

CITY OF LEWISTON

CITY COUNCIL

APRIL 15, 2014

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

Pledge of Allegiance to the Flag.
Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The LYAC report focused on the Immigrant celebration program featuring music, stories and food from various cultures within the community.

VOTE (145-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To dispense with the reading of the minutes of the meeting of April 1, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR
REAL ESTATE LOCATED AT 34 SCHOOL STREET**

VOTE (146-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate for 34 School Street:

Whereas, the owners of 34 School Street (Tax Map 89, Lot 104, Parcel 00-007403), Derek and Sarah LeClerc, failed to pay their tax bill on a timely basis; and

Whereas, a tax lien in the amount of \$2,711.79 was filed on June 13, 2012 (Book 8417 Page 249) and matured on December 13, 2013; and

Whereas, payment was received in full on April 4, 2014;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim be issued for 34 School Street to release the City's interest in the property to the Central Maine Federal Credit Union to allow for a real estate sale closing on this property.

Passed - Vote 7-0

ELIMINATION OF PENDING ORDER OF CONDEMNATION FOR EMINENT DOMAIN PROCEEDINGS FOR THE PROPERTY AT 44 STRAWBERRY AVENUE

VOTE (147-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To postpone indefinitely the Order of Condemnation for eminent domain proceedings for 44 Strawberry Avenue. Passed - Vote 7-0

RESOLVE SUPPORTING THE MAINE EMERGENCY MANAGEMENT AGENCY'S ADVOCACY FOR A CHANGE IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S WINTER STORM POLICY

VOTE (148-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Resolve supporting the Maine Emergency Management Agency's Advocacy for a change in the Federal Emergency Management Agency's Winter Storm Policy:

Whereas, the City of Lewiston been recognized by representatives of the Androscoggin Emergency Management Agency and Maine Emergency Management Agency (MEMA) as having experienced extraordinary costly ice storm impacts as the result of the unabated winter storms that occurred during the period of December 21st, 2013 thru January 1st 2014; and

Whereas, Governor LePage submitted a request for disaster assistance to the Federal Emergency Management Agency (FEMA) that recognized the impact of these storms on depleted state and municipal winter maintenance budgets for snow and ice removal and emergency winter road maintenance and repair; and

Whereas, FEMA denied this request after designating road treatment costs as ineligible based on FEMA's Snow Assistance and Severe Winter Storm Policy that excludes expenditures for sand, salt, and snow and ice road treatment unless there is record or near-record snowfall; and

Whereas, the FEMA definition of a severe winter storm is an event that occurs during the winter season and includes one or more of the following conditions: snow, ice, high winds, blizzard conditions, and other wintry conditions and that causes substantial physical damages or loss to property where Municipal and State governments demonstrate that the capabilities to effectively respond to the event are or will be exceeded; and

Whereas, the City of Lewiston and other affected communities in Androscoggin County disagree with FEMA's interpretation of this policy as it applies to ice storms and advocates for an "ice storm" policy addendum to be retroactively effective for the requested dates of December

21, 2103 thru January 1, 2014; and

Whereas, the original, understandable, intent of FEMA Policy 9523.1 is that northern States, such as Maine, which are equipped and budget for winter snowstorms should meet a very high standard to have a snowstorm qualify as a disaster. However, an ice storm with prolonged power outages in freezing conditions poses a more extreme threat to public safety in a northern climates than in a southern state where temperatures are likely to quickly moderate. Therefore, the application of Policy 9523.1 to ice storms has unintended negative consequences for northern states; and

Whereas, FEMA policy for other types of disasters, such as floods or hurricanes, treats cost associated with maintenance of all roads during and after the event for the purpose of emergency vehicle access as eligible for disaster assistance. In freezing temperatures, roads must be treated with sand and salt in order to carry out the emergency functions, including power restoration. Therefore, Policy 9523.1 is in conflict with other FEMA policies;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that we support the efforts of the Maine Emergency Management Agency to advocate for an amendment to the FEMA storm policy that recognizes the significant financial hardships that can be imposed on communities located in northern climates by storms similar to those experienced between December 23, 2013 and January 1, 2014, even when such storm do not reach record or near record snowfall levels.

Be It Further Resolved that the City Clerk shall provide a copy of this resolve to both the Androscoggin Emergency Management Agency and the Maine Emergency Management Agency.

Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR LITTLE JOE'S
BAR & GRILL, 740 SABATTUS 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 (149-2014)

Motion by Councilor Christ, seconded by Councilor Cloutier:

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

BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2015 BUDGET

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.

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

David Hediger, Deputy 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. Hediger 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. No members of the Council personally know the property owners.

VOTE (150-2014)

Motion by Councilor Cayer, seconded by Councilor Dubois:

With regard to the property at 112 Holland 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
44 NICHOLS STREET**

David Hediger, Deputy 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. Hediger 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. No members of the Council personally know the property owners. Attorney Joseph Patrey was present representing Bank of America as the mortgage holder.

VOTE (151-2014)

Motion by Councilor Cayer, seconded by Councilor Lachance:

With regard to the property at 44 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
23 HOWE STREET**

The City Attorney noted that the city staff was able to work with the property owners and this afternoon a Consent Agreement was approved by the building owners for this property. Therefore

no action from the City Council is required at this time and the item was removed from the agenda.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A JOINT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND ST. LAURENT HOUSING ASSOCIATES

Economic and Community Development Director Lincoln Jeffers provided background information regarding this project. Several residents spoke in favor and against this project. Supporters noted the strong reputation of the developer, quality housing, units with more bedrooms than average, stabilization of neighborhood, mixed income housing, use of available federal funds and need for safe housing. Those opposed cited additional housing units in a rental market that already has empty units, and use of federal development funds puts current landlords in unfair situation and unable to compete. There was a discussion regarding the use of federal housing vouchers and turnover rates.

VOTE (152-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute a Joint Development Agreement between the City of Lewiston and St. Laurent Housing Associates:

Whereas, a series of three major fires in downtown Lewiston in April/May 2013 resulted in the loss of over 77 housing units and the displacement of over 200 people; and

Whereas, this area contains the oldest housing stock in the community, with the majority of it built prior to 1940 and many having now lived past their useful life; and

Whereas, the City has aggressively stepped up code enforcement and demolition of blighted properties in this area; and

Whereas, ST. LAURENT HOUSING ASSOCIATES (ST. LAURENT) owns Pierce Place, a 29 unit affordable housing project that was consumed in the April/May 2013 fires; and

Whereas, all 29 units in Pierce Place had commitments for project based Housing Assistance Payments (HAP) which function similarly to the U.S. Department of Housing and Urban Development's Section 8 housing program; and

Whereas, ST. LAURENT has approached the city seeking support to assist in the redevelopment of Pierce Place; and

Whereas, ST. LAURENT wishes to build a \$5 million 29 unit apartment complex which will have project based HAP assistance and in which the majority of the units will be 2 bedroom or larger; and

Whereas, MaineHousing has expressed a willingness to provide a set-aside of Low Income Housing Tax Credits dedicated to Pierce Place so long as the City desires to see the project and provides municipal support to it; and

Whereas, if financing and development contingencies are met by ST. LAURENT, the City has agreed to acquire and convey 155 Bartlett Street, and 116 and 122 Pierce Street at no cost to ST. LAURENT. If ST. LAURENT acquires 141 Bartlett Street, the City will provide \$200,000 in HOME funds. If 141 Bartlett Street is not acquired, the City agrees to convey 139 Bartlett Street to ST. LAURENT at no cost; and

Whereas, if rebuilt, Pierce Place will replace quality workforce housing lost in the fires, expand the tax base, insure the preservation of HAP assistance for 29 apartments, and help stabilize the neighborhood and set it on the path to recovery;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the JOINT DEVELOPMENT AGREEMENT between THE CITY OF LEWISTON and ST. LAURENT HOUSING ASSOCIATES in a form substantially as is attached hereto.

Passed - Vote 4-3 (Councilors Dubois, Christ and Lachance opposed)

ORDER DIRECTING CITY STAFF TO MOVE FORWARD EXPEDITIOUSLY TO IMPLEMENT VARIOUS LANDLORD ASSISTANCE PROGRAMS

One speaker suggested that landlord accountability is needed and endorsed the idea of a landlord registration program. The other speaker noted the property tax payers will have to pay for these programs.

VOTE (153-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order directing City staff to move forward expeditiously to implement various landlord assistance programs:

Whereas, Councilors Cayer and Libby along with various City staff have been meeting with landlords to develop policies/programs that might effectively address issues of substandard housing and struggling landlords, especially in downtown; and

Whereas, the results of this work were presented to the City Council during a workshop held on April 1st and appeared to be well received; and

Whereas, the programs include:

- Increasing the visibility of the City's existing 1-4 unit rehabilitation program which provides 0 to 3% interest rehabilitation loans of up to \$25,000 per unit to properties in the downtown area;
- A new Energy Conservation/Gas Conversion program that is intended to assisted multi-family owners in improving the energy efficiency of their buildings, lowering their costs and assisting in moving these properties toward sustainability;
- On-going demolition efforts designed to address the over-supply of units in the area and which have removed 211 units since 2010 with an additional 43 in process;

- A disorderly property effort by the Lewiston Police Department designed to work cooperatively with property owners to address problem tenants that negatively affect not only those who rent in the same building but those in surrounding buildings and who perpetuate the negative perceptions of areas of our downtown;
- A proposed landlord training program that the City could coordinate but with content provided by others with appropriate expertise and designed to provide less experienced landlords with the tools that they need to become successful, including such items as landlord/tenant relations, lease provisions, requirements of state law, financial planning, etc.; and
- A vacant, abandoned, and distressed rental property program that would provide grants, perhaps in the \$250 to \$500 per unit per year range for up to three years, to qualifying individuals and properties to bring such properties up to code; and
- Capitalizing Landlord Assistance Projects through designating 50% of any taxes received by the City from new subsidized projects toward these various assistance programs;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator and his designated staff are hereby directed to move expeditiously to present to formally present various landlord assistance programs to the City Council for its consideration.

Passed - Vote 7-0

BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING THE PROPOSED FISCAL YEAR 2015 BUDGET

The Councilors received the recommendation from the Finance Committee regarding the proposed Fiscal Year 2015 Budget.

REPORT FROM THE SAFE VOICES ORGANIZATION FOR A WAIVER OF FEES REGARDING THEIR JUNE 1 FUNDRAISING EVENT

VOTE (154-2014)

Motion by Councilor Libby, seconded by Councilor Dubois:

To adopt the waiver of fees in the amount of \$901 as requested for the Safe Voices fundraising event. Passed - Vote 7-0

REQUEST FROM THE EMERGE FILM FESTIVAL ORGANIZERS FOR A WAIVER OF FEES REGARDING THE USE OF THE LEWISTON PUBLIC LIBRARY FOR THE JUNE 14 EVENT

VOTE (155-2014)

Motion by Councilor Cayer, seconded by Councilor Libby:

To waive the fees for the rental of Callahan Hall for the Emerge Film Festival to be held on Saturday, June 14. Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

The City Council received the Finance Committee recommendation on the purchase of a new fire truck for the City. They recommended including it in the LCIP and bonding the purchase.

EXECUTIVE SESSIONS

VOTE (156-2014)

Motion by Councilor Dubois, seconded by Councilor Libby:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition 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 10:08pm and ended at 10:28pm.

VOTE (157-2014)

Motion by Councilor Dubois, seconded by Councilor Cayer:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition 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 10:28pm and ended at 10:45pm.

VOTE (158-2014)

Motion by Councilor Christ, seconded by Councilor Cayer:

To adjourn at 10:46P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine