

CITY OF LEWISTON

CITY COUNCIL

APRIL 16, 2013

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D' Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Updates were presented on their anti-bullying campaign and New Beginnings thanked them for the publicity about homeless youth as a result of their recent DVD presentation.

MAYOR'S PRESENTATION – SPIRIT OF AMERICA RECOGNITION – TREE STREET YOUTH PROGRAM

The Mayor recognized the Tree Street Youth Program for their recent Spirit of America award.

MAYOR'S PROCLAMATION RECOGNIZING AMERICORPS VOLUNTEERS

The Mayor recognized Julia Sleeper and the Americorps volunteers with a Mayoral Proclamation honoring their great work in the City.

PUBLIC COMMENT PERIOD

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

SPECIAL AMUSEMENT PERMIT FOR LITTLE JOE'S BAR & GRILL, 740 SABATTUS STREET

The Mayor opened the public 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 Cayer, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to Little Joe's Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR CONCERT AT DUFRENSE PLAZA TO BE HELD IN CONJUNCTION WITH THE BATES NIGHT IN TOWN EVENT

The Mayor opened the public 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 conduct a public hearing on an application from the Androscoggin Chamber of Commerce and Bates College for the evening outdoor concert to be held at Dufrense Plaza on Wednesday, May 1 and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article I, Section 10-3, to the sponsors for the outdoor concert, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2014 BUDGET

The Mayor opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing. It was noted should members of the public have questions or concerns about the budget, they are welcome to contact their city councilors directly via email or phone.

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
115 BARTLETT STREET**

No one was present to represent the property owner. The Mayor read a prepared statement regarding the process of the hearing. No City Councilors had a conflict of interest with this item. Director of Planning and Code Enforcement Gil Arsenault and Code Enforcement Officer Tom Maynard provided information and photos from their inspections of the property, noting numerous fire code and safety code violations.

VOTE (3)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 115 Bartlett Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorized the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
186 BARTLETT STREET**

No one was present to represent the property owner. The Mayor read a prepared statement regarding the process of the hearing. No City Councilors had a conflict of interest with this item. Director of Planning and Code Enforcement Gil Arsenault and Code Enforcement Officer Tom Maynard provided information and photos from their inspections of the property, noting

numerous fire code and safety code violations.

VOTE (4)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 186 Bartlett Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorized the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

At this time, the Mayor took agenda item number 9 out of order and addressed it at this time.

REQUEST FROM THE MARCH OF DIMES ORGANIZATION FOR A WAIVER OF FEES REGARDING THE USE OF THE LEWISTON ARMORY FOR THE ORGANIZATION'S MAY 11 FUNDRAISING EVENT

VOTE (5)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the request submitted by the March of Dimes organization for a waiver of fees for the use of the Lewiston Armory for the organization's May 11 fundraising event.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ISSUE A REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF 147 SABATTUS STREET

VOTE (6)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to issue a Request for Proposals for the Redevelopment of 147 Sabattus Street:

Whereas, the City acquired ownership of 147 Sabattus Street on the basis of a matured property tax lien; and

Whereas, the property consists of two buildings with ten rental units; and

Whereas, the property has been vacant and abandoned for some time and is severely deteriorated; and

Whereas, there may be interest in redeveloping the property; and

Whereas, such redevelopment would eliminate the necessity for the City to demolish the structures and allow the City to focus its limited demolition funding on other properties requiring attention; and

Whereas, the Planning Board has reviewed the situation and recommends that this property be sold;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to issue a request for proposals for the sale and redevelopment of 147 Sabattus Street.

Passed - Vote 7-0

ADOPTION OF CITY POLICY REGARDING A COMPLETE STREETS POLICY

VOTE (7)

Motion by Councilor Cayer, seconded by Councilor Butler:

To establish and adopt a City Complete Streets Policy, Policy Manual Number 95, as recommended by the Lewiston/Auburn Bike Ped Committee. Passed - Vote 7-0

AMENDMENT TO THE BUILDING PERMIT FEE SCHEDULE POLICY

VOTE (8)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the proposed amendments to the Building Permit Fee Schedule Policy, Policy Manual Number 4, as recommended by the Department of Planning and Code Enforcement, to become effective as of July 1, 2013. Passed - Vote 7-0

**RESOLVE AUTHORIZING LEWISTON CONTINUED PARTICIPATION IN THE
AUBURN-LEWISTON CONSORTIUM HOME INVESTMENT
PARTNERSHIP PROGRAM**

VOTE (9)

Motion by Councilor Saddleire, seconded by Councilor Libby:

To adopt the Resolution to renew the Home Investment Partnership Consortium with the City of Auburn and to authorize the City Administrator to execute the Mutual Consortium Agreement and any other documents necessary to effect Lewiston's participation in the Consortium:

Whereas, the City of Lewiston is committed to providing high quality, affordable and mixed income housing throughout the City; and

Whereas, HOME Investment Partnerships Program funds from the U.S. Department of Housing and Urban Development are specifically targeted for the provision of quality affordable housing; and

Whereas, accessing these funds are of great benefit to the residents of Lewiston by helping to support the creation of new affordable housing rental options and the capitalization of affordable homeowner loan and grant programs; and

Whereas, Lewiston and Auburn do not qualify to receive their own allocation of these funds; and

Whereas, in 2001, the Auburn-Lewiston Consortium HOME Investment Partnership Program was created in order to meet the thresholds needed to qualify for federal funding under the HOME Investment Partnership Program; and

Whereas, the City of Lewiston wishes to continue to receive funding under this federal program;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City wishes to continue to participate in the Auburn-Lewiston Consortium HOME Investment Partnership Program and the City Administrator is hereby authorized to sign the Mutual Cooperation Agreement to renew a Consortium between the City of Lewiston and the City of Auburn in order to access funds under the HOME Investment Partnerships Program as administered by the U.S. Department of Housing and Urban Development.

Passed - Vote 7-0

RESOLVE APPROPRIATING SANITARY SEWER IMPACT FEE FUNDING TO SUPPLEMENT PROGRAMMING FUNDS FOR THE OAK STREET SEPARATION PHASE IV PROJECT

VOTE (10)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Resolve appropriating Sanitary Sewer Impact Fee Funding to supplement programming funds for the Oak Street Separation Phase IV project:

Whereas, the Oak Street Separation Phase IV project includes \$1,043,788 in currently available bond funds and another \$400,000 in FY2014 bond funds for a total of \$1,443,788; and

Whereas, four (4) contractors bid on Bid #2013-003 Oak Street Separation Phase IV with the apparent low bid submitted by St. Laurent and Sons in the amount of \$1,279,259 to separate the storm water and sewer on Oak St between Sabattus Street and Davis St and the alternate bid to perform the separation on five (5) side streets at \$218,642 for a total amount of \$1,497,901; and

Whereas, contract administration, inspection and contingency funding will require an additional \$245,887 for a grand total cost of \$1,743,788; and

Whereas, an alternative to reduce the scope of work is not possible because the project is connecting two previously completed projects (White Davis area & lower Oak St) and the contractor could not agree to hold his prices for the reduced scope; and

Whereas, an alternative to use funding from a planned project to address sewer lines on Bartlett St would impact the planned MDOT project for Bartlett St; and

Whereas, the Sanitary Sewer Impact Fee Policy (#66) states sewer impact fees will be used to eliminate infiltration and inflow of storm water runoff into the sanitary system, which is specifically what the Oak Street Separation Project will do; and

Whereas, there is currently more than \$343,000 in the Sanitary Sewer Impact Fee fund; and

Whereas, the City's Finance Committee will consider the award of the contract to St Laurent and Sons at their next meeting

Now, therefore, be it Ordered by the City Council of the City of Lewiston that there is hereby appropriated \$300,000 from the Sanitary Sewer Impact Fee Fund to supplement programmed funds for the Oak Street Separation Phase IV project.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR AND ACCEPT A "BIKES BELONG" GRANT

VOTE (11)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Order authorizing the City Administrator to apply for and accept a Bikes Belong Grant:

Whereas, the Lewiston Auburn Bike Ped Committee is interested in applying for a grant from Bikes Belong, sponsored by the U.S. bicycle industry; and

Whereas, the grant application will request up to \$10,000, to be split equally between Lewiston and Auburn to support the installation of bike racks in the downtown commercial and residential areas; and

Whereas, the intent of the grant application will be to pursuit matching funds from downtown businesses to provide new bike racks in the downtowns; and

Whereas, the Androscoggin Land Trust, through its LA Trails program, would draft the grant application for submission; and

Whereas, Lewiston would be the fiscal agent for the grant if secured;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to Apply for and Accept a Bikes Belong Grant. Should the application be successful, Lewiston shall serve as the fiscal agent for administering the grant.

Passed - Vote 7-0

APPROVAL OF THE ELECTION WARRANT CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 14, 2013 FOR THE SCHOOL BUDGET VALIDATION REFERENDUM AND RECOMMENDATION FOR THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT SAID ELECTION

VOTE (12)

Motion by Councilor Butler, seconded by Councilor Cayer:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 14, 2013 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election:

- A. That the hours for acceptance of registrations in person only, prior to the May 14th election, as required by MRSA Title 21A, Sec 122, 6A(2), be set at 8:00am to 4:30pm, April 24 through May 13, 2013
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, Sec 122, subsec 7B
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 14 election.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (13)

Motion by Councilor Butler, seconded by Councilor Cayer:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 582493) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$1,056.00, or any portion thereof, in the case of the State of Maine vs. Ronald Michael Lachapelle, CR-13-400 Court Records, being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the "City of Lewiston Drug Enforcement Program" account.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (14)

Motion by Councilor Butler, seconded by Councilor Libby:

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session started at 8:00pm and ended at 8:38pm.

VOTE (15)

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 Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session started at 8:38pm and ended at 9:05pm

VOTE (16)

Motion by Councilor Butler, second by Councilor Libby:

To adjourn at 9:05 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine