

LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JUNE 6, 2017

6:00 p.m. Workshop

- A. Build Maine Conference and Demonstration Project – 5 minutes
- B. Draft Ordinance Amendment – Food Trucks – 30 minutes
- C. Purchase of Field Covering System for Simard Payne Police Memorial Park – 10 minutes

6:45 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.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Moment of Silence

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.

REGULAR BUSINESS:

1. Public Hearing on a new application for a new liquor license for C & J Buddha Asian Bistro, 736 Sabattus Street.
2. Public Hearing and First Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets system.
3. Public Hearing and First Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets Committee.
4. Public Hearing and First Passage regarding an amendment to the Business Licensing ordinance regarding Outpatient Addiction Treatment Clinics.
5. Order authorizing the City Administration to take the necessary steps to sell the property located at 1047 Sabattus Street.
6. Resolve approving the sale of property by the Auburn Lewiston Airport.
7. Authorization to accept transfer of forfeiture funds.
8. Update from the Lewiston School Committee Representative.
9. Reports and Updates.
10. Any other City Business Councilors or others may have relating to Lewiston City Government.
11. Executive Session to discuss labor union negotiations regarding the city's six employee unions.
12. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the Fire Chief search.
13. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

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

1. Build Maine Conference and Demonstration Project – 5 minutes

The Build Maine Conference will once again be held this year on June 8th and 9th at the Bates Mill Complex. As has been the case in past years, conference organizers are planning several demonstration projects. Kara Wilbur will be present to brief the Council on these projects.

2. Ordinance Amendment – Food Trucks – 30 minutes

Staff, in conjunction with several stakeholders, has been working on revisions to the City's ordinance governing food trucks that would expand the potential locations from which such businesses could operate. Please see the attached memo from Misty Parker and the proposed draft ordinance.

3. Purchase of Field Covering System for Simard-Payne Park – 10 minutes

In light of the nature and type of events frequently held in Simard Payne Park and the interest in using this venue for additional activities, including concerts, staff has been investigating various available systems designed to protect turf from damage during such events. At this point, we are interested in testing how such systems would work by purchasing a system capable of covering a relatively small area, but one sufficient for smaller concerts and events. Please see the attached memo from Deputy Administrator Nadeau.

4. Executive Session – Land Disposition – 10 minutes

IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Executive Session – Labor Negotiations
2. Executive Session – Personnel Issue
3. Executive Session – Personnel Issue

Economic and Community Development

Misty Parker

Economic Development Specialist



To: Honorable Mayor and Members of the City Council
From: Misty Parker
RE: Update to Roving Diner Ordinance to Address Food Trucks
Date: May 30, 2017

Over the last two years, I have been working with Randy Smith from Pinky D's Food Trucks and City staff to development proposed amendments to our existing Roving Diner ordinance to encourage food trucks within Lewiston.

The food truck industry has been growing across the country at a steady rate. The unique set-up has yielded an opportunity for entrepreneurs to test the local culinary market before investing in a brick and mortar business. Last January, the Portland Press Herald reported 8 local food truck businesses converted to fixed restaurant locations. It is estimated that there are over 8,000 licensed food trucks throughout the country. In Maine, Portland has had the largest draw with 28 licensed food trucks and 24 licensed pushcarts; Lewiston currently has 13 roving diners licensed (pushcarts & food trucks).

Lewiston's current ordinance, Chapter 22, Article VI, Division 2, Special Food Handlers and Roving Diners, currently regulates food trucks and pushcarts. Specific rules have been established under this ordinance for pushcarts; however, the existing ordinance does not permit roving diners on public streets unless part of a permitted event. The proposed changes will allow trucks to be located in designated parking spaces on most streets in the city.

The Roving Diner ordinance is proposed to be amended to differentiate between pushcarts and food trucks and trailers. A majority of the proposed changes apply to food trucks and trailers; however, the required 100' setback from food service businesses has been amended to measure 100' from the main entrance of the food service business for all roving diners. The setback was previously measured from any part of the business.

Additionally, all roving diners will be required to display permits on the right-hand side of the vehicle instead of the left to ensure customers and city officials can easily view the permits from the safety of the sidewalk when vehicles are parked in permitted on-street parking areas.

New Changes to Address Food Trucks and Trailers:

The proposed additions will specifically regulate when and where food trucks and trailers may operate within the City. Permitted times have been established as 6 a.m. to 10:00 p.m. if on public property and 6:00 a.m. to 1:00 a.m. if on private property with the permission of the property owner.

Food trucks will be permitted to park in permitted, on street parking spaces for a maximum period of 4 hours per day. Food trucks and trailers are required to serve to sidewalks or esplanades. Truck and trailer size will also be regulated. Due to the high demand for parking spaces in the downtown on Lisbon Street, food trucks will not be permitted on Lisbon Street unless part of permitted event. Parking on adjacent streets will be permitted where parking spaces are available. Other restricted areas include city parks, cemeteries, city owned parking lots and garages, as well as schools unless part of a permitted event or, in the case of schools, part of a school authorized function.

Food trucks and trailers interested in operating in Lewiston will still be required to obtain a city permit through the Clerk's office as well as any other required permits. The Lewiston Police Department will have the authority to close down or request a food truck or trailer to relocate if they determine the location is causing or contributing to an imminent public safety hazard.

Food trucks will be required to have an offsite permitted commissary to prepare food. This can be achieved through leased space or their own permitted space in or outside of Lewiston.

The proposed changes provide an increase in flexibility for food trucks and trailers to operate within the City while still maintaining parameters to reduce potential impacts on Lewiston businesses and residents.

The proposed ordinance changes were sent to many of the restaurants in the downtown area that would likely be impacted by the presence of food trucks in their neighborhood. Additionally, to increase our outreach to restaurant owners and residents that may be interested in knowing about the proposed changes and upcoming workshop, we contacted the Sun Journal to inform them of the proposed changes and let people know of the upcoming meetings.

The workshop is intended to introduce the proposed changes to the Council and discuss any additional changes that may be desired before moving forward with adoption of any amendments.

DIVISION 2. SPECIAL FOOD HANDLERS AND ROVING DINERS Sec. 22-166.

Intent and purpose.

It is the intent and purpose of this division to establish minimum regulations for special food handlers and roving diners, where food is sold within the corporate limits of the city. (Code 1982, § 12-19)

Sec. 22-167. Approval of health ~~officer~~inspector, license required.

No person shall operate a roving diner nor maintain, or otherwise engage in, any business as a special food handler or food service establishment without having first secured the approval of the health ~~officer~~inspector and obtained a license in accordance with the provisions of this article and those of articles I and II of this chapter. (Code 1982, § 12-20)

Sec. 22-168. Display of license or permit.

Any person authorized to do business in accordance with this division as a roving diner shall have displayed in a conspicuous place on the ~~left-hand~~right-hand side of each vehicle, cart, conveyance or carrier used in such business a plate showing that a license or permit has been obtained. Food trucks and trailers shall submit an application on a form provided by the City Clerk's Office with colored pictures of at least two different angles of the unit and a description that includes the length and width, when in its widest configuration. (Code 1982, § 12-21)

Sec. 22-169. ~~Pushcarts,~~Roving diners in streets and public places.

(a) Pushcarts licensed as roving diners may be operated in the streets, ways and public places in accordance with the provisions of this section. For the purpose of this section, the term "public places" shall include public parks and grounds.

(b) No pushcart shall be operated or stationed:

(1) In the roadway as defined in chapter 66 of this Code, except when specifically authorized to do so by the chief of police on a street which has been blocked to vehicular traffic for purposes of a public event.

(2) Within 100 feet, measured by the most direct line, of ~~any part~~the main entrance of a food service BUSINESSES Lewiston Code Chapter 22 CH 22:28 establishment having a fixed location.

(3) On the premises of a public school.

(4) In Kennedy Park, with the exception of licensed roving diners who serve as vendors as part of an approved farmer's market.

(5) In such a manner as to unreasonably obstruct the normal flow of pedestrian traffic or to expose any pedestrian to a risk of injury.

(6) On any city sidewalk where the remaining pedestrian travel path is less than six feet.

(7) In such a way that any part of the equipment overhangs over private property, unless the owner of the pushcart has authorization from the property owner in writing.

(c) No pushcart shall be operated or stationed in, on or within 50 feet of any area subject to an exclusive franchise granted by the city. The city clerk shall maintain a list of such areas and shall advise operators of pushcarts of the location thereof.

(d) Operators of pushcarts shall provide waste paper receptacles for use by their customers and shall maintain the areas in which they operate free of litter generated by their business.

(e) A license to operate a pushcart in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.

(f) Food Trucks and Trailers

1. Food trucks and trailers may operate on City owned property from 6:00 a.m. to 10:00 p.m and 6:00 a.m. to 1:00 a.m. on private property with the permission of the property owner.

2. Police Department has the right to close down or request a food truck or trailer to relocate, where in the opinion of the Department, the food truck or trailer is causing or contributing to an imminent public safety hazard.

3. Food trucks and trailers shall not be permitted on the grounds of any school unless as part of a school authorized function.

4. Food trucks and trailers shall not be permitted in cemeteries, parking garages, city owned parking lots, on Lisbon Street, and within the boundaries of a City park unless part of a permitted event.

5. In locations on public property where food trucks and trailers are permitted to operate, food trucks and trailers shall comply with all parking rules outlined in Chapter 70, Article IV of the City Code of Ordinances, except that food trucks otherwise operating lawfully and actively offering food for sale on public property may, in any twenty-four (24) hour period, "feed" any parking meter once in order to extend the maximum parking time to 4 hours. Hourly parking food trucks or trailers may have a maximum of 4 hours at any timed spot.

6. Separation Requirement:

a. Except when operating in connection with a festival or special event, food trucks and trailers shall not locate within 100 feet, measured by the most direct line, of occupied space of a food service establishment having a fixed location.

b. No minimum measured space is required between food trucks and trailers

7. In addition to complying with the City's ordinances related to roving diners and these regulations, the owner and operator of a food truck or trailer is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages. The food truck or trailer itself

shall be in compliance with the motor vehicle laws of the State of Maine, securing State of Maine Mobile Vendor license, and the food truck or trailer owner is responsible for verifying that a specific location does not violate an ordinance of the City.

8. Food trucks and trailers may not be parked overnight on city streets or in city parking lots.

9. Size limitations: Food trucks and trailers shall not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks and trailers parking in metered parking spaces on city-owned property shall not exceed twenty (22) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks and trailers parking in non-metered parking spaces on city-owned property shall not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension.

10. Food trucks and trailers shall be self-contained when operating, except for the required trash and/or recycling receptacles, which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians. Owner is responsible for all clean up and waste

11. Food trucks and trailers shall serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.

12. Food trucks and trailers shall park parallel to sidewalk or esplanade

13. Food trucks and trailers shall be in a timed, metered or legal parking spot.

14. Only food and/or non-alcoholic beverages are allowed to be sold on City property.

15. Each food truck or trailer vendor shall provide the City of Lewiston with a certificate of insurance to cover public liability in the amount of at least \$400,000.00

16. The food truck or trailer base station or (commissary) shall be inspected and properly licensed

17. Food trucks and trailers shall comply with the City's noise requirements.

18. A license to operate a food truck or trailer in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.

(Code 1982, § 12-22; Ord. No. 91-3, § 1, 4-5-91; Ord. No. 04-12, 6-3-04)

Sec. 22-2. Definitions.

Roving diner means any portable, ~~mobile or temporary structure~~, and any vehicle, food truck, trailer, cart, wagon, conveyance or carrier of any kind, capable of being moved from its serving site at any time from which food is sold or caused to be sold, at retail, from house to house, store to store, building to building, or along or upon any sidewalk, street, park or other public property in the city; lunch wagons. The term "roving diner" shall not be construed to include caterers, vendors of dairy products, ice, bakery products, or similarly employed route salesmen while engaged in making deliveries to their regular customers or persons making deliveries on order from customers of retail stores in the city.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Mayor and City Council
FR: Phil Nadeau
CC:
RE: Turf Field Cover & Approval of Event
DT: June 4, 2017

On February 27, 2015, I prepared a City Council workshop memo requesting the Council's approval for the use of Simard-Payne Memorial Park for a country music concert for the weekend of July 24, 2015. Weeks of research and preparation went into this effort which resulted in the first City Council endorsement for a Simard-Payne Memorial Park concert that was projected to attract some 10,000 people.

That concert never materialized but it did open the door for discussions with John Story, owner of L-A Harley which produced two free country music concerts at the L-A Harley location on Main Street in 2016 which were both resounding successes. The country music company Binnie Media (owner of Wolf 99.9 and other radio stations in Maine) who was responsible for bring the country music artist to L-A Harley wants to schedule a much smaller country music concert in Simard Payne Memorial Park on July 19, 2017. Binnie Media estimates that this event (which will involve the sale of tickets) will attract around 3,000 people.

City special staff has been briefed on the concert and are fully supportive of our ability to host this event on Simard-Payne Memorial Park. We also see this event as a great opportunity to test the efficacy of a turf covering system that has proven to be successful in other field applications.

I have shared with some of you that any desire on the city's part to embrace concert activity at Simard-Payne will require the kind of field cover that we are looking to purchase. The wear and tear of adding multiple concerts and hosting all of the current slate of special events will most likely damage the field if it is not covered

1

City Hall • 27 Pine Street • Lewiston, Maine • 04240 • Voice Tel. 207-513-3121, X3201 • Fax 207-795-5069 • TTY/TDD 207-784-5999
Email: pnadeau@lewistonmaine.gov • Visit us on the world wide web at: www.lewistonmaine.gov

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's race, ancestry, color, religion, sex, age, physical or mental disability, veteran status, or limited English speaking ability. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-53-3121, (TTY) 207-513-3007, or email mparadis@lewistonmaine.gov

appropriately. We believe that the only way to make this park a true multi-use park, particularly for medium to larger size concerts, will be to cover the field.

We have submitted bids to four companies for appropriately sized and designed turf cover systems. We received two bids and presented our recommendation to the Finance Committee last evening for the purchase of 5,000 square feet which will be sufficient to handle this concert. The winning bid involves a company that has a proven track record in the business.

We expect that this product will perform well and could result in our recommendation to expand the field coverage area. It is possible that a successful concert in July could result in Binnie Media seeking larger concerts in the future (that may only be possible when the bridge into Simard-Payne is replaced—it will not factor into the July event).

Heather Hunter will provide a recommendation on the purchase of the cover which is priced at \$16,550.50 which includes shipping and a 15 year warranty.

We are seeking Council approval for the turf cover purchase and to approve the event for over 1,000 people per the Special Events Policy (all costs for this event will be paid by Binnie Media). If approved by the City Council, we will purchase 5,000 square feet that will be sufficient to handle this concert.

LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:45pm

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

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 JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on a new application for a new liquor license for C & J Buddha Asian Bistro, 736 Sabattus Street.

INFORMATION:

We have received an application for a new liquor license from C & J Buddha Asian Bistro, 736 Sabattus 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.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To authorize the City Clerk's Office to approve a new liquor license application for C & J Buddha Asian Bistro, 736 Sabattus 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:

- RESTAURANT (Class I,II,III,IV) RESTAURANT/LOUNGE (Class XI) CLASS A LOUNGE (Class X)
 HOTEL (Class I,II,III,IV) HOTEL NO FOOD (Class I-A)
 CLUB w/o Catering (Class V) CLUB with CATERING (Class I) GOLF COURSE (Class I,II,III,IV)
 TAVERN (Class IV) QUALIFIED CATERING OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:	Business Name (D/B/A)
APPLICANT(S) -(Sole Proprietor) Shunhua hu	C & J Buddha asian bistro
DOB: 10/14/1983	Physical Location: 736 sabattus street
Address 15 Greenfield Dr Auburn ME 04210	City/Town State Zip Code Lewiston ME 04240
City/Town State Zip Code Auburn ME 04210	Mailing Address 15 Greenfield Dr Auburn ME 04210
Telephone Number 718 7106959	Business Telephone Number 207 982 8883
Fax Number	Fax Number
Federal I.D. #	Seller Certificate #: or Sales Tax #:
Email Address: Please Print yzhang6389@gmail.com	Website:

If business is NEW or under new ownership, indicate starting date: 6/20/2017
 Requested inspection date: 6/19/2017 Business hours: sun-thur 11-9pm
Fri-sat 11-10pm

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: no
 2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
 3. 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.

4. Do you permit dancing or entertainment on the licensed premises? YES NO
 5. If manager is to be employed, give name: Michelle Zhang
 6. Business records are located at: _____
 7. Is/are applicants(s) citizens of the United States? YES NO
 8. 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
Shun hua hu	10/14/83	China, Beijing
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
15 Greenfield Dr Auburn ME 04210		
97 east Broadway apt 3C New York New York 10002		
146 n. water st. Londonville Ohio 44842		

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

13. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Paul ranowit

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? OVER 1800'

Which of the above is nearest? HOLY FAMILY CHURCH

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: Lewiston Maine 04240 on 5/23, 20 17
Town/City, State Date



Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Shunhua Hu
Print Name

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.

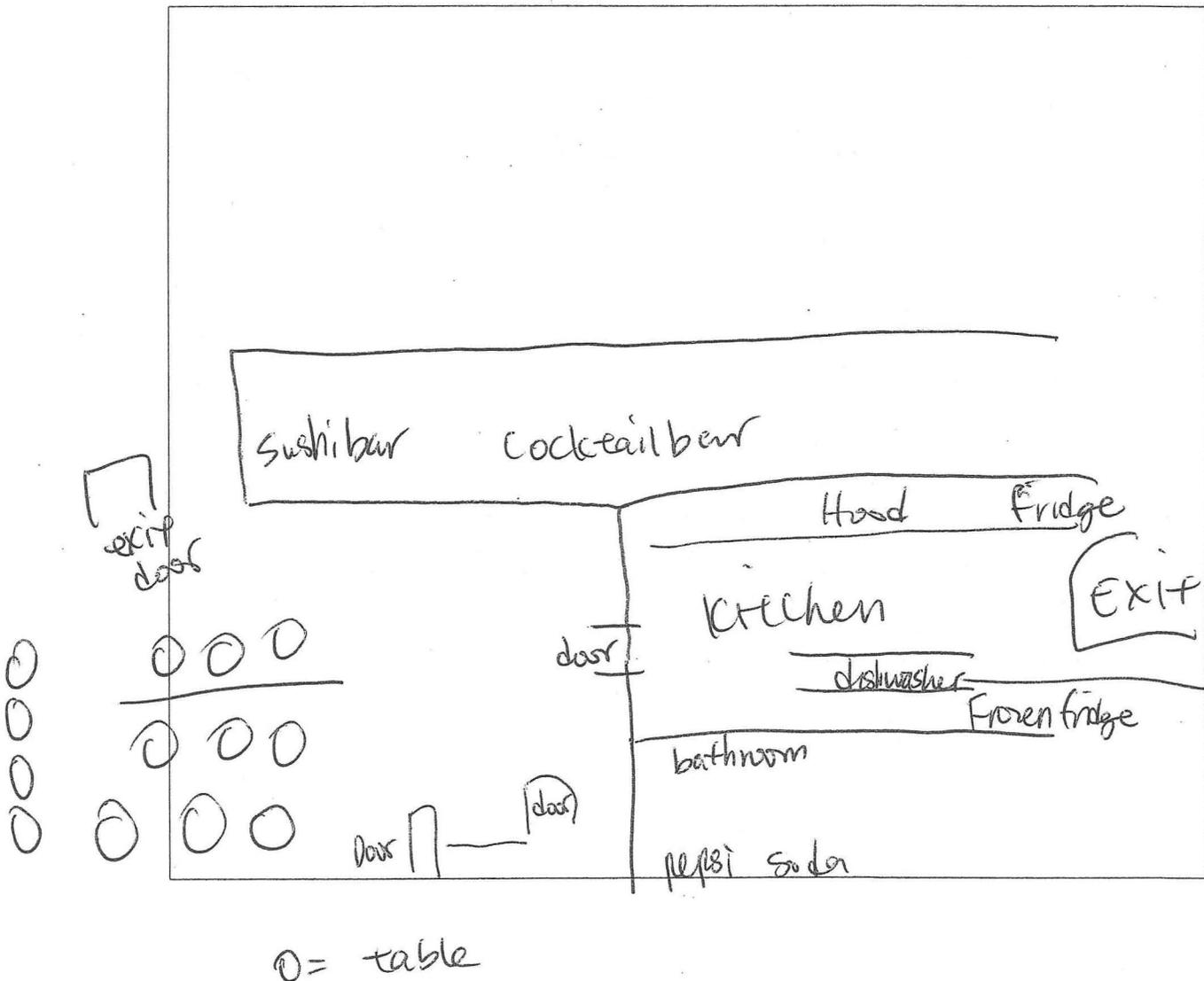
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

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

ON PREMISE DIAGRAM

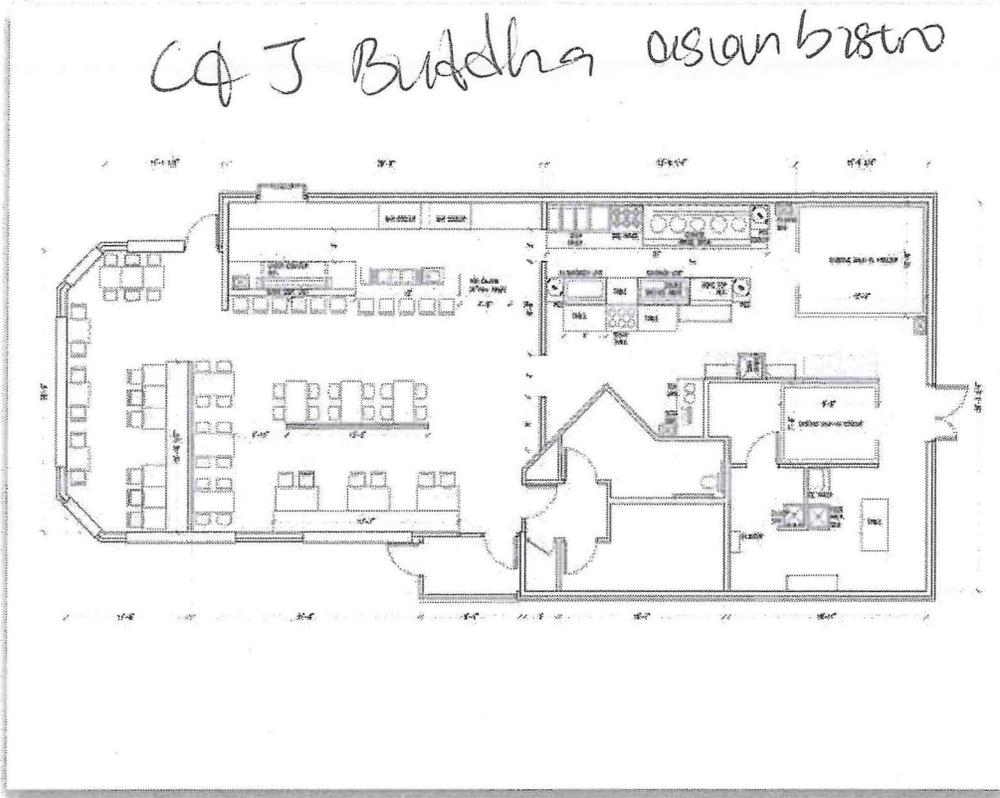
In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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.



完成 A16-060 LEWISTON Model (1)...

CQ J Buddha asian bistro





POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 24, 2017

RE: Liquor License/Special Amusement Permit – **C and J Buddha Asian Bistro**

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

C&J Buddha Asian Bistro
736 Sabattus St., Lewiston, Maine



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, June 6, 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.

C & J Buddha Asian Bistro
736 Sabattus Street
Shun Hua Hu, owners

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: May 31, June 1 & 2, 2017

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets system.

INFORMATION:

The proposed amendment to the Streets and Sidewalks Ordinance will incorporate the Complete Streets integrated transportation system program into the City's Code of Ordinances. The City will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

The City Council held a workshop some time ago at which the ad hoc Lewiston Auburn Bike Ped Committee requested that the Council transition the Complete Streets' Policy into an Ordinance. Council opinion on this appeared to be split with some concern that adopting such an ordinance might restrict the Council's flexibility in dealing with any particular project/proposal. In an effort to address this concern, language has been added to the proposed Section 66-111, Exceptions, to clearly state that the City Council may grant such other exceptions to the ordinance as it sees fit. See 66-111 (6).

The City of Auburn has already approved such ordinances. Members of the Bike Ped Committee will be present at the meeting to discuss this proposal.

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
---	---	---	---	---	---	---	---

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article IV "Design and Improvements", regarding the Complete Streets program, 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.

ORDINANCE, ESTABLISHING THE COMPLETE STREETS ORDINANCE

Be it Ordained, that the Code of Ordinances be Amended as follows:

Section 66-109. Complete Streets

The City of Lewiston will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

- (1) Transportation facilities that support the concept of complete streets include, but are not limited to, pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.
- (2) The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Section 66-110. Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The Complete Streets Committee shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

Section 66-111. Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- (1) Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
- (2) Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- (3) Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- (4) Street reconstruction projects and maintenance paving projects which involve widening

pavement may exclude elements of this policy when the accommodation of a specific use is expected to:

- (a) require more space than is physically available, or
 - (b) be located where both current and future demand is proven absent, or
 - (c) drastically increase project costs and equivalent alternatives exist within close proximity, or
 - (d) have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.
- (5) In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Administrator. If the City Administrator concludes that an exception to the policy is warranted, the Administrator or the staff representative to the Complete Streets Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.
- (6) The City Council may grant such other exceptions as it sees fit.

Section 66-112. Intergovernmental Cooperation

The City will cooperate with the City of Auburn and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

Section 66-113. Design Criteria

The City, through its Public Works Department, shall develop and adopt design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the City shall coordinate with the City of Auburn to adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Androscoggin Transportation Resource Center (ATRC) Complete Streets, A Guide to Best Management and Design Practice; Highway Capacity Manual and Highway Safety Manual; the Manual on Uniform Traffic Control Devices; and any applicable policies and guidance issued by the Maine Department of Transportation.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

Section 66-114. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

Section 66-115. Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- (1) Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- (2) Corridors serving a relatively high number of users of non-motorized transportation modes;
- (3) Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- (4) Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC and other associated groups.

Section 66-116. Performance Measures

The City Administrator and/or designee shall report to the Planning Board and City Council on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the Complete Streets ordinance.

Section 66-117 Implementation

This policy will be primarily implemented through planning comprehensive complete streets networks regionally and within each city.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; annual review of capital improvement plans and unified planning work programs; establishing design manuals that clearly set forth the complete streets standards; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Streets and Sidewalks Ordinance to establish the Complete Streets Committee.

INFORMATION:

The City Council held a workshop some time ago at which the ad hoc Lewiston Auburn Bike Ped Committee requested that the Council establish a new standing committee and transition the Complete Streets Policy into an Ordinance. At that time, there was discussion of two options as to the appropriate nature of the Committee: either as a Joint Committee of Lewiston and Auburn or as a Committee of the Androscoggin Transportation Resource Center, the region's metropolitan transportation planning agency. The Council indicated it would be supportive of either of these recommendations and looked to the Bike Ped Committee for a recommendation. Since then, the Committee has met with the Auburn Council, which recommended the joint City approach.

The City of Auburn has already approved such ordinances.

Members of the Bike Ped Committee will be present at the meeting to discuss this proposal.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

GAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article IV "Design and Improvements", regarding the Complete Streets Committee, 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.

ORDINANCE, ESTABLISHING THE COMPLETE STREETS COMMITTEE

Be it Ordained, that the Code of Ordinances be Amended as follows:

Section 66-104. Purpose and Mission

The purpose of the Complete Streets Committee is to

- (1) Promote and advise the development of public infrastructure which supports a multi-modal transportation system for all users, not strictly motor vehicles, and includes the best design practices for enhancing safety as well as community and economic development;
- (2) Develop and recommend policies to the respective governing bodies and planning agencies that address and support all modes of transportation in Lewiston Auburn;
- (3) Advise the respective public works and engineering departments on how all modes of travel can be accommodated in street, highway, trail, and open space projects;

Section 66-105. Appointment and Membership.

- (1) The Committee shall consist of nine (9) members as follows: 4 residents of the City of Auburn, 4 residents of the City of Lewiston, and 1 representative of an organization directly involved in issues of public health and wellness. A city councilor may be appointed as a resident.
- (2) The residents of each community shall be appointed in accordance with the standard procedures employed by each community for such appointments. The representative of an organization directly involved in issues of public health shall be appointed by majority vote of the members of the full committee.
- (3) The initial term for resident members shall be three (3) years, as shall the term of the representative of a public health organization. These terms shall run from the first day of January of the year in which the appointment is made. At the time the initial appointments are made, the appointing authority shall assign each resident member to a term with two member appointed to a one year term; one to a two year term; and one to a three year term. Members shall remain in office until their successors are appointed.
- (4) Vacancies shall be filled following the same process employed for the initial appointment of members.
- (5) A vacancy shall be declared if any member of the committee fails to attend three consecutive regular meetings of the committee without being excused by the committee chair.

Section 66-106. Duties and Responsibilities.

The Complete Streets Committee shall:

- (1) Follow the City's Complete Streets Policy, oversee its implementation, and review the policy every 2 years to recommend changes as appropriate;
- (2) Serve as the primary resource representing Lewiston and Auburn in the update of Regional and Statewide plans dealing with transportation issues involving bicycles,

pedestrians, public transportation, and other non-automobile related transportation issues;

- (3) Develop and recommend policies and ordinances for passage by the City Councils in support of alternative modes of transportation;
- (4) Review and comment on existing transportation projects including regionally approved projects, municipally initiated projects, and improvements originating from Traffic Movement Permits associated with development projects; and
- (5) Participate with appropriate city and state departments, committees, and metropolitan planning organizations in planning coordinated multi-modal transportation systems in L-A and the surrounding region, such as rail, bus, and air.

Section 66-107. Organization.

- (1) The Committee shall have the following officers: Chair, vice-chair, and secretary, each of whom shall be selected by a majority of the members of the committee at its first meeting in January of each year. The chair shall preside over all meetings of the board, shall supervise the affairs of the board, and shall perform such other duties as may be assigned to the office by the committee. The vice-chair shall assist the chair in carrying out the latter's duties and shall preside at meetings in the chair's absence. The secretary shall be responsible for preparing and distributing committee agendas and minutes and ensuring that the legal posting requirements are met.
- (2) A quorum necessary to conduct an official meeting shall consist of at least six members and at least six concurring votes shall be necessary to constitute an action on any matter.
- (3) The committee shall meet at least quarterly and may meet more frequently at the call of the chair.
- (4) Unless otherwise prescribed by this Division or by bylaws established by the Committee, the Committee shall operate in accordance with Robert's Rules of Order.

Section 66-108. Staff Support.

The City Manager/Administrator of each community shall designate a planning or public works staff member to serve as a liaison to the committee.

LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Business Licensing ordinance regarding Outpatient Addiction Treatment Clinics.

INFORMATION:

In 2006, the Council approved an ordinance regulating Outpatient Addiction Treatment Clinics. At present, the City has one clinic that has been operating for several years. Staff is recommending that the definition of these treatment clinics be amended to limit the definition to match the Federal Code of Regulations regarding these types of facilities. If adopted, it would limit the distribution of narcotics, such as methadone which they are currently administering, to clinics as regulated under the Federal Code.

Please see the memorandum from City Planner David Hediger for additional information regarding this agenda item.

Passage is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article XIV "Outpatient Addiction Treatment Clinics", Sections 22-412 "Definitions", 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.

AN ORDINANCE PERTAINING TO OUTPATIENT ADDICTION TREATMENT CLINICS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 22 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 22

BUSINESSES

ARTICLE XIV. OUTPATIENT ADDICTION TREATMENT CLINICS

Sec. 22-412. Definitions.

For purposes of this article, the following definitions shall apply unless the content clearly implies otherwise:

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, that is certified to dispense medication to clients under 42 Code of Federal Regulations, Part 8.~~including, but not limited to gambling addiction, alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.~~

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



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council
Mayor
FROM: David Hediger, City Planner
DATE: May 31, 2017
RE: Outpatient Addiction Treatment Clinic Ordinance

Staff is requesting the City Council to amend the definition of Outpatient Addiction Treatment Clinics as per Article XIV, Section 22-412 of the Code of Ordinances of the City of Lewiston. The current ordinance, which was adopted in 2006, defines such clinics to include facilities that address a variety of addictions, including gambling, alcohol, controlled substances, and facilities with treatment programs that are licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. The ordinance was adopted with the specific intent of limiting the locations of clinics that may dispense narcotics, like a methadone. However, staff has concerns with the broadness of the current definition and potential interpretation conflicts with the definition of Business and Professional Offices as per Article II, Section 2 of the Zoning and Land Use Code.

The proposed amendment to Section 22-412 would limit its coverage to clinics that dispense narcotics to clients under 42 Code of Federal Regulations, Part 8, which states:

The regulations in this part establish the procedures by which the Secretary of Health and Human Services (the Secretary) will determine whether a practitioner is qualified under section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to dispense opioid drugs in the treatment of opioid addiction. These regulations also establish the Secretary's standards regarding the appropriate quantities of opioid drugs that may be provided for unsupervised use by individuals undergoing such treatment (21 U.S.C. 823(g)(1)). Under these regulations, a practitioner who intends to dispense opioid drugs in the treatment of opioid addiction must first obtain from the Secretary or by delegation, from the Administrator, Substance Abuse and Mental Health Services Administration (SAMHSA), a certification that the practitioner is qualified under the Secretary's standards and will comply with such standards.

If a facility dispenses narcotics to clients, they will continue to be required to meet existing requirements, including the need to obtain a license from the City Council and meet locational requirements. Such requirements prohibit the location of outpatient addiction clinics in certain areas, including within 1,000 feet of any church, school, daycare, or public park or playground, and within the South Lewiston Retail Growth Area, the Southern Gateway, and the Western Gateway areas. Other than an amendment to the definition, all other ordinance requirements would remain in place. These restrictions recognize there may be a unique risk of theft of narcotics or increased safety concerns arising from individuals who are administered narcotics at a facility.

Clinics that do not dispense narcotics will not be subject to the licensing provisions of Article XIV of the Code of Ordinances. They will continue to be permitted uses in zoning districts that allow for business and professional offices, as defined in Article II of the Zoning and Land Use Code.

The proposed changes have been reviewed by the city attorney given their involvement with the initial drafting of the outpatient addiction treatment clinic ordinance in 2006. Staff will be available at the meeting to assist with any questions.

LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Order authorizing the City Administrator to take the necessary steps to sell the property located at 1047 Sabattus Street.

INFORMATION:

In 2016, the City Council took possession of the property at 1047 Sabattus Street after various tax liens had matured and, at the same time, authorized that the property be sold through the formal sealed bid process. Upon taking possession, the City demolished the structure on the property at a cost of \$31,699.74, including environmental assessment and clean up.

The Planning Board issued a favorable recommendation for disposition at its meeting of July 11, 2016.

Bids have subsequently been solicited. One bid was received from Bruce Collette, the owner of Collette Monuments, which is located adjacent to this parcel. The price offered is \$18,205. Mr. Collette plans to use the property to consolidate his business at this location. The City Assessor has reviewed this offer and feels that it is reasonable given its small size (.29 acre) and limited street frontage. Sale of this property will return it to the tax role.

Given that \$28,639.88 in taxes was owed at the time the City took possession, we recommend that the sale proceeds be applied to past taxes.

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
---	---	---	---	---	---	---	---

To approve the Order authorizing the City Administrator to take the necessary steps to sell the property located at 1047 Sabattus Street.



COUNCIL ORDER

Order, Authorizing the City Administrator to take the Necessary Steps Sell the Property Located at 1047 Sabattus Street.

Whereas, in 2016, the City Council took possession of the property at 1047 Sabattus Street after various tax liens had matured; and

Whereas, at the same time, the Council authorized that the property be sold through the formal sealed bid process, subject to a favorable recommendation from the Planning Board that the property be sold; and

Whereas, upon taking possession, the City demolished the structure on the property at a cost of \$31,699.74, including environmental assessment and clean up; and

Whereas, the Planning Board issued a favorable recommendation for disposition at its meeting of July 11, 2016; and

Whereas, bids have subsequently been solicited and one bid in the amount of \$18,205 was received from Bruce Collette, the owner of Collette Monuments, which is located adjacent to this parcel, and

Whereas, Mr. Collete plans to use the property to consolidate his business at this location; and

Whereas, the City Assessor has reviewed this offer and feels that it is reasonable given the property's small size (.29 acre) and limited road frontage; and

Whereas, given that \$28,639.88 in taxes was owed at the time the City took possession, sale proceeds will be applied to past taxes;

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

The City Administrator is hereby authorized to take the necessary steps to sell the property located at 1047 Sabattus Street to Bruce Collette for \$18,205, said amount to be applied to the past due taxes on this property.



Finance Department

Norman J. Beauparlant
Director of Budget/Purchasing
nbeau@ci.lewiston.me.us



TO: Edward Barrett, City Administrator
FROM: Norman J. Beauparlant, Director of Budget/Purchasing
SUBJECT: Cost associated with the demolition and disposal of structures at 1047 Sabattus Street and Bid for the sale and reuse of the property.
DATE: May 26, 2017

Background:

The City Council at its meeting of June 21, 2016 took possession of tax acquired properties at several locations throughout the City, including the property at 1047 Sabattus Street.

The Council further ordered that, subject to a positive recommendation from the Planning Board, the properties be offered for sale through the formal sealed bid process.

The Planning Board at its meeting of July 11, 2016 sent a favorable recommendation for disposition of the identified parcels.

I visited 1047 Sabattus St. to better understand potential environmental issues with the property and recommended that the best interest of the City would be to demolish the structures and, once completed, offer the remaining land for sale through the bid process. The decision for demolition was to ensure that the various environmental and waste issues would be properly handled.

The following is a summary of costs associated with the demolition and removal of structures and debris from the site:

SUMMARY

Environmental assessments & clean up	\$7,498.73
Demolition and Loam & seed	9,199.00
Tipping fees for demolition materials	14,815.75
Miscellaneous associated costs	186.26
Total	\$31,699.74

The bid for the sale and reuse of the parcel at 1047 Sabattus Street was advertised in the Lewiston Sunday paper on May 7, 2017. In addition, the bid solicitation was posted on the City website and also sent to area abutters. The deadline for proposals was May 23, 2017. A single proposal was received from Mr. Bruce Collette, owner of Collette Monuments, with an offered \$18,205 for the purchase of the parcel.

Mr. Collette's offer is a reasonable one and would provide additional space for his business.

NJB/syt

CITY OF LEWISTON, MAINE

SALE & REUSE OF 1047 SABATTUS STREET

Bid #: 2017-033

PROPOSAL DUE DATE: May 23, 2017 by 4:00 PM

PROPOSAL FORM

TO: Norman Beuparlant, Director of Budget/Purchasing
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

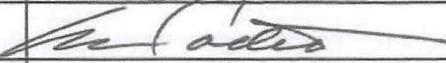
The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

Location Address	1047 Sabattus Street
Price Offered	\$ 18,205
Reuse of Property (use separate sheet if applicable)	See attached.

Bid Deposit Amount: \$ 1,900 — (minimum 10% of the total amount of bid) include appropriate **Certified Check, Cashier's Check or Bond** (personal or business checks **will not be accepted**). Sign the proposal form in ink before returning it to the Director of Budget/Purchasing. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

NOTE: The City **has not** set a minimum bid amount.

The City Council reserves the right to accept or reject any and all proposals.

NAME	Bruce Collette
SIGNATURE	
PRINTED/TYPED NAME	Bruce Collette
TITLE	SOLE PROPRIETOR
LEGAL ADDRESS	231 RANDALL RD LEWISTON ME
MAILING ADDRESS	231 RANDALL RD LEWISTON, ME
DATE	5-16-2017
TELEPHONE #	207-212-7556
FAX #	
E-MAIL ADDRESS	Pauline.mcollette@gmail.com

Over the past 46 years, our family business, Collette Monuments, has grown. We currently have some of our equipment and vehicles parked off site to allow more room on our property. We could use more room for just about every aspect of our daily operation.

Adding this parcel to our family's future plans of improvement will only give us more options and it seems more than simply, a good fit. The way the property is landscaped and sloped, the entrance and drainage of the property are easily assessable from our parking area.

We feel comfortable to continue to work with the City in regards to our proposed site improvements. We will discuss various options and look for your guidance in what would be best for all involved.

LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Resolve approving the sale of property by the Auburn Lewiston Airport.

INFORMATION:

The Auburn Lewiston Municipal Airport currently owns land located on Omni Circle in the Auburn Lewiston Airpark adjacent to the Airport. This property, which is essentially an oversized cul-de-sac surrounded by Omni Circle, was not established as a separate lot at the time the Airpark subdivision was approved. A business owning nearby property has expressed an interest in purchasing this property to expand its operation. Subsequently, Auburn's Planning Board approved an amended subdivision that created a new lot and the Airport has indicated an interest in marketing this lot.

Under the interlocal agreement governing the Airport, both City Councils must approve of the sale of any Airport property having a value in excess of \$1,000. The City of Auburn has requested that we provide the necessary consent.

It should be noted that the Airpark is covered by a tax sharing agreement between Lewiston and Auburn. Under this agreement, Lewiston receives thirty percent of the property taxes from this subdivision and twenty-five percent of the excise taxes generated from the park. Subdivision and subsequent sale of this property will increase the revenue Lewiston receives under this agreement.

Note that any proceeds of the sale will be retained by the Airport to be used for Airport purposes.

Please see the attached memo from Michael Chammings, Auburn's Director of Economic and Community Development, the amended subdivision plan, and a Google earth view of the property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve the Resolve approving the sale of property by the Auburn Lewiston Airport.



COUNCIL RESOLVE

Resolve, Approving the Sale of Property by the Auburn Lewiston Airport.

Whereas, the Airport currently owns a certain parcel of property located on Omni Circle in the Auburn Lewiston Airpark; and

Whereas, an adjacent property owner has expressed an interest in purchasing this property for purposes of business expansion; and

Whereas, the Planning Board of the City of Auburn has approved an amendment to an subdivision plan that creates a new lot required to allow for the sale of this property; and

Whereas, the Airport is interested in marketing this newly created lot, with any sales proceeds to be retained by the Airport for airport purposes; and

Whereas, in accordance with the interlocal agreement governing the airport, the City Councils of both Auburn and Lewiston must approve the sale of this property; and

Whereas the Auburn Lewiston Airpark is covered by a tax sharing agreement under which the City of Lewiston receives thirty percent of the property taxes and twenty-five percent of the excise taxes generated from the park;

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

Approval is hereby given to the sale of Parcel PID #143-013 in the Auburn Lewiston Airpark.



City of Auburn, Maine

Office of Economic and Community Development
60 Court Street, Auburn, Maine 04210
www.auburnmaine.gov 207.333.6601

To: Denis D'Auteuil, Lewiston Assistant Administrator

From: Michael Chamings, Director of Economic and Community Development

Date: May 30, 2017

RE: Omni Circle Property Sale Approval

In 2016 the Auburn Economic and Community Development staff was asked to provide possible options for expansion of a business on Omni Circle; three options were presented and the business owner selected the one being considered as their preferred option. The Economic and Community Development Staff was then asked to assist the Airport in amending the Subdivision Plan to include the following:

- a. Note 7 from the 11/25/81 Subdivision plan be changed to read "Required Lot Area is 20,000 sq. ft."
- b. A note added that eliminates the required landscaping of Parcel PID # 143-013.
- c. A note added to the plan designating a lot identification for Parcel PID # 143-013 be provided on the plan.
- d. A note added to the plan stating that Parcel PID # 143-013 is a developable lot.

The Airport applied to the Auburn Planning Board for an Amended Subdivision Plan to the Auburn-Lewiston Airpark Subdivision; after the public hearing process, the Amended Subdivision Plan was approved by the Planning Board.

The Airport would now like to market the new lot. In order for the Airport to market the lot, they must comply with the Interlocal Agreement that states:

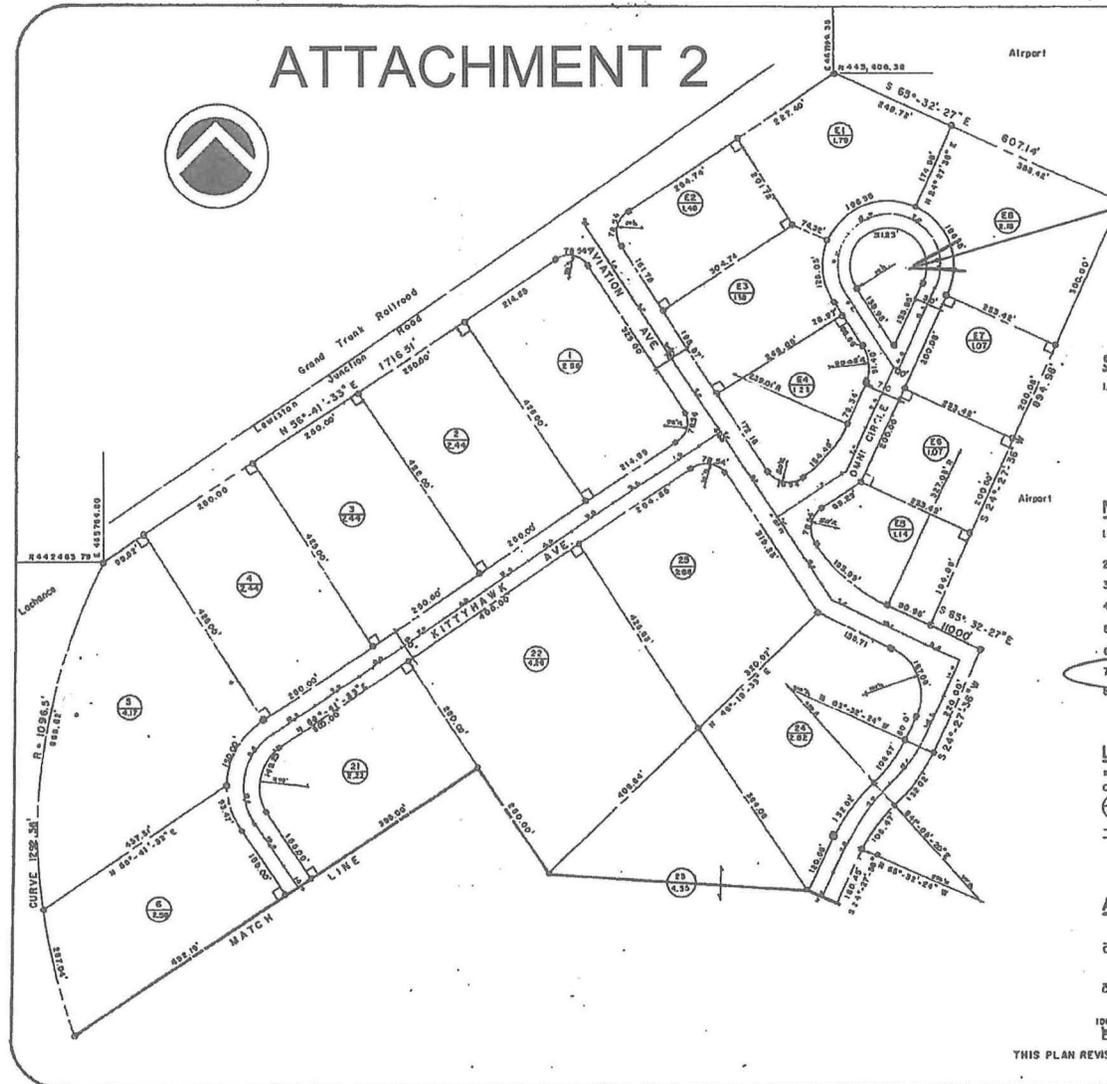
"When the Directors determine that any of the Airport Board's real or personal property or interests therein are no longer necessary to the accomplishment of the purposes of the Airport, it may dispose of the same, subject to any restrictions which may be imposed by the Federal Government or its regulatory agencies having administrative jurisdiction over the Airport Board's operation, upon such terms as it considers advisable. Any proposed disposal of real estate or personal property having a value in excess of One Thousand Dollars (\$1000.00) shall be first approved by the Lewiston and Auburn City Councils".

I am respectfully requesting that the Lewiston City Council formally approve the sale of this property.

I am sure that you are aware that the Cities of Auburn and Lewiston have a Tax Shift Agreement in the Auburn-Lewiston Airpark Subdivision and that Lewiston receives thirty percent of the property taxes and twenty-five percent of the excise taxes generated from the park.

ATTACHMENT 2

PID# 143-013



SURVEYING DATA:

1. GRID FROM NATIONAL GEODETIC SURVEY MONUMENTS
N.G.S. ARP 1964-1976 E 469,109.79 N 442,821.50
U.S.G. ARP 1976 STA. B E 470,154.97 N 445,116.87

NOTES:

1. SUBDIVIDER - AUBURN-LEWISTON MUNICIPAL AIRPORT BOARD OF DIRECTORS
2. OWNER - CITIES OF AUBURN & LEWISTON
3. PLANNERS - PROJECT DESIGN CONSULTANTS, INC.
4. ENGINEERING - SWIFT ENGINEERING
5. SURVEYOR - MAINE PLANNING & ENGINEERING, ASSOC.
6. ZONED - INDUSTRIAL
7. REQUIRED LOT AREA 40,000 SQ. FT.
8. REQUIRED FRONTAGE 150'-0" FT.

LEGEND:

- MONUMENTS
- IRON PIPES OR RODS
- LOT NUMBER
- LOT AREA IN ACRES
- LOT BOUNDARY
- SUBDIVISION BOUNDARY

APPROVED:

CHAIRMAN - PLANNING BOARD _____ DATE _____
CITY CLERK _____ DATE _____

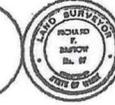


Scale: 1" = 100'

THIS PLAN REVISES PLAN RECORDED OCT. 7, 1980 BOOK 29, PAGE 95

PROJECT DESIGN CONSULTANTS
ARCHITECTS / PLANNERS
1115 Lisbon Street
Lewiston, Maine 04240
1-207-764-0873
CONSULTING ENGINEER: SWIFT ENGINEERING
4 Court Street, Auburn, Maine 04210

AUBURN - LEWISTON AIRPARK
Auburn-Lewiston Municipal Airport Committee
Lewiston Junction Road
Auburn, Maine 04210



FINAL PLAN	
Scale: 1" = 100'	REVISIONS
Date: March, 1979	11-25-81
Dwg. By: TOM	
Ch. By: RFB	

1
of 2
1171



LEWISTON CITY COUNCIL

MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

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
---	---	---	---	---	---	---	---

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 \$7,725.00, or any portion thereof, in the case of the State of Maine vs. Jameel Brumfield, CR-16-3515 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-16-3515

State of Maine }
 }
 v. }
 }
 Jameel Brumfield }
 Defendant; }
 }
 And }
 }
 \$7,725.00 U.S. Currency }
 Defendant(s) In Rem }

Municipality of Lewiston
Approval of Transfer
15 M.R.S.A. §5824(3) & §5822(4)(A)

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: _____

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

LEWISTON CITY COUNCIL
MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

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.

EA B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.

LEWISTON CITY COUNCIL
MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the Fire Chief search.

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:

Entering into executive session is permitted and defined under Maine State Statutes.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the search for a new Fire Chief.

LEWISTON CITY COUNCIL
MEETING OF JUNE 6, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

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:

Entering into executive session is permitted and defined under Maine State Statutes.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.