

CITY OF LEWISTON

CITY COUNCIL

AUGUST 14, 2018

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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 (214-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

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. Passed – Vote 7-0

Executive session began at 6:00pm and ended at 6:18pm.

VOTE (215-2018)

Motion by Councilor Marcotte, seconded by Councilor Lysen:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss Acquisition 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 6:19pm and ended at 6:38pm.

VOTE (216-2018)

Motion by Councilor Rea, seconded by Councilor Pettengill:

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. Passed – Vote 7-0

Executive session began at 6:39pm and ended at 6:56pm.

Regular meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

**PRESENTATION BY CHIEF OF POLICE REGARDING ENHANCED POLICING
EFFORTS IN LEWISTON AND BY STATE POLICE ON STATUS OF
ON-GOING INVESTIGATION**

Representatives from the Maine State Police provided an update regarding the investigation into the stabbing death in Kennedy Park on June 12. This is an on-going investigation that requires the viewing of video recordings and interviewing many witnesses. Chief of Police Brian O'Malley commented on the increased police presence within the city, the nighttime closure of Kennedy Park and other measures in place for the safety of residents.

PUBLIC COMMENT PERIOD

Pauline Gudas, 6 Raymond Avenue, gave credit to the police for their great work in the downtown and encouraged City Councilors to go on a ride-along with officers on a Friday or Saturday night to see what a shift is like so they can fully understand what the officers are dealing with on the street. She also encouraged neighborhood meetings in each ward to hear concerns of residents, ask what they are afraid of, what can be done to help. Hailey Corrouseau commented on the Human Trafficking Task Force and their work to identify safe places for victims to go to avoid sexual exploitation. She noted education of citizens is needed so they are aware of the survivors and the victims.

AMENDMENT TO THE TRAFFIC SCHEDULE TO CREATE FOUR FIFTEEN (15) MINUTE PARKING SPACES ON PINE STREET AND HORTON STREET

VOTE (217-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve amendments to the Traffic Schedule regarding the creation of four fifteen (15) minute parking spaces on Pine Street and Horton Street. Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 71 BROOKS AVENUE

VOTE (218-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 71 Brooks Avenue:

Whereas, the owner, the Estate of Alexander J. Pitarys, failed to pay bills on a timely basis for 71 Brooks Avenue (Tax Map 171, Lot 11, Parcel 00-009284); and

Whereas, a tax lien was filed on June 15, 2016 (Book 9387 Page 53) and matured on December 15, 2017 in the amount of \$1,733.65; and

Whereas, payment has been 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 71 Brooks Avenue to the owner.

Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR ANDROSCOGGIN
BANK COLISEE, 190 BIRCH STREET**

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

VOTE (219-2018)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To grant a Special Amusement Permit for live entertainment to the Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 7-0

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

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

VOTE (220-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SPARETIME
RECREATION, 24 MOLLISON WAY**

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

VOTE (221-2018)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To grant a Special Amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CARRIAGE
HOUSE PLUS, 1119 LISBON STREET**

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

VOTE (222-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To grant a Special Amusement permit for live entertainment to the Carriage House Plus. 1119 Lisbon Street. Passed – Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR A MUSICAL CONCERT IN KENNEDY PARK ON AUGUST 19

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

VOTE (223-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

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

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR A MUSICAL CONCERT IN KENNEDY PARK ON AUGUST 31

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

VOTE (224-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Friday, August 31, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF LIVE MUSIC AT DUFRENSE PLAZA IN CONJUNCTION WITH A THEATER PERFORMANCE SPONSORED BY THE LEWISTON PUBLIC LIBRARY

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

VOTE (225-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To conduct a public hearing on an application from the Lewiston Public Library for live music to be held at Dufresne Plaza on August 22-26, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Library for the outdoor event, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN ORDINANCE, REPEALING CHAPTER 22, ARTICLE XVI, OF THE CODE OF ORDINANCES – RECREATIONAL MARIJUANA

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

VOTE (226-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

That the proposed Ordinance, Repealing Chapter 22, Article XVI, of the Code of Ordinances – Recreational Marijuana – receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN ORDINANCE PERTAINING TO PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONE

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

VOTE (227-2018)

Motion by Councilor Marcotte, seconded by Councilor Lysen:

To approve final reading of an Ordinance pertaining to parking of commercial vehicles in a residential zone. Passed - Vote 5-2 (Councilors Pettengill and Lajoie opposed)

ORDER AUTHORIZING STAFF TO APPLY FOR AND ACCEPT FUNDS THROUGH THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

VOTE (228-2018)

Motion by Councilor Marcotte, seconded by Councilor Beam:

To hold a public hearing on the proposed uses of grant funds and to approve the Order, Authorizing staff to apply for and accept funds through the Edward Byrne Memorial Justice Assistance Grant:

Whereas, the City of Lewiston is eligible to apply for a Byrne Memorial Justice Assistance Grant in the amount of \$25,343; and

Whereas, in order to apply for these funds, the City Council must accept the funds if they are awarded and provide opportunity for public feedback on the proposed uses of these funds; and

Whereas, to meet a requirement of the grant, the City Council was provided with an opportunity to review it for a minimum of 30 days prior to the City accepting the grant; and

Whereas, the attached information details the uses to which this funds will be applied;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.

Passed - Vote 7-0

ORDER AUTHORIZING STAFF TO APPLY FOR AND ACCEPT FUNDS THROUGH THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

VOTE (229-2018)

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To hold a public hearing on the proposed use of grant funds and to approve the Order, Authorizing staff to apply for and accept funds through the Edward Byrne Memorial Justice Assistance Grant:

Whereas, the City of Lewiston is eligible to apply for a Byrne Memorial Justice Assistance Grant in the amount of \$25,343; and

Whereas, in order to apply for these funds, the City Council must accept the funds if they are awarded and provide opportunity for public feedback on the proposed uses of these funds; and

Whereas, to meet a requirement of the grant, the City Council was provided with an opportunity to review it for a minimum of 30 days prior to the City accepting the grant; and

Whereas, the attached information details the uses to which this funds will be applied;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.

Passed - Vote 7-0

RESOLVE ACCEPTING GOVERNOR'S DEED TO THE PROPERTY LOCATED AT 623 WEBSTER STREET

VOTE (229A-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the Resolve, accepting Governor's Deed to the property located at 623 Webster Street:

Whereas, the City is required to replace certain recreational property assisted under a federal Land and Water Conservation Grant; and

Whereas, the City owned property at 325 Alfred Plourde Parkway has been proposed as a replacement property; and

Whereas, this property would be used to create a public trail system; and

Whereas, for such a trail system to provide appropriate recreational opportunities, a portion of it needs to be located on an adjacent parcel covered by a conservation easement and owned by the Maine Department of Transportation; and

Whereas, the MDOT has indicated its willingness to have this parcel transferred into City ownership; and

Whereas, the Maine Department of Environmental Protection, which has the authority to enforce the conservation easement, has scheduled a site visit to verify that the property is in compliance with the easement; and

Whereas, the Planning Board recommends that this parcel be acquired by the City as a portion of the property to be dedicated to recreational use;

Now, therefore, be it resolved by the City Council of the City of Lewiston that a Governor's deed to the property located at 623 Webster Street is hereby accepted subject to the Maine Department of Environmental Protection verifying that the parcel is in compliance with the requirements of its conservation easement.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN
OPTION AGREEMENT FOR THE PURCHASE OF 55 NORTH TEMPLE STREET**

VOTE (229B-2018)

Motion by Councilor Marcotte, seconded by Councilor Rea:

To approve the Order, authorizing the City Administrator to enter into an Option Agreement for the purchase of 55 North Temple Street:

Whereas, the City's current fire substation located on Sabattus Street must be replaced due to its age, condition, and functional obsolescence; and

Whereas, the City owns insufficient property at this location to allow for a replacement station to be constructed on that site; and

Whereas, after review and evaluation of a number of alternative sites by staff and the City's architectural and engineering consultants, 55 North Temple is the recommended location for a new station, due to its topography, the availability of infrastructure, and its location near the signalized intersection of North Temple and Sabattus Street; and

Whereas, the City and the current owner have reached an agreement on purchase price based on a recently conducted appraisal of the property; and

Whereas, the City and owner have also agreed to an Option agreement, recognizing that the City must obtain various governmental approvals before a fire station can be constructed on the property;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to enter into an Option Agreement, in a form substantially as attached hereto, for the purchase of 55 North Temple Street.

Passed - Vote 7-0

RESOLVE APPROVING A TWO MONTH EXTENSION OF THE AGREEMENT WITH LWS DEVELOPMENT FOR THE PURCHASE AND SALE OF REAL ESTATE AT 188 LINCOLN STREET

VOTE (229C-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To approve the Resolve, approving a two month extension of the Agreement with LWS Development for the purchase and sale of real estate at 188 Lincoln Street:

Whereas, on October 3, 2017, the City Council authorized the City Administrator to execute a Purchase and Sale Agreement with LWS Development for the former Lincoln Street fire station located at 188 Lincoln Street; and

Whereas, in December 2017, the agreement was amended to allow for the sale of the property to close prior to the end of the calendar year due to concerns over the potential elimination of federal tax credits necessary for the project to be financially feasible; and

Whereas, legislation was passed extending the availability of historic tax credits, removing that threat to the project and, as a result, rather than convey the property with a reversion clause, the Purchase and Sale was extended until June, 1, 2018; and

Whereas, that amended agreement requires that the developer conduct environmental assessments, complete architectural renderings, secure a restaurant tenant acceptable to the City, and take the steps necessary to make the project eligible for Historic Tax Credits; and

Whereas, LWS Development has completed environmental assessments and architectural concept drawings on the property, removed accumulated debris within the building, taken the steps necessary for 188 Lincoln Street to be found eligible for the National Register of Historic

Places, is working with a contractor on a redevelopment budget and schedule, and has entered into Letter of Intent with a restaurant acceptable to the City; and

Whereas, on May 22, 2018 the City Council authorized the extension of the Purchase and Sale Agreement until August 1, 2018; and

Whereas, LWS is in final lease negotiations with a potential restaurant tenant that is requiring an opt out provision in the lease up to September 30, 2018;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that having received a written request for an extension from LWS Development LLC and having found that the developer is making significant progress toward redevelopment of 188 Lincoln Street, an extension of the purchase and sale agreement between the City and LWS is hereby approved until October 19, 2018.

Passed - Vote 6-1 (Councilor Marcotte opposed)

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Rea noted the high school graduation for August graduates is Monday, August 20. She noted the Committee is working on the search for a new superintendent and there will be an open forum on education and learning on October 18.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Questions arose regarding the renovations on Bartlett Street and the handicapped curb cuts by the Basilica.

EXECUTIVE SESSION

VOTE (229D-2018)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

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

Executive Session began at 8:10pm and ended at 8:39pm.

VOTE (229E-2018)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To adjourn at 8:40 P.M. Passed - Vote 7-0

CITY COUNCIL

AUGUST 14, 2018

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine