

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
OCTOBER 16, 2018**

6:00 p.m. Executive Sessions

- ES-1. Executive Session regarding a Legal Matter.
- ES-2. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Update from the Lewiston Youth Advisory Council

Acceptance of the minutes of the July 10, August 14, and October 2, 2018 meetings.

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 4.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.
- * 2. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 1153 Sabattus Street.
- * 3. Amendment to the Traffic Schedule regarding loading zones on Holland Street.
- * 4. Amendment to the Traffic Schedule to create an additional parking space on Bartlett Street.
- * 5. Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Election, to be on Tuesday, November 6, 2018.

REGULAR BUSINESS:

- 6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Pedro O'Hara's of Lewiston, 134 Main Street.
- 7. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Midtown Athletic Club, 45 Walnut Street.
- 8. Public Hearing and Final Passage regarding amendments to the General Assistance Ordinance regarding prohibiting rental and utility payments under certain circumstances when properties are placarded, condemned, unlicensed or known to be in violation of municipal ordinances.
- 9. Public Hearing and Final Passage for Land Use Code Amendments concerning off-street parking for single-family attached or multifamily dwellings.
- 10. Order, Authorizing the City Administrator to execute an agreement with Bradford and Conant LLC for Public Infrastructure Modifications to support the redevelopment of 197 Lisbon Street.

11. Reports and Updates.
12. Any other City Business Councilors or others may have relating to Lewiston City Government.
13. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

SUBJECT:

Executive Session regarding a Legal Matter.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter.

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:15pm

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.

INFORMATION:

Each year, the City Council is asked to appoint people to serve as Lewiston’s representatives on the Lewiston-Auburn Railroad Board of Directors.

The Nominating Committee of the Railroad Board has nominated the following Lewiston residents to serve on the Board: Richard (Dick) Albert, 3 year term expiring 2021 and Marc Pellerin, 3 year term expiring 2021. The Board will hold its annual meeting in October. Passage is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

	1	2	3	4	5	6	7	M
--	---	---	---	---	---	---	---	---

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Company Board of Directors:

- 1) Richard (Dick) Albert, three year term expiring 2021
- 2) Marc Pellerin, three year term expiring 2021



CITY OF LEWISTON, MAINE

October 16, 2018

COUNCIL RESOLVE

Resolve, Recommending the Reappointment of Mark Pellerin and Richard Albert to Serve as Lewiston Directors on the Lewiston and Auburn Railroad Company Board of Directors

Whereas, the Lewiston and Auburn Railroad Company (LARC) is a corporation founded in 1872 by the two cities to establish a rail connection from downtown Lewiston through Auburn to connect with Grand Trunk Railroad; and

Whereas, the work of the LARC continues today with the corporation owning the real estate in Lewiston and Auburn, including but not limited to parking lots on Lincoln Street in Lewiston, the former Grand Trunk Railway Depot, rail right of way in Lewiston; rail right of way and switch yards in Auburn; and policy discussions looking to expand rail freight operations in Auburn and a Rails to Trails conversion in Lewiston; and

Whereas, the cities of Lewiston and Auburn are the only shareholders in the LARC, with Lewiston owning 75% of the shares of the corporation and Auburn owning 25% of the shares; and

Whereas, the governance and work of the LARC is overseen by six Lewiston Directors and three Auburn Directors; and

Whereas, LARC Directors serve three year terms; and

Whereas, two of Lewiston's Directors terms expire in 2018; and

Whereas, those Directors, Marc Pellerin and Richard Albert, have been active participants on the LARC Board and are willing and able to continue to serve on the Board

Now, therefore, be it resolved by the City Council of the City of Lewiston that

Marc Pellerin and Richard Albert are recommended to be reappointed to serve another three year term on the LARC Board of Directors.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Appointment of Lewiston and Auburn Railroad Directors
Date: October 10, 2018

The Lewiston and Auburn Railroad Company (LARC) is a corporation jointly created by the two cities in 1872. It was established to make a connection from downtown Lewiston, through Auburn to Danville Junction, where it connected with the regional railroad network and beyond. Lewiston funded 75% of the cost to construct the rail extension, and accordingly, the LARC Bylaws and Incorporated Shareholder Agreement specify that six of the nine voting seats on the Board of Directors be held by Lewiston residents, and the other three by Auburn residents.

The terms of two of Lewiston Directors, Richard (Dick) Albert and Marc Pellerin, expire in 2018. They have been active participants in the work of the railroad and have expressed a willingness and desire to continue as LARC Directors and to each serve another three year term.

The Bylaws call for the City Council of each city to make a recommendation on appointments of LARC Directors. That recommendation will be acted upon at the LARC Annual Meeting of Shareholders, which has historically been held in April, but will be held in October or November this year.

The City Council is asked to approve the recommendation of Marc Pellerin and Richard Albert to serve as two of Lewiston's Directors on the Lewiston and Auburn Railroad Company Board of Directors. Their terms would expire in 2012. Lewiston's other four LARC Directors are Kristen Cloutier, Mark Cayer, Jeff Gosselin, and Jared Golden.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 1153 Sabattus Street.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 1153 Sabattus Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 1153 Sabattus Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 1153 Sabattus Street.

WHEREAS, the owner, Forest Farnum, failed to pay his bills on a timely basis for 1153 Sabattus Street (Tax Map 139, Lot 002, Parcel 00-003821); and

WHEREAS, a tax lien was filed on June 17, 2011 (Book 8180 Page 307) and matured on December 17, 2012 in the amount of \$1,849.48; and

WHEREAS, a tax lien was filed on June 13, 2012 (Book 8417 Page 117) and matured on December 13, 2013 in the amount of \$1,876.11; and

WHEREAS, a tax lien was filed on June 19, 2013 (Book 8699 Page 206) and matured on December 19, 2014 in the amount of \$1,643.49; and

WHEREAS, a tax lien was filed on June 18, 2014 (Book 8934 Page 98) and matured on December 18, 2015 in the amount of \$1,140.22; and

WHEREAS, a tax lien was filed on June 23, 2015 (Book 9164 Page 266) and matured on December 23, 2016 in the amount of \$1,150.85; and

WHEREAS, a tax lien was filed on June 16, 2016 (Book 9386 Page 190) and matured on December 15, 2017 in the amount of \$1,177.80; 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 1153 Sabattus Street to the owner.

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Amendment to the Traffic Schedule regarding loading zones on Holland Street.

INFORMATION:

The proposed traffic schedule amendment will add a designated loading zone on Holland Street to accommodate delivery trucks servicing the Lewiston Variety store at the corner of College St. and Holland St. City staff is in support of the request and recommend Council adoption.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve an amendment to the Traffic Schedule regarding the addition of a designated loading zone on Holland Street, at the intersection with College Street, as outlined in the attached memorandum.



POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



TO: Traffic Schedule Control Committee
FROM: Sergeant Derrick St. Laurent
SUBJECT: Loading Zone / Lewiston Variety
DATE: September 27, 2018

Billy YASIN, the owner of Lewiston Variety, located at 145 College St., is requesting the Holland St. side of his store be posted as a "Loading Zone."

Yasin states that he receives several deliveries a day, from a variety of vendors, some driving large delivery trucks. Currently vendors are parking along the College St. side of the store. He stated this affects his customer parking and causes traffic getting backed up in front of the store. There is also CityLink Bus Stop in front of the store which is commonly taken up by delivery trucks. This causes CityLink to have to double-park alongside a delivery truck, shutting down a College St. lane.

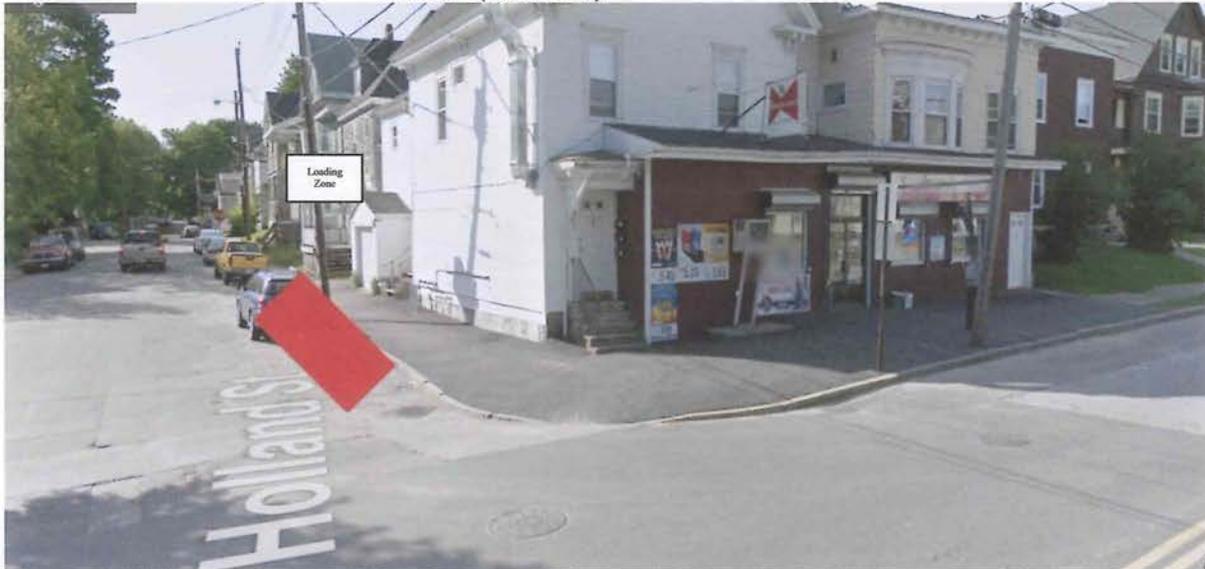
Yasin would like to start encouraging his vendors to park on the Holland St. side of the building. This would clear the front of the store, and allow vendors to access to the store through the side door.

The Lewiston Police Dept. has observed traffic flow issues in this area, and does not object to this amendment.

ADD:

Traffic Section 70-177
Holland St.

Loading Zone
From corner of College and Holland (after yellow curbing)- 25' Southeast on Holland (Even Side)



If this amendment is approved, this would require Public Works Department to remove sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department



LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Amendment to the Traffic Schedule to create an additional parking space on Bartlett Street.

INFORMATION:

The recent reconstruction on Bartlett Street has opened up an available on street parking space area at the corner of Bartlett St. and Ash Street. This space was previously in a parking prohibited fire lane and signed as “no parking”. The Public Works Department have reviewed the area and is suggesting the removal of the sign and the corresponding language in the Traffic Schedule designating this space as in the fire lane.

The Public Works Department supports this item and passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA 10/16/18

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve an amendment to the Traffic Schedule, Section 9 - Parking Prohibited - All Times -Fire Lanes for a portion of Bartlett Street on the odd numbered west side beginning at the southwest corner of Ash St and Bartlett Street and extending southerly on Bartlett St a distance of 90'.

Kelly Brooks

From: Steve Murch
Sent: Thursday, October 11, 2018 8:55 AM
To: Derrick St. Laurent; Kelly Brooks
Subject: Traffic Schedule

Due to construction on Bartlett St this summer a change was made creating a "bulb out" at the corner of Bartlett St and Ash St. That change eliminated a previous problem and created a parking spot, so we removed a no parking sign.

In order to keep the Traffic Schedule up to date the following listing should be removed.

**SECTION 9
PARKING PROHIBITED
ALL TIMES - FIRE LANES**

BARTLETT STREET

Odd numbered west side beginning at the southwest corner of Ash St & Bartlett St and extending southerly on Bartlett St a distance of 90'
ADDED by City Council - 11/16/1993, Vote # 19

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Election, to be held on Tuesday, November 6, 2018.

INFORMATION:

Recommendations on election related issues:

A. That the hours for acceptance of registrations in person only, prior to the November 6th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, October 17 through November 5, 2018; and additional hours of 4:00pm – 7:00pm on Thursday, November 1, 2018.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place on Saturday, Nov. 3 at 9am, and on election day at 12:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve the Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Election, to be held on Tuesday, November 6, 2018:

A. That the hours for acceptance of registrations in person only, prior to the November 6th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, October 17 through November 5, 2018; and additional hours of 4:00pm – 7:00pm on Thursday, Nov. 1, 2018.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place on Saturday, Nov. 3 at 9am and on election day at 12:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Pedro O'Hara's of Lewiston, 134 Main Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Pedro O'Hara's of Lewiston, 134 Main Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/BKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To grant a Special Amusement Permit for Live Entertainment to Pedro O'Hara's of Lewiston, 134 Main Street.

**CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 10/3/18

Expiration Date: 10/6/18

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: Pedro O'Hara's of Lewiston Business Phone: 783-6200

Location Address: 134 Main St.

(If new business, what was formerly in this location: _____)

Mailing Address: 134 Main St. Lewiston 04240

Email address: pedro@pedrosbars.me

Contact Person: Bill Welch / Tim Blue Phone: 783-6200

Owner of Business: William Welch Date of Birth: 10/7/52

Address of Owner: West Auburn Rd, Auburn ME

Manager of Establishment: Timothy Blue Date of Birth: 10/16/78

Owner of Premises (landlord): Robert Esposito

Address of Premises Owner: Falmouth Maine

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): Same

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Chiefs LLC

Corporation Mailing Address: 134 Main St. Lewiston

Contact Person: Bill Welch Phone: 783-6260

Do you permit dancing on premises? Yes No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? Yes No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/4 mile

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: [Signature] Title: Partner Date: 10/3/18

Printed Name: Timothy Tray Kavanaugh

Hearing Date: 10/16/18



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: August 22, 2018

RE: Liquor/Special Amusement Permit – **Pedro O'Hara's**

We have reviewed Liquor/Special Amusement Permit Application and have no objections to the following establishment;

Pedro O'Hara's
134 Main St., Lewiston



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Midtown Athletic Club, 45 Walnut Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Midtown Athletic Club, 45 Walnut Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To grant a Special Amusement Permit for Live Entertainment to the Midtown Athletic Club, 45 Walnut Street.

**CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 10-3-18

Expiration Date: 11-3-18

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: Midtown Athletic club **Business Phone:** 207 784-2915

Location Address: 45 Walnut St Lew ME 04240

(If new business, what was formerly in this location: _____)

Mailing Address: 45 Walnut St Lew ME 04240

Email address: _____

Contact Person: Carol LeBlanc **Phone:** 252-2495

Owner of Business: Carol LeBlanc **Date of Birth:** 11-13-65

Address of Owner: 17 Sandhill Rd Lew ME 04240

Manager of Establishment: Carol LeBlanc **Date of Birth:** 11-13-65

Owner of Premises (landlord): Joseph Dunn

Address of Premises Owner: 263 Pine St Lew ME 04240

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes X No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Midtown Athletic Club

Corporation Mailing Address: 95 Walnut Street Lew ME 04240

Contact Person: Carol LeBlanc Phone: 252-2495

Do you permit dancing on premises? ___ Yes X No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1 Floor up 15 feet next building 20 feet

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Carol LeBlanc Title: President Date: 10-3-17

Printed Name: Carol LeBlanc

Hearing Date: 10/10/18



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: October 5, 2018

RE: Liquor/Special Amusement Permit – **Midtown Athletic Club**

We have reviewed the request for a Liquor/Special Amusement Permit Application and have no objections to the following establishment..

Midtown Athletic Club
43 Walnut St., Lewiston



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and Final Passage regarding amendments to the General Assistance Ordinance regarding prohibiting rental and utility payments under certain circumstances when properties are placarded, condemned, unlicensed or known to be in violation of municipal ordinances.

INFORMATION: The City's Code of Ordinances currently disallows paying rent for General Assistance clients to building owners or landlords when the building in question has been found to be in violation of the City's Code of Ordinances, most likely through a notice of violation issued by Code Enforcement. To date, this ordinance has only been invoked when a property in violation has come to the attention of General Assistance. Several efforts are currently underway that will increase the information available to General Assistance on buildings in violation. First, we are improving the information flow between Code Enforcement and General Assistance to ensure that GA staff has information on buildings on which there is an outstanding notice of violation. Second, we will be discussing with Council whether we should institute a program of inspecting all buildings in which GA will place a client. As we have discussed this, it has become apparent that the current ordinance is, perhaps, too rigid given that it disqualifies a building regardless of the nature of the violation. For example, a property that receives an NOV for a relatively small quantity of trash in the yard could not be rented and would be in the same category as a property that had serious life safety violations such as inadequate egress. The proposed ordinance would address this by establishing a distinction between life threatening and non-life threatening violations and would allow GA to support rentals in buildings with non-life threatening violations to the extent that the owner is working with Code to address them. A second element of the amendment would extend the restriction on paying rent to the payment of utilities. This clarification is the result of a recent case where the City was asked to pay utilities on a property that was placarded as unfit for habitation by code. That refusal resulted in a Court case where the City eventually prevailed. This change will simply codify the City's current practice and should result in avoiding any future questions or legal proceedings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

That the proposed amendments to the City Code of Ordinances, Chapter 46 "General Assistance" regarding prohibiting rental and utility payments under certain circumstances when properties are placarded, condemned, unlicensed or known to be in violation of municipal ordinances receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO GENERAL ASSISTANCE

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 46 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 46

GENERAL ASSISTANCE

ARTICLE I. IN GENERAL

Sec. 46-1. Introductory provisions.

- (g) The general assistance administrator will refer to and abide by any other city ordinance to define a condition, area or situation. The administrator will not pay rent or utilities to a building owner or landlord when that building, or the specific any unit within that building which is to be rented, has been placarded, condemned, is unlicensed when a license is required, or is known to be in violation of any other municipal ordinance, except that, if the violation(s) is determined to be non-life threatening by the Director of Planning and Code, weekly rent vouchers may be issued for up to a 30 day period and utility vouchers may be issued one time in that 30 day period for existing tenants. Vouchers may be issued beyond the 30 day period if an extension is granted by code enforcement.

Note: Additions are underlined; deletions are ~~struck-out~~.



COUNCIL ORDINANCE

ORDINANCE, Amending Chapter 46, Article I, Section 46-1 (g) – Prohibiting Rental and Utility Payments Under Certain Circumstances When Properties are Placarded, Condemned, Unlicensed, or Known to be in Violation of Municipal Ordinances.

Whereas, City ordinances currently indicate that the General Assistance Administrator will not pay rent to a building in violation of city codes; and

Whereas, it is appropriate to extend this limitation to the payment of utilities for such properties; and

Whereas, at the same time, the current language does not recognize the logistics involved in implementing such limitations nor does it make a distinction between serious violations and those which are more routine and less serious in nature; and

Whereas, given that the City is working to strengthen its systems to provide the General Assistance Administrator with greater access to information on the condition of buildings where the City is paying rent through the General Assistance Program, it is appropriate that the existing ordinance be amended; and

Whereas, this amendment will, first, add utilities to the expenses the City will not pay when a building has been placarded, condemned, is unlicensed, or is known to be in violation of any other municipal ordinances; and

Whereas, the amendment will also allow rent and utilities to be paid for up to a thirty day period for existing tenants when the violation(s) involving the building are determined to be non-life threatening and for an additional period beyond the initial thirty days if an extension is granted by Code Enforcement;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

Chapter 46, Article I, Section 46-1(g) is hereby amended as follows:

(g) The general assistance administrator will refer to and abide by any other city ordinance to define a condition, area or situation. The administrator will not pay rent to a building owner or landlord or utilities when that building or the specific unit within that building which is to be rented, has been placarded, condemned, is unlicensed when a license is required, or is known to be in violation of any other municipal ordinances, except that, if the violation(s) is determined to be non-life threatening by the Director of Planning and Code, weekly rent vouchers may be issued for up to a 30 day period and utility vouchers may be issued one time in that 30 day period for existing tenants. Vouchers may be issued beyond the 30 day period if an extension is granted by code enforcement.

Additions are underlined; deletions are ~~struck through~~.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing and Final Passage for Land Use Code Amendments concerning off-street parking for single-family attached or multifamily dwellings.

INFORMATION:

The Planning Board voted 7-0 at their September 24, 2018 meeting to send a favorable recommendation to the City Council to approve an amendment to the Zoning and Land Use Code regarding off-street parking for single-family attached or multifamily dwellings.

Please see attached material from City Planner Douglas Greene for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

That the proposed amendments to Appendix A, Article XII "Performance Standards", Section 17, "Parking", of the City Zoning and Land Use Code, concerning single-family attached or multifamily dwellings, receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO PARKING REGULATIONS

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

APPENDIX A
ZONING AND LAND USE CODE
ARTICLE XII, PERFORMANCE STANDARDS, SECTION 17, PARKING

(d) Off-street parking required. The following minimum off-street parking shall be provided and maintained for each situation identified in subsection (a). In computing the number of spaces required, lots with two or more uses shall meet the combined requirement for all of the uses. In calculating the parking requirement, major fractional spaces (0.5 or greater) shall be rounded up to the next whole space. Employee parking is based on the largest shift.

Table with 2 columns: Description of dwelling type and required parking spaces. Includes categories like Single-family detached dwellings, Two-family dwellings, Single-family attached or multifamily dwellings, Housing for the elderly, Types 'A' and 'B' group care facilities, Tourist homes, Motels, hotels and inns, Rooming houses, boarding houses, lodging houses, and Bed and breakfast establishments.

space per every two employees on the largest shift.; establishments approved by development review pursuant to article XIII for meeting facilities for non-guests or for special outdoor functions shall provide one space per two seats in any meeting facilities and one space per two special outdoor function guests based on the approved capacity; if such additional off-street parking is provided off the site, it shall comply with the requirements of article XII section 17.e except that, notwithstanding the provisions of subsection e, the planning board shall have the authority to approve such off-site parking.

Hospitals.....	one space per patient bed plus one space per three employees
Medical clinics.....	two spaces per treatment room or patient bed, whichever is greater
Nursing or convalescent homes.....	one parking space per five resident beds and one space per employee
Schools	
Elementary schools.....	one and a half spaces per classroom
Secondary schools.....	five spaces per classroom
Residential colleges, universities..... and institutions of higher education, including accessory facilities athletic and assembly facilities designed primarily for student use	one space per 7 seats in classroom facilities
Business colleges and schools.....	one space per 4 seats in classroom facilities
Retail and personal service..... establishments	one space per two hundred fifty square feet of gross floor area. For retail stores which are part of a gasoline service station complex, one-half of the service spaces at the pump islands may be applied to meet not more than one-half of the required parking demand
Eating and drinking establishments.....	one space per three seats
Drive-in restaurants.....	ten spaces plus one additional space per one hundred feet of gross floor area
Professional and business offices.....	one space per 300 square feet of gross floor area
Construction contractors, tradesman,.....	one space per 500 square feet of gross

offices, laboratories and similar uses	floor area
Adult business establishments, drinking place..	one space per 3 seats or 200 square feet of gross floor area, whichever is greater
New and used car dealers.....	five spaces plus one space per 3,000 square feet of display area (indoor and outdoor)
Auto repair garages and gasoline service..... stations	two spaces per service bay plus one space per employee
Light industrial uses, industrial uses,..... wholesale, storage and distribution facilities	one space per 500 square feet of gross floor area up to 3,000 sq. ft. plus one space for each 1,000 sq. ft. of gross floor area in excess of 3,000 square feet
Community centers, libraries, museums,..... civic clubs, theatres, places of indoor assembly, amusement or culture, religious facilities, and similar uses	one space per 4 seats where fixed seating is provided plus 1 space per 200 square feet of area otherwise available for assembly
Auditoriums, stadiums, sport arenas,..... race tracks, skating rinks, gymnasiums, convention halls or similar uses	one space per each 4 seats; where individual seats are not provided, each 24 inches of bench or other similar seating, or eight sq. ft. of seating or standing space shall be considered as one seat for the purpose of determining requirements thereof
Self-storage facilities.....	five spaces
Uses not specifically listed or able to be placed into one of the above categories, or listed uses which can be clearly shown to have a differing parking need (either fewer or greater) than otherwise required	Sufficient spaces to accommodate the norm parking demand of the use without requiring on-street parking. The number of required spaces shall be determined by the planning board for major project development review by the staff review committee for minor pro development review or by the planning dire if no review is required in accordance with accepted standards.

(e) *Location of off-street parking facilities.* Required or provided off-street parking in all districts shall be located on the same lot as the principal building or use, ~~except as may be allowed by the board of appeals on the basis of an appeal~~ as provided below:

- (1) In residential districts, ~~the board of appeals may authorize~~ required or provided off-street parking, serving permitted or conditional uses, to be located off the site, provided it is located within ~~500~~ 1,320 feet measured along lines of public access of the principal building or use and cannot reasonably be provided on the same lot. Such off-street parking shall be held in fee simple by the owner of the principal use served, or in such other tenure as assures continued availability for parking as long as the particular land

will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the appropriate deciding body. ~~by the board of appeals.~~ Evidence of fee simple ownership or approved tenure shall be required.

- (2) In all zones other than residential, required or provided off-street parking ~~shall be located on the same lot with the principal building or use,~~ may be located off the site, provided it is located or within 500 1,320 feet measured along lines of public access, of the principle buildings or use and ~~except that where off-street parking cannot be provided on the same lot. within these limits, the board of appeals may permit s~~ Such off-street parking ~~to be located a reasonable distance from the principal buildings or use, measured along lines of access if such off-lot parking areas shall be held in fee simple by the owner of the use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered~~ the appropriate deciding body. ~~by the board of appeals.~~ Evidence of fee simple ownership or approved tenure shall be required, and such lots shall be located within nonresidential districts.
- (3) Required off-street parking in all districts ~~other than residential~~ may be substituted by parking facilities which, in the public's interest, may be provided by the municipality. Such substitution shall be shown to be representative of the off-street parking turnover or requirements of the particular use in question and shall take into consideration the needs of other uses with similar demands upon such public space. No such public off-street parking spaces shall be considered as a substitute unless located within 500 1,320 feet of the principal building or use measured along lines of public access.
- (4) No additional parking spaces shall be required for any structure that has been designated as significant for historic preservation under article XV, section 3 of this Code that is proposed for reuse. Any expansion to the building will need to provide the required additional parking. All modifications to the building must be done in accordance with the criteria established under article XV, section 5 of this Code.

REASONS FOR THE PROPOSED AMENDMENT

The current parking requirement for multi-family and attached single family dwellings is a barrier to redeveloping in-fill projects, especially in the downtown area. The proposed amendment will increase the usage and revenues for our 5 downtown parking garages, facilitate infill and redevelopment, especially in the downtown area, encourage new residential developments, large and small, market rate or subsidized, bring back functional, traditional mixed use to Lewiston's Downtown (1st Floor Commercial, upper floor residential) and help simplify the approval process of development.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

Comprehensive Plan Recommendations- Changing the parking regulations is supported by Legacy Lewiston, which recommends numerous changes to our parking regulations.

1. “Strengthening Neighborhoods and Expand Housing Choice”, Identity, page 179.
2. “Promote Transportation Choice and Mobility, Parking”, pages 199-200.
3. “Implementation Matrix, Transformation: Strengthen Neighborhoods..., Address Parking & Open Space Standards for Downtown”, page 238-239.
4. “Implementation Matrix, Promote Transportation Choice & Mobility, Infrastructure, Provide More Bike Parking & Storage”, page 244-245.
5. “Implementation Matrix, Parking”, page 244-45.
 - Relax Parking Requirements
 - Unbundle Parking
 - Facilitate and Simplify Shared Parking
 - Improve Parking Management and Pricing
 - Redevelop Existing Parking Lots with Infill Development



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: Douglas Greene, City Planner
DATE: October 2, 2018
RE: Planning Board recommendation: Text Amendment to Parking Regulations

The Planning Board took the following action at their meeting held on September 24, 2018:

MOTION: Motion by John Butler, pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the Lewiston City Council to amend Article XII, Performance Standards, Section 17, Parking, (d) Off-Street Parking Required and (e) Location of Off-Street Parking Facilities. Second by Pauline Gudas.

VOTED: 7-0 (Passed)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board
FROM: Douglas Greene, AICP, RLA, City Planner
DATE: September 24, 2018
RE: Parking Text Amendment, Agenda Item 4 b

A text amendment to Article XII, Performance Standards, Section 17, Parking, (d) Off-Street Parking Required and (e) Location of Off-Street Parking Facilities

DESCRIPTION AND PURPOSE OF TEXT AMENDMENT

Certain sections of Article XII, Section 17 have created problems in redevelopment of Lewiston's downtown. The text amendment proposes to:

- Reduce the parking requirement for multi-family and attached single-family dwellings.
- Increase the required distance to off-site parking facilities and simplify the development review and approval process for off-site parking.

The purpose of the proposed text amendment is to:

- Promote and facilitate residential infill and redevelopment projects especially in the downtown area, whether large or small, market rate or subsidized.
- Encourage new residential and mixed use developments into downtown.
- Increase the usage and revenues for our 5 downtown parking garages.
- Simplify the approval process of development.

At the August 27th Planning Board workshop, the Staff had discussed possibly removing another section of Section 17, namely provision (g) *Construction of off-site parking facilities*. After further evaluation, the Staff now recommends to keep this provision in place. This provision applies to all zones and removing it would deny other uses from utilizing it. The Staff is comfortable leaving it in place and evaluating any application to reduce parking requirement using this section on a case-by-case basis.

PLANNING BOARD ACTION

The Planning Board is asked to forward a recommendation to the City Council, pursuant to Article VII, Planning Board, Section 4, Powers and Duties and Article XVII, Amendment and Other Legal Provisions, Section 5, Amendments.

STAFF RECOMMENDATION

The Staff recommends the Planning forward a recommendation of **APPROVAL** to the City Council.

ACTION NECESSARY

Make a motion that the Planning Board forward a recommendation of **Approval** to the Lewiston City Council to amend Article XII, Performance Standards, Section 17, Parking, (d) Off-Street Parking Required and (e) Location of Off-Street Parking Facilities as presented in Attachment 1 of this report

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT: Order, Authorizing the City Administrator to Execute an Agreement with Bradford and Conant LLC for Public Infrastructure Modifications to Support the Redevelopment of 197 Lisbon Street

INFORMATION: Jules Patry purchased 197 Lisbon Street in January 2017. Since then, Patry has been working on a redevelopment plan to convert this vacant building into 12 market rate apartments and street level commercial space. The total project cost is anticipated at approximately \$2.25 million. The building's primary entrance is located on Lisbon Street. There are two other points of egress from the building on the basement level. One doorway exits directly onto Canal Street Alley and the other exits onto Pine Street. Due to existing grades, the Pine Street doorway height does not meet code as a means of egress. In order to utilize the Pine Street entrance as a means of egress, improvements to the sidewalk are required. Patry has had preliminary designs drafted allowing the required egress height and providing adequate drainage given the existing street grade in relationship to the sidewalk. The total cost of the proposed changes is estimated at \$35,000, which the Developer will have to pay. Any loss of parking spaces downtown is not ideal. However, given the close proximity of the Centreville garage and remaining spaces available on Pine St and Lisbon St, the loss of the three proposed parking spaces may be acceptable. The attached order will authorize the City Administrator to enter into an agreement with the developer to allow these infrastructure changes to be made.

This was recently reviewed at a Council workshop where the Council's consensus was to support the proposal.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve the Order, Authorizing the City Administrator to Execute an Agreement with Bradford and Conant LLC for Public Infrastructure Modifications to Support the Redevelopment of 197 Lisbon Street



COUNCIL ORDER

Order, Authorizing the City Administrator to Enter into an Agreement with Bradford and Conant LLC for Public Infrastructure Modifications to Support the Redevelopment of 197 Lisbon Street.

WHEREAS, the City owns and maintains the sidewalk, streets, and three parking spaces located on Pine Street adjacent to 197 Lisbon Street Lewiston, Maine; and,

WHEREAS, the Developer owns the building and property located at 197 Lisbon Street; and,

WHEREAS, the Developer intends to redevelop the building into commercial space and 12 residential units; and

WHEREAS, the existing building entrance located on Pine Street is of insufficient height to meet building code requirements for access to residential units; and

WHEREAS, the existing physical limitations of the southern building facade create the need to alter the sidewalk elevation in order to provide the required entranceway improvements; and

WHEREAS, the City agrees to eliminate the three parking spaces on Pine Street adjacent to 197 Lisbon Street to accommodate proposed improvements; and

WHEREAS, the City Council has reviewed the proposed concept improvements recently in a workshop and indicated its support;

Now, therefore, be it ordered by the City Council of the City of Lewiston that

The City Administrator is hereby authorized to execute a Memorandum of Understanding with Bradford and Conant LLC for Public Infrastructure Modifications to Support the Redevelopment of 197 Lisbon Street in a form as substantially attached hereto.

MEMORANDUM OF UNDERSTANDING AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of _____, 2018, between the City of Lewiston, Maine, (the "City") and Bradford & Conant LLC (the "Developer") for the purpose of improving public infrastructure to enable the redevelopment of 197 Lisbon Street Lewiston, Maine,

WHEREAS, the City owns and maintains the sidewalk, streets, and three parking spaces located on Pine Street adjacent to 197 Lisbon Street Lewiston, Maine; and,

WHEREAS, the Developer owns the building and property located at 197 Lisbon Street; and,

WHEREAS, the Developer intends to redevelop the building into commercial space and 12 residential units; and

WHEREAS, the existing building entrance located on Pine Street is of insufficient height to meet building code requirements for access to residential units; and

WHEREAS, the existing physical limitations of the southern building facade create the need to alter the sidewalk elevation in order to provide the required entranceway improvements; and

WHEREAS, the City agrees to eliminate the three parking spaces on Pine Street adjacent to 197 Lisbon Street to accommodate proposed improvements; and

WHEREAS, the City Council approved the proposed concept improvements to the City infrastructure under the terms outlined in this memorandum and authorized the City Administrator to execute documents to put into effect those changes at its October 16, 2018 meeting;

NOW, THEREFORE, the parties agree as follows:

- 1) The Developer will prepare engineered plans for the proposed improvements to the Pine Street sidewalk adjacent to 197 Lisbon Street and submit them to the City Public Works Director for final approval.
- 2) Upon approval by the Public Works Director, the Developer shall obtain all local permits required to perform the proposed work.
- 3) No work in the right of way shall be started before proof of adequate financing to begin redevelopment work of 197 Lisbon Street has been provided to the City.
- 4) The Developer agrees to pay all costs associated with the proposed project.
- 5) The Developer agrees that any contractor hired to perform work in the right of way shall be required to take full responsibility for the work and take all precautions to prevent injuries to persons and property in or about the work; shall bear all losses resulting on account of the amount or character of the work or because the nature of the land in or on which the work is done is different from what was estimated or expected or on account of the weather, elements, or other cause; and shall assume the defense of and indemnify and save harmless the City and its officers, agents and servants from all claims relating to labor and materials furnished for the work; to inventions, patents and patent rights used in doing the work; to injuries to any person or corporation received or sustained by or from the Contractor and its employees in doing the work, or in consequence of any improper materials, implements, or labor used therein; and to any act, omission or neglect of the Contractor and its employees therein.

The Contractor shall furnish proof of coverage with adequate insurance of the types and to the limits specified below naming the City of Lewiston as additional insured. Certificate of such insurance shall be filed with the Director of Budget/Purchasing for his/her approval before permission to commence work will be granted.

INSURANCE REQUIREMENTS

A. Claims:

The City of Lewiston will not be held responsible for any damages or injuries arising out of any activity authorized by the City under this memorandum. Any related claim will be referred to the Contractor. The contractor may make personal restoration within a reasonable amount of time at the City's satisfaction or process a claim with its insurance carrier.

B. Insurance:

The Contractor shall furnish proof of coverage with adequate insurance of the types and to the limits specified below naming the City of Lewiston as additional insured. Certificate of such insurance shall be filed with the Director of Budget/Purchasing by the start of work.

C. Workers' Compensation:

Workers' Compensation, coverage with Statutory Limits and Employers Liability for all employees with limits of \$400,000 per incident; and in case any work is sublet, the Contractor shall require the sub-contractor similarly to provide coverage for the latter's employees unless such employees are covered by the protection afforded the Contractor.

D. Automotive Liability Insurance:

Automotive Liability insurance with minimum limits of liability for bodily injury in the amount of \$1,000,000 for each occurrence and minimum limits of liability for property damage in the amount of \$50,000/\$100,000 aggregate.

E. General Liability Insurance:

General Liability insurance with minimum limits of liability for bodily injury in the amount of \$1,000,000 for each occurrence and minimum limits of liability for property damage in the amount of \$50,000/\$100,000 aggregate, or a combined single limit of \$500,000 for each occurrence, including completed operations shall be required.

- 6) This agreement may be amended at any time by mutual agreement of the parties provided that such amendment is reduced to writing and executed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this the ____ day of _____, 2018

Edward A. Barrett, City Administrator
City of Lewiston

Bradford & Conant LLC
By: Jules Patry

Its: _____

Economic and Community Development

Misty Parker

Economic Development Manager



To: Honorable Mayor and Members of the City Council
From: Misty Parker
RE: 197 Lisbon Street Infrastructure Request
Date: September 27, 2018

Jules Patry purchased 197 Lisbon Street in January 2017. Since then, Patry has been working on a redevelopment plan to convert this vacant building into 12 market rate apartments and street level commercial space. The total project cost is anticipated at approximately \$2.25 million. Patry intends to apply for City CDBG funding and historic tax credits to make the project financially viable. The proforma is still in development, and any requests for city funding outside the existing programs will be brought to the Council for consideration at a later date.

Through the design preparations for the project, the State Fire Marshal flagged a life safety code issue with the existing building. Presently, the building's primary entrance is located on Lisbon Street. There are currently two other points of egress from the building on the basement level. One doorway exits directly onto Canal Street Alley behind the Centreville Garage. The other existing doorway exits on to Pine Street. Due to the slope of Pine Street and the adjacent sidewalk, the existing doorway height does not meet code as a means of egress. The Pine Street entrance is preferred as the primary point of entrance for the apartments.

The existing height of the Pine Street entrance is located just below the first floor requiring significant structural engineering to increase the height of the doorway, altering the first floor. The only other option would be to lower the doorway to provide the required height.

In order to utilize the Pine Street entrance as a means of egress, improvements to the sidewalk will be required. Patry has had preliminary designs drafted allowing the required egress height and providing adequate drainage given the existing street grade in relationship to the sidewalk. This proposal will require reconstruction of the sidewalk and will result in the loss of three parking spaces while also adding green space to the sidewalk alongside the building.

The total sidewalk construction is estimated at \$35,000. Patry would be required to pay for this improvement and may apply for CDBG infrastructure funding to support the project. The Council will need to consider the proposed change to

the sidewalk and street as well as the loss of the three parking spaces currently adjacent to the building.

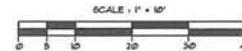
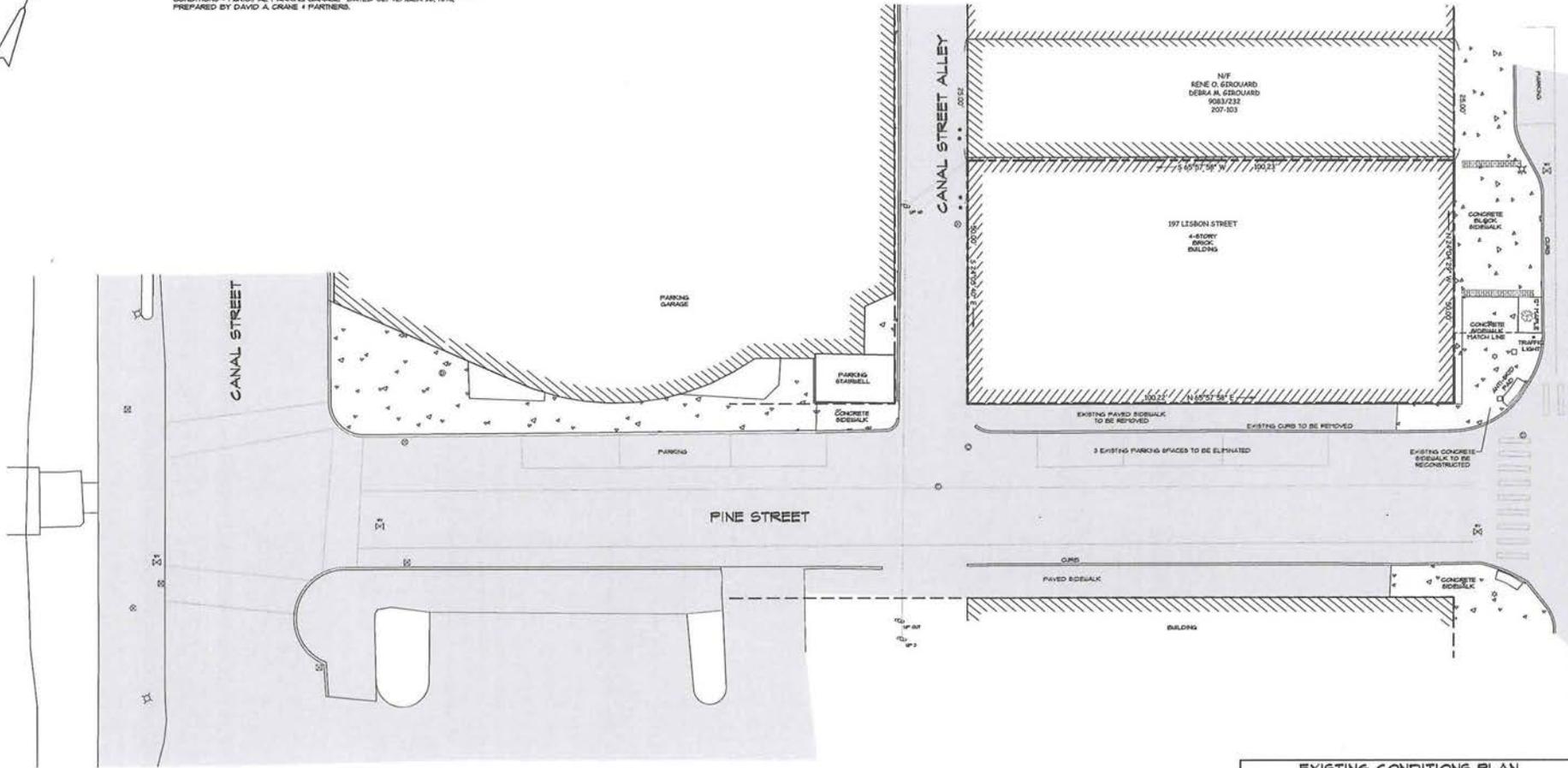
Any loss of parking spaces downtown is not ideal. However, given the close proximity of the Centreville garage and remaining spaces available on Pine St and Lisbon St, the loss of the three proposed parking spaces may be acceptable.

In order for Patry to move forward with full design and secure funding for the redevelopment project, the Council will need to approve the proposed changes to the Pine Street sidewalk which will result in the loss of three parking spaces. The project will create 12 new market rate apartments, revitalize commercial space, add to the tax base, and complement the vitality of the downtown.



NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO SUPPORT REDEVELOPMENT OF THE BUILDING AT 197 LISBON STREET.
- 2) EXISTING CONDITIONS INFORMATION SHOWN IS BASED ON FIELD SURVEY BY JONES ASSOCIATES, INC., CITY OF LEWISTON GIS, AND A PLAN ENTITLED "EXISTING SITE CONDITIONS - MUNICIPAL PARKING GARAGE" DATED SEPTEMBER 28, 1978, PREPARED BY DAVID A. CRANE + PARTNERS.



**EXISTING CONDITIONS PLAN
SIDEWALK IMPROVEMENTS**

PINE STREET - LEWISTON, MAINE
ANDROSCOGGIN COUNTY

PREPARED FOR
BRADFORD & CONANT, LLC
84 LISBON STREET, UNIT 4 - LEWISTON, MAINE 04240

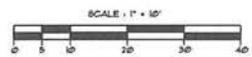
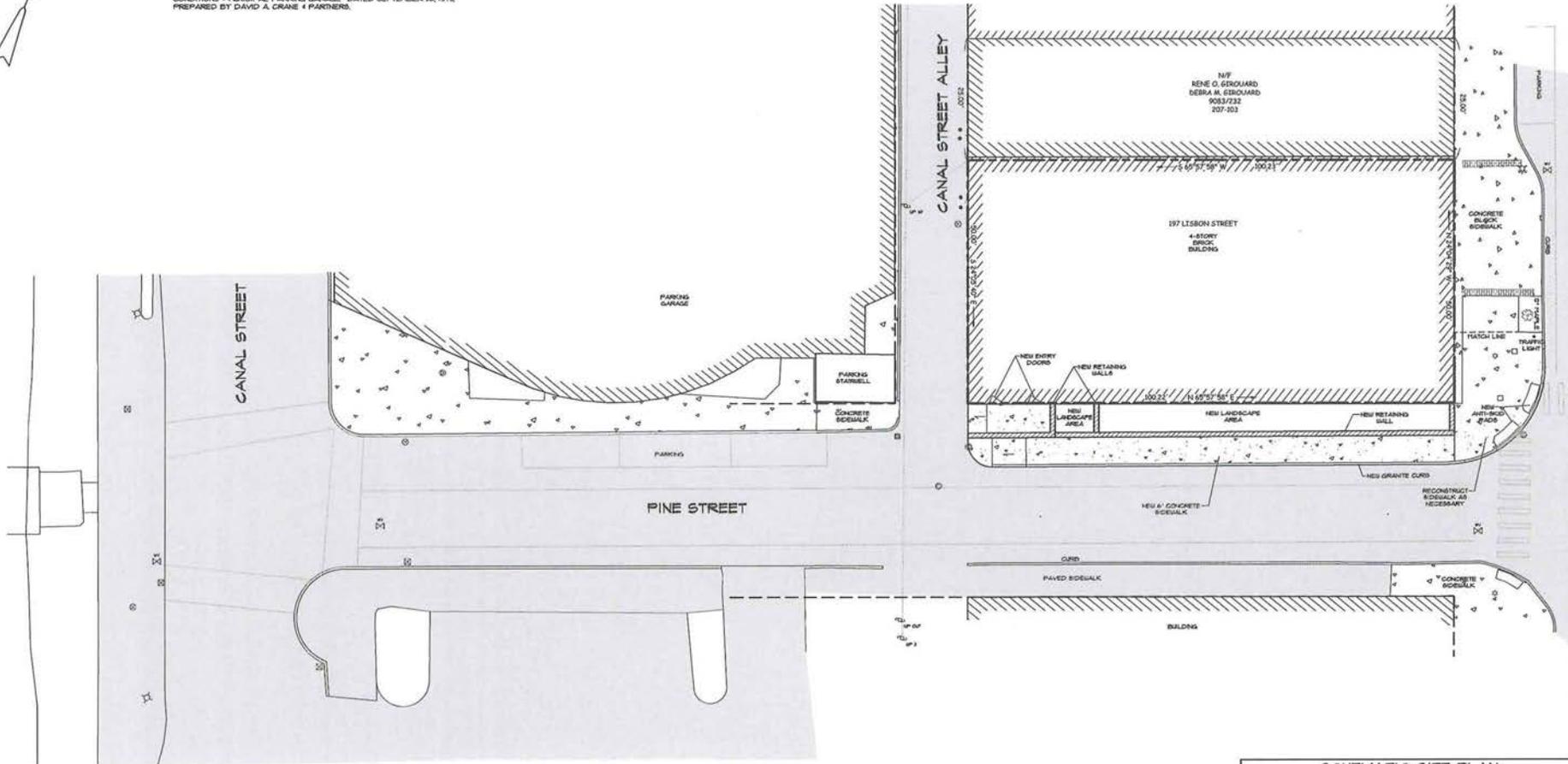
Stoneybrook Consultants, Inc.
P.O. Box 459 - Turner, Maine 04262 - (207) 224-0252

DATE: SEPT. 2010	DRAWN BY: DBJ	SCALE: 1" = 10'	SHEET
JOB NUMBER: 18-003	CHECKED BY: TFG	CADD: 18-003 SCH	1



NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO SHOW NEW SIDEWALK IMPROVEMENTS TO SUPPORT REDEVELOPMENT OF THE BUILDING AT 197 LIBBON STREET.
- 2) EXISTING CONDITIONS INFORMATION SHOWN IS BASED ON FIELD SURVEY BY JONES ASSOCIATES, INC., CITY OF LEWISTON GIS, AND A PLAN ENTITLED "EXISTING SITE CONDITIONS - MUNICIPAL PARKING GARAGE" DATED SEPTEMBER 26, 1975, PREPARED BY DAVID A. CRANE & PARTNERS.



SCHEMATIC SITE PLAN
SIDEWALK IMPROVEMENTS
PINE STREET - LEWISTON, MAINE
ANDROSCOGGIN COUNTY

PREPARED FOR
BRADFORD & CONANT, LLC
84 LIBBON STREET, UNIT 4 - LEWISTON, MAINE 04240

Stoneybrook Consultants, Inc.
P.O. Box 459 - Turner, Maine 04282 - (207) 224-0252

DATE: SEPT. 2019	DRAWN BY: DRJ	SCALE: 1" = 10'	SHEET
JOB NUMBER: 18-003	CHECKED BY: PFG	CADD: 18-003 SCH	1

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 16, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

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.