

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
FEBRUARY 21, 2017**

6:00 p.m. Executive Session – To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City - 15 minutes

6:15 p.m. Executive Session – To discuss labor negotiations regarding the International Association of Firefighters, Local 785 - 30 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence
Lewiston Youth Advisory Council Update

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 5.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Order authorizing execution of a Municipal Quitclaim Deed for real estate located at 11 Jan's Boulevard.
- * 2. Order authorizing execution of a Municipal Quitclaim Deed for real estate located at 159 Highland Avenue.
- * 3. Order authorizing the City Administrator to sell the property at 28 Wakefield Street.
- * 4. Resolve taking possession of Tax Acquired Properties at 320 Bates Street, 159 Pine Street, 91 Pine Street, 10 Nomar Court, 5 Peter Boulevard, 67 Oak Street and 17 Holly Street.
- * 5. Authorization to accept transfer of forfeiture funds.

REGULAR BUSINESS:

- 6. Public Hearing on a new application for a new liquor license for Webster Street Convenience & Deli, 715 Webster Street.
- 7. Public Hearing and First Passage regarding an amendment to the Administrative Ordinance regarding Fire Department staffing.
- 8. Public Hearing and First Passage for a Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District.
- 9. Receipt of recommendations from the Finance Committee and the Planning Board on the FY2018 Lewiston Capital Improvement Program.
- 10. Resolve regarding the Adoption of the Fiscal Year 2018 City of Lewiston Five-Year Capital Improvement Program.
- 11. Order authorizing an amendment to the Joint Development Agreement between the City of Lewiston and The Hartley Block, LP.
- 12. Resolve calling upon the Lake Auburn Watershed Protection Commission to schedule its meetings at a time and place convenient to the public.
- 13. Update from the Lewiston School Committee Representative.
- 14. Reports and Updates.
- 15. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:15pm

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.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

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.



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 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 11 Jan's Boulevard.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 11 Jan's Boulevard. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

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 approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 11 Jan's Boulevard.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 11 Jan's Boulevard.

WHEREAS, the owners, Bruce E. and Deborah J. Kobel, failed to pay their utility bills on a timely basis for 11 Jan's Boulevard (Tax Map 149, Lot 148, Parcel 00-011333); and

WHEREAS, a water lien was filed on August 29, 2013 (Book 8760 Page 164) and matured on February 28, 2015 in the amount of \$173.54; and

WHEREAS, a water lien was filed on June 19, 2014 (Book 8936 Page 207) and matured on December 19, 2015 in the amount of \$198.44; and

WHEREAS, a sewer lien was filed on August 29, 2013 (Book 8760 Page 274) and matured on February 28, 2015 in the amount of \$147.54; and

WHEREAS, a sewer lien was filed on June 19, 2014 (Book 8936 Page 119) and matured on December 19, 2015 in the amount of \$160.87; and

WHEREAS, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 158) and matured on June 7, 2015 in the amount of \$103.76; and

WHEREAS, payment was received in full;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 11 Jan's Boulevard to the new owner.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 159 Highland Avenue.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 159 Highland Avenue. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

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 approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 159 Highland Avenue.



CITY OF LEWISTON, MAINE

February 21, 2017

COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 159 Highland Avenue.

WHEREAS, the owner, Hugh M. Butler III, failed to pay his utility bills on a timely basis for 159 Highland Avenue (Tax Map 148, Lot 99, Parcel 00-006949); and

WHEREAS, a water lien was filed on August 29, 2013 (Book 8760 Page 137) and matured on February 28, 2015 in the amount of \$182.46; and

WHEREAS, a water lien was filed on June 19, 2014 (Book 8936 Page 184) and matured on December 19, 2015 in the amount of \$169.73; and

WHEREAS, a sewer lien was filed on August 29, 2013 (Book 8760 Page 242) and matured on February 28, 2015 in the amount of \$243.64; and

WHEREAS, a sewer lien was filed on June 19, 2014 (Book 8936 Page 97) and matured on December 19, 2015 in the amount of \$286.34; and

WHEREAS, payment was received in full;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 159 Highland Avenue to the new owner.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order authorizing the City Administrator to sell the property 28 Wakefield Street.

INFORMATION:

The City recently condemned and demolished a building at 28 Wakefield after it was abandoned and condemned as a dangerous structure. Tax liens then matured on the property, and the City has taken possession of it. A new owner recently purchased the adjacent property at 22 Wakefield Street only to discover that, prior to his ownership, it had been illegally converted from a four to a five unit building. The City has worked with the new owner in an effort to address this problem, including a recent zoning and land use code amendment to the neighborhood conservation B district to partially address minimum lot size per unit. Even with this change, the property at 22 Wakefield is not large enough to provide the required parking, and the owner of 22 Wakefield expressed an interest in purchasing the property to provide necessary parking. This would bring the property into conformity with the City's land development code.

The Planning Board has reviewed and recommends disposition of this property.

We have been offered \$10,000 for the property and recommend that the proceeds be used to pay the outstanding taxes and interest on it with the remainder to reimburse the City's demolition account.

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 approve the Order authorizing the City Administrator to sell the property 28 Wakefield Street.



COUNCIL RESOLVE

Order, Authorizing the City Administrator to Sell the Property at 28 Wakefield Street.

Whereas, the City condemned and demolished the property at 28 Wakefield after it was abandoned and the mortgage was dismissed by the bank; and

Whereas, tax liens have now matured on that property; and

Whereas, a new owner recently purchased the adjacent property at 22 Wakefield Street only to subsequently discover that, prior to his ownership, it had been illegally converted from a four to a five unit building; and

Whereas, since then, the City has worked with the new owner in an effort to address this problem, including a recent zoning and land use code amendment to the neighborhood conservation B district to partially address minimum lot size per unit; and

Whereas, even with this change, the property at 22 Wakefield is not large enough to provide the required parking; and

Whereas, the owner of 22 Wakefield has expressed an interest in purchasing the property at 28 Wakefield to provide the necessary parking; and

Whereas, this would bring the property into conformity with the City's land development code;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to sell the property at 28 Wakefield Street to Kevin and Erika Frisbie for \$10,000 with the proceeds to be used first to reimburse the General Fund for any taxes and interest due and, second, to reimburse the City's demolition account for a portion of the costs associated with demolishing the condemned structure previously on this property.

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Resolve taking possession of Tax Acquired Properties at 320 Bates Street, 159 Pine Street, 91 Pine Street, 10 Nomar Court, 5 Peter Boulevard, 67 Oak Street and 17 Holly Street.

INFORMATION:

Staff has recently undertaken a review of properties on which tax liens have matured. Among these properties are seven vacant parcels of land. After numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, taxes remain unpaid and it appears the prior owners have no further interest in these properties. As a result, it is now time for the City Council to act to take possession of these properties and consider their future use or disposition. This Resolve would do so and would authorize the sale of these properties through a formal bid process subject to a positive recommendation from the Planning Board.

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 approve the Resolve taking possession of Tax Acquired Properties at 320 Bates Street, 159 Pine Street, 91 Pine Street, 10 Nomar Court, 5 Peter Boulevard, 67 Oak Street and 17 Holly Street.



COUNCIL RESOLVE

Order, Taking Possession of Tax Acquired Properties at 320 Bates, 159 Pine, 91 Pine, 10 Nomar Court, 5 Peter Boulevard, 67 Oak, and 17 Holly Street.

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are seven vacant parcels of land; and

Whereas, City staff have made numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties and consider their future use and/or disposition;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on matured tax liens, the City take formal possession of the following properties: 320 Bates, 159 Pine, 91 Pine, 10 Nomar Court, 5 Peter Boulevard, 67 Oak, and 17 Holly Street; and

Be it Further Ordered, that

Subject to a positive recommendation from the Planning Board, the properties be offered for sale through a formal sealed bid process.

Properties to Take into Consideration for Tax Acquisition - February 2017

<u>Ref</u>	<u>Parcel ID</u>	<u>Address</u>	<u>Taxpayer</u>	<u>Type & Size</u>	<u>Matured Liens</u>	<u>Taxes Due</u>	<u>Total Due</u>	<u>Last Pmt</u>	<u>Assessed Estimated Market</u>	
									<u>Value</u>	<u>Value</u>
1	00008061	320 Bates St	Gabriel J Redmond	Land Only .22 ac	2013 – 2015	\$57,233.78	\$58,710.64	9/11/2012	29,280	\$10,000
2	00006483	159 Pine St	KBK Investments LLC	Land Only .11 ac	2013 – 2014	\$32,044.71	\$34,520.89	3/6/2014	17,040	\$6,000
3	00007442	91 Pine St	PMN Properties LLC	Land Only .04 ac	2014 – 2015	\$25,837.31	\$30,900.59	9/13/2013	10,560	\$3,000
4	00007791	10 Nomar Ct	Win/Win Corporation	Land Only .10 ac	2015	\$15,737.35	\$15,737.35	9/12/2016	10,920	\$6,000
5	00007489	5 Peter Blvd	Roland Nault	Land Only .63 ac	2014 – 2015	\$12,954.22	\$13,178.64	3/6/2014	28,560	\$28,000
6	00007583	67 Oak St	Kevin L Roy	Land Only .10 ac	2014 – 2015	\$1,469.72	\$1,963.54	3/6/2013	10,600	\$6,000
7	00008601	17 Holly St	Daniel R Bisson	Land Only .30 ac	2013 – 2015	\$651.60	\$651.60	8/11/2011	2,640	\$2,600

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

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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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$4,991.00, or any portion thereof, in the case of the State of Maine vs. Joseph Willis, CR-17-363 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE
Androscoggin, ss

UNIFIED CRIMINAL COURT
Docket No. CR-17-363

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Joseph Willis	}	
a/k/a Willis Joseph	}	
Defendant;	}	
	}	
And	}	
	}	
\$4,991.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: February 21, 2017

Municipal Officer
Lewiston, Maine
(Impress municipal legislative body seal here)

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on a new application for a new liquor license for Webster Street Convenience & Deli, 715 Webster Street.

INFORMATION:

We have received an application for a new liquor license from Webster Street Convenience & Deli, 715 Webster Street.

The Police Department has reviewed and approved the application.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

E. B. Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application for Webster Street Convenience & Deli, 715 Webster Street.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL NO FOOD (Class I-A) | |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Webster Street Conv & Deli	Business Name (D/B/A) Webster Street Conv & Deli
APPLICANT(S) -(Sole Proprietor) Brandy R. Darling	DOB: 11/20/74
Address 715 Webster St.	Physical Location: 715 Webster St. Lewiston ME
City/Town State Zip Code Lewiston ME 04240	City/Town State Zip Code Lewiston ME 04240
Telephone Number Fax Number 241-2580 cell#	Business Telephone Number Fax Number 207-241-2580
Federal I.D. # 81-2779173	Seller Certificate #: or Sales Tax #: 1179332
Email Address: Please Print Brd74@yahoo.com	Website:

If business is NEW or under new ownership, indicate starting date: June 2016
 Requested inspection date: _____ Business hours: m-F 6am-6pm Sat 6am-1pm Sun 7am-1pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 0
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES NO
- If manager is to be employed, give name: _____
- Business records are located at: on premises
- Is/are applicants(s) citizens of the United States? YES NO
- Is/are applicant(s) residents of the State of Maine? YES NO

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Brandy B. Darling	11/20/74	Brunswick ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Brandy R. Darling Lisbon Maine		

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

12. Has/have applicant(s) formerly held a Maine liquor license? YES NO off premise

13. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____
David St. Laurent

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? _____

Which of the above is nearest? _____

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Brandy R. Darling
 Signature of Applicant or Corporate Officer(s)

Brandy R. Darling
 Print Name

Please sign in blue ink

 Signature of Applicant or Corporate Officer(s)

 Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100%	Yes <input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Brandy R. Darling
- Doing Business As, if any: Webster Street Conv. & Deli
- Date of filing with Secretary of State: _____ State in which you are formed: _____
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Brandy R. Darling	76 D Lisbon St.	11/20/74	owner	

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Signature of Duly Authorized Person Date

Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

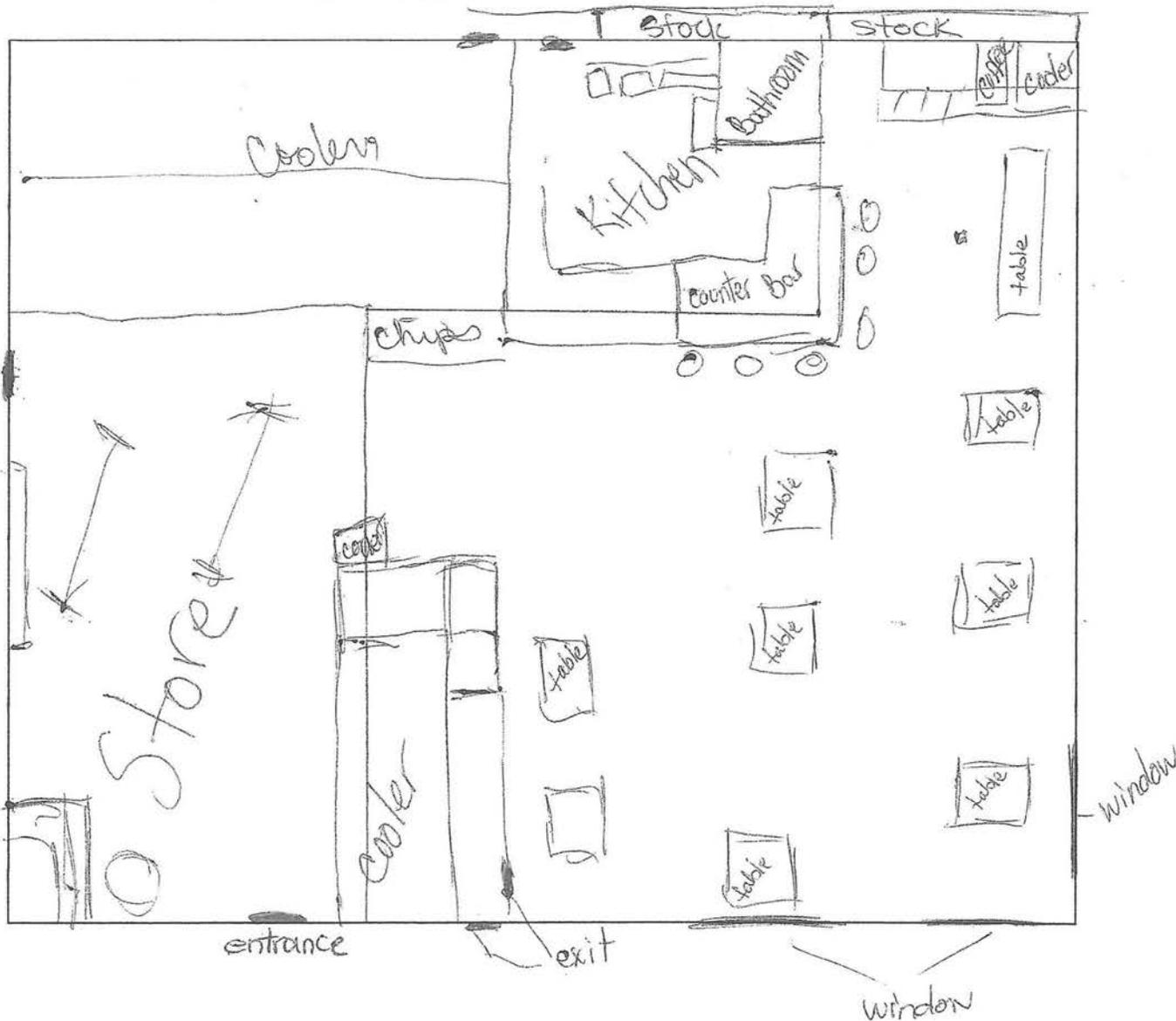
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 10, 2017

RE: Liquor License/Special Amusement Permit – **Webster Street Conv. & Deli**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Webster St. Conv. & Deli
715 Webster Street



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

CITY OF LEWISTON

PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, February 21, 2017, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Webster Street Convenience & Deli
715 Webster Street
Brandy Darling, owner

The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination Policy.

PUBLISH ON: February 15, 16 & 17, 2017

Please bill the City Clerk's Dept. account. Thank you.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Administrative Ordinance regarding Fire Department staffing.

INFORMATION:

This ordinance amendment addresses two concerns. First, it updates the current Fire Department administrative ordinance to reflect how the Department is actually currently organized. Second, at the request of members of Council, it adds a new provision, Section 2-298, that sets out the number of front-line firefighting units that will be supported by the annual budget. Reducing this number below 5 would also require five affirmative votes of the Council.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Division 5, "Department of Fire", receive first passage by a roll call vote and that the public hearing on this matter be continued to the next regularly scheduled City Council meeting for final passage.



COUNCIL ORDER

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

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~~
 - e. ~~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.

Deletions are ~~struck through~~; additions are underlined.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and First Passage for a Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District.

INFORMATION:

During a recent workshop, the Council discussed the issue of lodging houses in the area of the Bates College. There have been recent issues such as noise, overcrowding, increased parking demand, large gatherings, trash, public urination and other related issues occurring in the neighborhoods around the campus.

This agenda item is for a 180-day moratorium on the issuance of any new lodging houses in this area. This moratorium will allow time to develop policies and regulations regarding this issue.

Passage is recommended.

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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That the proposed Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District, to be effective retroactively to February 14, 2017, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.

CITY OF LEWISTON

**MORATORIUM ON LODGING HOUSES IN THE NEIGHBORHOOD
CONSERVATION “B” DISTRICT**

WHEREAS, the City Council of the City of Lewiston finds that lodging houses, as defined in the Code of Ordinances, Chapter 22, Article I and Appendix A, Zoning and Land Use Code as “lodging house”(s), located in the Neighborhood Conservation “B” (NCB) zoning district have had an adverse impact on the intended uses of properties in the area and have adversely impacted residents’ quality of living and the ability of property owners to improve and increase the values of their properties; and

WHEREAS, property owners in proximity to Bates College have been converting dwelling units into lodging houses to providing housing for students; and

WHEREAS, the number of students living in dwelling units is creating an adverse impact with respect to noise, overcrowding, increased parking demand, large gatherings, trash, public urination, and other nuisances; and

WHEREAS, the City Council finds that a concentration of lodging houses and dwellings providing student housing in proximity to Bates College creates unique public safety issues and excessive demand on the City’s ability to provide public safety services; and

WHEREAS, it has come to the City Council’s attention that the existing provisions of Lewiston’s Code of Ordinances and the Lewiston Zoning and Land Use Code relating to the licensing and allowance of lodging houses and the number of unrelated occupants in a dwelling unit in the NCB district and other zoning districts are not working effectively to prevent the problems described above and are inadequate to protect against the risk of serious public harm occurring as a result of improperly located lodging houses and dwellings housing students; and

WHEREAS, the City intends to review and amend its existing regulations governing lodging houses and the number of unrelated occupants in a dwelling during the time this moratorium is in effect; and

WHEREAS, these circumstances create the need for a moratorium on the issuance of any permits and/or licenses for lodging houses or dwellings with more than three unrelated persons;

NOW, THEREFORE, be it ordained by the City Council of the City of Lewiston, Maine, in City Council assembled that, based on the foregoing findings, the following moratorium provisions are hereby adopted:

1. Applicability

During the time this moratorium is in effect, no official, officer, board, body, agency, agent or employee of the City of Lewiston shall accept, process, or act upon any application for any approval required under any ordinance of the City of Lewiston to establish a lodging house in the Neighborhood Conservation "B" (NCB) district.

2. Definitions

As used in this Ordinance, the following terms have the following meanings:

Dwelling unit means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family, including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations

Lodging house means a building or group of attached or detached buildings containing lodging and/or dwelling units for occupancy for daily or weekly periods by persons not within the second degree of kindred to the person conducting the lodging house with or without board, in which common kitchen or living facilities may or may not be provided. The term "lodging house" shall not be meant to include the dormitories of charitable, educational or philanthropic institutions or associations, or any house where lodgings are let to less than five lodgers. A boarding house shall be considered a type of lodging house.

Lodging house means a building or group of attached or detached buildings containing three (3) or more lodging units for occupancy for weekly or longer periods of time with or without board, for compensation, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. Lodging units shall not meet the definition of a dwelling unit and for the purposes of computing density and parking requirements; two (2) lodging units shall equal one (1) multi-family dwelling unit. A boarding house shall be considered a type of lodging house.

Neighborhood Conservation "B" (NCB) district consists of areas to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood as shown on the official zoning map. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.

Official zoning map means a map prepared by the City of Lewiston planning board and adopted by the city council outlining each district established or modified by the municipality.

Terms not defined in this Ordinance shall have the same meanings as they have in the Code of Ordinances and the Zoning and Land Use Code Ordinance.

3. Establishment of Lodging Houses are prohibited

No person or organization shall develop or operate a new lodging house or expand a lodging house within the NCB district within the City of Lewiston on or after the effective date of this ordinance and during the period in which this ordinance remains in effect. No new application for a license or permit to develop or operate a new lodging house within the NCB district within the City of Lewiston shall be processed or approved by any official, officer, board, body, agency, agent or employee of the City of Lewiston while this moratorium ordinance remains in effect.

4. Enforcement, Violation, and Penalties

This ordinance shall be enforced by the Code Enforcement Officer of the City of Lewiston. Development, expansion, operation, or relocation of a new lodging house within the NCB district in the City of Lewiston in violation of this ordinance shall constitute a land use violation pursuant to 30-A M.R.S.A. sec. 4452. If a lodging house is established in violation of this ordinance, each day such use continues to exist constitutes a separate violation.

5. Effective Date

Upon its enactment, this Ordinance takes effect retroactively on February 14, 2017 and shall remain in effect for a period of 180 days after the effective date, until August 13, 2017, unless earlier extended, repealed, or modified by the Lewiston City Council

6. Applicability

Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to any proposal to establish a lodging house, whether or not an application or proceeding to establish said use would be deemed a pending proceeding under 1 M.R.S.A. § 302.

7. Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Adopted by the City Council: February 21, 2017 (to be effective February 14, 2017)

Ordinance Expires: August 13, 2017



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.

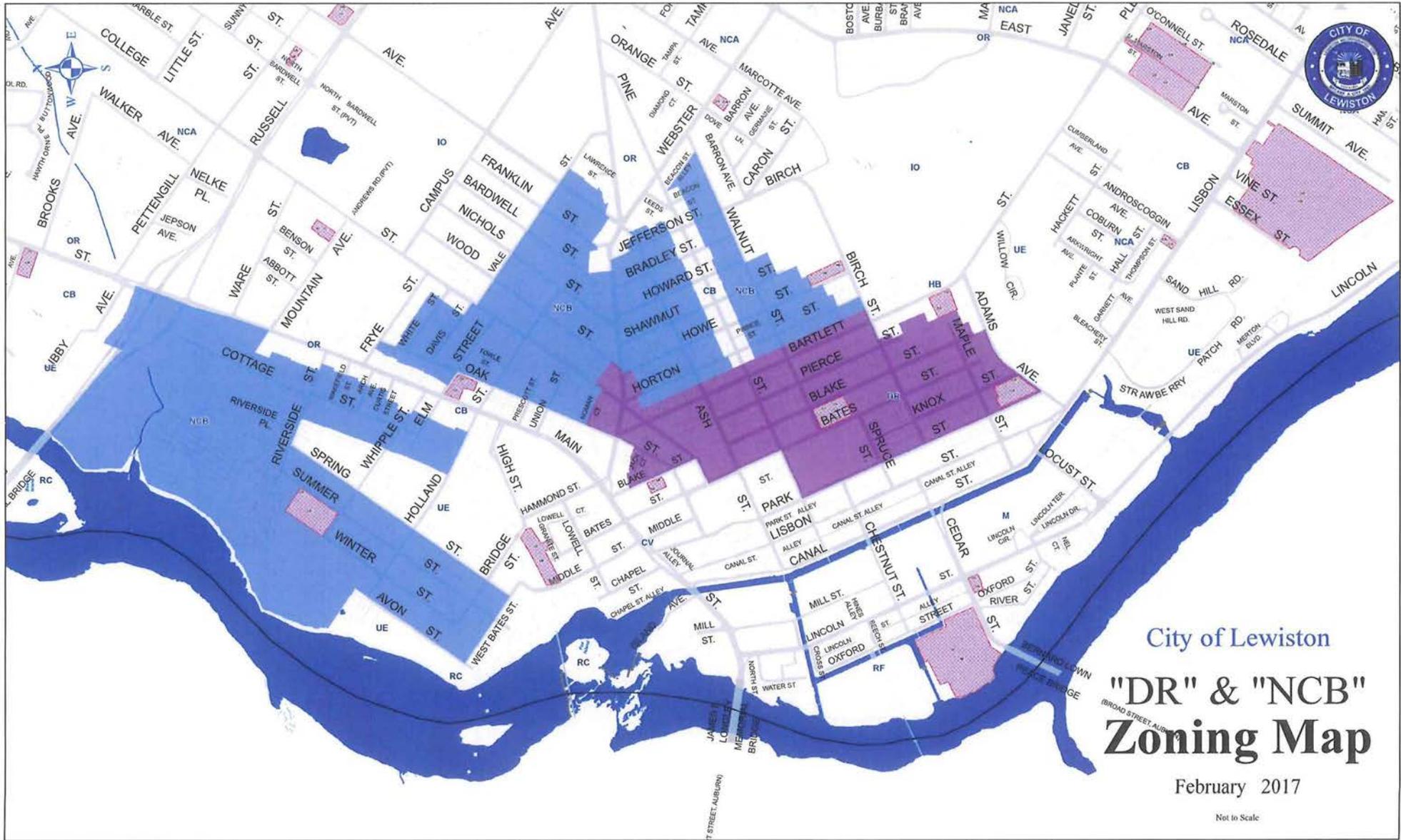
The reason for a proposed moratorium would be to provide the city time to investigate and prepare amendments to various sections of our code with respect to lodging houses. There is a concern that current provisions may not be protecting the residential character of certain neighborhoods or protecting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



City of Lewiston

"DR" & "NCB" Zoning Map

February 2017

Not to Scale

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Receipt of recommendations from the Finance Committee and the Planning Board on the FY2018 Lewiston Capital Improvement Plan budget.

INFORMATION:

The Planning Board, at their February 15, 2017 meeting, voted to send a favorable recommendation to the City Council to adopt the FY2018 LCIP. Their comments are attached.

The Finance Committee met on February 15, 2017 to review the proposed LCIP projects and their recommendation is also attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Charter requires a recommendation on the LCIP from both of these committees.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY18 Lewiston Capital Improvement Plan.



City of Lewiston, Maine
Finance Committee



February 15, 2017

The Honorable Robert Macdonald, Mayor
And Members of the City Council
City Hall
Lewiston, Maine 04240

Dear Mayor and Members of City Council:

At a meeting of the Finance Committee held on February 15, 2017 the Committee took the following action relative to recommendation of the FY2018 Capital Improvement Program:

On motion of Councilor Lachance, seconded by Mr. Shaw it was voted to send the following recommendation:

VOTED:

The Finance Committee has reviewed the Fiscal Year 2018 Lewiston Capital Improvement Program. The Finance Committee recognizes that this document is a long-term planning tool utilized by the City Council and Administration, and that all projects are subject to the scrutiny of the budgetary process. If projects as requested are approved, including the Administrator's recommendation and School Department recommendations, the proposed FY18 bond authorization amount would significantly exceed the 80% bond issue authorization limitation as established by City Ordinance (Chapter 2, Article II, Section 2-34: Council action on bond authorization).

As a committee serving this council and the citizens of Lewiston we recommend the focus be placed on the overall systemic view rather than a listing of each item that highlights our concern. All members of the City Council have now been through the process at least once and should have a more firm understanding of the document.

That being said, we are concerned that the same items keep being placed on the list each year despite the suggestions of better options. As one example, we refer to the telescoping bucket truck. The initial cost to purchase alone is greater than the cost to rent the same item as needed (based on multiple prior year rentals) over the life of the vehicle and when you add in the interest, maintenance, depreciation and other aspects of ownership, it becomes clear this should not even be on the list.

On Debt

We remain concerned over the level of debt held by our city. While much good work has been done to restructure and/or pay off several bonds we wish to remind the council that there are three very large items which will add significant debt to our city. The first is the parking garage arrangement by which we are now past due in building another garage at significant costs. An arrangement which requires us to build more parking simply because the space has been developed should be renegotiated to become an arrangement where more parking is developed once parking is at capacity and a need for significantly more can be demonstrated. The second is our long overdue need for three substations and significant modification of the primary fire station. The third is our streets which at more than one million dollars per mile to rebuild. Currently we are building or reconstructing at a pace that is only 30% of what is required to properly maintain them.

Fund Balances

We appreciate the city reviewing fund balances but believe there is additional room to use some of this reserve. A balance of as little as 8.33% calculates to 30 days of reserve. One month should be enough time to see any changes or concerns whether it be state funding or other issues that come before you. City administration should be able to provide a breakdown of past 5 years of the fund balance in days held to show the true loss in sitting on this money as opposed to using it to reduce the need for additional debt. Other communities have begun these same conversations, including Auburn where a fund reserve of as little as 6% was discussed.

On Land Banking

Like with the fund balance, we may be able to reduce our need to borrow or raise taxes by selling off some properties which are no longer necessary nor meet the needs of land banking. The city should continue its review and sale of property sales in order to fund some of our needs.

Prudent Choices

When we weigh the potential upcoming bonding items, the unstable nature of state funding and the potential merger vote this fall we strongly recommend the City Council consider funding only those items absolutely necessary or where a prudent review could show the cost to acquire is less than maintaining current aging equipment. This would include postponing the building of another parking garage for at least one additional year. That exercise when done publicly will provide the taxpayer some comfort in how their property tax dollars are being spent.

Lastly, we continue to remind this council that the LCIP continues to have items in it that do not meet the definition of Capital Equipment or Expenditures. Those items include supplies and materials with a potential use of less than a year and adding staffing time such as engineering into the bonded portion of any project. There is no accounting standard found which justifies placing them here and thus we recommend they be earmarked for removal and placed in the annual operating budget.

We look forward to being a resource to the city on any of these issues and are open to assisting with any further discussion.

The Committee voted 4-0 in support of the recommendation. Councilor Lysen absent with notification

Sincerely,

*Robert Reed, Chairman
Finance Committee*



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor
City Council
FROM: David Hediger, City Planner
DATE: February 16, 2017
RE: Planning Board Recommendation on the FY2018LCIP

The Planning Board took the following action at their meeting held on February 15, 2017 regarding the Lewiston Capital Improvement Program (LCIP).

The following motion was made:

- MOTION:** by **John Butler** to pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the adoption of the FY 2018 LCIP as presented, subject to the following reductions and reallocations:
1. Lincoln Street Parking Garage Phase II, page 28: implementation of this project is moved from FY2018 to FY2019.
 - a. The Board felt funding this project should be delayed given the uncertainty with the redevelopment of Bates Mill #5. Delaying this project also reduces the amount of authorized debt below the 80% limit.
 2. Sidewalk Maintenance & Rehabilitation, page 49: \$99,000 is added to the total project cost for FY2018.
 - a. The Board noted the poor conditions of sidewalks in the city and recalled the Public Works Director's comment that it will take hundreds of years to replace and/or rehabilitate the 86 miles of sidewalks at current funding levels.
 3. Street Maintenance Program, page 52. In effort to reduce the proposed bonded debt by the \$10,078,325 projected to exceed the 80% limit of the average amount of annual debt being retired over the three previous fiscal years, the difference of \$621,675 in the delaying the Lincoln Street Parking Garage to FY2019 be applied to the FY2018 Street Maintenance Program.
 - a. The Board noted that if the Lincoln Street Parking Garage is not funded in FY2018, the difference in funding to stay below the 80% bonded debt limit should be applied toward improving the city's streets.
 4. Kennedy Park Master Plan, page 64. The FY2018 project costs should not exceed \$22,500 with funds used toward proposed amenities including a flagpole, trash receptacles, signs, and benches.

- a. The Board had concerns with FY2018 project costs of \$339,000 and felt improvements at this time should be limited to specific amenities.

Second by **Norm Anctil**.

VOTED: 5-0 (Passed)

- c: Ed Barrett, City Administrator
Planning Board Members

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LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve regarding the Adoption of the Fiscal Year 2018 City of Lewiston Five-Year Capital Improvement Program.

INFORMATION:

The Lewiston Capital Improvement Plan (LCIP) is required to be annually adopted by the City Council by Charter. It is an important and necessary planning tool for the City's consideration in addressing financial, infrastructure, and development issues. It should be seen as a working document that sets the stage for the City's annual operating budget process, and adoption does not constitute approval and/or funding of the various projects within the program. Each project requires funding approval from the Council at a later date. A hard copy of the complete plan was distributed to the Council earlier for review and the Council has previously held both a workshop and a public hearing to review it. An electronic copy of the full document can be found on our website under Finance Department, Financial Reports.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The FY2018 program is limited to those projects which are important to the continued maintenance and development of the City. Each project will be reviewed prior to receiving funding.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby approves the Resolve adopting the FY2018 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator.

(Note - Copy of full Resolve is attached.)



COUNCIL RESOLVE

Resolve, Adopting the FY2018 City of Lewiston Five-Year Capital Improvement Program

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, 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 FY2018 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.



EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Phil Nadeau, Deputy City Administrator

December 29, 2016

Honorable Mayor Robert E. Macdonald
Lewiston City Council Members
City Building
Lewiston, Maine 04240

RE: Proposed FY2018 Capital Improvement Program

Dear Mayor and Councilors:

The proposed FY2018 Lewiston Capital Improvement Program (LCIP) is hereby submitted for your review in accordance with the provisions of the City Charter.

The purpose of developing and annually updating a five-year capital plan is to ensure that policy makers are aware of both current and future capital needs and can take these into account during the annual budget process. It assists in setting priorities for addressing the City's infrastructure needs and in planning for and managing the City's overall debt.

At the same time, a capital plan is not and cannot be carved in stone. It must be a living and flexible document that, while informing judgments, does not predetermine them. While the plan serves as a guide to decision making, other factors must be weighed and balanced. These include: the overall economic and fiscal climate; the City's debt position; the availability of non-city funding sources; unexpected emergencies or development opportunities; public requests or expectations; and the ability of the City's operating budget to directly fund projects through normal City revenues.

Under our charter and procedures, this plan is also submitted to the Planning Board and the Finance Committee for their review, comments, and recommendations. The Council is required to hold a public hearing on this plan and to adopt it as it may be changed or modified at least four months prior to the end of the current fiscal year.

In addition to various summaries, each project is described and justified in the attached project detail sheets. Potential sources of funding are suggested such as federal or state grants, our operating budget, or general obligation bonds.

While a five-year time frame is appropriate for planning purposes, the focus of immediate attention will be on those projects scheduled for the coming fiscal year and, more specifically, those requiring either operating support or debt authorization. A summary of such projects can be found below.

OVERALL SUMMARY

The five-year capital plan calls for approximately \$117.9 million in projects of which \$98 million are supported by City resources including our various operating budgets or general obligation or enterprise revenue supported bonds. The following chart summarizes the proposed use of local resources for the first year of the plan (FY2018) and the total over the full five year period:

AREA	FY2018	FY2018-FY2022
City Bond Issue	17,227,885	57,303,885
City Operating Budget	601,400	1,671,025
School Bond Issue	702,000	1,602,000
Water Bond Issue	1,995,000	15,585,000
Water Operating Budget	412,250	1,984,250
Sewer Operating Budget	220,250	682,250
Sewer Bond Issue	2,305,000	10,730,000
Sewer Impact Fees	55,000	137,500
Storm Water Operating Budget	124,500	425,900
Storm Water Bond Issue	1,740,000	7,853,000
TOTAL	25,383,285	97,977,910

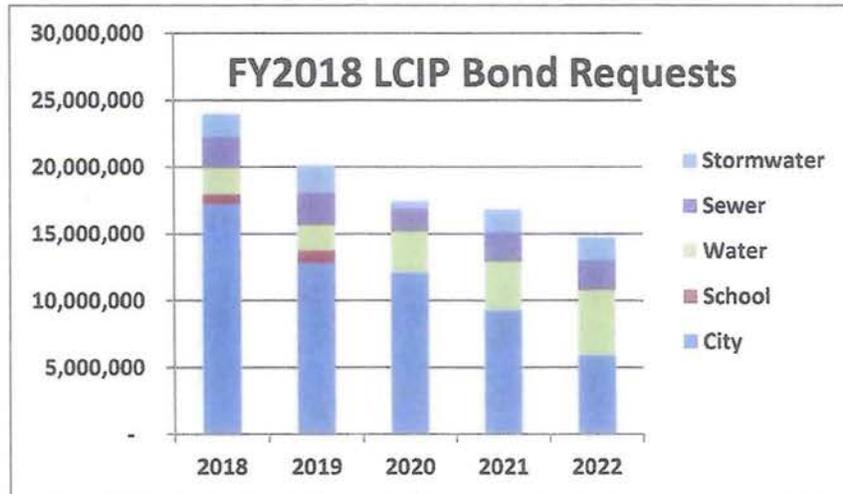
Significant changes include an increase of \$9.8 million in the size of the proposed City bond issue from last year's proposed \$7.5 million. This increase is attributed to the second phase of the Lincoln Street parking garage totaling \$10.7 million¹. The proposed School bond portion declined by \$2.3 million as FY2017's LCIP included the Farwell Elementary School classroom expansion project. The FY2018 proposed utility bond request of \$6,040,000 trails last year's request by just under a half million dollars.

PROPOSED BOND ISSUES

The following chart and accompanying graph summarizes the amount of bonded debt proposed for the City's General Fund and each of its Enterprise Funds over the next five years.

Fund	2018	2019	2020	2021	2022	Total
City	17,227,885	12,817,500	12,108,000	9,278,500	5,872,000	57,303,885
School	702,000	900,000				1,602,000
Water	1,995,000	1,955,000	3,090,000	3,625,000	4,920,000	15,585,000
Sewer	2,305,000	2,385,000	1,675,000	2,190,000	2,175,000	10,730,000
Storm Water	<u>1,740,000</u>	<u>2,086,000</u>	<u>577,000</u>	<u>1,725,000</u>	<u>1,725,000</u>	<u>7,853,000</u>
TOTAL	23,969,885	20,143,500	17,450,000	16,818,500	14,692,000	93,073,885

¹ Note that this project is dependent upon the redevelopment of Mill 5 moving forward. Without this project, FY 18's proposed bond issue would be slightly smaller than the FY 17 proposal. Additionally, in accordance with the City ordinance, any single purpose bond authorization for an individual project that exceeds 15% of the property tax levy of the preceding fiscal year (\$7,846,914) must be approved by the voters at a regular or special election prior to issuance.



OVERALL FISCAL AND ECONOMIC CLIMATE

During and subsequent to the recent great recession, capital funding financed by our operating budget declined. In recent years, we have taken some modest steps to increase the operating capital budget. This progress was reversed in FY14 as a result of a significant additional reduction in state revenue sharing and minimal capital funding has been provided by the operating budget since then. Projects that should be funded through current revenues continue to be proposed for either bond funding or the use of fund balance. This includes equipment replacement, annual street paving, and proposed funding for some smaller projects.

While pressure remains on the City's operating budget due to the after effects of the economic downturn and the continuing state raids on local funding, staff will closely evaluate the potential to fund all or portions of some of the proposed bond projects through the operating budget. Funding recurring and on-going capital expenses from operations should continue to be our long-term goal.

DEBT POSTURE

At the present time, the City's outstanding issued and authorized debt for all funds and purposes is \$201,614,604. The following chart provides greater detail by fund and purpose:

Outstanding Debt Issued & Authorized as of 12/31/16	
City	\$43,810,381
Pension	4,950,000
School	38,888,138 ²
Water	19,645,547
Sewer	14,178,937
Storm Water	11,088,213
TIF Special Revenue	1,984,258
Authorized, Unissued Debt	<u>67,069,130</u>
Total	\$201,614,604

² Of this amount, \$16,553,000 in debt associated with new school construction is paid by the State.

While considered manageable by bond rating agencies, we should continue to work toward reducing tax supported debt. The current year's debt service budget of approximately \$7,862,252, while reduced from its high of \$9,553,599 in FY10, represents approximately 19% of the City's operating budget exclusive of schools and county tax. The City Council has consistently reaffirmed our goal of reducing this percentage over time to a more sustainable level. This will be a major challenge given continuing economic constraints on our operating budget and past and potential reductions in state and federal funding.

While significant strategic investments have been required to address major changes occurring in the local economy in recent decades, these investments have come at a cost, and we must carefully manage our debt position moving forward. Our current approach to debt management involves a four part strategy. First, we should strive to move certain capital expenditures back into our operating budget or find other sources to fund them. Generally, those projects that are on-going or fairly predictable from year to year should be supported by annual revenues. This includes such items as street overlay and fleet replacement. Second, we have closely monitored capital markets and refinanced outstanding bonds at lower interest rates whenever possible. Given the extent of the refinancings over the past few years, this option is just about exhausted. Third, the City has eliminated its past budgetary practice of using one-time revenues and fund balance to support our operating budget and has adopted a fund balance policy. Under that policy, once certain targets are met, preference is given to using amounts over the target for capital expenditures, relieving the need to borrow. Earlier this year, the City Council approved the use of approximately \$2 million from fund balance for one time capital items and other costs. Finally, in 2011, the Council lowered the amount of debt that can be authorized in any one year from 97% of the average amount of principal retired over the last three years to 80%. To exceed this amount, an affirmative vote of five Councilors is required. Over time, these approaches have and will continue to allow the city to gradually reduce its outstanding debt and the percentage of the operating budget devoted to debt service.

Unfortunately, reducing our outstanding debt will not result in an immediate significant reduction in the City's debt service payment schedule. The City makes equal annual principal payments, resulting in a declining payment schedule over time as principal is paid off. This approach requires higher payments in the early years after debt is issued. The Finance Director has also made a strategic decision to amortize the City's debt at a rapid pace, which results in higher annual principal payments but reduces overall debt burden and interest cost over the term of the issue.

The City's General Fund debt service requirements for the current year and the next five fiscal years, exclusive of authorized but as yet unissued debt are:

FISCAL YEAR	PRINCIPAL AND INTEREST PAYMENT
FY17 (Current)	\$7,752,069
FY18	7,916,335
FY19	7,462,171
FY20	7,046,455
FY21	6,804,904
FY22	4,649,413

Given these required payments and the additional borrowing that will occur over this time, annual principal is likely to continue to increase throughout this period; however, we anticipate the City will experience a reduction in interest.

Due to a printing error, the copier printed a blank numbered page. No information is missing from this memo however.

ENTERPRISE FUNDS

The majority of the projects in our water, sewer, and storm water funds are directly related to either addressing old and deteriorating infrastructure or responding to state and federal mandates related to clean water. In all of these utilities, debt service costs are a major factor driving future rate increases. In order to better plan for and manage such increases, we continue to develop multi-year revenue and expense projections to ensure that policy makers are aware of the impact of capital projects on the financial stability and rates of these utilities.

PROPOSED FY2018 CAPITAL IMPROVEMENT PROGRAM

Recognizing that one of the major purposes of a capital plan is to inform the public and the City's annual budget process, this section briefly summarizes the projects identified for potential funding through local resources (our operating budgets or by issuing bonds) during FY2018.

PROJECT	TOTAL COST	CITY RESOURCES
AIRPORT:		
Instrument Landing System Relocation & Upgrade	150,000	3,875
Taxiway B Reconstruction	611,000	15,275
Airport Landside Terminal Parking Lot	25,000	
	786,000	19,150
EMERGENCY 9-1-1:		
Radio Replacement Project	570,000	35,000
Virtualization Hardware Refresh	143,000	71,500
	713,000	106,500
TRANSIT COMMITTEE:		
Bus/Bus Equipment/Midlife Overhauls	400,000	40,000
CITY CLERK:		
Voting Booth Replacement (Year 2)	18,000	18,000
ECONOMIC & COMMUNITY DEVELOPMENT:		
Acquisition/Demolition	200,000	200,000
Canal Ownership Projects	22,000	22,000
Riverfront Island Implementation	320,000	320,000
Lincoln Street Garage Phase II	10,700,000	10,700,000
	11,242,000	11,242,000
LIBRARY:		
Elevator Control Replacement for Second Elevator	32,000	32,000
MIS DEPARTMENT:		
Camera System Upgrade	150,000	150,000
FIRE DEPARTMENT:		
Central Fire Station Generator	59,885	57,885
Fire Support Vehicles	128,000	128,000
Central Fire Station Roof Replacement Project	165,000	165,000
Sabattus Street Fire Station Replacement Project	315,000	315,000
	667,885	665,885
PUBLIC WORKS - BUILDINGS:		
Recreation Dept. Armory Lighting Replacement Program	50,000	41,000
City Hall Building Second Floor Interior Restoration Project	104,000	104,000
	154,000	145,000

PUBLIC WORKS - HIGHWAY:		
Sidewalk Maintenance & Rehabilitation	301,000	301,000
Street Crosswalk Evaluation & Implementation Plan	175,000	175,000
Street Maintenance Program	2,732,000	2,732,000
	<u>3,208,000</u>	<u>3,208,000</u>
PUBLIC WORKS - MDOT PROJECTS:		
MDOT 5 WIN 022532.00 Sabattus St. Highway Preservation Paving	550,000	
PUBLIC WORKS - ATRC:		
MDOT 4 River Road Highway Reconstruction	1,350,000	
PUBLIC WORKS - OPEN SPACES:		
Kennedy Park Master Plan	339,000	339,000
Marcotte Park Playground	410,850	75,000
Veteran's Park Improvements & Jet Pedestal	50,000	50,000
Hudson Bus Property Soccer Field	300,000	300,000
	<u>1,099,850</u>	<u>764,000</u>
PUBLIC WORKS - MUNICIPAL GARAGE:		
Municipal Garage Vehicle & Equipment Replacement	1,422,500	1,422,500
Fleet Tracking System	16,250	16,250
	<u>1,438,750</u>	<u>1,438,750</u>
SCHOOL DEPARTMENT:		
LHS Parking Lot Expansion	240,000	240,000
Montello Electrical Upgrade & Library Air Conditioning	462,000	462,000
	<u>702,000</u>	<u>702,000</u>
PUBLIC WORKS - WATER DIVISION:		
Distribution Water Main Replacement/Rehabilitation	1,995,000	1,995,000
Equipment Replacement Program	46,000	46,000
Lake Auburn Watershed Protection Commission Land Acquisition	60,000	30,000
Fleet Tracking System	16,250	16,250
Meter Program	320,000	320,000
	<u>2,437,250</u>	<u>2,407,250</u>
PUBLIC WORKS - SEWER DIVISION:		
Rehabilitation of Old Sanitary Sewer Mains	1,000,000	1,000,000
Equipment Replacement Program	164,000	164,000
Collection System Inspection & Rehabilitation	600,000	600,000
Fleet Tracking System	16,250	16,250
Pump Station Replacement	205,000	205,000
CSO Separation - Various Areas	500,000	500,000
CSO Permanent Metering with SCADA	15,000	15,000
CSO Storage in Franklin Pasture for Gully Brook CSO Area	25,000	25,000
	<u>2,525,250</u>	<u>2,525,250</u>
PUBLIC WORKS - STORM WATER DIVISION		
Culvert Replacement Program	210,000	210,000
Fleet Tracking System	16,250	16,250
Storm Drains for Road Rehabilitation Projects	68,250	68,250
Jepson Brook Channel Upgrades	1,030,000	1,030,000
CSO Separation - Various Areas	500,000	500,000
CSO Permanent Metering with SCADA	15,000	15,000
CSO Storage in Franklin Pasture for Gully Brook CSO Area	25,000	25,000
	<u>1,864,500</u>	<u>1,864,500</u>

PUBLIC WORKS - SEWER IMPACT FEES:

Criticality & Risk Assessment of Collection System	55,000	55,000
Total	29,393,485	25,383,285

FY2018 MUNICIPAL BOND PROJECTS

The following general fund projects are proposed for bond funding in FY2018:

PROJECT	AMOUNT
CITY:	
Virtualization Hardware Refresh	71,500
Riverfront Island Implementation	320,000
Lincoln Street Garage Phase II	10,700,000
Camera System Upgrade	150,000
Central Fire Station Generator	57,885
Central Fire Station Roof Replacement Project	165,000
Sabattus Street Fire Station Replacement Project	315,000
City Hall Building Second Floor Interior Restoration Project	104,000
Sidewalk Maintenance & Rehabilitation	301,000
Street Crosswalk Evaluation & Implementation Plan	175,000
Street Maintenance Program	2,732,000
Kennedy Park Master Plan	339,000
Marcotte Park Playground	75,000
Hudson Bus Property Soccer Field	300,000
Municipal Garage Vehicle & Equipment Replacement	1,422,500
	17,227,885
SCHOOL:	
LHS Parking Lot Expansion	240,000
Montello Electrical Upgrade & Library Air Conditioning	462,000
	702,000
 Total General Fund Requests	 17,929,885

Given the proposed bond projects, the 80% limit of \$7,851,560 would be exceeded by \$10,078,325.³

As we move through the budget process, it is my hope that we will be able to bring the proposed amount of borrowing closer to the 80% limit. This can be accomplished by deferring projects and/or funding some of them from either the City’s operating budget or unallocated fund balance. Toward this end, the goal of reducing next year’s bond issue should remain in our minds as we work on the FY2018 operating budget.

CONCLUSION

The LCIP is an important planning tool to assist policy makers as they consider financial and development issues. However, the LCIP is only a “tool,” not a funded budget.

³ Note that this includes the early payment of the Colisee bond in FY2015. The additional principal payment equals \$3,475,000.

The City Council has the final authority over which projects are funded and which are not. In these economic times and given the City's overall debt and fiscal posture, it may be difficult to either afford or fully fund all of the scheduled LCIP projects, including those proposed for inclusion in the General Fund operating budget. As a result, these projects will require that we carefully prioritize what must and should be done. These are issues that will be fully discussed and evaluated during the upcoming budget process.

I would like to express my thanks to the members of City staff who contributed to developing this plan, especially our department directors, our Finance Director Heather Hunter, and Norm Beauparlant, our Director of Budget and Purchasing. Without their efforts, this document could not have been produced in a timely fashion.

I look forward to the opportunity of reviewing this plan with you, the Planning Board, and the Finance Committee over the coming months.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Edward A. Barrett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Edward A. Barrett
City Administrator

**FY 2018 Lewiston Capital Improvement Project Summary
by Department/Agency**

PROJECT	PAGE	FY2018		FY2019		FY2020		FY2021		FY2022	
AIRPORT:											
Instrument Landing System Relocation & Upgrade	13	142,250	F/S	555,250	F/S						
		3,875	Other	34,875	Other						
		3,875	COB	34,875	COB						
Construction of New Fuel Farm	14					712,500	F/S				
						18,750	Other				
						18,750	COB				
Reconstruction of Runway 4-22	15			5,700,000	F/S						
				150,000	Other						
				150,000	CBI						
Taxiway B Reconstruction	16	580,450	F/S								
		15,275	Other								
		15,275	COB								
Airport Landside Terminal Parking Lot	17	25,000	Other	175,000	Other	150,000	Other				
Fixed Base Operation Aircraft Parking Ramp Reconstruction	18					200,000	Other				
						200,000	CBI				
Airport Wildlife Control Equipment - Tractor	19			150,000	Other						
				150,000	CBI						
EMERGENCY 9-1-1:											
Radio Replacement Project	20	535,000	Other	511,000	Other	1,500,000	Other				
		35,000	COB	511,000	CBI	1,500,000	CBI				
Virtualization Hardware Refresh	21	71,500	Other	68,500	Other						
		71,500	CBI	68,500	CBI						
TRANSIT COMMITTEE:											
Bus/Bus Equipment/Midlife Overhauls	22	320,000	F/S	320,000	F/S	360,000	F/S	360,000	F/S	360,000	F/S
		40,000	Other	40,000	Other	45,000	Other	45,000	Other	45,000	Other
		40,000	COB	40,000	COB	45,000	COB	45,000	COB	45,000	COB
ASSESSING:											
City-Wide Revaluation										114,000	CBI
CITY CLERK:											
Voting Booth Replacement (Year 2)	24	18,000	COB								
ECONOMIC & COMMUNITY DEVELOPMENT:											
Acquisition/Demolition	25	200,000	COB	200,000	COB	200,000	COB	200,000	COB	200,000	COB
Canal Ownership Projects	26	22,000	COB	100,000	CBI	100,000	CBI	100,000	CBI	100,000	CBI
Riverfront Island Implementation	27	320,000	CBI	450,000	CBI	450,000	CBI	450,000	CBI	450,000	CBI
Lincoln Street Garage Phase II	28	10,700,000	CBI								
LIBRARY:											
Elevator Control Replacement for Second Elevator	29	32,000	COB								
MIS DEPARTMENT:											
Camera System Upgrade	30	150,000	CBI								
FIRE DEPARTMENT:											
Central Fire Station Generator	31	57,885	CBI								
		2,000	Other								
Fire Pumper/Aerial Replacement	32			950,000	CBI						
Fire Support Vehicles	33	128,000	COB								
Central Fire Station Roof Replacement Project	35	165,000	CBI								
Sabattus Street Fire Station Replacement Project	36	315,000	CBI	3,300,000	CBI						
Lisbon Street Fire Station Replacement Project	37					110,000	CBI	3,300,000	CBI		

FY 2018 Lewiston Capital Improvement Project Summary											
by Department/Agency											
PROJECT	PAGE	FY2018		FY2019		FY2020		FY2021		FY2022	
Main Street Fire Station Replacement Project	38									110,000	CBI
POLICE DEPARTMENT:											
Police Building Expansion Project	39			50,000	CBI	2,500,000	CBI				
PUBLIC WORKS - BUILDINGS:											
Recreation Dept. Armory Light Replacement Program	40	41,000	COB	41,000	COB						
		9,000	Other	9,000	Other						
City Hall Building Second Floor Interior Restoration Project	41	104,000	CBI								
Public Works Building Roof Membrane Replacement Project	42					340,000	CBI				
City Hall Building Window Replacement Project	43							500,000	CBI		
City Hall Building Exterior Rehabilitation Project	44									200,000	CBI
Armory Balcony Seat Replacement	45									90,000	CBI
Armory Building Exterior Rehabilitation Project	46									140,000	CBI
PUBLIC WORKS - HIGHWAY:											
Birch Street Road & Sidewalk Rehabilitation	47					925,000	CBI				
Canal Street Project	48			800,000	CBI						
Sidewalk Maintenance & Rehabilitation	49	301,000	CBI	393,000	CBI	343,000	CBI	346,000	CBI	300,000	CBI
Street Crosswalk Evaluation & Implementation Plan	51	175,000	CBI								
Street Maintenance Program	52	2,732,000	CBI	2,792,000	CBI	2,659,000	CBI	2,759,000	CBI	2,767,000	CBI
PUBLIC WORKS - MDOT PROJECTS:											
MDOT East Avenue - Homefield Street to Fairlawn Avenue	56			720,000	F/S						
				80,000	CBI						
MDOT Stetson Road - Main St. to College St. Rehabilitation Project	57			810,000	F/S						
				90,000	CBI						
MDOT WIN 011599.30 River Road Highway Reconstruction	58			1,000,000	F/S						
				175,000	CBI						
MDOT 5 WIN 022532.00 Sabattus St. Highway Preservation Paving	59	550,000	F/S								
PUBLIC WORKS - ATRC:											
MDOT 4 River Road Highway Reconstruction	60	1,350,000	F/S								
PUBLIC WORKS - STREET LIGHTING:											
Replace Mercury Street Lighting	61			395,000	CBI	395,000	CBI				
PUBLIC WORKS - SOLID WASTE:											
Landfill Intermediate Cover	62			250,000	CBI						
Truck Scale Replacement/Scale Management Upgrades	63			150,000	CBI						
PUBLIC WORKS - OPEN SPACES:											
Kennedy Park Master Plan	64	339,000	CBI	403,000	CBI	451,000	CBI	498,500	CBI	355,000	CBI
Marcotte Park Playground	71	12,500	CD	12,500	CD						
		323,350	Other	323,350	Other						
		75,000	CBI	75,000	CBI						
Randal Road Field Upgrades	72			175,000	CBI	820,000	CBI				
Veteran's Park Improvements & Jet Pedestal	73	50,000	COB								
Hudson Bus Property Soccer Field	74	300,000	CBI								
PUBLIC WORKS - MUNICIPAL GARAGE:											
Municipal Garage Vehicle & Equipment Replacement	75	1,422,500	CBI	1,310,000	CBI	1,315,000	CBI	1,325,000	CBI	1,246,000	CBI
Fleet Tracking System	79	16,250	COB								
		16,250	WOB								
		16,250	SOB								
		16,250	SWOB								
PUBLIC WORKS - COMBINED SEWER OVERFLOW:											
CSO Separation - Various Areas	80	500,000	SBI					500,000	SWBI	500,000	SWBI

**FY 2018 Lewiston Capital Improvement Project Summary
by Department/Agency**

PROJECT	PAGE	FY2018	FY2019	FY2020	FY2021	FY2022
CBI (City Bond Issue)		13,432,000	6,892,000	6,084,000	6,059,000	2,767,000
SCBI (School Bond Issue)						
WBI (Water Bond Issue)		1,995,000	1,955,000	2,840,000	2,425,000	4,920,000
SBI (Sewer Bond Issue)		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
SWBI (Storm Water Bond Issue)						
sub-total		16,427,000	9,847,000	9,924,000	9,484,000	8,687,000
15yr						
CBI (City Bond Issue)		974,000	1,803,000	3,221,000	1,448,500	805,000
SCBI (School Bond Issue)		462,000	900,000			
WBI (Water Bond Issue)					1,200,000	
SBI (Sewer Bond Issue)		1,100,000	1,260,000	550,000	1,050,000	1,050,000
SWBI (Storm Water Bond Issue)		1,530,000	1,800,000	577,000	1,725,000	1,725,000
sub-total		4,066,000	5,763,000	4,348,000	5,423,500	3,580,000
10yr						
CBI (City Bond Issue)		1,888,500	2,984,000	2,703,000	1,671,000	1,856,000
SCBI (School Bond Issue)		240,000				
WBI (Water Bond Issue)						
SBI (Sewer Bond Issue)		205,000	125,000	125,000	140,000	125,000
SWBI (Storm Water Bond Issue)		210,000	286,000			
sub-total		2,543,500	3,395,000	2,828,000	1,811,000	1,981,000
5yr						
CBI (City Bond Issue)		933,385	1,138,500	100,000	100,000	444,000
SCBI (School Bond Issue)						
WBI (Water Bond Issue)				250,000		
SBI (Sewer Bond Issue)						
SWBI (Storm Water Bond Issue)						
sub-total		933,385	1,138,500	350,000	100,000	444,000
Total		23,969,885	20,143,500	17,450,000	16,818,500	14,692,000

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing an amendment to the Joint Development Agreement between the City of Lewiston and The Hartley Block, LP.

INFORMATION:

As was reported recently in the Sun Journal, the amount investors are willing to pay for Low Income Housing Tax Credits (LIHTC) has dropped from 98 cents on the dollar to 87 cents. The drop is attributable to corporate America's anticipation that corporate tax rates will drop under the Trump administration and that there will be less need, and hence less demand, for tax credits. This drop in rates has created an \$870,000 gap in funding for the Hartley Block. The developer has approached various project stakeholders to discuss options for jointly addressing this shortfall. This has included discussions with staff on a number of potential options including adjusting the term of the Tax Increment Financing arrangement currently in place, identifying other potential sources of funding, and potentially deferring the purchase price of the City land on which the project will be located for a period of time. These alternatives are outlined in the attached memo. Staff is continuing to review alternatives and hopes to have a proposal available for Tuesday's meeting. An executive session is scheduled prior to the meeting to review alternatives.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

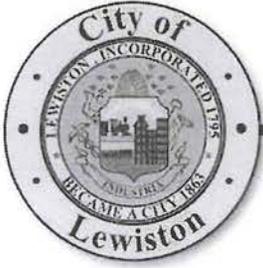
Subject to identifying an acceptable alternative, the City Administrator recommends approval of the requested action.

EiAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing an amendment to the Joint Development Agreement between the City of Lewiston and The Hartley Block, LP.



COUNCIL ORDER

Order, Authorizing an Amendment to the Joint Development Agreement Between the City of Lewiston and the Hartley Block, LP.

Whereas, in June 2016, the City of Lewiston entered into a Joint Development Agreement with the Hartley Block, LP for the construction of 41 affordable one, two, and three bedroom housing units, 22 market rate units, and approximately 4,100 square feet of retail/commercial space to be constructed on Lisbon Street; and

Whereas, the original Joint Development Agreement and overall project financials were based on the then market rate of Low Income Tax Credits at 98 cents on the dollar; and

Whereas, since then, the likelihood of changes in the federal corporate tax structure have resulted in a reduction in this market rate to 87 cents; and

Whereas, as a result, the developer is working to address an \$870,000 shortfall in project financing; and

Whereas, in addition to reducing the developer fee, the developer has received or is seeking assistance from all project stakeholders including the owner of a portion of the property on which the project will be built, the Tax Credit syndicator, and MaineHousing; and

Whereas, the developer is also seeking participation from the City of Lewiston;

Now, therefore, be it ordered by the City Council of the City of Lewiston that

The City Administrator is authorized to execute an amendment to the Joint Development Agreement between the City and the Hartley Block, LLC to assist the developer in addressing the shortfall in project financing.

(At this time, several alternatives are under consideration and a final recommendation on the source and nature of additional city participation will be available at Tuesday's meeting.)

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Amendment to Level of City Support for Hartley Block
Date: February 17, 2014

The Challenge

As was reported recently in the Sun Journal, the amount investors are willing to pay for Low Income Housing Tax Credits (LIHTC) has dropped from 98 cents on the dollar to 87 cents. The drop is attributable to corporate America's anticipation that corporate tax rates will drop under the Trump administration and that there will be less need, and hence less demand, for tax credits. This drop in rates has created an \$870,000 gap in funding for the Hartley Block.

When the impact of the drop in LIHTC prices became evident, Nathan Szanton approached MaineHousing and asked them to increase the project's tax credit allocation to cover the shortfall. While MaineHousing was sensitive to the issue and wanted to assist, they declined to increase the level of LIHTC to close the gap in its entirety. All five LIHTC projects approved in the most recent round of funding are suffering from the same challenge and, if MaineHousing were to increase the subsidy for all projects to close the gap, they would likely not have enough LIHTC allocation available to support a workforce housing program next year. MaineHousing expressed a willingness to participate in closing the gap but required that other parties to the project share in covering it.

Description of Project and Current City Support

The Hartley Block will be a 63 unit mixed income housing project with 4,100 s.f. of retail/commercial space at street level on Lisbon Street. Forty-one of the units will be workforce; the other 22 will be market rate apartments. Currently, City support for the project includes a 20 year, 50% TIF that will return an estimated \$44,048 per year to Szanton, totaling \$880,960 over the term of the TIF. The city is projected to receive \$1,516,000 in new taxes (net of the TIF) and parking revenue from 63 units over the TIF term. These estimates are conservative in that the mil rate, Assessed Valuation, and parking rates are held static in the proforma but, in reality, are likely to increase over time.

The City also agreed to:

- Sell five city owned lots located at 159 – 177 Lisbon Street to Szanton for \$135,000;
- Provide \$325,000 in HOME funds as a grant;

- Lease 63 parking spaces in the Centreville Garage at market rates to Szanton for 30 years.

Szanton Strategy to Close Funding Gap

As MaineHousing requested, Szanton is approaching each of the development partners asking them to participate in helping to close the funding gap. If the project goes forward, Szanton will reduce its Developer Fee on the project by \$100,000, a reduction of 45.8%. Tom Platz has agreed to cut the price of the two lots he is selling for the project in half, resulting in a new sales price of \$27,000. Szanton has asked the syndicator (a non-profit broker that markets/sells the credits) to increase the price they sell the credits from 87 cents to 89 cents, even if it requires cutting into their syndication fee. The syndicator is considering this request. A bright spot amidst this challenge is that Szanton has secured an institutional investor who has expressed a desire and willingness to purchase the Hartley Block tax credits at 87 cents. As of this writing, Szanton is unaware of any other LIHTC project in Maine that has an investor; additionally, at least one syndicator is pulling out of the Maine market.

In working to cobble together additional resources to allow this project to go forward this year, the Szanton team met with City staff. They outlined two scenarios for additional city support. Only one of the two is needed.

1. Increase the term of the TIF from 20 to 30 years. Doing so will allow Szanton to take on an additional \$267,000 in debt.
- OR
2. Sell the land on a 30 year deferred note at 0% interest and contribute an additional \$95,000, preferably from federal grant funds, in direct subsidy to the project.

City staff have determined that Option #2 will have a significantly smaller fiscal impact to the city. Extending the TIF for an additional 10 years would result in an estimated additional \$440,480 of municipal support for the project.

In evaluating how to best meet Option #2, City staff identified a source of funds that have accumulated from repayment of a \$250,000, 0% interest, 15 year loan the city made to the Lewiston Housing Authority (LHA) that was part of the financing for the B Street Community Center. When the loan was made to LHA, the City Council structured an agreement where funds from the repayment of the loan could be used by LHA to fund grants that would support home ownership for low income residents (less than 80% Median). Payments into that account have accumulated to approximately \$237,236. It was intended to be a pilot program and was scheduled to sunset on January 1, 2008 unless extended by the Council.

At this point, the funds are available and could be used to address the entire financing gap in the Hartley Block project. Utilization of the funds in this manner would be in keeping with the general intent of the 2001 City Council when they established the program. While not directly supporting home ownership, it

would support a transformative project in the downtown that provides workforce housing, replaces blight, and adds to the tax base and vitality of the downtown.

As the level of additional support from partners becomes clearer, Szanton will meet again with MaineHousing to see if additional support can be secured from MaineHousing to allow construction to begin on the Hartley Block this year. The project schedule originally had construction beginning in July 2017. If all partners participate in closing the gap, and with a LIHTC investor in hand, construction could begin in September 2017.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve calling upon the Lake Auburn Watershed Protection Commission to schedule its meetings at a time and place convenient to the public.

INFORMATION:

This resolve has been requested by Councilor Lachance who is the City's designated representative to the Lake Auburn Watershed Protection Commission. The Commission currently holds its meetings at 3:30 pm on Wednesdays at the Androscoggin Valley Council of Governments office in Auburn. This is a difficult time for members of the public who work to attend the meetings. The Commission has been approached about adjusting the time and place of its meetings but has declined to do so. This resolve would request that they change both the meeting times and places to accommodate the public.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/16mm

REQUESTED ACTION:

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To approve the Resolve calling upon the Lake Auburn Watershed Protection Commission to schedule its meetings at a time and place convenient to the public.



COUNCIL RESOLVE

Resolve, Calling upon the Lake Auburn Watershed Protection Commission to Schedule its Meetings at a Time and Place Convenient for the Public.

Whereas, the Lake Auburn Watershed Protection Commission is charged with the essential task of protecting the water quality of Lake Auburn; and

Whereas, the members of this Commission represent Auburn and Lewiston as well as other communities within the lake's watershed; and

Whereas, the Commission now schedules its meetings at 3:30 pm on Wednesdays at the Androscoggin Valley Council of Governments' Office in Auburn; and

Whereas, the day and time of the meeting is inconvenient for interested residents who work during the day or who are regularly out of town on weekdays; and

Whereas, holding all meetings in Auburn adds to the inconvenience for residents of other watershed communities; and

Whereas, these concerns have been brought to the attention of the Commissioners who have voted to maintain the current meeting time, date, and location to the inconvenience of others;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

We call upon the Lake Auburn Watershed Protection Commissioners to adopt a meeting schedule and locations convenient to the general public, particularly those who currently are required to be at work at the time the Commission meets. More specifically, we call on them to move the bi-monthly meetings to a time after 5 pm and to rotate meeting locations between Lewiston City Hall and Auburn City Hall.