

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 20, 2018

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

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (54-2018)

Motion by Councilor Lysen, 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 6:30pm and ended at 6:45pm.

VOTE (55-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

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

Executive Session began at 6:45pm and ended at 6:58pm.

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

MAYORAL RECOGNITION

The Mayor recognized Joseph Crocker and the Lewiston Recreation Department for being named by the Maine Tennis Association as the 2017 Maine Recreation Department of the Year.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

No report was presented this evening.

Before the minutes were adopted, Councilor Marcotte pointed out typographical error on page two pertaining to storm water issues. It was noted and will be corrected.

VOTE (56-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To dispense with the reading of the minutes of the meeting of February 6, 2018 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.

PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SONDER & DRAM, 12 ASH STREET

Mayor Bouchard 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 (57-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Sonder & Dram, 12 Ash Street. Passed - Vote 7-0

PUBLIC HEARING ON A NEW APPLICATION FOR A NEW LIQUOR LICENSE FOR ANGELO'S PIZZA, 365 SABATTUS STREET

Mayor Bouchard 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 (59-2018)

Motion by Councilor Cloutier, seconded by Councilor Beam:

To authorize the City Clerk's Office to approve a new liquor license application for Angelo's Pizza, 365 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE CONDITIONAL REZONING AGREEMENT FOR THE PROPERTY AT 299 RIVER ROAD

Mayor Bouchard 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 (59-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve Final Passage for the amendment to the Conditional Rezoning Agreement for 299 River Road, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE TO REZONE THE PROPERTY AT 381-391 MAIN STREET FROM THE COMMUNITY BUSINESS (CB) DISTRICT TO THE CENTREVILLE (CV) DISTRICT

Mayor Bouchard 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 (60-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to rezone the property at 381-391 Main Street from the Community Business (CB) District to the Centreville (CV) District. Passed - Vote 7-0

RECEIVING THE RECOMMENDATIONS FROM THE FINANCE COMMITTEE AND THE PLANNING BOARD ON THE FY2019 LEWISTON CAPITAL IMPROVEMENT PLAN

The Mayor and Council received and reviewed the recommendations from the Finance Committee and the Planning Board regarding the FY19 Lewiston Capital Improvement Plan. Finance Committee Chairperson Robert Reed and Planning Board Chairperson Bruce Damon offered their recommendations regarding the LCIP expenditures. They noted the large projects planned for the School system and Fire Department and suggested they could be scaled back a bit. They did support adding staff to Code Enforcement. A suggestion was made to postpone the Kennedy Park improvements for one year and to review the expenses for the Chestnut Street parking garage.

RESOLVE ADOPTING THE FISCAL YEAR 2019 LEWISTON CAPITAL IMPROVEMENT PLAN

Mr. Damon clarified that the Planning Board's review and recommendation of the Plan only pertained to Year One and not future years. It was noted the LCIP is a planning document only and it is a working document, and that adoption does not guarantee funding approval.

VOTE (61-2018)

Motion by Councilor Pettengill, seconded by Councilor Cloutier:

That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby approves the Resolve adopting the FY 2019 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

Now, therefore, be It Resolved by the City Council of the City of Lewiston, that the FY2019 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed – Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW OPTION AGREEMENT TO PURCHASE BATES MILL#5 (THE WEAVE SHED) WITH BATES MILL, LLC

Economic and Community Development Director Lincoln Jeffers and Developer Tom Platz made a presentation to the Council regarding the details of the agreement. Councilor Marcotte stated he would not support this item noting that a \$1 payment for a three year extension would never work in the private sector and this is not a good deal for the City.

VOTE (62-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the Order authorizing the City Administrator to execute a New Option Agreement to purchase Bates Mill #5 (The Weave Shed) with Bates Mill, LLC:

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 a term ending February 18, 2016 and which was subsequently extended on two occasions until February 28, 2018; and

Whereas, the Seller has continued to make 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; and

Whereas, the City has applied for a Federal Brownfield Grant that, if awarded, will be used toward mitigating the 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 sometime in 2018; and

Whereas, given the extent and the cost associated with redeveloping Mill 5, the developer has requested that the option period be extended for three additional years ending February 28, 2021; and

Whereas, given the length of this extension, the City is interested in the potential to allow a third party developer to take over the site for purposes of development or redevelopment;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a new option agreement with Bates Mill, LLC to Purchase Bates Mill #5 (The Weave Shed), such agreement to be substantially in the form as is attached hereto.

Passed – Vote 6-1 (Councilor Marcotte opposed)

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR CLOSING IN REGARD TO THE DONATION AGREEMENT FOR THE LEWISTON CANAL SYSTEM BETWEEN THE CITY OF LEWISTON AND BROOKFIELD WHITE PINE HYDRO, INCLUDING BUT NOT LIMITED TO THE EXHIBITS TO THE DONATION AGREEMENT AS AMENDED

VOTE (63-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute any and all documents necessary for closing in regard to the Donation Agreement for the Lewiston Canal System between the City of Lewiston and Brookfield White Pine Hydro, including but not limited to the exhibits to the Donation Agreement as amended:

Whereas, on September 20, 2016, the City Council authorized the City Administrator to enter into an agreement to acquire ownership of the Lewiston Canal System and associated facilities (the “Donation Agreement”) per the attached resolution; and

Whereas, on September 5, 2017, the City Council also authorized the City Administrator to execute an assignment and assumption agreement among the City, Central Maine Power, and Brookfield White Pine Hydro in regard to the Canal System and Donation Agreement as well as an amendment to the Donation Agreement; and

Whereas, the Donation Agreement as amended was subject to approval of an Amendment to Brookfield’s Federal Energy Regulatory Commission License that would remove the canal system from that license; and

Whereas, that amendment has now been granted by FERC; and

Whereas, the parties are finalizing the various documents required for the closing of the donation of the canals to the City; and

Whereas, this will complete a ten year effort on the part of the City to gain control of the Lewiston Canal System; and

Whereas, given the number of documents that must be executed to effectuate the donation, a blanket authorization for the City Administrator to execute any and all such documents is appropriate;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute any and all documents necessary for closing in regard to the Donation Agreement, as amended, for the Lewiston Canal System between the City of Lewiston and Brookfield White Pine Hydro, including but not limited to the exhibits to the donation agreement as amended.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (64-2018)

Motion by Councilor Rea, seconded by Councilor Marcotte:

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 \$2,385.00, or any portion thereof, in the case of the State of Maine vs. John Oberton, CR-17-3903 Court Records; the transfer of \$2,301.00, or any portion thereof, in the case of the State of Maine vs. Steven Locke, CR-17-3970 Court Records; and the transfer of \$1,299.00, or any portion thereof, in the case of the State of Maine vs. Donna Pagnani, CR-17-3717 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

REPORTS AND UPDATES

Councilor Rea reported the School Committee will be meeting on February 12 and the Facilities Sub Committee has cut the LCIP request in half. She also noted they reviewed the State Funding Formula and their next meeting is February 26.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (65-2018)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police – Patrol Unit and the Lewiston Police Supervisory Command Unit. Passed - Vote 7-0

Executive Session began at 7:43pm and ended at 8:15pm.

VOTE (66-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine