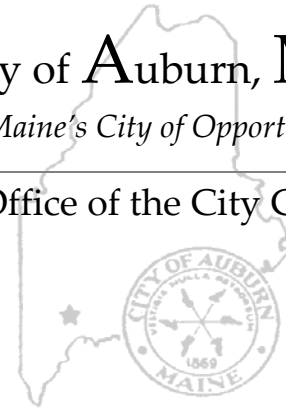


# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Clerk



## Council Meeting Agenda Packet

January 28, 2008

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



# City Council Meeting and Workshop January 28, 2008

## Agenda

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

**5:30 p.m. Joint City Council Meeting with Lewiston  
Discussion of Joint Services Report**

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

Pledge of Allegiance

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

### Minutes

\*012808-00 Minutes of January 17, 2007 Council Meeting

### Reports

- **Mayor**
  
- **City Councilors**
  - **Michael Farrell:** Water Dist., L/A Jt. City Council Planning, Audit and Procurement
  - **Bob Hayes:** Railroad, Library, Audit and Procurement
  - **Dan Herrick:** MMWAC, Auburn Housing
  - **Bruce Bickford:** A-L Airport, ABDC, L/A Joint City Council Planning, AVCOG
  - **Ray Berube:** LAEGC, Planning Board, L/A Joint City/School
  - **Bob Mennealy:** Sewer District, University of Maine L-A,
  - **Ron Potvin:** School Committee, 9-1-1, LATC, L/A Joint City/School
  
- **City Manager**

### Communications and Recognitions

\*012808-00 Communication from Kora Shrine Circus Committee Re: Temporary Signs

### Unfinished Business

012808-01 Ordinance – Amendment to the Zoning Map in the Vicinity of Woodbury Road (2nd Reading)

012808-02 Ordinance – Amendment to Chapter 1, Article 3 – Rules of Procedure (2nd Reading)

### New Business

**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

Executive Session - Appointments

### ADJOURNMENT

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

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

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

**CITY OF AUBURN**  
**\*JANUARY 17, 2008**  
**CITY COUNCIL MEETING**

**PRESENT**

Mayor John T. Jenkins, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, Bruce A. Bickford, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy, Acting City Manager Laurie Smith, Acting Finance Director Denise Brown and City Clerk Mary Lou Magno. 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.

Students from Fairview School sang the National Anthem under the direction of Brian Gagnon, Music Teacher.

**\*MINUTES OF DECEMBER 17, 2007**

Approved under consent agenda.

**REPORTS OF THE MAYOR**

Mayor Jenkins presented Councilors Hayes with a card signed by the Mayor and City Councilors. The card is for Councilor Hayes son, Ben who recently sustained a spinal injury; Ben is currently at the Shepherd Rehabilitation Center in Atlanta, Georgia.

**REPORTS OF CITY COUNCILORS**

Councilors reported on their respective Council Committee Assignments.

**REPORTS OF THE CITY MANAGER**

**FINANCE REPORT - MONTH OF DECEMBER**

Councilor Bickford moved to accept and place on file the Finance Report for the Month of December as prepared and presented by Denise Brown, Acting Finance Director. Seconded by Councilor Potvin. Vote: 7 Yeas.

Laurie Smith, Acting City Manager and David Galbraith, Director of Planning & Permitting, both spoke about the staff time that has been devoted to the many "no heat" calls that have recently been received in their department.

**COMMUNICATIONS AND RECOGNITIONS**

**COMMUNICATION FROM HEAD START RE: WAIVE FEES FOR DAY CARE LICENSES**

Approved under consent agenda.

\*The City Council Meeting was originally schedule for January 14<sup>th</sup>, however due to inclement weather, the meeting was postponed until January 17<sup>th</sup>.

**UNFINISHED BUSINESS**

**ADD TO AGENDA**

Councilor Potvin moved to add to the agenda a presentation by Roland Miller, Economic Development Director, regarding Bisson Transportation. Seconded by Councilor Berube. Vote: 7 Yeas.

Roland Miller made a presentation regarding Bisson Transportation. (No action necessary)

**NEW BUSINESS**

**1. ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF WOODBURY ROAD (1<sup>ST</sup> READING)**

Councilor Berube moved for acceptance of first reading. Seconded by Councilor Potvin.

David Galbraith, Director of Planning and Permitting, explained the above rezoning and answered Councilors questions.

Gary Drinkwater, 132 Montello Street, Lewiston, spoke in favor of the above rezoning.

Vote: 6 Yeas with Councilor Herrick voting Nay.

**2. RESOLVE - ACCEPTING CERTAIN FORFEITED FUNDS/PROPERTY**

Councilor Bickford moved for passage of the resolve. Seconded by Councilor Berube. Chief Phil Crowell explained the above resolve and answered Councilors questions.

Vote: 7 Yeas.

**3. ORDINANCE – AMENDMENT TO CHAPTER 1, ARTICLE 3 – RULES OF PROCEDURE (1<sup>ST</sup> READING)**

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

Councilor Hayes moved to amend by not eliminating the Open Session at the end of the meeting, therefore, having two Open Sessions. Seconded by Councilor Potvin.

Vote on the amendment: 5 Yeas with Councilors Herrick and Mennealy voting Nay.

Vote on acceptance of first reading as amended: 5 Yeas with Councilors Herrick and Mennealy voting Nay.

**4. PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT APPLICATION FOR:  
AMERICAN LEGION, AUBURN FIRESIDE INN & SUITES, LOST VALLEY,  
MARTINDALE COUNTRY CLUB, NEW AUBURN AMERICAN LEGION, NEW  
AUBURN SOCIAL CLUB AND VFW CAPT. FRANK W. HULETT POST #1603**

Mayor Jenkins opened and closed the public hearing with no public comment.

Councilor Berube moved to approve the above named permit applications. Seconded by Councilor Potvin. Vote: 7 Yeas.

**OPEN SESSION**

The following people made comments during Open Session: Dan Bilodeau, 207 North Auburn Road, read a prepared statement (copy on file with Council Meeting documents); and Edward Desgrosseilliers, 121 Hatch Road.

**OPEN SESSION CLOSED**

**EXECUTIVE SESSION**

Councilor Berube moved to go into Executive Session to discuss a personnel issue. Seconded by Councilor Potvin. Vote: 7 Yeas.

Councilor Berube moved to come out of Executive Session. Seconded by Councilor Bickford. Vote: 7 Yeas.

**ADJOURNMENT – 10:45 P.M.**

Councilor Berube to adjourn. Seconded by Councilor Herrick. Vote: 7 Yeas.

**A TRUE RECORD**

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

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 1/18/2008

**Agenda Item No.** Consent

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**SUBJECT:**

**COMMUNICATION FROM KORA SHRINE CIRCUS COMMITTEE RE:  
TEMPORARY SIGNS**

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**INFORMATION:**

This request is received annually from the Kora Shrine Circus Committee. The signs will be placed on a temporary basis from April 14<sup>th</sup> – 22<sup>nd</sup> at the locations indicated in the communication. The Planning and Permitting and Police Departments have both reviewed this request and have given their approvals.

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**STAFF COMMENTS/RECOMMENDATION:**

Staff recommends approval of this request

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**REQUESTED ACTION:**

Motion to approve request

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**VOTE:**

# Memorandum

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To: Mr. Mayor and the Auburn City Council  
From: Donald Skillings Chairman Circus - Kora Shriners  
Date: 1/8/2008  
Re: Advertising Display Signs for Kora Shrine Circus

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I am writing this request on behalf of the Kora Shriners, 11 Sabattus St, Lewiston, Maine.

Spring and the Kora Shrine Circus are synonymous in Maine and this year is no exception as the 53<sup>rd</sup> Annual Kora Shrine Circus will be coming to Central and Southern Maine from April 14<sup>th</sup>-22<sup>nd</sup>, 2006.

In order to increase the awareness of the Circus to the general public, the Shrine has purchased several 22" X 14" Advertising Posters for display in Central and Southern Maine.

We are requesting permission to display some of these signs in the City of Auburn for a two week period. The signs will be posted no earlier than April 7<sup>th</sup> and will be taken down by April 21<sup>st</sup>.

While some of the signs will be posted on Private Property, we are requesting permission for up to 75 of these signs to be posted throughout the City of Auburn.

We request that the following intersections be approved for possible inclusion:

Turner St & Gracelawn Rd (1 sign)  
Turner St & Mt Auburn Ave (4 signs total)  
Turner St & Walmart Entrance (3)  
Turner St & Center St (4)  
Turner St & Court St (2)  
Turner St & Hampshire St (2)  
Turner Rd & Lake Shore Drive (1)  
Center St & Stetson Rd (4)  
Center St & Mt Auburn Ave (8)  
Center St & Lake Auburn Ave (2)  
Center St & N River Rd (2)  
Gracelawn Rd & Mt Auburn Ave (1)  
Main St & Court St (1)  
Main St & Academy St (1)  
Main St & Mill St (2)  
Broad St & Riverside Dr (1)  
Broad St & S Main St (4)  
Court St & Union St (4)  
Court St & Park Ave (1)  
Court St & Minot Ave (4)  
Lake St & Park Ave (4)  
Washington Ave & Maine Turnpike (3)  
Washington Ave & Minot Ave (2)

We thank you for considering this request and look forward to your positive response.



# City Council

## Agenda Information Sheet

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**Council Meeting Date:** 1/28/08

**Agenda Item No. 1**

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**SUBJECT:**

**ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF WOODBURY ROAD FROM AGRICULTURE AND RESOURCE PROTECTIONS TO RURAL RESIDENTIAL (2<sup>ND</sup> READING)**

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**INFORMATION:** At the January 7, 2008 workshop the Council discussed this matter and shared some concerns about the proposal. Those concerns, including the long-term loss of AG/RP land here in Auburn and the condition of Woodbury Road were relayed to the Planning Board at the public hearing on January 8, 2008. The Planning Board has reviewed the proposal and voted unanimously at the January 8, 2008 meeting to forward a positive recommendation to the City Council on this matter. A copy of the Planning Board Report is attached.

The Acting Planning Board Chairman Rob Farrington summarized the reasons for supporting this proposal. Initially he said that he saw a proposal to change AG/RP land to residential and reacted in opposition. After reviewing the proposal in more detail he decided that the proposal had merit and supported it for the following reasons:

- 1) The Comprehensive Plan, Auburn Tomorrow, 1995-2005 and Future Land Use Map is the guide that the Planning Board relies on for carrying out the long range goals of the City and this document supports the zoning change as proposed.
- 2) There are two existing homes in the AG/RP zoning district on the two impacted properties. Those homes are legally existing and nonconforming. The nonconforming status imposes some limits on the existing homes that closely neighboring homes in the residential zone are not subject to. These include rebuilding within one year if the home is substantially damaged by fire or other disaster.

It should also be noted that the rest of Woodbury Road is zoned Rural Residential.

At the Planning Board meeting, the owner of 52 Woodbury Road expressed concerns with any new development along Woodbury Road. The applicant spoke in favor of the petition and does not intend to develop the land other than the home for his daughter.

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**STAFF COMMENTS/RECOMMENDATION:**

The Planning Board based their recommendation on the above information and findings and voted 4-0-1 in favor of a positive recommendation to the City Council. The one abstention was William Skelton due to his involvement with the property and the possibility of that being perceived as a conflict of interest. Staff has relied on the Comprehensive Plan and Future Land Use Map and has expressed support of this proposal to the petitioner based on that plan.

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**REQUESTED ACTION:**

Motion for acceptance of second reading and final passage.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine  
Date: January 14, 2008

**TITLE: ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE  
VICINITY OF WOODBURY ROAD FROM AGRICULTURE  
AND RESOURCE PROTECTIONS TO RURAL RESIDENTIAL**

Be It Ordained by the Auburn City Council that the Zoning Map be amended in the area generally located on the southeast side of Woodbury Hill Road extending 450' from and parallel to the centerline of the Woodbury Hill Road from Agriculture and Resource Protection to Rural Residential.

Motion for acceptance of first reading: Raymond Berube Seconded by: Ronald Potvin

Vote: 6 Yeas with Councilor Herrick voting Nay

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

# City of Auburn Maine

Geographic Information System

GIS Map Print

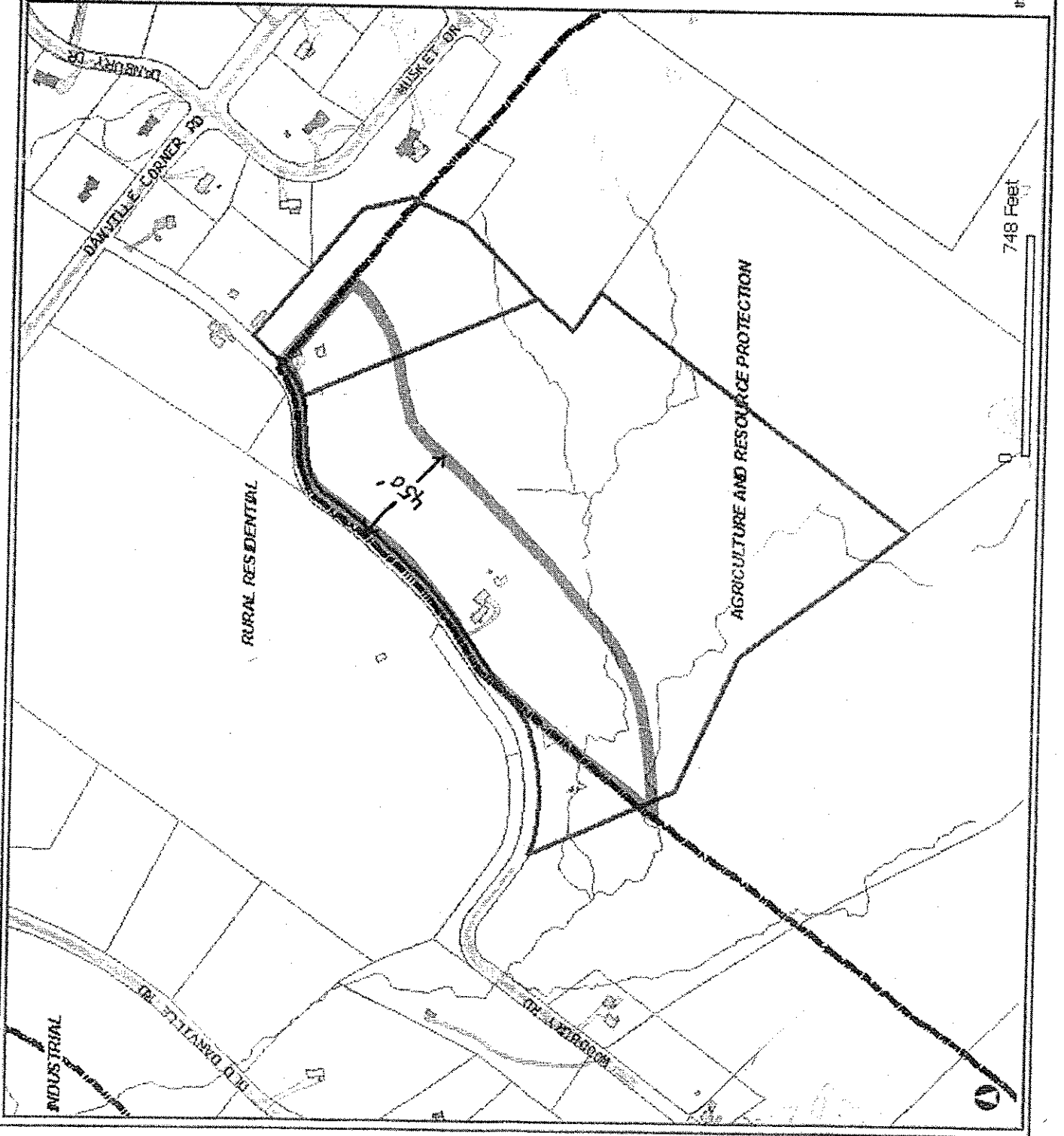
My Map

Locus Map



### Disclaimer

The City of Auburn makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The City of Auburn shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.



City of Auburn, Maine  
*"Maine's City of Opportunity"*

Office of Planning & Permitting

**Planning Board Report**

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated zoning map amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Map in the area generally located on the southeast side of Woodbury Hill Road extending 450' from and parallel to the centerline of Woodbury Hill Road from Agriculture and Resource Protection (AG/RP) to Rural Residential (RR) pursuant to Section 8.1 of Chapter 29.

Date: January 2, 2008

I. BACKGROUND

We have received a petition from property owner Amy Heimerl to amend the City Of Auburn Zoning Map in the area generally located on the southeast side of Woodbury Hill Road extending 450' from and parallel to the centerline of Woodbury Hill Road from Agriculture and Resource Protection (AG/RP) to Rural Residential (RR) pursuant to Section 8.1 of Chapter 29. The petition was signed by more than 25 registered voters as required by the Ordinance and the signatures have been verified but the City Clerk.

The proposal includes changing the zoning on portions of two properties, 144 Woodbury Road (PID # 096-004) and 52 Woodbury Road (PID # 110-006). The owner of 144 Woodbury Road, Ruth Drinkwater, gifted a portion of her property to her grand daughter, Amy Heimerl. As the attached map shows a limited portion of the property in the western corner is zoned Rural Residential (RR), while the remainder is Agriculture and Resource Protection (AG/RP). Mrs. Heimerl applied for a building permit to locate a home in the RR portion of the property and a foundation has been poured for the home. A recent mortgage loan inspection has revealed that all or a portion of the foundation may be located in the AG/RP portion of the property. The Board should not consider the existence of the foundation in making a recommendation on this petition, however, it is the reason that the petitioner is pursuing this request and will certainly be discussed at the hearing. The petitioner could have accomplished their goals by changing the zone in a very limited area of the property, however, Staff recommended a proposal that would make the zoning map consistent with the future land use map and comprehensive plan.

Staff has reviewed the request and the Comprehensive Plan, Auburn Tomorrow 1995-2005 and supports the approval of this request for the following reasons:

1. Comprehensive Plan, Auburn Tomorrow 1995-2005, Pg. 46, item 12 supports the proposed change. A copy is attached.
2. City Of Auburn Future Land Use Map as adopted by the City Council on July 24, 1995 recommends this change.

## II. DEPARTMENT REVIEW

### Police Department:

No Concerns.

### Water and Sewer District:

No water or sewerage services are available in this area. Any new homes will be served by onsite well and wastewater disposal system.

### Engineering Department:

No Comment.

### Fire Department:

No Comment.


### Planning Department:

## III. FINDINGS:

1. The Comprehensive Plan, Auburn Tomorrow 1995-2005, Pg. 46, item 12 supports the proposed change.
2. City Of Auburn Future Land Use Map as adopted by the City Council on July 24, 1995 supports the zoning change as proposed.

## IV. RECOMMENDATION:

Staff recommends that the Planning Board forward a favorable recommendation to the City Council to amend the zoning Map in the area generally located on the southeast side of Woodbury Hill Road extending 450' from and parallel to the centerline of Woodbury Hill Road from Agriculture and Resource Protection (AG/RP) to Rural Residential (RR) to be consistent with the Future Land Use Map.

  
Eric J. Cousens  
City Planner

# City Council

## Agenda Information Sheet

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**Council Meeting Date:** Jan 28, 2008    **Agenda Item No.** 2

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**SUBJECT:**

**ORDINANCE – AMENDMENT TO CHAPTER 1, ARTICLE 3 – CITY COUNCIL  
RULES OF PROCEDURE (2<sup>ND</sup> READING)**

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**INFORMATION:**

The City Ordinance establishes the order that items can be considered on the City Council Agenda. The proposed amendment would move Open Session to the beginning of the meeting.

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**STAFF COMMENTS /RECOMMENDATION:**

**REQUESTED ACTION:**

Motion for acceptance of second reading and final passage.

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**VOTE:**

# City of Auburn

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CITY COUNCIL, AUBURN, MAINE

Date: January 14, 2008

## **TITLE: ORDINANCE – AMENDMENT TO THE CHAPTER 1, ARTICLE 3 – RULES OF PROCEDURE**

Be it Ordained by the Auburn City Council that Chapter 1, “The Mayor and City Council,” Article 3 “Rules of Procedure” be amended as follows:

### **Section 3.16 Order of Business**

At every meeting of the City Council, the order of business shall be as follows:

- (a) Consent Agenda – All items listed with an asterisk (\*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (b) Minutes not previously read and approved, of all preceding meetings
- (c) Reports of the Mayor
- (d) Reports of the City Councilors
- (e) Reports of the City Manager
- (f) Communications and Recognition
- (g) Open Session
- (h) Unfinished Business
- (i) New Business
- ~~(j) Open Session~~ (j) Open Session
- (k) Adjournment

Councilor Hayes moved to amend by not eliminating the Open Session at the end of the meeting. Therefore having two “Open Sessions”. Seconded by Councilor Potvin. Vote on the amendment: 5 Yeas with Councilors Herrick and Mennealy voting Nay.

Motion for acceptance of first reading: Raymond Berube Seconded by: Bruce Bickford  
Vote as amended: 5 Yeas with Councilors Herrick and Mennealy voting Nay.

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

Action by City Council:

Date:

ATTEST:

CITY CLERK