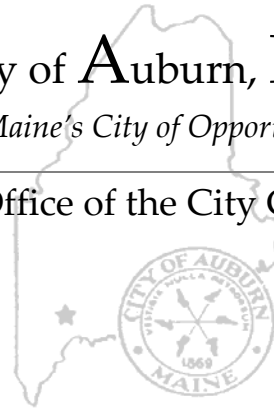


City of Auburn, Maine

"Maine's City of Opportunity"

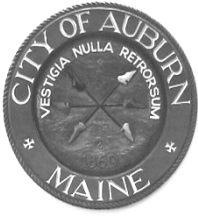
Office of the City Clerk



Council Meeting Agenda Packet

June 7, 2010

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



City Council Meeting and Workshop June 7, 2010

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- A. Discussion: NIMS Training (May 24th - Mayor Gleason and all Councilors, except for Councilors Farrell and Gerry, committed to take the training online. Councilor Herrick was not present. Councilor Berube has completed the training (Glenn Aho – 5 min)
- B. Discussion: Comprehensive Plan Adhoc Committee (Glenn Aho – 15 min)
- C. Discussion: EnerGov Fees (Laurie Smith – 5 min)
- D. Discussion: Recodification Process (Mary Lou Magno & Glenn Aho – 15 min)
- E. Discussion: Potential Sale of 211 Fairview Avenue (Roland Miller – 10 min)

7:00 p.m. City Council Meeting

Pledge of Allegiance

I. Consent Items—All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda. **Consent items are as follows: Minutes of May 24, 2010; Communication from Auburn Pawn**

II. Minutes

* Minutes of May 24, 2010

III. Reports

Mayor

Swearing in of Police Officers Donald Cousins, Meghan Fenton and Nicholas Gagnon

City Councilors

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

City Manager

IV. Communications, Presentations and Recognitions

*060710-00 Communication from Auburn Pawn Re: Renewal of Pawn License

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

VI. Unfinished Business

060710-01 Ordinance – Chapter 2, Division 3, Section 2-246 – Red Flag Rules (Second Reading)

060710-02 Ordinance – Zoning Amendment to Chapter 29, Section 4.2.A.9.d – Sandwich Board/Easel signs (Second Reading)

060710-03 Paving of E. Waterman Road (Tabled 5/24/2010)

VII. New Business

060710-04 Resolve – Amend Effective Date of Fee Schedules (Plumbing, Electrical, Zoning and Building)

060710-05 Resolve – Authorize City Manager to Execute Purchase and Sale Agreement – 211 Fairview Avenue

060710-06 Public Hearing and action regarding Special Amusement Permit Application for Holly's Own Deli, 84 Court Street

060710-07 Executive Session – Pursuant to Title 1, Maine Revised Statutes Annotated, Section 405E – Contemplated Litigation

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

IX. Future Agenda/Workshop Items

X. ADJOURNMENT

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension of expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

**CITY OF AUBURN
MAY 24, 2010
SPECIAL CITY COUNCIL MEETING**

PRESENT

Mayor Richard D. Gleason, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Eric G. Samson and Belinda A. Gerry, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Finance Director Tracy Roy, and City Clerk Mary Lou Magno. There were approximately 33 people in the audience.

Mayor Gleason called the special 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, place on file, and approve the items marked with an asterisk. Seconded by Councilor Hayes. Vote: 6 Yeas, No Nays.

***MINUTES OF MAY 17, 2010**

Approved under consent agenda.

REPORTS OF THE MAYOR

PROCLAMATION – *CLICK IT OR TICKET*

Mayor Gleason proclaimed May 24 thru June 6 as *Click It Or Ticket* in the City of Auburn.

NEW AUBURN MASTER PLAN IMPLEMENTATION AD HOC COMMITTEE

Mayor Gleason appointed Councilors Berube and Gerry to serve on the New Auburn Master Plan Implementation Ad Hoc Committee.

Glenn Aho, City Manager, will pursue a cost sharing agreement with the City of Lewiston regarding the casino.

Councilor Herrick arrives at the meeting.

REPORTS OF CITY COUNCILORS

None

REPORTS OF THE CITY MANAGER

TRANSPORTATION BOND ISSUE

Bob Thompson, Executive Director, Androscoggin Valley Council of Governments (AVCOG) discussed the Transportation Bond Issue and how it would effect the City of Auburn.

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

***COMMUNIATION FROM KIWANIS CLUB RE: TEMPORARY SIGNS**

Approved under consent agenda.

OPEN SESSION

Winfield Coleman, 144 E. Waterman Road; Bruce McGraw, 124 E. Waterman Road; and Marcy Hutchinson, 112 E. Waterman Road (submitted a petition that is on file in the City Clerk's Office).

OPEN SESSION CLOSED

UNFINISHED BUSINESS

**1. RESOLVE – 2010-2011 ANNUAL APPROPRIATION AND REVENUE RESOLVE
(SECOND READING)**

Councilor Samson moved for acceptance of second reading and final passage. Seconded by Councilor Berube.

Glenn Aho, City Manager, answered Councilors questions.

Vote: 4 Yeas with Councilors Farrell, Herrick and Gerry voting Nay.

NEW BUSINESS

2. RESOLVE – ADOPT PLAN FOR MINOT AVENUE ROTARY

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

Glenn Aho, City Manager, answered Councilors questions.

Ron Guerin, Maine Oxy, representing the Rotary Business Group; and Elliott Epstein, 8 Cushman Place.

Vote: 7 Yeas.

**3. ORDINANCE – ZONING AMENDMENT TO CHAPTER 29, SECTION 4.2.A.9.d –
SANDWICH BOARD/EASEL SIGNS (FIRST READING)**

Councilor Berube moved for acceptance of first reading. Seconded by Councilor Herrick. Vote: 7 Yeas.

4. RESOLVE – ACCEPTANCE OF CAPITAL IMPROVEMENT PROGRAM

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

Glenn Aho, City Manager, answered Councilors questions.

Vote: 4 Nays with Councilors Hayes, Young and Samson voting Yea.

5. ORDINANCE – CHAPTER 2, DIVISION 3, SECTION 2-246 – RED FLAG RULES

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

Vote: 7 Yeas.

SUSPEND RULES

Councilor Farrell moved to suspend the rules in order to discuss E Waterman Road. Seconded by Councilor Gerry. Vote: 6 Yeas with Councilor Young voting Nay.

E. WATERMAN ROAD

Councilor Farrell made a motion to do the full paving of E Waterman Road. Seconded by Councilor Herrick.

Councilor Hayes moved to table until the next meeting. Seconded by Councilor Farrell. Vote: 7 Yeas.

CAPITAL IMPROVEMENT PLAN

Councilor Samson moved that the Capital Improvement Plan for 2011-2015 is hereby accepted, with the understanding that passage of the Plan does not obligate the Council to fund any of the projects in the Plan. Seconded by Councilor Hayes. Vote: 7 Yeas.

OPEN SESSION

Ken Bellefleur, 100 Royal River Road;

OPEN SESSION CLOSED

FUTURE AGENDA/WORKSHOP ITEMS

None

ADJOURNMENT – 8:25 PM

Councilor Young moved to adjourn. Seconded by Councilor Hayes. Vote: 7 Yeas.

A TRUE RECORD

ATTEST: _____ CITY CLERK

Auburn Pawn

05/20/10

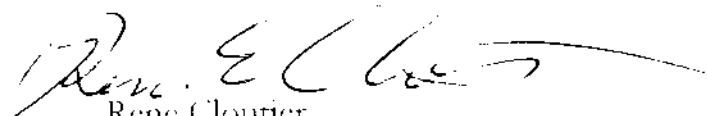
City of Auburn
Town Office
Auburn, Maine 04210

Dear Mayor and Selectman,

I am writing this letter for a license renewal for Auburn Pawn Shop located at 36 Mill St. in New Auburn. I would like to let you know that I conducted my business as required by all laws as a pawn broker. I have been cooperative with State, County and local Police Departments in any investigations regarding any merchandise bought or pawned. I also conducted my business in a professional and gentleman work like manner. If you should have any questions in reference to this I can be reached at 207-795-7983.

Enclosed is a check for the total sum of \$110.00. The break down for Check #343 is \$100.00 submitted for the pawn licensing fee and sum of \$10.00 is submitted for the second hand sellers licensing fee.

Thank you for you time in this matter,


Rene Cloutier
Auburn Pawn Owner



City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 Agenda Item No. 1

SUBJECT:

**ORDINANCE – CHAPTER 2, DIVISION 3, SECTION 2-246 – RED FLAG RULES
(SECOND READING)**

INFORMATION:

By June 1st the City of Auburn must adopt an ordinance that outlines its Identity Theft Prevention Program. Adoption of the attached ordinance will accomplish that mandate. City Council Workshop and first reading May 24, 2010

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends acceptance of second reading and final passage

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: May 24, 2010

**TITLE: ORDINANCE – CHAPTER 2, DIVISION 3, SECTION 2-246 – RED
FLAG RULES**

Be It Ordained by the Auburn City Council that the attached Red Flag Rules are hereby adopted.

Motion for passage for acceptance of first reading: Michael Farrell Seconded by: Raymond Berube

Vote: 7 Yeas

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

CITY OF AUBURN
IDENTITY THEFT PREVENTION PROGRAM

Chapter 2, Division3, Section 2-246

Introduction

The City is taking the necessary steps to protect our customers from identify theft. This policy is in accordance with the November 2007 Federal Trade Commission order for certain entities to develop and implement identity theft, prevention, and detection programs. This order and subsequent program are known as the “Red Flag Rule”.

Purpose

Under the Red Flags Rule, every financial institution and creditor is required to establish an identity theft prevention program tailored to its size, complexity and the nature of its operation. The program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and,
4. Update the Program periodically to reflect changes in risks to customers or to the safety and soundness of the City from identity theft.

Definitions

For the purposes of this Program, the following definitions apply:

1. Account. “Account” means a continuing relationship established by a person with a creditor to obtain a product or service for personal, family, household or business purposes.
2. Covered Account. A “covered account” means:
 - a. Any account the City offers or maintains primarily for personal, family, or household purposes, and that involves multiple payments or transactions.
 - b. Any other account the City offers or maintains which there is a foreseeable risk of identity theft.

Types of “covered accounts” the City has to offer are Vehicle, Boat and Snowmobile Registrations, Real Estate and Personal Property Taxes, Commercial Licenses, Marriage Licenses, Birth and Death Certificates (vital records), General Billing and vouchers, Voter Registration Records and loans for purchase of real estate and home improvements.

3. Customer. A “customer” means a person or business entity that has a covered account with the City.

CITY OF AUBURN
IDENTITY THEFT PREVENTION PROGRAM

4. Financial Institution. Under the Rules, a **financial institution** is defined as a state or national bank, a state or federal savings and loan association, a mutual savings bank, a state or federal credit union, or any other entity that holds a “transaction account” belonging to a consumer.
5. Identifying Information. “Identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number or unique electronic identification number.
6. Identity Theft. “Identity Theft” means fraud committed using the identifying information of another person.
7. Service Provider. “Service Provider” means a person or business entity that provides a service directly to the City relating to or connection with a covered account. (such as printing company for tax bills)

Identification of Red Flags

In order to identify relevant Red Flags, the City shall review and consider the types of covered accounts that it offers and maintains, the methods it provides to covered accounts, the methods it provides to access its covered accounts, and its previous experiences with Identity Theft. The City identifies the following Red Flags, in each of the listed categories:

A. Alerts, Notification and Warnings

1. Fraud detection service reports

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as a person’s signature on a check appears forged);and

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information the customer provides (such as inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (example, an address on registration that doesn’t match address on a driver’s license);
3. Identifying information presented that is the same as information shown on other forms that were found to be fraudulent;

CITY OF AUBURN
IDENTITY THEFT PREVENTION PROGRAM

4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. Failing to provide complete personal identifying information on a form when reminded to do so (however, by law social security numbers must not be required); except by the Community Development Department for the purpose of ordering a credit report
8. Identify information which is not consistent with information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use;
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the City that a customer is not receiving mail sent by the City;
6. Notice to the City that an account has unauthorized activity;
7. Notice to the City that an account should be paid but is marked unpaid (example- check was mailed in to pay real estate taxes and was never applied);
8. Breach in the City's computer system security;
9. Unauthorized access to or use of customer account information.

E. Alert from Others

1. Notice to the City from a customer, a victim of identity theft, a law enforcement authority or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

Detecting Red Flags

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

CITY OF AUBURN
IDENTITY THEFT PREVENTION PROGRAM

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, City personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile and via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

Preventing and Mitigating Identity Theft

In the event City personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Monitor a covered account for evidence of Identity Theft;
2. Contact the customer with the covered account;
3. Change any passwords or other security codes and devices that permit access to a covered account;
4. Not open a new covered account;
5. Close an existing covered account;
6. Reopen a covered account with a new number;
7. Not attempt to collect payment on a covered account;
8. Notify the Program Administrator for determination of the appropriate step (s) to take;
9. Notify law enforcement; and
10. Determine that no response is warranted under the particular circumstances, but inform Supervisor of the situation.

Protect Customer Identifying Information

In order to further prevent the likelihood of Identity Theft occurring with respect to City accounts, the City shall take the following steps with respect to its internal operating procedures to protect customer identifying information;

1. Secure the City website but provide clear notice that the website is not secure;
2. Undertake complete and secure destruction of paper documents and computer files containing customer information; for Community Development Block Grant after three years or when completion of any loan or when the client/customer relationship has terminated, whichever is later;
3. Employee information (such as social security numbers) accessed by only Human Resource and Payroll personnel. When not in office cabinets must be locked at all times and no one other than the listed personnel allowed to have access or to shred information. Vital records are kept in the safe which only accessible to employees. For Community Development Block Grant Social security numbers will be requested only for the purpose of ordering a credit

CITY OF AUBURN
IDENTITY THEFT PREVENTION PROGRAM

- report. Client files will be retained in file cabinets. Files will be accessible only by City employees. CDBG will shred on a weekly basis any information no longer needed.
4. Make office computers password protected and provide that computer screens lock after a set period of time. Personnel should lock computers when ever leaving work space;
 5. Keep offices clear of papers containing customer identifying information;
The Assessor's office shall store all Veteran Exemption Applications in a locked cabinet;
 6. Request only the last 4 digits of social security numbers (if any); Community Development will black out social security numbers from Community Development Loan Committee loan presentations.
 7. Maintain computer virus protection up to date;
 8. Require and keep only the kinds of customer information that are necessary for City purposes ; and
 9. Never keep a customer's credit card number.
 10. When selling or disposing of a Photocopier, contact the company and have the chip removed.
 11. Ensure compliance with the Health Insurance Portability and Accountability Act when managing patient information.
 12. Contractors, Licensed Electrician and Plumbers will have a contractors number given to them by Planning and the contractors, Electricians and Plumbers will set up there password.
 13. Computer components delivered to Public Works by the public will be stored in a secured area until such time as they are picked up by a licensed consolidator.
 14. Lost items found by city employees will be delivered to the office who will contact the owner. Items of perceived value where an obvious owner is not determined will be turned over to the Auburn Police Dept. (credit cards, social security cards, wallets, pocketbooks, night deposit bags etc.)

Program Updates

The Program will be periodically reviewed and updated to reflect changes in risks to customers and to the safety and soundness of the City form Identity Theft. The Program Administrator shall at least annually consider the City's experiences with Identity Theft, changes in Identity Theft methods, Changes in Identity Theft detection and prevention methods, changes in types of accounts the City maintains and changes in the City's business arrangements with other entities and service providers. After considering these factors, the Program Administrator shall determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator shall update and implement the revised Program.

CITY OF AUBURN
IDENTITY THEFT PREVENTION PROGRAM

Administration of Program

A. Oversight

The Program Administrator shall be responsible for the development, implementation, oversight and continued administration of the program.

B. Staff Training and Reports

The City staff is responsible for implementing the Program and shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

C. Service Provider Arrangements

In the event the City engages a service provider to perform an activity in connection with one or more covered accounts, the City shall take the following steps to require that the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract , that service providers acknowledge receipt and review of the Program and agree to perform its activities with respect to City covered accounts in compliance with the terms and conditions of the Program and with all instructions and directives issued by the Program Administrator relative to the Program; or
2. Require, by contract, that service providers acknowledge receipt and review of the Program and agree to perform its activities with respect to City covered accounts in compliance with the terms and conditions of the service provider's identity theft prevention program and will take appropriate action to prevent and mitigate identity theft; and that the service providers agree to report promptly to the City in writing if the service provider in connection with a City covered account detects an incident of actual or attempted identity theft or is unable to resolve one or more Red Flags that the service provider detects in connections with a covered account.

Customer Identifying Information and Public Disclosure

Client information will be shared with only those individuals, entities, or committee members designated or acknowledged by the City as an interested party to the client's application process, excluding information declared as public records pursuant to M.R.S.A. Title 1, §401, Public Records and Proceedings, 30-A MRSA 5205 and 5 MRSA §13119-A and §13119-C.

City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 **Agenda Item No.** 2

SUBJECT:

ORDINANCE – AMENDMENT TO CHAPTER 29, ZONING ORDINANCE – TO ALLOW SANDWICH BOARD/EASEL SIGNS (SECOND READING)

INFORMATION:

In response to a request from local businesses, the City Council discussed temporary signs at the January 25, 2010 City Council workshop. At that workshop the Council asked staff to discuss temporary signs with the Planning Board. The discussion with the Planning Board resulted in two main determinations:

1. Auburns ordinance is very flexible regarding permanent signage and large temporary signs should remain temporary for special sales, events and new business openings. In addition, the 90-day period for temporary signs was deemed to be a reasonable period of time for use of a temporary sign.
2. The Board suggested that smaller sandwich board type signs for use while businesses were open may help address the needs of businesses and could be allowed more than just 90 days per calendar year without the same concerns as larger temporary signs.

Based on the Boards input, staff was directed to draft an amendment to the sign ordinance to allow sandwich board signs. The Planning Board reviewed the draft amendment at the April 15th Planning Board hearing and recommended approval with one minor change. The change was to clarify that the allowable sign area of six (6) square feet is intended to be measured per side and a sign could be double sided at six (6) square feet per side under the proposed ordinance. Additional details are available in the attached Staff Report. Please note that the staff report shows the proposal before the final Planning Board recommendation.

City Council Workshop May 17, 2010

First reading May 24, 2010

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends acceptance of second reading and final passage.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: May 24, 2010

**TITLE: ORDINANCE – AMENDMENT TO ZONING ORDINANCE –
CHAPTER 29, SECTION 4.2.A.9.d – TO ALLOW
SANDWICH BOARD/ EASEL SIGNS**

Be It Ordained by the Auburn City Council, That Chapter 29, Section 4.2.A.9.d be amended as follows:

Chapter 29, Section 4.2.A.9.d.

Sandwich board or easel signs. One (1) portable or sandwich board or easel sign shall be permitted per property with the following conditions and shall not require a permit:

(1) Said sign shall be located immediately in front of the building for which it advertises, with at least a thirty-six (36) inch-wide clearance when placed within any public pedestrian right of way;

(2) Said sign shall be no larger than four (4) feet in height and shall not exceed 6 square feet per side in area;

(3) Said sign shall have no illumination of any kind and may be displayed only during the time when the business is open to the public.

(4) Said sign shall not create a sight distance hazard or any other safety hazard as determined by the Director of Planning and Permitting. If such a hazard is created the Director of Planning and Permitting or his/her designee sign may require that the sign owner or property owner remove or relocate the sign immediately to eliminate the hazard.

(5) A second sandwich board or easel sign shall be allowed on lots with frontage on a second street.

Motion for passage for acceptance of first reading: Raymond Berube Seconded by: Eric Samson

Vote: 7 Yeas

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 4.2.B.3 to allow sandwich board/temporary day signs, pursuant to Section 8.1 of Chapter 29.

Date: April 15, 2009

I. PROPOSAL

In February, at the request of the City Council, the Planning Board considered whether the City should amend the sign ordinance to allow longer term use of temporary signs. In summary, the Board determined that there are ample opportunities for permanent signage in the ordinance and that large temporary signs should remain temporary for special sales, events and new business openings. In addition, the 90-day period for temporary signs was deemed to be a reasonable period of time for use of a temporary sign. During that discussion, the Board suggested that smaller sandwich board type signs for use while businesses were open could be allowed more than just 90 days per calendar year without the same concerns as larger temporary signs. An example of this type of sign is to the right.

After that meeting, the summary of discussion was reported to the City Council. The City Council directed staff to draft a proposed allowance for sandwich board signs for consideration. A proposal is below:

4.2.A.9.d. Sandwich board or easel signs. One (1) portable or sandwich board or easel sign shall be permitted per property with the following conditions and shall not require a permit:

(1) Said sign shall be located immediately in front of the building for which it advertises, with at least a thirty-six (36) inch-wide clearance when placed within any public pedestrian right of way;

(2) Said sign shall be no larger than four (4) feet in height and shall not exceed 6 square feet in area;

(3) Said sign shall have no illumination of any kind and may be displayed only during the time when the business is open to the public.

(4) Said sign shall not create a sight distance hazard or any other safety hazard as determined by the Director of Planning and Permitting. If such a hazard is created the



Director of Planning and Permitting or his/her designee sign may require that the sign owner or property owner remove or relocate the sign immediately to eliminate the hazard.

(5) A second sandwich board or easel sign shall be allowed on lots with frontage on a second street.

It is Staff's opinion that the allowance for this type of sign is consistent with the Auburn Comprehensive Plan (ACP) and will benefit businesses in Auburn (See Pgs. 18-20 of the ACP Goals, Policies, Strategies). The proposal is also consistent with the ADAPT Plan.

Staff supports the adoption of the proposed language, with any Board modifications, and recommends that the Planning Board forward a favorable recommendation to the City Council to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 4.2.B.3 to allow sandwich board/temporary day signs, pursuant to Section 8.1 of Chapter 29.

Eric J. Cousens
City Planner

City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 **Agenda Item No.** 3

SUBJECT:

PAVING OF E. WATERMAN ROAD

INFORMATION:

At the May 24th City Council Meeting a motion was made and seconded to do the full paving of E. Waterman Road; a motion was then made and seconded to table until the next meeting. The tabling motion was unanimously approved.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 **Agenda Item No.** 4

SUBJECT:

RESOLVE – AMEND EFFECTIVE DATE OF FEE SCHEDULES (PLUMBING, ELECTRICAL, ZONING AND BUILDING)

INFORMATION:

At the April 20th City Council Meeting the Council approved a resolve that established a new fee schedule for plumbing, electrical, zoning and building. The resolve included an effective date of July 1st. Implementation of EnerGov will take place on June 28th, therefore staff is requesting that the attached resolve be approved in order that the effective date of these fees be June 28th.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: June 7, 2010

**TITLE: RESOLVE – AMEND EFFECTIVE DATE OF FEE SCHEDULES
(PLUMBING, ELECTRICAL, ZONING AND BUILDING)**

Be It Resolved by the Auburn City Council that the effective date of fee schedules for plumbing, electrical, zoning and building be amended from July 1st to June 28th.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 **Agenda Item No.** 5

SUBJECT:

RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE PURCHASE AND SALE AGREEMENT FOR CITY OWNED PROPERTY LOCATED AT 211 FAIRVIEW AVENUE

INFORMATION:

Bedard Medical Inc. wishes to purchase city owned property at 211 Fairview Avenue for the purpose of developing a campus to include corporate administrative offices, a production facility for medical equipment and a retail pharmacy.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: June 7, 2010

**TITLE: RESOLVE – AUTHORIZE PURCHASE AND SALE AGREEMENT
211 FAIRVIEW AVENUE**

Be It Resolved by the Auburn City Council that the City Manager is hereby authorized to execute a Purchase and Sale Agreement with Bedard Medical Inc. for city owned property located at 211 Fairview Avenue.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 **Agenda Item No.** 6

SUBJECT:

**PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT APPLICATION FOR
HOLLY’S OWN DELI, 84 COURT STREET**

INFORMATION:

All appropriate departments, Treasurer, Fire, Police and Planning and Permitting have given their approval for the renewal of this permit.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval.

REQUESTED ACTION:

Motion to approve issuance of the permit.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date 6/7/2010 **Agenda Item No.** 7

SUBJECT:

**EXECUTIVE SESSION – PURSUANT TO TITLE 1, MAINE REVISED
STATUTES ANNOTATED, SECTION 405E –
CONTEMPLATED LITIGATION**

INFORMATION:

An Executive Session is requested pursuant to Title 1, Maine Revised Statutes Annotated, Section 405E for the purpose of discussing contemplated litigation.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval.

REQUESTED ACTION:

Motion to go into Executive Session.

VOTE:
