

CITY OF LEWISTON

CITY COUNCIL

MARCH 18, 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 (115-2014)

Motion by Councilor Dubois, seconded by Councilor Cloutier:

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

Executive Session began at 6:00pm and ended at 6:20pm.

VOTE (116-2014)

Motion by Councilor Dubois, seconded by Councilor Christ:

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

Executive Session began at 6:21pm and ended at 6:55pm.

REGULAR CITY COUNCIL MEETING BEGAN AT 7:00PM

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. The Mayor asked that the Moment of Silence be dedicated to Jerry Douglass, a decorated military officer and local business man, who passed away recently.

VOTE (117-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To dispense with the reading of the minutes of the meetings of February 25 and March 4, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Robert Reed of Albert Street spoke as a member of the Finance Committee and expressed his concerns regarding the level of bonded debt the City is currently carrying. He was also concerned with the practice that current expenses such as salaries for some engineers are included in the capital funds that are bonded and he felt these should be listed as current operating expenses instead of borrowing funds to cover the salaries.

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

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

VOTE (118-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

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

PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR DAVINCI'S, 150 MILL STREET

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

VOTE (119-2014)

Motion by Councilor Christ, seconded by Councilor Dubois:

To grant a Special Amusement permit for live entertainment to Davinci's, 150 Mill Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 1 WALNUT STREET FROM THE DOWNTOWN RESIDENTIAL DISTRICT TO THE CENTREVILLE DISTRICT

Mayor Macdonald opened the public hearing to receive public comment and input. A property owner of 190 Bates Street spoke in favor of this project, noting it will generate a lot of interest in the area when it is complete. The Mayor then closed the hearing.

VOTE (120-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 1 Walnut Street from the Downtown Residential District to the Centreville District, subject to a conditional agreement. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE
CONDITIONAL REZONING AGREEMENT FOR THE PROPERTY AT
170 SUMMER STREET**

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

VOTE (121-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the final passage for the amendment to the conditional rezoning agreement for 170 Summer Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE
BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE
PROPERTY MAINTENANCE CODE AND HEAT SUPPLY**

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

VOTE (122-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

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”, Chapter 6 “Mechanical and Electrical Requirements” receive first passage by a roll call vote and that the public hearing for said ordinance be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE
ELECTIONS ORDINANCE FOR THE REDISTRICTING OF CITY WARD
BOUNDARY LINES**

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

VOTE (123-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

That the proposed amendments to the City Code of Ordinances, Chapter 32, “Elections”, Section 32-1 “Wards described”, receive first passage by a roll call vote, and that the public hearing be continued to the next regularly scheduled City Council meeting. Passed – Vote 7-0

**AMENDMENTS TO THE PARKING FEES POLICY REGARDING PARKING
GARAGE RULES**

VOTE (124-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the proposed amendment to the Parking Fees Policy, Policy Manual Number 42, as recommended by the Department of Public Works and City Administration. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
112 HOLLAND STREET**

It was noted there was an error in the owner notification regarding this property address and it was suggested this item be moved to the April 15 meeting to allow time to have the notice corrected.

VOTE (125-2014)

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

To postpone action on this item to the April 15 City Council meeting. Passed - Vote 7-0

**ORDER OF CONDEMNATION FOR EMINENT DOMAIN PROCEEDINGS FOR
ACQUISITION OF A TRAIL EASEMENT CROSSING THE PROPERTY AT
44 STRAWBERRY AVENUE**

The City Attorney and City Engineer addressed the Council regarding background on this item. Brendan Hall, a licensed appraiser contracted by the City for this project, also addressed the Council and reviewed his appraisal report. John Schott is the property owner of 44 Strawberry Avenue and he raised some concerns and questions regarding his notification of this proceeding. The City Attorney noted that eminent domain proceedings should be conducted by municipalities as a last resort and suggested postponing this matter to allow time for the City to review other options and alternatives with Mr. Schott.

VOTE (126-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To postpone action on this item to a future City Council meeting. Passed - Vote 7-0

**RESOLVE SUPPORTING THE DEVELOPMENT OF A MULTI-USE RECREATIONAL
TRAIL FROM LEWISTON TO LISBON GENERALLY UTILIZING THE LEWISTON
LOWER RAIL CORRIDOR**

VOTE (127-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Resolve supporting the development of a Multi-Use Recreational Trail from Lewiston to Lisbon generally following the Lewiston Lower Rail Corridor:

Whereas, at the initiative of the Town of Lisbon, a Regional Rail to Trail Committee was formed including representatives from the Lewiston Auburn Bike Ped Committee and staff members

from the Cities of Lewiston and Auburn; and

Whereas, the Trail Committee had proposed a plan to construct a multi-use trail from Lisbon to Lewiston generally following the Lewiston Lower Rail Corridor, a corridor that is currently not used for rail purposes; and

Whereas, such a trail could eventually extend to Topsham and Brunswick and would constitute an economic development opportunity that will benefit organizations and businesses within Lewiston and provide an amenity that will be attractive to current and future residents of the region; and

Whereas, such a trail is also recommended in the Androscoggin Transportation Resource Committee's 2013 Regional Bicycle/Pedestrian Plan, "Bridging the Gaps," and in the Androscoggin River Greenway Plan produced by the Androscoggin Land Trust; and

Whereas, the construction of such a trail could be accomplished in a manner that will allow for the reintroduction of rail services along this corridor should a future need arise;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the development of a multi-use recreational trail from Lewiston to Lisbon generally following the Lewiston Lower Rail Corridor is hereby supported in accordance with the recommendations of the 2013 Bicycle/Pedestrian Plan, "Bridging the Gaps," and the Androscoggin River Greenway Plan produced by the Androscoggin Land Trust. City staff is authorized to pursue this plan in concert with other regional stakeholders and to seek funding and support from the State of Maine for this purpose.

Passed - Vote 7-0

**RESOLVE RECEIVING THE DOWNTOWN CIRCULATION STUDY AND
ACCEPTING ITS RECOMMENDATION IN MODIFIED FORM**

VOTE (128-2014)

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To approve the Resolve receiving the Downtown Circulation Study and accepting its recommendations in modified form:

Whereas, a study of the vehicle, pedestrian, and bicycle circulation patterns was initiated by a prior City Council that expressed concerns that the City lacked an overall plan to address traffic and circulation needs in the area; and

Whereas, this study was completed in the Fall of 2013 by a consultant under contract with the Androscoggin Traffic Resource Center and funded through a combination of state, federal, and local resources; and

Whereas, the consultant worked with an Advisory Committee composed of representatives of the City Council, Police and Fire Departments, the Lewiston Auburn Bike Ped Committee, and the

Downtown Neighborhood Action Committee; and

Whereas, several public meetings were held to gather ideas and concerns from interested residents and to provide comments on the draft of the final report; and

Whereas, subsequent to completion of the report, it has received further review by the Bike Ped Committee and members of City staff; and

Whereas, as a result of these reviews, the report has received support with several exceptions and caveats;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the Final Report of the Lewiston Downtown Neighborhood Circulation Study dated August 2013 is hereby received and accepted with the following exceptions and comments:

- The recommendation to eliminate three traffic signals on Lisbon (at Chestnut, Pine, and Ash) and two on Bates (Pine and Ash) is not accepted at this time. At most of these locations, there are intersection sight line issues. In addition, some of these signals are equipped to assist the Fire Department in using one of its major response routes (Ash Street) from Central Station. The current system is pedestrian friendly, offering good crossing locations and frequent breaks in traffic. Those breaks also assist motorists in entering and leaving parallel parking spaces.
- While redesigning residential streets to accommodate bikes and pedestrians is appropriate, the proposed design principals may need to be modified in certain locations, most notably on collector streets serving the area (Bartlett, Ash, and Pine) where slightly wider intersection pavement widths than are recommended in the study (20 feet) might be appropriate and should be determined on a case by case basis as detailed designs are produced.
- The proposed Cedar Street lane reduction is approved subject to a staff determination that these modifications will not be problematic given the anticipated forthcoming recommendations in the City of Auburn's New Auburn Circulation Study.
- The Bates Street/Bus Station area recommendations are approved subject to further review of the location of the proposed crosswalk at the intersection of Bates and College to ensure that the residents of nearby public housing are adequately served.
- The proposed Canal/Ash intersection improvements should be integrated into an overall plan for Canal Street taking into account the recommendations of the Riverfront Island Master Plan, forthcoming recommendations from the comprehensive plan, and Central Maine Power's anticipated upgrade of a major power line within Canal Street.
- Recommendations on the future of the current one-way system in downtown vary between recent studies, including the Riverfront Island Master Plan. As a result, the current system shall be retained subject to additional study and review at some point in the future.
- Identified high crash areas should be further investigated to determine the exact improvements that are required. This would include an updated review of the Park and Pine intersection to determine if recent lane changes on Park Street have improved the situation.

Passed - Vote 7-0

**ORDER ACCEPTING THE DONATION OF THE PROPERTY LOCATED AT
69 FENWICK STREET**

VOTE (129-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Order accepting the donation of the property located at 69 Fenwick Street:

Whereas, the City owns a large part of the Garcelon Bog, and this City property has been placed in a conservation easement as mitigation for wetland impacts related to development in the Exit 80 industrial area; and

Whereas, the owner of property located at 69 Fenwick Street has offered to donate this 100 square foot lot located on a paper street to the City; and

Whereas, for a variety of reasons, this property is effectively undevelopable; and

Whereas, the property may potentially have value to the City for future projects requiring wetland mitigation; and

Whereas, given this potential and the inability to develop the property given its location, accepting this donation is in the best interest of the City;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that donation of the property located at 69 Fenwick Street is hereby accepted and the City Administrator is authorized to execute the necessary document relating to this acceptance.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW
COLLECTIVE BARGAINING AGREEMENT WITH THE MAINE ASSOCIATION OF
POLICE, LEWISTON PATROL UNIT**

VOTE (130-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To adopt the Order authorizing the City Administrator to execute a new Collective Bargaining Agreement with the Maine Association of Police, Lewiston Patrol Unit:

Whereas, the City and Patrol Unit representatives have worked diligently over the last two years to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Patrol collective bargaining agreement believe that all sides have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the City and the Patrol Unit;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the new FY 2014 Maine Association of Police (Patrol) Unit - Lewiston collective bargaining agreement and is authorized to approve any final administrative and non-substantive amendments as needed.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, PROFESSIONAL TECHNICAL (PRO TECH) UNIT, LOCAL 3855

VOTE (131-2014)

Motion by Councilor Christ, seconded by Councilor Libby:

To approve the Order authorizing the City Administrator to execute a new Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees, Professional Technical Unit, Local 3855:

Whereas, the City and Pro Tech Unit representatives have worked diligently over the last two years to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Pro Tech collective bargaining agreement believe that all sides have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the City and the Pro Tech Unit;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the new FY 2014 American Federation of State, County, and Municipal Employees, Professional Technical (Pro Tech) Unit collective bargaining agreement and is authorized to approve any final administrative and non-substantive amendments as needed.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT WITH THE MAINE STATE EMPLOYEES ASSOCIATION (MSEA) ON BEHALF OF THE LEWISTON UNIT

VOTE (132-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute a new Collective Bargaining Agreement with the Maine State Employees Association (MSEA) on behalf of the Lewiston Unit:

Whereas, the City and MSEA Unit representatives have worked diligently over the last two years to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the MSEA collective bargaining agreement believe that all sides have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the City and the MSEA Unit;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the new FY 2014 Maine State Employees Association (MSEA) Unit collective bargaining agreement and is authorized to approve any final administrative and non-substantive amendments as needed.

Passed - Vote 7-0

REPORTS AND UPDATES

The City Clerk mentioned the nomination papers for serving on the Joint Charter Commission are due by April 11 and 100 signatures are required.

OTHER BUSINESS

No other business was presented at this time.

VOTE (133-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To adjourn at 8:10P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine