THE CITY MANAGER

GENERAL ASSISTANCE QUARTERLY REPORT

Councilor Samson moved to accept and place on file the General Assistance Quarterly Report as prepared and presented by Dot Meagher, Director of Health and Social Services. Seconded by Councilor Peters. Vote: 7 Yeas.

CALEA PUBLIC HEARING

Police Chief Crowell noted that on August 13th at 7 pm a public hearing will take place as part of the accreditation process that the Police Department is pursuing. The Commission on Accreditation for Law Enforcement Agencies (CALEA) will arrive in Auburn on August 11th to begin the inspection for this process.

National Night Out will take place on August 7th beginning at 5:30 pm until dusk.

Acting City Manager Laurie Smith noted all the meetings that will take place during the month of August. She also announced that tax bills will probably be mailed out on Monday, August 6th and the tax rate is \$19.28

COMMUNICATIONS AND RECOGNITIONS

REQUEST FROM AFRICAN IMMIGRANTS ASSOCIATION RE: AFRICAN FESTIVAL

Councilor Gleason moved to accept the communication, place it on file, and that the request be approved. Seconded by Councilor Samson.

Bruno Yomoah spoke in favor of the above request and answered Councilors questions.

Vote: 7 Yeas.

COMMUNICATION FROM POLICE CHIEF CROWELL RE: CONSTABLE

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

MINUTES

Councilor Samson moved to accept and place on file the minutes of July 9, 2007. Seconded by Councilor Berube. Vote: 7 Yeas

UNFINISHED BUSINESS

None

NEW BUSINESS

1. RESOLVE – AUTHORIZIIZATION OF ISSUANCE OF BONDS BY THE AUBURN WATER DISTRICT

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

Norm Lamie, Superintendent of the Auburn Water and Sewer District explained the above action and answered Councilors questions.

Larry Morrisette made comments regarding the above action.

Vote: 7 Yeas.

2. ORDINANCE – CHAPTER 21, ARTICLE 2 – FIRE DEPARTMENT SERVICE CHARGES (1ST READING)

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

Fire Chief Wayne Werts explained the above ordinance and answered Councilors questions.

The following people commented: Dan Herrick, 470 Hatch Road; Andy Titus, 45 Carson Street; Larry Morrisette; and Rick Ness, 26 Cross Street.

Vote: 5 Yeas with Councilors Gleason and Berube voting Nay.

3. RESOLVE – ACCEPTING FORFEITED FUNDS

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

Councilor Bickford moved to amend by removing \$1,900. and substituting \$380. Seconded by Councilor Berube.

Vote on the amendment: 7 Yeas.

Vote on passage of the resolve as amended: 7 Yeas.

4. RESOLVE – AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE PURCHASE AND SALE AGREEMENT WITH AUBURN/LEWISTON AIRPORT

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

Larry Morrissette made comments.

Vote: 7 Yeas.

5. ORDER – AUTHORIZING TAX ASSESSOR TO ABATE TAXES RE: 48 HARMONS CORNER ROAD

Councilor Samson moved for passage of the resolve. Seconded by Councilor Peters.

Laurie Smith, Acting City Manager, answered Councilors questions.

Vote: 7 Yeas.

6. ORDER – AUTHORIZING TAX ASSESSOR TO ABATE TAXES RE: 125 MANLEY ROAD

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

Laurie Smith, Acting City Manager, answered Councilors questions.

Vote: 7 Yeas.

7. ORDER – AUTHORIZING TAX ASSESSOR TO ABATE TAXES RE: 130 FIRST FLIGHT DRIVE

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

OPEN SESSION

The following people spoke during open session: Rick Ness, 26 Cross Street; Larry Morrissette, submitted and read a written statement; Dan Bilodeau, 207 North Auburn Road; John Cleveland, 183 Davis Avenue; Roger Blais, 94 Main Street; and Brian Demers, 1085 Riverside Drive.

OPEN SESSION CLOSED

ADJOURNMENT – 9:10 PM

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

A TRUE RECORD

ATTEST: _____
CITY CLERK

City Council

Agenda Information Sheet

Council Meeting Date 7/30/2007 **Agenda Item No.** 1
8/13/2007

SUBJECT:

ORDINANCE – CHAPTER 21, ARTICL 2 – FIRE DEPARTMENT SERVICE CHARGES

INFORMATION:

Attached is an ordinance that is prepared and presented by the Fire Department to charge fees for certain services, such as salvage calls, false alarms, demolition burns, vehicles accidents, fire investigations, etc. The purpose of this ordinance is to provide an equitable way to provide these services.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of this ordinance.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: July 30, 2007

TITLE : ORDINANCE – CHAPTER 21, ARTICLE 2 – FIRE DEPARTMENT SERVICE CHARGES

Be It **Ordained** by the Auburn City Council, That Chapter 21 of the Auburn Ordinances be amended by adding Article 2:

Article 2, Section 2.1 – Fire Department Services Charges

Effective _____ the Fire Department will charge for the following services. The fees for these services will be listed in Appendix A of this Chapter.

Salvage Calls - Those calls that require the Department to actively remove or mitigate those instances that could be harmful such as removal of water, smoke, odor, etc., not caused by department functions.

Stand-by at Fireworks – One firefighter at all fireworks (not sponsored by the municipality) displays from one half hour before the show to one half hour after the show.

False Alarm - A visual and/or audible signal including an automatic telephone dialing alarm transmitted by an alarm system, which indicates the existence of an emergency situation, when in fact, no such emergency exists. It shall include any activation of an alarm system by whatever means, but would not include alarms resulting from any of the following causes: (1) severe weather conditions such as high winds, lightning, rain, freezing rain, snow or flooding; (2) electrical service interruptions; (3) broken city water main. A fire alarm user, however, will be charged a service charge for false alarms resulting from any of the following causes: (1) testing, repairing, alteration or addition to the fire protection or detection system without prior notification; (2) faulty equipment or substandard installation of equipment; (3) lack of maintenance to fire protection or detection system; (4) negligence that constitutes a public nuisance or jeopardizes the public welfare or safety. Provisions must also be made to protect alarm systems from activating during construction. Service charges will activate on the second time a false alarm is received and will escalate with each subsequent response to a false alarm as outlined in the charges appendix in this chapter.

Vehicle Accidents/Hazardous Materials Incidents - Providing command and control, scene safety, extrications, fire suppression, hazard mitigation, etc., at vehicle accidents.

Hazardous Materials Incident - A hazard that poses a potential threat to life, health, environment or property. It may require limited or large scale evacuation of nearby residents or facilities; involvement of two or more jurisdictions; and/or the Fire

Department to supply water, breathing air, air monitoring, ventilation, and medical monitoring, as well as operational level mitigation such as diking, diverting or denying entry.

Demolition Burn - The burning of structure in lieu of raising it and transporting building materials to a solid waste facility. Requests will be processed, when the Fire Chief or his designee determines that it is safe to do so and has documentation of having met all of the DEP compliance requirements.

Oil/Propane/Gas Burner Permit – Any new or replacement burner requires a permit for installation.

Out of Control Burns – Persons allowing open burning to get out of control, requiring the response of the Fire Department, shall be charged a fee as listed in this chapter.

Illegal or Unauthorized Burning – Any type of burning that is identified as illegal or unauthorized will be charged a fee as listed in this chapter.

Fire Investigations requiring one hour or more of staff time will be billed per hour in accordance with the fees as listed in this chapter.

Code Inspection Citations - Fees assessed for subsequent code violation inspections that indicate violations continue to exist will be charged a fee as listed in this chapter.

The Fire Chief shall have the authority to waive any of the above fees/charges for services.

Motion for acceptance of first reading: Robert Hayes **Seconded by:** Robert Mennealy
Vote: 5 Yeas with Councilors Gleason and Berube voting Nay

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

ACTION BY COUNCIL:

DATE:

ATTEST:

CITY CLERK

APPENDIX A – FIRE DEPARTMENT FEE SCHEDULE

- *Demolition Burns - \$2,500
- *False Alarms – Initial charge of \$100 escalating \$100 for each subsequent alarm received in a calendar year.
- *Fire Investigations For Arson - \$100/hr
- *Hazardous Materials Incident - \$200 first hour and \$400/hr beyond the first hour for required services
- *Illegal/Unauthorized Burning - \$200/hr
- *Life Safety Code Inspection Citations - \$50 per code violation (fee doubled for each subsequent inspection that identifies code violations still exist)
- *Oil/Propane/Gas Burner Permits - \$30/permit – An additional \$30 charge for each additional inspection that has to be made for completion of compliance if not satisfied on the first inspection
- *Out of Control Burns - \$200/hr
- *Salvage Calls – Residential salvage calls will be billed at \$150/hr. and \$50 a day per loaned sump pump. Commercial buildings will be billed at \$500/hr or any portion thereof.
- *Stand-by at Fireworks - \$200/hr
- * Vehicle accidents - \$200/hr

City Council

Agenda Information Sheet

Council Meeting Date 8/13/2007 Agenda Item No. 2

SUBJECT:

PUBLIC HEARING – PUBLIC HEARING – LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT APPLICATIONS FOR MIDNIGHT SPECIAL, INC. D/B/A MIDNIGHT SPECIAL, 34 COURT STREET

INFORMATION:

The above named establishment has filed application for a Liquor License and Special Amusement Permit. All departments, Treasurer, Police, and Planning and Permitting, with the exception of the Fire Departments have approved these applications.

STAFF COMMENTS/RECOMMENDATION:

It is the recommendation of staff that the applications be approved contingent upon the Fire Department approving these licenses.

REQUESTED ACTION:

Motion to approve these licenses, contingent upon approval of the Fire Department.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date 8/13/2007 Agenda Item No. 3

SUBJECT:

**PUBLIC HEARING – RENEWAL OF SPECIAL AMUSEMENT PERMITS FOR
GRITTY MCDUFFS AND HILTON GARDEN INN**

INFORMATION:

The above named establishments have filed application for renewal of their Special Amusement Permits. All appropriate departments (Treasurer, Fire, Planning and Permitting and Police) have issued their approvals.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of both these permits

REQUESTED ACTION:

Motion to approve Special Amusement Permits

VOTE: