

**LEWISTON CITY COUNCIL WORKSHOP AGENDA**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**TUESDAY, FEBRUARY 14, 2017**

**6:00 p.m. Workshop**

Pledge of Allegiance to the Flag.  
Moment of Silence.

1. Student Housing/Lodging Houses – 30 minutes
2. Review of the Fire Station Study – 45 minutes
3. Fire Department Administrative Ordinance – 15 minutes
4. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
5. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, FEBRUARY 14, 2017  
6:00 PM

1. Student Housing/Lodging Houses. – 30 minutes

Councilor Lysen, on behalf of a number of constituents, has suggested that the City Council consider our regulations on lodging houses, particularly in light of recent conversions of properties in the NCB district near Bates College. If there is an interest in reviewing this issue, one approach would be to consider placing a moratorium on the creation of new lodging houses to allow time to evaluate our current zoning and land use ordinances and develop recommendations for amendments for the Council to consider.

2. Fire Station Study – 30 minutes

A consultant has completed reviewing all four of our fire stations and has presented a final report. We would like to review that report with the City Council. The report is available on line at <http://www.ci.lewiston.me.us/DocumentCenter/View/6974> or it can be accessed from the Fire Department's home page.

3. Fire Department Administrative Ordinance –15 minutes

Members of the Council have requested consideration of an amendment to our Code in regard to the Fire Department that would specify that the City would maintain and staff five front-line fire response vehicles. Given this, staff has also reviewed the remainder of the Fire Department's administrative ordinance and is suggesting that it be updated to reflect current practice. A copy of the amendment is attached.

4. Executive Session – Land Disposition

5. Executive Session – Union Negotiations



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor  
City Council  
**FROM:** David Hediger, City Planner  
**DATE:** February 9, 2017  
**RE:** Student Housing/Lodging Houses

The City Council is being asked to consider a moratorium on lodging houses. This is in response to constituent complaints to Councilor Jim Lysen from residents in the neighborhood of Bates College. Specifically, it involves the number of students living in dwelling units and the adverse impact this creates, such as noise, overcrowding, increased parking demand, etc. While this activity has occurred for many years in neighborhoods around Bates College, it appears more single-family dwellings are accommodating students, including, but not limited to, the Davis and White Street neighborhoods.

From a zoning perspective, the City allows lodging houses in the Neighborhood Conservation "B" (NCB) and Downtown Residential (DR) districts. The NCB abuts the southwestern side of the Bates campus. Planning and Code Enforcement will allow for the conversion of structures with a dwelling(s) into a lodging house as long as zoning, parking, and building code requirements are met. Lewiston Fire Prevention regulates one- and two-family dwelling as lodging houses if each dwelling unit is occupied by members of a single family and more than three outsiders, at which time a sprinkler and alarm system is required. If zoning and fire codes can be met, the applicant must also apply for a lodging license from the city. This is resulting in homes being converted into lodging houses for Bates students.

The reason for a proposed moratorium would be to provide the city time to investigate and prepare amendments to various sections of our code with respect to lodging houses. There is a concern that current provisions may not be protecting the residential character of certain neighborhoods or protecting against unhealthy or unsafe conditions.

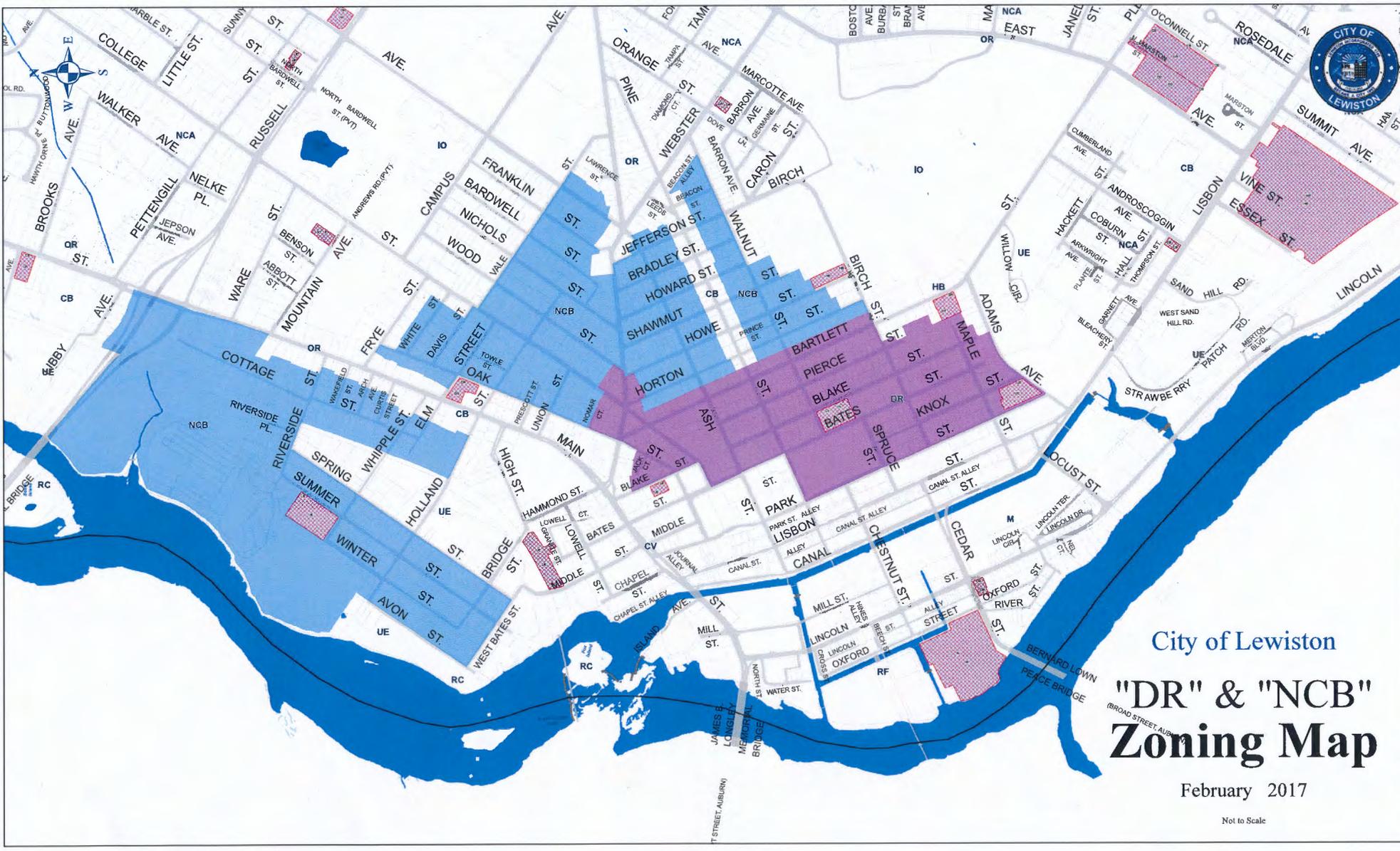
The City Attorney has advised that a temporary moratorium on approvals of lodging houses should be permissible. 30-A MRS §4301 defines a moratorium to include an ordinance that "temporarily defers all development, or a type of development, by withholding any permit, authorization or approval necessary for the specified type or types of development." With appropriate factual findings as to the need for the moratorium, it should be possible to justify the moratorium on the following basis: "Because the application of existing comprehensive

plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.” 30-A MRS §4356(1)(B).

A moratorium would provide staff time to investigate options for regulating lodging houses, specifically student housing. Staff has been advised that ordinances targeting student housing have resulted in a number of legal challenges around the country. Therefore, we may need to consider an ordinance that limits the number of unrelated persons that can live together in one household. Another consideration may be to change the boundaries of the NCB district, so lodging houses are simply no longer allowed. However, this may invoke a larger discussion about where the NCB districts are located, as they cover a diverse range of neighborhoods with different densities and housing types. Another option may be an overlay district in which lodging houses are permitted or prohibited within specific areas of the NCB and DR districts.

If the Council determines the city’s current provisions allowing structures to be converted to student housing are inadequate, staff needs additional time to investigate and develop ordinances regulating student housing and lodging houses.

Lewiston Licensed Lodging Establishments 02092017			
B.R. Rancourt Lodging	224 PINE ST	Lodging House - A 10 rooms or less	CB
Bartlett Street Inn	87 BARTLETT ST	Lodging House - A 10 rooms or less	DR
Green House Lodging	26 WHITE ST	Lodging House - A 10 rooms or less	NCB
Inn at the Agora	1 WALNUT ST	Lodging House - A 10 rooms or less	conditional rezoning CV
Mom & Dad's Guest House	121 EAST AVE	Lodging House - A 10 rooms or less	OR
Rancourt's Lodging	343 SABATTUS ST	Lodging House - A 10 rooms or less	OR
Tim Lachapelle	89 PINE ST	Lodging House - A 10 rooms or less	CB
Bartlett St. Lodging	88 BARTLETT ST	Lodging House - B Over 10 rooms	DR
Bowie Properties, LLC	142 COLLEGE ST	Lodging House - B Over 10 rooms	NCB
Cosgriff's Lodging	92 BARTLETT ST	Lodging House - B Over 10 rooms	DR
Duval Rental	98 PINE ST	Lodging House - B Over 10 rooms	DR
Lighthouse Inn	1905 LISBON ST	Lodging House - B Over 10 rooms	HB
Main Street Inn	377 MAIN ST	Lodging House - B Over 10 rooms	CB
Maine Motel & Cabins	1101 MAIN ST RT 202	Lodging House - B Over 10 rooms	HB
Motel 6	516 PLEASANT ST	Lodging House - B Over 10 rooms	HB
Parkview Inn	333 LISBON ST	Lodging House - B Over 10 rooms	CV
Rancourt's Lodging	137 COLLEGE ST	Lodging House - B Over 10 rooms	NCB
Rancourt's Lodging House	69 HORTON ST	Lodging House - B Over 10 rooms	NCB
Realty Home Solutions, Inc.	94 COLLEGE ST	Lodging House - B Over 10 rooms	NCB
Rubellite, LLC	195 CENTER ST	Lodging House - B Over 10 rooms	NCB
Super 8	1440 LISBON ST	Lodging House - B Over 10 rooms	HB
Travel Inn	1968 LISBON ST	Lodging House - B Over 10 rooms	HB
Ramada Conference Center	490 PLEASANT ST	Innkeeper - B Any Liquor	HB
Hampton Inn Lewiston	15 LINCOLN ST	Innkeeper - A No Liquor	RF
M & B LLC	379 Lisbon Street	Innkeeper - A No Liquor	CV



City of Lewiston  
"DR" & "NCB"  
Zoning Map

February 2017

Not to Scale

## **2. Fire Station Study**

A consultant has completed reviewing all four of our fire stations and has presented a final report. We would like to review that report with the City Council. The report is available on line at <http://www.lewistonmaine.gov/DocumentCenter/View/6974> or it can be accessed from the Fire Department's home page.



CITY OF LEWISTON, MAINE

February 21, 2016

COUNCIL ORDINANCE

Ordinance, Amending Chapter 2, Article V, Division 5 of the Code or Ordinances – Fire Department

Be it Ordained by the City Council of the City of Lewiston that Chapter 2, Article V, Division 5 of the Code of Ordinances is hereby amended as follows:

DIVISION 5. DEPARTMENT OF FIRE

Sec. 2-295. Created.

The department of fire is hereby created. The department shall be divided into ~~three~~two divisions: The firefighting division, ~~the fire alarm division~~ and the ~~training and~~ fire prevention division.

(Ord. No. 03-05, 7-3-03)

Sec. 2-296. Duties of fire chief.

The fire chief shall be charged with the prevention of fires and the protection of life and property against fire and shall:

- (1) Report all fire losses to the assessor.
- (2) Be responsible for the maintenance and care of all property and equipment used by his department.
- (3) Provide for the overall training, direction and supervision of the department.

(Ord. No. 03-05, 7-3-03)

Sec. 2-297. Divisions.

The department of fire shall be divided into the following divisions thereof:

- (1) A firefighting division supervised by a commissioned officer, who shall be responsible for:
  - a. The extinguishment of fires;
  - b. The saving of life and property from fire; and
  - c. The performance of various miscellaneous public services of an emergency nature.
- ~~(2) A fire alarm division supervised by a superintendent of fire alarms, who shall be responsible for:~~
  - ~~a. The installation, maintenance and repair of fire, police and ambulance radio call box systems;~~
  - ~~b. The installation, maintenance and repair of fire and police emergency wire~~
  - ~~c. The inspection of private fire alarm systems;~~
  - ~~d. The maintenance of a jointly owned and operated 911 emergency report system; and~~

- e. ~~The performance of other related work as required.~~
- (32) A ~~training~~ and fire prevention division supervised by a commissioned officer, who shall be responsible for:
  - a. The inspecting of potential fire hazards;
  - b. The abatement of existing fire hazards;
  - c. The conducting of an educational fire prevention program; and
  - d. The training of fire personnel.

(Ord. No. 03-05, 7-3-03)

**Section 2-298. Fire Apparatus**

The Department shall maintain and budget for the maintenance and staffing of five front-line firefighting units, to include pumpers and one or more aerial units as recommended by the Chief and approved by the City Council. Five affirmative votes of the City Council shall be required to reduce the number of front-line units supported in the annual operating budget.

**Secs. 2-299--2-324. Reserved.**

Note: Additions are underlined; deletions are ~~struck through~~.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 14, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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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.

**LEWISTON CITY COUNCIL**  
**MEETING OF FEBRUARY 14, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.