

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

March 16, 2009

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



City Council Meeting and Workshop March 16, 2009

"While your responsibility may be individual, your authority is collective" ¹

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- A. Presentation: FY 2009-10 Municipal Budget
- B. Discussion: Pine Tree Zone (5 minutes)
- C. Open

If necessary Workshop will continue following adjournment

7:00 p.m. City Council Meeting

* **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

*031609-00 Minutes of March 5, 2009

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
- **David Young:** A-L Airport, L/A Joint City Council Planning, Cable TV Adv Board
- **Ray Berube:** LAEGC, Planning Board, L/A Joint City/School, ABDC, AVCOG
- **Bob Mennealy:** Sewer District, University of Maine L-A,
- **Ron Potvin:** School Committee, 9-1-1, LATC, L/A Joint City/School

City Manager

Finance Report – Month of February
FY 2010 Budget Report
Tax Acquired Property Report

Communications, Presentations and Recognitions

*031609-00 Communication from Kora Shrine Circus Re: Temporary Signs

¹ Denis Culley, Attorney/Planning Board Member, Town of Mercer

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

Unfinished Business

031609-01 Ordinance – Zoning Amendment – Chapter 29, Section 3.51 Planned Unit Development and Section 7.3 Subdivisions (Second Reading)

New Business

031609-02 Resolve – Neighborhood Stabilization Program Grant

031609-03 Resolve – Transfer of Pine Tree Zone Designation

031609-04 Authorize Issuance of 2009 Dog Warrant

031609-05 Appointment of the Lewiston/Auburn Railroad Board

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

Future Agenda/Workshop Items

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. 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
MARCH 5, 2009
(POSTPONED FROM MARCH 2ND DUE TO WEATHER)
CITY COUNCIL MEETING

PRESENT

Mayor John T. Jenkins, Councilors Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy, City Manager Glenn Aho, Assistant City Manager Laurie Smith and City Clerk Mary Lou Magno. Councilor Michael J. Farrell was absent. There were 25 people in the audience.

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

CONSENT AGENDA

Councilor Berube moved to accept, approve and place on file the items marked with an asterisk. Seconded by Councilor Hayes. Vote: 6 Yeas, No Nays.

***MINUTES OF FEBRUARY 16, 2009**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Jenkins made note of upcoming events in the City. He also read a letter from a resident of Josslyn Street commending the Public Works and Fire Departments for their efforts with assisting him removing water from his cellar.

NATIONAL NIGHT OUT AWARD

Chief Crowell presented to Mayor Jenkins a National Night Out Award that was presented to the Auburn Police Department. Members of the Boys & Girls Club who participated in the event were also present.

REPORTS OF CITY COUNCILORS

Councilors reported on their respective Council Committee Assignments.

REPORTS OF THE CITY MANAGER

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

None

OPEN SESSION

No one spoke.

CLOSED OPEN SESSION

UNFINISHED BUSINESS

None

NEW BUSINESS

1. ORDINANCE – ZONING AMENDMENT – CHAPTER 29, SECTION 3.51 PLANNED UNIT DEVELOPMENT AND SECTION 7.3 SUBDIVISIONS (FIRST READING)

Councilor Berube moved for acceptance of first reading. Seconded by Councilor Mennealy. Cheryl Dubois, Tax Assessor, and Roland Miller, Director of Economic Development, answered Councilors questions.

Vote: 6 Yeas, No Nays

2. RESOLVE – ACCEPTANCE OF GREAT FALLS FEASIBILITY STUDY REPORT AND DIRECT STAFF TO DEVELOP A STRATEGY AND IMPLEMENTATION PLAN

Councilor Potvin moved for passage of the resolve. Seconded by Councilor Mennealy. Vote: 6 Yeas, No Nays.

OPEN SESSION – No one spoke – CLOSED OPEN SESSION

Bruce Bickford, 64 Cameron Lane;

FUTURE AGENDA/WORKSHOP ITEMS

Development policy regarding criteria for making appointments to committees; Set a date for a Ward Meeting that would include all wards.

ADJOURNMENT – 7:55 P.M.

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

A TRUE RECORD

ATTEST: _____
CITY CLERK

City of Auburn, Maine

FINANCIAL MANAGEMENT REPORT FEBRUARY 2009



PREPARED BY THE FINANCE DEPARTMENT
BETTY GRIEBEL, INTERIM FINANCE DIRECTOR

CITY OF AUBURN, MAINE
BALANCE SHEET - GENERAL FUND
FEBRUARY 28, 2009

<u>ASSETS</u>	Feb. 28 2009	Jan. 31 2009	Increase (Decrease)
CASH	23,273,638	24,113,325	(839,687)
RECEIVABLES			-
ACCOUNTS RECEIVABLES	653,879	564,244	89,635
TAXES RECEIVABLE-CURRENT	14,780,298	16,795,198	(2,014,899)
DELINQUENT TAXES	475,114	475,066	48
TAX LIENS	685,764	721,558	(35,794)
NET DUE TO/FROM OTHER FUNDS	(12,198,323)	(12,597,433)	399,110
TOTAL ASSETS	27,670,370	30,071,957	(2,401,587)
			-
			-
			-
<u>LIABILITIES & FUND BALANCES</u>			
ACCOUNTS PAYABLE	169,441	60,310	109,131
WAGES & TAXES PAYABLE	(122,676)	(38,505)	(84,172)
ACCRUED PAYROLL	3	3	-
STATE FEES PAYABLE	20,472	52,000	(31,528)
PREPAID TAXES			-
IN LIEU OF BONDS	62,697	62,697	-
DEFERRED REVENUE	15,518,391	17,569,036	(2,050,645)
TOTAL LIABILITIES	15,648,326	17,705,540	(2,057,214)
			-
FUND BALANCE - NOT DESIGNATED	10,210,530	10,210,530	-
FUND BALANCE - DESIGNATED FOR WORKERS COMP & UNEMPLOYMENT			-
FUND BALANCE - DESIGNATED	1,134,224	1,134,224	-
NET CHANGE IN FUND BALANCE	677,290	1,021,663	(344,373)
TOTAL FUND BALANCES	12,022,044	12,366,417	(344,373)
			-
TOTAL LIABILITIES AND FUND BALANCES	27,670,370	30,071,957	(2,401,587)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
AS OF FEB. 28, 2009 vs. FEB 29, 2008

REVENUE SOURCE	FY 2009 BUDGET	ACTUAL REVENUES THROUGH FEB. 28	% OF TOTAL BUDGET	FY 2008 BUDGET	ACTUAL REVENUES THROUGH FEB. 29	% OF TOTAL BUDGET
<u>TAXES</u>						
PROPERTY TAX REVENUE- PRIOR YEAR REVENUE	\$ 38,606,328	\$ 24,086,195	62.39%	\$ 40,042,391	\$ 24,997,759	62.43%
HOMESTEAD EXEMPTION REIMBURSEMENT ALLOWANCE FOR ABATEMENT	\$ 648,980	\$ 649,520	100.08%	\$ 650,917	\$ 651,221	100.05%
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -	
EXCISE	\$ 3,200,000	\$ 1,992,699	62.27%	\$ 3,200,000	\$ 2,092,607	65.39%
PENALTIES & INTEREST	\$ 125,000	\$ 131,861	105.49%	\$ 90,000	\$ 106,966	118.85%
TOTAL TAXES	\$ 42,580,308	\$ 27,534,740	64.67%	\$ 43,983,308	\$ 28,831,252	65.55%
<u>LICENSES AND PERMITS</u>						
BUSINESS	\$ 49,900	\$ 26,550	53.21%	\$ 49,600	\$ 31,295	63.09%
NON-BUSINESS	\$ 309,200	\$ 204,599	66.17%	\$ 325,700	\$ 191,930	58.93%
TOTAL LICENSES	\$ 359,100	\$ 231,149	64.37%	\$ 375,300	\$ 223,225	59.48%
<u>INTERGOVERNMENTAL ASSISTANCE</u>						
STATE-LOCAL ROAD ASSISTANCE	\$ 450,000	\$ 353,013	78.45%	\$ 460,000	\$ 370,885	80.63%
STATE REVENUE SHARING	\$ 3,775,000	\$ 2,565,205	67.95%	\$ 3,775,000	\$ 2,715,788	71.94%
WELFARE REIMBURSEMENT	\$ 22,500	\$ 28,156	125.14%	\$ 22,500	\$ 11,915	52.96%
OTHER STATE AID	\$ 30,000	\$ 15,866	52.89%	\$ 25,000	\$ 14,205	56.82%
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ 32,824	
CITY OF LEWISTON	\$ 154,000	\$ -	0.00%	\$ 150,000	\$ 13,063	8.71%
EDUCATION SUBSIDY	\$ 16,418,792	\$ 10,915,663	66.48%	\$ 16,118,582	\$ 10,789,043	66.94%
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 20,850,292	\$ 13,877,902	66.56%	\$ 20,551,082	\$ 13,947,723	67.87%
<u>CHARGE FOR SERVICES</u>						
GENERAL GOVERNMENT	\$ 145,525	\$ 97,664	67.11%	\$ 163,950	\$ 118,882	72.51%
PUBLIC SAFETY	\$ 80,000	\$ 69,153	86.44%	\$ 71,000	\$ 44,652	62.89%
EMS TRANSPORT	\$ 310,000	\$ 4,282	1.38%	\$ 20,000	\$ 20,000	100.00%
EDUCATION	\$ 2,212,514	\$ 1,865,913	84.33%	\$ 2,132,980	\$ 2,153,058	100.94%
TOTAL CHARGE FOR SERVICES	\$ 2,748,039	\$ 2,037,012	74.13%	\$ 2,387,930	\$ 2,336,591	97.85%
<u>FINES</u>						
PARKING TICKETS & MISC FINES	\$ 65,000	\$ 21,168	32.57%	\$ 50,000	\$ 31,430	62.86%
<u>MISCELLANEOUS</u>						
INVESTMENT INCOME	\$ 400,000	\$ 185,591	46.40%	\$ 385,000	\$ 338,889	88.02%
INTEREST-BOND PROCEEDS	\$ 125,000	\$ 93,000	74.40%	\$ 125,000	\$ 125,000	100.00%
RENTS	\$ 132,500	\$ 131,207	99.02%	\$ 132,500	\$ 124,617	94.05%
UNCLASSIFIED	\$ 40,000	\$ 653,731	1634.33%	\$ 75,000	\$ 9,238	12.32%
SALE OF RECYCLABLES	\$ 85,000	\$ 50,652	59.59%	\$ 60,000	\$ 65,167	108.61%
COMMERCIAL SOLID WASTE FEES	\$ 57,500	\$ 49,147	85.47%	\$ 56,000	\$ 49,857	89.03%
SALE OF PROPERTY	\$ 490,000	\$ 51,944	10.60%	\$ 30,000	\$ 3,428	11.43%
RECREATION PROGRAMS	\$ 20,000	\$ -	0.00%	\$ 20,000	\$ -	0.00%
MMWAC HOST FEES	\$ 190,400	\$ 131,668	69.15%	\$ 190,400	\$ 124,160	65.21%
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	0.00%
TRANSFER IN: TIF	\$ -	\$ -		\$ -	\$ -	
TRANSFER OUT: TIF	\$ (2,500,000)	\$ -	0.00%	\$ (3,500,000)	\$ -	0.00%
FUND BALANCE CONTRIBUTION	\$ 575,534	\$ -		\$ -	\$ -	
TOTAL MISCELLANEOUS	\$ (384,066)	\$ 1,346,941	-350.71%	\$ (2,426,100)	\$ 840,356	-34.64%
TOTAL GENERAL FUND REVENUES	\$ 66,218,673	\$ 45,048,911	68.03%	\$ 64,921,520	\$ 46,210,578	71.18%

CITY OF AUBURN, MAINE
CITY OF AUBURN, MAINE
AS OF FEB. 28, 2009 vs. FEB. 29, 2008

DEPARTMENT	FY 2009 BUDGET	ACTUAL EXPENDITURES THROUGH FEB. 28	% OF TOTAL BUDGET	FY 2008 BUDGET	ACTUAL EXPENDITURES THROUGH FEB. 29	% OF TOTAL BUDGET
ADMINISTRATION						
MAYOR AND COUNCIL	\$ 103,500	\$ 59,967	57.94%	\$ 102,275	\$ 89,079	87.10%
LEGAL SERVICES	\$ 55,000	\$ 52,172	94.86%	\$ 55,000	\$ 39,865	72.48%
CITY CLERK	\$ 140,367	\$ 112,393	80.07%	\$ 133,399	\$ 84,608	63.42%
CITY MANAGER	\$ 227,703	\$ 162,515	71.37%	\$ 214,776	\$ 100,491	46.79%
HUMAN RESOURCES	\$ 125,797	\$ 85,355	67.85%	\$ 110,878	\$ 73,147	65.97%
ASSESSING SERVICES	\$ 270,103	\$ 168,338	62.32%	\$ 267,575	\$ 174,679	65.28%
FINANCIAL SERVICES	\$ 374,058	\$ 223,222	59.68%	\$ 364,296	\$ 231,829	63.64%
CUSTOMER SERVICE	\$ 16,000	\$ 7,423	46.39%	\$ 16,000	\$ 8,978	56.11%
TOTAL ADMINISTRATION	\$ 1,312,528	\$ 871,385	66.39%	\$ 1,264,199	\$ 802,675	63.49%
COMMUNITY SERVICES						
HEALTH & SOCIAL SERVICES						
ADMINISTRATION	\$ 49,240	\$ 34,051	69.15%	\$ 47,798	\$ 28,570	59.77%
ASSISTANCE	\$ 48,450	\$ 60,441	124.75%	\$ 48,750	\$ 21,353	43.80%
INFORMATION SYSTEMS				\$ 196,562	\$ 155,511	79.12%
ICT	\$ 258,809	\$ 182,699	70.59%			
ENGINEERING	\$ 435,626	\$ 235,104	53.97%			
PLANNING & PERMITTING	\$ 829,982	\$ 548,453	66.08%	\$ 768,591	\$ 525,314	68.35%
PARKS AND RECREATION	\$ 613,361	\$ 415,468	67.74%	\$ 552,261	\$ 332,784	60.26%
PUBLIC LIBRARY	\$ 919,407	\$ 612,938	66.67%	\$ 919,407	\$ 612,938	66.67%
COMMUNITY PROGRAMS	\$ 13,650	\$ 11,850	86.81%	\$ 13,550	\$ 11,500	84.87%
TOTAL COMMUNITY SERVICES	\$ 3,168,525	\$ 2,101,004	66.31%	\$ 2,546,919	\$ 1,687,970	66.27%
FISCAL SERVICES						
DEBT SERVICE	\$ 7,026,199	\$ 6,908,781	98.33%	\$ 7,176,622	\$ 6,481,993	90.32%
PROPERTY	\$ 553,307	\$ 464,238	83.90%	\$ 543,614	\$ 482,469	88.75%
WORKERS COMPENSATION	\$ 200,000	\$ 200,000	100.00%	\$ 200,000	\$ 200,000	100.00%
WAGES & BENEFITS	\$ 4,120,408	\$ 2,667,217	64.73%	\$ 4,130,343	\$ 2,756,954	66.75%
EMERGENCY RESERVE	\$ 329,500	\$ -	0.00%	\$ 326,900	\$ -	0.00%
TOTAL FISCAL SERVICES	\$ 12,229,414	\$ 10,240,237	83.73%	\$ 12,377,479	\$ 9,921,416	80.16%
PUBLIC SAFETY						
EMERGENCY MGMT AGENCY	\$ 7,120	\$ 5,941	83.44%	\$ 6,678	\$ 7,298	109.28%
FIRE DEPARTMENT	\$ 3,642,524	\$ 2,375,595	65.22%	\$ 3,643,879	\$ 2,383,856	65.42%
POLICE DEPARTMENT	\$ 2,995,571	\$ 1,949,859	65.09%	\$ 2,712,013	\$ 1,940,609	71.56%
TOTAL PUBLIC SAFETY	\$ 6,645,215	\$ 4,331,395	65.18%	\$ 6,362,570	\$ 4,331,763	68.08%
PUBLIC WORKS						
PUBLIC WORKS DEPARTMENT	\$ 4,548,651	\$ 3,027,744	66.56%	\$ 4,667,059	\$ 3,132,645	67.12%
WATER AND SEWER	\$ 504,700	\$ 381,219	75.53%	\$ 472,500	\$ 361,126	76.43%
TOTAL PUBLIC WORKS	\$ 5,053,351	\$ 3,408,962	67.46%	\$ 5,139,559	\$ 3,493,772	67.98%
INTERGOVERNMENTAL PROGRAMS						
AUBURN-LEWISTON AIRPORT	\$ 96,750	\$ 72,563	75.00%	\$ 98,000	\$ 73,500	75.00%
E911 COMMUNICATION CENTER	\$ 950,589	\$ 712,942	75.00%	\$ 930,934	\$ 466,053	50.06%
LATC-PUBLIC TRANSIT	\$ 130,000	\$ 97,500	75.00%	\$ 117,994	\$ 58,997	50.00%
LAEGC-ECONOMIC COUNCIL	\$ 106,429	\$ 79,822	75.00%	\$ 106,429	\$ 53,215	50.00%
L-A ARTS	\$ 24,267	\$ 18,200	75.00%	\$ 22,680	\$ 17,010	75.00%
COUNTY TAX	\$ 1,969,765	\$ 1,969,765	100.00%	\$ 1,877,972	\$ 1,877,972	100.00%
TAX SHARING	\$ 325,000	\$ 47,174	14.52%	\$ 350,000	\$ -	0.00%
TOTAL INTERGOVERNMENTAL	\$ 3,602,800	\$ 2,997,965	83.21%	\$ 3,504,009	\$ 2,546,747	72.68%
EDUCATION DEPARTMENT	\$ 34,206,840	\$ 20,245,658	59.19%	\$ 33,726,785	\$ 20,623,552	61.15%
TOTAL GENERAL FUND EXPENDITURES	\$ 66,218,673	\$ 44,196,606	66.74%	\$ 64,921,520	\$ 43,407,894	66.86%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF FEB. 28, 2009**

INVESTMENT	FUND	ACCOUNT BALANCE	INTEREST RATE	VALUE		WEIGHTED AVG YIELD
				BOOK	MARKET	
BANKNORTH MNY MKT	GENERAL FUND	5,024,681.87	0.35%	5,024,681.87	5,024,681.87	17,586.39
BANKNORTH MNY MKT	GF-WORKERS COMP	49,025.46	0.10%	49,025.46	49,025.46	49.03
BANKNORTH MNY MKT	GF-UNEMPLOYMENT	66,082.04	0.35%	66,082.04	66,082.04	231.29
BANKNORTH CD	GF-UNEMPLOYMENT	100,278.57	2.64%	100,278.57	100,278.57	2,647.35
BANKNORTH MNY MKT	SPECIAL REVENUE	1,746,921.60	0.35%	1,746,921.60	1,746,921.60	6,114.23
BANKNORTH MNY MKT	SR-PERMIT PARKING	195,567.51	0.35%	195,567.51	195,567.51	684.49
BANKNORTH MNY MKT	SR-TIF	2,799,119.67	0.35%	2,799,119.67	2,799,119.67	9,796.92
BANKNORTH MNY MKT	CAPITAL PROJECTS	6,009,865.36	0.35%	6,009,865.36	6,009,865.36	21,034.53
BANKNORTH MNY MKT	CAPITAL PROJECTS	271,003.22	0.35%	271,003.22	271,003.22	948.51
BANKNORTH CD	CAPITAL PROJECTS	32,355.55	2.96%	32,355.55	32,355.55	957.72
BANKNORTH MNY MKT	ICE ARENA	46,949.13	0.10%	46,949.13	46,949.13	46.95
GRAND TOTAL		16,341,849.98		16,341,849.98	16,341,849.98	0.37%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
COMPARISON OF JAN. 31, 2009
AND FEB. 28, 2009**

INVESTMENT	FUND	JAN. 31, 2009		FEB. 28, 2009		INCREASE (DECREASE)	
		VALUE		VALUE		VALUE	
		BOOK	MARKET	BOOK	MARKET	BOOK	MARKET
BANKNORTH MNY MARKET	GENERAL FUND	5,024,667.19	5,024,667.19	5,024,681.87	5,024,681.87	14.68	14.68
BANKNORTH MNY MARKET	WORKERS COMP	49,021.70	49,021.70	49,025.46	49,025.46	3.76	3.76
BANKNORTH MNY MARKET	UNEMPLOYMENT	66,064.30	66,064.30	66,082.04	66,082.04	17.74	17.74
MBIA CLASS ACCOUNT	UNEMPLOYMENT	100,075.90	100,075.90	100,278.57	100,278.57	202.67	202.67
BANKNORTH MNY MARKET	SPECIAL REVENUE	1,746,907.66	1,746,907.66	1,746,921.60	1,746,921.60	13.94	13.94
BANKNORTH MNY MARKET	PERMIT PARKING	195,515.02	195,515.02	195,567.51	195,567.51	52.49	52.49
BANKNORTH MNY MARKET	TIF	2,799,105.14	2,799,105.14	2,799,119.67	2,799,119.67	14.53	14.53
BANKNORTH MNY MARKET	CAPITAL PROJECTS	6,009,849.29	6,009,849.29	6,009,865.36	6,009,865.36	16.07	16.07
BANKNORTH MNY MARKET	CAPITAL PROJECTS	270,930.48	270,930.48	271,003.22	271,003.22	72.74	72.74
BANK OF AMERICA	CAPITAL PROJECTS	32,282.25	32,282.25	32,355.55	32,355.55	73.30	73.30
BANKNORTH MNY MARKET	ICE ARENA	46,945.53	46,945.53	46,949.13	46,949.13	3.60	3.60
GRAND TOTAL		16,341,364.46	16,341,364.46	16,341,849.98	16,341,849.98	\$485.52	\$485.52

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager



MEMORANDUM

To: Mayor & City Council
From: Tracey Steuber, Community & Business Specialist
Date: March 12, 2009
RE: Tax-Acquired Property Update

Per Council request, the following property went out for public bid in January 2009: 43 Washington Park Road (mobile home). The bid process consisted of advertising on the city's website, written notice to park owner and tenant living in mobile home as well as local newspapers. The deadline to receive bids was February 2, 2009 and below is the outcome of the bid received.

Bidder	Property	Assessed Value	Amount Bid
Susan Cotnoir PO Box 1495 Auburn, ME 04210	43 Washington Park Rd.	\$4,300	\$100

Please Note: The City received only one bid for this property and Susan Cotnoir is the owner of Washington Park where the mobile home is located.

City Council

Agenda Information Sheet

Council Meeting Date March 16, 2009 **Agenda Item No.** **Consent**

SUBJECT:

COMMUNICATION FROM KORA SHRINE TEMPLE RE: TEMPORARY SIGNS

INFORMATION:

The Kora Shrine Temple annually makes this request in anticipation of the Shrine Circus. The Planning and Permitting and Police Departments have reviewed this request and given their approval.

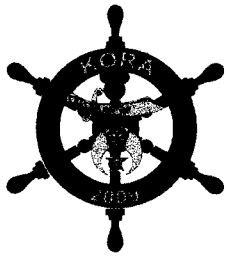
STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of this request.

REQUESTED ACTION:

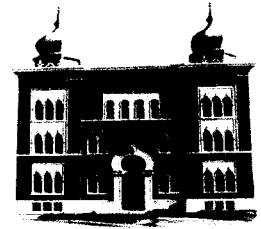
Motion to approve request under the consent agenda.

VOTE:



Kora Shrine Temple

A. A. O. N. M. S.



Karl H. Finnimore
Illustrious Potentate
potentate@korashriners.org

Paul D. Sherman, P.P.
Recorder
recorder@korashriners.org

February 17, 2009

City of Auburn
Mayor John Jenkins and City Council
60 Court Street
Auburn Me 04210

The Kora Shrine Circus Committee is requesting road signs for our 2009 circus to be held in April. We would like to place approximately 30 signs in various locations throughout the city of AUBURN, ME. We would like to place the signs in these locations 10-14 days prior to our event. We will remove the signs upon completion of the circus.

Our event dates are as follows:

April 17, 2009	Friday	4:00pm	8:00pm	
April 18, 2009	Saturday	9:30am	2:00pm	7:00pm

Our event will be located at the Androscoggin Bank Colisee located on Birch Street in Lewiston.

Sincerely,

Al Milburn
Kora Shrine Circus

David Lidstone
Chief Rabban

John Knox
Assistant Rabban

Barry Gates
High Priest & Prophet

Everett Kaherl
Oriental Guide

Frank Preble
Treasurer

11 Sabattus Street, Lewiston, Maine 04240
Tel: (207) 782-6831 – Fax: (207) 782-2870 – E-mail: office@korashriners.org

City Council

Agenda Information Sheet

Council Meeting Date 3/16/2009 Agenda Item No. 1

SUBJECT:

**ORDINANCE – ZONING ORDINANCE AMENDMENT – CHAPTER 29, SECTION 3.51
PLANNED UNIT DEVELOPMENT AND SECTION 7.3 SUBDIVISIONS (1ST READING)**

INFORMATION:

As the Council is aware, staff in the Assessing, Planning and Economic Development Departments has been discussing this amendment on behalf of a couple of developers. Based on staff research, Auburn is probably the first to look at this type of change to a zoning ordinance and we believe it is a good public-private compromise. The change is intended to allow financial institutions and the Assessing Department to look at pieces of a development as the developer chooses to develop them as part of a long term coordinated development plan. The current practice is to record the plan at the Registry of Deeds and to assess the development as soon as the plan is recorded.

-Staff believes there are great benefits to be realized when a developer and the Planning Board can consider long-range coordinated developments like a large condominium development. The alternative is reviewing a small plan, then later another small addition to the plan and so-on. The piecemeal review results in less efficient, less cohesive and less coordinated projects.

-The current ordinance allows for long-range coordinated developments, however, once approved and recorded the long range approved plan adds significant taxable value to the land, even when the developer cannot develop and sell lots due to the economy. This added burden is enough of a disincentive that we actually have developers considering going back to the Board to extinguish approved plans or un-built portions thereof.

-This amendment will require the same stringent and necessary review by the Board, but it will also allow flexibility in which units are declared, recorded and when this is required. It actually adds another review by the Director of Planning and Permitting after the project is approved and before the phase that is ready for development is recorded.

-The outcome – The Assessing Department which is strictly governed by State Law does not need to assess the value that the plan adds to the land until it is declared and recorded. Not getting the taxable value as soon could be seen as a negative, however, staff believes the gains of a well coordinated long-range planned development outweigh the temporary loss. It also allows for flexibility in how financial institutions look at individual units in a condominium development. This flexibility and others like it will make Auburn more attractive to developers, will give us a competitive advantage over other municipalities and it will promote well planned development.

STAFF COMMENTS/RECOMMENDATION:

The Planning Board voted unanimously to send a favorable recommendation to the City Council with the following conditions:

- Add language that will make this change apply to existing phased Planned Unit Developments
- Require a note on the plan to make a title search aware of the phased plan on file in the Planning Office
- Seek input from local title attorneys

We are still working to gather input from local title attorneys as requested by the Planning Board and hope to provide an update in person at the Council Meeting.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Honorable Mayor and City Council

From: Eric Cousens, City Planner

Re: **Zoning Text Amendments** - Proposal to amend the City Of Auburn Zoning Ordinance, including Chapter 29, Sections 3.51 Planned Unit Development.

Date: March 16, 2009

As part of the Planning Board recommendation to the City Council, the Board asked that Staff request information from members of our local business community that specialize in the areas of law and property title work. We had a limited response but gained some valuable input from local experts in the field. The input has certainly helped create an improved final product and Staff wishes to thank those that took the time to help the City with this project. The responses are below and can be summarized as two main items.

1. Necessity – The way that the City of Auburn Assessor assesses large condominium developments is consistent with the way Bangor and other communities assess lots on an approved plan. The large scale of the approved plans is creating an issue in Auburn as we have been fortunate enough to attract developers of large scale, long term developments. We, as a City, have been given the benefit of reviewing large, efficient planned communities and the ability to look at the big picture. We have also had the benefit of the developers constructing utility loops as requested from the Auburn Water and Sewerage District that will be consistent with long term plans instead of in small sections as needed. The current real estate market and the long term nature of these plans has created a disincentive to propose new plans that has proven strong enough to prompt developers to consider eliminating existing plans and improvements. One project, as an example, has already generated approximately 6.7 million dollars in taxable value (Phase 1) and if built out today would be assessed at approximately 24 million dollars (Estimated Phase 1-4). If the plans for future phases are eliminated, then we have less of a chance to realize the future development of these projects and a long term loss of revenue. Staff believes this proposal is a good compromise to encourage these projects in Auburn and to realize the future value they can create.
2. Implementation – As with any ordinance there are specific ways to implement them that must be followed to achieve desired goals and to avoid unnecessary consequences.
 - A. *References on Recorded Plans.* We have learned from the local business community that a note on plans recorded at the Registry of Deeds referencing the master plans on file in the Planning and Permitting Office may cause problems with title searches and sales of the units within a development. The ordinance as currently proposed requires

that note. Staff recommends eliminating the section of 3.51.C (3rd and 4th line up from the bottom of the page) that says “and the location of the overall development plan approved by the Planning Board.”

- B. Reservation of Fee Interest in the Roads.* Developers will be encouraged to reserve the fee interest in the roads in the earlier phases so that the developer or a person acquiring the “back land” will retain access over those roads to a public way.

A copy of the emailed input from the business community is shown below for more details.

Input from William K. Skelton, Esq. Androscoggin Title Company:

To address the necessity of the proposed change to the PUD ordinance, I have attached a page from the MMA handbook for Assessors, which suggests that assessors may have the right to assess individual lots. That seems a far cry from MUST assess individual lots. Also, I found another passage from the same manual which provides that “It is the position of Maine Revenue Services that “Tree Growth classification may not be denied on the basis that the landowner has received zoning or subdivision approval which indicates that he/she has an intention to use the land other than for growth of trees for commercial use. Tree Growth classification focuses on ‘current use’ of the property, not potential future uses.” While Tree Growth and Farm and Open Space are “current use” assessments created by statute, it may be that there is a basis to argue that the same analysis applies to approved lots generally.

Also, my brother-in-law, Ed Bearor, who is an attorney in Bangor is aware of a case pending at the State Board of Property Tax Review which has as an issue whether lots can be assessed in a subdivision where the project has actually been built. The owner is arguing that the lots are inventory, not subject to taxation, or at least not as lots. Ed received this information second hand so is not sure if it’s accurately reported.

Passage from the MMA handbook for Assessors:

Approved Subdivision Lots. Although the courts in Maine have not directly addressed the question, case law from other states suggests that an assessor may legally assign a higher value to buildable lots which are part of an approved subdivision. *See generally, Donlon v. Board of Assessors of Holliston*, 453 N.E.2d. 395, 403 (Mass. 1983). [For a case involving a challenge by the owner of one subdivision claiming that his lots were assessed higher than another, see *Rankin v. Town of South Thomaston*, CV-91-35 (Me. Super. Ct., Knox Cty., Apr. 28, 1992)].

In Bangor, once approved the tax map is revised to depict the subdivision and they assign a modest value to each lot, such as 10 to 30% of the value for a house lot in the city. As the development is actually constructed, roads, utilities, etc, the value of individual lots is raised to market value.

I think the Auburn assessor is overstating it when s/he says by law they must assess the individual lots in a subdivision. Bangor’s approach may or may not be followed elsewhere, but it suggests that there is latitude in the method of assessing approved, yet undeveloped lots.

Input from Ronald L. Bissonnette, Isaacson & Raymond, P. A. is below:

First, let me thank you, the Community Development Office and the Planning Board for giving us the opportunity to comment on the proposed ordinance. I have two comments that concern more the implementation of the ordinance than the words of the ordinance.

1. *References on Recorded Plans.* The surveyors, developers and their representatives must be careful not to refer on the recorded plans for the earlier phases to a master plan on file in the Planning Office. Although a statute purports to do away with indefinite references in deeds and conveyances (33 MRS § 201-A), the statute does not refer to plans recorded in the registry. Therefore, a reference to the Master Plan on the recorded plan of an earlier phase may require the title examiner to review the Master Plan on file in the Planning Office. This would go on forever even if the remaining unrecorded phases in the development are never developed. You don't want to put all buyers, mortgagees and their attorneys through the added expense of going to the planning office to review the Master Plan every time a lot or unit is sold in phased developments.

2. *Reservation of Fee Interest in the Roads.* The developers and their attorneys should be alerted to the need in each and every conveyance of a lot or unit in a phased development to reserve the fee interest in the roads in the earlier phases so that the developer or a person acquiring the "back land" will retain access over those roads to a public way. Failure to reserve the fee interest in each and every conveyance will result in the fee interest being deemed to have been conveyed to the abutters. See 23 MRS §3031 and 36 MRS §460. We have often seen deeds (sometimes prepared by owners and sometimes prepared by others who are apparently not aware of Maine's peculiar laws concerning paper streets) which contain no such reservation. This results in cutting off access to the back land, making it undevelopable and worthless.

Input from Cheryl Dubois, City Assessor

As a follow up to William K. Skelton, Esq. Androscoggin Title Company, the Auburn Assessing Department currently does discount the undeveloped lots in the phases that are not being currently developed. We are assessing them as one large parcel. However, it has more value than a typical vacant piece of land because of the recorded subdivision approvals. We have used market sales of approved subdivisions to attain a value for that land. The valuation is considerably higher than a typical residential lot.

City of Auburn

City Council, Auburn, Maine

Date: March 2, 2009

TITLE: ORDINANCE – ZONING AMENDMENT – CHAPTER 29, SECTION
3.51 PLANNED UNIT DEVELOPMENT, AND
SECTION 7.3 SUBDIVISIONS (SECOND
READING)

Be It Ordained by the Auburn City Council, That Chapter 29, Section 3.51 Planned Unit Development, and Section 7.3 Subdivisions be amended as attached.

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

Vote: 6 Yeas, No Nays

Motion for acceptance of second reading: Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

3.5 **Mixed Use Districts**

3.51 **Planned Unit Development**

A. **Purpose** – The purpose of this Section is to provide for a greater variety and choice of design for urban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for urban land development and to gain flexibilities over conventional land control regulations. This Section should not be used as a device for circumventing the City’s development regulations. This Section shall be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer.

B. **Scope**

1. Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to Certificates of Occupancy being issued in all zoning districts except Agriculture and Resource Protection Districts.
2. The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights-of-way shall not be reduced. In specific cases, the requirements for off-street parking stated in Article 4, Section 4.1 and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this Section and as shown on the approved planned unit development plan.
3. **Coordination with Subdivision regulations**
 - a. It is the intent of this Ordinance that if plan review is required under Article 7, Section 7.3 of this chapter, that it be accomplished simultaneously with the review of the planned unit development plan under this Section of the Zoning Ordinance.
 - b. The final development plan shall be submitted in a form that is in accordance with the requirements of Article 7, Section 7.3 of this chapter relative to final plans where

applicable.

- c. Requirements of this Section of the Zoning Ordinance and those of Article 7, Section 7.3 of this chapter shall apply to all planned unit developments.

C. **Types of Planned Unit Development (PUD)**

1. **General**

The following types of planned unit development may be established by special use approval in any existing zoning district or districts as noted below. The options for use are as follows:

- a. PUD-R Planned Unit Development - Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.
- b. PUD-C Planned Unit Development - Commercial in GB and CB.
- c. PUD-I Planned Unit Development – Industrial in ID.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD “R” or ”C”, or “I”.

The term, “Planned”, for the purposes of this Section shall include plans, plats or any combination thereof.

Phased Planned Unit Developments shall be permitted where any type of PUD is otherwise allowed by this ordinance with an additional review by the Director of Planning and Permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The Final Development Plan shall be kept on file in the Planning and Permitting Office and the developer shall meet the requirements of 3.51.E.2.c prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the Director. The recorded plan shall contain a note referencing this ordinance and the location of the overall development plan approved by the Planning Board. This section may be applied to existing PUDs if said plan was approved by the Planning Board as a phased development.

2. **Planned Unit Development – Residential (PUD-R)**

It is the intent of this Subsection that any residential property which is under single ownership and contains three (3) acres or more area may be developed as PUD-R Planned Unit Development – Residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the Planning Board.

- a. Uses permitted by right or permitted by special exception in the residential district or districts noted above.
- b. Commercial uses may be permitted in the PUD-R District if the planned unit development contains twenty (20) or

more dwelling units. Such commercial centers shall be subject to the following requirements:

- (1) Such centers including parking shall be included as an integral part of the PUD and shall not occupy more than 5 percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the Certificates of Occupancy for 50 percent of the dwelling units.
- (2) Except as stated in Section 3.51 all restrictions applicable to the NB District are applicable to the commercial center in the PUD-R District.
- (3) Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to it.
- (4) **Sign**
 - (a) Any part of the sign shall not project above the eaves or protrude from the face of the building more than 12". A premise shall

have not more than one sign for every street frontage. All free standing signs may not exceed twenty (20) feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.

- (b) Residential Subdivision may have one sign for each newly created entry to the Subdivision, not to exceed 40 sq ft in size.
- c. The total number of dwellings permitted in the PUD-R shall be determined by dividing the total project acreage ~~3.51-3~~ (not including Public Rights-of-Way) by the area required per unit in that zoning district or as approved by the City pursuant to Section 3.51.D.3.
- d. If common open space remaining is offered to the City and is acceptable to the City, such dedication shall not be considered as partial or total fulfillment of park and open space dedication.
- e. Upon review of a PUD-R proposal, if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved, the City may authorize up to a 20 percent increase in density over the district requirement if the following criteria are met:
 - (1) Architecture – utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - (2) Siting – preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - (3) Design – unified cohesive development, focal points (cluster of seating, art forms, water feature) for orientation and interaction, variety of scale.

- (4) Landscaping – compatibility with natural landscape, separation of individual units for privacy.
 - (5) Convenient, well defined access.
 - (6) Compatibility with: ultimate plans for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
- f. All planned unit developments containing residential units shall comply with the provisions of Chapter 23, Section 2.12 of the City of Auburn Land Subdivision Ordinance.

~~3.51-4~~

3. **Planned Unit Development - Commercial (PUD-C)**

The PUD-C is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially-zoned area three (3) acres or more in size may be developed as a PUD-C. Uses permitted in the commercial zoning districts are permitted in the PUD-C.

4. **Planned Unit Development – Industrial (PUD-I)**

The PUD-I is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five (5) acres may be developed as a PUD-I. Uses permitted in the Industrial Zoning District are permitted in the PUD-I.

D. **General Standards**

The following provisions apply to all planned unit development districts:

1. The setback, lot width and lot coverage requirements as stated in individual zoning classification shall apply within the PUD but may be reduced due to individual site limitations as determined by the Planning Board.
2. The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in Section 4.1 except that the Planning Board may increase or decrease the required number of off-street parking spaces in consideration of the following factors:
 - a. Probably number of cars owned by occupants of dwellings in the planned unit development;
 - b. Parking needs of any non-dwelling uses;
 - c. ~~3.51.5~~ Varying time periods of use, and whatever joint use of common parking areas is proposed.

Whenever the number of off-street parking spaces are reduced because of the nature of the occupancy, the City shall obtain assurance that the nature of the occupancy will not change.

3. In any PUD involving residential uses that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, shall reserve an amount of land equal to that created through the reduction in required lot sizes, to be held for the mutual use of the residents of the PUD. This shall be accomplished by either: (1) the land shall be administered through a homeowner's association, or (2) the land shall be dedicated to and accepted by the City for public use.
4. All of the requirements of the Municipal Code applicable to the zoning district or districts, not addressed in this Section, shall apply.
5. Before granting approval of the final development plans, the City must be satisfied that said plan incorporates each of the following criteria or can demonstrate that:
 - a. One or more of the criteria are not applicable or
 - b. a practical substitute has been achieved for each of these elements consistent with the public interest.

- (1) There is an appropriate relationship to the surrounding area;
- (2) Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and noise and exhaust control. Proper circulation in parking areas is designed for safety, convenience, separation and screening.
- (3) Functional open space in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief and convenience of functions;
- (4) ~~3.51.6~~ Privacy in terms of needs of individuals, families and neighbors;
- (5) Pedestrian bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness;
- (6) Building types in terms of appropriateness to density, site relationship and bulk;
- (7) Building design in terms of orientation, spacing, materials, color and texture, storage, signs and lighting;
- (8) Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any; maintenance, suitability and effect on the neighborhood.
- (9) There is public sewer available to the lot or will be made available by the developer prior to Certificates of Occupancy being issued.

E. **Planned Unit Development Application Procedure**

All Applicants for planned unit development shall comply with procedures set forth below and in accordance with Section 7.1 Site Plan Review

1. **Submission and Review of the Application**

- a. An applicant shall make application for the approval of the planned unit development to the Planning Department. The applicant shall present his completed application and fee along with the development plan outline as specified in this Section.
- b. The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

~~3.51.7~~

- c. The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in Article 7, Section 7.1;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- d. The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the City and developer;

_____(2) An anticipated schedule of development; and a conceptual phase plan where the developer intends to phase the declaration of portions of the development.

Formatted: Indent: Left: 144 pt

Formatted: Indent: Left: -40.5 pt, Hanging: 220.5 pt

(3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

Formatted: Indent: Left: 0 pt, First line: 0 pt

- e. The number of copies of the written statement must be consistent with the provisions of Section 7.1.D.1.
- f. The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

2. **Final Development Plan**

- a. The final development plan shall be submitted in accordance with Chapter 23, Article 2, Division 4 of the municipal code relative to final plans.
- b. The Planning Board shall approve the final development plan if it is in substantial compliance with the approved

~~3.51-8~~

preliminary development plan. The final development plan shall be recorded as if it were a final Subdivision plan except in the case of a phased development which shall follow the standards of 3.51.E.2.c .

c. For Phased developments the Final Development Plan shall be kept on file in the Planning and Permitting Office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the Director of Planning and Permitting prior to recording at the registry of deeds. The Director shall consider the following standards before approving a phased plan for recording:

Formatted: Indent: Hanging: 36 pt

- 1. The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
- 2. Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the Director determines that the work is necessary or beneficial

Formatted: Indent: Left: 144 pt, Hanging: 36 pt

to an open phase of the development or to the City of Auburn.

3. The phased plan must be determined by the Director of Planning and Permitting to be consistent with and progress towards completion of the long term Final Development Plan.

de. No changes shall be made in the approved final plan during the construction of the planned unit development except upon application to the appropriate agency under the procedures provided below:

- (1) Minor changes in location, siting and height of buildings and structures may be authorized by the Planning Director if unforeseen problems in the implementation of the project should occur. No change authorized by this Section may increase or decrease the dimensions of any building or structures by more than 10 percent.
- (2) All changes relative to use, rearrangement of lots, blocks and buildings, any changes in the provision of common open spaces and all other changes to the approved final plan shall be approved by the Planning Board. No amendments shall be made in the approved final plan unless they are illustrated to be required by changes in the development policy of the community or by conditions that were unforeseen at the time of approval of the final development plan.
- (3) Any changes which are approved for the final plan shall be recorded as amendments to the recorded copy of the final plan.

ed. From time to time the Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner or owners of property in the PUD have failed to meet the approved development schedule without cause, the Planning Board may initiate proceedings. The Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.

fe. The Planning Board may require adequate assurance in a form consistent with Chapter 23, Section 7.12, that the

~~3.51-9~~

common open space shown in the final development plan shall be provided and developed.

gf. Final Development Plan Contents

- (1) The final development plan shall contain the information the preliminary development plan or any logical part thereof, must be submitted within one (1) year following the approval of the preliminary development plan unless written request is made for an extension of one (1) year and approves by the Planning Board.
- (2) The final development plan, with supplemental information in report form, shall be prepared in conformance with the provisions of Chapter 23, Article 2, Division 4 of the Auburn Municipal Ordinances.
- (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common area must accompany the final development plan.
- (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

hg. Control of Planned Unit Development following completion.

- (1) The Planning Board shall review and take action on the completed final plan.
- (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this Zoning Ordinance.

- (3) After final approval, no changes may be made in the approved final development plan except upon

~~3.51-10~~

application to the appropriate agency under the procedures provided below:

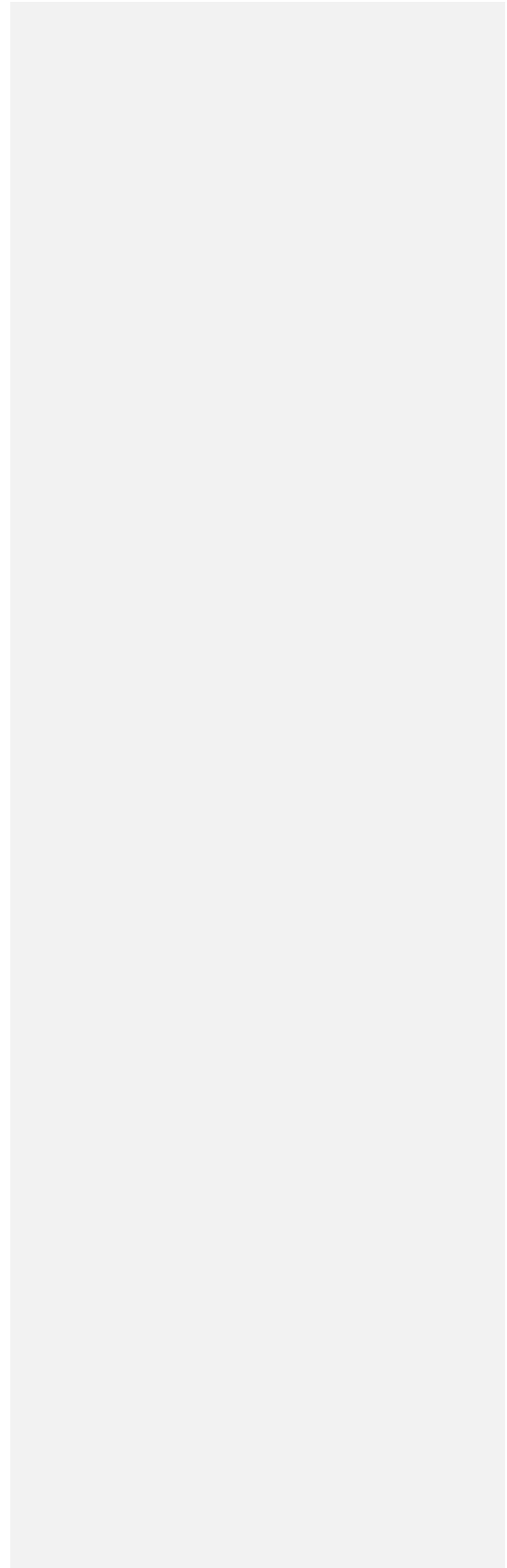
- (a) Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may decrease or increase the dimension of any building or structure by more than 10 percent.
- (b) Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principle, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the Planning Director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.
- (c) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under Paragraph g.(3)(a) and (b) above.
- (d) Changes in use of common open spaces may be authorized by an amendment to the final development plan under Paragraph g.(3)(a) and (b) above.
- (e) All other changes in the final development plan must be made by the Planning Board under the procedures authorized by this Ordinance. No changes may be made in the final development plan unless found to be required for:

~~3.51-11~~

- 1) Continued successful functioning of the planned unit development, or
- 2) By changes in conditions that have occurred since the final plan was approved, or
- 3) By changes in the development of the community.
- 4) No changes in the final development plan which are approved under this Section are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this Section are expressly reserved.

|

3.51-12



City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Honorable Mayor and City Council

From: Eric Cousens, City Planner

Re: **Zoning Text Amendments** - Workshop Brief on a Proposal to amend the City Of Auburn Zoning Ordinance, including Chapter 29, Sections 3.51 Planned Unit Development, and Section 7.3 Subdivisions.

Date: February 17, 2009

I. PROPOSAL

Staff in the Assessing, Planning and Economic Development Departments have been discussing this amendment on behalf of a couple of developers. Based on my research, I believe Auburn is the first to look at this type of change to a zoning ordinance and I think it is a good public-private compromise. The change is intended allow financial institutions and the Assessing Department to look at pieces of a development as the developer chooses to develop them as part of a long term coordinated development plan. The current practice is to look at an entire development as soon as the plan is recorded. The basis for this change is as follows.

1. Staff believes there are great benefits to be realized when a developer and the Planning Board can consider long-range coordinated developments like a large condominium development. The alternative is reviewing a small plan, then later another small addition to the plan and so-on. The piecemeal review results in less efficient, less cohesive and less coordinated projects.
2. The current ordinance allows for long-range coordinated developments, however, once approved and recorded the long range approved plan adds significant taxable value to the land, even when the developer cannot develop and sell lots due to the economy. This added burden is enough of a disincentive that we actually have developers considering going back to the Board to extinguish approved plans or un-built portions thereof.
3. This amendment will require the same stringent and necessary review by the Board, but it will also allow flexibility in which units are declared, recorded and when this is required. It actually adds another review by The Director of Planning and Permitting after the project is approved and before the phase ready for development is recorded.
4. The outcome – The assessing department which is strictly governed by State Law does not need to assess the value that the plan adds to the land until it is declared and recorded. Not getting the taxable value as soon could be seen as a negative, however, staff believes the gains of a well coordinated long-range planned development outweigh the temporary loss. It also allows for flexibility in how financial institutions look at individual units in a condominium development. This flexibility and others like it will make Auburn more attractive to developers, will give us a competitive advantage over other municipalities and it will promote well planned development.

City Council

Agenda Information Sheet

Council Meeting Date March 16, 2009

Agenda Item No. 2

SUBJECT:

RESOLVE – NEIGHBORHOOD STABILIZATION PROGRAM GRANT

INFORMATION:

The Neighborhood Stabilization Program is funded from the Housing and Economic Recovery Act of 2008 through Maine's Department of Economic and Community Development. The program is intended to help communities redevelop foreclosed properties and eliminate blight. The City's Plan includes acquisition and rehabilitation of foreclosed properties to be sold to eligible applicants for homeownership. The plan also includes demolishing several tax-acquired properties, and acquiring and demolishing several deteriorated buildings that may become available because of foreclosure. The Community Development office expects to acquire and rehabilitate 9 buildings, and demolish 4 buildings.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 16, 2009

TITLE: RESOLVE – NEIGHBORHOOD STABILIZATION PROGRAM GRANT

Be It Resolved by the Auburn City Council to approve acceptance of the Community Development Block Grant Neighborhood Stabilization Program funds in the amount of \$921,889, and authorize the City Manager to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such program.

Motion for acceptance:

Seconded by:

Vote:


Action by the City Council:

Date:

Attest:

City Clerk

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



TO: Glenn Aho, City Manager

FROM: Reine Mynahan, Community Development Administrator

RE: Neighborhood Stabilization Program

DATE: February 25, 2009

Submitted with this memo is the Neighborhood Stabilization Program Action Plan. This program is authorized by the Housing and Economic Recovery Act of 2008 through Maine's Department of Economic and Community Development. The program is intended to help communities redevelop foreclosed properties and eliminate blight. The legislation is part of the Community Development Block Grant Program and is subject to the same regulations except the income limit for participation is 120% of area median income instead of 80%.

The City's Action Plan includes:

1. Acquisition and rehabilitation of foreclosed properties to be sold to eligible applicants for home ownership;
2. Demolition of several tax-acquired properties and redevelopment of sites as affordable housing;
3. Redevelopment of a tax-acquired property on Garfield Road; and
4. Demolition of several foreclosed properties and redevelopment of sites as affordable housing.

There will be two committees involved in these funds: 1) the Community Development Loan Committee who will be responsible for approving applications for participation in this program, and 2) a Neighborhood Stabilization Program Committee who will approve site specific budgets before acquiring properties. The Community Development office expects to purchase and rehabilitate approximately 9 buildings, and demolish 4 buildings.

Neighborhood Stabilization Program funds will be available April 1, 2009. The Community Development office will be ready to start marketing this program once the plan is adopted by the City Council. The plan will be presented to the City Council for review at the March 2nd workshop and is scheduled for adoption on March 16. A public hearing will be held prior to adoption to allow for citizen input.

DRAFT

NEIGHBORHOOD STABILIZATION PROGRAM ACTION PLAN AUBURN, MAINE

I. INTRODUCTION: The Neighborhood Stabilization Program (NSP) is authorized under the federal Housing and Economic Recovery Act of 2008 and is administered by the Department of Housing and Urban Development. The funds are intended to help communities to redevelop foreclosed properties and eliminate blight. The goal is to prevent downward pressure on property values in neighborhoods impacted by foreclosures while stimulating local economies through widespread rehabilitation activities. By statute, 25% of these funds are targeted to benefit very low income households, and to ensure that properties remain affordable to the maximum extent practical. The State of Maine received an allocation of \$19.6 million from the Federal government. The allocation will be distributed to eligible communities based a formula established by Maine's Department of Economic and Community Development. The City of Auburn will receive \$921,889. NSP grant funds must be spent within 18 months of the grant agreement and program income spent within 60 months of the grant agreement. The Community Development office will be responsible to administer the NSP Action Plan. Community Development staff includes the Community Development Administrator, Community Development Coordinator, Rehabilitation Coordinator and Administrative Assistant.

II. PUBLIC INPUT: The Community Development office encouraged citizen involvement in developing the program for NSP. A public notice was published in the Lewiston Daily Sun on February 24, 2009 and announcing the availability of the action plan describing the proposed use of NSP funds and the date of the public hearing. A draft program description was available on the Community Development website and a hard copy was available free of charge to persons requesting it. The City Council also held a public hearing on March 16, 2009 prior to adoption of the plan.

III. PROGRAM DESCRIPTION: The objectives of Auburn's NSP are to increase access to affordable homeownership, to improve the economic viability of foreclosed properties, to eliminate blight, and to redevelop vacant lots. Auburn's program will consist of two basic activities: 1) home ownership—acquisition, rehabilitation, disposition, and homebuyer subsidy to eligible households, the majority of which will be low-income; and 2) elimination of blight and new construction—acquisition, demolition, and disposition of properties to non-profit entity to construct replacement housing. Targeted properties will be those that are either tax acquired and foreclosed. The City will focus on Census Tract 101, Block Groups 1 and 2, Census Tract 103, Block Group 1, and Census Tract 105, Block Groups 1 and 2 for both activities.

Acquisitions outside these areas will be considered when there are properties at the right price or there are no properties within the census tracks identified above.

IV. BUDGET: The budget for NSP is an 18-month period. There may be program income that will be available beyond the 18-month period. All income from NSP funds will be utilized in a manner consistent with this plan. The Community Development office will attempt to spend NSP funds within a 12-month period in an effort to capture some of the State’s funds that may be available from other communities who are unable to utilize their allocation. The administration budget is 3% of the grant and program income. The program delivery cost is 10% of the grant and anticipated program income.

BUDGET SUMMARY

<u>NSP Activities</u>	<u># of Units Affected</u>	<u>Households Between 51-120% of Median Income</u>	<u>Households Under 50% of Median Income</u>	<u>NSP Grant</u>	<u>NSP Income</u>	<u>Grand Total</u>
Acquisition and Rehabilitation for Home Ownership (from original grant) Acquisition, Rehabilitation, Closing Costs, Carrying Costs (heat, utilities, etc) and Relocation @ \$99,750	6	4	2	598,500		598,500
Acquisition and Rehabilitation for Home Ownership (from program income) Acquisition, Rehabilitation, Closing Costs, Carrying Costs (heat, utilities, etc) and Relocation @ \$99,750	3	2	1		299,250	299,250
Demolition of Tax Acquired Properties Disposition to Habitat	1	1	0	65,000		65,000
Redevelopment of Tax Acquired Project Loan Subsidy for construction of accessible housing	1	0	1	30,000		30,000
Demolition of Foreclosed Properties Acquisition of deteriorated buildings, Relocation and Demolition Disposition to Habitat	4	1	1	69,641		\$69,641
Program Administration				37,635		37,635
Program Delivery				121,113		121,113
Totals				\$921,889	\$299,250	\$1,221,139

V. NSP WORKPLAN SCHEDULE

ACTIVITY	START DATE	END DATE
Complete Phase II and NSP Work Plan	FEBRUARY 2009	MARCH 2009
Public Hearing/Adoption of NSP Work Plan	FEBRUARY 2009	MARCH 16, 2009
Request for Proposals Appraisers and Realtors, Execute Contracts	MARCH 2009	APRIL 2009
Market Program to Potential Buyers	MARCH 2009	ONGOING
Pre-Qualify Buyers	APRIL 2009	ONGOING
Develop Program Documents	APRIL 2009	MAY 2009
Develop Post-Closing Monitoring Program	APRIL 2009	MAY 2009
Identify Foreclosed Properties for Homeownership	MARCH 2009	ONGOING
Identify Foreclosed Properties for Demolition	MARCH 2009	ONGOING
Secure Appraisals	APRIL 2009	ONGOING
Secure Community Development Loan Committee Approvals	APRIL 2009	ONGOING
Secure NSP Committee Approvals	APRIL 2009	ONGOING
Acquire Buildings	MAY 2009	ONGOING
Rehabilitate Buildings	JUNE 2009	3 MONTHS FROM START DATE
Demolish Blighted Buildings	SEPTEMBER 2009	DECEMBER 2009
Sell Vacant Land to Habitat	JANUARY 2010	FEBRUARY 2010
Post-Closing Counseling	JANUARY 2010	JUNE 2013
Program Closeout		MARCH 2014

By December 2009 the Community Development office expects to have acquired and rehabilitated four buildings and sold them to qualified buyers, to have demolished two deteriorated buildings, and to have provided a loan subsidy to construct an accessible home on Garfield Road.

VI. ACTIVITIES

- a. *Acquisition and Rehabilitation for Homeownership:*** Residential buildings will be acquired and rehabilitated to re-sell to qualified home buyers. The proceeds from each sale will be returned to the homeownership program to be used for additional acquisitions. The City will initially purchase six homes, primarily single-family and two-unit buildings. With program income from the re-sale, three additional properties will be purchased and rehabilitated to create additional home ownership opportunities. Minimum annual bankable income for potential buyers is \$23,000 and maximum is 120% of area median income. Priority will be given to households whose income is under 65% of area median income. The budget is based on an average cost of \$70,000 for acquisition, \$25,000 for rehabilitation, \$1,700 for closing costs, \$1,750 for building carrying costs during the holding period, and \$1,300 for contingency. When a customer is unable to obtain permanent financing, the City will consider a lease option (see Lease Option, Section IX). Properties will be rehabilitated to meet Auburn's housing standards. Gail Phoenix, Auburn's Community Development Coordinator, will be responsible to administer this activity with support from Hal Barter, Auburn's Rehabilitation Coordinator.
- b. *Demolition of Tax Acquired Properties:*** The City will demolish two tax-acquired deteriorated properties. The 18 Western Promenade property will be demolished, and the property marketed for redevelopment for affordable housing. A 6-bay garage will be demolished at the 192 Winter Street. The Winter Street site will not be redeveloped. Reine Mynahan, Auburn's Community Development Administrator, will be responsible to administer this activity with support from the Engineering Department.
- c. *Redevelopment of Tax Acquired Land:*** A \$30,000 interest-free deferred loan will be available for redevelopment of a tax acquired property at Garfield Road. The loan will be provided to create a home that is handicap accessible. Gail Phoenix will be responsible to administer this activity.
- d. *Demolition of Foreclosed Deteriorated Properties:*** Several properties that are identified as blighting influences, structures that by determination of field survey or building inspection, demonstrate deterioration, dilapidation, or constitute a threat to public health and safety, will be demolished. Buildings under this category have not yet been identified. If there are none within the next 12 months, then the funds dedicated to this activity will be transferred to acquisition and rehabilitation for home ownership. Reine Mynahan will be responsible to administer this activity with support from the Engineering Department.

VII. ACQUISITION PROCESS:

- a. *Acquiring Properties:*** The City will only acquire buildings where a foreclosure has been completed.

- b. *Appraisals:*** The Community Development office will seek the services of an appraiser to determine the value of buildings to be acquired with NSP funds. The appraisal will be based on fair market value with data to explain and support the valuation.
- c. *Negotiations:*** The Community Development office will seek the services of a real estate agent to represent the City in acquisition negotiations.
- d. *Acquisition Approval:*** Before purchasing a property, a six-member NSP Committee will review the proposed use and project budget, and will approve the acquisition. The Committee will include City's Tax Assessor, Director of Economic and Community Development, the Community Development Administrator, a City Councilor, and two members of the City's Community Development Loan Committee. A minimum of three members shall be required to make a decision.

VIII. SELECTION PROCESS FOR HOMEOWNERSHIP:

- a. *Qualified Applicants:*** Applicants must meet the criteria established by the Homebuyer Guidelines (Section IX).
- b. *Approval:*** Complete applications will be submitted to the Community Development Loan Committee for review. The City's Community Development Loan Committee, a nine-member Committee consisting of 3 bankers, 2 low-income persons, 2 persons who live in target areas, and other Auburn citizens, will approve requests for NSP participation. The Committee will be responsible for making a decision to approve or deny a request and to establish any special conditions of participation. The reason for rejection shall be provided to the applicant. Denials may be appealed to the Committee for a period of thirty days after rejection. The applicant will be allowed to present his/her case to the Committee. The Committee may reconsider their prior vote to deny an application after the appeal review has been completed.
- c. *Priority Lists:*** Applications that have been approved by the Community Development Loan Committee will then be placed on a priority list, either Priority List A if household income is under 65% of area median income, or Priority List B if household income is between 66% and 120% of area median income. In the first two months of the program, the City will market the program to establish the two lists of qualified applicants. At the end of a two-month period of marketing, a lottery will be used to determine number placement on either list. After the lottery drawing, any new approved applicants will be placed at the end of the B list regardless of income. The first applicant on the A list will be given an opportunity to purchase a building when it becomes available. If the applicant refuses a building, his/her name will remain at the top of the A list and the next applicant on the A list will be contacted. Once an applicant refuses twice, he/she will forfeit their position—the name will go to the back of the B list. When there are no qualified applicants on the A list, then a building will be offered to the first applicant on the B list.

IX. HOMEBUYER GUIDELINES

a. Marketing: The Community Development office will provide outreach to engage a full range of potential clients by marketing to homebuyer classes, newspaper articles, and working with Auburn Housing Authority's tenants of public housing and housing choice voucher programs.

b. Front- and Back-End Ratios: The debt-to-income ratio will be 28% for housing (principal, interest, taxes and insurance), and all debt shall not exceed 42% of income.

c. Credit Rating: The minimum FICO credit score is 580.

d. Limitation on Liquid Assets: Liquid assets will not exceed \$5,000.

e. Savings: Qualifying households must have a minimum of \$500 in savings, except as described in the Lease Option section that follows.

f. Lease Option: When there are applicants whose credit is not sufficient to obtain financing through standard mortgage markets or the applicant does not meet the savings requirement, the City may provide a lease option. Under the lease option

1. an applicant's non-housing debt (at the time of application) shall not exceed 17% of current income and all debt shall not exceed 49% of applicant's income;
2. there is evidence that the applicant(s) will be able to correct credit deficiencies and meet debt-to-income maximums within an 18-month period;
3. there is evidence of stability of job or source of income, length of self-employment, and prior efforts to cure credit history.

During the lease period, staff will provide housing counseling and work with the family to develop a credit and savings plan that defines expectations.

g. Permanent Financing: The applicant must obtain standard financing at a fixed rate.

h. Training: Applicants will be required to provide a certification of completion of an approved homebuyer education program, and landlord education training, if applicable.

i. Establishing the Sale Price:

The sale price of the property shall be the total project cost plus anticipated closing costs.

j. Establishing the NSP Subsidy/Grant:

1. **NSP Subsidy:** For applicants who need assistance to meet the 28% debt-to-income ratio, the City will provide financing as an interest-free non-amortized

loan in a second mortgage position. The NSP subsidy will be the difference between the first mortgage loan and the lower of the appraised value or the sale price. The monthly payment of the bank loan will not exceed the 28% debt-to-income ratio for principal, interest, taxes and insurance. The loan will be repaid when the property is transferred or sold provided there are sufficient net proceeds.

2. **No NSP Subsidy:** If a household has adequate income to meet the debt-to-income ratio without the NSP subsidy, the home will be sold at fair market value or what a buyer is willing to pay.
3. **NSP Grant:** the NSP grant will be provided when the appraisal is less than the sale price. The grant is the sale price less the buyer contribution less the appraisal.

k. Housing Standards: Properties shall be improved to meet housing quality standards, local codes, and Title 10 lead standards. Additionally, properties will be weatherized to the maximum extent possible to reduce the demand for energy resources. The City will partner with Building Materials Exchange, a non-profit agency, with whom we have a current working relationship, to take advantage of good quality building materials at a significantly lower cost.

l. Post-Purchase Housing Counseling: For a period of 2 years after the purchase, the City will provide post-purchase counseling with the first meeting scheduled six months after the purchase.

m. Relocation: If a tenant is required to move from a unit that will be occupied by the owner, the Community Development office will provide relocation services. The services include counseling, processing relocation claim benefits, and assisting in meeting the relocation needs of the tenant. The City will provide comparable replacement dwelling unit locations and the price of a rent for establishing the upper limit. According to Auburn Housing Authority preferences, low income tenants who are displaced will qualify for a housing choice voucher. Tenants may choose self-move or moving expenses.

n. Recapture: The NSP subsidy shall be recaptured as follows:

1) Voluntary Transfer of Title: The City shall be repaid the full amount of the balance of the NSP subsidy if the borrower voluntarily sells, assigns, or transfers ownership of the property for any reason. If there are insufficient funds to repay the NSP subsidy, the City may accept, at its discretion, the net proceeds available from the sale. Net proceeds are the sales price minus superior loan repayments and closing costs. In the event net proceeds are insufficient to repay the NSP subsidy, the City may then forgive part of the NSP subsidy.

2) Involuntary Transfer of Title: Should the borrower involuntarily relinquish the property due to a foreclosure, bankruptcy, appointment of a receiver or liquidator, or assignment for the benefit of the borrower's creditors, the City shall collect the net proceeds from the sale of the property up to the outstanding balance of the NSP subsidy.

Net proceeds are the sales price minus superior loan repayments and closing costs. In the event that the net proceeds are insufficient to repay the NSP subsidy, the City will then forgive part of or all of the NSP subsidy.

o. Affordability Period/Occupancy Standards: The property shall be occupied by the applicant(s) as a principal residence. The occupancy term shall commence the date of the purchase. The occupancy term shall be based on the amount of NSP subsidy that is provided to the homebuyer as a second mortgage. The borrower shall be required to occupy the NSP property for the minimum period as follows:

- 1) 5 years if total if NSP subsidy is less than \$15,000;
- 2) 10 years if total if NSP subsidy is between \$15,000 and 40,000; or
- 3) 15 years if NSP subsidy is over \$40,000.

p. Monitoring: Principal occupancy will be monitored annually during the affordability period..

q. Program Income: Program income will be utilized to promote home ownership as described in this NSP guideline.

X. DEMOLITION: Auburn's housing stock contains many buildings that are abandoned, buildings that have incurred significant deterioration over the past year. These buildings cannot be feasibly rehabilitated. If any of these deteriorated buildings become available through foreclosure, the City will purchase these properties and demolish the buildings.

Vacant lots that are developable will be sold to Androscoggin Habitat for Humanity (Habitat) for redevelopment. The sale price of the land will be based on the market value of the vacant lot. The City will offer financing in the form of forgivable loans with the same affordability restrictions as described above. Habitat will then construct single-family dwellings for very-low or low-income home owners. Project development, homebuyer selection, and due diligence will be undertaken by Habitat. According to the Habitat's model, the non-profit provides financing for the buyer as an interest-free loan in the amount equal to the cost of materials and purchased labor, and a soft second mortgage for the value of volunteer labor. Home owners are required to contribute a specific number of hours to help construct their home.

XI. REPORTING: Reporting will be the responsibility of the Community Development Administrator.

NSP Applicant Certifications

Applicant:	City of Auburn		
Address:	60 Court Street		
	Suite 344		
Town/City/County:	Auburn, Androscoggin		
Zip Code:	04210		
Chief Executive Officer:	Glenn Aho		
Phone Number: 2070333-6601 x 1212	E-mail:	gaho@ci.auburn.me.us	
NSP Contact Person:	Reine Mynahan		
Phone Number: 207 333-6601 x 1330	E-mail:	rmynahan@ci.auburn.me.us	
Finance Person:	Tracy		
Phone Number: 207 333-6601 x 1402			

CERTIFICATIONS:

- (1) **Affirmatively furthering fair housing.** The applicant will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the its jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-lobbying.** The applicant will comply with restrictions on lobbying required by 24 CFR part 87 with disclosure forms, if required by that part.
- (3) **Authority of Applicant.** The applicant possesses the legal authority to carry out the program(s) for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.
- (4) **Consistency with Plan.** The housing activities to be undertaken with NSP funds are consistent with its consolidated plan, which means that NSP funds will be used to meet the congressionally identified needs of abandoned and foreclosed homes in the targeted area set forth in the State of Maine's substantial amendment.
- (5) **Acquisition and relocation.** The applicant will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24, except as those provisions are modified by the Notice for the NSP program published by HUD.
- (6) **Section 3.** The applicant will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

- (7) **Citizen Participation.** The applicant is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.05 or 91.115, as modified by NSP requirements.
- (8) **Following Plan.** The applicant is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by the State of Maine.
- (9) **Use of funds in 18 months.** The applicant will comply with Title III of Division B of the Housing and Economic Recovery Act of 2008 by using, as defined in the NSP Notice, all of its grant funds within 18 months of receipt of the grant.
- (10) **Use of funds ≤120 of AMI.** The applicant will comply with the requirement that all of the NSP funds made available to it will be used with respect to individuals and families whose incomes do not exceed 120% of area median income.
- (11) **Assessments.** The applicant will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low-and-moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if NSP funds are used to pay the portion or a fee or assessment attributable to the capital costs of such public improvements (assisted in part with NSP funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment of charge may be made against the property with respect to the public improvements financed by a source other than NSP funds if the applicant certifies that it lacks NSP or CDBG funds to cover the assessment.
- (12) **Excessive Force.** The applicant certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or location that is the subject of non-violent civil rights demonstrations within its jurisdiction.
- (13) **Compliance with anti-discrimination laws.** The NSP grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- (14) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements fo part 35, subparts A, B, J, K, and R of this title.

(15) **Compliance with laws.** The applicant will comply with applicable laws.

Signature of Authorized Official

Date

Title

City Council

Agenda Information Sheet

Council Meeting Date March 16, 2009 **Agenda Item No. 3**

SUBJECT:

RESOLVE – TRANSFER OF PINE TREE ZONE DESIGNATION

INFORMATION:

The Auburn Mall represents a potential re-development resource. The ownership and management continue to pursue clients to fill space that is currently vacant. Included in the potential client list are firms eligible to take advantage of Pine Tree Zone benefits. In order for Auburn to be considered, it is necessary to document the availability of this economic development program.

Of the total 1,407 Pine Tree Zone acres in Auburn, staff is suggesting that we re-assign 9.33 acres of our acreage to maximize development opportunity. The City of Auburn is authorized under the Pine Tree Zone program administration rules to effectuate this change.

Public notice, as required by State Statute, was published March 9, 2009.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of this resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: March 16, 2009

TITLE: RESOLVE – TRANSFER OF PINE TREE ZONE DESIGNATION

Be It Resolved by the Auburn City Council, That 9.33 acres of property designated for Pine Tree Zone benefits be transferred (as shown on the attached maps) from a property located on Tax Parcel #107-011 (land located on the south side of Foster Road in line with the North/South Airport Runway) to the western portion of the Auburn Mall, 550 Center Street, Tax Parcel #280-010.

Motion for passage:

Seconded by:

Vote:

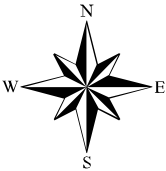
Action by Council:

Date:

ATTEST:

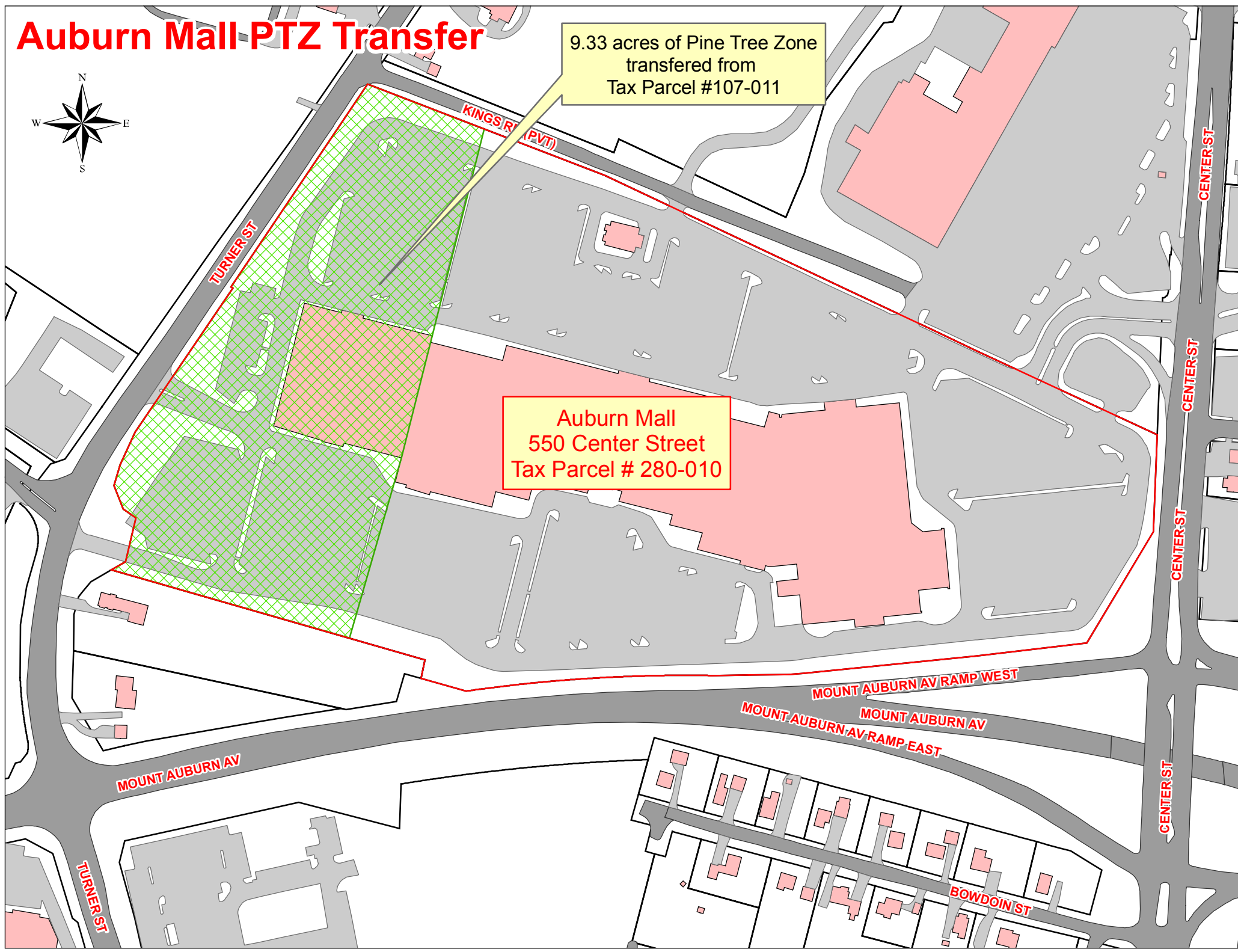
City Clerk

Auburn Mall PTZ Transfer

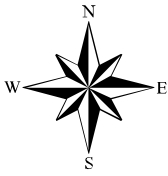


9.33 acres of Pine Tree Zone transferred from Tax Parcel #107-011

Auburn Mall
550 Center Street
Tax Parcel # 280-010



Auburn Mall PTZ Transfer

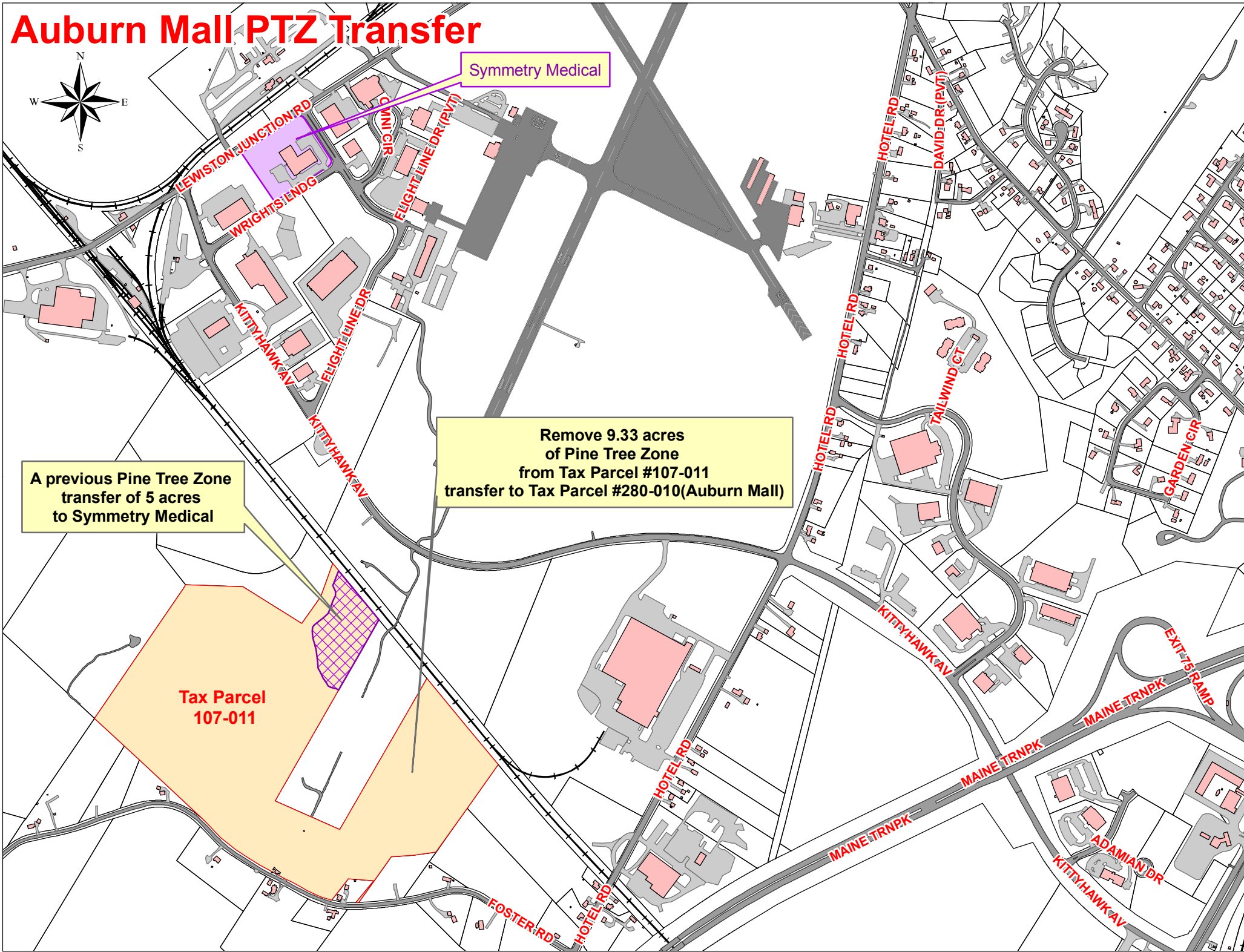


Symmetry Medical

Remove 9.33 acres
of Pine Tree Zone
from Tax Parcel #107-011
transfer to Tax Parcel #280-010(Auburn Mall)

A previous Pine Tree Zone
transfer of 5 acres
to Symmetry Medical

Tax Parcel
107-011



City Council

Agenda Information Sheet

Council Meeting Date March 16, 2009 **Agenda Item No.** 4

SUBJECT:

ISSUANCE OF 2009 DOG WARRANT

INFORMATION:

As required by state statute, annually between February 1st and April 1st, the municipal officers of each municipality shall issue a warrant to notify the owners of unlicensed dogs to comply with licensing regulations. This action will accomplish that requirement.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of this request.

REQUESTED ACTION:

Motion to approve the 2009 Dog Warrant.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date March 16, 2009 Agenda Item No. 5

SUBJECT:

APPOINTMENT TO THE LEWISTON/AUBURN RAILROAD BOARD

INFORMATION:

The term of Councilor Robert Hayes on the Lewiston/Auburn Railroad Board will expire in April. Councilor Hayes, as well as the Railroad Board, is requesting that he be reappointed for a three year term until April 2012.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

Motion to approve the reappointment of Councilor Hayes to the Lewiston/Auburn Railroad Board until April 2012.

VOTE:
