

**CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 4, 2014**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.**

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

**EXECUTIVE SESSION**

**VOTE (38-2014)**

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

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

Executive Session began at 6:15pm and ended at 7:15pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

**VOTE (39-2014)**

Motion by Councilor Lachance, seconded by Councilor Dubois:

To postpone approval of the January 21, 2014 minutes to the next meeting. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

No members of the public offered comment at this time.

The City Administrator showed a DVD presentation about Maine revenue sharing and provided additional background on the issue.

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR SEA ASIAN BISTRO, INC., 40 EAST AVENUE**

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

**VOTE (40-2014)**

Motion by Councilor Christ, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to the Sea Asian Bistro, Inc., 40 East Avenue. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE FRANCO AMERICAN HERITAGE CENTER, 46 CEDAR STREET**

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

**VOTE (41-2014)**

Motion by Councilor Cloutier, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to the Franco American Heritage Center, 46 Cedar Street, Passed - Vote 7-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97-99 ASH STREET**

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

**VOTE (42-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment to The Cage, 97-99 Ash Street. Passed - Vote 7-0

**PUBLIC HEARING FOR THE FISCAL YEAR 2015 LEWISTON CAPITAL IMPROVEMENT PROGRAM**

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. The City Administrator noted one additional project has been added to the LCIP document and this is the implementation of the upcoming Comprehensive Plan and associated amendments to the Zoning and Land Use Code. The project estimate is \$150,000.

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE ELECTIONS ORDINANCE REGARDING WRITE-IN CANDIDATES**

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

**VOTE (43-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 32, “Elections”, Section 32-2 “Write-in vote”, receive final passage by a roll call vote.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE ON AMENDMENTS TO THE TRAFFIC AND VEHICLES ORDINANCE REGARDING SPEED LIMITS**

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Councilors Lachance and Dubois questioned the need for this amendment and the authorization for the city to establish speed limits on streets.

**VOTE (44-2014)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

That the proposed amendments to the City Code of Ordinances, Chapter 70, “Traffic and Vehicles”, Section 70-83 “Speed limits at specific locations”, 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 FIRST PASSAGE ON AMENDMENTS TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE PROPERTY MAINTENANCE CODE AND EROSION CONTROL**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Jake Paris of 146 Bartlett Street noted he brought forth this issue due to problems he was having on his property and these changes would make future projects more sanitary for the abutting properties. The Mayor then closed the hearing.

**VOTE (45-2014)**

Motion by Councilor Cloutier, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Section 18-52 “Amendments to the Property Maintenance 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 44 BIRCH STREET**

Gil Arsenault, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Arsenault and Mr. Maynard then reviewed the City’s efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. There were no

representatives for the property and none of the elected officials had a conflict of interest for this item.

**VOTE (46-2014)**

Motion by Councilor Cayer, seconded by Councilor Christ:

With regard to the property at 44 Birch 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 authorizes 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  
86 NICHOLS STREET**

Gil Arsenaault, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Arsenaault and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. Shannon Merrill of M & T Bank was present to represent the mortgage company. She asked the Council to delay action noting they were just notified of this hearing on January 24. They would like time to issue RFPs for demolition or repair. None of the elected officials had a conflict of interest for this item.

**VOTE (47-2014)**

Motion by Councilor Cloutier, seconded by Councilor Christ:

With regard to the property at 86 Nichols 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 authorizes 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

**ORDER AUTHORIZING THE SALE OF 11 WALKER AVENUE AND  
7 BARTLETT STREET**

**VOTE (48-2014)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to negotiate and enter into a Purchase and Sale Agreement with 11 Walker Avenue:

Whereas, the City acquired ownership of 11 Walker Avenue on the basis of a matured property

tax lien; and

Whereas, the property consists of a vacant and dilapidated single family residence and detached garage; and

Whereas, a request for bids was issued for the sale of the property which resulted in response from Alan Withee, an abutting property owner; and

Whereas, has offered to purchase the property from the City for \$18,000; and

Whereas, the Planning Board has reviewed this property and recommends that the City dispose of it; and

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to negotiate and enter into a purchase and sale agreement with Alan Withee for the sale of 11 Walker Avenue in the amount of \$18,000.

Passed - Vote 7-0

**VOTE (49-2014)**

Motion by Councilor Libby, seconded by Councilor Dubois:

To approve the Order authorizing the City Administrator to negotiate and enter into a Purchase and Sale Agreement for 7 Bartlett Street:

Whereas, the City acquired ownership of 7 Bartlett Street on the basis of a matured property tax lien; and

Whereas, the property consists of a vacant lot; and

Whereas, a request for bids was issued for the sale of the property which resulted in response from Daniel Nere and David Wagabaza, an abutting property owner; and

Whereas, has offered to purchase the property from the City for \$10,001 for use as a parking lot serving adjacent properties; and

Whereas, the Planning Board has reviewed this property and recommends that the City dispose of it; and

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to negotiate and enter into a purchase and sale agreement with Daniel Nere and David Wagabaza for the sale of 7 Bartlett Street in the amount of \$10,001.

Passed - Vote 7-0

**REPORTS AND UPDATES**

The City Clerk updated the Council about the state redistricting efforts of the House District boundary lines and the impact on the City. With the new lines, there will be 21 different styles of state ballots for the June election. The City Clerk's Office is starting the process of reviewing the city ward boundary lines and checking the population balance of each ward. The new line adjustments will be presented at the next meeting.

**OTHER BUSINESS**

No other business was presented at this time.

**EXECUTIVE SESSION**

**VOTE (50-2014)**

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

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit. Passed - Vote 7-0

Executive Session began at 9:05 pm and ended at 10:10pm.

**VOTE (51-2014)**

Motion by Councilor Christ, seconded by Councilor Libby:

To adjourn at 10:11 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine