

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 20, 2018

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:45 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 (300-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (A) to discuss a personnel matter regarding the search for a new Public Works Director. Passed - Vote 7-0

Executive Session began at pm and ended at pm.

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.

RECOGNITION OF LEWISTON HIGH SCHOOL BOYS SOCCER TEAM ON RECENT STATE CHAMPIONSHIP

Mayor Bouchard read a proclamation honoring the Lewiston High School Boys Soccer Team for their recent win in the state championship game. Some coaches and players were present to receive the proclamation.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The LYAC members are working on a public presentation to highlight the work of police officers within the community. This will be an evening presentation next month and will feature a panel of police officers talking about their work in Lewiston.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

ADOPTION OF CITY COUNCIL MEETING SCHEDULE FOR JANUARY 2019

VOTE (301-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

To suspend Section 1, (a) of the Rules Governing the City Council and to hold the regular Council meetings for January 2019 on Tuesday, January 8 and Tuesday, January 22.

Passed - Vote 7-0

RESOLVE AUTHORIZING APPLYING FOR AND ACCEPTING A GRANT FROM THE J.T. GORMAN FOUNDATION FOR THE PURPOSE OF FUNDING EARLY ACTION ACTIVITIES ASSOCIATED WITH THE CHOICE NEIGHBORHOOD PLANNING EFFORT AND TRANSFERRING \$20,000 TO SUPPORT EXPANSION OF THE DOWNTOWN SMART INFRASTRUCTURE STRATEGY TO THE CITY AS A WHOLE

VOTE (302-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

To approve the Resolve Authorizing applying for and accepting a grant from the J. T. Gorman Foundation for the purpose of funding early action activities associated with the Choice Neighborhood Planning Effort and transferring \$20,000 to support expansion of the Downtown Smart Infrastructure Strategy to the City as a whole:

Whereas, the John T. Gorman Foundation (JTG) has invited the City to apply for an end of year grant in the amount of \$125,000 to support early action activities and supplemental planning efforts in the Tree Street neighborhood; and

Whereas, this grant will be used to explore additional lighting to improve safety in the neighborhood, including adding lighting to Kennedy Park and implementing a pilot porch light program and adding additional trees throughout the neighborhood on both public and private property; and

Whereas, the foundation has also suggested funding a consultant at an estimated cost of \$40,000 to develop a smart infrastructure strategy for the downtown neighborhood that would explore how such infrastructure can assist in addressing public health, digital equity, and public safety concerns; and

Whereas, staff estimates that this smart infrastructure strategy could be expanded to cover the entire city with the addition of \$20,000 in city funds; and

Whereas, these additional funds could be transferred from the General Fund's portion of the City's annual appropriation for employee health insurance based on the lower than budgeted rate increase that will go into effect in January;

Now, therefore, be it resolved by the City Council of the City of Lewiston that application for and Acceptance of a grant from the J.T. Gorman Foundation for the Purpose of Funding Early Action Activities Associated with the Choice Neighborhood Planning Effort is hereby authorized.

Be it Further Resolved that the amount of \$20,000 is hereby transferred from the City General Fund portion of the Maine Municipal Employee Health Trust health insurance account (4921-417100) to the General Fund's Miscellaneous Services Account (4991-428800) to Support Expansion of the Downtown Smart Infrastructure Strategy to the City as a Whole.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (303-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of the proceeds from the sale of one Smith & Wesson 38 cal. Firearm serial #BKB0681, or any portion thereof, in the case of the State of Maine vs. Victor Graziani, CR-18-2877 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

Passed - Vote 7-0

At this point during the meeting, the Mayor took agenda item 11 out of order and addressed it at this time.

RESOLVE AUTHORIZING THE TRANSFER OF \$25,000 FROM THE LEWISTON HIGH SCHOOL PARKING LOT PROJECT TO THE VISUAL AND PERFORMING ARTS WINGS PROJECT

Superintendent William Webster was present and provided background information regarding this item.

VOTE (304-2018)

Motion by Councilor Rea, seconded by Councilor Lysen:

To adopt the Resolve authorizing the transfer of \$25,000 from the Lewiston High School Parking Lot Project to the Visual and Performing Arts Wing Project:

Whereas, over a two year Capital Improvement Program cycle, the City Council approved \$400,000 for improving the parking lot at Lewiston High School; and

Whereas, due to anticipated cost overruns, the size of that project was reduced and a balance remains available from the FY 2019 capital account; and

Whereas, the School Committee is requesting that \$25,000 of this remaining balance be reallocated toward architectural fees associated with the design of the proposed visual and performing arts wing; and

Whereas, this will allow the initial design to be modified to add a second floor to the proposed

wing to meet other needs at the high school;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the amount of \$25,000 is hereby transferred from the Lewiston High School Improvement Capital Account to the Capital Account for the proposed visual and performing arts wing.

Passed - Vote 6-1 (Councilor Marcotte opposed)

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

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

VOTE (305-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR COWBELL GRILL & TAP, LLC, 49 LISBON STREET

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

VOTE (306-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Cowbell Grill & Tap, LLC, 49 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LBK EVENTS, 1 BATES STREET

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

VOTE (307-2018)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To grant a Special Amusement Permit for live entertainment to LBK Events, 1 Bates Street. Passed – Vote 6-0 (Councilor Marcotte abstained)

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FISH BONES AMERICAN GRILL, 70 LINCOLN STREET

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

VOTE (308-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

To grant a Special Amusement Permit for live entertainment to Fish Bones American Grill, 70 Lincoln Street. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDING THE CODE OF ORDINANCES, ARTICLE XV, MEDICAL MARIJUANA – DISTRIBUTION AND CULTIVATION, TO REMOVE REFERENCES TO REGISTERED DISPENSARIES AND CLARIFY THAT THE CITY HAS NOT OPTED IN UNDER STATE LAW TO AUTHORIZE REGISTERED CAREGIVER RETAILS STORES, REGISTERED DISPENSARIES, MARIJUANA TESTING FACILITIES, OR MARIJUANA MANUFACTURING FACILITIES

Mayor Bouchard opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this item. The Mayor then closed the hearing. City Administrator Ed Barrett and Director of Code & Planning David Hediger provided a presentation on this issue.

VOTE (309-2018)

Motion by Councilor Rea, seconded by Councilor Lajoie:

That the proposed ordinance amendment to remove references to Registered Dispensaries and clarify that the City has not Opted In under State Law to authorize Registered Caregiver Retail Stores, Registered Dispensaries, Marijuana Testing Facilities, or Marijuana Manufacturing Facilities receive first passage by a roll call vote and that the public hearing be continued to the next regularly scheduled Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDING THE CODE OF ORDINANCES, CHAPTER 18, BUILDING AND BUILDING REGULATIONS, ARTICLE III. PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS – WEEDS

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

VOTE (310-2018)

Motion by Councilor Marcotte, seconded by Councilor Lysen:

That the proposed ordinance amendment to extend the existing prohibition on tall weeds in

certain zoning districts receive first passage by a roll call vote and that the public hearing be continued to the next regularly scheduled Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDING APPENDIX A. ZONING AND LAND USE CODE, ARTICLE XI. DISTRICT REGULATIONS, SECTION 6, NEIGHBORHOOD CONSERVATION “A” DISTRICT (NCA)

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

VOTE (311-2018)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

That the proposed ordinance amending Appendix A, Zoning and Land Use Code, Article XI. District Regulations, Section 6, Neighborhood Conservation “A” District (NCA) receive first passage by a roll call vote, be referred to the Planning Board for a recommendation, and that the public hearing be continued to the next regularly scheduled Council meeting following receipt of the Planning Board’s recommendation.

Did Not Pass - Vote 3-4 (Councilors Marcotte, Pettengill and Lajoie in favor)

RESOLVE AUTHORIZING THE TRANSFER OF \$52,000 FROM THE A-L AIRPORT TRACTOR PURCHASE TO PURCHASE A V-PLOW AND A COMPACT TRACTOR FOR THE AIRPORT

VOTE (312-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To approve the Resolve authorizing the transfer of \$52,000 from the A-L Airport tractor purchase to purchase a V-Plow and a compact tractor for the Airport:

Whereas, the City Council approved \$150,000 for Lewiston’s share of the \$300,000 John Deere Tractor for the Airport during the FY19 budget deliberations; and

Whereas, the bid for the tractor was awarded at \$239,000, producing a \$61,000 surplus – \$30,500 per each city; and

Whereas, to improve the timeliness and effectiveness of snow removal, the Airport is requesting to purchase two additional pieces of equipment; and

Whereas, the Airport is requesting to purchase a \$6,000 V-Plow and a \$46,000 compact tractor; and

Whereas, both the City of Lewiston and Auburn would need to approve their portion of the additional \$26,000 purchase; and

Whereas, the City of Lewiston’s anticipated share of the surplus of \$4,500 will be returned to

fund balance,

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the amount of \$52,000 is hereby transferred from the Airport Tractor Purchase to purchase a V-plow and a compact tractor where Lewiston’s share of the purchase is \$26,000, subject to the City of Auburn approving the same budgetary transfer.

Passed - Vote 7-0

RESOLVE ACCEPTING AND APPROPRIATING THE FY2018 HOMELAND SECURITY GRANT AWARD OF \$172,782

VOTE (313-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To adopt the Resolve accepting and appropriating the FY2018 Homeland Security Grant Award of \$172,782:

Whereas, Fire Chief Brian Stockdale has prepared and presented the FY2018 Lewiston Homeland Security Grant Program to the City Council and the City Administrator; and

Whereas, the Maine Emergency Management Agency has approved the City of Lewiston’s grant applications in line with the FY2018 Homeland Security Program

Now, therefore, be it Resolved By the City Council of the City of Lewiston that the FY2018 Homeland Security Grant Award in the total amount of \$172,782 is hereby accepted and appropriated for the following purposes:

- Fire Department Self Contained Breathing Apparatus \$5,000
Grant funding will provide for calibration of air pack testing equipment and accessories for the air pack masks.
- Cobra Team Equipment & Training \$36,000
Lewiston and Auburn provide matching funds to support the training and equipment needs of the Cobra Team.
- Surveillance Network Maintenance and Upgrades \$25,000
Grant funding will provide for the upgrade, maintenance and replacement of various surveillance network components; service, access controls, servers, licenses and cameras.
- Lewiston Public Safety Radio Equipment \$106,782
Public Safety Portable and Mobile Radios for emergency vehicles.

Passed - Vote 7-0

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

Director of Development Lincoln Jeffers provided a brief update on this project. Councilor

Marcotte stated he does not think that this is the highest and best of this parcel and has noted the constant delays in this project.

VOTE (314-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the Resolve approving an 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 required 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 subsequently further extended until October 19, 2018 and November 23; and

Whereas, the prospective tenant has now executed a lease to open a restaurant at this location, the developer is moving forward with finalizing its historic tax credit application but is awaiting final approval to sell the credits to a waiting purchaser, is seeking additional financing in commercial loans and through city grant programs; and

Whereas, the extension granted by the Council in October allowed for further extension of the agreement at the Council's discretion; and

Whereas, the developer is requesting that the option be extended until January 31st to allow both the tenant and developer to finalize their financing;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the city of Lewiston grants an extension of the purchase and sale agreement between the City and LWS until January 31, 2019.

Passed - Vote 6-1 (Councilor Marcotte opposed)

REPORTS AND UPDATES

Councilor Rea reported a recent report from the Lake Auburn Watershed Protection Commission as noted the drinking water is safe and despite the algae bloom in the lake, the water is safe to use and consume. She said it may have a bit of a cucumber taste but is safe to drink. She also reported the School Committee met recently to review their snow day policy and might consider the use of storm packs to avoid having to make up educational days. She noted they also received a report on the Great Falls Regional Service Center and they are working jointly on software, security consultants and weather consultants.

OTHER BUSINESS

Councilor Cloutier requested additional information regarding accessory dwelling units and to have this be a separate item in the ordinance in the NCA regarding units with two dwelling units.

VOTE (315-2018)

Motion by Councilor Rea, seconded by Councilor Lysen:

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

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine