

CITY OF LEWISTON

CITY COUNCIL

MARCH 15, 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 group is working on updating the positive image campaign called "Do You Do Lew?" and are working on creating a youth video about what kids love about Lewiston. They are planning to go to Farwell School on March 21 to shoot this video. They are also working on developing a student art show and preparing Lewiston t-shirts. Applications to serve on LYAC next year are being accepted currently and the deadline is May 9.

VOTE (71-2016)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To dispense with the reading of the minutes of the meeting of March 1, 2016 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (72-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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 items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the eight cases listed on the Police Department memo the agenda material. 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' account. Passed - Vote 7-0

ACCEPTING A GRANT FROM THE STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, WATERSHED BASED PLAN IMPLEMENTATION FOR THE

URBAN IMPAIRED STREAM OF HART BROOK

VOTE (73-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve Accepting a Grant from the State of Maine Department of Environmental Protection for Nonpoint Source Pollution Control Projects, Watershed Based Plan Implementation for the Urban Impaired Stream of Hart Brook:

Whereas, the City of Lewiston has a Watershed Management Plan for Hart Brook that details activities and projects to improve its water quality and manage development in the watershed; and

Whereas, City of Lewiston Engineering staff have successfully applied to the DEP for a grant to provide funding to help implement the watershed-based plan to protect Hart Brook, which is threatened by Nonpoint Source Pollution; and

Whereas, the grant is funded in the amount of \$94,000 by the United States Environmental Protection Agency (EPA) under the Federal Clean Water Act Sections 319(h); and

Whereas, the grant has a local match requirement of \$66,647, which is currently funded and in place from the FY15 and FY16 LCIPs; and

Whereas, the Engineering staff intends to use the funds to design and construct a sub-surface stormwater treatment system within the Hart Brook Watershed;

Now, therefore, be it resolved by the City Council of the City of Lewiston that a State of Maine Department of Environmental Protection (DEP) grant of \$94,000 is accepted for the purpose of assisting the City in the implementing the Hart Brook Watershed Management Plan and providing water quality protection to Hart Brook.

Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR APPLE VALLEY GOLF COURSE, 315 PINWOODS ROAD

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

VOTE (74-2016)

Motion by Councilor Lysen, seconded by Councilor Golden:

To authorize the City Clerk's Office to approve a new liquor license application for Apple Valley Golf Course, 315 Pinewoods Road. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR PURE THAI KITCHEN, 65 COLLEGE STREET

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

VOTE (75-2016)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To authorize the City Clerk’s Office to approve a new liquor license application for Pure Thai Kitchen, 65 College Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CARLTON CLUB, INC., 25 SABATTUS STREET

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

VOTE (76-2016)

Motion by Councilor Golden, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to the Carlton Club, Inc., 25 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE AMENDMENTS REGARDING FITNESS AND RECREATIONAL SPORTS CENTERS

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

VOTE (77-2016)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

That the proposed amendment to Appendix A, Article XI “District Regulations” of the City Zoning and Land Use Code, concerning fitness and recreational sports centers, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular meeting for final passage. Passed – Vote 7-0

AMENDMENTS TO THE FACILITY USE POLICY REGARDING THE USE OF THE AMPHITHEATER AND GAZEBO

VOTE (78-2016)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To approve the proposed amendments to the Facility Use Policy, Policy Manual Number 28, as recommended by the City Administrator and the Recreation Division. Passed - Vote 7-0

ORDER APPROVING THE THIRD EXTENSION OF THE PURCHASE AND SALE AGREEMENT FOR 139 AND 155 BARTLETT STREET AND 116 AND 122 PIERCE STREET

Councilor Lajoie suggested changing the target closing date listed in the Order from May 31, 2016 to August 1, 2016 in order to allow for any contingencies or unforeseen issues to be addressed. The Council concurred with this change and agreed to replace the date of May 31 with August 1.

VOTE (79-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adopt the Order approving the Third Extension of the Purchase and Sale Agreement for 139 and 155 Bartlett Street and 116 and 122 Pierce Street:

Whereas, St. Laurent Housing Associates was the owner of a 29 unit affordable housing project known as Pierce Place which was located on Pierce and Bartlett Streets; and

Whereas, Pierce Place was destroyed by an arson fire in May 2013; and

Whereas, St. Laurent Housing Associates (dba Pierce Place Associates L.P.) is endeavoring to rebuild the project and, because of changes in zoning requirements, needs twice as much land as they already owned in order to meet per unit lot size standards; and

Whereas, the City owns 139 and 155 Bartlett Street and 116 and 122 Pierce Street, which abut the Pierce Place project site; and

Whereas, the City issued and actively solicited responses to a competitive Request for Proposals to purchase the city owned with a combined minimum bid price requirement of \$37,500; and

Whereas, Pierce Place Housing Associates was the only respondent to the Request for Proposals, bidding a total of \$61,000 for the City owned parcels; and

Whereas, the City Council approved the sale of the properties to St. Laurent Housing Associates at their January 6, 2015 meeting and subsequently entered into a Purchase and Sale Agreement with Pierce Place Associates L.P. (St. Laurent's assignee) for its acquisition of the properties; and

Whereas, Pierce Place Associates has moved forward with all due haste to perform as required under the terms of that agreement, having secured Planning Board approval for reconstruction of Pierce Place and completed title research and other due diligence; and

Whereas, as a result of delays beyond the control of the Developer, the Lewiston City Council has twice previously voted to extend the date of closing under the agreement from August 31, 2015 to October 30, 2015 and then to March 31, 2016; and

Whereas, Pierce Place Associates has worked to value engineer and rebid the project, the result

of which was more favorable bids and the execution of a construction contract for Pierce Place with Hebert Construction; and

Whereas, financing commitments for the project have been received, and attorneys for the City, Developer, and lenders are proceeding in due haste to transfer the City owned real estate in accordance with the terms of the Purchase and Sale and extensions; and

Whereas, those attorneys have identified that the closing cannot go forward without a written approval from the U.S. Department of Housing and Urban Development for the reconfiguration of the housing units from their configuration at the time of the fire and of related approvals dependent upon the reconfiguration approval; and

Whereas, receipt of these approvals are being diligently pursued and are expected, but cannot be assured, prior to March 31, 2016; accordingly, the developer has requested that the closing date on the city owned real estate be extended to May 31, 2016;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the requested extension of the closing date be granted and that the City Administrator be authorized to execute the *Third Extension to Purchase and Sale Agreement* effectuating that change, a copy of which is attached hereto.

Passed - Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported the School Committee has started holding their budget sessions for the FY17 budget preparation.

REPORTS AND UPDATES

The City Administrator reminded the Council that the city budget sessions will be starting up at the end of this month and the Council will be meeting every Tuesday and Thursday to work on the budget review.

OTHER BUSINESS

The Mayor reported that the Mayors' Coalition met recently and that next week he will be meeting with the Governor and Gene Geiger, chairperson of the Joint Charter Commission, to discuss the consolidation efforts.

EXECUTIVE SESSION

VOTE (80-2016)

Motion by Councilor Lysen, seconded by Councilor Golden:

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 7:42pm and ended at 8:00pm.

VOTE (81-2016)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

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 8:00pm and ended at 8:16pm.

VOTE (82-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adjourn at 8:17P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine