

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 19, 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

Councilor Butler stated there was a great turnout for the Mayoral debate hosted by LYAC and it was a great learning opportunity in active government. He outlined their upcoming event highlighting December holidays.

PUBLIC COMMENT PERIOD

The Mayor congratulated the High School on their recent selection by State Farm Insurance to receive \$25,000 for the Franklin Pasture development.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (1)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$4,529, the proceeds from the sale of one .45 cal. Springfield handgun, serial number MG577782 and the sale of one .40 cal. Smith & Wesson handgun, serial number DVJ5218, or any portion thereof, in the case of the State of Maine vs. Paul Robinson, CR-13-1031 Court Records, and the transfer of \$1200 or any portion thereof, in the case of the State of Maine vs. Anthony Pestello, CR-08-3063 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

The following item was removed from the Consent Agenda to accommodate the abutters of the beach area who were in the audience.

AMENDMENTS TO THE TRAFFIC SCHEDULE REGARDING PARKING PROHIBITED ON A PORTION OF NO NAME POND ROAD

VOTE (2)

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt the proposed amendments to the Traffic Schedule for No Name Pond Road and to prohibit parking from April 15 – November 15 on both sides of No Name Pond Road between Pond Ridge Road and Parent Lane and to work with the Association regarding appropriate signs for the area. Passed - Vote 7-0

**LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR
SKYE EVENT CENTER, 885 LISBON 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 (3)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To authorize the City Clerk’s Office to approve a new liquor license application and special amusement permit for Skye Event Center, 855 Lisbon Street, subject to approval by the Board of Appeals. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR LBK EVENTS, LLC, 1 BATES 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 (4)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To grant a Special Amusement Permit for live entertainment to LBK Events, LLC, 1 Bates Street. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR FISH BONES AMERICAN GRILL,
70 LINCOLN 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 (5)

Motion by Councilor Butler, seconded by Councilor Christ:

To grant a Special Amusement Permit for live entertainment to Fish Bones American Grill, 70 Lincoln Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE RAMADA, 490 PLEASANT 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 (6)

Motion by Councilor Christ, seconded by Councilor Butler:

To grant a Special Amusement Permit for live entertainment to The Ramada, 490 Pleasant Street.
Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR CASA DEL LUNA, 838 LISBON 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 (7)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To grant a Special Amusement Permit for live entertainment to Casa del Luna, 838 Lisbon Street, contingent upon positive recommendations from the Police Department, Fire Department and Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City Ordinances. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE
GENERAL ASSISTANCE ORDINANCE**

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. Social Services Director Sue Charron reviewed the proposed changes and said they add accountability for the clients.

VOTE (8)

Motion by Councilor Butler, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 46 "General Assistance", Article I "General", Article III "Eligibility Factors", and Article IV "Determination of Eligibility", to be effective retroactively to July 1, 2013, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

AMENDMENTS TO THE GENERAL ASSISTANCE POLICY

VOTE (9)

Motion by Councilor Butler, seconded by Councilor Christ:

That the maximum amounts allowed for food assistance in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with federal guidelines. Passed - Vote 7-0

At this time, the Mayor took agenda items fourteen and fifteen out of order.

**REQUEST FROM THE KORA SHRINE FOR USE OF CITY SERVICES AND A
WAIVER OF PARKING GARAGE FEES REGARDING THE ORGANIZATION'S
NOVEMBER FEZTIVAL OF TREES FUNDRAISING EVENT**

VOTE (10)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the request submitted by the Lewiston Kora Shrine for use of city services and a waiver of parking garage fees for the organization's November Feztival of Trees fundraising event. Passed - Vote 7-0

REPORTS AND UPDATES – PART B

Recommendation from the School Superintendent to seek additional School Budget vote –

The Superintendent explained their request for the Council to authorize a special election in January to address the issue of the additional state funding for teacher retirement. It was noted the cost of the special election would be under \$1500. The Council indicated they did not need to workshop this item and would be prepared at the next meeting to vote to authorize the election.

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN OPTION
AGREEMENT WITH BATES MILL LLC, REGARDING BATES MILL #5**

VOTE (11)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to execute an Option Agreement with Bates Mill LLC, regarding Bates Mill #5:

WHEREAS, the City of Lewiston owns Bates Mill #5; and

WHEREAS, the building has long been vacant, and past efforts to find a suitable tenant or qualified party to redevelop the building have not been successful; and

WHEREAS, through the efforts of Grow L+A enough financial and architectural analysis was conducted and tenant interest in the building generated to attract the interest of Tom Platz as a developer for the project; and

WHEREAS, on October 1, 2013, the Lewiston City Council authorized staff to negotiate an Option Agreement for acquisition of Bates Mill #5 with Tom Platz; and

WHEREAS, such an agreement has been negotiated and is attached; and

WHEREAS, the agreement is with Bates Mill LLC, a development entity controlled by Tom Platz which has been used for redevelopment of other buildings within the Bates Mill complex;

NOW THEREFORE, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute, on behalf of the City, an option agreement substantially in the form attached hereto for transfer of Bates Mill #5 from the City to Bates Mill, LLC are the parties to the agreement.

Passed - Vote 7-0

RESOLVE APPROVING AND ADOPTING THE ANALYSIS OF THE IMPEDIMENTS TO FAIR HOUSING CHOICE, LEWISTON AND AUBURN, MAINE 2013

Councilor Butler noted he thought the report was thorough and he hoped landlords would use it. Councilor-Elect Mike Lachance said there are items in the report that are prohibited and there is contradictory information in the report and the staff needs to make sure to do things the right way. Director of Economic and Community Development Lincoln Jeffers noted some of the loans are not religious based and are open to all applicants.

VOTE (12)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Resolve approving and adopting the Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013:

Whereas, the City of Lewiston is a Community Development Block Grant (CDBG) Entitlement Community and, in partnership with the City of Auburn, is a member of a Home Investment Partnership Program (HOME) Consortium, programs through which Lewiston receives annual funding from the Department of Housing and Urban Development (HUD); and

Whereas, as part of the CDBG and HOME grant requirements, the City is required to periodically conduct an *Analysis of Impediments to Fair Housing Choice Study* to identify impediments to receiving fair housing as defined in the Federal Fair Housing Act and to identify strategies to address these impediments; and

Whereas, Lewiston last conducted an *Analysis of Impediments to Fair Housing Choice* in 2006 and Auburn in 2005; and

Whereas, many aspects of Lewiston and Auburn's housing markets overlap and are shared and, with both communities due for an update, the decision was made to jointly commission and share in the cost of conduction a new Impediments to Fair Housing Analysis; and

Whereas, Lewiston Economic and Community Development staff participated in the development of the impediments study and recommend approval of the study; and

Whereas, The *Analysis of Impediments to Fair Housing Choice Study* was reviewed and discussed at the October 22, 2013 City Council Workshop;

Now, Therefore, Be It Resolved that the Lewiston City Council hereby approves and adopts the *Analysis of the Impediments to Fair Housing Choice, Lewiston and Auburn, Maine 2013* and authorizes the City Administrator to sign the Signature Page; and

Be It Further Resolved that the City Clerk is hereby authorized to distribute a certified copy of this Resolution to the Director of Economic and Community Development Department and the U.S. Department of Housing and Urban Development, Office of Community Planning and Development.

Passed - Vote 7-0

**ORDER AUTHORIZING THE FORECLOSURE AND SALE OF REAL ESTATE
LOCATED AT 11 WALKER AVENUE AND LAND LOCATED AT 68 JONES AVENUE
AND 7 BARTLETT STREET**

VOTE (13)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Order authorizing the foreclosure and sale of real estate located at 11 Walker Avenue and land located at 68 Jones Avenue and 7 Bartlett Street:

Whereas, the owner, Mary L. Cummings, failed to pay her 2011 real estate taxes on a timely basis at 11 Walker Avenue (Book 8180 Page 256, Parcel 00-007324) in the amount of \$7,358.01; and

Whereas, the owner, Corilda Paradis, failed to pay her 2011 real estate taxes on a timely basis at 68 Jones Avenue (Book 8181 Page 202, Parcel 00-007807) in the amount of \$1,299.33; and

Whereas, the owner, Corilda Paradis, failed to pay her 2011 real estate taxes on a timely basis at 7 Bartlett Street (Book 8181 Page 203, Parcel 00-007808) in the amount of \$2,542.42; and

Whereas, real estate tax liens were recorded on June 17, 2011 and matured on December 17 2012, in the amounts noted above; and

Whereas, the owners and/or their representatives have no desire to pay the outstanding taxes;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator take the necessary steps to foreclose on and take possession of 11 Walker Avenue, 68 Jones Avenue, and 7 Bartlett Street.

Be It Further Ordered, That the City Administrator is authorized to place these parcels for sale to the general public using a formal bid process and subject to a positive recommendation by the Planning Board that these parcels should be disposed of and the release of the parcel at 7 Bartlett Street by the Public Works Department which is currently using it as a staging area for the Oak Street Sewer Separation Project. In the event the Planning Board does not provide a positive recommendation on any of these parcels, those parcels shall be returned to the City Council for consideration of the Planning Board's action.

Passed - Vote 7-0

**ORDER AUTHORIZING STAFF TO PROCEED WITH PHASE 1 OF
SIMARD PAYNE PARK PROJECT**

VOTE (14)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Order authorizing staff to proceed with Phase 1 of the Simard Payne Park Project:

Whereas, the Riverfront Island Master Plan identified an extension of Simard Payne Park to Lincoln Street as a priority project; and

Whereas, such a project was designed and bid; however, only one bid was received, it exceeded the engineering estimate, and the Finance Committee, in accordance with its adopted policies, rejected this bid; and

Whereas, the City Council subsequently requested the Finance Committee to consider authorizing staff to work with the bidder to reduce the project's cost while maintaining its high quality; and

Whereas, this has been completed with an overall reduction in price from \$583,815 to \$489,919; and

Whereas, the re-engineering projects maintains the City's desire for a high quality project; and

Whereas, the Finance Committee has authorized that the bid be awarded;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that City staff is authorized to proceed with Phase I of the Simard Payne Park Project as approved by the Finance Committee.

Passed - Vote 7-0

REPORTS AND UPDATES

DNAC update regarding Downtown Neighborhood Visioning Process – Brian Banton, co-chair of the DNAC outlined the work being done by graduate students at Harvard University. He said the two groups are partnering together to review the impacts in the downtown area regarding the numerous condemnations and demolitions. He felt their work would compliment the upcoming Comprehensive Plan.

OTHER BUSINESS

The City Administrator was asked to provide a brief update on LAEGC. He noted that the City of Auburn is considering extending the funding until June and the group is looking at that as a positive movement.

EXECUTIVE SESSIONS

VOTE (15)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Session started at 8:02pm and ended at 8:52pm.

VOTE (16)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) to discuss Acquisition 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 8:52pm and ended at 9:12pm.

VOTE (17)

Motion by Councilor Butler, second by Councilor Christ:

To adjourn at 9:12 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine