

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 17, 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 and City Clerk Kathleen Montejo. Note: Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

Pledge of Allegiance to the Flag.

Moment of Silence – The Mayor held a Moment of Silence to reflect on the recent passing of Eben Dingman, co-owner of Bear Bones Brewery, who died in a car accident over the weekend.

RECOGNITION OF OUTGOING ELECTED OFFICIALS

Mayor Cloutier presented plaques of appreciation to outgoing Councilors Lysen, Beam and Marcotte. She thanked them for their years of service and work on the Council. The City Administrator then presented a plaque to the Mayor to honor her years of work on the Council.

VOTE (321-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To dispense with the reading of the minutes of the meeting of November 19 and December 10, 2019 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

PUBLIC HEARING ON AN APPLICATION FOR A NEW LIQUOR LICENSE FOR YVETTE’S COCINA, 413 MAIN STREET

Mayor Cloutier 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 (322-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To authorize the City Clerk’s Office to approve a new liquor license application for Yvette’s Cocina, 413 Main Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR PROPOSED AMENDMENTS TO EXISTING CONTRACT REZONING FOR PROPERTIES AT 10, 35 AND 37 AVON STREET

Mayor Cloutier 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 (333-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve Final Passage of the proposal to amend the contract rezoning for the properties at 10, 35 and 37 Avon Street by a roll call vote. Passed - Vote 7-0

ORDER, APPROVING THE ESTABLISHMENT OF THE SAXON PARTNERS – RESIDENCE AT GREAT FALLS TAX INCREMENT FINANCING DISTRICT AND PROGRAM, AND APPROVAL OF A DESIGNATION OF A TAX INCREMENT FINANCING DISTRICT AND CREDIT ENHANCEMENT AGREEMENT

Mayor Cloutier opened the public hearing to receive citizen input and comment. Joshua Nagine, 108 Spring Street, expressed concern that the neighbors do not know what is going on with the property and the Planning Board has only seen a conceptual design but no actual plans. He said the units are not being constructed for the community because there are no low income or family units. Heather Everly of Blake Street said this development is for outsiders and will take land away from people who want to use it. Joe Grube, 74 Brooks Avenue said this is a bad TIF deal for the city and he urged the Council not to take it, noting the tax money will be tied up for 20 years. The Mayor then closed the hearing.

VOTE (334-2019)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve the Order, Approving the Establishment of the Saxon Partners – Residence at Great Falls Tax Increment Financing District and Program, and Approval of a Designation of a Tax Increment Financing District and Credit Enhancement Agreement:

Whereas, in order receive the required statutory approval and to give legislative force to the approval of the Saxon Partners – Residence at Great Falls Tax Increment Financing District and Development Program, a public hearing must be held to solicit public comment regarding the establishment of the TIF District and Development Program at which citizens are given the opportunity to comment on whether the district and development program will contribute to removal of blight, expansion of the tax base, betterment of the health, safety and welfare of city residents; and to provide an opportunity for any claim by a party that the district or program will be detrimental to that party’s property interests and for which substantial evidence of that detriment is produced; and

Whereas, if such claim is made, the City Council shall determine whether any claimed adverse impact is outweighed by the provision of blight removal, tax base expansion, and the creation of 245 units of new, high quality market rate housing, and the improvement of streets and sidewalks in the vicinity of the project as specified in the development program; and

Whereas, the required 10 day public notice for the December 17th City Council Public hearing

was published in the Sun Journal on November 9, 2019; and

Whereas, maps of the proposed district are attached and were presented at the public meeting; and

Whereas, the TIF District will be for a term of 22 Years beginning in Fiscal Year 2021 but the Development Program reimbursement of a portion of the new tax revenues generated for approved project costs will be for a term of 20 years starting when the project has been completed; and

Whereas, the TIF Program will return 63% of the new taxes generated within the district for a term of 20 years to the developer to be used to assist with financing and operational costs; and, in addition, 10% of the new taxes generated in the district during the first year of the Development Program will be used to pay municipal debt service associated with public street and sidewalk improvements in and adjacent to the District. The percentage of TIF revenues for municipal debt will decline to 7% by the 10th year of the Program. All new tax revenue not returned to the developer or used for municipal debt service will be paid into Lewiston's General Fund. The proforma attached and presented estimates that, over the 20 year term of the Development Program, the developer will receive an estimated \$7,083,921 in TIF revenues; the City will use an estimated \$476,213 of TIF revenues for debt service, and the City's General Fund will receive and estimated \$3,684,186; and

Whereas, creation of the Saxon Partners TIF District and Program is estimated to result in the City receiving \$137,957 annually in Tax sheltering benefits by reducing the amount of County Taxes that the City would have paid and preserving the level of State Aid for Education and Revenue Sharing the City would have lost if the Saxon Partners project is developed without an approved TIF District or Program in place; and

Whereas, a draft of the Maine Department of Economic and Community Development (DECD) Tax Increment Financing Application is attached and was included in the Council Agenda Packet which was available to the public four days before the Public Hearing. The application more thoroughly details the TIF District and Program and included all of the required attachments, but for those that can only be created after the Public Hearing;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the Saxon Partners – Residence at Great Falls Development District and Program is hereby approved in a form substantially similar to the attached, City staff is directed to finish the application reflecting comments received at the Public Hearing, and the City Administrator is hereby authorized to execute the *Designation of a Tax Increment Financing District and Credit Enhancement Agreement* in form and substance similar to that included in the council agenda packet and to submit the complete application and supporting documentation to DECD for approval. Furthermore, the City Administrator and/or Economic and Community Development Director are authorized to make technical revisions to each in order to facilitate DECD approval, so long as the basic structure and intent of the development program are maintained.

Passed - Vote 7-0

ORDER, APPROVING THE ESTABLISHMENT OF THE 143 BLAKE STREET – SOPHIA’S HOUSE TAX INCREMENT FINANCING DISTRICT AND PROGRAM, AND THE AGREEMENT FOR DEVELOPMENT ASSISTANCE, ESTABLISHMENT OF A TIF DISTRICT AND TAX INCREMENT FINANCING BETWEEN THE CITY OF LEWISTON AND 143 BLAKE STREET LLC

Councilor Rea recused herself citing a conflict of interest regarding this project. Mayor Cloutier opened the public hearing to receive citizen input and comment. Klara Tammany said there are eleven units and \$1.6 million was raised for this project. Heather Everly of Blake St said she attended the grand opening and there a lot of people present from the community who support this project. The Mayor then closed the hearing.

VOTE (335-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve the Order, Approving the Establishment of the 143 Blake Street – Sophia’s House Tax Increment Financing District and Program and the Agreement for Development Assistance, Establishment of a TIF District and Tax Increment Financing:

Whereas, in order receive the required statutory approval and to give legislative force to the approval of the 143 Blake Street – Sophia’s House Tax Increment Financing District and Development Program, a public hearing must be held to solicit public comment regarding the establishment of the TIF District and Development Program, at which time citizens are given the opportunity to comment on whether the district and development program will contribute to removal of blight, expansion of the tax base, betterment of the health, safety and welfare of city residents, and to provide an opportunity for any claim by a party that the district or program will be detrimental to that party’s property interests and for which substantial evidence of that detriment is produced; and

Whereas, if such claim is made, the City Council shall determine whether any claimed adverse impact is outweighed by the provision of blight removal, tax base expansion, and the creation of 11 units of housing, 6 of which will be for women recovering from prostitution, trafficking, prison, and/or addiction as well as the creation of space in which Herban Works, a social enterprise program which will provide job training support to women in need; and

Whereas, the required 10 day public notice for the December 17th City Council Public hearing was published in the Sun Journal on December 6, 2019; and

Whereas, maps of the proposed district are attached and were presented at the public meeting; and

Whereas, the TIF District and Program will be for a term of 5 Years beginning in Fiscal Year 2021; and

Whereas, the TIF Program will return in Years 1 and 2 of the Program 100% of the new taxes generated; 90% in Year 3; 80% in Year 4; and 75% in Year 5 to 143 Blake Street, LLC. All new tax revenues generated that are not returned to the developer as project costs will be paid to

Lewiston’s City’s General Fund. The proforma attached and presented estimates that, over the 5 year term of the Development Program, 143 Blake Street, LLC will receive an estimated \$23,058 in TIF revenues and the City’s General Fund will receive an estimated \$2,862; and

Whereas, the non-profit Center for Wisdom’s Women is a participant in the creation and operation of Sophia’s House and Herban Works; and

Whereas, the Center for Wisdom’s Women, in recognition of the value and cost of municipal services provided by the City, has agreed to pay a 25% Payment-in-Lieu of Taxes (PILOT) based on the Assessed Valuation of 143 Blake Street beginning in the year following the expiration of the TIF District; and

Whereas, the Center for Wisdom’s Women has agreed to meet with the City, beginning on or about May 1, 2030 and continuing on or about May 1 every 5 years thereafter, to review the appropriateness of any adjustment to the PILOT payment; and

Whereas, creation of the 143 Blake Street TIF District and Program is estimated to result, over the term of the Program, in the City receiving a total of \$8,917 in Tax Sheltering benefits by reducing the amount of County Taxes that the City would have otherwise paid and preserving the level of State Aid for Education and Revenue Sharing the City would have lost if the 143 Blake Street – Sophia’s House project is developed without an approved TIF District or Program in place; and

Whereas, a draft of the Maine Department of Economic and Community Development (DECD) Tax Increment Financing Application is attached and was included in the Council Agenda Packet which was available to the public four days before the Public Hearing, which application more thoroughly details the TIF District and Program and included all of the required attachments, but for those that can only be created after the Public Hearing;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the 143 Blake Street – Sophia’s House Development District and Program is hereby approved in a form substantially similar to the attached; City staff is directed to finish the application reflecting comments received at the Public Hearing; and the City Administrator is hereby authorized to execute the *Designation of a Tax Increment Financing District and Credit Enhancement Agreement* in form and substance similar to that included in the council agenda packet and to submit the complete application and supporting documentation to DECD for approval. Furthermore, the City Administrator and/or Economic and Community Development Director are authorized to make technical revisions to each in order to facilitate DECD approval, so long as the basic structure and intent of the development program are maintained.

Passed - Vote 6-0 (Councilor Rea recused herself and did not vote on this item.)

**RESOLVE, ADOPTING THE 2020-2024 CONSOLIDATED PLAN FOR THE CITY’S
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Mayor Cloutier opened the public hearing to receive citizen input and comment. Heather Everly, Blake Street said this plan was created without input from the residents in the

neighborhood area. The Mayor then closed the hearing.

VOTE (336-2019)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Resolve, Adopting the 2020-2024 Consolidated Plan for the City’s Community Development Block Grant Program:

Whereas, Lewiston is a Community Development Block Grant (CDBG) Entitlement Community; and

Whereas, as an Entitlement Community, Lewiston must comply with requirements contained in Title 24 CFR 570.302 regarding the adoption of a 5 year Consolidated Plan that outlines how CDBG funds will be invested during the term of the plan; and

Whereas, the proposed Consolidated Plan has been developed in concert with a seven member CDBG Citizen Advisory Committee that encouraged and realized significant public engagement throughout development of the Plan; and

Whereas, the Plan has met the requisite public notice and public comment requirements;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the 2020-2024 CDBG Consolidated Plan is hereby approved and adopted substantially in the form as presented and that the same be submitted to the U.S. Department of Housing and Urban Development for approval.

Passed - Vote 7-0

ORDER, AUTHORIZING THE INSTALLATION OF A TEMPORARY “HOPEFUL” SIGN ON THE NORTH FAÇADE OF BATES MILL 5

Heather Everly, Blake Street, said the arrow in the sign is a racist symbol and allowing the sign to be hung on a city building is a bow to the past.

VOTE (337-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Order, Authorizing the installation of a temporary “Hopeful” sign on the north façade of Bates Mill 5:

Whereas, the City has been approached with a request to allow a temporary art installation on the North façade of Bates Mill 5; and

Whereas, the costs of this project will not fall to the City; and

Whereas, the City is supportive of public art as an amenity that adds to the vitality of our community;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the installation of a temporary “Hopeful” sign on the North façade of Bates Mill 5 is hereby approved and the City Administrator is authorized to execute the necessary agreements to allow this project to proceed.

Passed – Vote 7-0

ORDER, AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 367 EAST AVENUE

VOTE (338-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 367 East Avenue:

Whereas, the owner, Christopher M. Bain, failed to pay his bills on a timely basis for 367 East Avenue (Tax Map 146, Lot 065, Parcel 00-006447); and

Whereas, a tax lien was filed on June 16, 2016 (Book 9386 Page 38) and matured on December 16, 2017 in the amount of \$2,321.68; and

Whereas, a tax lien was filed on June 14, 2017 (Book 9616 Page 21) and matured on December 14, 2018 in the amount of \$2,338.12; and

Whereas, payment was received in full totaling \$4,659.80;

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 367 East Avenue to the owner.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Rea reported the School Committee is working on the evaluation of the Superintendent. Councilor Beam reported the Recycling Committee has reached out to other towns to find out about their work with recycling and has also reached out to the Natural Resources Council of Maine to pursue available grant funds.

OTHER BUSINESS

Councilor Lysen thanked the city staff and said it has been a privilege to serve on the Council for two terms. Councilor Marcotte asked the City Administrator about policies for a city employee to make negative comments about city projects on social media. Mayor Cloutier said it has been an honor and privilege to serve the City and she has enjoyed her time. The City Administrator thanked the Council for their hard work and wished everyone Happy Holidays.

VOTE (339-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To adjourn at 8:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine