

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 01-01092017*

ORDERED, that the City Council hereby sets Tuesday, June 13, 2017 as the date for the Special Municipal Election to fill the Ward 4 vacant City Council seat.

Passage on 1/9/2017 5-0 (Councilor Burns absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 02-01092017*

ORDERED, that the City Council hereby initiates an amendment to the 2010 Comprehensive Plan Future Land Use Map for the property located at 127 Hampshire Street (PID # 250-315) from High Density Neighborhood Conservation District (HDCD) to Neighborhood Business (NB) District and to initiate a Zoning Map Amendment for the property located at 127 Hampshire Street (PID # 250-315) from Multi-Family Urban (MFU) to Neighborhood Business (NB).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 03-01092017*

ORDERED, that the City Council hereby appoints Mayor Jonathan LaBonté, City Councilor Robert Stone, and State Representative Bettyann Sheats to serve on the NNEPRA (Northern New England Passenger Rail Authority) Project Advisory Team.

Passage on 1/9/2017 5-0 (Councilor Burns absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 04-01232017

ORDERED, that the City Council hereby appoint the following named persons be appointed to serve documents as Constables on behalf of the Auburn Police Department and Constable Process Servers within the City of Auburn for 2017:

Randall Burnham	Constable Process Server	Without Firearm	Re-appointment
Paul Carpentier	Constable Process Server	Without Firearm	Re-appointment
Francis Carignan	Constable Process Server	Without Firearm	Re-appointment
Steven Chouinard	Constable Process Server	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Klinger, Charity	Constable Process Server	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-appointment
Carol Theriault	Civil Process Only	Without Firearm	Re-appointment
Amanda Tierney	Civil Process Only	Without Firearm	Re-appointment

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Jonathan P. LaBonte, Mayor

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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 05-01232017

ORDERED, that the City Council hereby adopts the Tax Acquired Property Policy as amended.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

Passage on 1/23/2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER: 06-02062017

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute a contract with The Malloy Firm to provide legal services for the City of Auburn on a contract basis for 3 years beginning February 14th, 2017.

Passage on February 13, 2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 07-02062017

ORDERED, that the City Council hereby approves the request for a Liquor License (Class III & IV Vinous and Malt) for Mac's Downeast Seafood, located at 894 Minot Avenue.

Passage on February 6, 2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 07-02272017

ORDERED, that the City Council hereby accepts the resignation of the Assistant City Manager, Denis D'Auteuil, with his last day being Friday, March 24, 2017.

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 08-02272017

ORDERED, that the City Council hereby appoints John Bubier as Acting City Manager.

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
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Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 09-02272017

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute the Collective Bargaining Agreement with M.S.E.A. (Maine State Employees Association) Local 1989 for July 1, 2016 through June 30, 2019.

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 10-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Airport Board	01/01/2020	Bettyann Sheats (re-appointment)

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 11-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Auburn-Lewiston Advisory Cable TV Committee	TBD by the committee as outlined in their newly adopted bylaws	Linda Wooten (new appointment)

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 12-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
CDBG Loan Committee	10/01/2017	Dana Bonenfant

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 13-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Ethics Committee	01/01/2020	James Ayotte (new appointment)

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 14-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Parks and Recreation Advisory Board	10/01/2018	Suzanne Roy (Ward 1)-New Appointment

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 15-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Planning Board	01/01/2020	Full members, all re-appointments:
	01/01/2020	Nathan Hamlyn
	01/01/2020	Marc Tardif
	01/01/2020	Mia Poliquin Pross
	01/01/2020	Sam Scogin
	01/01/2020	Christopher Lewis
	01/01/2020	Dustin Boutin

Passage on February 27, 2017 4-0-1 (Councilor Stone absent, Councilor Pross abstained).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

James Pross, Ward One
Robert Stone, Ward Two
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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 16-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Auburn Sewer District	03/01/2021	Raymond Fortier (re-appointment)

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 17-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Zoning Board of Appeals (Full member)	10/01/2019	Joel Simons (new appointment)

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 18-02272017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee on 02/06/2017;

Board or Committee	Term Exp. Date	Name
Auburn Water District	03/01/2021	Mary Sylvester (new appointment) Robert Cavanagh (re-appointment)
	03/01/2018	Dan Bilodeau (new appointment)

Passage on February 27, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 20-03062017

ORDERED, that the City Council hereby approves the request to place temporary signs for the Park Avenue Elementary School's 2017 annual Spring Fest event at the locations listed below as long as their placement does not affect sight distance for streets or adjacent driveways. The signs will be placed the week before the April 8, 2017 event and removed the day after the event (April 9, 2017).

- Park Ave & Court Street
- Park Ave, entrance to school
- Park Ave & Lake Street
- Turner Street & Union Street bypass
- Center Street & Lake Auburn Ave
- Center Street, North & South bound before bridge
- Turner Street Circle near Goodwill
- Turner Street & Mount Auburn Ave
- Court Street & Lake Street
- Minot Ave near Fairview School
- Fairview Ave & Court Street
- Center island out front of AMS

Passage on March 6, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 21-03062017

ORDERED, that the City Council hereby accepts and places on file the Annual City Audit for Fiscal Year ending June 30, 2016.

Passage on March 6, 2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 22-03062017

ORDERED, that the City Council hereby **Reallocates Unspent Proceeds from the City's General Obligation Bonds**.

WHEREAS, the City of Auburn issued General Obligation Bonds in various amounts for various projects; and

WHEREAS, there remain unspent proceeds of the Bonds borrowed for multiple capital improvements, \$42,000 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the **renovation of the Parks Garage for a Senior Center**.

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the Bonds, in the amount of \$42,000 be and hereby are appropriated from the amount borrowed as part of various Bonds to finance the costs of the project listed above.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.

A Public Notice describing the repurposing of these Bond proceeds borrowed for Various Projects to the list above was published on or before March 6, 2017, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on March 20, 2016.

**Passage of first reading on 03/06/2017 5-0
(Councilor Stone absent).**

Passage of second reading on 03/20/2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
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David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 23-03062017

ORDERED, that the City Council hereby approves (pending authorization from the Secretary of State's Office) the consolidation of voting places for the June 13, 2017 Election. All voting for this election will be held at Auburn Hall, located at 60 Court Street in Auburn.

Failed on March 6, 2017 1-4 (Councilors Pross, Titus, Walker, and Burns opposed, and Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 24-03132017

ORDERED, that the City Council hereby authorizes the Mayor to sign a contract appointing Peter J. Crichton as City Manager, effective April 10, 2017.

Passage on 3/13/2017 5-0 (Councilor Stone absent).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 25-03202017

ORDERED, that the City Council hereby authorizes the Auburn Business Association to place temporary signs to promote the Auburn Citizen of the Year Event to be held on May 4, 2017 so long as their placement does not affect sight distance for streets or adjacent driveways. .

The signs are to be installed on Center Street (in front of Better Homes & Gardens Realty), on Minot Avenue (at Androscoggin Bank), and in New Auburn by April 3, 2017 and removed one week after the event.

Passage on 3/20/2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 26-03202017

ORDERED, that the City Council hereby approves the request by New Auburn Little League to waive the Food Service Establishment/On or Off Premise license fee of \$150.00 for Sherwood Heights and Pulsifer Park facilities for the 2017 season.

Passage on 3/20/2017 5-1 (Councilor Pross opposed).

James Pross, Ward One
Robert Stone, Ward Two
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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 27-03202017

ORDERED, that the City Council hereby adopts the attached Disposition of City Owned Real Estate Policy.

Passage on 3-20-2017 6-0.



Review and Disposition of City Property for Redevelopment Purposes

Article 1. Purpose

The purpose of this guideline is to establish a procedure for the review and disposition of real property to promote economic and community development goals and increase the City's tax base. It is in the City's and the residents' best interest to have a clear policy with respect to the disposal of property and to have that property disposed of efficiently as possible in order to:

- Return City owned properties to the tax rolls and grow value;
- Create a competitive market for key properties and promote development in accordance with City goals;
- Reduce the opportunity for neighborhood blight by not having buildings or lots sit vacant and unattended, thus potentially becoming an eyesore and a target for vandalism;
- Preserve neighborhoods by having properties sold in a timely manner, thus reducing the likelihood of deterioration or becoming dilapidated.

Article 2. Administration – Project Review Committee

Section 2.1 Responsibility for Review. With the passage of this policy the Tax Acquired Property Committee (TAPC) will add the discussion of City Owned Parcels to their agenda and provide recommendations regarding which parcels should be marketed for development RFP, general listing with a broker or retained for City or other purposes.

Section 2.2 Committee Composition. The TAPC includes representatives from most City Departments.

Section 2.3 Meetings. The Committee will meet as often as necessary to carry out the duties and responsibilities set forth in this policy.

Article 3. Duties and Responsibilities of the Review

Section 3.1 Review of Properties. The Economic and Community Development Department shall prepare a list of City owned property annually and from time to time as parcels become available, for review and notify the TAPC as needed. All City Properties will be included on the initial list and the review should consider developed and undeveloped lots or a portion of lots if partly developed for public use. Tax acquired properties may be referred to this process if the Council has determined a



City of Auburn, Maine

Office of Economic & Community Development
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Auburn, Maine 04210
207.333.6601

parcel to be ready for resale. Priority will be given initially to lots within the Downtown, New Auburn and Union Street CDBG Target Areas and then expanded to include other areas of the City.

Section 3.3 Department Reviews. Attendance at the TAPC meeting is mandatory. Each required Department must provide a representative for TAPC meetings and make arrangements for an alternate if the primary representative is unavailable.

When reviewing properties the TAPC shall make a recommendation and at a minimum determine whether the City should: (1) retain the property for public use, (2) sell the property (RFP or Broker), (3) retain the property temporarily for future resale or public use.

The following should be considered in forming a recommendation:

- the property is either unfit or unnecessary for City use;
- Comprehensive Plan or other City Plan recommendations for the area;
- the City wishes to retain ownership for municipal purposes;
- the property is adjacent to publicly owned land;
- there are buildings on the property that should be demolished;
- there are environmental liabilities or hazards present on the site
- the property has investment or marketable value;
- there are uses that the property is suited for which meet the requirements of the City's zoning and land use ordinance;
- the status of the existing infrastructure

The TAPC may consider additional criteria in formulating its recommendation to the Manager and City Council regarding disposition of the property.

Section 3.5 Recommendations. The Economic and Community Development Department shall review the comments received from each department, compile a summary and forward a recommendation to the City Manager for appropriate action. It should be recognized that a title review and a review of any other restrictions on a particular parcel has a cost and may be delayed until after staff provides an initial



City of Auburn, Maine

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recommendation and after the Council has expressed an interest in moving forward with a particular parcel. In addition the committee shall provide a quarterly report to the Council.

Article 4. Sale and Marketing of Properties. The City of Auburn intends to dispose of properties by the following methods.

Section 4.1 Sales. Depending on the type of property and its value, the City may use a variety of marketing methods, as indicated below. City Plans, goals, desired project types and property information should be included in the marketing materials. Sale price may have less weight than meeting city plans, goals, development plans and new value created. The City may donate or sell at less than market value if the proposal promotes substantial private investment and the creation of new taxable value in excess of the current property value or if it is determined by the Council to benefit the City to do so. Regardless of the method, the City reserves the right to accept or reject any proposal it receives.

- **Sealed Bids.** The City may offer properties for sale by sealed bid in conformance with the City charter and applicable statutes. This sale will be conducted by the City's Purchasing/Facilities Manager. The City retains the sole discretion to accept or reject any bid depending on whether the City determines a bid proposal meets the City's objectives.
- **Request for Proposals.** The City may solicit proposals using an RFP process. City plans, goals, property information and desired project types or elements should be included as goals/criteria in the RFP and scoring, based on meeting some or all of those goals/criteria may be used to determine the winning proposal. Sale price may have less weight than meeting city plans, goals, development plans and new value created.
- **Real Estate Broker Contract.** Vacant land, commercial, industrial, residential and multi-family residential properties which are determined to have investment or high sale value will be identified with a disclosure statement describing all property attributes. This disclosure statement will be obtained from the Assessing Department based on the available record and a field inspection when entry to the property can be obtained. The City may place these properties with a professional real estate broker to be marketed. If the properties are placed with a professional broker, they will be given a deadline within which to sell the property. If the property is not sold within that timeframe, thereafter if any broker produces a purchaser, which results in a sale, the broker will receive a commission.



City of Auburn, Maine

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207.333.6601

Section 4.2. Rejection of Bid or Purchase Offer. Nothing in this policy shall limit or modify the discretion of the City Manager or the City Council to reject any bid offer to purchase, should they deem it in the best interests of the City to do so. All properties must be sold for uses in keeping with the City's zoning ordinance or future City Plans. The City may place criteria or performance standards on the disposition of any property that meet or further the City's objectives.

The sale of property shall be subject to any additional terms and conditions of sale which the municipal officers may require and the City Attorney may reasonably advise.

Purchase and Sale Agreement as well as a Notice and Acknowledgement prepared by the City Attorney shall be entered into between the municipality and the successful bidder no later than 30 days from the date of the award of bid and upon successful completion of all terms of sale. Such agreements shall require the buyer to close in full on the property within thirty (30) days thereafter.

James Pross, Ward One
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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 28-03202017

ORDERED, that the City Council hereby amends the City of Auburn 2010 Comprehensive Plan Future Land Use Map for the properties located at 121 Hampshire Street (PID # 250-316) and 127 Hampshire Street (PID # 250-315) from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB).

**Passage of first reading on 3/20/2017
6-0. Passage of second reading on
4/3/2017 5-1 (Councilor Titus
opposed).**

James Pross, Ward One
Robert Stone, Ward Two
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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 29-04032017

ORDERED, that the City Council hereby sets the date for the School Budget Validation Referendum Election to be Tuesday, June 13, 2017.

Passage on 4/3/2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 30-04032017

ORDERED, that the City Council hereby sets the time for opening the polls for the June 13, 2017 Election to be 7:00 A.M.

Passage on 4/3/2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
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Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 31-04032017

ORDERED, that the City Council hereby directs City Staff to consult with the Planning Board and develop recommendations to increase the flexibility of the uses allowed in the Agricultural and Resource Protection District, which would allow existing large recreational users to undertake complimentary uses such as the sale of services, equipment, and supplies related to existing recreational uses, and to develop recommendations from the Planning Board for Council consideration.

Passage on 4/3/2017 6-0.

James Pross, Ward One
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Vacant, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 88-11212016

ORDERED, that Cascades Drive, as laid out on the plan of the Auburn Industrial Subdivision, as approved by the Auburn Planning Board on June 10, 2016, and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Pages 110, 111, and 112, is hereby accepted as a City Street as provided in Title 23 M.R.S.A. § 3026 et sequ:

Passage on 2/6/2017 6-0.

James Pross, Ward One
Robert Stone, Ward Two
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VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 01-02062017

BE IT ORDAINED, that the City Council hereby adopts to Chapter 39 in the Code of Ordinances SEX OFFENDER RESIDENCY RESTRICTIONS as follows:

Chapter 39 - SEX OFFENDER RESIDENCY RESTRICTIONS

ARTICLE I. - IN GENERAL

Sec. 39-1. - Title.

This chapter shall be known as the "City of Auburn Sex Offender Residency Restrictions Ordinance."

Sec. 39-2. - Findings and purpose.

The city promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The city recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the city finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this chapter is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

Sec. 39-3. - Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

Sec. 39-4. - Definitions.

Setback. A 750 foot radius surrounding "restricted property."

Designated sex offender(s). Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence. The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

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Restricted property. (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

Sec. 39-5. - Restricted property map; restrictions.

(a) The ICT department, with the assistance of the police department, shall prepare and file with the city clerk and police department an official map showing restricted property as defined by this chapter. Said map is hereby incorporated herein and made a part of this chapter. The GIS department, with the assistance of the police department, shall by July 1 of each year recommend updates to the map to the city council to reflect any changes in the locations of any restricted property and setbacks. The city council may amend the restricted property official map by council order, and any amended official map shall be filed with the city clerk and the police department.

(b) No designated sex offender shall reside within the setback of any restricted property.

Sec. 39-6. - Exceptions.

A designated sex offender maintaining a residence within the setback of a restricted property is not in violation of this ordinance if the offender's residence was established and consistently maintained as the offender's residence prior to March 1st, 2017, the date of adoption of this chapter. A designated sex offender is not in violation of this chapter if the restricted property is created, moved or enlarged and such creation, movement or enlargement results in a designated sex offender residing within the setback of a restricted property, as long as the offender's residence was in place and consistently maintained prior thereto.

Sec. 39-7. - Violations and penalties.

(a) A designated sex offender who, thirty (30) days after actual receipt of written notice sent by regular mail or hand-delivered from the city, acting by and through its police department, is in violation of this chapter shall be subject to an action brought by the city to enforce the requirements of this chapter. The city may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.

The city may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the city is the prevailing party in any action under this chapter, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city. All civil penalties shall inure to the benefit of the City of Auburn.

(b) Property owners who, thirty (30) days after written notice from the City of Auburn lease or rent any residence to a designated sex offender within the setback from a restricted

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property shall be subject to an action brought by the City of Auburn to enforce the requirements of this ordinance. The City of Auburn may seek injunctive relief to require compliance with the provisions to this ordinance.

Sec. 39-8. - Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Public hearing and passage of first reading on 2/6/2017.
Passage of second reading on 2/27/2017 (Councilor Stone absent).

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IN CITY COUNCIL

ORDINANCE 02-03062017

ORDINANCE, ESTABLISHING THE COMPLETE STREETS COMMITTEE

BE IT ORDAINED, that the City Council hereby adopts the Ordinance establishing the Complete Streets Committee as noted below:

Article V, Boards, Commissions, and Committees
Division 6 - Complete Streets Committee

Section 2- 482.2. Purpose and Mission

The purpose of the Complete Streets Committee is to

- (a) Promote and advise the development of public infrastructure which supports a multi-modal transportation system for all users, not strictly motor vehicles, and includes the best design practices for enhancing safety as well as community and economic development;
- (b) Develop and recommend policies to the respective governing bodies and planning agencies that address and support all modes of transportation in Lewiston Auburn;
- (c) Advise the respective public works and engineering departments on how all modes of travel can be accommodated in street, highway, trail, and open space projects;

Section 2-482.3. Appointment and Membership.

- (a) The Committee shall consist of nine (9) members as follows: 4 residents of the City of Auburn, 4 residents of the City of Lewiston, and 1 representative of an organization directly involved in issues of public health and wellness. A city councilor may be appointed as a resident.
- (b) The residents of each community shall be appointed in accordance with the standard procedures employed by each community for such appointments. The representative of an organization directly involved in issues of public health shall be appointed by majority vote of the members of the full committee.
- (c) The initial term for resident members shall be three (3) years, as shall the term of the representative of a public health organization. These terms shall run from the first day of January of the year in which the appointment is made. At the time the initial

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appointments are made, the appointing authority shall assign each resident member to a term with one member appointed to a one year term; one to a two year term; and one to a three year term. Members shall remain in office until their successors are appointed.

- (d) Vacancies shall be filled following the same process employed for the initial appointment of members.
- (e) A vacancy shall be declared if any member of the committee fails to attend three consecutive regular meetings of the committee without being excused by the committee chair.

Section 2-482.4. Duties and Responsibilities.

The Complete Streets Committee shall:

- (a) Follow the City's Complete Streets Policy, oversee its implementation, and review the policy every 2 years to recommend changes as appropriate;
- (b) Serve as the primary resource representing Lewiston and Auburn in the update of Regional and Statewide plans dealing with transportation issues involving motorized vehicles, bicycles, pedestrians, public transportation, and other non-automobile related transportation issues;
- (c) Develop and recommend policies and ordinances for passage by the City Councils in support of alternative modes of transportation;
- (d) Review and comment on existing transportation projects including regionally approved projects, municipally initiated projects, and improvements originating from Traffic Movement Permits associated with development projects; and
- (e) Participate with appropriate city and state departments, committees, and metropolitan planning organizations in planning coordinated multi-modal transportation systems in L-A and the surrounding region, such as rail, bus, and air.

Section 2-482.5 Organization.

- (a) The Committee shall have the following officers: Chair, vice-chair, and secretary, each of whom shall be selected by a majority of the members of the committee at its first meeting in January of each year. The chair shall preside over all meetings of the board, shall supervise the affairs of the board, and shall perform such other duties as may be assigned to the office by the committee. The vice-chair shall assist the chair in carrying out the latter's duties and shall preside at meetings in the chair's absence. The secretary shall be responsible for preparing and distributing committee agendas and

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minutes and ensuring that the legal posting requirements are met.

- (b) A quorum necessary to conduct an official meeting shall consist of at least six members and at least six concurring votes shall be necessary to constitute an action on any matter.
- (c) The committee shall meet at least quarterly and may meet more frequently at the call of the chair.
- (d) Unless otherwise prescribed by this Division or by bylaws established by the Committee, the Committee shall operate in accordance with Robert's Rules of Order.

Section 2-482.6. Staff Support. The City Manager/Administrator of each community shall designate a planning or public works staff member to serve as a liaison to the committee.

Passage of first reading on 3/6/2017 5-0 (Councilor Stone absent).
Passage of second reading on 3/20/2017 6-0.

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IN CITY COUNCIL

ORDINANCE 03-03062017

COMPLETE STREETS ORDINANCE

BE IT ORDAINED, that the City Council hereby adopts the Complete Street Ordinance as noted below:

Complete Streets

The City of **Auburn** will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

- (1) Transportation facilities that support the concept of complete streets include, but are not limited to, pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.
- (2) The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The Complete Streets Committee¹² shall be briefed on potential future

¹ Note that this assumes the Complete Streets Committee will also be established by an ordinance.

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projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- (1) Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
- (2) Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- (3) Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- (4) Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
 - (a) require more space than is physically available, or
 - (b) be located where both current and future demand is proven absent, or
 - (c) drastically increase project costs and equivalent alternatives exist within close proximity, or
 - (d) have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of

Such an ordinance would be located in a different section of the Code.

² Note that this assumes the Complete Streets Committee will also be established by an ordinance. Such an ordinance would be located in a different section of the Code. This footnote applies to all references in this ordinance to the Committee.

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currently existing infrastructure.

- (5) In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Manager. If the City Manager concludes that an exception to the policy is warranted, the Administrator or the staff representative to the Complete Streets Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.
- (6) The City Council may grant such other exceptions as it sees fit.

Intergovernmental Cooperation

The City will cooperate with the City of **Lewiston** and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

Design Criteria

The City, through its Public Works Department, shall develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the City shall coordinate with the City of Auburn to adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Androscoggin Transportation

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Resource Center (ATRC) Complete Streets, A Guide to Best Management and Design Practice; Highway Capacity Manual and Highway Safety Manual; the Manual on Uniform Traffic Control Devices; and any applicable policies and guidance issued by the Maine Department of Transportation.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- (1) Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- (2) Corridors serving a relatively high number of users of non-motorized transportation modes;
- (3) Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- (4) Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC and other associated groups.

Performance Measures

The City Administrator and/or designee shall report to the Planning Board and City Council on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the Complete Streets ordinance.

Implementation

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This policy will be primarily implemented through planning comprehensive complete streets networks regionally and within each city.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; annual review of capital improvement plans and unified planning work programs; establishing design manuals that clearly set forth the complete streets standards; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

Passage of first reading on 3/6/2017 5-0 (Councilor Stone absent).
Passage of second reading on 3/20/2017 6-0.

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IN CITY COUNCIL

ORDINANCE 04-03202017

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Zoning Map from Multi-Family Urban (MFU) to Neighborhood Business (NB) for the property located at 127 Hampshire Street (PID # 250-315) and as shown on the attached map, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

**Passage of first reading on 3/20/2017
6-0. Passage of second reading on
4/3/2017 5-1 (Councilor Titus
opposed).**