

CITY OF LEWISTON

CITY COUNCIL

MARCH 26, 2013

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

Note – The original date of this meeting was March 19, 2013 but that meeting was postponed to March 26 due to inclement weather conditions.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D’Auteuil, Libby, Christ, Saddlemire, and Cayer, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Desjardins (Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.)

Pledge of Allegiance.
Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Councilor Butler noted the calls for donations for the homeless youth keep coming and the documentary will be shown at the L/A Film Festival this summer. Their next project is an Anti-Bullying program targeting kindergarten, third grade and sixth grade.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

LIQUOR LICENSE FOR APPLE VALLEY GOLFERS CLUB, INC., 316 PINEWOODS ROAD

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (1)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To authorize the City Clerk’s Office to approve a new liquor license application for Apple Valley Golfers Club, Inc., 316 Pinewoods Road. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE DERBY ATHLETIC ASSOCIATION, 37 PARK STREET

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (2)

Motion by Councilor Butler, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment to The Derby Athletic Association, 37 Park Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR FUEL, INC., 49 LISBON STREET

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (3)

Motion by Councilor Christ, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to Fuel, Inc., 49 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 393 MAIN STREET FROM THE COMMUNITY BUSINESS DISTRICT TO THE DOWNTOWN RESIDENTIAL DISTRICT

The Mayor opened the hearing to receive citizen input and comment. Vincent Perone, president of Veteran's Inc. stated they will turn the former St. Joseph's school building into 25 efficiency apartments for veterans housing. The Mayor then closed the hearing.

VOTE (4)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 393 Main Street from the Community Business District to the Downtown Residential District, subject to a conditional agreement. Passed - Vote 7-0

ORDER AUTHORIZING CITY ADMINISTRATOR TO SIGN DEED AND PROPERTY TRANSFER DOCUMENTS RESPONDING TO REQUEST FROM PAULINE KOLBE, OWNER OF 49 HILLCREST AVENUE

VOTE (5)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to sign the deed and property transfer documents responding to a request from Pauline Kolbe, owner of 49 Hillcrest Avenue:

Whereas, the City of Lewiston's Joint Standing Committee on Highways, Streets Bridges and Sidewalk established a Reservoir St on November 12, 1879 with "Said Street passes over land reserved as a Rangeway or Public Road; and

Whereas, title work and City Attorney review of the City documents agree the City's interest is limited to an easement in the property and not in fee ownership; and

Whereas, Ms. Kolbe's attorney prepared all supporting documents to transfer any interest the

City has in half the width of the so-called Reservoir St, which abuts the rear of her property at 49 Hillcrest Ave; and

Whereas, the land of the so-called Reservoir St is unimproved raw land and the street was never constructed; and

Whereas, the City staff foresees no future need to ever develop a street along this so-called Reservoir St; and

Whereas, the interest the City has in the property can be transferred at no additional cost to the City;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to sign and execute any documents necessary to effect the transfer any and all interest the City has in the property immediately abutting the rear of 49 HillCrest Ave.

Passed - Vote 7-0

AMENDMENTS TO THE TRAFFIC SCHEDULE REGARDING A LOADING ZONE ON ASH STREET

VOTE (6)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve an amendment to the Traffic Schedule regarding a loading zone on Ash Street, as proposed on the vote sheet. Passed - Vote 7-0

ORDER AUTHORIZING THE LEWISTON CITY ADMINISTRATOR TO EXECUTE AMENDMENT 1 TO THE JOINT DEVELOPMENT AGREEMENT WITH PARALLAX PARTNERS, INC.

VOTE (7)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To approve the Order authorizing the Lewiston City Administrator to execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc.:

Whereas, the City's Comprehensive Plan, Downtown Master Plan, and similar documents clearly establish the City's policy of stimulating the rehabilitation of property and developing economic opportunities in its downtown, particularly in the vicinity of 15 Lincoln Street through 29 Lincoln Street; and

Whereas, the City and the Developer executed a Joint Development Agreement in December 2011 that outlines the mutual obligations to invest in and improve property; and

Whereas, as part of this agreement, the City agreed to transfer to Parallax the properties located

at 15 and 29 Lincoln Street; and

Whereas, Parallax intends to construct a 90 bed hotel at an anticipated total investment of \$9,900,000; and

Whereas, this investment will result in significant economic benefit to the City, including the rehabilitation of property and the creation of jobs; and

Whereas, under the Joint Development Agreement, Parallax is required to close on the property within 240 days of the effective date of the development agreement; and

Whereas, since the execution of the agreement, Parallax and the City have worked diligently toward fulfilling the various duties and obligations imposed by the agreement, many of which have been completed; and

Whereas, while Parallax now has a signed commitment for the necessary financing for the project, the final details necessary to allow for a closing on the property transfer are still being finalized; and

Whereas, staff, therefore, recommends that the deadline for closing be extended for an additional ninety (90) day period;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc., such amendment to extend the deadline for closing on the property transfer for an additional ninety (90) days to June 24, 2013.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE FIRST AMENDMENT #1 TO INTERLOCAL COOPERATION AGREEMENT #2 FOR LAKE AUBURN INTAKE & WATER TREATMENT

VOTE (8)

Motion by Councilor Libby, seconded by Councilor D'Auteuil:

To postpone this item to the May 21, 2013 City Council meeting. Passed - Vote 5-2 (Councilors Butler and Christ opposed.)

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH LOCAL #785, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)

Councilor Cayer noted he still has some concerns regarding the sunset provision language and receiving two raises in a one year period.

VOTE (9)

Motion by Councilor Butler, seconded by Councilor Libby:

To ratify the FY 2011-2013 Collective Bargaining Agreement between the City of Lewiston and the International Association of Firefighters (IAFF), Local #785, said agreement being for the period of July 1, 2010 to June 30, 2013, and to approve the Order authorizing the City Administrator to execute the collective bargaining agreement on behalf of the City of Lewiston:

Whereas, the City and Local #785 Unit representatives have worked diligently over the last several months to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Local #785 Collective Bargaining Agreement believe that negotiations have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city Local #785;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the new FY 2011-2013 International Association of Firefighters, Local #785 Collective Bargaining Agreement and is authorized to approve any final administrative, non-monetary, and non-substantive amendments as needed.

Passed - Vote 7-0

REPORTS AND UPDATES

The Council received an update from the City Administrator regarding previous Clean Up week programs.

VOTE (10)

Motion by Councilor Cayer, seconded by Councilor Libby:

To instruct the City Administrator to proceed to implement a Spring Clean up program that has been done in previous years. Passed - Vote 5-2 (Councilors Butler and Saddlemire opposed)

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (11)

Motion by Councilor Butler, seconded by Councilor Cayer:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session started at 8:06pm and ended at 8:23pm.

VOTE (12)

Motion by Councilor Butler, second by Councilor Saddlemire:

To adjourn at 8:24P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine