

# CITY OF LEWISTON

CITY COUNCIL

APRIL 2, 2019

## REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE KRISTEN S. CLOUTIER, MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

### MAYORAL RECOGNITION

Mayor Cloutier recognized Fardowsa Muktar, a high school student, for her recent award from the Hardy Girls, Healthy Women state organization.

### VOTE (58-2019)

Motion by Mayor Cloutier, seconded by Councilor Lysen:

To Suspend the Rules and to take agenda item 8 out of order and to address it at this time.  
Passed - Vote 7-0

### AMENDMENT TO THE RULES GOVERNING THE CITY COUNCIL TO UPDATE THE PROCEDURES FOR PUBLIC COMMENT

Heather Everly, 17 Howe Street, stated she feels these changes are aggressive, discriminatory, involve censorship of the public and infringes on their First Amendment rights. Melissa Dunn, 254 Blake Street is concerned these changes will negatively impact poor and working class people and is a direct assault on poor people whose only power is to talk with Councilors; she feels these changes to the policy are a retaliatory action. Sass Linagin of Winthrop pointed out an incorrect statute citation listed in the new policy language and noted the right of free speech does not say if you don't like what the public says, you can stop them from speaking. Councilor Rea noted the time change from 5 minutes to 3 minutes and the Council has not shut any speaker down from addressing the Council. Councilors asked to have the language in all caps changed to regular text. Mayor Cloutier noted the new language does not limit contact and communication with the Council but regulates the time, manor and place public comment is included during the meeting.

### VOTE (59-2019)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve the proposed amendments to the Rules Governing the City Council, City Policy Manual Number 6. Passed - Vote 5-2 (Councilors Lysen and Rea opposed)

**PUBLIC COMMENT PERIOD**

Bob Macdonald, 6 Jolin Street, stated the CMP line expansion project would be a boon for Lewiston and he encouraged the Council to let the public know that they are in favor of this project. Heather Everly of 17 Howe Street said she was in Washington DC recently and informed Senator Collins that she shared emails from the Chin campaign.

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (60-2019)**

Motion by Councilor Lysen, 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 \$685.00, or any portion thereof, in the case of the State of Maine vs. Michael Williams, CR-19-734 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

**APPROVAL OF ELECTION WARRANT CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 14, 2019 FOR THE SCHOOL BUDGET VALIDATION REFERENDUM AND RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT SAID ELECTION**

**VOTE (61-2019)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 14, 2019 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election:

- A. That the hours for acceptance of registrations in person only, prior to the May 14th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, April 24 through May 13, 2019.
- 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 polling place at 7:00am and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 14 election.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 90 SPRING STREET**

**VOTE (62-2019)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 90 Spring Street:

Whereas, the owner, Allisa L. Greenwood, failed to pay her bill on a timely basis for 90 Spring Street (Tax Map 206, Lot 120, Parcel 00-004626); and

Whereas, a tax lien was filed on June 14, 2017 (Book 9616 Page 75) and matured on December 14, 2018 in the amount of \$657.32; 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 90 Spring Street to the owner.

Passed - Vote 7-0

**PUBLIC HEARING ON A NEW APPLICATION FOR A NEW LIQUOR LICENSE FOR THE CURIO, 110 LISBON STREET**

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

**VOTE (63-2019)**

Motion by Councilor Rea, seconded by Councilor Lysen:

To authorize the City Clerk's office to approve a new liquor license application for The Curio, 110 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 111 BLAKE STREET AND 82 PINE STREET FROM THE DOWNTOWN RESIDENTIAL (DR) DISTRICT TO THE CENTREVILLE (CV) DISTRICT**

City Director of Planning and Code Enforcement David Hediger provided the background information on this item. The Mayor opened the public hearing to receive citizen input and comment on this item. Melissa Dunn, 254 Blake Street noted that low income residents were not included in the planning of this project and they are an after-thought during projects such as this. Robert Reed, 58 Albert Street said the creation of this project does not resolve the lead paint problem within the city and it will add more children to the school system. Shanna Cox, 119 Ash Street, said the City has already made significant strides in improving the poor housing stock and noted the residents of the unit will be local people supporting the local economy. Shawn Yardley, CEO of Community Concepts said this is a start to address the lead issue, his organization which is the sponsor of this project has developed many jobs within the city and

complimented the city on being so aggressive in the past to address bad housing. Catherine Elliott of Avesta described the contract rezoning request and the proposed residential units. Tom Platz commented on the jobs this building project will create and noted there is \$35 million dollars of construction planned within Lewiston in the next 12 months but developers cannot find enough workers for the jobs. The Mayor then closed the hearing. Councilor Marcotte said the city needs to grow the workforce and that jobs are not available for more people. Councilor Pettengill stated he cannot support this project and the new children will cause a burden on the school system. Councilor Lysen said that this is one project and is part of the solution but not the entire fix, and noted this project has a great development team. Councilor Rea noted this will offer safe and affordable housing. Councilor Beam stated she was absent during the last Council meeting but watched the full meeting online; she noted she is pleased with the proximity of the project in relation to the park. Councilor Lajoie noted there have been good points presented on both sides of this issue.

**VOTE (64-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) District to the Centreville (CV) District, subject to a contractual agreement. Passed - Vote 5-2 (Councilors Pettengill and Marcotte opposed)

**PUBLIC HEARING AND FIRST PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 10, 35 AND 37 AVON STREET FROM THE RESOURCE CONSERVATION (RC), URBAN ENTERPRISES (UE) AND NEIGHBORHOOD CONSERVATION “B” (NCB) DISTRICTS TO THE CENTREVILLE (CV) DISTRICT**

City Planner Doug Greene provided the background on this project. The Mayor opened the public hearing to receive citizen input and comment on this item. James Bass, attorney for Saxon Developers and Donald Smith of Saxon made a presentation to the Council. Barbara Alberti, 53 West Bates Street said she is across from the property and wondered about the sidewalk conditions. Linda Scott, 45 Pettengill Street said this would be ideal for elderly residents, young professional and retired professionals. Shanna Cox, 119 Ash Street said investing in high density helps avoid sprawl and builds the infrastructure. Pauline Gudas, 6 Raymond Avenue said this is prime real estate on the river and a \$35 million investment with 245 units, on-site management and security. Safia Klahid, 518 Main Street, said the property benefits all and to not market it just as medical employee housing. Joe Grube, 74 Brooks Street commented on the tax revenue this project will generate. The Mayor then closed the hearing.

**VOTE (65-2019)**

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve First Passage of the amendment to the Zoning and Land use Code and Map to contractually rezone the property at 10, 35 and 37 Avon Street from the Resource Conservation (RC0, Urban Enterprise (UE) and Neighborhood Conservation “B” (NCB) Districts to the Centreville (CV) District, subject to a contractual agreement, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Passed – Vote 7-0

**BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2020 BUDGET**

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

**RESOLVE, RECEIVING THE FINAL REPORT OF THE AD-HOC ADVISORY COMMITTEE ON RENTAL REGISTRATION**

**VOTE (66-2019)**

Motion by Councilor Marcotte, seconded by Councilor Lysen:

To approve the Resolve, Receiving the Final Report of the Ad-Hoc Advisory Committee on Rental Registration:

Whereas, the members of the Ad-Hoc Advisory Committee on Rental Registration presented and interim report to the City Council in December 2018 at which time an extension to the committee's term was requested and granted; and

Whereas, the Committee has now completed its work and submitted its final report; and

Whereas, following completion of the annual budget process, the Council will hold a workshop to review and consider the report and its recommendations;

Now, therefore, Be it resolved by the City Council of the City of Lewiston that the final report of the Ad-Hoc Advisory Committee on Rental Registration is hereby received.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FIRST AMENDMENT TO PARKING LEASE AGREEMENT AND AN AMENDED AND RESTATED MEMORANDUM OF PARKING LEASE AGREEMENT HARMONIZING THE TERM OF THE HARTLEY BLOCK PARKING LEASE AGREEMENT TO THE TERM OF THE MAINE HOUSING FINANCING ON THE PROPERTY**

**VOTE (67-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Order authorizing the City Administrator to execute a First Amendment to Parking Lease Agreement and an Amended and Restated Memorandum of Parking Lease Agreement harmonizing the term of the Hartley Block Parking Lease Agreement to the term of the Maine Housing financing on the property:

Whereas, on June 28, 2016 the City entered into a 30 year Parking Lease Agreement with the Hartley Block, LP; and

Whereas, the term of that agreement was to begin upon issuance of the Certificate of Occupancy for the building and expire 30 years thereafter; and

Whereas, the Certificate of Occupancy for the building was issued on March 15, 2019; and

Whereas, the permanent loan financing on the property has not yet occurred and one of the lenders, Maine Housing, is requiring that the parking lease term be coterminous with its financing term; and

Whereas, the permanent loan closing for The Hartley Block is tentatively scheduled for May 2019, but with several funders involved in that transaction, finalizing that closing may require some additional time;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a *First Amendment to Parking Lease Agreement* and an *Amended and Restated Memorandum of Parking Lease Agreement*, copies of which are attached hereto, which will extend the term of The Hartley Block parking lease agreement with the City until August 1, 2049, such memorandum to be filed at the Androscoggin Registry of Deeds.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Councilor Rea reported the School Committee is reviewing budget matters and added \$380,000 to the budget due to various projects and issues that need to be addressed.

**OTHER BUSINESS**

No other business was presented at this time.

**EXECUTIVE SESSIONS**

**VOTE (68-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

Passed - Vote 7-0

Executive Session began at 9:40 pm and ended at 10:15pm.

**VOTE (69-2019)**

Motion by Councilor Pettengill, 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 10:15pm and ended at 10:45pm.

**VOTE (70-2019)**

Motion by Councilor Marcotte, seconded by Councilor Beam:

To adjourn at 10:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine