

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 20, 2012

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D'Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Councilor Butler read the LYAC update for this meeting and stated the members are editing the homeless youth documentary about the 200 homeless youth in Lewiston and it is a very emotional and difficult project to work on. The group is hoping it will be done by December 15 and will be shown in January.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

RESOLVE ACCEPTING A DONATION FROM AARON'S OF LEWISTON FOR THE PURPOSE OF SPONSORING THE BASKETBALL PROGRAM AT THE LEWISTON RECREATION DEPARTMENT

VOTE (310-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Resolve accepting a donation from Aarons' of Lewiston for the purpose of sponsoring the Basketball Program at the Lewiston Recreation Department:

Whereas, Aaron's is a company dedicated to community outreach and supporting community programs; and

Whereas, Aaron's is donating \$500 to purchase new basketball equipment in support of the Recreation Department's basketball program;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to accept the donation in the amount of \$500 from Aaron's of Lewiston for the purpose of purchasing equipment for the Basketball Program.

Be it Further Resolved that the City Council expresses its thanks and appreciation to Aaron's of Lewiston and their employees for their contribution.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (311-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of the proceeds from the sale of a 2002 BMW 3001, or any portion thereof, less administrative fees, in the case of the US Department of Justice Drug Enforcement Administration vs. David Leonard, case reference CE-12-0047, 12-DEA-572998; the transfer of 11.43%, less administrative fees, of \$4098 or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. David Jones, case reference CE-12-0050, 12-DEA-571372. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program'. Passed - Vote 7-0

RESOLVE MAKING AN APPROPRIATION IN MUNICIPAL BUDGET YEAR 2013 TO PURCHASE AN ADDITIONAL CRIMINAL INVESTIGATION VEHICLE FROM STATE DRUG FORFEITURE FUNDS

VOTE (312-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Resolve making an Appropriation for municipal budget year 2013 to purchase an additional Criminal Investigation vehicle from State Drug Forfeiture Funds:

WHEREAS, during budget deliberations, the City Council approved a General Fund budget reduction of \$19,400 for the purchase of a second Criminal Investigation vehicle; and

WHEREAS, it was the intention of the City Council to fund the second Criminal Investigation vehicle purchase with a State Drug Forfeiture appropriation; and

WHEREAS, the State Drug Forfeiture account has available funds with which to purchase a second vehicle;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that \$21,400 is hereby appropriated to purchase a second Criminal Investigation vehicle with State Forfeiture Funds.

Passed - Vote 7-0

TO AUTHORIZE THE CITY ADMINISTRATOR TO APPLY FOR AND RECEIVE A PROJECT CANOPY GRANT FOR THE DEVELOPMENT OF A MCMAHON ELEMENTARY SCHOOL NATURE TRAIL

VOTE (313-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to apply for and accept a Project

Canopy Grant for the development of a McMahon Elementary School Nature Trail:

Whereas, the City recently harvested a 60 acre woodlot behind McMahon Elementary School as part of the City's Urban Forest program; and

Whereas, the Maine Forest Service recently announced applications were being solicited for USDA Forest Service grants under the Project Canopy Program for Planning and Education; and

Whereas, development of a nature trail near the school meets all of the goals of the Project Canopy grant program; and

Whereas, the maximum grant application is for a total project cost of \$20,000 with a requirement of a 50% local match; and

Whereas, the proposed \$10,000 local match can be in the form of in-kind services such as volunteer and staff labor and equipment costs; and

Whereas, an application was submitted to meet grant program deadlines; and

Whereas, the proposed project grant funding would be used to clear trails of wood and debris, mark the trails, build bridges and improve trail surfaces with steps, retaining walls, and woodchips where necessary; and

Whereas, an amphitheater or outdoor classroom to be used by teachers or students will be created; kiosks and trail map boards will be installed; and the trails will be GPS located and plotted on the City GIS and maps trail users can use will be created;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is Authorized to apply for the Project Canopy Grant and, if approved, to accept and execute the grant according to the application.

Passed - Vote 7-0

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

RESOLVE PROVIDING DIRECTION ON THE FUTURE OF PETTINGILL SCHOOL AND PROPERTY

VOTE (314-2012)

Motion by Councilor Butler, seconded by Councilor D'Auteuil:

Whereas, the School Department returned the Pettingill School and surrounding property to the City in 2008; and

Whereas, prior to taking this action, a Committee established by the School Department determined that the school building was not an appropriate candidate for reuse due to the estimated costs of upgrades for continued occupation, the small size of the site; and current zoning restrictions; and

Whereas, after the property was returned, the City received no responses when reuse proposals were formally solicited; and

Whereas, this year, the Pettingill Building was further evaluated by the School Department for potential reuse as a school in response to escalating enrollments and the City evaluated it as a potential location for programs then operating from the Multi-Purpose Center; and

Whereas, both of these evaluations concluded that the cost to return the building to use was prohibitive; and

Whereas, after several parties approached the City expressing a potential interest, a second request for proposals was recently issued that resulted in two responses, one which was unacceptable due to the proposed density of redevelopment and a second that was subsequently withdrawn; and

Whereas, the school building has now been vacant and unheated for five years, resulting in additional deterioration; and

Whereas, the building now constitutes a blight and potential public safety hazard; and

Whereas, residents in the area have expressed a desire to retain the existing playground and green space as a neighborhood amenity; and

Whereas, it is appropriate that the Council establish a direction for staff to pursue regarding the future of the building and its associated property;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that City staff is hereby directed to take steps that will lead to the demolition of the Pettingill School Building. Toward this end, staff shall develop and submit such a project as an element of the next Lewiston Capital Improvement Plan.

Be it Further Resolved, that the City Council also desires to pursue residential development on portions of the former Pettingill School land while retaining a playground and green space as a neighborhood amenity. Toward this end, staff shall develop a proposed redevelopment plan that will address the following questions:

What portion of the Pettingill Property should be set aside for playground and green space purposes?

Where within the overall property should the playground/green space be located?

How many housing lots should be considered?

How should the residential portion of the property be subdivided?

A project for the relocation/development of the playground/green space area of this property shall be prepared and submitted as an element of the next Lewiston Capital Improvement Plan.

Be it Further Resolved, that in order to allow time for interested parties in the Pettingill neighborhood to explore alternatives and participate in the proposed redevelopment plan, no part of the Pettingill property shall be sold by the City prior to July 1, 2013.

Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT FOR RONDEVU, INC., 16-18 PARK STREET

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

VOTE (315-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit to Rondevu, Inc., 16-18 Park Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE RAMADA CONFERENCE CENTER, 490 PLEASANT STREET

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

VOTE (316-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To grant a special amusement permit for live entertainment to The Ramada Conference Center, 490 Pleasant Street. Passed - Vote 7-0

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

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

VOTE (317-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to LBK Events, LLC, 1 Bates Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SEA ASIAN BISTRO, 40 EAST AVENUE

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

VOTE (318-2012)

Motion by Councilor Christ, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to Sea Asian Bistro, 40 East Avenue. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE DOWNTOWN HOLIDAY CELEBRATION

VOTE (319-2012)

Motion by Councilor Christ, seconded by Councilor Butler:

To conduct a public hearing on an application for an outdoor music concert to be held at Courthouse Plaza on November 26, 2012, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Downtown Holiday Celebration Committee for an outdoor music concert, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

HEARING ON AN APPEAL FOR A DENIAL OF A TATTOO ARTIST LICENSE

Mayor Macdonald opened the public hearing to receive citizen input and comment. Applicant Aaron Aldrich provided his background information and noted he has been working in Old Orchard Beach as a tattoo artist and has a job offer with a shop in Lewiston. Mayor Macdonald then closed the hearing.

VOTE (320-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To continue the hearing to the December 4 City Council meeting to allow time for the applicant to secure the transfer of his state license from Old Orchard Beach to Lewiston. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING THE REPEAL OF THE INFORMED GROWTH ACT ORDINANCE

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

VOTE (321-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve first passage of the proposed repeal of Section 14 “Additional standards for large scale retail development”, of the Lewiston Zoning and Land Use Code, and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 6-1 (Councilor Saddlemire opposed)

RECEIVE AND REVIEW A REPORT FROM THE PLANNING BOARD REGARDING THE ESTABLISHMENT OF A BUSINESS TRANSITION ZONE

VOTE (322-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To receive and review a report from the Planning Board regarding the establishment of a Business Transition Zone as part of the City's Zoning and Land Use regulations.

Passed - Vote 7-0

RECEIVE AND REVIEW A REPORT FROM THE PLANNING BOARD REGARDING THE ESTABLISHMENT OF A PARKS AND RECREATION ZONING DISTRICT

VOTE (323-2012)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To receive and review a report from the Planning Board regarding the establishment of a Parks and Recreation Zone as part of the City's Zoning and Land Use regulations.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No Other Business was presented at this time.

EXECUTIVE SESSIONS

VOTE (324-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:00pm and ended at 8:28pm.

VOTE (325-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

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

Passed - Vote 7-0

Session began at 8:29pm and ended at 8:53pm.

VOTE (326-2012)

Motion by Councilor Christ, second by Councilor Cayer:

CITY COUNCIL

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To adjourn at 8:54P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine