

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
JUNE 16, 2020**

SESSION WILL BE CONDUCTED REMOTELY AND MEMBERS WILL ONLY PARTICIPATE ELECTRONICALLY. THE MEETING CAN BE VIEWED ONLINE AT

<https://www.lewistonmaine.gov/2020cc>

Public Comment on any item appearing on the agenda may be sent to [publiccomment@lewistonmaine.gov](mailto:publiccomment@lewistonmaine.gov) prior to or during the meeting, and all comments received will be forwarded to the City Council. People who would like to access the meeting by phone may contact (207) 513-3021 for the access code before 5pm on the day of the meeting.

**6:00 p.m. Workshop – Council Goals – Economic Development**

**\*6:45 p.m. Executive Session - with the City Attorney**

**7:00 p.m. Regular Meeting**

**Update on City Actions Regarding COVID-19 Pandemic Situation**

Acceptance of the minutes of the May 19, June 2, & June 9, 2020 meetings

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (3 minutes per speaker; maximum time for all comments is 15 minutes)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 5.

**REGULAR BUSINESS:**

1. Public Hearing and Final Passage to repeal the portion of the Streets and Sidewalks Ordinance regarding Traffic Impact Fees for Outer Lisbon Street.
2. Ordinance, Amending Sec. 62-13 (b)(2) of the Code of Ordinances regarding the collection of solid waste and recycling materials from multiple unit apartment buildings.
3. Ordinance, Amending Section 22-36, Licenses denied; appeal, to Waive the Requirement that Business License Applicants are Current on All Amounts Owed the City.
4. First Reading for proposed Land Use Code Amendments concerning the standards for drinking establishments.
5. Resolve, Approving the FY21 Budget for the Lewiston School Department.
6. Approval of Election Warrant calling for the Special Municipal Election to be held on Tuesday, July 14, 2020 for the School Budget Validation and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Candidate Primary Election and the Special State Referendum Election to be held on Tuesday, July 14, 2020.
7. Resolve, Condemning All Use of Excessive and Unreasonable Force and the Use of Racial Profiling by Police, and Committing the City of Lewiston to Achieving Equality and Equal Justice for All in its Policing Practices, Policies, and Tactics.
8. Resolve, Reimbursing Nino Corporation for Certain Expenditures relating to Lane Reconfiguration on Outer Lisbon Street
9. Order, Authorizing the Sale of the Land at 186 Blake Street to the Raise-Op Housing Cooperative.
10. Reports and Updates
11. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, JUNE 16, 2020  
6:00 PM

1. Council Goal Discussion – Economic Development

The City Council recently formally adopted its goals and priorities for the coming two years. Economic Development is among the Council's highest priorities. Economic Development staff will be present to engage in a discussion with the Council on potential economic development strategies and approaches. Staff has prepared the attached initial discussion paper. I anticipate that this will be the initial discussion of this topic. The following is from the Council's adopted priorities:

**Economic Development**

- Sustainable Local Economy – Support Local Small Businesses such as Niche Restaurants, Retail, and Night Life Offerings Appealing to Younger Residents;
- Review Zoning Ordinances and Regulatory Processes to Ensure Lewiston is a Community that Works to Find Ways to Say Yes to Projects;
- Review Vacant Parcels to Understand Where Development is Possible and What Type of Development These Properties will Support;
- Support Technical Education;
- Support CMP Corridor.

# Economic and Community Development

Lincoln Jeffers

Director



## Workshop

**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE: Economic Development Strategy**  
**Date:** June 12, 2020

### Current Strategy

For at least the last 20 years, the economic development strategy employed by the City has been based on developing and nurturing relationships with property owners, brokers, banks, and developers. They are the people that have the goods, services, real estate, and/or relationships with end users seeking to grow or locate in Lewiston.

City economic development staff have provided site search assistance, assistance in seeking financing, connections to technical assistance, and served as an ombudsman at City Hall and beyond. Economic development staff help structure loan programs available to local businesses, seeking to meet business needs while meeting HUD requirements. ED staff participate in zoning and planning discussions, craft public/private partnerships, and help shape public policy and direction at the local, state and occasionally, national level. We promote the successes and opportunities within the City. We are on the front lines of marketing and promotion of the City.

For 30+ years, the Lewiston Auburn Economic Growth Council served as the business attraction arm for both cities. LAEGC led the charge in promoting the Cities and was the initial point of contact for inquiries from companies looking to expand or locate within LA. LAEGC provided administrative and staff support to the Lewiston Development Corporation, Auburn Business Development Corporation, and Lewiston Auburn Railroad Company.

In 2016, the City of Auburn stopped funding LAEGC. Lewiston withdrew funding the following year. The remnants of the organization were absorbed into the LA Metropolitan Chamber of Commerce. A director of economic development and loan portfolio manager now work under the auspices of the Chamber. City economic development staff work closely with them both. The ED director runs the Top Gun entrepreneurial training program and provides assistance to the city in site searches,

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TIF technical assistance, and maintaining relationships with Maine International Trade Center (MITC), Maine Technology Institute (MTI), Maine & Company and other statewide conduits for business development/attraction. The loan portfolio manager handles a variety of loan portfolios focused on difficult to finance projects. They provide underwriting services for the city's loan programs.

Within City government, the economic development department has numerous partners. Department heads know that economic development is one of the primary driving forces of the financial health of the city and our supportive of our efforts. They are collaborators.

### **Looking to the Future**

The City Council has identified economic development as its top priority, an area to focus its attention and invest resources. Economic development is a vehicle to positively influence and transform the City. However, it does not exist in a silo. Several of the other priorities identified by the Council such as improving community safety, expanding and diversifying housing options to better serve and attract residents, improving the physical infrastructure and recreational opportunities within the city, improving education, and others are the elements that will result in making Lewiston a community of choice. Improvements in any one of these areas will positively influence the others and the strength and vibrancy of our community.

### **Strategies to Consider**

- Increase the marketing and promotion of the city. Success breeds success. A memorable tag line that genuinely reflects the community is essential. It should spark curiosity and mean something. "It's Happening Here" was effective, but it has had its day and it is time to turn the page. Enhanced marketing has been discussed and proposed for years, including in our comprehensive plan. Until recently, however, it has not been funded.
- Consider funding site search consultants. These companies are hired by businesses looking to grow or relocate. The Wal-Mart Distribution Center came to Lewiston because of a relationship between the president of Maine and Company and a site search consultant he met at a conference. However, this is an expensive, long term proposition with no guarantee of success. For several years in the early 2000's, the City funded a site search consultant to attract tenants for the Bates Mill. That effort was not successful. Investment came from local businesses and relationships.

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- Fund market demand/opportunity studies
  - Retail: what dollars are being spent outside of city for needs that aren't being met locally?
  - Manufacturing: are there synergies with existing companies? Could a supplier to local companies be attracted here?
  - Hospitality: data on unmet needs or market capacity for hotels, food and beverage, and the arts could enhance marketing and business attraction efforts for this market segment.
  
- Quality yet affordable housing is vital. Vibrant cities offer diversity in housing types. Portland and southern Maine are pricing many out of their housing market. Lewiston, only 35 miles from Portland and within commuting distance, offers employment diversity with careers in health care, education, finance, logistics, construction, manufacturing, and insurance. Both the Comprehensive Plan and the Choice Neighborhood Plan have identified housing needs – including an increase in housing types, infill housing, mixed income, and mixed use buildings.
  - Zoning that creates ownership opportunities whether in single family, row housing, or cooperative housing should be supported.
  - Allowing greater density in the downtown improves affordability and better utilizes existing infrastructure and public transit.
  - Housing study – the Riverfront Island Master Plan identified a need in that area for an estimated 400 new, unique housing units. It may be appropriate to undertake a similar housing market study city wide to identify and quantify the nature of types of housing that is needed to attract additional residents to the community.
  
- City ED staff go on the road to trade shows, visit local businesses to identify needs and opportunities for growth, and to actively recruit targeted businesses. Expanding this effort would require additional staff or consultant support – again, with no assurance of immediate success. Direct business attraction efforts require long term effort with no guarantee of success.

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- Create an Omnibus Downtown TIF District that will allow the City to expediently provide TIF support as needed on a per project basis while also capitalizing loan/grant opportunities and other programs that further the city's goals to attract businesses and investment to this key area of the community.
- Public/private partnerships – incentives are sometimes needed, but should be offered only after an evaluation of the City's return on investment measured in tax base expansion, job creation, image improvement, or infrastructure improvements that benefit more than a single project
  - Pre-determine and market incentive packages to developers/businesses for projects that the city wants to support (i.e., historic rehabilitation of buildings, incentives to support land development for targeted industries, etc.)
- Establish a local business visitation program to develop relationships, understand needs, and identify opportunities (e.g., such as a local business having trouble with their supply chain that could provide an opportunity for a local entrepreneur)
- Foster the Creative Economy: people move to places they want to live, employers follow. It is a symbiotic relationship. What brings people here and how can we expand the attraction?
- Invest in infrastructure: canals, parks, trails, street beautification, public art, garages, broadband (both availability and access to it), and walkability; all have a role in business expansion and attraction.
- Diversity, entertainment/culture, food and beverage, recreation, accessibility
- Lewiston needs to grow the size, caliber, and diversity of our workforce. This requires an investment in education on multiple fronts -- college bound, vocational, certificate and workforce development training programs.

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- Attract and support service center jobs that create value for the employer, such as Grand Rounds, insurance, and financial services. These employers pay better wages, expanding Lewiston's middle class, which supports other businesses and provides the income to pay rents/mortgage on quality housing.
- Identify community strengths, such as health care, education, banking, back office, precision manufacturing, insurance, and others and work to expand upon them. These are opportunities that can be built on.

### **Thoughts to Consider**

- Tax base – utilities and manufacturing increase the tax base significantly on a per project basis, but people don't chose to live here because of our incredible electric grid (although some businesses might). The small businesses that make a vital downtown don't have a significant impact on the tax base, but they are efficient, using existing infrastructure, and when combined on a per acre Assessed Valuation often have a higher value than the typical business park. In terms of growing our tax base, we may want to analyze what we have to identify what might provide the best return. An energetic downtown, with great food and drink, live music and theater, builds upon itself.
- The items above will require additional ED staff, or the redirection of existing staff to specific initiatives.
- Where are limited local dollars best invested?

**LEWISTON  
ECONOMIC DEVELOPMENT HIGHLIGHTS  
January 2000 - December 2009**

**DOWNTOWN**

<b>Year Completed</b>	<b>Project</b>	<b>Investment</b>	<b>S.F.</b>	<b>Est. New Taxes (annually)</b>	<b>New Jobs</b>	<b>Jobs Retained</b>
2000	Trolley Medical Bldg.	\$4,000,000	38,000	\$106,600	100	
2001/2002	Bates Mill #3 (TDBankNorth)	\$8,150,000	103,000	\$217,198	300	
2002	29 Lowell Street	\$10,000,000	100,000	non profit	27	150
2002	CMMC School of Nursing	\$2,300,000	20,000	non profit		15
2002	Sun Journal (land, building and equipment)	\$5,300,000	15,000	\$44,250		200
2002	Dept. of Human Services	\$6,000,000	54,000	\$66,500		185
2002	District Court	\$9,500,000	40,000	state agency		27
2002	Lepage Bakeries	\$1,500,000	21,900	\$12,600		130
2003	CMMC Cardiac Care Center	\$76,000,000	125,000	non profit	200	
2003	Central Maine Civic Center	\$2,500,000	renovation	TIF	(plus 20 players)	
2004	Oxford Networks Office	\$1,600,000	18,000	TIF	75	
2004	Oxford Networks Switch Bldg. (Includes equipment)	\$4,000,000	3,000	\$4,150	included above	
ongoing	Oxford Networks Fiber Network	20,000,000	Citywide	n/a	n/a	
2004	Andover College	\$800,000	13,000	TIF	7	
2004	VIP Parts, Tire & Service	\$1,800,000	18,000	\$29,500		35
2004	Hardy Wolf & Downing	\$600,000	renovations	n/a	n/a	
2004	Colisee	\$1,500,000	16,000	n/a	n/a	
2004	Maine Cardiology	\$550,000	renovations	\$11,000	10	

**DOWNTOWN**

Year Completed	Project	Investment	S.F.	Est. New Taxes (annually)	New Jobs	Jobs Retained
2004	Bangor Savings	\$150,000	renovations	\$3,000	10	
2004	WGME	\$50,000	renovations	\$1,400		2
2004	Five County Credit Union	\$350,000	renovations	\$5,000	6	
2005	Northeast Bank	\$2,830,000	27,800	TIF	94	
2005	Public Theatre	\$2,400,000	renovation	non profit		retention
2005	Bates Mill #6	\$2,500,000	53,000	\$44,000	n/a	
2005	22 Park Street	\$2,100,000	21,000	\$27,000	TBD	
2005	Fishbones	\$500,000	4,725	\$13,800	20	
2005	Espo's Trattoria	\$450,000	3,600	12,400	25	
2006	Androscoggin Bank (Mill #6)	\$1,000,000	17,000	21,900		40
2006	Andover College Expansion	\$500,000	5,500	13,000	TBD	
2006	Tri-County Mental Health	\$1,400,000	14,000	\$27,000		42
2006	Key Bank Business Service Cent	\$2,000,000	20,000	TBD		15
2006	TD Banknorth (Mill #3)	\$7,000,000	60,000	\$190,000	100	
2006	TD Banknorth Insurance	\$300,000	renovations	n/a	8	
2006	Community Dental	\$350,000	renovations	non-profit	12	
2007	Bates Mill Dermatology (Mill #6)	\$220,000	2,500	\$6,000	4	
2007	Fuel	\$600,000	4,000	\$16,600	15	
2007	Bates Mill #2 Wing/Storehouse (Davinci's relocation)	\$800,000	12,000	\$19,700	30	30
2007	CMMC Intensive Care Unit	\$7,100,000	39,000	\$174,650		retention
2007	Watterson Prime	\$170,000	3,000	\$4,600	20	
2008	Dominican Block	\$2,000,000	20,000	\$24,600		
2008	Merrill Lynch	\$200,000	2,300	\$5,000		retention
<b>DOWNTOWN SUBTOTAL</b>		<b>\$19,107,000</b>	<b>894,325</b>	<b>\$1,101,448</b>	<b>1,063</b>	<b>871</b>

**PUBLIC INVESTMENT IN PARKING, PARKS, & STREETSCAPE**

Year Completed	Project	Investment	S.F.	Est. New Taxes (annually)	New Jobs	Jobs Retained
2000	Railroad Park	\$500,000	n/a	n/a (federal money)	n/a	n/a
2002	Chestnut St. Parking Garage	\$4,000,000	610 cars	n/a	n/a	n/a
2002	Bates Mill Courtyard	\$720,000	n/a	n/a	n/a	n/a
2002	Courtyard Plaza	\$650,000	n/a	n/a	n/a	n/a
2004	Laurier Raymond Park	\$240,000	n/a	n/a	n/a	n/a
2003	Park St. Parking Garage	\$4,000,000	386 cars	n/a	n/a	n/a
2004	Southern Gateway Streetscape	\$2,000,000	n/a	n/a	n/a	n/a
2005	Southern Gateway Parking Gara	\$5,000,000	360 cars	n/a	n/a	n/a
2005	Marsden Hartley Cultural Center	\$3,400,000	13,000 s.f.	n/a	n/a	n/a
2005	Cedar & Lincoln Parking Lot	\$60,000	48 cars	n/a	n/a	n/a
2005	Chestnut & Lincoln Parking Lot	\$100,000	76 cars	n/a	n/a	n/a
2006	Bates Mill #7 Parking Deck	\$1,015,000	199 cars	n/a	n/a	n/a
<b>PARKING, PARKS, &amp; STREETSCAPE SUBTOTAL</b>		<b>\$21,985,000</b>	<b>13,000 (2,130 parking spaces)</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>TOTAL DOWNTOWN INVESTMENT</b>		<b>\$212,755,000</b>	<b>907,325</b>	<b>\$1,101,448</b>	<b>1,063</b>	<b>871</b>

CITY WIDE

Year Completed	Projects	Investment	S.F.	Est. New Taxes (annually)	New Jobs	Jobs Retained
2000	Flagship Cinema	\$2,000,000	renovation	\$28,500	10	
2000	State Agencies	\$2,300,000	9,300	\$64,700		retention
2000	Diamond Phoenix	\$5,000,000	104,000	\$94,600	50	100
2000	Butler Brothers (relocation & expansion) retained	\$2,000,000	54,000	\$33,200	4	24
2000	Montello Heights Phase II	\$3,000,000	27,200	\$83,000	4	
2001	Dunkin Donuts (regional bakery)	\$2,200,000 *land, building and equipment	15,000	\$59,000	80	
2001	SOCHS Women's Health Pavilio	\$10,000,000	36,000	tax exempt	n/a	
2003	Shaw's Relocation and Expansio	\$12,000,000	67,500	\$315,000	125	125
2003	Tri County Mental Health	\$1,200,000	20,000	tax exempt		
2004	CMP Substation	\$3,200,000	n/a	TIF*	n/a	
2004	Compound Solutions	\$335,000	6,700	\$9,000	n/a	
2004	Lincoln Street Radiator	\$340,000	5,000	\$8,300		retention
2004	Auburn Savings	\$762,000	6,000	\$14,000	8	
2004	Androscoggin Savings Bank	\$700,000	renovation	n/a		40
2005 - '06	Wal Mart Distribution Ctr.	\$94,000,000 *building and equipment	850,000	\$500,000 (avg.)	800	
2005	Pediatric Associates	\$3,400,000	22,560	\$75,300	2	11
2005	Emergency Vehicles of Maine	\$1,400,000	18,000	\$38,800	5	17
2005	Central Distributors	\$1,200,000	31,400	\$27,350	TBD	
2005	Fed Ex	\$1,000,000	33,000	\$27,700	TBD	
2005	Gendron Spec (RF Technology)	\$1,000,000	30,000	\$27,000		retention
2005	Lewiston Crossing Expansion	\$600,000	14,000	\$16,000	19	
2005	Weston Bakery	\$600,000	11,900	\$16,000	5	
2006	Max Finkelstein, Inc.	\$5,200,000	101,000	\$129,000	30	

**CITY WIDE**

<u>Year Completed</u>	<u>Projects</u>	<u>Investment</u>	<u>S.F.</u>	<u>Est. New Taxes (annually)</u>	<u>New Jobs</u>	<u>Jobs Retained</u>
2006	Marco's Ristorante	\$400,000	20,000	\$11,000	20	
2006	Tim Horton's	\$1,000,000	3,000	\$27,000	10	
2006	Estes Trucking	\$2,000,000	15,000	\$53,300	35	
2006	KeyBank Retail Branch	1,900,000	3,300	\$51,300		6
2007	USM-L/A College Expansion	\$5,000,000	25,000	educational	TBD	
2007	Chinese Super Buffet	\$50,000	10,000	\$1,400	15	
2007	Planet Fitness	\$55,000	10,000	\$1,500	TBD	
2007	Gendron Spec (4 Gendron Dr.)	\$2,000,000	56,000	\$40,640	TBD	
2007	Physicians Profesional Management Corp.	\$150,000	20,000	\$4,100		rentention
2007	Bates College (dining hall)	\$35,000,000	60,000	educational		rentention
2007	Androscoggin Humane Society	\$2,500,000	15,000	501c3		rentention
2007	Pinnette Funeral Home	\$1,200,000	11,800	\$33,200		rentention
2007	Wahlco	\$2,200,000	17,000	\$25,800	20	
2007	Winner's Circle OTB	\$800,000	8,000	\$19,700		retention
2007	CVS Pharmacy	\$1,500,000	13,225	\$20,900	TBD	
2007	L.L. Bean (boot facility)	\$1,000,000	equipment	\$24,600	12	
2007	St. Mary's Joint Replacement Ce	\$2,000,000	10,000	tax exempt		
2008	FedEx Distribution (Phase I)	\$5,000,000	78,000	\$107,500	80	
2008	Gayton/Lisbon Warehousing (spr	\$1,500,000	23,800	\$25,800	TBD	
2009	Tractor Supply Company	\$1,521,000	19,100	\$37,983	16	
2009	McDonalds	\$675,000	3,900	\$12,600	n/a	
	<b>CITY WIDE SUBTOTAL</b>	<b>\$220,888,000</b>	<b>1,884,685</b>	<b>\$2,064,773</b>	<b>1,350</b>	<b>323</b>
		<u>Investment</u>	<u>Space</u>	<u>Taxes</u>	<u>New Jobs</u>	<u>Jobs Retained</u>
	<b>GRAND TOTAL</b>	<b>\$433,643,000</b>	<b>2,792,010</b>	<b>\$3,166,221</b>	<b>2,413</b>	<b>1,194</b>

**LEWISTON  
ECONOMIC DEVELOPMENT HIGHLIGHTS  
January 2010 - June 2020**

With projects that have been completed since January 2010 and that are scheduled to be completed within the next 24 months, Lewiston will experience more than \$166 million in new investment in the downtown area, and more than \$403 million city wide. Downtown, \$160.4 million is private sector money and \$5.7 million is municipal money going toward infrastructure improvements to expand parking and improve the physical landscape of downtown. A total of 1,466 jobs have been created and 593 were retained. When complete, this investment will generate \$1.825 million in new taxes.

**DOWNTOWN**

Year Completed	Project	Investment	S.F.	Est. New Taxes (annually)	New Jobs	Jobs Retained
2010	Marche	\$ 150,000	5,000	\$ 2,600	10	
2010	Pedro O'Hara's	\$ 120,000		\$ 2,400	25	
2011	CMMC Emergency Room and Lab	\$ 43,000,000	54,000	tax exempt	TBD	
2011	Argo Marketing	\$ 125,000	5,000		50	
2011	Baxter Brewing	\$ 1,400,000	5,000		10	
2011	Community Concepts	\$ 2,200,000	16,000	\$ 83,000	75	
2011	84 Lisbon Street (mixed use renovation)	\$ 800,000	10,000		TBD	
2011	Bates Mill Dermatology	\$ 400,000	3,500	\$ 8,700		
2011	223 Lisbon (LA Magazine/Captive Elements)	\$ 200,000	5,000			5
2012	Grand Trunk Depot (renovation)	\$ 380,000	2,000	\$ 5,100	TBD	
2012	The Lofts at Bates Mill	\$ 9,000,000	68,000	\$ 21,500	48 units housing	
2012	Healey Terrace (taxes are net of TIF)	\$ 7,800,000		\$ 14,372	32 units housing	
2012	Forge Market	\$ 275,000	2,400		4	
2012	Rainbow Bikes	\$ 250,000	5,200		3	
2012	Willis (now Cross Insurance)	\$ 800,000	10,000			25
2013	Hampton Inn (taxes are net of TIF)	\$ 12,000,000	52,600	\$ 58,400	20	
2013	Maine Community Health Option	\$ 1,400,000	20,000		150	
2013	Baxter Brewing	\$ 2,600,000	5,000		15	
2014	Argo Marketing (taxes are net of TIF)	\$ 2,200,000	16,000	\$ 15,500	190	135
2016	46 Lisbon Street	\$ 420,000	8,650			
2016	Rinck Advertising/Wellehan 113 Lisbon	\$ 1,600,000			40	
2016	Grand Rounds (Mill #6)	\$ 1,700,000	18,000		148	
2017	Maple Way Dental	\$ 1,900,000	14,000	TBD		
2017	Tree Street Youth	\$ 1,300,000	10,000	\$ 11,700		
2017	Munka Co-Working	\$ 100,000	5,600			
2017	Pierce Place Housing	\$ 5,000,000		\$ 68,000		
2018	Community Credit Union Renovation	\$ 1,000,000				
2018	The Hartley Block	\$ 8,300,000		\$ 44,800	63 units mixed income & 4000 sf comm	
2018	CMMC ER renovation +MRI Suite	\$ 1,050,000				
2018	Baxter Pub	\$ 810,000				
2019	Dirigo CU	\$ 2,800,000	8,570			
2019	Sophia's House	\$ 775,000	11,900			
2019	5 County Credit Union - (4th Floor)	\$ 261,000				

2019	Lepage Bakeries Expansion	\$ 1,100,000	3,652			
2020	188 Lincoln	\$ 700,000	8,200			
2020	223 Lisbon - Le Messenger	\$ 440,000	5,000			
2020	Grand Rounds Expansion (Bates Mill #1)	\$ 3,250,000	45,000			52
2020	Scruton Block (12 market rate apts.)	\$ 2,300,000	25,000	\$ 9,900	n/a	n/a
2022	CMMC Cancer Center	\$ 38,000,000				
2020	Northeast Bank - Bates #2	\$ 2,500,000	18,000			
	<b>DOWNTOWN</b>					
	<b>SUBTOTAL</b>	<b>\$ 160,406,000</b>	<b>466,272</b>	<b>\$ 345,972</b>	<b>740</b>	<b>217</b>

**PUBLIC INVESTMENT IN PARKING, PARKS, & STREETScape**

Year Completed	Project	Investment	S.F.	Est. New Taxes (annually)	New Jobs	Jobs Retained
2010	Childs Park	\$ 42,000		n/a	n/a	n/a
2010	Lincoln Street Parking Garage	\$ 4,965,000	396 cars	n/a	n/a	n/a
2014	Pedestrian Bridge to Simard Payne Park	\$ 161,708				
2014	Gateway Park	\$ 592,273				
2015	Amphitheater and River Access	\$379, 216				
	<b>PARKING, PARKS, &amp; STREETScape</b>					
	<b>SUBTOTAL</b>	<b>\$ 5,760,981</b>		<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

<b>TOTAL DOWNTOWN INVESTMENT</b>	<b>Investment</b>	<b>Space</b>	<b>Taxes</b>	<b>New Jobs</b>	<b>Jobs Retained</b>
	<b>\$ 166,166,981</b>	<b>466,272</b>	<b>\$ 345,972</b>	<b>740</b>	<b>217</b>

**CITY WIDE**

Year Completed	Projects	Investment	S.F.	Est. New Taxes (annually)	New Jobs	Jobs Retained
2010	Maine Family Credit Union	\$ 3,470,000	24,000	\$ 64,800	n/a	n/a
2010	Pur Stat Techonologies	\$ 625,000	14,000	\$ 15,625	10	20
2010	SOCHS Emergency Room	\$ 8,600,000	22,500	tax exempt		
2011	SOCHS Surgical Suite	\$ 15,000,000	46,600	tax exempt	TBD	
2011	Paris Farmers Union	\$ 345,000	9,600	\$ 8,750	10	
2011	Aubuchon Hardware (expansion)	\$ 200,000	3,900	\$ 4,000		
2011	Childcare Services	\$ 180,000				
2011	tenant fit out Compound Solutions	\$ 653,000	28,000	\$ 14,250	25	25
2011	Eaton Corporation	\$ 250,000	9,600	\$ 5,000	45	
2011	tenant fit out SOCHS Family Medicine (Raceway)	\$ 900,000	10,000			
2011	Moody's Collision Center	\$ 750,000	17,700			
2011	Lisbon Federal CU	\$ 650,000	3,000	\$ 16,750		
2011	Carbonite	\$ 250,000		\$ 6,448	175	
2012	VA Community Based Outpatient Clinic	\$ 8,000,000	32,000	\$ 162,560		
2012	Merrimack Medical Center	\$ 132,000				
2013	Lisbon Road Animal Hospital (expansion)	\$ 875,000	2,800	\$ 22,566	5	
2013	Larrabee Road Substation (taxes net of TIF)	\$ 71,000,000		\$ 955,000		
2013	TD Bank -Atlantis Way	\$ 594,000				
2015	Woodlands Senior Living	\$ 6,500,000	37,000		40	
2015	USM LAC (modernize OT and Nursing space)	\$ 600,000				60
2015	Modula/System Logistics	\$ 6,000,000	robotics			
2016	Hudson Bus	\$ 325,000	6,500			
2017	Geiger	\$ 12,000,000	105,000		25	225
2017	LL Bean Manufacturing (equip.)	\$ 1,000,000	100,000	\$ 13,765	58	
2017	Subway & Spec Bldg-1 Mollison Way	\$ 705,000	1,600	\$ 1,800		
2017	Compounding Solutions	\$ 4,000,000	40,000	\$ 102,000		
2017	Cumberland Farms-691 Main	\$ 2,300,000				
2017	Dielectric		32,000		40	
2017	Sazerac Expansion	\$ 1,000,000				
2018	Middle Street Substation	\$ 18,200,000		\$ 46,360		
2018	Federal Distributors	\$ 2,600,000	23,600			
2018	Clariant warehouse expansion	\$ 1,200,000				
2018	Hannaford Renovation	\$ 2,900,000				
2018	SOCHS Oncology	\$ 4,650,000				
2018	Irving Gas/Convenience on East Ave	\$ 3,200,000	6,000			
2018	The Pub at Baxter					
2019	Modula	\$ 4,400,000	44,000			

2019	Trampoline Park	\$	750,000				
2019	Liberty Mutual Tenant Fit OUT	\$	1,102,500	22,968			
2020	Bates College Science Building	\$	39,000,000	62,000			
2020	SOCHS Infusion Center	\$	3,257,000	13,300			
2020	CMMC Emergency Care (Sabattus St.)	\$	1,241,000	5,220			
2020	Aroma Joes (Sabattus St.)	\$	302,000	900			
2020	Dunkin Donuts (420 Main)		???	2,543		100	
2020	Sazerac (equipment)	\$	4,000,000			169	46
2021	Valley Beverage (expansion)	\$	3,500,000	33,000	\$	39,600	24
<b>SUBTOTAL</b>		\$	237,206,500	\$ 759,331	\$	1,479,274	\$ 726 \$ 376
			<b>Investment</b>	<b>Space</b>	<b>Taxes</b>	<b>New Jobs</b>	<b>Jobs Retained</b>
<b>GRAND TOTAL</b>		\$	403,373,481	1,225,603	\$	1,825,246	1,466 593

# LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

**SUBJECT:**

Public Hearing and Final Passage to repeal the portion of the Streets and Sidewalks Ordinance regarding Traffic Impact Fees for Outer Lisbon Street.

**INFORMATION:**

In October 2005, the Council added a new section in the Streets and Sidewalks ordinance to create a section for the Outer Lisbon Street Traffic Impact Fee. The ordinance language called for issuance of a credit for capital improvement costs related to project costs. The ordinance has been amended over the years.

This agenda item is to repeal the current section of the ordinance pertaining to the Traffic Impact Fees on Outer Lisbon Street. Please see the memorandum from David Hediger, Director of Planning and Code Enforcement. The workshop session also pertains to this topic as well.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

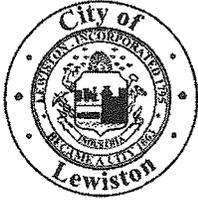
The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

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That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article VI "Outer Lisbon Street Traffic Impact Fee", receive final passage by a roll call vote.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

TO: Mayor and Members of the City Council

FROM: David Hediger, Director of Planning and Code Enforcement

DATE: May 28, 2020

RE: Request for repeal of Outer Lisbon Street Impact Fee ordinance

Certain development activity on Lisbon Street/Route 196 is subject to a traffic impact fee as per Chapter 66, Streets and Sidewalks, Article VI of the Lewiston Code of Ordinances. The intent of the impact fee is to collect funds to upgrade roads and related facilities necessitated by new development that impacts traffic along Outer Lisbon Street from its intersection with Pleasant Street to the Lewiston/Lisbon town line. Any developer who, on or after August 9, 2005, requires a traffic movement permit (TMP) along Outer Lisbon Street is required to pay a traffic impact fee equal to five percent of the cost of upgrading Outer Lisbon Street's four-lane configuration existing as of August 9, 2005 to five lanes (four travel lanes and an center turning lane) sufficient to address impacts created by the development, based on a traffic engineering study and the size and nature of the development.

The City has received a request from Stoneybrook Land Use, Inc. on behalf of Connor Realty, LLC to repeal this ordinance claiming it is unfair and unnecessary. Staff agrees and recommends the ordinance should be repealed.

#### **History of impact fee ordinance**

In August 2005, Nino Corporation submitted an application to the Planning Board to construct a convenience store, gas station, Dunkin' Donuts drive-thru, a sandwich shop and automatic car wash at 1930 Lisbon Street. This project was proposed to generate 466 AM and 292 PM peak hour trip during the peak hours of adjacent street traffic on Lisbon Street. Any project that generates 100 or more trips in a peak hour requires a TMP, which involves an in-depth analysis of potential traffic impacts.

As a result of this project, the City learned that based upon MDOT traffic engineering standards, any development along this four-lane section of Lisbon Street that triggers the need for a TMP, will require a center two-way left turn lane. This can be achieved by either reconfiguring Lisbon Street from four-lanes to three-lanes with the center lane being a center two-way left turn lane or the construction of a five-lane section along Lisbon Street (four travel lanes and a center two-way left turn lane).

On August 8, 2005 the Planning Board granted approval with the applicant committing to striping

a three-lane section from the Lisbon town line to the area of northerly intersection of South Lisbon Road and Lisbon Street. The re-striping of Lisbon Street would need City Council approval.

On August 9, 2005 the City Council directed staff to move forward with the creation of an Impact Fee Ordinance for Outer Lisbon Street, in which the City would escrow the funds for the future construction of five-lanes, and voted to reconfigure Lisbon Street/Route 196 from the Lisbon town line to Westminster Street from four lanes to three lanes.

On October 18, 2005 the Council adopted the impact fee as it exists today. Essentially, any project that does not need to make any physical changes to Lisbon Street in order to get a building permit does not have to pay an impact fee. Any project that has to make physical changes to the road in order to receive a permit (given that the road was still four lanes), is subject to an impact fee. The impact fee is 5% of the total cost to make the physical improvements necessary to the road system, based on a five-lane road. This amount was determined by assuming that 75% of future improvements would be paid for by the federal government, 15% would be paid for by the state and 10% would be the local match. The ordinance also states that any project that pays for some improvements in the corridor over and above the impact fee, would receive a 50% credit for every dollar spent on the design and construction of the improvements towards the impact fee.

### **Collection of impact fee**

Since its adoption, only two projects in 15 years have generated the need for TMP, thereby requiring payment of an impact fee. In 2006, the Vineyard Christian Fellowship paid \$24,300 for an expansion of their facility on Foss Road. The second project is Conner Realty, LLC's proposal for a development at 1896 Lisbon Street that was approved by the Planning Board on April 27, 2019 with a pending payment of \$11,850.20.

The \$24,300 received was reimbursed to Nino Corporation. This was the result of a Council action on January 17, 2006 when the Council agreed to reimburse Nino Corporation for their lane reconfiguration costs in excess of the traffic impact fee they would have been required to pay if the impact fee ordinance had actually been in effect at the time the Nino project was approved, with such reimbursement to be made from impact fees paid by future projects. At that meeting, the Council also agreed to review the extent to which Nino had been reimbursed one year later in January 2007. While it was clear that the Council's intent was that the taxpayer not be required to pay the cost of the lane reconfiguration project, there was also concern over the potential length of time it might take to complete reimbursing Nino. Based upon a review of Council minutes, it appears the Council never reviewed this topic again as included in their motion. Whether this was an oversight or that the Council had determined the City's obligation to Nino had been met is not documented in the record<sup>1</sup>.

### **Logic Behind Implementing Impact Fees**

There can be sound reasons to establish a traffic impact fee. As noted, projects that generate a certain level of traffic require a traffic movement permit from the state. Currently, a development that reduces the level of service or negatively impacts safety beyond an acceptable level can be required to bear the full cost of off-site traffic related improvements. A good recent example of

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<sup>1</sup> Nino Corporation did apparently contact the City several times over the early years after the project was completed inquiring as to the status of the reimbursement, indicating its belief that additional funds were due.

this is the Dunkin Donuts project on Sabattus Street at Wildwood Drive. Just prior to this project, Cumberland Farms relocated and significantly expanded its convenience store in the area, with the new store located across the street from the old one. Although that project added to the size of the previously Cumberland Farms and added additional gasoline pumps, it was not required to undertake any significant off-site improvements. The Dunkin Donuts project which came shortly after needed a traffic movement permit and was required to upgrade the Wildwood/Sabattus intersection by adding a traffic signal and undertaking other improvements at a cost in excess of \$150,000. In effect, earlier projects that added traffic to Sabattus Street were not required to pay for improvements either because they did not need a traffic movement permit or their impact could be accommodated by the existing infrastructure. Similarly, future projects may also benefit from these improvements. Without some type of impact fee or other financial relief, the full burden of the cost of off-site improvements falls on the last project that kicks in the improvement requirement, even though other earlier and later projects benefit from such investment. A well designed traffic impact fee is intended to spread the cost of traffic improvements over all project that impact traffic capacity or safe traffic movements in an area.

### **Ineffectiveness of this impact fee**

Connor Realty, LLC is requesting this ordinance be repealed claiming it is unfair and unnecessary. As noted, impact fees are an effective method of insuring that new development bears a proportionate share of the cost of capital investments necessary to accommodate such development. The goal and purpose of this impact fee was to start collecting funds to upgrade and expand road infrastructure along Outer Lisbon Street as a result of expected development in the area, maintain adequate levels of service along Outer Lisbon Street, and accommodate future traffic increases safely and without decreasing current levels of service. This impact fee was adopted based upon the determination that development along Outer Lisbon Street would require its road capacity be expanded by widening it to five-lanes.

Unfortunately, this impact fee has proven to be ineffective for a number of reasons:

1. Only projects requiring a TMP (100+ new trips) pay the fee. For this ordinance to be truly equitable, all new development generating any increase in traffic should be contributing toward the cost of improvements need to upgrade Lisbon Street.
2. In 2005, there was concern reducing the street to a three-lane configuration versus the existing four would reduce future capacity. The current three-lane configuration can accommodate 22,000 vehicle trips per day. In 2005, there were 13,580 trips at the Lewiston/Lisbon town line. In 2019 there were 11,640 trips. The three-lane configuration has more than adequate capacity to handle foreseeable future commercial growth without the need to widen the travel way to five-lanes.
3. State statute requires a schedule to be adopted under which unused impact fee funds are returned to the developer. Lewiston's ordinance requires that any funds not expended or obligated 15-years from the date the fee was paid shall be returned to the developer. If the Council had actually charged Nino Corporation a fee and collects one from Conner Realty, the City would have only \$36,150.20 on hand for the projected widening project. Even with state and federal assistance, this amount is a far cry from the hundreds of thousands of dollars necessary to establish a five-lane road.

**Recommended action: repeal impact fee ordinance**

The request from Stoneybrook Land Use, Inc. on behalf of Connor Realty, LLC to repeal this ordinance claiming it is unfair and unnecessary is warranted. An amended impact fee ordinance could be drafted requiring all projects generating any new traffic to contribute to a fee.

However, based upon the traffic data provided by Stoneybrook, the development pattern of Outer Lisbon Street over the last 15 years, and the existing capacity of the current three-lane section of Outer Lisbon Street, there is no need to have an impact fee. Staff recommends the ordinance be repealed.

One caveat. The City Council should consider the request to repeal this ordinance in light of what it determines the City's obligation is to Nino Corporation, if any. Clearly, the 2006 City Council appeared to both desire to see Nino Corporation reimbursed and to have that reimbursement not come from the residents and taxpayers of the City. With the exception of this project, the City has not normally reimbursed a developer for off-site traffic improvements; rather, developers have been required fully fund improvements as noted in the example above. One alternative is to retain this ordinance until any obligation the Council believes the City owes to Nino Corporation is met. Should the ordinance be retained, the three projects along this stretch of Lisbon Street that benefited from the improvements made by Nino Corporation would then have each contributed to the cost of the project. Since the Connor project's impact fee is greater than the amount claimed by Nino Corporation and since it is unlikely that the Lisbon Street will be expanded in the foreseeable future, any excess amount paid by Connor over and above the amount claimed by Nino could be refunded to Connor or the Council could make the repeal of the ordinance conditional on Connor reimbursing Nino Corporation the amount it is claiming. While I appreciate that Connor may not agree with such an approach, it would be a way to spread the cost over those most benefited while Connor would only pay a proportionate share compared to the earlier projects.

REPEAL OF AN ORDINANCE PERTAINING TO TRAFFIC IMPACT FEES

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 66 of the Code of Ordinances of the City of Lewiston, Maine, is hereby repealed as follows:

**Chapter 66**  
**STREETS AND SIDEWALKS**  
**ARTICLE VI. OUTER LISBON STREET TRAFFIC IMPACT FEE**

~~Sec. 66-160. Purpose.~~

~~This article imposes an impact fee on land development requiring development review under Appendix A, Article XIII of the City of Lewiston's Zoning and Land Use Code. These fees will be used to upgrade roads and related facilities necessitated by new development that impacts traffic along Outer Lisbon Street, as defined herein. It also provides for the placement of impact fee revenues into a traffic impact fee trust fund established for that purpose and for the administration of the Outer Lisbon Street Traffic Impact Fee Ordinance, including the expenditure of funds derived from traffic impact fees and the refunds of unexpended funds.~~

~~(Ord. No. 05-17, 11-17-05)~~

~~Sec. 66-161. Legislative findings.~~

~~The Lewiston City Council finds, determines and declares as follows:~~

- ~~(1) — The city will need to upgrade and expand road infrastructure along Outer Lisbon Street as a result of expected development in the area. To maintain adequate levels of service along Outer Lisbon Street, the existing road system must be expanded to accommodate future traffic increases safely and without decreasing current levels of service. This must be done to promote and protect the public health, safety and welfare;~~
- ~~(2) — The State of Maine has authorized municipalities to adopt impact fees for various purposes, including the construction of off-site capital improvements such as roads and traffic control devices, pursuant to 30-A M.R.S.A. § 4354;~~
- ~~(3) — The imposition of impact fees is a preferred method of insuring that new development bears a proportionate share of the cost of capital investments necessary to accommodate such development. Appropriate locations for new development in Lewiston and the capital improvements necessary to accommodate such development are consistent with the city's comprehensive plan and capital improvements program;~~
- ~~(4) — New development generates additional traffic, necessitating the acquisition of rights-of-way, road construction and road improvements;~~
- ~~(5) — The impact fee has been derived from the city's determination that development along Outer Lisbon Street will require that road capacity is expanded by widening it to five lanes or through similar infrastructure upgrades. The city anticipates funding ten percent of the necessary road improvements, with remaining funding~~

~~provided by state and federal sources. The city's effort to seek alternative sources of funding will reduce the amount of the impact fee sought under this article to five percent of the cost of impacts created by new development.~~

~~(Ord. No. 05-17, 11-17-05)~~

~~**Sec. 66-162. Title, authority, and applicability.**~~

- ~~(a) *Title.* This article shall be known and may be cited as the "Outer Lisbon Street Traffic Impact Fee Ordinance."~~
- ~~(b) *Authority.* The Lewiston City Council has the authority to enact this ordinance pursuant to 30 A.M.R.S.A. § 4354 and its statutory and constitutional home rule powers.~~
- ~~(c) *Applicability.* This article shall apply to all development requiring a traffic movement permit issued on or after August 9, 2005 that would require an expansion of road capacity along Outer Lisbon Street based on the four lane alignment that existed on August 9, 2005.~~

~~**Sec. 66-163. Definitions.**~~

~~As used in this article, the following terms shall have the meanings indicated:~~

~~"Capital improvement" includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any public infrastructure, including but not limited to:~~

- ~~(1) Construction of new through lanes;~~
- ~~(2) Construction of new turn lanes;~~
- ~~(3) Construction of new bridges;~~
- ~~(4) Construction of new drainage facilities in conjunction with new roadway construction;~~
- ~~(5) Purchase and installation of traffic signalization (including new and upgraded signalization);~~
- ~~(6) Construction of curbs, medians, and shoulders;~~
- ~~(7) Relocating utilities to accommodate new roadway construction;~~
- ~~(8) Construction of public utilities to accommodate new development;~~
- ~~(9) Construction or implementation of interim measures to address increased transportation capacity needs or demands created by new development during the period prior to construction of permanent improvements.~~

~~Capital improvements do not include site-related improvements defined herein.~~

~~"Developer" is a person or entity commencing a land development activity which generates or attracts traffic on Outer Lisbon Street and which requires a traffic movement permit.~~

~~"Development" is any change in land use or any construction of buildings or structures or any change in the use of any structure along Outer Lisbon Street which requires a traffic movement~~

permit.

~~"Expansion of road capacity" means all road and intersection capacity enhancements, including but not limited to: extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.~~

~~"Mandatory or required rights-of-way dedications and/or roadway improvements" means such non-compensated dedications and/or roadway improvements as required by a traffic movement permit.~~

~~"Outer Lisbon Street" includes all land serviced by Lisbon Street, from its intersection with Pleasant Street to the Lewiston/Lisbon town line;~~

~~"Roads" means and includes arterial streets and transportation facilities associated with the arterial and state-aid highway network along Outer Lisbon Street and under the jurisdiction of the city or the State of Maine.~~

~~"Site related improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to the following:~~

- ~~(1) — Access roads leading to the development;~~
- ~~(2) — Driveways and roads within the development;~~
- ~~(3) — Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and~~
- ~~(4) — Traffic control measures for those roads and driveways.~~

~~"Traffic movement permit" is a permit obtained from the City of Lewiston or Maine Department of Transportation for any development that generates 100 or more passenger-car equivalents at peak hour.~~

~~(Ord. No. 05-17, 11-17-05)~~

#### **Sec. 66-164. Imposition of traffic impact fee.**

- ~~(a) — Any developer who, on or after August 9, 2005, requires a traffic movement permit along Outer Lisbon Street is hereby required to pay a traffic impact fee in the manner and amount set forth in this article. Preliminary determinations regarding whether a proposed development will generate traffic along Outer Lisbon Street shall be made by the developer and provided to the city's department of planning and code enforcement and, if necessary, the city's traffic engineer at the developer's expense. Actual impacts shall be determined by a traffic study prepared by a traffic engineer at the developer's expense and approved by the city's consulting engineer, unless the developer agrees with the city's determination.~~
- ~~(b) — No traffic movement permit or building permit for any activity requiring payment of an impact fee pursuant to this article shall be issued unless and until the traffic impact fee hereby required has been paid.~~

~~(Ord. No. 05-17, 11-17-05)~~

#### **Sec. 66-165. Computation of traffic impact fee.**

- ~~(a) — Any development requiring a traffic movement permit, which, in the city's judgment, requires the creation of a fifth travel lane shall pay a traffic impact fee equal to five percent of the cost of upgrading Outer Lisbon Street's four lane configuration existing as of August 9, 2005 to five lanes (four travel lanes and an center turning lane) sufficient to address impacts created by the development, based on a traffic engineering study and the size and nature of the development.~~
- ~~(b) — Planning and code enforcement staff shall apply the impact fee to the development and shall make a final determination as to the amount of the fee to be imposed, net of any applicable credits. Staff may request additional information from the developer if necessary to apply the fee. The developer may submit its own calculation of costs and any other information related to the impact of the development on Outer Lisbon Street. Staff shall consider information submitted by the developer, but is not required to accept information it deems to be inaccurate or unreliable.~~

~~**Sec. 66-166. Payment of fee.**~~

- ~~(a) — The developer shall pay the traffic impact fee required by this article to the department of planning and code enforcement prior to the issuance of a traffic movement permit or building permit.~~
- ~~(b) — All funds collected shall be properly identified as traffic impact fees and promptly transferred for deposit in the traffic impact fee trust fund to be used solely for the purposes specified in this article.~~

~~(Ord. No. 05-17, 11-17-05)~~

~~**Sec. 66-167. Traffic impact fee trust fund established.**~~

- ~~(a) — There is hereby established a traffic impact fee trust fund, to be used to accomplish the goals of this article, in accordance with section 66-168 of this article.~~

~~(Ord. No. 05-17, 11-17-05)~~

~~**Sec. 66-168. Use of funds.**~~

- ~~(a) — Funds collected from traffic impact fees shall be used for the purpose of capital improvements to, and the expansion of, transportation facilities associated with Outer Lisbon Street.~~
- ~~(b) — No funds shall be used for periodic or routine maintenance.~~
- ~~(c) — Funds shall be used exclusively for capital improvements within the traffic impact fee area.~~
- ~~(d) — In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which traffic impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) of this section.~~

~~(Ord. No. 05-17, 11-17-05)~~

~~**Sec. 66-169. Refund of fees.**~~

- ~~(a) — If a building permit is surrendered or expires without commencement of construction, the developer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance, except that the city shall retain three percent of the impact fee paid to offset a portion of the costs of collection. A request for a refund shall be made in writing to the department of planning and code enforcement not later than 15 days after the expiration of the permit.~~
- ~~(b) — Any funds not expended or obligated by contract by the end of the calendar quarter immediately following 15 years from the date the fee was paid shall, upon application of the developer, be returned to the developer, provided the developer submits an application for refund of the fee to the city planning and code enforcement department within 180 days of the end of the 15-year period.~~

~~**Sec. 66-170. Credits**~~

- ~~(a) — A credit against the impact fee otherwise due may be given when a developer is required to make road improvements other than an expansion from a four lane to five lane configuration pursuant to a traffic movement permit. Credit shall be limited to road improvements associated with Outer Lisbon Street intersections, pursuant to the traffic movement permit. In no event shall credit be given for site related improvements, as defined in this article.~~
- ~~(b) — Credit shall be calculated in the following manner for the above referenced road improvements as required by the aforementioned traffic movement permit: 50 percent of the value of required road improvements as determined pursuant to section 66-165 may be applied as credit against the impact fee. In no event shall the credit exceed the amount of the otherwise applicable impact fee, or be applied against unrelated impact fee items.~~
- ~~(c) — The developer shall provide documentation indicating the cost of the improvements required for the project versus the impact fee. The city shall consider the documentation submitted by the developer but is not required to accept any documentation which it deems to be inaccurate or unreliable.~~
- ~~(d) — A credit under this section will be made up to the amount of the impact fee otherwise due, and will not result in any payment of funds to the developer in the event the credit due under this section exceeds the impact fee assessed.~~

~~(Ord. No. 05-17, 11-17-05; Ord. No. 06-03, 3-23-06)~~

~~**Sec. 66-171. Severability.**~~

~~If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof. (Ord. No. 05-17, 11-17-05)~~

# LEWISTON CITY COUNCIL

## MEETING OF JUNE 16, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

**SUBJECT:** Ordinance, Amending Sec. 62-13 (b) (2) of the Code of Ordinances Regarding the collection of solid waste and recycling materials from multiple unit apartment buildings.

**INFORMATION:**

A number of multi-unit apartment buildings are enrolled in the City's solid waste and recycling collection and disposal program. The building's owners are responsible for paying for this service in the amount of \$170 per unit per year and must make two semi-annual payments in advance – one prior to July 1 and a second prior to January 1 of each year.

Given the significant and rapid growth of unemployment due to the current pandemic emergency, property owners have indicated that their rental incomes have declined, in some instances significantly. Given this, the potentially large size of the bi-annual payments for solid waste service will potentially create a hardship for some landlords and could potentially increase the amount of solid waste inappropriately disposed of throughout our community.

To provide some assistance, we are proposing to allow monthly payments in advance for the months of July through December and payments equal to two months' charges for January through March of 2021. A separate emergency version of this ordinance was approved the June 2 Council meeting to ensure it takes effect prior to the payment due date. However, that ordinance is automatically repealed 61 days after enactment. As a result, a non-emergency version also must be adopted to ensure the entire period of payment relief is covered.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval.



**REQUESTED ACTION:**

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To hold a public hearing and approve final passage of an **Ordinance**, Amending Sec. 62-13 (b) (2) of the Code of Ordinances Regarding the collection of solid waste and recycling materials from multiple unit apartment buildings.



COUNCIL ORDINANCE

**Ordinance**, Amending Sec. 62-13 (b) (2) of the Code of Ordinances Regarding the collection of solid waste and recycling materials from multiple unit apartment buildings.

Whereas, emergency restrictions established by the Governor of the State of Maine due to the current pandemic emergency have resulted in a widespread reduction of economic activity; and

Whereas, as a result, many residents have become unemployed or seen their income reduced; and

Whereas, as a result, some tenants of multi-unit residential buildings have had difficulty paying their rent; and

Whereas, this, in turn, impacts the ability of building owners to meet their financial and operational obligations; and

Whereas, some multi-unit buildings use the City's solid waste collection service, which currently requires semi-annual payments in advance of receiving the service; and

Whereas, such payment in advance may be difficult or impossible for some owners and the City desires to assist them by allowing a monthly payment option for a period of time;

**Now, therefore, the City of Lewiston hereby ordains that**

Section 62-13 (b) (2) of the Code of Ordinances is hereby amended as follows:

Section 62-13 (b) Collection of solid waste and recycling materials from commercial properties and multiple unit apartment buildings.

- (2) Complete and submit an application fee to continue this service and receive approval from the city to continue this service. The city will provide service to these limited multiple unit apartment buildings on a fee-for-service basis. The amount of the fee will be reviewed and adjusted annually as needed based on the cost to provide service. Fees and fee adjustments will be published in the fee schedule filed with the city clerk pursuant to section 62-14 of this chapter. Fees will be billed semi-annually in advance. Failure to pay the fee and any outstanding violations/penalties, imposed by the city, on time will result in termination of the service to that property. Notwithstanding the preceding, for the period from July 1 2020 through July 30, 2021 the following will apply: building owners may convert the first semi-annual payment for the period beginning July 1, 2020 into monthly payments for the months of July 2020 through December 2020. The second semi-annual payment normally due in advance of January 1, 2021 may be paid in three monthly installments in advance, with each payment equal to one-third of the semi-annual payment amount. All amounts due for the year must be paid in full no later than April 30, 2021. Failure to make full payment by that date will result in termination of service to the property. This exception shall automatically be repealed as of May 1, 2021.

Deletions are ~~struck through~~; additions are underlined.

# LEWISTON CITY COUNCIL

## MEETING OF JUNE 16, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT: Ordinance**, Amending Section 22-36, Licenses denied; appeal, to Waive the Requirement that Business License Applicants are Current on All Amounts Owed the City.

**INFORMATION:**

By ordinance, the City will not issue or renew a business license if that business is 60 days or more in arrears of paying other amounts owed to the City such as property taxes. Given the current economic conditions, we recognize that many of our local businesses are struggling economically and some are just moving toward re-opening after a months' long closure. Given this, we are recommending that this requirement be suspended until March 31, 2021. This will hopefully provide these businesses with a window of time within which to become re-established and/or increase their incomes to the extent that they can more easily meet their obligations to the City.

Since business licenses must be renewed at various times throughout the year and given that we offered businesses that closed during the emergency the ability to delay license renewal until thirty days after the expiration of the emergency, we are recommending that this ordinance amendment be done and continue until April 1, 2021, by which time we hope most businesses will be improving economically.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends your approval.

*EAB/Kmm*

**REQUESTED ACTION:**

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To hold a public hearing and approve final reading of an **Ordinance**, Amending Section 22-36, Licenses denied; appeal, to Waive the Requirement that Business License Applicants are Current on All Amounts Owed the City.



COUNCIL ORDINANCE

**Ordinance**, Amending Section 22-36, Licenses denied; appeal, to Waive the Requirement that Business License Applicants are Current on All Amounts Owed the City.

Whereas, City ordinances currently require that no license or permit be issued to any person who is indebted to the city on any account that is 60 days delinquent; and

Whereas, as we approach the date on which additional businesses will be reopening, some will be required to renew their license to operate; and

Whereas, many of these businesses will have suffered economic hardship given the requirement that they close or reduce their operations due to the current pandemic emergency; and

Whereas, the City has determined that it is in the best interest of the City and these businesses to allow them to obtain the required operating license even if the City is owed other amounts such as overdue property taxes;

**Now, therefore, the City of Lewiston Ordains that**

Section 22-36 (a) of the Code of Ordinances is hereby amended as follows:

Sec. 22-36. Licenses denied; appeal.

(a) No license or permit shall be issued by the city clerk following a hearing at which the city council has disapproved any application for such license. The city clerk shall deny a license or permit to any person whose application was disapproved by any city official whose approval was required. No license or permit shall be issued to any person who is indebted to the city upon any claim, tax or account which is more than 60 days delinquent, except for the period from June 1, 2020 through March 31, 2021 during which time this requirement shall be waived. The city treasurer shall be responsible for making available to the city clerk and any other license-issuing officers such information as is essential for compliance with this section. In case an application is disapproved, the

city clerk shall then notify the applicant in writing of such denial and shall refund the fee paid in. The city clerk shall also notify the city council of such action at the next regularly scheduled meeting of the city council. This amendment shall automatically be repealed as of April 1, 2020.

Deletions are ~~struck through~~; additions are underlined.

# LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

**SUBJECT:**

First Reading for proposed Land Use Code Amendments concerning the standards for drinking establishments.

**INFORMATION:**

The Planning Board voted 7-0 to recommend this amendment to the City Council. This proposal relaxes some of the separation requirements for drinking places to be located within a certain distance from each other. Please see the attached memorandum from Land Use Planner James Buzzell for more information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to Appendix A, Article XII "Performance Standards", of the City Zoning and Land Use Code, concerning the distance between drinking establishments, receive final reading at this time and to schedule the public hearing for the next regular City Council meeting.

AN ORDINANCE PERTAINING TO PERFORMANCE STANDARDS FOR DRINKING PLACES

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A  
ZONING AND LAND USE CODE  
ARTICLE II. DEFINITIONS

Sec. 2. Definitions.

*Church-Religious facility* means a building, together with its contiguous accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

APPENDIX A  
ZONING AND LAND USE CODE  
ARTICLE XII. PERFORMANCE STANDARDS

Sec. 9. Adult business establishment, tattoo establishment, and drinking place standards.

The regulation of the density of adult business establishments, tattoo establishments, and drinking places is intended to permit the location of such establishments within the community, yet ensure that they will not become overly concentrated in neighborhoods or areas outside the downtown to the detriment of other uses. Therefore, in addition to the regulations of ~~a~~Article XI, adult business establishments, tattoo establishments, and drinking places shall conform to the following standards:

- ~~(1) — The minimum distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 300 feet for businesses located within the Centreville district as measured along the ordinary course of travel between the main entrance of each premises.~~
  - ~~(a) — Drinking places with 5,000 square feet or greater on the first floor are exempt from the above referenced standard. Drinking places of 5,000 square feet or greater shall not be included in the locational criteria determinations for drinking places of less than 5,000 square feet or adult business establishments.~~
- (21) Except for businesses located in the Centreville, Mill, or Riverfront zoning districts, ~~The~~ minimum distance between any adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 500 feet ~~for businesses located in any other district~~ as measured along the ordinary course of travel between the main entrance of each premises.

(32) Except as provided in subsection 2(a) below, An adult business establishment, or drinking place may not be located within 300 feet, as measured along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, religious facility chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

(a) The restriction in this section does not apply to drinking places if a proposed public or private school, school dormitory, or religious facility:

(1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established prior to the public or private school, school dormitory, or religious facility locating in the commercial zone; or

(2) Is located in the Centreville, Mill or Riverfront zoning district pursuant to Title 30-A, section 4301, subsection 5-A.

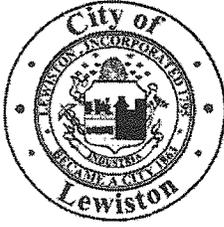
#### **REASON FOR THE PROPOSED AMENDMENT**

The purpose of this amendment is to provide greater flexibility in the locational requirements for drinking places by relaxing setback standards in commercial zoning districts and the downtown. Furthermore, the amendment aims to clarify the performance standards for drinking places by bringing the Zoning and Land Use Code in line with state statute.

#### **CONFORMANCE WITH 2017 COMPREHENSIVE PLAN**

The proposed text amendment is compatible with the 2017 Legacy Lewiston Comprehensive Plan for the following reasons:

- The Comprehensive Plan (The Plan) acknowledges that the Downtown area is not capturing its share of revenue from eating and drinking places, and encourages such establishments to locate in the downtown. “The city could capture more of these sales and has the potential to attract an additional 14,000 square feet of total restaurant space, or about two full restaurants and two to five smaller eating and drinking establishments by 2021.” (Economy, page 39)
- The Plan recommends that the City “invest wisely” in the “significant amount of underutilized land within the downtown” and areas “supported by existing infrastructure” in order to reduce the costs of public services and to encourage concentration in “the heart of the community.” (Prioritize Economic Vitality, page 164) This change helps bring us closer to that goal by eliminating inflexible setbacks between different uses in the downtown which might otherwise push incompatible uses apart, contributing to sprawl.
- By providing flexibility in the regulation of drinking places, the amendment simplifies the Zoning and Land Use Code as envisioned in the Comprehensive Plan. It moves commercial zones and the downtown away from strict “mandated separation” of uses and towards a greater mix of uses. (Regulatory Barriers, page 226)



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

TO: Mayor Cayer and Lewiston City Council  
FROM: James Buzzell, Land Use Planner  
DATE: June 10, 2020  
RE: Planning Board Action

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The Planning Board took the following action at their meeting held on June 8, 2020 regarding a text amendment to the Lewiston Code of Ordinances, Appendix A, Zoning and Land Use Code, Articles XII providing for relaxed separation requirements for drinking establishments under certain conditions.

The following motions were made:

**MOTION:**

by **Lucy Bisson** pursuant to Article VII, Section 4 (c) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Article II (Definitions) Section 2 of the Zoning and Land Use Code by replacing the term *Church* with the term *Religious facility* but maintaining the same definition, and Article XII (Performance Standards) Section 9, Adult Business Establishment, Tattoo Establishment, and Drinking Place Standards of the Zoning and Land Use Code Second by **Shanna Cox**.

**VOTED:** 7-0 (Passed)



**CITY OF LEWISTON MAINE**  
**Department of Planning and Code Enforcement**

TO: Planning Board

FROM: James Buzzell, Land Use Planner

DATE: June 8, 2020

RE: Drinking Establishments Text Amendment

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Article XII. Performance Standards, Section 9 of the Zoning and Land Use Code (the Code) regulates the location and density of adult business establishments, tattoo establishments, and drinking places by establishing separation requirements as regards proximity to each other and proximity to certain other uses. (See: Article XII, Sec. 9) Currently, the Code requires a 300 foot separation between one adult business establishment, tattoo establishment, or drinking place and any two other such establishments located in the Centreville zoning district, with the separation requirement increasing to 500 feet in all other zoning districts. The Code further stipulates that any adult business establishment, tattoo establishment, and/or drinking place be located at least 300 feet away from the main entrance of a "public or private school, school dormitory, church, chapel or parish house" regardless of zoning district. (Ibid)

The Planning Board has requested proposals to relax some of the separation requirements for drinking places. To that end, staff is presenting two proposed changes, first to the separation between drinking places and second to the separation between drinking places on the one hand and schools, school dormitories, churches, chapels, and parish houses on the other. These proposals may be considered and acted upon independently of each other, or they may be adopted as one whole.

**Distance Between Drinking Places**

The first proposal eliminates the required separation between adult business establishments, tattoo establishments, and drinking places within the Centreville, Mill, and Riverfront zoning districts. Because adult business establishments and tattoo establishments are not permitted uses in these zones, this change would only impact the separation of drinking places located in this part of the City; separation requirements for all three uses would remain unchanged in all other zoning districts.

**Distance Between Drinking Places and Conflicting Uses**

The second proposal provides for an exception to the required separation from schools, dormitories, churches, chapels, and parish houses in commercial zones and in the downtown. Staff is proposing a two-part change: proposed subsection (a) (1) eliminates the 300 foot separation requirement only if each of the following three conditions is met:

- 1.) The school, school dormitory, church, chapel, or parish house locates in a commercial zoning district;
- 2.) The commercial zoning district includes drinking places as permitted uses; and
- 3.) The zoning district was established prior to the school or religious facility locating in it.

Under the current ordinance, if a school, school dormitory, church, chapel, or parish house locates within 300 feet of a legally established drinking place, said drinking place would be rendered nonconforming and would become subject to all restrictions placed on nonconforming uses pursuant to Article VI of the Code. This amendment eliminates that possibility, but only in commercial zones which allow drinking places. No changes are proposed to the required distance between adult business establishments, tattoo establishments, or drinking places and established dwellings in a residential zoning district.

Proposed subsection (a) (2) eliminates the separation requirements between drinking places and schools and religious facilities located in the Centreville, Riverfront, and Mill zoning districts.

**ACTION NECESSARY**

Make a motion pursuant to Article VII, Section 4 (c) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a text amendment to Article XII, Performance Standards, Section 9, Adult Business Establishment, Tattoo Establishment and Drinking Place Standards.

# LEWISTON CITY COUNCIL

## MEETING OF JUNE 16, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

**SUBJECT:**

Resolve Approving the FY21 Budget for the Lewiston School Department.

**INFORMATION:**

The Council has held several budget workshop sessions with the School Committee during the past few months. The final school budget was presented to the City Council on June 2.

This Council action would approve the School Committee budget which will then go for a public vote at the School Budget Validation Referendum Election scheduled for Tuesday, July 14.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAR/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To adopt the Resolve approving the FY21 budget for the Lewiston School Department.

**Resolve, Approving the FY21 Budget for the Lewiston School Department**

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a FY21 budget for the Lewiston School Department and has submitted that budget to the City Council; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as proposed, the School budget meets the local share property tax commitment required by state law; and

Whereas, the City Council must approve the total amount of the School Budget before it can be presented to the voters in a school budget ratification election scheduled for July 14, 2020;

**Now, therefore, be It Resolved by the City Council of the City of Lewiston** that the Fiscal Year 21 budget approved by the Lewiston School Committee as outlined and detailed on the attached Lewiston School Department Budget Articles is hereby adopted, subject to approval of the voters of the City of Lewiston at a budget validation referendum.

FY21 LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES

EXPENDITURE ARTICLES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE:

- |  |                 |   |
|--|-----------------|---|
| 1. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$29,089,157.83 | for Regular Instruction for the fiscal year beginning July 1, 2020 and ending June 30, 2021.  |
| 2. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$23,992,383.62 | for Special Education for the fiscal year beginning July 1, 2020 and ending June 30, 2021.  |
| 3. To authorize the Lewiston School Committee to expend and ending June 30, 2021.  | \$3,694,643.11  | for Career and Technical Education for the fiscal year beginning July 1, 2020 and ending June 30, 2021.   |
| 4. To authorize the Lewiston School Committee to expend the fiscal year beginning July 1, 2020 and ending June 30, 2021. | \$1,394,077.06  | for Other Instruction, including Summer School and Extracurricular Instruction for the fiscal year beginning July 1, 2020 and ending June 30, 2021. |
| 5. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$6,005,569.16  | for Student and Staff Support for the fiscal year beginning July 1, 2020 and ending June 30, 2021.  |
| 6. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$1,724,265.46  | for District Administration for the fiscal year beginning July 1, 2020 and ending June 30, 2021.  |
| 7. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$3,691,900.30  | for School Administration for the fiscal year beginning July 1, 2020 and ending June 30, 2021.  |
| 8. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$5,093,483.95  | for Transportation and Buses for the fiscal year beginning July 1, 2020 and ending June 30, 2021.   |
| 9. To authorize the Lewiston School Committee to expend June 30, 2021.   | \$7,189,025.59  | for Facilities Maintenance for the fiscal year beginning July 1, 2020 and ending June 30, 2021.   |
| 10. To authorize the Lewiston School Committee to expend and ending June 30, 2021.                                       | \$6,710,971.97  | for Debt Service and Other Commitments for the fiscal year beginning July 1, 2020 and ending June 30, 2021.   |
| 11. To authorize the Lewiston School Committee to expend June 30, 2021.  | \$29,000.00     | for All Other Expenditures for the fiscal year beginning July 1, 2020 and ending June 30, 2021.   |

REVENUE ARTICLES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

12. To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$78,783,890.42) and to see what sum the City will raise as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

**FY21 LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES**

Minimum Required Statutory Recommendation	\$18,531,790.00
School Committee Recommendation	\$18,531,790.00

*Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars.*

13. In the event that Lewiston School Department receives more state education subsidy than the amount included in its budget, the School Committee shall first use the additional state subsidy to decrease the local cost share expectation, as defined in Title 20-A, section 15671 A(1)(B), for local property taxpayers for funding public education, provided that the total amount of funds raised by local taxpayers under Article 12 is no more and no less than the the local cost share expectation defined by law, and the School Committee shall then be authorized to use any remaining additional subsidy to cover emergency expenditures for school purposes in cost center categories approved by the School Committee and/or to leave any remaining additional subsidy unexpended to be applied to the school budget for the following fiscal year.

14. To appropriate the sum of \$1,466,929.19 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

*Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.*

15. To raise and appropriate the sum of \$214,567.05 in additional local funds which exceeds the State's Essential Programs and Services allocation model by \$214,567 as required to fund the budget recommended by the School Committee. The School Committee recommends \$214,567.05 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services Funding Model by \$214,567.05: The Essential Programs and Services funding model does not provide sufficient funding to fully cover the actual costs of operating the Lewiston Public Schools.

*Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the City's budget for educational purposes.*

**TOTAL SCHOOL OPERATING BUDGET ARTICLE TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:**

16. To authorize the Lewiston School Committee to expend the sum of \$88,614,478.05 for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the City's contribution to the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

**FY21 LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES**

**OTHER REVENUES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:**

17. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2020-2021 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

**ADULT EDUCATION TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:**

18. To appropriate the sum of \$787,592.93 for adult education for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and to raise the sum of \$480,687.00 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

# LEWISTON CITY COUNCIL

## MEETING OF JUNE 16, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Approval of Election Warrant calling for the Special Municipal Election to be held on Tuesday, July 14, 2020 for the School Budget Validation and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Candidate Primary Election and the Special State Referendum Election to be held on Tuesday, July 14, 2020.

**INFORMATION:** Under the Maine State Statutes, the municipal officers shall issue an election warrant calling for a municipal election. The City Clerk will be conducting a special city election on July 14, 2020 for the purpose of the adoption of the school budget.

Recommendations on election related issues:

A. That the hours for acceptance of registrations in person only, prior to the July 14th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, July 8 through July 14, 2020.

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, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 8:00am, 2:00pm, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

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Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, July 14, 2020 for the purposes of adoption of the school budget; and

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Referendum and State Candidate Primary & Referendum Election to be held on Tuesday, July 14, 2020:

A. That the hours for acceptance of registrations in person only, prior to the July 14th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, July 8 through July 13, 2020.

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, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 8:00am, 2:00pm, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

**WARRANT FOR SPECIAL MUNICIPAL ELECTION**

**CITY OF LEWISTON**

*County of Androscoggin, SS.*

To Brian O'Malley, a constable of Lewiston, Maine: You are hereby required in the name of the State of Maine to notify the voters of the City of Lewiston of the election described in this warrant.

To all voters of the City of Lewiston: You are hereby notified that a Special Municipal Election in this municipality will be held on Tuesday, July 14, 2020, at the Longley School gymnasium, 145 Birch Street.

Said election being held for the purpose of voting on the School Budget Validation Referendum.

**BUDGET BALLOT:**

Ballot Question One:

“Do you favor approving the Lewiston School Department’s budget for the upcoming school year that was adopted by the Lewiston City Council?”

Ballot Question Two - Non-Binding:

“I find the school budget for the upcoming school year that was adopted by the City Council to be:

- 1) Too High; 2) Acceptable; 3) Too Low”

The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m.. Absentee ballots will be processed at the polls at 8:00 A.M., 2:00P.M., 6:00P.M. and 8:00 P.M., if necessary.

*Dated at Lewiston, Maine on June 16, 2020*

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*ATTEST:* \_\_\_\_\_ Kathleen M. Montejo, City Clerk

# LEWISTON CITY COUNCIL

## MEETING OF JUNE 16, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Resolve, Condemning All Use of Excessive and Unreasonable Force and the Use of Racial Profiling by Police, and Committing the City of Lewiston to Achieving Equality and Equal Justice for All in its Policing Practices, Policies, and Tactics

**INFORMATION:**

During the June 9 City Council workshop, the Council reviewed a draft version of this Resolve as prepared by Councilor Khalid. The Resolve language has been updated and adjusted based upon the Council's discussion during the workshop. The attached Resolve is proposed for adoption.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

This Resolve is a policy decision of the City Council.

*EAB/kmm*

**REQUESTED ACTION:**

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To approve the Resolve, Condemning All Use of Excessive and Unreasonable Force and the Use of Racial Profiling by Police, and Committing the City of Lewiston to Achieving Equality and Equal Justice for All in its Policing Practices, Policies, and Tactics.



## CITY OF LEWISTON, MAINE

June 16, 2020

### COUNCIL RESOLVE

**Resolve,** Condemning All Use of Excessive and Unreasonable Force and the Use of Racial Profiling by Police, and Committing the City of Lewiston to Achieving Equality and Equal Justice for All in its Policing Practices, Policies, and Tactics.

Whereas, criminal charges have been filed against a number of Minneapolis, Minnesota police officers for the murder of George Floyd on May 25, 2020; and

Whereas, millions of Americans, thousands of Mainers, and hundreds of Lewiston residents of all races and ethnic backgrounds have responded to George Floyd's murder with peaceful protests recognizing that Black Lives Matter and calling for the reform of police policies, procedures, and tactics that have contributed to this and other similar deaths in this country; and

Whereas, George Floyd's murder was not an isolated incident in our country's 400 year history of brutality and discrimination against people of color; and

Whereas, according to a 2018 study from the University of Michigan, Rutgers University, and Washington University, police use of force is the sixth leading cause of death for young black men and black men in general are about 2.5 times more likely to be killed by police than white men; and

Whereas, as is the case throughout our country, Lewiston has experienced incidents of racial, religious, and ethnic hatred and division, such as a Ku Klux Klan cross burning targeting Catholics in 1924 and isolated anti-immigrant incidents that continue today; and

Whereas, at the same time, many in this community have consistently spoken out against such hate and discrimination as, for example, the thousands of community members who joined together in 2003 to organize against a white supremacist rally, and large numbers of community members who continue to do so today in response to the unjust murders of Mr. Floyd and other minorities; and

Whereas, the Lewiston Police Department does not currently reflect the racial demographics of the community it serves; and

Whereas, the Lewiston City Council has a moral obligation to stand for justice and build a community where all people, including people of color, can live and breathe freely:

Now, therefore, be it Resolved that

The Lewiston City Council

- (1) Affirms and acknowledges that Black Lives Matter.

- (2) Condemns all acts of excessive police use of force, brutality, and racial profiling throughout the country, in Maine, and in Lewiston.
- (3) Recognizes that the Lewiston Police Department has had a long-standing policy that does not authorize its officers to use chokeholds or strangleholds;
- (4) Commits to reviewing, through a special committee specifically established for this purpose and which is representative of the community, the process by which citizen complaints against police officers are investigated and, if necessary, to implement improvements in this process to ensure that such complaints are addressed thoroughly, objectively, fairly, and in a timely manner; and
- (5) Commits to providing the necessary resources to ensure that all city staff, including certified Lewiston police officers, receive anti-bias training and that police officers also receive crisis de-escalation training; and
- (6) Directs the Police Department, in concert with minority communities, to expand efforts to recruit and hire individuals from minority communities in an effort to redress the current demographic imbalance within the department; and
- (7) Supports youth and community programs, including social services and public health, and reaffirms the on-going work of the Poverty Awareness Committee to address the impact of generational poverty on Lewiston's school students and the City-wide work of the City Spirit Council, in cooperation with diverse community partners, to create a city-wide equity statement.
- (8) Recognizes the need to explore innovative public safety models that emphasize compassion and empathy to move our society away from mass incarceration.

# LEWISTON CITY COUNCIL

## MEETING OF JUNE 16, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

**SUBJECT:** Resolve, Reimbursing Nino Corporation for Certain Expenditures Relating to Lane Reconfiguration on Outer Lisbon Street.

**INFORMATION:** In 2005, Nino Corporation received the required permits to build a convenience store/gas station on outer Lisbon Street, subject to modifying a then four lane section of Lisbon Street to three lanes with a combined center left turn lane. After a number of discussions, the Council voted in 2006 to reimburse Nino Corporation for any expenses over and above the Nino would have been required to pay under a traffic impact fee then under development. These reimbursements were to come from future impact fee payments for developments in the outer Lisbon Street area.

Nino Corporation provided the City with invoices totaling \$0,259.07 for the work performed. The estimated traffic impact fee was \$31,500. Unfortunately, the traffic impact fee was required only of large developments requiring a state traffic movement permit, and only one such fee has been collected. That fee, in the amount of \$24,300 was collected and paid to Nino Corporation as a partial reimbursement. This leaves a balance of \$4,459.07.

The Council is now considering repealing the traffic impact fee ordinance for a variety of reasons. Given that in 2006 the City Council voted to reimburse Nino Corporation and such reimbursement has not been completed, the Council should consider making the final reimbursement if the traffic impact fee ordinance is repealed.

Please see the attached memo for the complete history of this situation.

### APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

*EAB/11/16/20*

### REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Reimbursing Nino Corporation for Certain Expenditures Relating to Lane Reconfiguration on Outer Lisbon Street.



CITY OF LEWISTON, MAINE

June 16, 2020

COUNCIL RESOLVE

Resolve, Reimbursing Nino Corporation for Certain Expenditures Relating to Lane Reconfiguration on Outer Lisbon Street.

Whereas, in 2006, the City Council agreed to reimburse Nino Corporation for certain expenses in excess of a then estimated traffic impact fee incurred by the Corporation for certain lane reconfigurations on outer Lisbon Street; and

Whereas, this reimbursement was to be made from the traffic impact fees to be paid by other projects as developments occurred in the area; and

Whereas, traffic impact fees collected to date have been insufficient to fully reimburse Nino Corporation for its expenditures; and

Whereas, the City Council is considering repeal of the traffic impact fee ordinance given that it is conceptually flawed and the purpose for which it was initially adopted, to raise funds for expanding outer Lisbon Street to five lanes, is no longer considered necessary within any reasonable planning timeframe; and

Whereas, if the ordinance is repealed, the unreimbursed amount will not be recovered from future fees;

Whereas, the Planning Board has reviewed this property and recommends its disposition; and

Whereas, the Finance Committee has recommended that the City negotiate directly with the developer for this property with a preference that it be sold for \$5,600; and

**Now, therefore, be it resolved by the City Council of the City of Lewiston that**

Nino Corporation be reimbursed \$4,459.07 for the unreimbursed work it performed on the outer Lisbon Street lane reconfiguration project, such amounts satisfying in total any further obligation of the City of Lewiston in this matter.



## EXECUTIVE

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**Edward A. Barrett, City Administrator**  
**Denis D'Auteuil, Deputy City Administrator**

May 29, 2020

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Nino Corporation Request for Reimbursement

### Background

In 2005, the Nino Corporation proposed developing a convenience store, gas station, Dunkin' Donuts drive-thru, a sandwich shop, and an automatic car wash at 1930 Lisbon Street. In order to obtain approval for this project, a traffic movement permit was required from the State due to the volume of traffic the project would generate.

At that time, this area of Lisbon Street was a four lane road with two in-bound and two out-bound traffic lanes. Such a configuration is problematic in circumstances where frequent turning movements, particularly left turns, are present, given the volume and speed of traffic involved. Based on MDOT traffic engineering standards, any development along this four-lane section of Lisbon Street that needed a traffic movement permit would be required to install a center two-way left turn lane. This can be done by either reconfiguring Lisbon Street from four-lanes to three-lanes with a center two-way left turn lane or constructing a five-lane section with four travel lanes and a center two-way left turn lane. The five-lane section required for this project carried a cost estimate of between \$250,000 and \$630,000 depending on the length of the new five lane section. The three-lane reconfiguration could be accomplished at a significantly lower cost.

In August 2005, the Planning Board approved Nino Corporation's site plan with the condition that the applicant commit to adjusting the street to a three-lane section from the Lisbon town line to the intersection of South Lisbon Road and Lisbon Street. Moving from four- to three-lanes also needed City Council approval.

This proposed change to three-lanes was somewhat controversial, with a variety of parties and interests speaking either in favor or against it. Opponents were concerned that the change would create traffic problems in the area.

The City Council took up this issue the day after the Planning Board's conditional approval. It's at this point that things start to become less than crystal clear, in part because the Council adopted a single motion with multiple elements that addressed different policy issues. Separately stated, the Council took the following actions:

- Approved the reconfiguration of Lisbon Street from four-lanes to three from the Lisbon Town Line to Westminster Street<sup>1</sup>;
- Voted to have the applicant, Nino Corporation, pay for the expense of restriping the street from the town line to the Maine Turnpike bridge;
- Directed staff to draft an ordinance for Council consideration that would establish an impact fee to be paid by future projects abutting this stretch of Lisbon Street with these funds to be escrowed for the future upgrade of the street to five-lanes; and
- Indicated that Nino's expenses for lane reconfiguration from the turnpike bridge to the town line would apply as a credit against the impact fee the project would have to pay if the requested impact fee ordinance was already in effect.

Given these actions, the Nino Corporation agreed to undertake the required improvements; however, the Council effectively increased the stretch of the street to be changed by including the stretch from Westminster Street to the Turnpike Bridge and to increase the area for which Nino would be responsible from South Lisbon Road to the Turnpike bridge.

### Making the Change

This project was completed and in place by November 21, 2005, but how these changes were implemented further confused the situation. Prior to the Council's approval of the lane changes, staff was approached by Nino Corporation and asked to do the grinding work required to remove the existing traffic lane markings. Public Works did not have the necessary equipment, so declined to do this work. Alternatively, the Department offered to provide the re-painting if Nino Corporation did the grinding and provided the pre-markings necessary to guide painting the new lane configuration. As a result, the work of implementing the project was split, with Nino contracted for the grinding and prep work and the City agreeing to do the painting.

Prior to the work actually beginning, the City found that Nino's contract for the lane removal did not include the temporary reflective markers needed to guide traffic between the time the old street lane markings were removed and the application of the new striping pattern. The City undertook this work and also purchased and installed the required permanent signage for the project. The City's total cost for the work it performed was \$10,427. Of this amount, Public Works estimated \$2,000 would have been incurred without the project<sup>2</sup>; the remaining \$8,427 should have been charged to Nino Corporation for its section of the project from the Turnpike Bridge to the town line<sup>3</sup>. We can find no record showing that Nino was ever billed for this amount.

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<sup>1</sup> Note that this encompassed a larger area than required for the Nino project by the Planning Board.

<sup>2</sup> This apparently represented the City's estimate of what simply repainting the existing lane markings on this section of Lisbon Street would have cost if no changes were made.

<sup>3</sup> As near as I can determine, none of these arrangements between the City and Nino Corporation were documented in an agreement or memorandum of understanding.

## Impact Fee Ordinance

The impact fee ordinance requested by the Council was adopted on October 18, 2005 and went into effect thirty days later on November 17, 2005. Since discussions with Nino and development of the ordinance was going on at the same time, there has been some confusion about how the ordinance was/should be applied to the Nino project. Since the ordinance was adopted after the project was permitted, and actually went into effect at about the same time that the street changes were completed, it actually did not apply directly to the project. It only applied indirectly, to the extent that the Council specified that Nino would receive a credit for the impact fee that the project would have paid had it been subject to the ordinance.

## Final Council Action

The final Council action on this item took place at its meeting of January 17, 2006. At that meeting, the Council decided to:

- Reimburse Nino Corporation for any costs above and beyond what its impact fee would be;
- Specified the reimbursement would come from any impact fee revenues collected in the future; and
- Set January 2007 (one year later) as the date that the Council would review the situation to determine the status of reimbursement. This reflected a concern that Nino might not be reimbursed for a relatively long period depending upon development activity in the area.

This Council action differed from the initial action in August, in part because of the work that Nino actually did beyond that which was initially required (removing the lane markings from Westminster Street to the Turnpike Bridge) and the question of whether the cost of this additional work should be immediately reimbursed (as had been suggested at an earlier Council meeting of December 2005) or reimbursed over time based on future impact fees collected. By this January action, the Council decided to reimburse Nino from future impact fees for this extra work while continuing to recognize the credit that would have been required under the impact fee ordinance.

## Subsequent Events

Subsequent to this decision, Nino received a reimbursement as a result of a \$24,300 impact fee paid by Pathway Vineyard Church. This is the only impact fee received by the City since the ordinance was adopted.

The Council did not revisit this issue in January 2007. There is no indication if this was a simple oversight or if the City believed its obligations had been fulfilled through the

Vineyard Church payment and the costs the City incurred for doing a portion of the work required of Nino for the stretch of road between the Turnpike Bridge and the town line. It also does not seem that Nino Corporation brought this failure to revisit the issue to the attention of the City at that time, although it has contacted the City several times over the years inquiring as to the status of the reimbursement, indicating its belief that additional reimbursement was due.

### Financial Analysis

Over the years, a variety of figures have been reported as to what the Nino Corporation paid and what it was due for reimbursement. These figures do not always match, generally because they either do or do not include the City's expenditures on Nino's portion of the project or they improperly attempt to apply the ordinance language, which states that a project would receive a 50% credit against its impact fee for any interim improvements it makes short of providing a five-lane section.

The following summarizes the financial information that I have found documented in the record.

\$44,400.00	Invoice from Zebra Striping for "Lisbon Street Eradication."
<u>\$15,859.07</u>	Invoice from TSI Technical Services for Traffic Engineering/Studies
\$60,259.07	Total Nino Corporation documented expenses

Against these expenses, Nino Corporation was credited for an impact fee of \$31,500; it also received a reimbursement by virtue of an impact fee of \$24,300 from a project in the area that was undertaken shortly after the impact fee ordinance was adopted. With these taken into account, the situation appears to be:

\$44,400.00	
<u>\$15,859.07</u>	
\$60,259.07	Total Nino Corporation expenses
-\$31,500.00	Impact Fee Due from Nino
<u>-\$24,300.00</u>	Reimbursement from a separate project
\$4,459.07	Balance

However, as noted above, the City incurred expenses on this project, including expenses of \$8,427 related to the lane reassignment project. It appears that this number may be for the entire length from Westminster to the town line. Applying the percentage Nino Corporation is responsible for (70.65%) based on the length of the segment from the Turnpike Bridge to the town line, the City's apparent contribution to the project is \$5,953.68. The City has no record of ever billing or receiving payment for this portion of the work. Recently, Nino Corporation was asked if it had any record of having made such a payment. It has not, to date, been able to present any documentation on this. Since the City incurred these expenses, it should have billed Nino for them with the

anticipation that Nino would eventually recover this expense from future impact fee payments. Looking back, however, the situation was confusing enough that the City may not have billed Nino given that the City would eventually be required to reimburse him anyway.

### Nino Corporation Request

At this point, Nino Corporation is requesting reimbursement for any amount they spent above and beyond what the impact fee would have been. At a minimum, this would be \$4,459.07. This is generally in the range of what has been discussed over the years. Since the City raised the question of whether Nino Corporation was ever billed for or paid the City's costs attributable to the project, Nino has also indicated that it would also claim reimbursement for those costs in the now estimated amount of \$5,953.68.<sup>4</sup> This additional reimbursement would only be requested/made upon a showing by Nino Corporation that it actually paid this amount.

In summary, Nino Corporation is requesting that the City reimburse the \$4,459.07 that is currently documented as its expenses over and above the impact fee and, if documentation can be found, any additional amount it paid to the City for charges on the project. I would note that given the Council's action to limit Nino's costs to the actual impact fee, it is unlikely, although perhaps not impossible, that the City would have billed for these additional costs unless that bill was issued between the date the project was completed in November 2006 and the final Council action in January 2007. The City may have considered itself recovering these costs through future impact fees.

### Options

The City Council has several options.

First, the Council could decide to reimburse Nino Corporation as requested. This would be for any documented amount over and above the impact fee, including, if documented, any payment to the City for work on the project.

The City Council could also reaffirm the Council's 2007 position that Nino Corporation be reimbursed from future impact fees. From watching the video recording of that January meeting, it is clear that the 2007 City Council wanted to both see Nino Corporation reimbursed and to have that reimbursement not come from the residents and taxpayers of the City. With the exception of the Nino project, the City has not normally reimbursed a developer for off-site traffic improvements; rather, developers have been required to fully fund improvements, as did the Dunkin Donuts project on Sabattus Street where a full traffic signal was required and as is currently being required of the

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<sup>4</sup> This is an estimated amount given that we do not have any documentation to support what may have been billed at the time.

Dunkin Donuts planned for Main Street where it will bear the full cost of the required lane reassignments.

As you know, there is a pending project on Outer Lisbon Street that is currently subject to the traffic impact fee ordinance. The Council has the option of retaining the impact fee ordinance until any obligation the Council believes the City owes to Nino Corporation is met. Should the ordinance be retained, the three projects along this stretch of Lisbon Street that benefited from the improvements made by Nino Corporation would then each have contributed to the cost of the project. Since the pending Connor project's impact fee is greater than the amount claimed by Nino Corporation, and since it is unlikely that Lisbon Street will be expanded in the foreseeable future, any excess amount the ordinance would require Connor to pay over and above the amount claimed by Nino could be refunded to Connor after the ordinance is repealed or, perhaps more simply, the Council could make the repeal of the ordinance conditional on Connor reimbursing Nino Corporation the amount eventually determined to be owed to it<sup>5</sup>. Theoretically, the City could also seek to recover its expenses on this project from this impact fee; however, the basis for such a claim is tenuous given the length of time that has passed and the lack of clarity as to whether Nino did or did not pay a bill from the City.

While I appreciate that Connor may not agree with such an approach, it would be a way to spread the cost over those most benefited by the work performed by Nino while Connor would be required to pay only a portion of the costs otherwise required under the current ordinance.

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<sup>5</sup> I would recommend that Nino be given a deadline by which documentation of a payment to the City would have to be provided.

# LEWISTON CITY COUNCIL

MEETING OF JUNE 16, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

**SUBJECT:** Order, Authorizing the Sale of the Land at 186 Blake Street to the Raise-Op Housing Cooperative.

**INFORMATION:** The City has no need for the vacant lot located at 186 Blake Street. The city acquired this property some time ago and it is currently undevelopable since it does not have the required minimum of 50 feet of street frontage. The RaiseOp Housing Cooperative approached the City and expressed interest in acquiring this lot as a part of a planned 9 unit owner occupied mixed income development project. Details of that project are attached.

The Planning Board recommends that the property be disposed of. The Finance Committee recommends that the disposition be through direct negotiation with the developer, an option allowed by our property disposition policy.

Raise-Op originally requested that the property be transferred to it for \$1, which would provide additional scoring points for its application for a grant and loan from the Federal Home Loan Bank of Boston. This application awards points to applicants who acquire land for below market prices and purchase for \$1 would increase the score. They have, however, indicated their willingness to accept the recommendation that the property be sold for \$5,600 for the property. Finance made this recommendation due to the uncertainty of the grant process and a desire to maximize city proceeds.

### APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

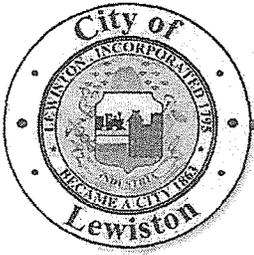
The City Administrator recommends approval of the requested action. This redevelopment is consistent with and supportive of our Choice Neighborhood plan.

*EAB/kmm*

### REQUESTED ACTION:

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To approve the Order, Authorizing the Sale of the Land at 186 Blake Street to the Raise-Op Housing Cooperative.



CITY OF LEWISTON, MAINE

June 16, 2020

COUNCIL ORDER

**Order, Authorizing the Sale of the Land at 186 Blake Street to the Raise-Op Housing Cooperative.**

Whereas, the City of Lewiston owns the vacant lot located at 186 Blake Street; and

Whereas, the City has no current need for this property and wishes to see it transferred into private ownership for potential development use; and

Whereas, the Planning Board has reviewed this property and recommends its disposition; and

Whereas, the Raise-Op Housing Cooperative has expressed a desire to purchase this property as part of a project to construct a new residential property at 188-194-198 Blake Street; and

Whereas, this project would build a 9 unit, mixed income, owner occupied building on these properties; and

Whereas, 186 Blake Street lot would be added to the property on which this development will occur; and

Whereas, the Finance Committee has recommended that the City negotiate directly with the developer for this property with a preference that it be sold for \$5,600; and

**Now, therefore, be it ordered by the City Council of the City of Lewiston that**

The City Manager be authorized to sell the property at 186 Blake Street to the Raise-Op Housing Cooperative for \$5,600.



5/18/2020

Ed Barrett  
City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240

RE: 186 Blake Street

Mr. Barrett,

The Raise-Op Housing Cooperative is interested in acquiring 186 Blake Street from the City of Lewiston. We currently own the land adjacent to the City's parcel at 188-194-198 Blake Street. We develop and operate housing that is owned and managed by our residents. We currently have plans to develop a mixed-income, owner-occupied, 9-unit building at this site, where 6 units would be affordable and 3 would be market rate. Three units on the first floor will be accessible to people living with disability. We currently have a schematic design for this development and hope to secure funding by the end of this year. Furthermore, we hope to share our finished design with the City of Lewiston and partners of Healthy Neighborhoods to promote more infill development by reducing the soft costs of design. It is our hope that with some small and context-specific adaptations, this building could be recreated on numerous 100'x100' lots in our urban neighborhoods. This will help to create more attractive, energy-efficient, accessible, owner-occupied, lead-free housing in the Tree Street Neighborhood, all of which are important goals in the city's redevelopment plans.

We are currently working on a timeline to submit a grant and loan application to the Federal Home Loan Bank of Boston, which will require us to have the property under contract as soon possible, preferably by the end of this June. In order to meet that goal, we would like the City to consider 2 simultaneous offers. The first offer is to purchase the property for \$1. The Home Loan application awards points to applicants who acquire land for below market prices, and purchasing the property for \$1 could help us in our score. If the City is unwilling to accept the offer of \$1 in order to help our score, we would like to make an offer to the City of \$5,600. This number is based upon the average square foot cost of what we have recently paid for 198 Blake (50'x100' lot purchased for \$2/sq ft). Though it should be noted that 186 Blake is a much more narrow lot, and it therefore has less overall development potential than 198 Blake, and we believe it has less market value than 198 Blake. We also believe that acquiring the lot at this price will still help our scoring on the application for the Home Loan Bank of



Raise-Op Housing Cooperative

(207) 956-0508

[raiseop207@gmail.com](mailto:raiseop207@gmail.com)

[www.raiseop.com](http://www.raiseop.com)

Boston, but that going any higher may hurt our score. We would be grateful to the City of Lewiston for accepting either of these offers.

Thank you for considering our request. We look forward to your response.

Sincerely,

*Craig Saddleire*

Craig Saddleire, Manager  
Raise-Op Housing Cooperative  
145 Pierce Street, Office 102  
Lewiston, ME 04240  
[raiseop207@gmail.com](mailto:raiseop207@gmail.com)  
(207) 956 0508



5/22/2020

Ed Barrett  
City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240

RE: 186 Blake Street - Addendum to Previous Letter

Mr. Barrett,

This letter is to further clarify Raise-Op's timeline and specific needs and interests with regards to 186 Blake Street and the Federal Home Loan Bank of Boston application.

After further research and clarification, it appears that an option to purchase 186 Blake from the City of Lewiston for \$1 will allow us to score 5 points on our application, whereas purchasing it for anything more will only earn us 2.5 points at most. With the \$1 option on 186 Blake, our estimated score would be 70, and we expect a minimum score of 70 is what it takes for an application to be competitive. Without the \$1 option, our score would be closer 67.5, which we do not believe has a chance to win.

While the absolute final deadline for the application is July 30th, 2020, we need to provide our final materials to our participating bank at least 2 weeks before it is submitted. The sooner we can have a decision from the City on our request, the easier it will be for our planning purposes. However, the absolute latest date by which we need to have the official option and commitment by the City would be Friday, July 10th.

Thank you again for considering our request. We look forward to your response.

Sincerely,

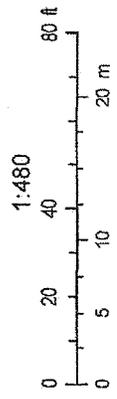
A handwritten signature in cursive script that reads "Craig Saddlemire".

Craig Saddlemire, Manager  
Raise-Op Housing Cooperative  
145 Pierce Street, Office 102  
Lewiston, ME 04240  
[raiseop207@gmail.com](mailto:raiseop207@gmail.com)  
(207) 956 0508

186 Blake Street



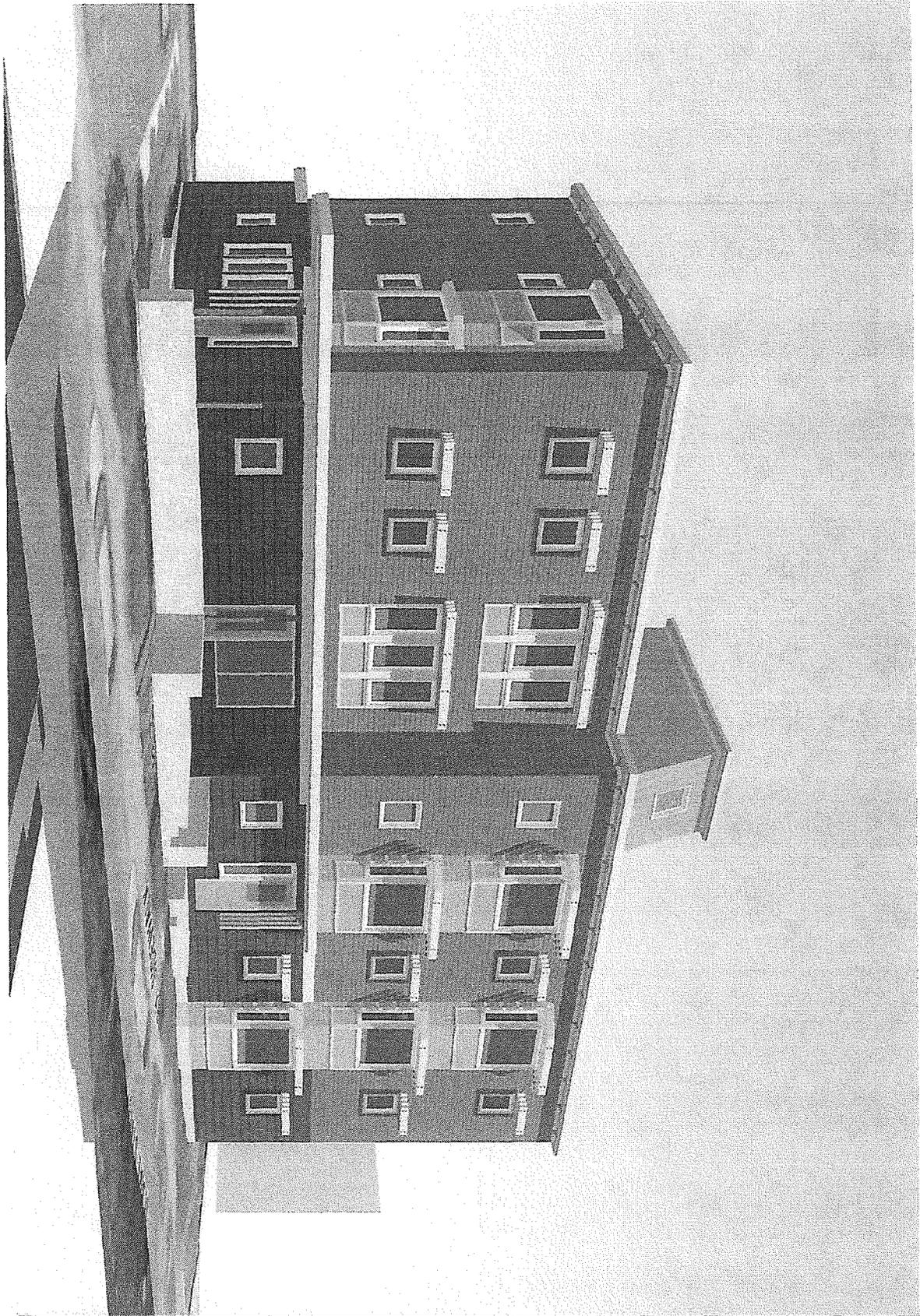
May 29, 2020



Lewislon, Maine  
Lewislon Maine

City of Lewislon  
City of Lewislon





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DRAWN BY  
EAC

DESCRIPTION

Concept Rendering

PROJECT NO.  
12030

PROJECT

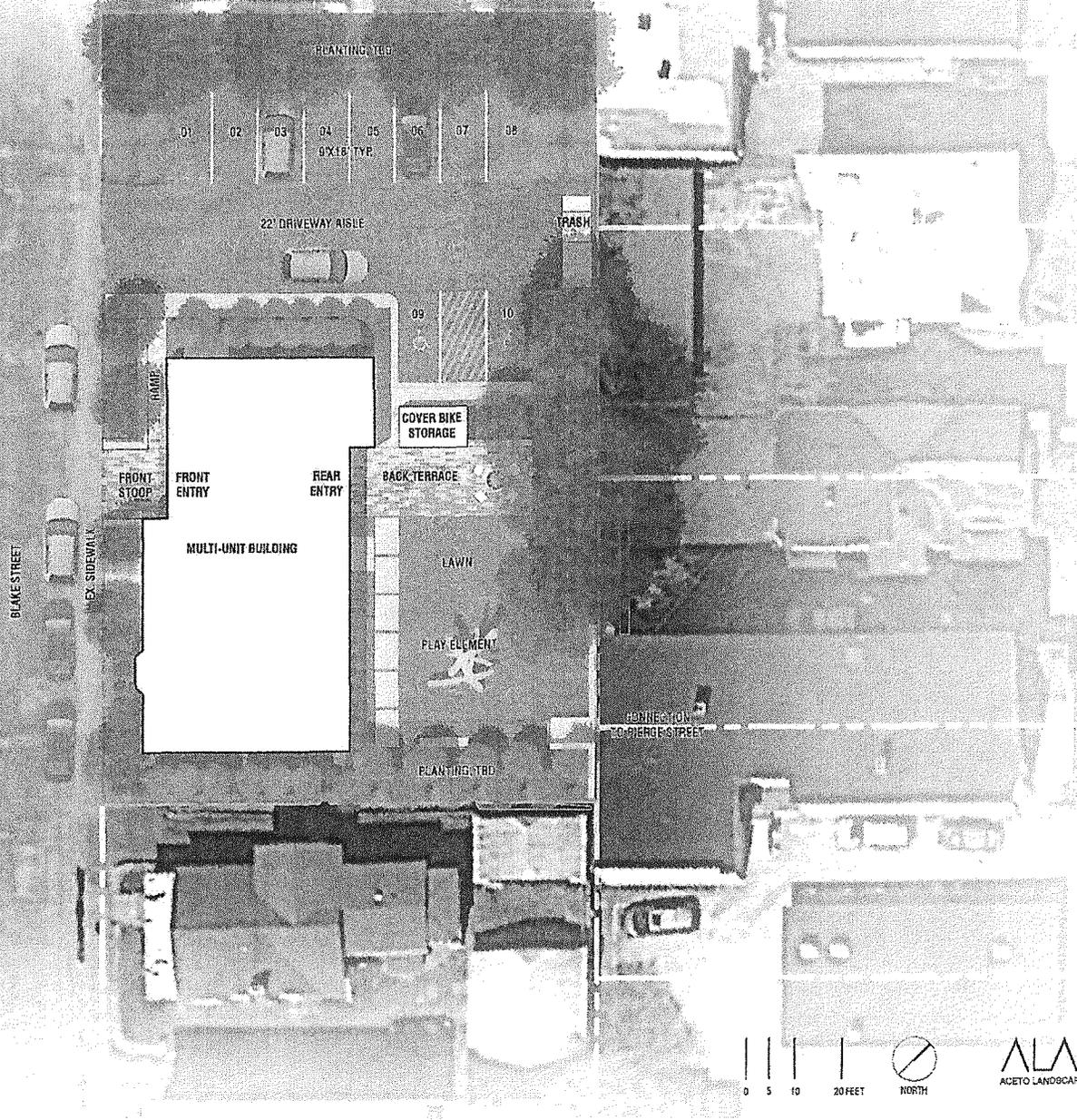
Raise-Op - Blake Street



Bild Architecture  
PO Box 8235  
Portland, ME 04104  
207-408-0168  
evan@bildarchitecture.com

**PRELIMINARY PLANT LIST**

BOTANICAL NAME	COMMON NAME
<b>TREES</b>	
AMELANCHIER CANADENSIS	SERVICE BERRY
MAHONIA	NATIVE APPLE
CORNUS HONSA	DOGWOOD
TSUSA CANADENSIS	EASTERN HEMLOCK
TRIA AMERICANA	BACCHARIS
<b>SHRUBS</b>	
VACCINIUM CORMBOSUM	WINDY BERRY
PRUNUS AMALGAMA	BLACK FLAME
QUERCUS SACCATA	HICKLEBERRY
MYRTICA	BAKERY
ROSA PRUGOIA	SALTSPRAY ROSE
CORNUS MAS	CORONAL DOGWOOD
<b>PERENNIALS &amp; GROUNDCOVERS</b>	
MATELLOCA STRUTHPERIS	WINDY BERRY
GAUTHIERIA PROCLAMENS	DANIELLY
HEMEROCALLIS SP.	SAGE
SALVIA OFFICINALE	THYME
THYRAUS PROSTRATUS	





## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Planning Board**  
**FROM: David Hediger, Director of Planning and Code Enforcement**  
**DATE: May 29, 2020**  
**RE: June 1, 2020 Planning Board Agenda Item: Disposition of 186 Blake Street**

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the Board shall review and make a recommendation to the City Council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

The Board is being asked to provide a favorable recommendation to the City Council on the disposition of the vacant lot 186 Blake Street.

#### **186 Blake Street**

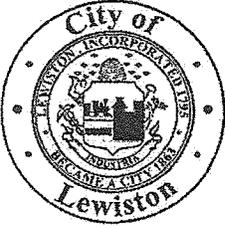
- Map/Lot: 196-81
- Zoning: Downtown Residential (DR)
- Parcel Size: .07 acres; 28' frontage on Blake Street
- Assessed Value: \$22,500 land
- Current Use: vacant lot. Undevelopable not having at least 50' frontage.

It should be noted, the city has been approached by Raise-Op Cooperative Housing. They currently have plans to develop a mixed-income, nine-unit building on the abutting land at 188-194-198 Blake Street. Purchasing to meet the Zoning and Land Use Code's parking requirements.

Since the lot is undevelopable due to its lack of frontage, disposing of this land to an abutter for a planned housing development is an appropriate use that is consistent with the Comprehensive Plan and goals and strategies of the Growing Our Tree Street Transformation Plan.

#### **ACTIONS NECESSARY:**

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 186 Blake Street (including, if any, specific conditions raised by the Planning Board or staff).



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

TO: Mayor Cayer and Lewiston City Council  
FROM: David Hediger, Director of Planning and Code Enforcement  
DATE: June 2, 2020  
RE: Planning Board Action

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The Planning Board took the following action at their meeting held on June 1, 2020 regarding a recommendation on the disposition 186 Blake Street.

The following motion was made:

**MOTION:** by **Lucy Bisson** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send favorable recommendation to the City Council for the disposition of 186 Blake Street

Second by **Shanna Cox**.

**VOTED:** 7-0 (Passed)



## Finance Department

Allen Ward  
Purchasing Agent  
award@lewistonmaine.gov



**TO:** Mayor Mark Cayer  
And Members of the City Council

**FROM:** Allen Ward, Purchasing Agent

**SUBJECT:** **Disposition of 186 Blake St. Recommendation to City Council**

**DATE:** June 9, 2020

At the June 8, 2020 meeting, the Finance Committee voted (5-0) to recommend to the City Council the following method for disposition of City owned property.

- To dispose of 186 Blake Street through direct negotiation with Raise Op with preference to the \$5,600 offer for the parcel.

The committee cited the uncertainty of the grant process Raise Op is applying for and maximizing proceeds received for City owned property.

Respectfully Submitted,

Allen Ward  
City of Lewiston, Purchasing Agent

## Allen Ward

---

**From:** Allen Ward  
**Sent:** Wednesday, June 3, 2020 4:25 PM  
**To:** Misty Parker  
**Subject:** RE: 186 Blake Follow Up Letter

**From:** Misty Parker  
**Sent:** Friday, May 29, 2020 12:19 PM  
**To:** Ed Barrett; David Hediger; Allen Ward  
**Cc:** Lincoln Jeffers; Heidi McCarthy; Heather Hunter; Denis D'Auteuil; Douglas Greene  
**Subject:** 186 Blake Follow Up Letter

Ed,

Raise-op Housing Cooperative is proposing to build a 9 unit multi-family building adjacent to 186 Blake Street. The acquisition of 186 Blake Street will allow them to provide the required number of parking spaces for the building as well as a balance of greenspace on the development site.

This redevelopment proposal is consistent with the goals and strategies of the Growing Our Tree Street Transformation Plan. Specifically the proposal meets Goal 4 *Grow an inventory of healthy housing and offer housing choice for all* by encouraging strategic infill of new homes with building designs that are responsive to the neighborhood and Goal 5 *Grow commitment to and influence in the neighborhood from local owners, long-term investors, and residents* by increasing the number of long-term homeowners and community controlled homes in the Tree Streets.

Best,  
Misty