

**CITY OF LEWISTON**

**CITY COUNCIL**

**DECEMBER 4, 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, Libby, Christ, Saddlemire, and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilors D'Auteuil and Cayer.

**EXECUTIVE SESSION**

**VOTE (327-2012)**

Motion by Councilor Butler, seconded by Councilor Christ:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (c), to discuss an Economic Development issue regarding Contract Negotiations, of which the premature disclosure of the information about prejudice the competitive bargaining position of the City  
Passed - Vote 5-0

Regular Meeting began at 7:00pm

Pledge of Allegiance to the Flag.  
Moment of Silence.

**PUBLIC COMMENT PERIOD**

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

**ADOPTION OF A NEW CIT POLICY REGARDING A WHISTLEBLOWER POLICY**

**VOTE (328-2012)**

Motion by Councilor Libby, seconded by Councilor Butler:

To establish and adopt a City of Lewiston Whistleblowers Policy, Policy Manual Number 93, as recommended by the City Administrator. Passed - Vote 5-0

**ADOPTION OF A NEW CITY POLICY REGARDING AN ETHICS POLICY**

**VOTE (329-2012)**

Motion by Councilor Libby, seconded by Councilor Butler:

To establish and adopt a City of Lewiston Ethics Policy, Policy Manual Number 94, as recommended by the City Administrator. Passed - Vote 5-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR THE MANAGEMENT AND DISPOSAL OF SEPTIC AND HOLDING TANK WASTE WITH THE LEWISTON-AUBURN WATER POLLUTION CONTROL AUTHORITY**

**VOTE (330-2012)**

Motion by Councilor Libby, seconded by Councilor Butler:

To adopt the Order authorizing the City Administrator to execute an agreement for the management and disposal of septic and holding tank waste with the Lewiston-Auburn Water Pollution Control Authority:

Whereas, municipalities are required to provide disposal facilities for domestic septic and holding tank waste generated within its boundaries; and

Whereas, for many years, the City has met this requirement through an agreement with the Lewiston-Auburn Water Pollution Control Authority (LAWPCA); and

Whereas, the current five year agreement will expire at the end of this calendar year; and

Whereas, entering into a new five year agreement under similar terms and conditions is the most cost effective method for the City to meet this obligation.

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement for the management and disposal of septic and holding tank waste with the Lewiston-Auburn Water Pollution Control Authority in a form substantially as attached hereto.

Passed - Vote 5-0

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

Mayor Macdonald opened the public hearing to receive citizen input and comment. Mr. Aldrich provided background information on himself, his criminal past history and his past and current employment history, noting he has worked for several years in Old Orchard Beach as a tattoo artist and recently moved to the Lewiston area with his family. The owner of the studio that will employ him also spoke in support of Mr. Aldrich's application. The Chief of Police expressed concerns noting the violent crime and physical attack Mr. Aldrich committed on a store clerk which is why he has been in prison for several years. Mr. Aldrich acknowledged this case, noting his past drug abuse but stated he is clean now and has been for the past several years. He said he is still waiting to receive a copy of his state license, but he does have a valid one. The Mayor then closed the hearing.

**VOTE (331-2012)**

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the issuance of a city tattoo license to Aaron Aldrich contingent upon the receipt and

presentation of a copy of his state tattoo license. Passed - Vote 5-0

**PUBLIC HEARING AND FINAL 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 this issue. The Mayor then closed the hearing.

**VOTE (332-2012)**

Motion by Councilor Butler, seconded by Councilor Christ:

To approve final passage of the proposed repeal of Section 14 “Additional standards for large scale retail development”, of the Lewiston Zoning and Land Use Code.

Passed - Vote 4-1 (Councilor Saddlemire opposed)

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS**

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

**VOTE (333-2012)**

Motion by Councilor Saddlemire, seconded by Councilor Libby:

That the proposed amendment to Appendix A, Article XII, “Performance Standards”, Section 16, “Signs”, of the Cit Zoning and Land Use Code, concerning the time limits for the placement of political signs outside of the public right-of-way, receive final passage by a roll call vote.

Passed - Vote 5-0

**PUBLIC HEARING ON A BOND ISSUE TO ISSUE REFUNDING BONDS FOR THE CITY’S GENERAL OBLIGATION BONDS ISSUED IN 2003**

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

**VOTE (334-2012)**

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To conduct a Public Hearing to receive citizen input, and to approve the Order authorizing the issuance of refunding bonds in the amount of \$5,260,000 for the purpose of refunding the City’s General Obligation Bonds Series A dated June 5, 2003:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEWISTON THAT the Mayor and City Treasurer are authorized to issue refunding bonds in a principal amount not to exceed \$5,260,000 in order to refund all or part of the principal of and interest on the City's General Obligation Bonds, Series A, dated June 5, 2003 and to pay any redemption premiums thereon and costs of issuance;

Be It Further Ordered, That the City Council instruct the Finance Director to advertise for bids for the bonds or negotiate the sale of the bonds with any qualified purchaser; to award the loan; and to employ Edwards Wildman Palmer LLP to furnish the legal opinion for the same;

Be It Further Ordered, That the bonds shall be signed by the City Treasurer and Mayor;

Be It Further Ordered, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

Be It Further Ordered, That bonds hereunder may be subject to call for redemption or refunded on such terms as may be determined by the Finance Director.

Passed - Vote 5-0

**ORDER AUTHORIZING APPLICATION FOR, ACCEPTING AND APPROPRIATING  
THE FY2012 HOMELAND SECURITY GRANT AWARD IN THE AMOUNT  
OF \$98,144.43**

**VOTE (335-2012)**

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing the application for, accepting and appropriating the FY2012 Homeland Security Grant Award of \$98,114.43:

Whereas, the Fire Chief has prepared and presented the FY2012 Lewiston Homeland Security Grant Program to the City Council and the City Administrator; and

Whereas, the Fire Chief will submit grant applications in line with the FY2012 Homeland Security Program to the Maine Emergency Management Agency; and

Whereas, if approved for award, these funds must be formally accepted and appropriated for the purposes specified in the application;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the Fire Chief is hereby authorized to apply for a FY2012 Homeland Security Grant Award in the amount of \$98,114.43 and for purposes consistent with the program's guidelines.

Be it further Ordered, that upon approval of the grant application by the Maine Emergency Management Agency, the grant is hereby accepted and appropriated for the purposes identified in the grant application.

Passed - Vote 5-0

**RESOLVE WAIVING TAX LIEN FORECLOSURE ON CERTAIN  
DISTRESSED PROPERTIES**

**VOTE (336-2012)**

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Resolve waiving tax lien foreclosure on certain distressed properties:

WHEREAS, the City has a long and successful history of working with property owners who have difficulty meeting their property tax obligations; and

WHEREAS, tax liens automatically mature on property on which taxes have not been paid eighteen months after the City files liens against them; and

WHEREAS, once liens mature, the City becomes the technical owner of these properties; and

WHEREAS, this process is established by State Law to ensure that the City is paid the taxes owed, at which time the property is normally returned to its prior owner; and

WHEREAS, if a property on which a lien has matured is abandoned by its prior owner for a period of 60 days, the City may become liable for costs associated with the demolition and removal of distressed structures and/or any claims for damages that might arise as a result of the condition of or hazards posed by the property; and

WHEREAS, in certain instances, especially where structures are located on leased land, the City may be unable to recover back taxes and demolition or other costs associated with such properties; and

WHEREAS, in such instances, it may be in the best interest of the City to waive foreclosure while alternatives are sought to address these problem properties, including working with property and leased-land owners; and

WHEREAS, a number of distressed properties located on leased land on which liens may mature on December 17, 2012 have been identified; and

WHEREAS, it is in the best interest of the City that foreclosure on these properties be waived;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that lien foreclosure is hereby waived on the following distressed properties located on leased land:

1. 398 Lincoln Street – Structure owner: Peggy/Clifton Cummings, AcctNo 11A00007681
2. 2161 Lisbon Street, Lot 3 – Structure owner: Jameely Fellows, AcctNo 11A90000293
3. 229 Lincoln Street – Structure owner: Jeff Higgins, AcctNo 11A00007213
4. 390 Lincoln Street – Structure owner: Wayne Ivy, AcctNo 11A00007854
5. 7 Willow Circle – Structure owner: Deborah Labrie, AcctNo 11A00003788
6. 248 Lincoln Street – Structure owner: M& L Real Estate, AcctNo 11A00006825
7. 586 Pleasant Street, Lot 10 – Structure owner: Crystal Muncey, AcctNo 11A90000216
8. 233 Lincoln Street – Structure owner: April/William Pratt, AcctNo 11A00010179
9. 2161 Lisbon Street, Lot 27 – Structure owner: Scott Russell, AcctNo 11A90000072
10. 23 Sarah Avenue – Structure owner: John Schnopp, AcctNo 119A0011915

Passed - Vote 5-0

**REPORTS AND UPDATES**

- 1) Phase I Improvements – Riverfront Island Master Plan – The City Administrator provided the update noting there is \$720,000 from the grant funds that is remaining for the implementation of the Riverfront Plan. Development plans include the entry way to Simard-Payne Park and a walkway from Simard-Payne Park along the river.

**OTHER BUSINESS**

The City Administrator provided an update on the county dispatch issue and noted the county budget committee is meeting tomorrow evening and will be looking at different options. Councilor Desjardins asked for an update on the Bates Mill Number 5 building noting it is time to take action and the Council has had it as a goal for over a year. The City Administrator said that staff has been reviewing that project and it will be an item in the LCIP budget presented in January.

**EXECUTIVE SESSION**

**VOTE (337-2012)**

Motion by Councilor Butler, seconded by Councilor Christ:

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

Passed - Vote 5-0 Session began at 7:25pm and ended at 8:05pm.

**VOTE (338-2012)**

Motion by Councilor Libby, second by Councilor Christ:

To adjourn at 8:06P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine