

**CITY OF LEWISTON**

**CITY COUNCIL**

**OCTOBER 16, 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 SESSIONS**

**VOTE (283-2018)**

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 6:00pm and ended at 6:15pm.

**VOTE (284-2018)**

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 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 6:15pm and ended at 6:38pm.

**VOTE (285-2018)**

Motion by Councilor Lysen, seconded by Councilor Marcotte:

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 6:38pm and ended at 7:02pm.

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.

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

The members are currently interviewing local businesses to work on a positive image for Lewiston and they are hoping to receive newspaper coverage for their work.

**VOTE (286-2018)**

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

To dispense with the reading of the minutes of the meetings of July 10, August 14 and October 2, 2018 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

Charles Soule, 135 Bartlett Street, reminded residents that the deadline to request an absentee ballot is November 1.

**ANNUAL APPOINTMENT FOR THE LEWISTON-AUBURN RAILROAD COMPANY BOARD OF DIRECTORS**

**VOTE (287-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 1153 SABATTUS STREET**

**VOTE (288-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing execution of a municipal quitclaim deed for 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.

Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING LOADING ZONES ON HOLLAND STREET**

**VOTE (289-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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 on the memorandum.

Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO CREATE AN ADDITIONAL PARKING SPACE ON BARTLETT STREET**

**VOTE (290-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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'. Passed - Vote 7-0

**RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT THE STATE ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 6, 2018**

**VOTE (291-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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.

Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR PEDRO O’HARAS OF LEWISTON, 134 MAIN 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 (292-2018)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

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

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

Mayor 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 (293-2018)**

Motion by Councilor Cloutier, seconded by Councilor Beam:

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

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE REGARDING PROHIBITING RENTAL AND UTILITY PAYMENTS UNDER CERTAIN CIRCUMSTANCES WHEN PROPERTIES ARE PLACARDED, CONDEMNED, UNLICENSED OR KNOWN TO BE IN VIOLATION OF MUNICIPAL ORDINANCES**

Mayor Bouchard opened the public hearing to receive citizen input and comment. Councilor Cloutier stated the Public Health Committee has questions regarding lead paint issues regarding these new ordinance provisions. Councilor Lajoie inquired about fire department building inspections regarding to these new amendments. Sue Charron, recently retired General Assistance Administrator, noted that she and Deputy Director Elaine Brackett worked on these changes and these amendments have been drafted and processed over the past few months. She spoke in support of the ordinance adoption. The Mayor then closed the hearing.

**VOTE (294-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

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. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING OFF-STREET PARKING FOR SINGLE-FAMILY ATTACHED OR MULTIFAMILY DWELLINGS**

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. Councilor Marcotte inquired about the different zones where this will be applicable and not applicable.

**VOTE (295-2018)**

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

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. Passed - Vote 6-1 (Councilor Marcotte opposed)

**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**

**VOTE (296-2018)**

Motion by Councilor Marcotte, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute an Agreement with Bradford & 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.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Councilor Rea reported the School Committee is hosting some upcoming public forums regarding standards based learning. The superintendent search is underway and they are working with community partners for input on the criteria for a replacement.

**OTHER BUSINESS**

**VOTE (297-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To waive the City Council Rules and to add an item to the meeting agenda. Passed - Vote 7-0

**VOTE (298-2018)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Resolve approving an extension to 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 the agreement was again extended until October 19, 2018; and

Whereas, LWS has provided evidence of sufficient progress on lease negotiations with Portland Pie that will result in the establishment of a Portland Pie franchise at 188 Lincoln Street,

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the city of Lewiston grants an extension on of the purchase and sale agreement between the City and LWS until November 23, 2018.

Passed - Vote 6-1 (Councilor Marcotte opposed)

Other items for Other Business: 1) The workshop on the opioid issue has been moved to October 30; 2) the workshop with the District Attorney is November 29 and 3) Councilor Marcotte has requested an update on the County Budget in November.

**VOTE (299-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To adjourn at 7:45P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine