

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 3, 2017

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:15 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 may cast a vote in the absence of a City Councilor.

EXECUTIVE SESSION

VOTE (258-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

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. Passed - Vote 7-0

Executive Session began at 6:15pm and ended at 6:48pm.

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.

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

Pledge of Allegiance to the Flag.

Moment of Silence. The Mayor asked that everyone keep the tragic events in Las Vegas in their thoughts and prayers during this time.

LEWISTON YOUTH ADVISORY COUNCIL

Emma Williams stated the group is working on presenting Lewiston in a positive way. They are hosting a trivia night in October or November and are seeking donations of gift cards from local businesses to use as prizes.

VOTE (259-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To dispense with the reading of the minutes of the meetings of September 6, September 20,

October 4 and October 18, 2016 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 33 AVON STREET REAR

VOTE (260-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 33 Avon Street Rear:

Whereas, the owners, Robert R. and Diane C. Belanger, failed to pay their bills on a timely basis for 33 Avon Street Rear (Tax Map 206, Lot 41, Parcel 00-000714); and

Whereas, a tax lien was filed on June 18, 2014 (Book 8933 Page 300) and matured on December 18, 2015 in the amount of \$136.50; 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 33 Avon Street Rear to the owners.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 307 RANDALL ROAD

VOTE (261-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 307 Randall Road:

Whereas, the owners, Gary L. and Charlene L. Powers, failed to pay their bills on a timely basis for 307 Randall Road (Tax Map 93, Lot 68, Parcel 00-002067); and

Whereas, a storm water lien was filed on December 6, 2013 (Book 8830 Page 249) and matured on June 6, 2015 in the amount of \$123.47; and

Whereas, a storm water lien was filed on December 28, 2015 (Book 9282 Page 67) and matured on June 28, 2017 in the amount of \$104.98; 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 307 Randall Road to the owners.

Passed - Vote 7-0

ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER

VOTE (262-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To suspend Section 1(a) of the Rules Governing the City Council, to cancel the November 7, 2017 City Council meeting due to the conflict with Election Day and to hold one regular meeting during the month of November on Tuesday, November 21st. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FAST BREAKS, INC., 1465 LISBON STREET

Mayor Macdonald opened the 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 (263-2017)

Motion by Councilor Lachance, seconded by Councilor Cloutier:

To grant a Special Amusement Permit for Live Entertainment to Fast Breaks, Inc., 1465 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FOR A BUSINESS LICENSE RENEWAL FOR MERRIMACK RIVER MEDICAL SERVICES, INC. FOR AN OUTPATIENT ADDICTION TREATMENT CLINIC AT 18 MOLLISON WAY

Mayor Macdonald opened the 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 (264-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the License for an Outpatient Addiction Treatment Clinic for Merrimack River Medical Services, Inc. to operate a Clinic at 18 Mollison Way, Lewiston, subject to the attached conditions. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE REGARDING UNLAWFUL AND EXCESSIVE NOISE

Mayor Macdonald opened the hearing to receive citizen input and comment. Jason Lavoie of 282 Lisbon Street said he agrees with the ordinance and is pleased it will be applicable citywide, noting he lives near a building for elderly and disabled people and there is excessive noise from teenagers in the neighborhood when elderly residents are trying to sleep. The Mayor then closed the hearing.

VOTE (265-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To amend Section A only to have a time period of 7pm to 8am, instead of 11pm to 8am.
Did Not Pass – Vote 1-6

VOTE (266-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Article VII. “Noise”, receive final passage by a roll call vote.
Passed – Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE REGARDING
NUISANCE PARTIES**

Mayor Macdonald opened the 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 (267-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Article IX. “Nuisance Parties”, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE
GENERAL ASSISTANCE ORDINANCE REGARDING ELIGIBILITY**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Sue Charron, Director of Social Services, said the ordinance changes are mandated by the State Legislature.

VOTE (268-2017)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

That the proposed amendments to the City Code of Ordinances, Chapter 46 “General Assistance” receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting for final passage.
Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE CITY'S LAND USE CODE, BUSINESS LICENSING ORDINANCE AND FIRE PREVENTION & PROTECTION ORDINANCE PERTAINING TO LODGING HOUSES AND LODGING PLACES

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. City Planner David Hediger said a lot of the work on this ordinance revolved around the definition of "family". Councilor Lachance asked if staff could please review the definition of "dwelling unit" before final passage.

VOTE (269-2017)

Motion by Councilor Lysen, seconded by Councilor Golden:

That the proposed amendment to Appendix A, Article II "Definitions", Article IV "Establishment of Districts", Article XI "District Regulations", Article XII "Performance Standards", of the City Zoning and Land Use Code, as well as Sections 22-2 and 22-41 of the Businesses Ordinance and Section 38-26 of the Fire Prevention & Protection Ordinance concerning lodging houses, receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting for final passage.

Passed - Vote 7-0

AMENDMENTS TO THE PERSONNEL POLICIES REGARDING DISTRIBUTION OF EMPLOYEE RETIREMENT HEALTH SAVINGS PLAN RESIDUAL AMOUNTS

VOTE (270-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the amendment to the Personnel Policies regarding Distribution of Employee Retirement Health Savings Plan Residual Amounts as recommended by City Administration.

Passed - Vote 7-0

PUBLIC HEARING ON AMENDMENTS TO THE GENERAL ASSISTANCE POLICY FOR ANNUAL AUTHORIZATION OF ELIGIBILITY AMOUNTS

Mayor Macdonald opened the 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 (271-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

That the maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, and utilities in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be adopted as presented, in accordance with HUD guidelines and the current Thrifty Food Plan.

Passed - Vote 6-1 (Councilor Lysen)

ORDER AUTHORIZING AN EXTENSION OF THE PURCHASE AND SALE AGREEMENT FOR 159-177 LISBON STREET BETWEEN THE CITY OF LEWISTON AND SZANTON MONKS PROPERTIES, LLC

VOTE (272-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing the Extension of the Purchase and Sale Agreement for 159-177 Lisbon Street between the City of Lewiston and Szanton Monks Properties, LLC:

Whereas, in June 2016, the City of Lewiston entered into a Joint Development Agreement with the Hartley Block, LP for the construction of 41 affordable one, two, and three bedroom housing units, 22 market rate units, and approximately 4,000 square feet of retail/commercial space to be constructed on Lisbon Street; and

Whereas, in support of that agreement the City agreed to sell 159 Lisbon Street to Szanton Monks Properties, LLC with a closing date of September 30, 2017; and

Whereas, after approval of the those agreements there was a significant drop in the rates being paid for Low Income Housing Tax Credits which resulted in an approximately \$870,000 shortfall in financing for the project; and

Whereas, over the course of several months the developer, tax credit syndicator, Maine Housing and the City of Lewiston worked to address this shortfall in funding to allow the project to move forward; and

Whereas, the design work is in the final stages and the project has been put out to bid; and

Whereas, the additional time needed to close the shortfall in funding has pushed the time frame to close on the purchase of 159 Lisbon beyond the original closing date

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the attached *Amendment to Purchase and Sale Agreement* that extends the closing date to March 31, 2018, or an earlier date if mutually agreed by both parties.

Passed - Vote 6-1 (Councilor Lachance opposed)

RESOLVE AUTHORIZING THE TRANSFER OF \$60,000 FROM THE 2018 LEWISTON HIGH SCHOOL PARKING LOT EXPANSION PROJECT TO THE LEWISTON HIGH SCHOOL VISUAL AND PERFORMING ARTS CENTER CONCEPT PLAN PROJECT

Superintendent Bill Webster provided background information on this item, noting the Council also held a workshop on this issue last week. He said the plan is to expand the high school building to include classrooms for performing arts and to have a performance space.

VOTE (273-2017)

Motion by Councilor Lysen, seconded by Councilor Golden:

To approve the Resolve authorizing the Transfer of \$60,000 from the 2018 Lewiston High School Parking Lot Expansion Project to the Lewiston High School Visual and Performing Arts Center Concept Plan Project:

Whereas, the City Council has authorized \$240,000 for the 2018 Lewiston High School Parking Lot Expansion Project; and

Whereas, the School Department was not able to complete the parking expansion project during the 2017-2018 construction season; and

Whereas, the School Department's Facilities Committee and School Committee created an ad hoc group to assess and make recommendations to enhance the visual and performing art programs and facilities at the high school; and

Whereas, a past concept plan sited a performing arts center on or near the parking lot identified in the 2018 LCIP; and

Whereas, the ad hoc group and the School Committee have determined that the existing visual and performing arts spaces at the high school are seriously inadequate to meeting the needs of these programs and the students who participate in them; and

Whereas, it's prudent not to resurface and expand the parking lot then excavate it to potentially construct a performing arts center;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston, that the transfer of \$60,000 from the 2018 Lewiston High School Parking Lot Expansion Project to the Lewiston High School Visual and Performing Arts Center Concept Plan Project is hereby approved.

Passed - Vote 7-0

ORDER AUTHORIZING THE SALE OF 188 LINCOLN STREET TO LWS DEVELOPMENT, LLC AND WILBUR & COMPANY

VOTE (274-2017)

Motion by Councilor Lachance, seconded by Councilor Cloutier:

To approve the Order authorizing the Sale of 188 Lincoln Street to LWS Development, LLC and Wilbur & Company:

Whereas, Lewiston constructed a fire station at 188 Lincoln Street in 1964; and

Whereas, the fire department stopped using the structure as a substation in 1996; and

Whereas, since that time the building was intermittently used for seasonal storage of equipment

and as a base of operations the Maine Violent Crimes Task Force; and

Whereas, the roof began leaking approximately five years ago, and since that time the building has not been used for municipal purposes; and

Whereas, the leak has caused the interior of the building to deteriorate resulting in moldy carpets, drywall, and collapsed ceiling tiles; and

Whereas, a bid was awarded this past spring for demolition of the structure; and

Whereas, public awareness of the impending demolition sparked private sector development interest in the building; and

Whereas, city staff, with guidance by the City Council has negotiated a Purchase and Sale Agreement with LWS Development, LLC and Wilbur & Company, that may result in redevelopment of the building into two market rate apartments on the upper floor and a restaurant leasing redeveloped space at street level; and

Whereas, the property will be conveyed for \$1 upon satisfactory evidence provided to and approved by the City as to the construction and financial viability of the project, restaurant tenant commitment for the street level space, and financing for the project; as is further detailed in the Purchase and Sale Agreement; and

Whereas, the Lewiston Planning Board voted 5-2 to send a favorable recommendation to the City Council regarding the disposition of 188 Lincoln Street

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the attached *Agreement for the Purchase and Sale of Real Estate* for 188 Lincoln Street.

Passed - Vote 7-0

**REQUEST FROM THE FARWELL SCHOOL PTA FOR A WAIVER OF THE \$50
FOOD LICENSE FEE FOR THEIR ANNUAL PUMPKIN FESTIVAL**

VOTE (275-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the request from the Farwell School PTA to waive the food service license fee for their Annual Pumpkin Festival. Passed - Vote 7-0

**RESOLVE, SETTING THE PUBLIC HEARING ON THE PROPOSED LEWISTON
AUBURN CONSOLIDATION AGREEMENT**

VOTE (276-2017)

Motion by Councilor Golden, seconded by Councilor Cloutier:

To approve the Resolve, Setting the Public Hearing on the Proposed Lewiston Auburn Consolidation Agreement:

Whereas, the Lewiston Auburn Joint Charter Commission has submitted its consolidation report and associated materials to both Cities; and

Whereas, the state statute governing municipal consolidation requires that each community separately schedule and hold a public hearing on the consolidation report; and

Whereas, such public hearing was scheduled and held on September 21, 2017 at which time comments were heard from the public; and

Whereas, a quorum of the municipal officers was not present at that time; and

Whereas, while it appears that the September 21st hearing may have met the requirements of state statute, it is possible that legal issues may be raised claiming that the absence of a quorum means that the requirement was not met; and

Whereas, it may, therefore, be appropriate that a second hearing be held to ensure no future legal questions arise; and

Whereas, notice of hearing must be given at least 30 days before the election and at least 10 days before the hearing;

Now, therefore, be it resolved by the City Council of the City of Lewiston that a public hearing on the consolidation report submitted by the Lewiston Auburn Joint Charter Commission shall be held in the City Council Chamber at Lewiston City Hall at 7 pm on Tuesday, October 17, 2017.

Passed - Vote 7-0

UPDATE FORM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported that September 25 was the most recent meeting. She noted the Committee recently approved the regionalization of school district services and they also voted to support the sex offender residency ordinance.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (277-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To adjourn at 7:48P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine