

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

March 22, 2010

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**Special City Council Meeting
March 22, 2009
Agenda
5:30 p.m.**

5:00 p.m. – Dinner

5:30 p.m. – Special Meeting

- 1. Ordinance – Amendment to Chapter 29, Section 3.62 – Establishing Setbacks and Height Allowances for Accessory Structures Including Windmills pursuant to Section 8.1 of Chapter 29 (Second Reading)**
- 2. Resolve – Authorize City Manager to Negotiate and Execute a Final Agreement with Oxford Networks for the Discontinuance of their CATV Franchise Agreement Based on the Attached Term Sheet**
- 3. Resolve – Authorize City Manager to Execute a Purchase and Sale Agreement for the Sale of Land and Building at 31 Holbrook Road (formerly known as the Land Lab)**
- 4. Presentation by the Sno Gypsies (10 min)**

ADJOURNMENT

**City Council Workshop
March 22, 2009
Agenda**

Immediately following adjournment of the Special City Council Meeting, a budget workshop will be held to review the following budgets:

**Public Works
Community Services
Library
Planning & Permitting
Parks and Recreation**

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

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

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

City Council

Agenda Information Sheet

Council Meeting Date 3/22/2010 **Agenda Item No.** 1

SUBJECT:

**ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.62
ESTABLISHING SETBACKS AND HEIGHT ALLOWANCES
FOR ACCESSORY STRUCTURES INCLUDING WINDMILLS
PURUSANT TO SECTION TO SECTION 8.1 OF CHAPTER 29
(SECOND READING)**

INFORMATION:

The zoning ordinance currently allows Windmills or Wind Energy Conversion Systems (WECS) throughout the City but height restrictions are too limiting for effective installations. On February 23rd City Councilors Belinda Gerry, Daniel Herrick, and Raymond Berube met with members of the Planning Board including Chairman Clifton Greim, Daniel Moreno and Richard Whiting to expedite a zoning change that would allow for effective use of WECS in Auburn. A two-part approach will first seek to allow windmills as accessory structures in the General Business zoning district with appropriate setback requirements. This change was considered at the March 9th Planning Board meeting for a recommendation to the City Council and is limited to the General Business zoning district. The Planning Board voted unanimously (6-0) to recommend that the City Council adopt the attached ordinance language.
City Council Workshop Feb. 16, 2010 – First Reading approved Mar. 15, 2010

STAFF COMMENTS/RECOMMENDATION:

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: March 15, 2010

**TITLE: ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.62
ESTABLISHING SETBACKS AND HEIGHT ALLOWANCES
FOR ACCESSORY STRUCTURES INCLUDING WINDMILLS
PURSUANT TO SECTION 8.1 OF CHAPTER 29 (FIRST
READING)**

Be It Ordained by the Auburn City Council that Section 3.62 be amended to read as follows:

3.62 General Business (GB)

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

B. **Use Regulation**

1. **Permitted Uses** – The following uses are permitted:

- a. Residential dwelling uses permitted in the Multi-Family Suburban District (MFS) (Section 3.44 of this Chapter).
- b. Grocery stores and supermarkets.
- c. Clothing stores.
- d. Furniture stores.
- e. Department stores.
- f. Specialty shops.
- g. Hotels and motels.
- h. Funeral homes and mortuaries.
- i. Child day care centers.
- j. Medical and dental clinics.
- k. Wholesale bakeries.

- l. Retail laundries and dry cleaners, but not plants.
- m. Banks, business and professional offices.
- n. Public transportation passenger offices.
- o. Governmental offices.
- p. Municipal, civic or public service buildings and other utility facilities.
- q. Warehouses, wholesale offices, salesrooms and showrooms.
- r. Restaurants, bars, dining or lunch room, but not to include drive-in and carry-out restaurants.
- s. Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- t. Animal hospital and pet shops, but no kennels.
- u. Business equipment repair and business services.
- v. Radio and television studios.
- w. Printing shops, but not publishing plants.
- x. Retail, service, office and commercial uses similar to the foregoing.
- y. Car washes.
- z. Accessory uses, building and structures.
- aa. Shelter for abused persons.
- bb. Greenhouses and lawn maintenance services.
- cc. Temporary outdoor places of amusement.
- dd. Churches and temples.

2. **Special Exception Uses** – the following uses are permitted as Special Exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:

- a. Automobile filling stations.

- b. Automobile repair and service stations.
- c. Automobile and marine sales lots and sales and service agencies.
- d. Automobile and marine paint and body repair shops.
- e. Hospital, care homes, boarding and lodging houses.
- f. Research or philanthropic institutions.
- g. Outdoor theaters.
- h. Drive-in or carry-out restaurants.
- i. Commercial parks.
- j. Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
- k. Light industrial plants whose main processes involve assembly of prefabricated parts and which will not create a nuisance by noise, vibration, smoke, odor or appearance.
- l. Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The Planning Board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.
- m. Trucking terminals and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- n. Convenience stores.
- o. Research, experimental and testing laboratories.
- p. Landscape services.
- q. Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under Section 3.62.B.1. which will occupy an area of 5,000 square feet or more.
- r. Automotive Towing and Storage.

- s. Major Retail Development provided that:
 - (1) it meets the conditions noted in Section 3.1.M.4.
- t. Outpatient addiction treatment clinics

C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- 1. **Minimum Lot Width and Depth** – No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth.

Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multi-Family Suburban District (MFS), Section 3.44.C.1. of this Chapter.

- 2. **Density** – Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multi-Family Suburban District (MFS), Section 3.44.C.2. of this Chapter.

- 3. **Yard Requirements**

- a. **Rear** – There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
- b. **Side** – There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
- c. **Front** – There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
- d. **Principal Buildings** – More than one principal building may be erected on a lot, provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

- e. **Railroad Tracks** – Where the principal use requires access to a railroad, the yard requirements are disregarded for the side(s) of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
- f. Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one quarter (1/4) of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than 10 feet apart or by a solid fence not less than 6 feet in height.
- 4. **Height** – No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the Maine Historic Preservations Commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the Airport Approach Zone, Federal Aviation Administration regulations shall apply.

Accessory structures, including windmills that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to Section 3.62.C.3. In the Airport Approach Zone, Federal Aviation Administration regulations shall apply.

- 5. **Off-Street Parking** – Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this Chapter.

Motion for passage for acceptance of first reading: Raymond Berube

Seconded by: Daniel Herrick

Vote: 6 Yeas, No Nays.

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: Windmills as accessory use/structure and a current opportunity for the City of Auburn

Date: February 3, 2010

At the October Planning Board meeting we discussed Wind Power Generation, including the following:

- Accessory Residential/Commercial end user systems
- Commercial power generation
- Sales and display/training models
- Setbacks, minimum lot size requirements, where are they allowed?

In summary, I got the following from our workshop discussion:

- The Planning Board is very interested in wind power and other alternative energy.
- We don't want to prevent innovative use of technology in Auburn, but we want to capture the benefits while protecting the community from any undue adverse impacts.
- There is a great deal of information to consider and we need more of it for our discussion.
- Setbacks, minimum lot size requirements, where are they allowed, principle or accessory use distinction, aesthetics, sound and other considerations must be included in the discussion.

Staff has been presented with an opportunity to bring approximately 20 quality jobs to Auburn with a significant investment in an existing commercial building and underutilized property. As proposed, the opportunity includes the sale, distribution and installation of *wind energy conversion systems* (WECS) out of Auburn and a training school for installation and maintenance in the GB zoning district. The training school would draw people from around the country to learn related technical skills. This opportunity comes with a challenge. The challenge is that, although we have discussed it, our ordinance does not currently permit structures taller than 45' high in the General Business zoning district. Allowing the erection of an 80-100 tall tower and WECS at the distribution and training facility is of critical importance for the project to succeed in Auburn. Decisions to finance and locate in Auburn are scheduled to be made by mid-late March and the Board's direction on this issue is a key consideration. It is Staff's opinion that this business could be a great addition to our community in a time that attracting new business is very challenging.

WECS are allowed in Auburn as an accessory structure, but the traditional accessory structure height limitations apply and make most installations ineffective. Please note that there is a difference between principal and accessory structure height limits in some districts. Below is a summary of zoning districts and height limitations for principal and accessory structures:

Zoning District	Maximum Structure Height (feet)	
	Principal	Accessory
CB1	150	150
CBII, ID	75	75

AG/RP, LDCR, RR, SR, UR, MFS, MFU, NB	35	65
GBII, DEZ, CBIII	45	45
GB	45	45/90 for limited uses ¹

There are two issues relating to WECS that we will be seeking workshop input on at the February meeting in hopes that we can have a formal ordinance amendment and/or project before the Board in March.

1. Drafting a windmill/WECS ordinance for the city as a whole. It is staff's opinion that we could draft an ordinance quickly to address the issues associated with accessory use of WECS for onsite power generation. Principal use of windmills/WECS for commercial power generation and sale of electricity is a different issue altogether. If we could have an ordinance with a recommendation from the Board at the March meeting then the second issue (below) would be resolved.
2. The second option would be finding another solution that will draw this new business to Auburn and allow the installation of a training WECS while the ordinance for the City as a whole can be drafted. This could include a change limited to the height standards in the GB zoning district for accessory structures or a height modification as part of a special exception approval that is project specific at the March meeting.

Staff's preference is the first option which could include a special workshop meeting in February to accelerate discussion and move a well thought out ordinance forward in March. I thank you for your consideration of the situation and opportunity before us and hope we can take advantage of this economic opportunity for Auburn. Tuesday February 16th or 23rd are possibilities for a workshop so please check your schedules if this is a desirable solution.

Some additional resources that I have found useful are available at the following addresses:

“In the Public Interest: How and Why to Permit for Small Wind Systems.”

AWEA 2008. www.awea.org/smallwind/pdf/InThePublicInterest.pdf

Wind Energy Model Ordinance Options. NYS Energy and Development Authority, by Katherine Daniels, NY Planning Federation.

http://www.powernaturally.org/programs/wind/toolkit/2_windenergymodel.pdf

Accessory turbine installation video: http://www.youtube.com/watch?v=IsG9dD2_TVg

Eric Cousens
City Planner

¹ No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the Maine Historic Preservations Commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the Airport Approach Zone, Federal Aviation Administration regulations shall apply.

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: **City initiated zoning text amendment** – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.62 to establish setbacks and height allowances for accessory structures including windmills, pursuant to Section 8.1 of Chapter 29.

Date: March 9, 2010

Attached is a copy of the staff report dated February 3, 2010. At the February 3rd meeting the Board and staff chose to hold a special workshop to expedite discussion. Below is a summary of what took place at the workshop:

The zoning ordinance currently allows WECS throughout the City but height restrictions are too limiting for effective installations. On February 23rd City Councilors Belinda Gerry, Daniel Herrick and Ray Berube met with Members of the Planning Board including Chairman Clifton Greim, Daniel Moreno and Richard Whiting to expedite a zoning change that would allow for effective use of WECS in Auburn. A two-part approach will first seek to allow windmills as accessory structures in the General Business zoning district with appropriate setback requirements. This change will be considered at the March 9th Planning Board meeting for a recommendation and then considered by the City Council at a subsequent workshop and public meetings. This ordinance amendment will be followed by the preparation of a City wide ordinance that establishes standards for WECS throughout the City. At the workshop staff gathered input from the group to help create the first working draft of the proposed city wide ordinance.

The work shop was very constructive and gave staff enough direction to prepare a draft of the first part of the proposal. A copy of the draft GB proposal is attached for consideration by the Board. The second part of the proposal is in the works and we hope to have a draft for your review at the April 2009 meeting.

POTENTIAL FINDINGS:

1. The proposal is consistent comprehensive plan. A copy of pages 16-19 are attached.
2. The GB zone purpose encourages accessory uses.

3. The allowance for taller accessory structures with setbacks that are increased based on the height of the structure is consistent with other sections of the ordinance. Chapter 29, section 3.31.C.4 is a good example and reads as follows:

Height – The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height.

Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

RECOMMENDATION:

Staff recommends that the Planning Board accept and consider public input and recommend approval of the proposed ordinance with/without any conditions or modifications deemed necessary at the public hearing. Staff further recommends that we commit to making a City-wide wind power ordinance a priority at upcoming Planning Board meetings.

City Council

Agenda Information Sheet

Council Meeting Date 03/22/2010 **Agenda Item No.** 2

SUBJECT:

RESOLVE – AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FINAL AGREEMENT WITH OXFORD NETWORKS FOR THE DISCONTINUANCE OF THEIR CATV FRANCHISE AGREEMENT BASED UPON THE ATTACHED TERM SHEET

INFORMATION:

Oxford Networks is one of Maine's leading local communication providers. Founded in Oxford County, Maine in 1900, Oxford Networks serves a territory from Bangor through Boston, Massachusetts with its own high-speed fiber optic network. Oxford Networks also provides the first fiber to the premise technology in Maine, which brings competitive choice to businesses in local and long distance telephone, high-speed Internet, wide area networking, and advanced fiber optic services.

The company decided in September of 2009 that it would no longer offer its IPTV product to customers and instead would be partnering with DIRECTV to provide the video service and will instead focus on telecommunications service to both businesses and residential customers.

The current franchise agreement will expire on June 1, 2014. The City has negotiated the attached terms in order to discontinue the agreement effective June 1, 2010.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of this resolve.

*Note: Laurie Smith, Assistant City Manager, will not be present at the this meeting, and she is the staff person that has been involved with this project, therefore if Councilors have any questions regarding this matter, please contact Glenn Aho in advance, in order that he is prepared with the appropriate information.

REQUESTED ACTION:

Motion for acceptance of resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 22, 2010

**TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE
A FINAL AGREEMENT WITH OXFORD NETWORKS FOR THE
DISCONTINUANCE OF THEIR CATV FRANCHISE AGREEMENT
BASED UPON THE ATTACHED TERM SHEET**

Be It Resolved by the Auburn City Council that the City Manager is hereby authorized to negotiate and execute a final agreement with Oxford Networks for the discontinuance of their CATV Franchise Agreement based upon the attached term sheet.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

LEWISTON-AUBURN VERSION DRAFT #1=3.15.10

LEWISTON/AUBURN – OXFORD BROADBAND, LLC
CATV FRANCHISE AGREEMENT
DISCONTINUATION OF VIDEO TERM SHEET

WHEREAS, the City of Lewiston and the City of Auburn and Oxford Broadband, LLC (“Oxford”) have been negotiating in good faith to agree on terms to allow Oxford to discontinue, on or before May 1, 2010, provision of video services under Oxford’s June 1, 2003 cable television service franchise agreements with each City and the parties now appear to have successfully concluded those negotiations, Oxford offers this Term Sheet to identify those terms, provided, however, any final agreements between the parties must be drafted in formal contract terms and first approved by each of the three parties’ governing bodies or authorities and executed by them, or their designees, in writing:

1. Credit and Additional Fees Payment: Oxford will provide each City a \$2,000 per month credit (the “Monthly Credit”) for 120 months to be applied against each City’s telephone and data services bill from Oxford (\$480,000 total) beginning July 1, 2010. Oxford will also continue to pay each City \$6,500 a year for 48 months for their remaining “Additional fees” as specified in Section 34.1 of the agreement otherwise payable under the terms of the cable franchise agreements (\$26,000 per City; \$52,000 total), with the first such payment due on or before January 15, 2011 and annually thereafter on or before each January 15, PROVIDED, in both instances, Oxford’s obligation to pay the Monthly Credit to either City is subject to that City maintaining in place all existing data and telephone service agreements, and must remain in place with Oxford for 10 years from July 1, 2010, provided that such data and telephone service agreements provide a level of service and are on terms reasonably acceptable to each City and are at rates that do not exceed current rates. To the extent either City chooses another provider for any data or telephone services, the Monthly Credit shall be reduced equal to the reduction in payments to Oxford for said services.

2. Fiber Network Build-out for Lewiston: Oxford will construct a fiber network from Lewiston City Hall to the Sabattus St. Fire Station (976 Sabattus St). The City of Lewiston will have use of 2 fibers for a period of 5 years at a rate of \$125 site/per month.

3. Fiber Network Build-out for Auburn: Oxford will construct a fiber network from Auburn City Hall to 911 Central Fire Station (550 Minot Ave). The City of Auburn will have use of 2 fibers for a period of 5 years at a rate of \$125 site/per month.

4. Fiber Network Build-out for Auburn: Oxford will construct a fiber network from Auburn City Hall to Fairview School (397 Minot Ave). The City of Auburn will have use of 2 fibers for a period of 5 years at a rate of \$125 site/per month.

5. Fiber Network Build-out for Auburn: Oxford will construct a fiber network from Auburn City Hall to Engine 2 (180 S. Main St). The City of Auburn will have use of 2 fibers for a period of 5 years at a rate of \$125 site/per month.

6. No Up-front Capital Costs: The Cities of Lewiston and Auburn will incur no up-front capital cost for the fiber builds referenced above. Oxford will own and maintain each fiber network described above.

7. Timing: Credits and payments required under Section 1 above will commence on July 1, 2010. Oxford will finish construction of these networks within 18 months from July 1, 2010. Payment and credit obligations shall accrue interest if unpaid from the due date until the date of payment or application of a credit at a rate of twelve percent (12%) per annum. In the event Oxford fails to make a payment or apply a credit on a timely basis, or fails to complete construction of a required fiber network on a timely basis, or fails to maintain any such fiber network in an operable condition (a "Default"), and Oxford fails to cure said Default within ten (10) days [or in the event of a failure to complete construction of a fiber network or to maintain a fiber network in an operable condition within thirty (30) days] of receipt of written notice of default, then in such event the City may bring a legal action to enforce its rights under this agreement, including the recovery of any payments or credits due and the right to specific performance, as well as its reasonable attorneys fees. Failure to make timely payments or complete work in a timely manner will result in a \$100 per diem liquidated damages payment to the affected City.

8. Strategic Planning Sessions: Oxford and the two cities will jointly meet each year in January to discuss network expansion or planning opportunities for the coming year.

9. Future Expansion in Auburn: Oxford and the City of Auburn will work in good faith to find a creative solution to serve the Sherwood Heights School with a fiber network. To the extent there is a reduction in Oxford's 2010 personal property tax assessment to reflect the removal of equipment related to Oxford ceasing to provide cable service, as otherwise provided by law, Oxford will commit to crediting an equal amount of money to the capital cost of extending service to Sherwood Heights. When the fiber network serving Sherwood Heights School is built, the City of Auburn will have use of 2 fibers for a period of 5 years at a rate of \$125 site/per month.

10. Franchise Agreement Rescinded; All Obligations Satisfied: Upon agreement of both cities and Oxford to the above terms, and upon execution of the appropriate legal documents to formalize the same, the parties' Cable Television Franchise Agreements, each dated to be effective June 1, 2003, shall be rescinded in full, all obligations thereunder deemed either satisfied or moot, including, without limitation, the requirement to post Performance Bonds, the provision of video services and the requirement to provide at least six (6) months notice of termination of the Franchise Agreements; provided, however, it is understood that nothing in such termination agreements shall effect in any way the right of Oxford or its affiliates to install and/or maintain utility lines for data, phone and other non-video/non-cable TV services within the cities' rights of way, as otherwise provided by law; provided, further, any outstanding claims or complaints from individual residential video subscribers shall continue to be handled as otherwise provided under the Franchise Agreements, to the extent still applicable. In addition, all unpaid franchise fees payable under the Franchise Agreements for video or cable services provided by Oxford prior to the cessation of Oxford's video or cable services in the Cities, shall

be paid to the Cities on or before July 1, 2010, provided that "Additional Fees" shall be payable in accordance with Section 1 above .

Dated: March ____, 2010

City Council

Agenda Information Sheet

Council Meeting Date 3/22/2010 Agenda Item No. 3

SUBJECT:

RESOLVE – AUTHORIZE THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF LAND AND BUILDING LOCATED AT 31 HOLBROOK ROAD (FORMERLY LAND LAB)

INFORMATION:

This land and building was formerly School Department property known as the Land Lab. The School Department turned this property over to the City in September 2009. The City then engaged the services of a real estate broker to market the property. The City has received an offer of \$50,000 for the land and building. The buyer intends for the use of this property to be residential. The City received this purchase and sale agreement on March 16th, and the document is valid thru March 23rd.

The Lake Auburn Watershed Protection Commission will also submit a bid, but not until March 25th.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends passage of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 22, 2010

**TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE A PURCHASE
AND SALE AGREEMENT FOR THE SALE OF LAND AND
BUILDING AT 31 HOLBROOK ROAD**

Be It Resolved by the Auburn City Council that the City Manager is hereby authorized to execute the attached Purchase and Sale Agreement for the sale of land and building located at 31 Holbrook Road (PID 387-028).

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 3/22/2010 **Agenda Item No.** 4

SUBJECT:

PRESENTATION BY THE SNO GYPSIES

INFORMATION:

At the February 1st City Council Meeting, Mr. Rene Ouellette representing the Andy Valley Sno Gypsies made a request to the City Council that they consider taking a percentage of snowmobile registration funds and invest those dollars with the club to help defray the cost of grooming and trail maintenance for the multi-use trail system. At that time, the Council suggested that they make a presentation at a later date. Ms. Phyllis Ouellette will make that presentation on behalf of the organization at the March 22nd meeting.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

VOTE: