

**CITY OF LEWISTON**

**CITY COUNCIL**

**OCTOBER 17, 2017**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.**

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Excused/Absent: Councilor Cloutier. Note – Under the City Charter, the Mayor is entitled to cast a vote in the absence of a City Councilor.

Pledge Allegiance to the Flag.

Moment of Silence.

**PUBLIC COMMENT PERIOD**

No members of the public offered comment at this time.

**VOTE (278-2017)**

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To dispense with the reading of the minutes of the meetings of November 1, November 15, December 6, December 20, 2016, January 3, January 17, January 31, February 7 and February 21, 2017 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR PEDRO O’HARA’S, 134 MAIN STREET**

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

**VOTE (279-2017)**

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To grant a Special Amusement permit for live entertainment to Pedro O’Hara’s, 134 Main Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE LEWISTON RECREATION DIVISION, 65 CENTRAL AVENUE**

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

**VOTE (280-2017)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To grant a Special Amusement permit for live entertainment to the Lewiston Recreation Division, 65 Central Avenue. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE MIDTOWN ATHLETIC CLUB, 45 WALNUT STREET**

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

**VOTE (281-2017)**

Motion by Councilor Bouchard, seconded by Councilor Lajoie:

To grant a Special Amusement permit for live entertainment to the Midtown Athletic Club, 45 Walnut Street. Passed - Vote 7-0

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

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

**VOTE (282-2017)**

Motion by Councilor Golden, seconded by Councilor Bouchard:

That the proposed amendments to the City Code of Ordinances, Chapter 46 “General Assistance”, receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Lysen opposed)

At this time, the Mayor took item number 6 out of order and addressed it at this time.

**PUBLIC HEARING ON THE PROPOSED LEWISTON AUBURN CONSOLIDATION AGREEMENT**

Mayor Macdonald opened the public hearing to receive citizen comment and input. The City Administrator noted a public hearing was held on September 21 at the Middle School and the comments from that meeting are captured in the Sept. 21 meeting minutes. Charles Soule, 135 Bartlett St, said he is opposed to the merger. Melissa Dunn of 254 Blake Street said the Mayor of Auburn does not want to deal with the problems in Lewiston. The Mayor then closed the hearing.

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE REGARDING SEX OFFENDER RESTRICTED ZONES**

Councilor Lysen said these folks need to be able to access services for their treatment and employment. Councilor Golden confirmed that this ordinance allows any registered sex offender currently residing to remain where they are and they will not have to move as a result of this ordinance. Mayor Macdonald opened the public hearing to receive citizen comment and input. Heather Everly of 1425 Sabattus Street said the goal is to stop assault on others and to empower kids through education. She is opposed to the ordinance because it is a band-aid solution and is not addressing the real problem. Eric Therriault is against the ordinance and said the residency restrictions do not work but the current system is working. Melissa Dunn said she is a survivor of childhood rape and she is opposed to this ordinance because it will give a false sense of security to neighbors. Doug Lane, 142 College Street, said the offenders need to live in the downtown area due to lack of transportation. He urged the Council not to pass this ordinance. Pauline Gudas, 6 Raymond Avenue, said she is a retired probation officer and encouraged the Council to support the ordinance. She said sex offenders have made a decision to commit a crime against the most vulnerable members of society – children under 14. The Mayor then closed the hearing. Councilor Lachance shared a story of when he was younger walking to the store and encountering a man who he believes was later found guilty of committing crimes against children. Councilor Lajoie said he agrees with Mrs. Gudas. Councilor Lysen said that safety is the utmost important but residency restrictions is not the way to obtain it.

**VOTE (283-2017)**

Motion by Councilor Lajoie, seconded by Councilor Lachance:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Article X. “Sex Offender Restricted Zone”, receive first passage by a roll call vote and that the public hearing for said ordinance be continued to the next regularly scheduled City Council meeting for final passage. Passed - Vote 6-1 (Councilor Lysen opposed)

**PUBLIC HEARING AND ADOPTING AN AMENDMENT TO THE CITY’S POLICY MANUAL REGARDING PROPOSED AMENDMENT TO THE CITY’S PUBLIC PARTICIPATION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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

**VOTE (284-2017)**

Motion by Councilor Lachance, seconded by Councilor Golden:

To approve the Citizen Participation Plan for the Community Development Program, City Policy Manual Number 13, as recommended by the City Administrator and the Economic and Community Development Director. Passed - Vote 7-0

**PUBLIC HEARING ON REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRAND FUNDS**

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

required at this time.

**AMENDMENTS TO THE CITY POLICY MANUAL FOR MISCELLANEOUS FEES REGARDING PENALTIES FOR ORDINANCE VIOLATIONS REGARDING NOISE, NUISANCE PARTIES AND POLES IN SIDEWALKS**

**VOTE (285-2017)**

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To approve the proposed amendments to the City Policy, Policy Number 81 – City Department Miscellaneous Fees and Penalties, as recommended by the City Administrator, Police Chief and Director of Public Works. Passed - Vote 7-0

**PUBLIC HEARING AND APPROVAL OF RESOLVE TO AUTHORIZE CITY STAFF TO SUBMIT A BROWNFIELD CLEAN UP GRANT FOR BATES WEAVE SHED AND TO ACCEPT THE FEDERAL GRANT FUNDS IF THE GRANT IS AWARDED**

Mayor Macdonald opened the public hearing to receive citizen comment and input. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Economic Development Specialist Misty Parker noted there is a sign-up sheet going around to capture the attendance list for this hearing and that the public comments will be noted for submission with the grant application. She noted this program will assist with and enhance the redevelopment of the Bates Mill 5 property. It was noted the City applied for this grant in the past but some criteria from the application was missing, so city staff will resubmit the grant for consideration again. The purpose of the grant is to address clean-up and contamination issues on the site. Councilor Lachance asked if any members of the EPA have been on site to evaluate the soils and condition of the property. The City Administrator noted the city has had consultants out there to review the land. He also noted the application is based upon the reuse of the building and not the demolition of it. He said if the grant is awarded, the funds would be available in May 2018.

Councilor Lachance inquired about the cost of the cleanup. Ms. Parker noted the projected costs are \$240,000 for asbestos abatement and \$450,000 for lead abatement. Councilor Lachance said he is not seeing forward movement from developer Tom Platz on this program and asked if he is waiting on the grant to make any progress. Economic and Community Development Director Lincoln Jeffers said that Mr. Platz has set aside \$500,000 for the planning process but that the City will need to own the property in order to get the grant money and it cannot be owned by a private party since it is a federal grant. Councilor Bouchard said that he has been hearing for three years now that a Joint Development Agreement regarding the Bates Mil 5 property is forthcoming, and the Council is still waiting to see it.

**VOTE (286-2017)**

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the Resolve to authorize city staff to submit a Brownfield Clean Up Grant for Bates Weave Shed and to accept the federal grant funds if the grant is awarded:

Whereas, the Bates Weave Shed (also known as Bates Mill #5) is owned by the City of Lewiston;

and

Whereas, it was used for industrial purposes beginning in 1914; and

Whereas, several environmental assessments that have been conducted since the City took ownership of the Bates Mill Complex indicate the building has a legacy of environmental issues from these prior industrial uses; and

Whereas, Bates Mill LLC has an option to purchase the Bates Weave Shed and Tom Platz, the principal of Bates Mill LLC has been working for approximately the last two years to secure tenants for the space, is engaged in creating architectural and civil designs for the building, has a traffic study underway, is working through the process to have the building be eligible for state and federal historic tax credits, and is actively negotiating leases for the building; and

Whereas, for the redevelopment of Bates Weave Shed to be able to secure financing the building must have the environmental legacy issues properly mitigated; and

Whereas, the federal Environmental Protection Agency has issued a Notice of Funds Available for Brownfield Clean Up and a request for grant proposals; and

Whereas, successfully securing a Brownfield Cleanup Grant will result in lower costs to the City in partnering in the redevelopment of the building; and

Whereas, if the grant is approved, a 20% match is required, which the city can meet by allocating Community Development Grant Funding or other sources approved by the City Council, including in kind donations;

Now, therefore, be it resolved by the City Council of the City of Lewiston that City staff is authorized to apply for an EPA Brownfield Grant in an amount of up to \$200,000; and furthermore, if the grant is approved, the City Council approves receipt of the funds and authorizes city staff to execute the attendant paperwork associated with the approval.

Passed - Vote 6-1 (Councilor Lachance opposed)

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (287-2017)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4) (A), the City Council hereby acknowledged and approves of the transfer of \$3,734.00, or any portion thereof, in the case of the State of Maine vs. Tania Howell, CR-17-2409 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.

Passed - Vote 7-0

**UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE**

School Committee member Matt Roy reported that it is Spirit Week in school.

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (288-2017)**

Motion by Councilor Lachance, seconded by Councilor Lysen:

To adjourn at 9:04P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine