

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 7, 2017

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (30-2017)

Motion by Councilor Lysen, seconded by Councilor Beam:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (A) to discuss a personnel matter regarding an appointment to the School Committee. Did Not Pass - Vote 3-4

VOTE (31-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:08pm and ended at 6:38pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH COUNCIL

Councilor Golden, Council advisor to the LYAC, stated there is a press event on February 9 at 1:30pm regarding their new program entitled T.A.L.K. – Treat All Listeners Kindly.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**CONFIRMATION OF MAYOR MACDONALD'S NOMINATION OF LUKE JENSEN
TO FILL THE VACANT WARD 5 POSITION ON THE SCHOOL COMMITTEE**

Linda Scott, chairperson of the School Committee, addressed the Council and said it is her recommendation that Luke Jensen be appointed to fill the vacancy. She noted that their January 9th meeting marked the third unexcused absence from the School Committee meetings for Richard White and as such, under the City Charter, it is deemed that he had vacated the position. Mrs. Scott said she spoke with two residents of Ward 5 about the seat and she is recommending Mr. Jensen. Mrs. Scott said that Mr. Jensen regularly attends both the School Committee and the City Council meetings, so is well informed of current issues. She noted they have had an extensive conversation regarding expectations of Board service. She said that the budget work is coming up and they would like to fill the seat and have a full board working on the budget. Robert Reed of 58 Albert Street spoke and opposed the nomination citing Mr. Jensen’s past actions against City Councilors, the Bates College student population and general Code of Conduct of municipal officials. He said he is deeply concerned with Mr. Jensen serving in this capacity. He also said this process to fill the seat happened too quickly without the benefit of public input. Tina Hutchinson of 200 Rosedale Street said there is an obligation to do what is best for the community, not for personal relationships. She said this action is about transparency and people are tired of the bickering and don’t feel that elected officials will support them if they speak up. She asked if due diligence was done on a background search and vetting the best possible candidate for the seat.

VOTE (32-2017)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

To approve the Mayor’s nomination and to appoint Luke Jensen to fill the vacant Ward 5 position on the Lewiston School Committee.

Passed - Vote 5-2 (Councilors Lachance and Lysen opposed)

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE FRANCO AMERICAN HERITAGE CENTER, 46 CEDAR STREET

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

VOTE (33-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to the Franco American Heritage Center, 46 Cedar Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CAGE, 97-99 ASH STREET

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

VOTE (34-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to The Cage, 97-99 Ash Street.
Passed - Vote 7-0

**PUBLIC HEARING FOR THE FISCAL YEAR 2018 LEWISTON CAPITAL
IMPROVEMENT PROGRAM**

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. The City Administrator provided background information for this item. He noted the LCIP process does not approve the funds, just the programs and project goals, and the funding must be approved in the city budget. He said some of the larger items in the LCIP include radio hardware upgrades for public safety, demolition and acquisition of properties and the Riverfront Island Master Plan implementation.

**RESOLVE TRANSFERRING FUNDS WITHIN THE GENERAL FUND TO ALLOW
EXPEDITED HIRING OF A DEPUTY CITY ADMINISTRATOR**

VOTE (35-2017)

Motion by Councilor Golden, seconded by Councilor Bouchard:

To approve the Resolve transferring funds within the General Fund to allow expedited hiring of a Deputy City Administrator:

Whereas, the current Deputy City Administrator has announced that he will retire on June 30, 2017; and

Whereas, several other management team members will also be retiring over this period; and

Whereas, given the current Deputy Administrator's responsibilities and range of activities, it would be beneficial for a new Deputy Administrator to be brought on board to work with the retiring Deputy for a period of time; and

Whereas, in order to provide for this overlap, additional funding is required;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the amount of \$31,950 is hereby transferred from General Fund Account Number 4971-411000 (Salary Reserve) to the appropriate accounts within the City Administrator's Budget to allow for hiring a Deputy City Administrator in advance of the current Deputy's retirement.

Passed - Vote 7-0

**ORDER APPROVING THE SECOND EXTENSION OF THE OPTION TO PURCHASE
BATES MILL #5 (THE WEAVE SHED) WITH BATES MILL, LLC UNTIL FEBRUARY
28, 2018 AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE**

DOCUMENT TO EFFECT THAT EXTENSION

A resident addressed the Council and said she is planning to open a bakery in the Mill. Robert Reed of 58 Albert Street asked what the value of the land is and the true value of the property. He also noted the building is not as structurally sound as it was 100 years ago and wondered if the location could be better developed as an open lot. Mark Cayer of 97 Summit Avenue said the Mill has potential to turn downtown into expansion and development beyond the Mill. He said that no other ideas have been brought forth for the property and this is the closest it has ever been to being developed. Chantel Pettengill spoke in support of the development of Bates Mill #5 and said it is the best option to support the Mills. She acknowledged the environmental issues but said that not all developers can address this issue as Mr. Platz can. Gabby Russell representing Grow LA said that Mr. Platz takes on projects he cares about and does quality work. Julia Harper of 75 Maple Street spoke in support of the project, as did Kristine Kittridge of Ward 6 and Sarah Goodrich of Park Street. Carl Sheline of 17 Cherrywood Drive said Mr. Platz is not giving up on this project and neither should the City Council. He noted that many times, development projects take much longer than planned. Steve Wallace, CEO of the YMCA said he also supports this project and the Y has hired a marketing firm and a fundraising company to help them move into the Mill. He said that both firms have observed strong community support for this development. Leslie Dubois of 588 Main Street said the developers should show their vision of the project.

VOTE (36-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adopt the Order approving the Second Extension of the Option to purchase Bates Mill #5 (The Weave Shed) with Bates Mill, LLC until February 28, 2018 and authorizing the City Administrator to execute the document to effect that extension:

Whereas, the City of Lewiston owns Bates Mill #5, which is located at 15 Canal Street; and

Whereas, the City entered into an Option Agreement with Bates Mill, LLC dated February 18, 2015, in which the City granted Bates Mill, LLC an exclusive option to Purchase the Real Estate for an Initial Term ending February 18, 2016, which was extended until February 18, 2017 by an Extension of Option Agreement dated February 9, 2016; and

Whereas, the Seller has continued to make steady progress in developing plans for redevelopment of the building including engineering studies, architectural plans, and moving through the historic preservation tax credit process; and

Whereas, these efforts have continued to generate tenant interest in the project, with active lease negotiations underway with several tenants; and

Whereas, the City has applied for a Federal Brownfield Grant that, if awarded, will be used to mitigate remaining environmental issues in Bates Mill #5; and

Whereas, under the terms of the Brownfield Program, the city must own Bates Mill #5 at the time the environmental mitigation work is done and the timing of award and funding in the Brownfield grant cycle will result in mitigation work not beginning until approximately January 2018; and

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the Second Extension of the Option Agreement with Bates Mill, LLC for the purchase of Bates Mill #5 is approved and the City Administrator is authorized to execute the Agreement on behalf of the City.

Passed - Vote 4-3 (Councilors Bouchard, Lachance and Lajoie opposed)

RESOLVE ACCEPTING THE CITY OF LEWISTON COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2016

VOTE (37-2017)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To adopt the Resolve accepting the City of Lewiston’s Comprehensive Annual Financial report for the year ended June 30, 2016:

Be It Resolved by the City Council of the City of Lewiston that the City of Lewiston’s Comprehensive Annual Financial Report, including its General Purpose Financial Statements for the year ended June 30, 2016 as prepared by the City Finance Director and the Independent Auditor’s Report thereon prepared by RHR Smith & Company, is hereby accepted in its entirety.

Passed – Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported their next meeting will be February 13 at Montello School and that recently Linda Scott was re-elected as the Chairperson and Ben Martin was elected as the Vice-Chair.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Beam announced that residents can obtain sand at the landfill on Saturday mornings from 8am – 12noon.

EXECUTIVE SESSION

VOTE (38-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

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. Passed - Vote 7-0

Executive Session began at 8:45pm and ended at 8:58pm.

VOTE (39-2017)

Motion by Councilor Lachance, seconded by Councilor Cloutier:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (C), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 8:58pm and ended at 9:13pm.

VOTE (40-2017)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

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. Passed - Vote 7-0

Executive Session began at 9:13pm and ended at 9:39pm.

VOTE (41-2017)

Motion by Councilor Lachance, seconded by Councilor Golden:

To adjourn at 9:39P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine