

CITY OF LEWISTON

CITY COUNCIL

JANUARY 6, 2015

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, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (1-2015)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To dispense with the reading of the minutes of the meeting of December 16, 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 66 NO NAME POND ROAD**

VOTE (2-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 66 No Name Pond Road:

Whereas, the owner, Stephen D. Herrin, failed to pay his tax bill on a timely basis for the property located at 66 No Name Pond Road (Tax Map 32, Lot 12, Parcel 00-010449); and

Whereas, a tax lien lien was filed on June 13, 2012 (Book 8417 Page 189) and matured on December 13, 2013 in the amount of \$1,366.47; and

Whereas, payment was received in full on December 19, 2014;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim for 66 No Name Pond Road is hereby authorized to release the City's interest in the property to the new owner. Passed - Vote 7-0

BIENNIAL APPOINTMENT OF REGISTRAR OF VOTERS

VOTE (3-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To appoint Kathleen M. Montejo as the Registrar of Voters for a two-year term of office from January 1, 2015 to December 31, 2016. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR IRISH TWINZ PUB, 743 MAIN STREET

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

VOTE (4-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Irish Twinz Pub, 743 Main Street. Passed - Vote 7-0

PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE FRATERNAL ORDER OF EAGLES, 1327 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. Mayor Macdonald then closed the hearing.

VOTE (5-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING FOOD AND BEVERAGE FACILITIES IN THE CENTREVILLE DISTRICT

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

VOTE (6-2015)

Motion by Councilor Cloutier, seconded by Councilor Libby:

That the proposed amendments to Appendix A, Zoning and Land Use Code, Article II, "Definitions" and Article XI "District Regulations", Section C "Land Use Table" of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENTS TO THE SOLID WASTE ORDINANCE

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members

of the public spoke for or against this issue. Mayor Macdonald then closed the hearing.

VOTE (7-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

That the proposed amendments to the City Code of Ordinances, Chapter 62 “Solid Waste”, Section 62-11 “Definitions” and Section 62-16 “Penalties and enforcement”, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting. Passed – Vote 7-0

REPEAL OF THE CURRENT CHARITABLE ORGANIZATION SUPPORT CITY POLICY AND ADOPTION OF A NEW SPECIAL EVENTS CITY POLICY

Councilors discussed the proposal of capping the types of events held each year. Some were concerned about a negative and unwelcoming message it might send to event organizers. Councilors also discussed the term “substantially” in section C 1b regarding the budgetary impact some events may have regarding the use of city properties and assets.

VOTE (8-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To increase the number of allowed Road Races by two (to increase the event cap from 15 to 17) and to increase the number of Festivals/Carnivals by 2 (to increase the event cap from 16 to 18), as outlined on page 2 of the Policy.

Passed - Vote 5-2 (Councilor Dubois and Bouchard opposed)

VOTE (9-2015)

Motion by Councilor Lachance, seconded by Councilor Dubois:

To remove the word “substantially” from Section C 1 b in regards to the budgetary impact from some events on the use of city properties and assets.

Did Not Pass - Vote 3-4 (Councilors Dubois, Bouchard and Lachance in favor; others opposed)

VOTE (10-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To repeal Policy Manual 87, the Charitable Organization Support Policy, and to establish and adopt a new Policy Manual Number 87, the Special Events Policy, as recommended by the Deputy City Administrator, and as amended as above. Passed - Vote 7-0

AMENDMENTS TO THE SOLID WASTE POLICY REGARDING PENALTY FINE FOR VIOLATIONS

VOTE (11-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the proposed amendments to Policy Manual #52, the Solid Waste Policy, as recommended by the Director of Planning and Code Enforcement. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH FRANKLIN PROPERTY TRUST REGARDING BUILDINGS LOCATED ON LEASED LAND

VOTE (12-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To approve the Order authorizing the City Administrator to execute an Agreement with Franklin Property Trust regarding buildings located on leased land:

Whereas, numerous building owners lease property from Franklin Property Trust in various locations throughout Lewiston; and

Whereas, since these leases are short term, the value of these buildings is negatively impacted and owners have difficulty financing necessary repairs and improvements; and

Whereas, as a result, a number of such structures have been condemned and the City is in the process of demolishing them; and

Whereas, the City and Franklin have been in discussions for some time in an effort to develop an overall approach to stabilize these neighborhoods; and

Whereas, a proposed agreement has been reached under which Franklin will subdivide it properties and offer building owners the opportunity to purchase the land under their structures on reasonable terms and conditions; and

Whereas, the agreement also sets forth an arrangement between Franklin and the City regarding sharing the cost of demolishing structures no longer fit for habitation and which have been condemned by the City Council;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement with Franklin Property Trust, LLC regarding buildings located on land leased from Franklin, a copy of which is attached hereto.

Passed - Vote 7-0

ORDER ACCEPTING THE PROPOSAL FROM ST. LAURENT HOUSING ASSOCIATES LIMITED PARTNERSHIP FOR PURCHASE OF THE CITY OWNED PROPERTIES AT 139 BARTLETT STREET AND 116 & 122 PIERCE STREET AND 155 BARTLETT STREET

VOTE (13-2015)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve the Order accepting the proposal from St. Laurent Housing Associates Limited Partnership for purchase of the city owned properties at 139 Bartlett Street and 116 & 122 Pierce Street and 155 Bartlett Street:

Whereas, the City currently owns the properties at 116 and 122 Pierce and 139 and 155 Bartlett; and

Whereas, the City has no need to retain ownership of these properties, which will require on-going maintenance and expense; and

Whereas, in conjunction with the subsequently abandoned Volunteers of America Project proposed for this area, the Planning Board provided an affirmative recommendation to the Council as to the disposition of these properties in August 2013; and

Whereas, consistent with the City's Property Disposition Policy and at the direction of the City Council, these properties were offered through the formal bid proposal process; and

Whereas, a formal request for proposals was issued on December 5, 2014, advertised in the Lewiston Sun Journal and through the City's web site, and individual notices were sent to over 20 property owners in the general area of the land offered for sale; and

Whereas, on December 23, 2014, one proposal was received from St. Laurent Housing Associates Limited Partnership; and

Whereas, this proposal met all of the requirements set forth by the City and exceeded the minimum bid of \$7,500 for 139 Bartlett and \$30,000 for 155 Bartlett and 116 and 122 Pierce;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to take the necessary steps to accept the offers of St. Laurent Housing Associates Limited Partnership for the purchase of the property at 139 Bartlett in the amount of \$15,500 and the properties at 116 and 122 Pierce and 155 Bartlett for \$45,500.

Passed - Vote 7-0

ORDER AUTHORIZING THE FINANCE DIRECTOR TO USE \$3,475,000 OF THE CITY'S FUND BALANCE TO PAY OFF THE 2005B TAXABLE COLISEE BONDS

VOTE (14-2015)

Motion by Councilor Bouchard, seconded by Councilor Cayer:

To approve the Order authorizing the Finance Director to use \$3,475,000 of the City's Fund Balance to pay off the 2005B Taxable Colisee Bonds:

Whereas, at 12.66% of general fund revenues, the City's general fund unassigned balance currently exceeds the Council established policy ceiling of 12%; and

Whereas, April 15, 2014, the City's 2005B Taxable Colisee bonds, which carry a 5.15% interest rate, become callable; and

Whereas, as of that date, the balance on these bonds will be \$3,475,000; and

Whereas, paying off this debt would result in a cash savings of \$1,051,149 and a present value savings of \$2,081,032; and

Whereas, subsequent to the use of unassigned fund balance to pay off this debt, the remaining fund balance of \$9,880,807, or 9.32% of general fund revenues, will continue to exceed the Council established policy floor of 8% by \$1,396,901; and

Whereas, it is the City Council's desire to reduce the debt burden placed upon the taxpayers of the City of Lewiston;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the Finance Director is hereby authorized to pay off the 2005B Taxable Colisee Bonds on April 15, 2015 through the use of \$3,475,000 of the City's fund balance.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE TRANSFER OF \$3,070,000 OF SURPLUS UTILITY BOND PROCEEDS

VOTE (15-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Resolve authorizing the Transfer of \$3,070,000 of surplus utility bond proceeds:

Whereas, LA Water Treatment Program proceeds totaling \$1,480,000 and LA Water Storage proceeds totaling \$90,000 have been determined to be surplus due to the indefinite deferral of the algaecide treatment of Lake Auburn; and

Whereas, the Jepson Brook Drainage sewer and stormwater project produced surplus proceeds of \$550,000 for each utility due to the highly competitive bids received; and

Whereas, the State's delay in approving the next phase of the Hart Brook Water Quality stormwater project has jeopardized the City's ability to comply with the Internal Revenue Service's arbitrage spend-down requirements on the funds borrowed for this purpose; and

Whereas, reprogramming these bond proceeds will reduce the amount of utility borrowing required for FY16; and

Whereas, reprogramming will also simplify the task of developing and presenting the FY16 Lewiston Capital Improvement Program and ensure that projects are not inadvertently included in bond authorizations for several different years;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that there is hereby transferred: \$1,570,000 in surplus water bond proceeds to fund a water storage project in the amount of \$212,000 and various distribution main replacement projects in the amount of \$1,358,000; \$550,000 in surplus sewer bond proceeds to fund \$500,000 in CSO sewer separation projects and the CSO 15 Year Master Plan totaling \$50,000; and \$950,000 in surplus stormwater bond proceeds to fund \$500,000 in CSO sewer separation projects, the CSO 15 Year Master Plan totaling \$50,000, and the \$400,000 North Lisbon Road Storm Drain project.

Passed - Vote 7-0

ANNUAL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

The Mayor announced his appointments to the following city boards and committees:

- 1) Community Forestry Board – Richard Shea, three year term
- 2) Finance Committee – Paul Robinson, three year term
- 3) Historic Preservation Review Board – John Milo and Fredda Wolf, both full members for three year terms each
- 4) Planning Board – Sandra Marquis – full member for a five year term

VOTE (16-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Mayor’s nominations and to appoint:

- A) City Auditor Heather Hunter to the 911 Committee for a two year term,
- B) Edouard Plourde to the Auburn/Lewiston Airport Board of Directors for a three year term,
- C) Joseph Grube to the Lake Auburn Watershed Protection Committee for a three year term, and
- D) Jennifer Carleton, Edward Walworth and Noel Madore each to a three year term on the Library Board of Trustees.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (17-2015)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss Real Estate negotiations, 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 8:04pm and ended at 8:30pm.

VOTE (18-2015)

Motion by Councilor Dubois, seconded by Councilor Libby:

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 8:30pm and ended at 9:05pm.

VOTE (19-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To adjourn at 9:05P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine