

CITY OF LEWISTON

CITY COUNCIL

MAY 3, 2005

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

LILLIAN LAFONTAINE O'BRIEN, COUNCIL PRESIDENT PRO-TEM, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Connors, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Mayor Guay and Councilor Bernier were excused/absent this evening.

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (144-2005)

Motion by Councilor Connors, seconded by Councilor Paradis:

To elect Councilor O'Brien to serve as Council President Pro-tem to preside over this meeting. Passed - Vote 5-0

PRESENTATION OF THE ALFRED A. PLOURDE MEMORIAL SCHOLARSHIP

On behalf of Council President Renee Bernier, Councilor Rousseau presented the Alfred A. Plourde Memorial Scholarship to Lewiston High School senior Ryan Reed. Ryan has served on the Lewiston Youth Advisory Council for the past few years and will be attending the University of Maine in Farmington to study teaching. The scholarship award was established in 1990 in memory of former Mayor Ploude, who also served as the City Tax Collector for over twenty years and is presented annually to a student who will be entering the government field.

MONTHLY REPORT FROM THE LEWISTON YOUTH ADVISORY COUNCIL

LYAC member Ryan Reed updated the Council regarding the various current projects of the LYAC. The group is raising funds for an electronic message board to be placed at the high school to announce school and community events. The group has received a matching pledge from the Downtown Advisory Board for this project and Channel 6 did a news feature about the project as well. An application for funding support has been submitted to the Libra Foundation and the group will have a table at the upcoming Business to Business Trade Show to highlight their efforts.

VOTE (145-2005)

Motion by Councilor Paradis, seconded by Councilor Connors:

To dispense with the reading of the minutes of the March 1, 2005, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0

Councilor Mendros arrived at this time.

**PUBLIC HEARING REGARDING THIRD AMENDMENT TO THE WAL-MART
TAX INCREMENT FINANCING AGREEMENT**

Council President Pro-tem O'Brien opened the public hearing. No members of the public spoke for or against this item. Council President Pro-tem O'Brien then closed the hearing. Assistant City Administrator Greg Mitchell made a presentation to the Council to highlight the features of the amendment document, some of which are: 1) to specify that the first phase of the refrigerated portion of the grocery distribution center will be built first and the second phase will include the dry goods portion, 2) it establishes an April 1, 2007 construction completion deadline and guaranteed investment of twenty-five million dollars in personal property value for the second phase, and 3) it does not change the originally agreed to performance penalty based upon a real estate value of twenty and one-half million dollars for the first phase.

VOTE (146-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the City Administrator to execute the attached Amendment to the Agreement for Development Assistance and Tax Increment Financing, dated December 28, 2001 between the City of Lewiston and Wal-Mart Stores, Inc., as amended, and that such amendments to the Agreement be incorporated into a Tax Increment Financing Application submitted to the Maine Department of Economic and Community Development.

Passed - Vote 6-0

**AUTHORIZATION TO PERMIT ALFRED AND YVETTE SILVA TO
CONSTRUCT A PORTION OF REJANE STREET TO DEVELOP IT TO
CITY STANDARDS**

The City Administrator reviewed the background on this item for the Council, noting that sixty feet of the road is laid out in the subdivision plan, but was not built or accepted as a road. He noted that roads are not accepted as public streets until they are built to, and meet, city specifications and standards, as per the Code.

Motion by Councilor Jean, seconded by Councilor Connors:

To accept the remaining portion of Rejane Street, as outlined on the 1979 plan entitled "Revision 2 - Fern Court Estates", as a public easement, to authorize Alfred and Yvette Silva to upgrade this portion of the road to city specifications at their own expense, and to authorize the City Administrator to execute any documents necessary that are related to this matter.

VOTE (147-2005)

Motion by Councilor Connors, seconded by Councilor Rousseau:

To incorporate the legal definition of this section of the road into the agreement with Mr. and Mrs. Silva. Passed -Vote 6-0

Vote on original motion as amended:

VOTE (148-2005)

Motion by Councilor Jean, seconded by Councilor Connors:

To accept the remaining portion of Rejane Street, as outlined on the 1979 plan entitled "Revision 2 - Fern Court Estates", as a public easement, to incorporate the legal definition of the road into the agreement, to authorize Alfred and Yvette Silva to upgrade this portion of the road to city specifications at their own expense, and to authorize the City Administrator to execute any documents necessary that are related to this matter. Passed - Vote 6-0

**ACQUISITION OF PROPERTY AT 250 BATES STREET KNOWN AS
THE ST. DOMINIC PROPERTY**

Motion by Councilor Connors, seconded by Councilor Jean:

To authorize the City Administrator to purchase the property at 250 Bates Street for the purchase price of \$200,000; to approve the acquisition of the property as defined in the Real Estate Option Agreement; to authorize funding of the acquisition through the issuance of a future bond issue and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

The City Administrator recommended that the Council at this point just authorize him to enter into the Real Estate Option to secure the City's interest in the property, and to come back at a future meeting for the other aspects such as formal acquisition, funding and so forth. Councilor Jean noted that the Agreement states that the church will pay taxes on the property and he was wondering when it became taxable property. Mr. Bennett responded that when the building ceased to be a church or a school, it no longer maintained the exempt status and was taxable.

Barbara Rankins, spokesperson for the Visible Community organization, addressed the Council and stated their group supports the acquisition of the St. Dominic property. They encourage the City to conduct a full inspection of the property and suggested that the City seek input from the area citizens regarding the re-use of the property.

John Smotherman, resident of 36 Thorne Avenue, stated he is not in favor of the City spending another nickel on any real estate without first repairing the roads in town. He stated that the roads are in horrible shape and they should take top priority over entering in any new projects.

Dot Treadwell, resident of 106 Bartlett Street, said that she is in support of this project and recommends that the City relocate Community Concepts to this site.

Councilor Rousseau inquired about the option that the Lewiston Housing Authority had on this property regarding the creation of elderly housing on this site. Community Development Director Jim Andrews stated that LHA was not able to secure all of the necessary federal funding for the project and they released their option on the property.

VOTE (149-2005)

Motion by Councilor Paradis, seconded by Councilor Mendros:

To amend the proposed motion by deleting the following sections: ~~To authorize the City Administrator to purchase the property at 250 Bates Street for the purchase price of \$200,000;~~ to approve the acquisition of the property as defined in the Real Estate Option Agreement; ~~to authorize funding of the acquisition through the issuance of a future bond issue and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.~~ Passed - Vote 6-0

Vote on the original motion as amended:

VOTE (150-2005)

Motion by Councilor Connors, seconded by Councilor Jean:

To authorize the City administrator to execute the Real Estate Option Agreement to secure the City's interest in the property for acquisition of the property. Passed - Vote 6-0.

DISPOSITION OF PROPERTY AT 389 WEBBER AVENUE

Motion by Councilor Paradis, seconded by Councilor Jean:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 389 Webber Street, specifically lot numbers 65, 66, 67, 142, 143, and 144, along with a portion of the proposed Brackett Street right of way, as shown on the Webber Avenue Subdivision Plan, and to sell the property to Denis Latulippe for the purchase price of \$22,500, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and all related documents, substantially in the form as presented, as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Mr. Bennett suggested to insert the phrase "or any corporation owned by Mr. Latulippe" since Mr. Latulippe might have a business that is purchasing the property instead. Mr. Latulippe is planning to develop a residential housing subdivision on this land. The City purchased this land about thirty months ago from Mr. Latulippe, thinking that the land would

be needed for the reservoir water tanks, however the land is not necessary as once thought. Mr. Latulippe requested the opportunity to purchase the land back for use of his subdivision. The Planning Board suggested selling the land at it's current appraised value.

Councilor Mendros made a motion to sell the land back to Mr. Latulippe for the original price of \$20,350, however this motion did not receive a second and did not move forward.

Councilor Rousseau suggested that the City look into land banking and should create a reserve pool with revenue from the sale of land to purchase new land in the future that is needed. Councilor Paradis stated he agrees with Councilor Rousseau. It was recommended that this be a workshop discussion item in the future.

VOTE (151-2005)

Motion by Councilor Connors seconded by Councilor Rousseau:

To insert the phrase: "or any corporation owned by Denis Latulippe". Passed - Vote 6-0

Vote on original motion as amended:

VOTE (152-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 389 Webber Street, specifically lot numbers 65, 66, 67, 142, 143, and 144, along with a portion of the proposed Brackett Street right of way, as shown on the Webber Avenue Subdivision Plan, and to sell the property to Denis Latulippe, or any corporation owned by Denis Latulippe, for the purchase price of \$22,500, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and all related documents, substantially in the form as presented, as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 6-0.

**BUDGET RECOMMENDATIONS FROM FINANCE COMMITTEE REGARDING
THE FISCAL YEAR 2006 BUDGET**

The Finance Director presented the annual budget recommendation from the Finance Committee, which is as follows: "After careful review of the City Administrator and School Committee recommended budget for Fiscal Year 2006, it is recommended to the Mayor and City Council to continue budget deliberations on your current path of reducing the current property tax mil rate of \$27.70 in order to provide property tax relief to the taxpayers of this community, while not reducing the critical services needed by the community and to also carefully scrutinize the authorization of additional debt so as not to negatively impact the budgets of future years."

VOTE (153-2005)

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To receive, review and place on file the recommendation from the Finance Committee regarding the Fiscal Year 2006 budget. Passed - Vote - 6-0

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE LEWISTON POLICE SUPERVISORY COMMAND UNIT

The City Administrator noted that the city is still currently negotiating this contract with the union and hopes to have the issues resolved in the next few weeks. He recommended postponing action on this item until a later meeting.

VOTE (154-2005)

Motion by Councilor Paradis, seconded by Councilor Connors:

To postpone action on this item until a future Council meeting. Passed - Vote 6-0

AUTHORIZATION FOR INTERNAL LOAN FROM THE CITY TO THE COMMUNITY FACILITY CORPORATION

VOTE (155-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

To authorize an advance of \$550,000 from the City's General Fund undesignated fund balance to the Community Facility Corporation, as a loan.
Passed - Vote 5-0-1 (Councilor Mendros abstained)

REPORTS AND UPDATES

No reports or updates were offered at this time.

OTHER BUSINESS

No other business was presented at this time by Councilors, citizens or staff.

VOTE (156-2005)

Motion by Councilor Jean, second by Councilor Mendros:

To adjourn at 8:05 P.M. Passed - Vote 6-0

Following adjournment of the Council meeting, the Councilors entered into a budget workshop to review and discuss the City Administrator's proposed budget adjustments. The workshop ended at approximately 8:30pm.

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine