

CITY OF LEWISTON

CITY COUNCIL

JULY 18, 2017

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:30 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Absent/Excused: Councilor Lajoie. Note – Under the City Charter, the Mayor has the option to vote in the absence of a City Councilor.

EXECUTIVE SESSION

VOTE (162-2017)

Motion by Councilor Lysen, seconded by Councilor Lachance:

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

Executive Session began at 6:30pm and ended at 6:43pm.

VOTE (163-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

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 6:43pm and ended at 6:58pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Absent/Excused: Councilor Lajoie. Note – Under the City Charter, the Mayor has the option to vote in the absence of a City Councilor.

Pledge of Allegiance to the Flag.

Moment of Silence.

LEWISTON YOUTH COUNCIL FAREWELL RECOGNITION AND APPOINTMENT OF NEW LYAC YOUTH

The Mayor helped to present certificates to members who are leaving the Youth Council and also certificates to the eleven incoming members of the group.

PUBLIC COMMENT PERIOD

Larry Gilbert of 39 Cote Street said he is opposed to the new entrance fee to use Kennedy Park pool. He said most of the pool users are some of the poorest children in the city residing in the poorest census track in the state. He suggested the city find other funding models for the pool than charging an entrance fee. Charles Soule, 135 Bartlett Street, stated he is running for Mayor and that the Colisee owes \$36,000 in back due taxes to the city. Margaret Poirier also stated she is opposed to the pool fee. Ron Potvin, 291 Pond Road, said he is the vice-chair of the Coalition in opposition to the merger of Lewiston and Auburn and said important information was excluded from a recent report about the impact of property valuations in the two cities should the merger occur; he said the tax shift would move from commercial properties to residential properties. He asked the City Council to instruct City Administration to prepare an impact study on property valuation related to the merger.

It was noted that agenda item four regarding Diamond Court would be removed from the consent agenda.

**RESOLVE TAKING POSSESSION OF TAX ACQUIRED PROPERTIES AT 267 ½
LINCOLN STREET REAR, 12 ANGER STREET, 4 ROSLIN AVENUE,
264 LINCOLN STREET AND 20 WINN STREET**

VOTE (164-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve taking possession of Tax Acquired Properties at 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street and 20 Winn Street:

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

Whereas, among such properties are four vacant parcels of land, and one vacant building; and

Whereas, after numerous attempts to contact the owners through the normal collection and tax lien process in accordance with City Policy #92, Properties with Matured Tax or Utility 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 liens, the City take formal possession of the following properties: 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street, and 20 Winn Street; and

Be it Further Ordered, that subject to a positive recommendation from the Planning Board, the following properties be offered for sale through a formal sealed bid process: 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street, and 20 Winn Street.

Passed - Vote 7-0

ORDERS AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEEDS FOR REAL ESTATE LOCATED AT 4 MOUNTAIN AVENUE, 164 SOUTH AVENUE AND 205 EAST AVENUE

VOTE (165-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Orders authorizing execution of Municipal Quitclaim Deeds for Real Estate located at 4 Mountain Avenue, 164 South Avenue and 205 East Avenue:

Whereas, the owner, Ruth A. Buckley C/O Paul Buckley, failed to pay her bill on a timely basis for 4 Mountain Avenue (Tax Map 193, Lot 171, Parcel 00-001569); and

Whereas, a tax lien was filed on June 23, 2015 (Book 9164 Page 163) and matured on December 23, 2016 in the amount of \$2,438.41; 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 4 Mountain Avenue to the owner.

Whereas, the owner, Paul A. Pinette, failed to pay his bills on a timely basis for 164 South Avenue (Tax Map 177, Lot 5, Parcel 00-004908); and

Whereas, a water lien was filed on June 19, 2014 (Book 8936 Page 187) and matured on December 19, 2015 in the amount of \$199.35; and

Whereas, a sewer lien was filed on June 19, 2014 (Book 8936 Page 102) and matured on December 19, 2015 in the amount of \$161.26; and

Whereas, a storm water lien was filed on June 19, 2014 (Book 8936 Page 272) and matured on December 19, 2015 in the amount of \$105.01; 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 164 South Avenue to the owner.

Whereas, the owners, Thomas B. and Pamela A. Turnell, failed to pay their bills on a timely basis

for 205 East Avenue (Tax Map 174, Lot 281, Parcel 00-008559); and

Whereas, a water lien was filed on June 19, 2014 (Book 8936 Page 154) and matured on December 19, 2015 in the amount of \$149.36; and

Whereas, a sewer lien was filed on June 19, 2014 (Book 8936 Page 60) and matured on December 19, 2015 in the amount of \$152.36; 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 205 East Avenue to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOATED AT 267 ½ LINCOLN STREET REAR

VOTE (166-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing the execution of a municipal quitclaim deed for real estate located at 267 ½ Lincoln Street Rear:

Whereas, the partial owner, Pamela J. A. Whitney C/O Real Fournier, failed to pay her bills on a timely basis for her portion of 267 ½ Lincoln Street Rear (Tax Map 209, Lot 03, Parcel 00-011516); and

Whereas, a tax lien was filed on June 19, 2013 (Book 8700 Page 214) and matured on December 19, 2014 in the amount of \$195.44; and

Whereas, a tax lien was filed on June 18, 2014 (Book 88935 Page 131) and matured on December 18, 2015 in the amount of \$211.77; and

Whereas, a tax lien was filed on June 23, 2015 (Book 9165 Page 253) and matured on December 23, 2016 in the amount of \$216.04; and

Whereas, a storm water lien was filed on December 6, 2013 (Book 8830 Page 215) and matured on June 7, 2015 in the amount of \$104.78; and

Whereas, a storm water lien was filed on December 22, 2015 (Book 9282 Page 107) and matured on June 24, 2017 in the amount of \$92.52; and

Whereas, the other partial owner, Donald Tremblay is prepared to pay-off all outstanding balances on the City acquired property to receive a quit claim property deed ; and

Whereas, payment will be 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 267 ½ Lincoln Street Rear to Donald Tremblay.

Passed - Vote 7-0

RESOLVE ACCEPTING DIAMOND COURT AS A PUBLIC EASEMENT

Citing a conflict of interest, Councilor Golden recused herself from this item.

VOTE (167-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To approve the Resolve accepting Diamond Court as a Public Easement:

Whereas, the City recently learned that Diamond Court was never officially accepted as a public easement; and

Whereas, Diamond Court has been treated as a public easement for a considerable period of time, including pavement maintenance, snow plowing, solid waste collection, and other municipal services; and

Whereas, property owners were notified of the issue in June and were supportive of the City's proposed action to accept Diamond Court as a public easement;

Now, therefore, be it resolved by the City Council of the City of Lewiston that: Diamond Court is hereby accepted as a public easement as described on Exhibit A: Diamond Court.

Passed - Vote 6-0 (Councilor Golden recused herself from this vote).

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE SUMMER MOTION COMMUNITY DAY

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

VOTE (168-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To conduct a public hearing on an application from Motion 3 Entertainment & Media Services for an outdoor musical concert to be held at Kennedy Park on Saturday, July 22 with a rain date of August 5 as part of their Summer in Motion Community Day, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to them for the outdoor music concert, contingent upon positive recommendations

from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR A LIVE MUSICAL EVENT IN PETTINGILL SCHOOL PARK

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

VOTE (169-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To conduct a public hearing on an application for an outdoor entertainment event for Pettingill School Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Pettingill School Park on Tuesday, July 25, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed – Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR A MUSICAL CONCERT IN KENNEDY PARK

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

VOTE (170-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Saturday, July 29, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE ANNUAL GREAT FALLS BALLOON FESTIVAL

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

VOTE (171-2017)

Motion by Councilor Golden, seconded by Councilor Cloutier:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by

the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 18-20, 2017, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS SPONSORED BY UNION OF MAINE VISUAL ARTISTS AT DUFRENSE PLAZA

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

VOTE (172-2017)

Motion by Councilor Cloutier, seconded by Councilor Golden:

To conduct a public hearing on an application from the Union of Maine Visual Artists for the outdoor concerts to be held at Dufrense Plaza on August 15, September 17 and October 15, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to them for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING ON A NEW APPLICATION FOR A NEW LIQUOR LICENSE FOR BLUE GALANGAL, 1134 LISBON STREET

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

VOTE (173-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To authorize the City Clerk's Office to approve a new liquor license application for Blue Galangal, 1134 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR PELLETIER'S BANQUET FACILITIES, 711 WEBSTER STREET

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

VOTE (174-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to Pelletier's Banquet Facilities, 711

Webster Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ACME SOCIAL CLUB, INC., 255 PARK STREET

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

VOTE (175-2017)

Motion by Councilor Cloutier, seconded by Councilor Golden:

To grant a Special Amusement permit for live entertainment to Acme Social Club, Inc., 255 Park Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SHE DOESN'T LIKE GUTHRIES, 115 MIDDLE STREET

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

VOTE (176-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BAXTER BREWING, 130 MILL STREET

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

VOTE (177-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To grant a Special Amusement permit for live entertainment to Baxter Brewing, 130 Mill Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING FOOD TRUCKS

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing. Misty Parker, Economic Development Specialist, noted she reviewed the suggested changes with the owner of

Victor News and he supports the new set back distances.

VOTE (178-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article 1 “In General”, Section 22-2 and Article VI “Food Service Establishments”, Section 22-166 through 22-169 receive final passage by a roll call vote. Passed - Vote 7-0

RESOLVE RECEIVING THE REPORT OF THE PLANNING BOARD ON QUESTIONS REFERRED TO THE BOARD REGARDING THE CONTRACT REZONING OF 209 WEBSTER STREET

VOTE (179-2017)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the Resolve Receiving the Report from the Planning Board on questions referred to the Board regarding the Contract Rezoning of 209 Webster Street:

Whereas, at its meeting of January 17, 2017, the City Council referred a proposed Contract Zone change for the property located at 209 Webster Street back to the Planning Board for further research and review of the following items:

- Including a contract condition that the project’s residents be limited to 55 years of age or older;
- Review and determine the status of the wetlands on the property;
- Review potential traffic impacts;
- Explore the potential of bus service to the property;
- Be limited to independent housing only with no congregat housing; and

Whereas, the Planning Board has completed this review and submitted its report;

Now, therefore, be it resolved by the City Council of the City of Lewisotn that the City Council hereby receives the report of the Planning Board addressing the questions raised by the Council about the proposed contract zone change for the property at 209 Webster Street.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 209 WEBSTER STREET FROM NEIGHBORHOOD CONSERVATION “A” (NCA) DISTRICT TO THE OFFICE RESIDENTIAL (OR) DISTRICT

Councilor Cloutier noted this item requires a first and a final passage so since it will be appearing before the Council twice, she would not support tabling first passage. Gil Arsenaault, Director of Code Enforcement and Planning, provided some background information on this project: 1) the proposal is to construct housing for 55 and older residents; 2) an engineer verified that a vernal

pool does not exist on this property; 3) traffic impact was reviewed and there will be very little traffic generated from this project onto Webster Street and 4) bus service would not be extended to accommodate this project. Councilor Lachance inquired about drainage issue concerns if the wetlands are filled in, noting the water has to go somewhere and he wondered about the impact this would have on abutting property owners regarding drainage issues. Mr. Arsenault stated drainage and other related issues would be addressed via the engineers when the site plans are submitted for the development. It was noted this is in the NCA district where single family residences are the primary property allowed but there are many other allowed properties such as churches and other uses.

Mayor Macdonald opened the public hearing to receive citizen input and comment. Louis Ouellette, property owner, noted the concerns raised this past winter when the project was first proposed have all been addressed. He said he will develop the land into something and it will involve cutting trees and filling in the wetlands. He said he could construct housing for Murphy Homes or a new mosque building and do whatever he feels is best for the neighborhood. Kent Lawrence of 29 Moody Street said the Lewiston Comprehensive Plan suggests maintaining green space and preserving trees within the city. It was noted there might be ground water contamination since this is a former bleachery site. Steve Hussey, 17 Newbegin Avenue said he would rather see a revenue generating property instead of a church on this site. Diane Derocher expressed concerns about safety, wetlands, bright exterior lighting, privacy, lack of buffer zone, decreased property values and more if this development is constructed. Amy Pollard, 12 Boston Avenue said the residents of this development will have a line of sight into their home and she urged the Council to retain the residential character of the neighborhood. A resident of 157 East Avenue said the construction will be disruptive and the land is now a quiet place for children to play. Louis Ouellette said he consulted with an appraiser who noted this is a tired neighborhood and values might increase if this property is developed. He also said that no one complained about all of the trees that were recently cut down to accommodate the construction of the new elementary school building and ballfields. He also noted he hired Sebago Technics in March and they conducted the review of the wetlands in May.

Bruce Damon, chairperson of the Planning Board, said that conditions would be placed on the development to prevent all of the issues that have been expressed by the abutters. He noted the land is owned by Mr. Ouellette and he can develop it as he chooses to – he could cut down all of the trees now without needing city approval. He could put a small subdivision in there, could put in housing for troubled youth, a mosque, any number of properties. He has property rights too as the owner. Mr. Damon noted this project meets the goals of the Comprehensive Plan and the plans for the project need approval, noting this item is just for a zoning change.

Bridget Wilson, 6 Boston Avenue, said she has concerns about the location of a three story building in the middle of single family homes and is concerned about their sightlines into abutting houses and bedrooms. She expressed concerns about the building's exterior lighting eliminating privacy in abutting yards. She said she would support development on the site if it would be houses because the neighborhood could be maintained, but is opposed to the height of the project due to the removal of privacy from neighbors, noting this development will destroy the neighborhood.

The Mayor then closed the hearing. Councilor Lachance noted that an engineering firm, Sebago Technics, has investigated the wetlands and determined that a vernal pool does not exist.

Councilor Beam said this is an issue of the greater good vs. the greater bad. Councilor Cloutier said the Planning Board addressed the issues from the last time this item was before the City Council and noted the traffic impact would be minimal. She noted that Mr. Ouellette owns the land and he gets to decide how it is used. Councilor Bouchard thanked Mr. Ouellette for his interest in developing senior housing, but noted the land is not zoned for what he wants to do, and that he is a strong supporter of citizen property rights and that no abutters have come forward supporting this project. He said the owner needs buy in from the neighborhood and those most affected by it, and this project does not have that. Councilor Golden said there is a need for senior housing and Mr. Ouellette is willing to work with the city to make that happen. Councilor Lysen said the purpose of conditional rezoning is to put conditions on a project because we are all part of the same community. He said the City needs to research senior housing options at a future workshop.

VOTE (180-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To table this matter to the next City Council meeting. Did Not Pass - Vote 3-4 (Councilors Lachance, Bouchard and Beam in favor)

VOTE (181-2017)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, subject to a contractual agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Did Not Pass - Vote 3-4 (Councilors Golden, Cloutier and the Mayor in favor)

PUBLIC HEARING AND FIRST PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 299 RIVER ROAD FROM THE RURAL AGRICULTURAL (RA) DSITRICT TO THE NEIGHBORHOOD CONSERVATION "B" DISTRICT

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

VOTE (182-2017)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 299 River Road from the Rural Agriculture (RA) District to the Neighborhood Conservation "B" District, subject to a contractual agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.
Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING VARIANCES FOR MOBILE HOMES ON INDIVIDUAL LOTS

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

VOTE (183-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

That the proposed amendment to Appendix A. Article IX “Appeals”, Section 12, “Effect of granting a variance for single family detached dwelling and mobile homes on individual residential lot”, of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued for final passage to the next regularly scheduled City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST & FINAL PASSAGE FOR AN EXTENSION OF THE MORATORIUM ORDINANCE REGARDING LODGING HOUSES IN THE NEIGHBORHOOD CONSERVATION “B” (NCB) DISTRICT

Citing a conflict of interest regarding her employer, Councilor Cloutier recused herself from this item. Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (184-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

That the proposed Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation “B” District, to be effective August 14, 2017, receive first passage by a roll call vote. Passed - Vote 6-0

VOTE (185-2017)

Motion by Councilor Bouchard, seconded by Councilor Golden:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 6-0

VOTE (186-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

That the proposed Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation “B” District to be effective August 14, 2017, receive final passage by a roll call vote. Passed - Vote 6-0

Councilor Cloutier excused herself from the meeting at this time due to the late hour (10:30pm).

PUBLIC HEARING AND RESOLVE ADOPTING REVISED FEDERAL FY2017 & (CITY FY18) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME BUDGETS AND FINAL ACTION PLAN

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

VOTE (187-2017)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To approve the Resolve Adopting Revised Federal FY2017 (City FY18) Community Development Block Grant (CBDG) and HOME Budgets and Final Action Plan:

Whereas, in May, the City Council adopted a tentative FFY17 (City FY 18) Community Development Budget; and

Whereas, since then, we have received final notification of the grant amount including a \$8,425 increase in anticipated funding; and

Whereas, at an April 6th Council workshop, the Council reviewed the projected utilization of HOME funds; and

Whereas, we have been advised by the U.S. Department of Housing and Urban Development that the HOME budget should also be formally approved;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the attached Federal Fiscal Year 17 budgets for the Community Development Block Grant and HOME programs are hereby adopted.

Passed - Vote 6-0

RESOLVE ACKNOWLEDGING RECEIPT OF THE REPORT OF THE LEWISTON AUBURN JOINT CHARTER COMMISSION

VOTE (188-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the Resolve Acknowledging Receipt of the Report of the Lewiston Auburn Joint Charter Commission:

Whereas, the Members of the Lewiston Auburn Joint Charter Commission were elected in November 2015 in accordance with Maine Revised Statutes Title 30-A Section 2152; and

Whereas, the Commission has worked since then to draft an agreement between the participating municipalities including the names of the municipalities; the name proposed for the consolidating municipalities; the property belonging to each municipality and its fair value; the indebtedness of each municipality; the proposed name and location of the municipal office; the proposed charter; the terms for apportioning tax rates to service the existing bonded indebtedness of the respective municipalities; and any other necessary and proper facts and terms; and

Whereas, the Commission has submitted its report; and

Whereas, prior to submitting the consolidation agreement to the voters, the municipal officers must hold a public hearing on the report and schedule an election on the consolidation question;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Council hereby acknowledges receipt of the report of the Lewiston Auburn Charter Commission.

Passed - Vote 6-0

ORDER AUTHORIZING EXECUTION AND FILING OF A NOTICE TO EXTEND EXCEPTION PURSUANT TO 23 MRSA SECTION 3032 – PROPOSED, UNACCEPTED WAYS

VOTE (189-2017)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To approve the Order, Authorizing Execution and Filing of a Notice to Extend Exception Pursuant to 23 MRSA Section 3032 – Proposed, Unaccepted Ways:

Whereas, the City Council, at a meeting held on July 15, 1997, authorized the City Administrator to file in the Androscoggin County Registry of Deeds on behalf of the municipal officers a Notice of Exception pursuant to 23 M.R.S. § 3032(2) that all proposed, unaccepted ways or portion of proposed, unaccepted ways located within the City of Lewiston, and shown upon a plan recorded prior to September 17, 1987 in the Androscoggin County Registry of Deeds, be excepted from the operation of the time limitations of 23 M.R.S. § 3032(1) for a period of twenty years (“Notice”); and

Whereas, on August 26, 1997, the City Administrator recorded the Notice in the Androscoggin County Registry of Deeds in Book 3836, Page 288; and

Whereas, pursuant to said Notice and 23 M.R.S. § 3032, the exception will expire August 26, 2017 unless extended by the municipal officers for a subsequent twenty year period by filing a new notice; and

Whereas, the City desires to extend the exception for an additional twenty year period;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the Notice to Extend Exception Pursuant to 23 M.R.S. § 3032 extending the exception for an additional twenty year period, in the form attached, is hereby authorized and the City Administrator is authorized to execute and file the notice as contemplated by this Order.

Passed - Vote 6-0

RESOLVE ACCEPTING AND REAFFIRMING OF CERTAIN ROADS AS PUBLIC EASEMENTS

VOTE (190-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To approve the Resolve Accepting and Reaffirming the Acceptance of certain roads as Public Easements:

Whereas, the City and Franklin Property Trust recently entered into an agreement under which various properties owned by Franklin were divided into lots to provide the opportunity for individuals who own buildings on land leased from Franklin to purchase the land on which their building is located; and

Whereas, as part of this division, Franklin has agreed to deed certain roads and passages to the City to allow for access to the various properties that have been created; and

Whereas, while a number of these roads have previously been accepted by the City as public easements, it is possible that their legal descriptions have changed over time; and

Whereas, in addition, two new right of ways have been created and should be accepted by the City as public easements;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the acceptance of the following public easements is hereby reaffirmed with the boundaries as described on the attached Exhibit A: Sand Hill Road, Strawberry Patch Road, Merton Boulevard, Willow Circle, River Street, Oxford Street, Lincoln Terrace, Lincoln Drive, Lincoln Circle, and Nel's Court.

Be it Further Resolved, that the following Parcels are hereby accepted as public easements as described on Exhibit A: Right of Way "A" and Right of Way "B".

Be It Further Resolved, that the City acknowledges Franklin Property Trust's reservation of an easement over, in and to certain 256 Lincoln Street and 260 Lincoln Street for the purpose of maintaining, repairing, and replacing all of the existing utilities, structures, and other improvements located in whole or in part within these parcels.

Passed - Vote 6-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier had already retired from the meeting for the evening, so School Committee Chairperson Linda Scott provided the report: The School Superintendent is working on a grant to convert Longley Elementary School into an alternative education school. This would take place after the students move into the new elementary school which will be combined with Martel students. The School has received the final budget numbers from the state and they are still reviewing their impact on the local budget.

REPORTS AND UPDATES

The City Administrator reported he is studying the school mil rate compared to the state funding

received and is reviewing the impact.

OTHER BUSINESS

Councilor Lachance requested a workshop with Museum L/A representatives to hear an update on their activities and funding.

VOTE (191-2017)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To adjourn at 10:58P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine