

# CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 2, 2016

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, 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

The LYAC representative welcomed Councilor Golden as their Council liaison. She also reported they are working on additional projects for their "Do You Do Lew?" program and these new projects will focus on youth involvement within the community.

Councilor Lajoie stated he did not vote for the Hoverboard Policy as noted in the January 19 minutes. Councilor Lachance questioned if other Councilor seconded an item on another vote. The DVD recording will be checked to clarify these two items and the minutes will be corrected to reflect the correct Council actions.

### VOTE (28-2016)

Motion by Councilor Lachance, seconded by Councilor Lajoie:

To dispense with the reading of the minutes of the meeting of January 19, 2016 and to accept and place them on file as prepared by the City Clerk, pending a review of the meeting recording for clarification on two items. Passed - Vote 7-0

### PUBLIC COMMENT PERIOD

Elaine Makas of Sheffield Avenue spoke about the recent pedestrian deaths and her concern about the increase in these types of deaths. She asked if there could be a review of some of these intersections to see if warning lights, better lighting, more crosswalks and so forth are needed.

### ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 84 SUMMER STREET

### VOTE (29-2016)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 84 Summer Street:

Whereas, the owner, F IS IN LLC, failed to pay their real estate tax bill on a timely basis at 84

Summer Street (Tax Map 206, Lot 079, Parcel 00-001655); and

Whereas, a tax lien was filed on June 18, 2014 (Book 8934 Page 95) and matured on December 18, 2015 in the amount of \$2,069.23; and

Whereas, payment was received in full on January 14, 2016; and

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that issuance of a quitclaim deed for 84 Summer Street to release the City's interest in the property to the owner is hereby authorized.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 10 TURGEON STREET**

**VOTE (30-2016)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 10 Turgeon Street:

Whereas, the owners, Meaghan M. and Jason R. Vallee, failed to pay their utility bill on a timely basis at 10 Turgeon Street (Tax Map 119, Lot 152, Parcel 00-000188); and

Whereas, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 127) and matured on June 7, 2015 in the amount of \$104.27; and

Whereas, payment has been received in full;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that the issuance of a quitclaim deed for 10 Turgeon Street to release the City's interest in the property to the new owner is hereby authorized.

Passed - Vote 7-0

**APPOINTMENT TO THE AUBURN-LEWISTON CABLE TELEVISION ADVISORY COMMITTEE**

**VOTE (31-2016)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To confirm the Mayor's nomination of Sylvie St. Amand of 6 Marcotte Avenue, to serve as a member of the Auburn-Lewiston Cable Television Advisory Board and to appoint Ms. St. Amand as a member of the Board for a two year term, said term to expire January 9, 2018.

Passed - Vote 7-0

**APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES**

**VOTE (32-2016)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To confirm the Mayor's nomination of Sarah Yasin of 147 College Street to serve as a member of the Board of Library Trustees and to appoint Ms. Yasin as a member of the Board of Library Trustees for a three year term, said term to expire January 8, 2019. Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (33-2016)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

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 \$3,509.00, or any portion thereof, in the case of the State of Maine vs. Shane Hardy, CR-15-687 Court Records, and the transfer of \$1,529.00, or any portion thereof, in the case of the State of Maine vs. Everton Jones, CR-14-440 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CAGE, 97-99 ASH STREET**

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

**VOTE (34-2016)**

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To grant a Special Amusement permit for live entertainment to The Cage, 97-99 Ash Street. Passed - Vote 7-0

At this time, the Mayor took agenda item 9 out of order and the Council addressed it at this time.

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PURCHASE OPTION EXTENSION WITH BATES MILL LLC REGARDING BATES MILL # 5**

Lincoln Jeffers, Director of Economic and Community Development, presented information regarding this project. Councilor Lajoie presented the below amendment to the Order. Councilors discussed the merits of the amendment and the impact of the timeline change. The following residents also commented on the proposed amendment:

- 1) Robert Reed, 58 Albert Street – The City has been dealing with this issue for ten years and the building has been unused for twenty years. Nothing has been happening with the

building and there is no progress. There should be a non-binding citizen referendum on how to dispose of the building and best use of the property.

- 2) Robert Faunce, local land use planner and former Lewiston City Planner until 1985 - Mill was employing 3000 people at its peak and he is excited about the current re-development proposals, the direction the city takes on the building will define the city for years, he encouraged the one year extension on the plan.
- 3) Shanna Cox, 119 Ash Street – Thank you to Council for their work on this project, this project defines community engagement, the proposal is mixed-use, this will be a defining moment in the community, she encouraged the Councilors to show confidence and to set a new path for Lewiston
- 4) Mark Cayer, 97 Summit Avenue – At first, he wanted to demolish the building but then changed his mind with the development proposals from Grow L/A, and is now in support of saving the building.
- 5) Sandy Marquis, 78 Essex Street – Mr. Platz has a great track record of development and doing good quality projects in Lewiston, she has confidence in his work.
- 6) Gentleman from 17 Cherrywood Drive – This project is a huge investment that Mr. Platz is making and he is the only one who can move this forward, no one else can do this.

**VOTE (35-2016)**

Motion by Councilor Lajoie, seconded by Councilor Lachance:

To amend the Order to change the extension timeline from 1 year to 60 days. Furthermore to schedule a Joint Workshop with the Planning Board, Finance Committee and City Council within 45 days to hear the Bates Mill, LLC proposal and progress on the Bates Mill #5 project to date so members of those groups can review the proposal and ask questions. This workshop will be open to the public and will allow public comments. Did Not Pass – Vote 2-5 (Councilors Lajoie and Lachance in favor)

**VOTE (36-2016)**

Motion by Councilor Beam, seconded by Councilor Golden:

To approve the Order authorizing the City Administrator to execute a Purchase Option Extension with Bates Mill LLC regarding Bates Mill #5:

Whereas, the City of Lewiston owns Bates Mill #5; and

Whereas, the building has long been vacant and past efforts to find a suitable tenant or qualified developer to redevelop the building have not been successful; and

Whereas, The City of Lewiston entered into a 12 month Option Agreement with Bates Mill, LLC on February 18, 2015 in which the City agreed to transfer ownership of Bates Mill #5; and

Whereas, since that time, Thomas Platz (dba Bates Mill LLC) and his team have been engaged in engineering and architectural design, historic preservation tax credit eligibility, legal, financial feasibility, and other due diligence related to redevelopment of the building for use by a variety of commercial tenants; and

Whereas, discussions with and design work for prospective tenants have continued, resulting in an increase in both the level and size of tenant interest and commitment to the project; and

Whereas, these efforts have resulted in the issuance of a Letter of Intent from the YMCA to lease approximately 75,000 square feet and a Letter of Intent from Central Maine Health Care to lease approximately 60,000 square feet in Mill 5; and

Whereas, both of the Letters of Intent note corporate approvals to go forward with the project are expected to occur early in the second quarter of 2016; and

Whereas, Bates Mill, LLC's efforts have generated a significant amount of other tenant interest for space in Mill #5 by a bakery, an office user, and others who are not yet public in their intent; and

Whereas, while much progress has been made in the way of design and tenant interest, more time is needed to develop construction drawings, complete civil design work, receive state and local development review approvals, negotiate and execute lease agreements, structure, and secure financing commitments for an estimated \$70 million private sector investment in the project which will include identifying and meeting the requirements so the project can receive state and federal historic tax credits; and

Whereas, Bates Mill, LLC has requested that the Option Agreement to acquire Bates Mill #5 be extended for an additional 12 months;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the attached Extension of the Option Agreement with Bates Mill LLC to purchase Bates Mill #5; and, furthermore, staff is directed to continue negotiating a Joint Development Agreement, Tax Increment Financing Agreement, and Bates Mill Parking Agreement Amendment with Bates Mill LLC, which will be considered for action at a future City Council meeting.

Passed - Vote 5-2 (Councilors Lajoie and Lachance opposed)

**PUBLIC HEARING AND FINAL PASSAGE FOR RE-ZONING OF THE PROPERTY  
AT 2-4 AVON STREET**

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

**VOTE (37-2016)**

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

That the proposed amendment to rezone a portion of the property at 2-4 Avon Street from the Resource Conservation (RC) District to the Urban Enterprise (UE) District, receive final passage by a roll call vote. Passed – Vote 7-0

**PUBLIC HEARING FOR THE FISCAL YEAR 2017 LEWISTON CAPITAL  
IMPROVEMENT PROGRAM**

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

**AMENDMENTS TO THE POLICY MANUAL REGARDING THE LEWISTON  
YOUTH ADVISORY COUNCIL**

Luke Jensen of 45 Sylvan Avenue spoke in support of these changes and applauded the Youth Council for reviewing their bylaws and bringing these suggestions forward to the Council.

**VOTE (38-2016)**

Motion by Councilor Cloutier, seconded by Councilor Golden:

To approve the proposed amendments to the Lewiston Youth Advisory Council Policy, Policy Manual Number 74, as requested by the Lewiston Youth Advisory Council and their advisors.  
Passed - Vote 7-0

**RESOLVE AUTHORIZING THE FIRE CHIEF TO APPLY FOR A STAFFING FOR  
ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT TO INCREASE  
FIRE DEPARTMENT STAFFING**

Councilors Cloutier and Golden made motions to amend the Order to request 4 positions in the grant application, but then withdrew their motion.

**VOTE (39-2016)**

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the Resolve Authorizing the Fire Chief to apply for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant to increase Fire Department staffing:

Whereas, the Federal Government offers grants through the SAFER program that can support recruiting and hiring additional firefighters; and

Whereas, if a grant is awarded, it provides 100% funding for the additional positions for up to two years; and

Whereas, increasing staffing from three to four on the engine and ladder stationed at Central Fire would recognize the higher fire exposure in the areas served by Central and improve fire crew effectiveness in a number of areas, assisting the department in minimizing property damage, injuries, and loss of life;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Fire Chief is hereby authorized to submit a grant application through the Staffing for Adequate Fire and Emergency Response (SAFER) Grant program to increase Fire Department Staffing by 8

positions, these positions to be used to increase staffing levels on the Engine and Ladder operating from Central Fire Station.

Passed - Vote 7-0

**UPDATE FROM THE LEWISTON SCHOOL COMMITTEE**

Councilor Cloutier said the School Committee recently reviewed field trip requests and have been working on how best to provide professional development to teachers. She noted that Louis Turcotte is the new Facilities Director for the School Department.

**REPORTS AND UPDATES**

Deputy City Administrator Nadeau reported the Transit Committee approved setting aside \$90,000 for a bus station.

**OTHER BUSINESS**

**VOTE (40-2016)**

Motion by Councilor Lachance, seconded by Councilor Lajoie:

To hold a Joint Workshop with the City Council, Planning Board and Finance Committee to review the proposed Bates Mill #5 development and to hold this workshop as soon as possible but no later than 30 days from now. Passed - Vote 4-3 (Councilors Golden, Beam and Lysen opposed)

**EXECUTIVE SESSION**

**VOTE (41-2016)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

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

Executive Session began at 8:35pm and ended at 9:02pm.

**VOTE (42-2016)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 7-0

Executive Session began at 9:02pm and ended at 9:45pm.

**CITY COUNCIL**

**FEBRUARY 2, 2016**

**VOTE (43-2016)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adjourn at 9:45P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine