

**CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 17, 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, Libby, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.  
Absent/Excused: Councilor D'Auteuil.

Note: Per the City Charter, the Mayor may vote in the absence of a City Councilor.

At 6pm, the Council held a Workshop on the Lewiston Mill and Water Power Historic District. The Workshop concluded at 6:20pm.

**EXECUTIVE SESSION**

**VOTE (40-2015)**

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 6:20pm and ended at 6:55pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, Libby, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.  
Absent/Excused: Councilor D'Auteuil.

Pledge of Allegiance to the Flag.  
Moment of Silence.

**VOTE (41-2015)**

Motion by Councilor Libby, seconded by Councilor Lachance:

To dispense with the reading of the minutes of the meeting of February 3, 2015 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

Members of the Council congratulated the LYAC on their recent project of a community video entitled "We Love Lewiston". The film was shown at Guthrie's and the response to the film very positive. The group will be next working on the dedication of the Mark W. Paradis Park located

behind The Italian Bakery.

**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 63 FARWELL STREET**

**VOTE (42-2015)**

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 63 Farwell Street:

Whereas, the owner, Doris Picard, failed to pay her real estate tax bills on a timely basis at 63 Farwell Street (Tax Map 147, Lot 228, Parcel 00-008216); and

Whereas, a tax lien was filed on June 18, 2007, (Book 7170 Page 173) and matured on December 18, 2008, in the amount of \$1,339.62; and

Whereas, a tax lien was filed on June 18, 2008 (Book 7461 Page 205), and matured on December 18, 2009, in the amount of \$1,535.68; and

Whereas, a tax lien was filed on June 17, 2009 (Book 7721 Page 137), and matured on December 17, 2010, in the amount of \$1,547.29; and

Whereas, a tax lien was filed on June 16, 2010 (Book 7953 Page 015), and matured on December 16, 2011, in the amount of \$1,515.91; and

Whereas, a tax lien was filed on June 17, 2011 (Book 8182 Page 213), and matured on December 17, 2012, in the amount of \$1,594.39; and

Whereas, a tax lien was filed on June 13, 2012 (Book 8418 Page 008), and matured on December 13, 2013, in the amount of \$1,603.74; and

Whereas, a tax lien was filed on June 19, 2013 (Book 8700 Page 078), and matured on December 19, 2014, in the amount of \$1,598.08; and

Whereas, payment was received in full on February 09, 2015;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim be issued for 63 Farwell Street to release the City's interest in the property to the new owner.

Passed - Vote 7-0

**APPOINTMENT TO THE LEWISTON AUBURN WATER POLLUTION  
CONTROL AUTHORITY**

**VOTE (43-2015)**

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To appoint Normand R. Lamie of 234 Montello Street to serve as a member of the Lewiston Auburn Water Pollution Control Authority, said term to expire December 31, 2016.

Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR ELK'S LEWISTON LODGE #371, 1675 LISBON 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 (44-2015)**

Motion by Councilor Libby, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to Elks Lewiston Lodge #371, 1675 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BARNIE'S BAR & GRILL, 1065 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 (45-2015)**

Motion by Councilor Libby, seconded by Councilor Lachance:

To grant a Special Amusement permit for live entertainment to Barnie's Bar & Grill, 1065 Sabattus Street. Passed - Vote 7-0

At this time, the Mayor announced the Council would be taking Item 10 out of order and addressing it at this time.

**RESOLVE APPROVING THE PRELIMINARY DESIGN OF THE MAINEDOT LISBON STREET RESURFACING PROJECT – CHESTNUT TO MAIN (WIN 20309.00) AND AUTHORIZING THE TRANSFER OF FUNDS NECESSARY TO IMPLEMENT CERTAIN PROJECT AMENITIES**

**VOTE (46-2015)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To divide the question into twelve separate items:

- 1) Milling and repaving the road surface
- 2) Utilizing multi-colored concrete for sidewalks

- 3) Refinishing bollards and decorate light bases
- 4) Installing brick paver accent strips within the sidewalks  
AND Installing a brick paver border along building frontages
- 5) Rewiring Existing Street Lights
- 6) Upgrading the Plaza adjacent to Mother India
- 7) Accent lighting at crosswalks
- 8) Additional street trees
- 9) Raised Landscaping
- 10) Restriping Lisbon Street to establish a single through lane from Cedar to Pine  
AND Eliminating turn lanes at Pine and Ash and
- 11) Establishing a bike lane from Spruce to near Main Street
- 12) Adding decorative bike racks

Passed - Vote 4-3 (Councilors Cloutier, Cayer and Libby opposed)

At this point, the Mayor called for a five minute recess.

**VOTE (47-2015)**

Motion by Councilor Libby, seconded by Councilor Lachance:

To group items 1, 2, 3, 5, 7 and 9 as one item. Passed - Vote 7-0

**VOTE (48-2015)**

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To approve items 1, 2, 3, 5, 7 and 9:

- 1) Milling and repaving the road surface
- 2) Utilizing multi-colored concrete for sidewalks
- 3) Refinishing bollards and decorate light bases
- 5) Rewiring Existing Street Lights
- 7) Accent lighting at crosswalks
- 9) Raised Landscaping

Passed - Vote 7-0

Installing Brick Pavers:

Public Comment: Mike Dostie of Dostie Jewelers on Lisbon Street – strongly in support of the brick paver borders and accept strips – visually break up the wide sidewalk, increase aesthetics and avoid the large sections of concrete.

**VOTE (49-2015)**

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve Installing brick paver accent strips within the sidewalks and Installing a brick paver border along building frontages. Passed - Vote 7-0

Upgrading the Plaza adjacent to Mother India:

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve Upgrading the Plaza adjacent to Mother India

Councilor Bouchard noted as a professional landscaper by profession, this is not a viable plan for this alley – too much maintenance and too much to care for. Opposed to this design because he does not feel it will work here. City Administrator noted the intent was to create something fairly maintenance free and this is a concept plan. It was suggested to postpone action to allow further review and study.

**VOTE (50-2015)**

Motion by Councilor Cayer, seconded by Councilor Libby:

To postpone action on this issue to the next City Council meeting. Passed - Vote 7-0

Additional Street Trees:

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the additional street trees

Councilor LaChance: Opposed to adding additional trees along the travel corridor and does not feel it would benefit the business owners and will create blocked views at the intersections.

Public Comment: Brian LaChappelle, part owner of the Lewiston Pawn Shop on Lisbon Street, noted they are opposed to the bike path and taking away part of the road. He also stated they are opposed to the addition of trees because the trees block signage for businesses along the street.

The City Administrator suggested postponing this item to allow additional staff review to check to see locations that might block vantage points of businesses and to speak with business owners to see who would like trees near their businesses and who are opposed. It was also noted that as the tree matures, it would create more of a canopy instead of a blockage of views. Councilor Cayer noted he received several phone calls from business owners and some were in favor and others opposed.

**VOTE (51-2015)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

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

Restriping Lisbon Street and Eliminate turning lanes at Pine and Ash:

**VOTE (52-2015)**

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Restriping Lisbon Street to establish a single through lane from Cedar to Pine And Eliminating turn lanes at Pine and Ash. Did Not Pass - Vote 2-5 (Councilors Cloutier and Libby in favor)

Request from Councilor Cayer, who voted on the prevailing side, to have this matter placed on the next City Council agenda for Reconsideration.

Establishing a bike lane from Spruce to near Main Street:

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve Establishing a bike lane from Spruce to near Main Street

Public Comment: Brian LaChappelle spoke against this item noting that the roads are congested enough already and he is concerned with the safety of bicyclists.

Ryan Rhodes, Craig Saddlemire and Bruce Hall all spoke in support of the bike lane additions.

Letter from Paul Poliquin read by the Mayor – Expressed his concern with the plans and concerns with delivery trucks being able to deliver to area stores and he opposes this project.

**VOTE (53-2015)**

Motion by Councilor Cloutier, seconded by Councilor Libby:

To postpone action on this item to the next regular City Council meeting. Did Not Pass - Vote 3-4 (Councilors Cloutier, Cayer and Libby in favor)

Councilor Cloutier – Spoke in support and noted many Bates employees are very interested in biking downtown.

Craig Saddlemire – Spoke in support of bike lanes

Brian LaChappelle – Noted he is in favor of bike lanes and reference Brunswick as an example of a community bike path enjoyed by many people, but noted it is away from traffic.

Original Motion as presented:

To approve Establishing a bike lane from Spruce to near Main Street. Did Not Pass - Vote 2-5 (Councilors Cloutier and Libby in favor)

Request from Councilor Cayer, who voted on the prevailing side, to have this matter placed on the next City Council agenda for Reconsideration.

Adding Decorative Bike Racks:

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve Adding decorative bike racks

Craig Saddlemire – Spoke in support – many residents are riding bikes and want to patronize local businesses and need safe places to lock up their bikes while shopping or dining

Robert Reed – Expressed concerns about the \$10,000 cost and suggested much more inexpensive ones be provided

Mayor Macdonald – Owe it to downtown businesses to add bike racks for their customers, the business owners have invested a lot of money in the area to attract customers

**VOTE (54-2015)**

Motion by Councilor LaChance, seconded by Councilor Libby:

To postpone action on the issue of approving Adding decorative bike racks. Passed - Vote 7-0

**VOTE (55-2015)**

Motion by Councilor Libby, seconded by Councilor Bouchard:

To approve Adding decorative fencing on Lisbon Street at a cost of \$30,000 to replace the chainlink fence where the buildings burnt several years ago. Passed - Vote 7-0

Funding of Lisbon Street Resurfacing Projects just approved:

**VOTE (56-2015)**

Motion by Councilor LaChance, seconded by Councilor Bouchard:

To authorize the City Administrator to transfer the applicable funds, as outlined in the original proposed Resolve, from the Walnut Street Rehabilitation project to the Lisbon Street Amenities projects based upon decisions made tonight on the Lisbon Street Resurfacing Project.  
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE ELECTRICAL CODE**

**VOTE (57-2015)**

Motion by Councilor Lachance, seconded by Councilor Cayer:

That the proposed amendments to the City Code of Ordinances, Chapter 18, “Buildings and Building Regulations”, Article V, “Electrical Code”, receive final passage by a roll call vote.  
Passed – Vote 7-0

**PUBLIC HEARNIG AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE BUILDING CODE AND RESIDENTIAL CODE**

**VOTE (58-2015)**

Motion by Councilor Libby, seconded by Councilor Bouchard:

To repeal Sections 18-26, 18-27, 18-200 and 18-201 of the current City Code, and to adopt the proposed amendments to the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Article II, “Building Codes”, Section 18-26 “Building Codes” Section 18-27 “Permits Required”, Section 18-28 “Fees”, and Section 18-29 “Violations” to 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

**AMENDMENTS TO THE FACILITIES USE POLICY**

**VOTE (59-2015)**

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, as recommended by the Library Director and the City Administrator. Passed - Vote 7-0

**RESOLVE REGARDING THE ADOPTION OF FISCAL YEAR 2016 CITY OF LEWISTON FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

Robert Reed, chairperson of the Lewiston Finance Committee, spoke in opposition to the telescoping truck and having wages as an item covered under capital expenses and not annual operating expenses. He commented about the non-capital items in the capital budget last year, such as saw blades.

**VOTE (60-2015)**

Motion by Councilor Libby, seconded by Councilor Cayer:

That pursuant to Article VI. Section 6.07(d) of the City Charter, the City Council hereby approves the Resolve adopting the FY2016 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community’s infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, as proposed, the plan calls for \$138,078,152 in projects, \$63,125,114 of which would be supported from City resources including \$36,398,651 in tax supported general obligation bonds and \$21,993,775 in enterprise supported bonds; and

Whereas, the plan proposes authorizing \$9,244,703 in general obligation bonds and \$1,200,000

in enterprise bonds during Fiscal Year 2016; and

Whereas, the total amount of proposed FY16 general obligation bonds exceed the \$7,642,255 ordinance limitation on annual bond authorizations by \$1,602,448, and authorization of this full amount would require a two-thirds vote of the Council; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

Now, therefore, be It Resolved by the City Council of the City of Lewiston, that the FY2016 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed - Vote 7-0

**ORDER AUTHORIZING THE SALE OF 154 BLAKE STREET**

**VOTE (61-2015)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the sale of 154 Blake Street:

Whereas, the City acquired the property at 154 Blake Street in 1994 through a tax lien foreclosure and subsequently demolished the four story eight unit structure on the property; and

Whereas, the City has been approached by an abutting property owner seeking to purchase the property; and

Whereas, on December 2, 2014, the City Council authorized the City Administrator to offer the property for disposition through the formal bid process and to sell the property to the successful bidder subject to a positive recommendation of the Planning Board; and

Whereas, the City received one proposal from the abutter offering \$7,500 for the property and proposing its reuse for parking and green space; and

Whereas, on February 9, 2015, the Planning Board recommended that the property be sold;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to take the necessary steps to convey the property to the successful bidder, Shukri Abasheikh for \$7,500, subject the following or other negotiated conditions designed to ensure appropriate use and reuse of the property:

1. If no development activity is to occur within 180 days of the sale, the lot must be loamed, seeded, and barricaded with rocks and or permanent fencing;
2. If development is to occur within 180 days, permits must be obtained within 180 days of the sale and development must be completed in 2015;
3. Any land area not supporting development must be loamed and seeded;

4. All requisite codes must be met and satisfied.

Passed - Vote 7-0

**ORDER AUTHORIZING STAFF TO EXECUTE AN OPTION AGREEMENT WITH  
BATES MILL LLC REGARDING BATES MILL #5**

Robert Reed suggested the City Council needs to consider this the last shot with this option to redevelop the building or the building needs to be torn down.

**VOTE (62-2015)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order authorizing staff 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 developer to redevelop the building have not been successful; and

Whereas, Grow L+A, a non-profit citizen's group dedicated to promoting responsible development that is economically sound, sustainable, socially responsible and that supports a health community has dedicated significant time and resources to articulating a vision, promoting discussion, and generating interest in a redeveloped Bates Mill #5 as the preferred alternative to demolition of the structure; and

Whereas, Grow L+A's efforts resulted in adequate tenant and developer interest to make further exploration of redevelopment costs worthwhile; and

Whereas, Thomas Platz (dba Bates Mill LLC) has engaged in engineering, architectural and other due diligence related to redevelopment of the building for use by a variety of commercial tenants, and has engaged in initial discussions with several of those tenants regarding needs and possible leasing of space within the building; and

Whereas, Bates Mill LLC has previously had an Option with the City to acquire Bates Mill #5 which was allowed to expire because of the level of commitment of tenants for the building, and

Whereas, discussions with and design work for prospective tenants have continued unabated, resulting in an increase in both the level and size of tenant interest and commitment to the project, and

Whereas, more time is needed to fully develop concepts and costs associated with redevelopment so that lease commitments can be made, architectural design work completed, and redevelopment financing secured;

Now Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the attached Option Agreement with Bates Mill LLC to purchase Bates Mill #5; and furthermore, staff is directed to negotiate a Joint Development Agreement with Bates Mill LLC which will be considered for action at a future City Council meeting.

Passed - Vote 7-0

**RESOLVE STATING THE POSITION OF THE LEWISTON CITY COUNCIL ON CERTAIN PROPOSALS INCLUDED IN THE GOVERNOR'S PROPOSED STATE BUDGET**

**VOTE (63-2015)**

Motion by Councilor Bouchard, seconded by Councilor Dubois:

To adopt the Resolve stating the position of the Lewiston City Council on certain proposals included in the Governor's Proposed State Budget:

Whereas, the Governor has proposed a state budget for the coming biennium that includes proposals likely to have a significant impact on the City and its residents; and

Whereas, the legislature will soon begin the process of evaluating these proposals and developing a final state budget; and

Whereas, it is essential that the state be made aware of the position and concerns of the City regarding those elements of the budget likely to impact Lewiston and particularly those that might impact the property tax burden of our community; and

Whereas, the Governor's proposals are wide ranging and comprehensive, affecting all major areas of the state's tax structure and include elements worthy of support as well as items of concern;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the attached City of Lewiston Policy Paper on the Proposed State budget is hereby approved and ratified.

Passed - Vote 7-0

Councilor Cloutier recused herself from the following item citing a conflict of interest regarding her employment.

**VOTE (64-2015)**

Motion by Councilor Lachance, seconded by Councilor Cayer:

Be it resolved by the City Council of the City of Lewiston that the attached statement on the proposal to reduce the property tax exemption for certain non-profit organizations is hereby approved and shall be added to the City of Lewiston Policy Paper on the Proposed State Budget:

Tax Exempt Property – Of all the alternatives for local revenue collection, revenue sharing remains the most equitable and fair system for recognizing the additional burden of services on municipalities of all sizes and geographic locations. Extending property taxes or some form of service fee system to tax exempts might be one part of the solution to replace revenue sharing should it be eliminated. Since municipalities are not all the same, however, this would be effective for some, but not for those with few or any significant non-profit organizations. As a result, a mix of revenue alternatives would need to be developed to provide most or all municipalities with a replacement revenue stream. Alternatives might include a local option sales tax, a service fee system for non-profits along the lines of a proposal that has been introduced to allow fees for a fire service based on building square footage, a local option real estate transfer tax, and the proposal to transfer the telecommunications tax to municipalities.

Passed - Vote 6-0-1 (Councilor Cloutier abstained)

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (65-2015)**

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To adjourn at 9:07P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine