

CITY OF LEWISTON

CITY COUNCIL

MAY 7, 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.

PRESENTATION OF THE ALFRED A. PLOURDE SCHOLARSHIP

The Council President presented this year’s scholarship award to Kim Morin. Mrs. Ploude was also present to congratulate this year’s recipient.

PUBLIC COMMENT PERIOD

Larry Gilbert commended all city government and departments for their strong leadership shown during the recent downtown fires and the leadership of the Mayor and Council during this time. He noted the response from the citizens has been overwhelming and he thanked the community for their support of the fire victims. Councilor Saddlemire said there will be a “Healing Ceremony” for downtown residents in Kennedy Park on May 13 at 5pm. Mayor Macdonald complimented the departments for their great work, noting there was no loss of life and strong leadership was shown by department heads and staff.

AMENDMENT TO THE CITY POLICY MANUAL REGARDING THE EXCAVATION AND STREET OPENING POLICY

VOTE (1)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To approve the proposed amendments to the Excavation and Street Opening Policy, Policy Manual Number 55, as recommended by the Director of Public Works and the City Administrator. Passed - Vote 7-0

UPDATE OF CITY POLICY REGARDING THE STREET AND SIDEWALK OCCUPANCY POLICY

VOTE (2)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To repeal the current Street and Sidewalk Occupancy Policy, Policy Number 56, and to adopt and establish a new Street and Sidewalk Occupancy Policy, Policy Number 56. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE TO ELIMIMATE SOME FIFTEEN (15) MINUTE PARKING DESIGNATIONS NO LONGER NEEDED

VOTE (3)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To approve the amendments to the Traffic Schedule regarding the elimination of some fifteen (15) minute parking spaces no longer in use, as outlined on the vote sheet. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE TO CREATE A FIFTEEN (15) MINUTE PARKING DESIGNATION ON PARK STREET

VOTE (4)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To approve the amendments to the Traffic Schedule regarding creation of a fifteen(15) minute parking space on Park Street, as outlined on the vote sheet. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING SOME HOUSEKEEPING CORRECTIONS

VOTE (5)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To approve the amendments to the Traffic Schedule regarding some housekeeping corrections, as outlined on the vote sheet. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING REGULATIONS ON A PORTION OF COMMERCIAL STREET

VOTE (6)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To adopt the proposed amendment to the Traffic Schedule to prohibit parking on a portion of Commercial Street, as outlined on the vote sheet. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING REGULATIONS ON A PORTION OF ELM STREET

VOTE (7)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To adopt the proposed amendment to the Traffic Schedule to prohibit parking on a portion of Elm Street as outlined on the vote sheet. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR 357 SABATTUS STREET

VOTE (8)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To approve the Order authorizing the City Administrator to execute a Purchase and Sale Agreement for 357 Sabattus Street:

Whereas, the City condemned and subsequently demolished the structure located at 357 Sabattus Street; and

Whereas, the Papailias, owners of an adjacent property, have reached an agreement with the record holder to title to 357 Sabattus to convey the property to them; and

Whereas, the holder of the mortgage on 357 Sabattus Street has initiated foreclosure procedures against the property; and

Whereas, the amount owed on the property far exceeds the amount of the City’s special tax for demolition of the building; and

Whereas, the Papailia’s have offered to fully reimburse the City for its demolition expenses in return for the City transferring title to the property to them should the City gain ownership of the property through a matured tax lien; and

Whereas, under this agreement, the City will be guaranteed recovery of our demolition costs, either by the Papailias if our tax lien automatically forecloses or by the mortgage holder paying to avoid foreclosure;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the attached Purchase and Sale Agreement with Kristo and Merita Papailia for the property located at 357 Sabattus Street.

Passed - Vote 6-0 (Councilor D’Auteuil abstained citing a conflict of interest.)

RESOLVE MAKING AN APPROPRIATION FROM THE COMMUNITY FORESTRY FUND FOR THE PURCHASE OF TWO TREE CITY USA SIGNS

VOTE (9)

Motion by Councilor Saddlemire, seconded by Councilor D’Auteuil:

To approve the Resolve making an appropriation from the Community Forest Fund for the purchase of two Tree City USA signs:

Whereas, the City of Lewiston and the City of Auburn have once again been recognized by the Arbor Day Foundation as Tree City USA; and

Whereas, signs recognizing Tree City USA communities are available only from the Arbor Day Foundation; and

Whereas, the Lewiston Auburn Community Forest Board wishes to erect one such sign on the Longley Bridge and a second at the City's tree nursery at Geiger school; and

Whereas, the cost for two signs will be approximately \$135 including shipping and handling; and

Whereas, the Vegetation Ordinance, Sec. 78-45, provides that 20% of net harvesting revenue go to a dedicated fund for the purpose of protecting and enhancing the community forest; and

Whereas, the balance of the Community Forest Fund is currently \$8,963; and

Whereas, the Lewiston Auburn Community Forest Board requests that \$135 be appropriated from this fund to purchase these signs;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that there is hereby appropriated \$135 from the Community Forest Fund for the purchase of two Tree City USA Signs.

Passed - Vote 7-0

ORDER APPROVING ANNUAL REPORTS FOR AFFORDABLE HOUSING TAX INCREMENT FINANCING DISTRICTS WITHIN THE CITY OF LEWISTON AND AUTHORIZING THE DIRECTOR OF ECONOMIC AND COMMUNITY DEVELOPMENT TO SUBMIT SUCH REPORTS ANNUALLY

VOTE (10)

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

To adopt the Order approving the Annual Reports for Affordable Housing Tax Increment Financing Districts within the City of Lewiston and authorizing the Director of Economic and Community Development to submit such reports annually:

Whereas, MaineHousing requests the legislative body of the municipality to certify that the public purpose of affordable housing districts are being met; and

Whereas, the municipality is requested to further certify that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the Districts and the related Affordable Housing Development Programs are being maintained; and

Whereas, state statute allows the legislative body of a municipality to designate an authorized representative to submit the annual reports certifying that the public purposes and approved project costs of the Affordable Housing Tax Increment Financing Districts are being met; and

Whereas, Lewiston wishes to designate and authorize the Economic and Community Development Director to file such reports annually,

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the annual reports for Tax Year April 1, 2012 to March 31, 2013 for the Affordable Housing Tax Increment Financing Districts known as Community Concepts Affordable Housing Development, Birch Hill Elderly Housing Associates, 81 Ash Street Affordable Housing, and The Lofts at Bates Mill are hereby approved and the Director of Economic and Community Development is hereby authorized to submit these reports, updated annually, to MaineHousing.

Passed - Vote 7-0

**ORDER CONFIRMING THE MAYOR'S NOMINATION OF ZAM ZAM MOHAMUD
TO SERVE ON THE LEWISTON SCHOOL COMMITTEE AS THE AT-LARGE
REPRESENTATIVE**

VOTE (11)

Motion by Councilor Cayer, seconded by Councilor Butler:

To confirm the Mayor's nomination of Zam Zam Mohamud to serve as the at-large representative to the Lewiston School Committee, said term to expire January 7, 2014.

Passed - Vote 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FROM
ORCHID RESTAURANT, 29 LISBON STREET**

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

VOTE (12)

Motion by Councilor Butler, seconded by Councilor Cayer:

To authorize the City Clerk's Office to approve a new liquor license application for Orchid Restaurant, 29 Lisbon Street. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR THE GRIDIRON RESTAURANT,
1567 LISBON STREET**

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

VOTE (13)

Motion by Councilor Christ, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to The Gridiron Restaurant, 1567 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING FLOODPLAIN ADMINISTRATION AND MANAGEMENT**

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

VOTE (14)

Motion by Councilor Butler, seconded by Councilor Christ:

That the proposed amendments to Appendix A, Article II “Definitions”, Article V “Administration and Enforcement”, Article IX, “Appeals”, Article XIV “Floodplain Administration and Management”, of the City Zoning and Land Use code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND ADOPTION OF ORDER AUTHORIZING THE CITY
ADMINISTRATOR TO EXECUTE A DEVELOPMENT ASSISTANCE AND TAX
INCREMENT FINANCING AGREEMENT AND A JOINT DEVELOPMENT
AGREEMENT WITH ARGO MARKETING GROUP, INC.**

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

VOTE (15)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To approve the Order authorizing the City Administrator to execute a Development Assistance and Tax Increment Financing Agreement and a Joint Development Agreement with Argo Marketing Group, Inc.:

Whereas, Argo Marketing has expressed an interest in expanding its presence in downtown Lewiston by purchasing and rehabilitating 64 Lisbon Street at an estimated overall project cost of at least \$2.2 million; and

Whereas, Argo has agreed to employ at least 150 people at this location within twelve months of its tenancy of the building; and

Whereas, this project will both renovate a long vacant building in the heart of downtown and provide significant employment opportunities for area residents; and

Whereas, this project would not be economically viable without financial assistance from the City; and

Whereas, this assistance will take a number of forms including façade and life safety loans and grants and a Tax Increment Financing program;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a Development Assistance and Tax Increment Financing Agreement and a Joint Development Agreement with Argo Marketing Group, Inc. in a form substantially as attached hereto.

Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
116 PIERCE STREET**

VOTE (16)

Motion by Councilor Butler, seconded by Councilor Christ:

Motion to suspend rules and to add an item to the agenda at this time. Passed - Vote 7-0

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 (17)

Motion by Councilor Butler, seconded by Councilor Cayer:

To incorporate the following language into the Order in paragraph 14: The City shall be authorized to demolish the structure on or after May 13, 2013 to remove debris and stabilize site immediately. Passed - Vote 7-0

VOTE (18)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 116 Pierce 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

**PUBLIC HEARING AND ADOPTION OF THE RESOLVE APPROVING THE FY2103
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN BUDGET
FOR SUBMITTAL TO THE US DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

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

VOTE (19)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To adopt the Resolve approving the FY2013 Community Development Block Grant Action Plan Budget for submittal to the US Department of Housing and Urban Development:

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City's Citizen Participation Plan, the City has provided citizens with adequate notice and opportunity to review and comment on its annual Action Plan budget; and

Whereas, the City Council has, on this date, conducted a public hearing and accepted public comments on the proposed Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Action Plan budget take effect a minimum of 45 days prior to the end of this fiscal year, which occurs on June 30, 2013;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the attached schedule of funds for the Federal Fiscal Year 2013 (FY13) CDBG budget (Action Plan) is hereby adopted and City staff is hereby authorized to submit the FY2013 Action Plan to the U.S. Department of Housing and Urban Development as adopted.

Be it further Resolved that the amount of \$26,744, which is the current estimate of the amount the Action Plan is below the most recent projected allocation, shall be carried as a contingency against any shortfall in projected program income and uncertainty over the final FY13 allocation to be received by the City. Once the final allocation has been determined by HUD, Lewiston's Citizen Advisory Committee will reconvene to develop recommendations for changes in the allocations for presentation to the City Council.

Passed - Vote 7-0

**FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2014
MUNICIPAL BUDGET**

The Mayor opened the public hearing to receive citizen input and comment. No members of the public spoke for or against that item. The Mayor then closed the hearing. The City Administrator provided some background information on the budget noting it is a 26 cent mil rate increase but the original proposed budget was a \$1.15 mil rate increase.

**ADOPTION OF BUDGET ARTICLES ON SCHOOL FUNDING FOR THE PERIOD
JULY 1, 2013 TO JUNE 30, 2014**

VOTE (20)

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

To authorize the Lewiston School Committee to expend \$21,671,598 for Regular Instruction for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (21)

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

To authorize the Lewiston School Committee to expend \$13,042,648 for Special Education for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (22)

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

To authorize the Lewiston School Committee to expend \$2,916,067 for Career and Technical Education for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (23)

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

To authorize the Lewiston School Committee to expend \$825,206 for Other Instruction, including Summer School and Extracurricular Instruction for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (24)

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

To authorize the Lewiston School Committee to expend \$3,252,692 for Student and Staff Support for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (25)

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

To authorize the Lewiston School Committee to expend \$1,141,039 for System Administration for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (26)

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

To authorize the Lewiston School Committee to expend \$2,468,674 for School Administration for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (27)

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

To authorize the Lewiston School Committee to expend \$2,888,877 for Transportation and Buses for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (28)

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

To authorize the Lewiston School Committee to expend \$6,500,119 for Facilities Maintenance for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (29)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To authorize the Lewiston School Committee to expend \$2,847,348 for Debt Service and Other Commitments for the fiscal year beginning July 1, 2013 and ending June 30, 2014.
Passed - Vote 7-0

VOTE (30)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To authorize the Lewiston School Committee to expend \$16,000 for All Other Expenditures for the fiscal year beginning July 1, 2013 and ending June 30, 2014. Passed - Vote 7-0

VOTE (31)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$57,124,904) and to see what sum the City will raise as the City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Statutory Recommendation \$18,534,594
School Committee Recommendation \$17,346,724

Explanation: The City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars. Note: Per PL2009, Chapter 571, the amount recommended by the school committee as the required local share for the FY2013-2014 budget may be no less than 82.10% of the Title 20-A, Section 15688 amount, in order to receive the full amount of State subsidy.

Passed - Vote 7-0

VOTE (32)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To appropriate the sum of \$388,774 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City’s contribution to the total cost of funding public education from kindergarten to grade 12. Explanation: Non-state-funded debt service is the amount of money needed to repay the

annual payments on Lewiston’s long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council. Passed - Vote 7-0

VOTE (33)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, section 15690. Explanation: The additional local funds are those locally raised funds over and above the City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the City’s budget for educational purposes.

Passed - Vote 7-0

VOTE (34)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To authorize the Lewiston School Committee to expend the sum of \$57,570,268 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Passed - Vote 7-0

VOTE (35)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2013-2014 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

Passed - Vote 7-0

VOTE (36)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To authorize the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

CATEGORY	ESTIMATED AMOUNT
Title I A Disadvantaged	\$2,171,000
Title IIA Teacher Quality	\$ 340,000
Title III ELL	\$ 135,600
Local Entitlement, Part 1 School Age and Part 2, Preschool Age	\$1,275,000

Carl D. Perkins Vocational and Applied Technology Education Act of 1990	\$ 192,915
Adult Basic Education	\$ 100,000
Adult Ed Civics Grant	\$ 34,958
Refugees Impact Grant	\$ 23,000
	\$4,272,473

Passed - Vote 7-0

VOTE (37)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

To appropriate the sum of \$636,196 for adult education for the fiscal year beginning July 1, 2013, and ending June 30, 2014, and to raise the sum of \$420,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program. Passed - Vote 7-0

BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING THE PROPOSED FISCAL YEAR 2014 BUDGET

VOTE (38)

Motion by Councilor Cayer, seconded by Councilor Christ:

To receive and review the recommendation from the Finance Committee regarding the proposed Fiscal Year 2014 Budget. Passed - Vote 7-0

RESOLVE APPROVING THE FINAL ADJUSTMENTS TO THE FISCAL YEAR 2104 MUNICIPAL BUDGET

VOTE (39)

Motion by Councilor Cayer, seconded by Councilor Butler

To adopt the Resolve approving the final adjustments to the Fiscal Year 2014 Municipal Budget:

Whereas, in accordance with the Charter, the City Administrator presented his proposed Fiscal Year 2014 budget to the City Council on March 26, 2013; and

Whereas, since then, the City Council has met on numerous occasions to review the various departmental budgets and to discuss changes to the Administrator’s proposal; and

Whereas, throughout this process, the City Council has shown support for certain changes and adjustments affecting both the revenue and expenditure budgets; and

Whereas, the overall goals of this effort were to maintain essential public services while reducing the impact of the budget on the taxpayers of the City of Lewiston; and

Whereas, the following summary represents the results of this effort;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the following Final Budget Adjustments Summary for Fiscal Year 2014, is hereby approved:

1	41600	4050500	Office Equipment	(8,750)
2	41600	4050500	Office Equipment	(7,650)
3	41600	4050500	Office Equipment	(10,500)
4	41910	4058000	Buildings & Structures	(10,000)
5	43310	4057000	Other Betterments	(10,000)
6	43310	4057001	Resurfacing/Acq. Demo	(421,000)
7	43430	4057000	Other Betterments	(38,850)
8	43810	4051000	Vehicles	(638,250)
9	43810	4052000	Shop Equipment	(10,000)
10	48110	4049000	Fixed Charges	(40,000)
11	48110	4049000	Fixed Charges	(27,500)
12	44210	4011000	Salaries	(27,185)
13	43510	4027600	Repairs to Grounds	5,000
14	41910	4028812	Outside Jobbing	(3,700)
15	41920	4028812	Outside Jobbing	(1,935)
16	43420	4011000	Salaries	6,730
17	43420	4026000	Equipment Rental	6,590
18	43420	4012000	Overtime	2,245
19	43310	4011000	Salaries	(6,730)
20	43310	4026000	Equipment Rental	(6,590)
21	43380	4022000	Telephone	2,900
22	43430	4028800	Misc. Service	1,425
23	43910	4028812	Outside Jobbing	(400)
24	42190	4028812	Outside Jobbing	(6,265)
25	42130	4011000	Salaries	(42,965)
26	41600	4026200	MIS Rentals	(7,025)
27	42220	4048800	Hydrant Rental	46,280
28	45590	4028812	Custodial Services	5,980
29	49410	4046500	Unemployment	(4,500)
30	41600	4050500	Office Equipment	(12,000)
31	42130	4051000	Vehicles	(82,500)
32	42130	4051000	Vehicles	(18,200)
33	41410	4012000	Overtime	(100)
34	41440	4012000	Overtime	(250)
35	41550	4012000	Overtime	(100)
36	41600	4012000	Overtime	(2,578)
37	42120	4012000	Overtime	(3,000)
38	42130	4012000	Overtime	(10,000)
39	42220	4012000	Overtime	(12,000)
40	43320	4012000	Overtime	(10,000)
41	43430	4012000	Overtime	(1,577)
42	43610	4012000	Overtime	(100)
43	43810	4012000	Overtime	(1,000)
44	45190	4012000	Overtime	(500)

45	43810	4028900	Training	(2,200)
46	43810	4032500	Tires	(12,000)
47	49210	4046005	Boston Mutual	(2,390)
48	49610	4049000	Fixed Charges	(2,949)
49	43430	4012000	Overtime	7,020
			Total General Fund Adjustments	(1,419,069)
50	1110	4011000	Salaries - net	(12,824)
51	1110	4017001	MePERS - net	(5,555)
52	1110	4017501	FICA - net	(694)
53	1110	4018501	MMEHT Health Insurance - net	1,153
54	1110	4046012	Flexible Spending Account - net	77
55	1110	4047000	Workers Comp - net	(150)
56	1110	4044800	Retirement Health Savings - net	(1,757)
57	1110	4022000	Telephone	435
58	1110	4023000	Travel	400
59	1110	4042000	Dues	100
			Total TIF Fund Adjustments	(18,815)
60	62100	4012000	Overtime	(1,200)
61	62500	4012000	Overtime	(1,500)
62	62700	4012000	Overtime	(240)
			Total Sewer Fund Adjustments	(2,940)
62	60700	4012000	Overtime	(245)
			Total Water Fund Adjustments	(245)
			Total FY14 Budget Adjustments	(1,441,069)

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE CITY SERVICES AND FUNDING FOR CITY NON-PROFIT ORGANIZATION ACTIVITIES IN ACCORDNANCE WITH THE FY2014 CITY COUNCIL APPROVED LIST

VOTE (40)

Motion by Councilor Butler, seconded by Councilor Libby:

To approve the Order authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY 2014 City Council approved list:

Whereas, the City of Lewiston has a history of providing support services and limited cash contributions for a variety of activities that will enhance our city's quality-of-life and provide certain non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the organizations who will receive FY 2014 city support have complied with the application requirements set forth in the “Charitable Organization Support Policy;” and

Whereas, requests for such City support have been reviewed by the City Council as a part of the FY 2014 budget process;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to direct city departments to provide applicable city support services and to issue cash payments outlined in the attached “Lewiston Charitable Donations – Summary of Requests for FY 2014”, less the \$50 application fee which is included on the summary and which is no longer to be waived under Policy recently adopted by the City Council; and

Be It Further Ordered That the City Policy restricting the loaning of tables and chairs be waived for Advocates for Children and the Great Falls Balloon Festival.

Passed - Vote 7-0

**ADOPTION OF MUNICIPAL BUDGET APPROPRIATION RESOLVE FOR
FISCAL YEAR 2104**

VOTE (41)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Municipal Budget Appropriation Resolve for Fiscal Year 2014:

Be It Resolved by the City Council of the City of Lewiston that the sum of forty-three million, twelve thousand, three hundred and fifty-eight dollars (\$43,012,358) is hereby appropriated in the General Fund for the municipal year 2014 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of thirty million, six hundred, sixty thousand, six hundred and twenty dollars (\$30,660,620) be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the sum of twelve million, three hundred and fifty-one thousand, seven hundred and thirty-eight dollars (\$12,351,738) be appropriated as non-tax revenues in the General Fund for the municipal year 2014 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the list of tax assessment upon the estates in Lewiston for all city taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax, in the amount of two million, two hundred and eighty-one thousand, one hundred and seventy-six dollars (\$2,281,176) for the period of July 1, 2013 through June 30, 2014, shall be committed by the Assessor to the Finance

Director and one-half of said taxes shall be due and payable on the 16th day of September 2013 with the remaining one-half of said taxes due and payable on the 17th day of March 2014; and

Be It Further Resolved by the City Council of the City of Lewiston that interest at the maximum State approved rate of 7% per annum for fiscal year 2014 shall be collected on the first half of said taxes from September 17, 2013, if not voluntarily paid to the Finance Director on or before September 16, 2013 and on the second half of said taxes from March 18, 2014, if not voluntarily paid to the Finance Director on or before March 17, 2014; and

Be It Further Resolved by the City Council of the City of Lewiston that in each case, said interest shall be added to and become a part of said taxes; and

Be It Further Resolved by the City Council of the City of Lewiston that the Tax Collector is authorized to accept payments of uncommitted taxes and to pay to the taxpayer interest from the date of payment to the commitment date at a rate of 0% and that refunds for overpayments or abatements shall be paid to the taxpayer with interest from the date of payment to the date of abatement or refund, whichever is earlier, at an interest rate of 3.00%; and

Be It Further Resolved by the City Council of the City of Lewiston that the Tax Collector shall apply all tax payments to the oldest balance due on that account regardless of any instructions the taxpayer may give. If, however, a tax lien has matured, the Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Director to accept payment. If a taxpayer has more than one tax account, any payment shall be applied to the oldest balance due unless the taxpayer specifies the account against which the payment is to be applied; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2014 for the following Enterprise Funds is hereby authorized and approved: the Water Fund in the amount of \$5,171,379, the Sewer Fund in the amount of \$5,286,646, and the Stormwater Fund in the amount of \$2,723,810; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2014 for the following Special Revenue Funds is hereby authorized and approved: the Tax Increment Financing Fund in the amount of \$762,661 that includes the new Economic Development Specialist position, the Recreation Activity Fund in the amount of \$183,640, and the Police Drug Forfeiture Fund in the amount of \$43,016; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any cash contributions received during this budget year to the appropriate department and purpose for which such contribution has been made and, where such contribution is equal to or less than \$10,000, such appropriation will become effective upon formal Council action to accept such contribution; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine or the Government of the United States of America, and any other organization received during this budget year where such grant is

equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate department for the purpose of repairing or replacing the damaged property where such amount is equal to or less than \$25,000, such appropriation to become effective upon receipt of funds; and

Be It Further Resolved by the City Council of the City of Lewiston the Council hereby formally appropriates any Municipal Garage revenues in excess of the amount expended at the end of the fiscal to be included in the General Fund Municipal Garage Vehicle Reserve Account.

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized from the library's permanent endowment fund in accordance with the recommendation of the Library Board of Trustees and to the extent that the City Administrator determines that such an appropriation is in accordance with existing City and Library policies.

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of \$6.62 or the current State reimbursement rate per snowmobile registration, to the Hillside Snowmobile Club. Payment will be made annually to the Hillside Snowmobile Club by June 30, 2014.

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of 20% of the net timber harvesting revenue, to the Community Forestry Fund in accordance with City Ordinance 78-45 and the accumulated funds from fiscal years 2012 and 2013. Payment will be made annually to the Community Forestry Fund by June 30, 2014.

Be It Further Resolved by the City Council of the City of Lewiston that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator, and hereby waives the provisions of Section 6.06(f) of the City Charter.

Be It Further Resolved by the City Council of the City of Lewiston that this budget reflects anticipated intergovernmental revenues from the State of Maine in accordance with existing law; that the budget proposed by the Governor recommends elimination of municipal revenue sharing and the reduction of other municipal support programs; that this may result in a loss of up to \$4.5 million in revenues; and that such loss would require significant reductions in municipal appropriations and unsustainable reductions in municipal services. In the event that the final adopted state budget affects municipal revenues, the total Fiscal Year 14 tax commitment is hereby additionally increased in an amount equal to the reductions in such state revenues up to a maximum of \$4.5 million. Further, within sixty (60) days of the adoption of the state budget, the City Council shall determine the proportion of this additional tax commitment that shall be offset by reductions in the various General Fund expenditure accounts.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE USE OF \$2,500 FROM THE FARRAR FUND FOR COSTS OF BASIC NECESSARY SERVICES FOR NEEDY INDIVIDUALS

VOTE (42)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Resolve authorizing the use of up to \$2,500 from the Farrar Fund for the costs of basic necessary services for Lewiston residents where such costs are not covered by other assistance programs and as determined by the Director of Social Services:

Whereas, the City of Lewiston was left an endowment to provide for medical and dental expenses for needy individuals; and

Whereas, in 2008, the City Council authorized the use of these funds, as determined by the Social Services Director, to provide basic, necessary services to those individuals whose income is no greater than 185% of the federal poverty level; and

Whereas, fund principal in the amount of \$18,551 is to be maintained in perpetuity; and

Whereas, due to the low rate of return on investments, it is anticipated that the demand for service will exceed the adopted procedure of only utilizing the prior year's investment earnings; and

Whereas, the past year's appropriation of \$2,500 is again recommended with additional funding for this amount over and above the interest earned in the prior year coming from interest earnings accumulated and retained over time;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Social Services Director is authorized to spend up to \$2,500 from the Farrar Fund, the same amount as last fiscal year.

Passed - Vote 7-0

RESOLVE AUTHORIZING USE OF \$1,519,950 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE FOR CAPITAL OUTLAY PURCHASES

VOTE (43)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Resolve authorizing the use of \$1,519,950 from the General Fund Unassigned Fund Balance for Capital Outlay purchases:

Whereas, the City of Lewiston adopted Ordinance 11-05 pertaining to Unassigned Fund Balance and effective on August 18, 2011; and

Whereas, the ordinance establishes a floor of 8% and a ceiling of 12% of GAAP revenues including transfers in; and

Whereas, as of June 30, 2012, the City's General Fund Unassigned Fund Balance floor was \$8,054,518 and the ceiling was \$12,081,777; and

Whereas, the City's actual General Fund Unassigned Fund Balance was \$11,595,988 or 11.52% as of June 30, 2012; and

Whereas, the City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2014 budget;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

\$1,519,950 of unassigned fund balance be appropriated to purchase the following capital needs:

- the local share of 2 transit buses (\$80,000);
- 50 copies of MS Office 2010 (\$17,500);
- 50 copies of MS Windows 7 (\$15,300);
- the CLT Assessing software upgrade (\$10,500);
- general computer replacement (\$12,000);
- 3 police cruisers (\$82,500);
- 1 police SUV vehicle (\$18,200);
- Lincoln Street Bridge reinforcement (\$5,000);
- acquisition/demolition funds (\$350,000);
- street maintenance funds (\$71,000);
- cracksealing funds (\$26,000);
- mercury street light replacement (\$20,000);
- one roll-off container (\$12,000);
- leachate collection system improvements (\$80,850);
- municipal garage shop equipment (\$10,850);
- municipal garage vehicles (\$638,250);
- development of a regional advertising campaign and branding (\$25,000);
- Pine Street front entrance stair improvements (\$20,000); and
- boiler replacement at the police station (\$25,000).

Passed - Vote 7-0

**RESOLVE EXPRESSING SUPPORT FOR THE INITIATIVE TO EVALUATE AND
IMPROVE THE JOINT ECONOMIC DEVELOPMENT EFFORTS OF THE CITIES OF
LEWISTON AND AUBURN**

VOTE (44)

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

To approve the Resolve expressing support for the initiative to evaluate and improve the joint economic development efforts of the Cities of Lewiston and Auburn:

Whereas, concerns have been raised regarding the focus of the Twin Cities' economic

development efforts and the extent to which they reflect the changing nature of the national and regional economy; and

Whereas, interest arose during a joint workshop of the City Councils to pursue shared investment in staff support for economic development in the downtown area as well as support for the creative economy in its broadest sense and a desire to pursue policies that enhance the region's ability to attract creative and talented individuals to Lewiston and Auburn as a means to foster economic growth and investment; and

Whereas, there remains a strong commitment to the legacy of Lewiston and Auburn as a manufacturing and transportation hubs and support for strengthening targeted efforts in those areas; and

Whereas, there has been a demand among local elected officials in both communities for enhancing their role in the economic development process, including regular discussion between peers on either side of the river, and how that role should be balanced with the involvement of other stakeholders, in order to maintain a high level of involvement from the private sector in Lewiston and Auburn; and

Whereas, these issues, along with the numerous public and private organizations that are involved in economic development in this region, have raised concerns regarding our overall joint economic development strategy, the efficiency of our current structure, and the extent to which the various agencies, including the respective City governments, are coordinating their efforts around areas of joint interest; and

Whereas, there is a desire to develop a focused economic development structure for Lewiston and Auburn; improve communication and coordination between the organizations and principals involved in providing economic development support services; and strengthen the knowledge and involvement of municipal elected officials from both Cities;

Now, Therefore, Be It Resolved By The City Councils Of The City Of Auburn And The City Of Lewiston that we support the effort to review, revise, and update the economic development structure currently in place in Lewiston and Auburn with the goal of implementing a broadly based, widely supported and focused joint economic development strategy, sustaining broadly based input from partners and businesses, increasing the knowledge and involvement of municipal elected officials in economic development efforts, and better coordinating and focusing the efforts and resources of the Cities and private sector partners on the areas identified as key to the economic future of the cities.

Passed - Vote 7-0

**RESOLVE TRANSFERRING UNUSED COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDS FOR THE PURPOSE OF IMPLEMENTING PHASE II OF THE
PARADIS PARK IMPROVEMENTS PROJECTS**

VOTE (45)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Resolve transferring unused Community Development Block Grant funds for the purpose of implementing Phase II of the Paradis Park Improvements Project:

Whereas, Community Development Block Grant funds have previously been appropriated for the purpose of implementing the revised winter parking system in the downtown area and for providing a potential incentive for redevelopment of the City owned property at the corner of Maple and Park Streets; and

Whereas, an unexpended balance remains from the revised winter parking system implementation effort; and

Whereas, the funds allocated as a redevelopment incentive for the City property at Maple and Park have not resulted in a potential project; and

Whereas, while Phase I of the Paradis Park improvement project has been funded and will be completed shortly, funding is currently not available for Phase II; and

Whereas, the Downtown Neighborhood Advisory Committee (DNAC) has voted to request that the City Council reallocate \$54,896.84 in unused funds from these previously approved projects for use in Paradis Park; and

Whereas, DNAC has also committed to continuing its efforts to raise private funds for this purpose;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that Community Development Block Grant Fund available balances in the amount of \$54,896.84 and previously allocated for implementation of the City's revised winter parking regulations in the downtown neighborhood and as an incentive for the potential redevelopment of city-owned property located at the intersection of Maple and Park are hereby transferred to the Paradis Park redevelopment project, Phase II improvements.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT PROPERTY DONATED BY GENDRON AND GENDRON FOR A CANOE/KAYAK LAUNCH AND RECOVERY LOCATION ALONG THE ANDROSCOGGIN RIVER

VOTE (46)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to accept property donated by Gendron and Gendron for a Canoe/Kayak Launch and Recovery location along the Androscoggin River:

Whereas, the City of Lewiston was approached by residents interested in identifying a location to launch and recover canoes and kayaks on the Androscoggin River; and

Whereas, Gendron & Gendron owns property at 463 River Road, a portion of which is located between River Road and the Androscoggin River and which would be suitable for this purpose; and

Whereas, Gendron and Gendron has offered to donate a portion of 463 River Road which is south of 483 River Road and runs between River Road and the River to the City for such a launch and recovery site; and

Whereas, the property has an area with an existing easy walking access path of 50-60 feet leading from River Road to the River; and

Whereas, this would create a natural recreational area available to all residents to enjoy; and

Whereas, the City examined the property and found no improvements would be needed to create this natural recreational area and make it available to all residents to enjoy; and

Whereas, discussions are underway with the L/A Trails and Androscoggin Land Trust for them to assume operation & maintenance of the property

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City hereby gratefully accepts the conveyance of a portion of the property identified as 463 Rivier Road as identified in Exhibit A of the attached Quitclaim Deed and the City Administrator is hereby authorized to sign any and all real estate transfer documents to accept this property donation.

Passed - Vote 7-0

AMENDMENTS TO THE MUNICIPAL PARKING FEES POLICY TO REVISE THE MAJOR EMPLOYER PARKING FEE DISCOUNT PROGRAM

VOTE (47)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the proposed amendments to the Parking Fees Policy, Policy Manual Number 42, as recommended by City Administration and the Economic and Community Development Department. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN EASEMENT DEED FROM THE LEWISTON AND AUBURN RAILROAD COMPANY APPURTENANT TO 46 BEECH STREET AND 46 BEECH STREET REAR

VOTE (48)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To approve the Order authorizing the City Administrator to execute an Easement Deed from the Lewiston and Auburn Railroad Company appurtenant to 46 Beech Street Rear:

Whereas, the Riverfront Island Master Plan was recently completed and adopted by the City

Council; and

Whereas, one element of that plan is the extension of Simard-Payne Memorial Park from Oxford Street to Lincoln Street; and

Whereas, the Lewiston and Auburn Railroad Company currently owns the property adjacent to the Grand Trunk Railroad Depot across which the park would be extended; and

Whereas, the Railroad Company has indicated its willingness to work with the City in improving this property by granting the City an easement, subject to certain conditions, to allow its use for pedestrian access to and from the Park and which will allow the City to landscape and improve the property; and

Whereas, this park extension has been identified as a high priority project which should be undertaken as one of the first steps in implementing the plan;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an easement deed from the Lewiston and Auburn Railroad Company appurtenant to 46 Beech Street and 46 Beech Street Rear in a form substantially as attached hereto.

Passed - Vote 7-0

REPORTS AND UPDATES

The City Administrator offered an update on the progress moving forward on the demolition and clean-up from the downtown fires:

- 1) Clearance of the debris is moving forward
- 2) Punchpass system underway and expanded to allow other apartments to clean out excessive items that would contribute to fire load
- 3) Mr. Nadeau is meeting with the Board of the Landlord Association tonight to let them know about the 30 day expanded punch pass program
- 4) City is gearing up for additional interpreters to assist families that were displaced
- 5) A contractor will secure all open buildings
- 6) All streets that were closed are now back open
- 7) Police Department has increased their presence in the evening in the downtown area
- 8) Working on enforcement for removal of outside trash, garbage and debris to prevent outside fires
- 9) A "healing ceremony" will take place on Monday at 5pm
- 10) There is a housing fair tomorrow for displaced residents which will be attended by state and federal officials
- 11) Information about making donations of cash and items is on the city's website
- 12) Demolition – properties at corner of Blake Street and Bates Street are down
- 13) Mayors from Portland and Bangor reached out immediately to Lewiston and offered assistance from their communities in any way needed
- 14) Staff has been working with representatives from Senator Collins office regarding funding assistance from HUB and FEMA

15) Lewiston Legislative Delegation is contacting the Governor's Office for financial assistance

OTHER BUSINESS

No other business was presented at this time.

VOTE (49)

Motion by Councilor Libby, second by Councilor Butler:

To adjourn at 8:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine