

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JANUARY 7, 2014**

**6:00 p.m. Inaugural Ceremony at Callahan Hall, Lewiston Library, 200 Lisbon Street
Immediately following Ceremony - Regular Meeting**

Pledge of Allegiance to the Flag.
Moment of Silence.

Acceptance of minutes of the meeting of December 17, 2013.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1.

REGULAR BUSINESS:

1. Adoption of the Rules to Govern the City Council for the ensuing Council year.
2. Public Hearing & Final Passage on amendments to the Traffic and Vehicles Ordinance regarding parking restrictions.
3. Public Hearing & Final Passage on an amendment to the Business Licensing Ordinance to create a Tattoo Artist Appeals Board.
4. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance, on behalf of the Municipal Officers.
5. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all permits for circuses and carnivals, on behalf of the Municipal Officers.
6. Authorization for the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers.
7. Authorization for the City Clerk and/or Deputy City Clerk to sign all applications for utility pole permits, on behalf of the Municipal Officers.
8. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits, on behalf of the Municipal Officers.
9. Authorization for the Finance Director, Tax Collector and Deputy Treasurer to act on behalf of the Municipal Officers regarding deeds, liens and municipal investments.
10. Authorization for City Administration to approve or deny all requests to hang banners and post community event signs on municipal property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers.
11. Authorization for Deputy City Administrator and/or Finance Director to have signatory authority for the City Administrator when the Administrator is unavailable.
12. Order calling for a Special Municipal Election to be held on Tuesday, June 10, 2014 for the purpose of electing three members of the Joint Charter Commission regarding the proposed consolidation of the Cities of Lewiston and Auburn.

13. Appointments to various City boards and committees.
14. Reports and Updates.
15. Any other City Business Councilors or others may have relating to Lewiston City Government.
16. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
17. Executive Session to discuss labor union negotiations regarding the city's six employee unions.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Adoption of the Rules to Govern the City Council for the ensuing Council year.

INFORMATION:

The City Council, at the beginning of each new biennial Council year, is required to adopt rules to govern the Board for the ensuing year. The City Council operates by Robert's Rules of Order, but must adopt rules to govern those issues not covered by Robert's Rules. These Rules can be amended throughout the year by a vote of the Council. These Rules are the same as in previous years.

Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The Rules are a matter of policy established by the Council for the conduct of its business. The City Administrator recommends approval of the requested action.

ETAB/kmm

REQUESTED ACTION:

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To adopt the Rules to Govern the City Council for the period of January 7, 2014 to January 5, 2016 as presented.

**RULES GOVERNING THE CITY COUNCIL
FOR PERIOD 1/07/2014 - 1/05/2016**

Sec. 1. Regular meetings

- (a) **Time:** The City Council shall hold regular meetings on the first and third Tuesday of each month at 7:00 p.m.
- (b) **Place:** All regular meetings of the City Council shall be held in the Council Chambers of the City Building.
- (c) Matters that are appropriate for executive session and which are to be held on evenings of regular City Council meetings shall be scheduled either at a workshop preceding the meeting or immediately following Other Business as the final item on the meeting agenda, except in situations when the City Administrator deems it to be in the best interest of the City to hold the executive session at another time.
- (d) Items shall appear on the agenda in the following standard order of business:

Pledge of Allegiance to the Flag

Moment of Silence

Ceremonial Presentations and Recognitions

Acceptance of meeting minutes

Public Comment period - any member of the public may offer comments regarding issues pertaining to Lewiston City Government; maximum time limit for the full comment period shall be 15 minutes

Consent Agenda

Public Hearings (licenses, ordinance adoptions or amendments, other)

Policy Manual adoptions or amendments

Items requiring adoption or approval

Discussion items (no action required)

Reports and Updates

Any other city business Councilors, staff or members of the public may have relating to Lewiston City Government

- (e) The Mayor is authorized to adjust the standard order of business to accommodate members of the public attending the meeting in regard to an item or items.

Sec. 2. Special meetings

All special meetings shall be called in accordance with Article II, Section 2.10 of the City Charter.

Sec. 3. Agenda

- (a) All agenda items must be in the office of the City Clerk no later than 12:00 Noon on the Wednesday prior to a regular meeting.
- (b) A consent agenda shall be prepared for all regular meetings of the City

RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/07/2014 - 1/05/2016

Council. The consent agenda shall be adopted by a yea and nay vote.

Sec. 4. Presiding officer - call to order

The Mayor, or in the absence of the Mayor, the Council President, shall call the meetings to order. In the absence of the Mayor and Council President, the City Clerk shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present.

Sec. 5. Parliamentary Procedure

- (a) "ROBERT'S RULES OF ORDER" shall be regarded by the Council as the proper authority for parliamentary procedure in conduct of its meetings for the ensuing year, except as otherwise provided herein, or by Charter and may be suspended by a majority vote of the city council at any time.
- (b) Reconsideration of Items - When an item is voted on by the Council, it shall be in order for any member who voted on the prevailing side or who was not present at the time the vote was taken to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Council meeting, but not afterwards. In instances where a majority of those present vote in favor of an item but there are less than the normally required four votes, the prevailing side shall be those who voted against the item. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled Council meeting unless an item to that effect is scheduled on the agenda for such meeting or unless five of the members consent to such reconsideration.

Sec. 6. City Council Teleconference/Video Conference Rules

- (a) Physical attendance by members of the Lewiston City Council at all meetings is encouraged and expected. Council members and the Mayor should make all reasonable effort to be physically present for every meeting. Teleconference procedures may not be routinely used as a substitute for attendance in person. However, physical attendance may not always be possible.
- (b) Teleconferencing" is defined as remote participation by an official in a meeting of the City Council by means which enables the remote official to clearly hear the Mayor, all Council members, the City Clerk, and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk, and the public for the duration of the meeting.
- (c) Physical attendance at meetings contributes to quality dialogue and supports a sound deliberative and decision-making process. Consequently, teleconferencing will only be permitted under the following conditions:

**RULES GOVERNING THE CITY COUNCIL
FOR PERIOD 1/07/2014 - 1/05/2016**

1. a quorum cannot be achieved for a regularly scheduled or special meeting;
 2. one or more member are unable to attend due to absence from the City, employment, or family emergency reasons;
 3. a minimum of three [3] Councilors must be present in person at the meeting location;
 4. an elected official participating by teleconference shall, while actually on the teleconference, be deemed present at the meeting for all purposes. The official shall make every effort to participate in the entire meeting;
 5. if the Mayor participates via teleconference, the Council President, or the Council-appointed presiding officer in the Council President's absence, shall preside over and perform all functions of the Mayor at the meeting; and
- (d) any City Council business, with the exception of items involving public hearings or quasi-judicial proceedings, may be conducted under this policy.
- (e) Where teleconferencing is employed, the Council member requesting to participate via teleconference must provide the City Clerk no less than 24 hours notice of his/her absence in order to participate as a voting member, except in instances where special meetings are called with short notice where a member requesting to teleconference should notify the City Clerk of this request as soon as practicable.
- (f) The following procedures shall apply to teleconferencing:
1. All votes during teleconferenced meetings shall be conducted by roll call.
 2. Agendas shall specify the name of the Mayor/City Councilor participating via teleconference and the location, address, and telephone number to be utilized for the teleconference. In the case of a special meeting called on short notice, this information shall be provided at the start of the meeting.
 3. Two-way communication must be established so that the teleconferenced City Councilor can listen to and participate in the public proceedings and members of the public can hear the comments of the teleconferenced official (with the exception of executive sessions).
 4. The City Clerk shall note in the minutes of the meeting all members attending via teleconference.
 5. To the extent practicable, materials to be considered by the Council shall be made available in advance to those attending by teleconference.

**RULES GOVERNING THE CITY COUNCIL
FOR PERIOD 1/07/2014 - 1/05/2016**

Sec. 7. Action on Ordinances

- (a) All ordinances shall be submitted in accordance with Article II, Section 2.11 of the City Charter.
- (b) All proposed ordinances shall be read by title only unless any member of the Council requests a full reading of the ordinance.
- (c) No ordinance, excluding emergency ordinances, shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by the Council.
- (d) When passed by the Council, an ordinance shall be attested by the City Clerk; and it shall be immediately filed and thereafter preserved in the office of the City Clerk.

Sec. 8. Action on budget

I. Community-Shared Assumptions and Principles

- (a) The City Council has full authority and responsibility in law to set the municipal budget. The City Council, in consultation with the School Committee, shall approve the specific portions of the school budget in accordance with the applicable sections of MRSA 20-A, and shall establish the mill rate on the combined overall budget for all city and school budgets.
- (b) The School Committee has full authority and responsibility in law to develop the school budget and to establish educational policy in accordance with the applicable sections of MRSA 20-A.
- (c) Direct communication between the participants in these processes is preferable to relying on third party transmission.
- (d) Budgets for the School Department and other municipal offices will be developed with full and complete communication between the City Council and the School Committee. In addition to the regular public sessions presented by the City Council and the School Committee, there will be an appropriate number of joint public work sessions consistent with the limitations prescribed by statute and the charter.
- (e) Public communication on the budgetary process will be open and extensive, and, wherever possible, be jointly made by the City Administrator and Superintendent or the Council and the School Committee.
- (f) The City Council shall submit the approved School Budget for a budget validation referendum and the School Committee shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format in accordance with those provisions outlined in MRSA 20-A.
- (g) Budgetary development addresses not only the next fiscal year, but is also part of a strategic, long-range process and is viewed in that context.
- (h) The City Council and the School Committee will cooperate in the

RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/07/2014 - 1/05/2016

development of a strategic, integrated, long-range plan which will involve the whole community.

- (i) Broad-based, strategic, long-range community planning is vital to the process.

II. The Superintendent and the City Administrator

- (a) There will be meetings on a regular basis throughout the year.
- (b) Each will share budget information with as much detail as available at appropriate stages in the budgetary development process. Special emphasis will be given to sharing relevant factual information about personnel, program development, facilities support and strategic development.

III. City Council and School Committee

- (a) The City Council and the School Committee agree to meet jointly prior to the budgetary season to discuss visions, goals and objectives for the coming year.
- (b) Each will share budget information with as much detail as available at appropriate stages in the budgetary development process. Special emphasis will be given to sharing relevant factual information about personnel, program development, facilities support and strategic development.
- (c) The City Council and the School Committee will have a regular agenda item at its meetings, "Report from the (City Council/School Committee). This will be facilitated by the City Council representative to the School Committee, thereby enhancing that role in the collaborative process.

Sec. 9. Travel by Council Members

Any member of the City Council who will not be serving an additional term in office shall refrain from out-of-state travel, in an official capacity, following the November Municipal Election.

Sec. 10. Action by Councilors

A majority vote of the City Council or approval by the council president, or Mayor in the absence of the council president, is required in order for an individual Councilor to obtain an opinion from the City Attorney.

Sec. 11. Suspension of rules

Any of the foregoing rules may be suspended, amended or repealed providing a majority of the members of the Council vote therefore.

Sec. 12. Institutional Cooperation

It is the policy of the City to work in close cooperation with the Council and staff of the City of Auburn and to continue to explore ways Lewiston and Auburn can work together to promote economic growth in the L/A region, reduce municipal operating and capital costs, and improve service to the public. To encourage such efforts, periodic joint meetings may be held between the City Councils. In addition, the City

**RULES GOVERNING THE CITY COUNCIL
FOR PERIOD 1/07/2014 - 1/05/2016**

Administrator should make every effort to meet at least quarterly with the City Manager of Auburn to discuss issues of mutual concern and explore areas of further cooperation

Sec. 13. Workshops

- (a) Workshop meetings shall be held when deemed appropriate and necessary.
- (b) Workshop meetings should be focused on the Councils' formulation of policy based upon general topic discussions of current issues or project orientated.
- (c) Citizens are welcome, and highly encouraged, to attend and participate in workshops, however, discussion maybe limited by the Mayor, if deemed appropriate.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing and Final Passage on amendments to the Traffic and Vehicles Ordinance regarding parking restrictions.

INFORMATION:

The Police Department has proposed a few Traffic Schedule amendments recently - one regarding parking issues around No Name Pond beach area and another regarding parking turnover in the Bates College area. These Code amendments compliment and supplement these Traffic Schedule changes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-131 "Regulations not exclusive" and Section 70-150 "Authority to designate hazardous or congested places; parking restricted", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO STOPPING, STANDING AND PARKING

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 70 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 70

TRAFFIC AND VEHICLES

ARTICLE IV. STOPPING AND STANDING

DIVISION 1. GENERALLY

Sec. 70-131. Regulations not exclusive.

The provisions of this article imposing a time limit on parking or governing loading and unloading shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles or governing loading and unloading in specified places or at specified times.

Notwithstanding the imposition of a fine, at the discretion of the officer, the police may require the operator to immediately move the vehicle from a location in violation to a location where parking is permitted; or cause any vehicle parked in violation of these prohibitions to be removed and stored at the owner's expense, if it presents a danger to those using the public way, or would unduly interfere with the free movement of traffic.

Sec. 70-150. Authority to designate hazardous or congested places; parking restricted.

- (a) The police chief with the approval of the council is hereby authorized to determine and designate by proper signs places ~~not exceeding 100 feet in length~~ in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized in this section, no person shall stop, stand or park a vehicle in any such designated place.

Note: Additions are underlined; deletions are ~~struck-out~~.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and Final Passage on an amendment to the Business Licensing ordinance to create a Tattoo Artist Appeals Board.

INFORMATION:

In 2000, the City created a Taxi Appeals Board to hear the appeals from drivers whose application to operate a taxi in the City was denied most likely due to prior criminal convictions. Prior to the establishment of the Appeals Board, the appeals hearings were conducted by the City Council during a public meeting that was televised. During an appeal of a taxi driver's license, background information regarding the applicant is discussed to allow the Council to make an informed decision. The nature of the background information tends to be of a personal nature regarding driving history, any potential criminal history, and so forth.

The City Council recently conducted an appeal of a denial of a Tattoo Artist permit and similar personal and background information is shared about the applicant to allow the Council make an informed decision. Given the personal nature of the information, many times including prior criminal history, city staff is recommending that all future appeals for a Tattoo Artist permit be heard by a separate appeals board. The Appeals Board will be modeled after the Taxi Board and shall be made up of three members - the Deputy City Administrator and two city councilors.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/BJ/kmm

REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article XI, "Tattooing", Section 22-364 "Right to Appeal", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO TATTOOING

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 22 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 22

BUSINESSES

ARTICLE XI. TATTOOING

DIVISION 2. LICENSE

Sec. 22-364. Right to appeal from suspension or denial; procedure.

Any licensee under this article aggrieved by an order of suspension or denial shall have the right to appeal, provided such licensee shall file in writing with the city clerk a request for a hearing. A hearing shall be held within 15 days from the date of request and shall be conducted by an appeals committee comprised of the deputy city administrator and two city councilors, and notice of such hearing shall be posted in the city clerk's office at least 48 hours prior to the date of the meeting. The appeals committee shall have the power to temporarily suspend, revoke or deny a tattooing license when operation by the applicant or license holder presents a danger to the health, safety or general welfare of the public. After such hearing, the appeals committee may affirm, modify or vacate the order of suspension or denial appealed from.

Note: Additions are underlined; deletions are ~~struck out~~.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance, on behalf of the Municipal Officers.

INFORMATION:

Every two years, the City Council votes to authorize the City Clerk and the Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign licenses for games of chance. This is a standard agenda item in larger municipalities.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the Municipal Officers, during the period January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all permits for circuses and carnivals, on behalf of the Municipal Officers.

INFORMATION:

Every two years, the City Council votes to authorize the City Clerk and the Deputy City Clerk to approve and sign all applications for circuses and carnivals held within the city, on behalf of the City Council. This is done from an efficiency standpoint. This is a standard agenda item in larger municipalities. The licenses cannot be issued until the Police Department has been notified to do a background check, and the Fire Department and Code Enforcement Department inspect the equipment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Authorization for the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers.

INFORMATION:

Every two years, the City Council votes to authorize the City Clerk and/or the Deputy City Clerk to sign liquor licenses on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign liquor licenses. This is a standard agenda item in larger municipalities.

Before each application for a new liquor license can be approved, a public hearing will be held before the Council to receive citizen input. The Council shall vote to approve or deny a liquor license for each new business. Liquor license renewals do not require a public hearing. The City Council will receive a listing of all liquor licenses that are up for renewal about 60 days before the license is due. If a Councilor requests a public hearing for a certain business for their liquor license renewal, then the City Clerk's Office will not sign the renewal until the hearing has been held.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers, during the period January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits, on behalf of the Municipal Officers.

INFORMATION:

Every two years, the City Council votes to authorize the City Clerk and/or the Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign these permits. This is a standard agenda item in larger municipalities.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits, on behalf of the Municipal Officers.

INFORMATION:

Every two years, the City Council votes to authorize the City Clerk and/or the Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign these permits. This is a standard agenda item in larger municipalities.

Close out sales are also known as "going out of business sales" and other similarly named sales that will dispose of all inventory of a certain business.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

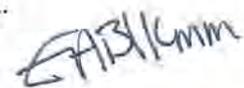
Authorization for the Finance Director, Tax Collector and Deputy Treasurer to act on behalf of the Municipal Officers regarding deeds, liens and municipal investments.

INFORMATION:

Every two years, the City Council votes to authorize the Finance Director, Tax Collector and Deputy Treasurer to sign all necessary deeds and liens on behalf of the City Council, as well as to invest city funds in accordance with state statute guidelines. This is done from an efficiency standpoint. This is a standard agenda item in larger municipalities.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706, during the period January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Authorization for City Administration to approve or deny all requests to hang banners, post community event signs on municipal property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers.

INFORMATION:

Since requests to hang banners at various designated locations within the City are fairly routine and non-controversial, as are requests to post signs on traffic islands regarding upcoming community events, every two years the City Council is asked to vote to authorize the City Administrator or Deputy City Administrator to approve or deny these requests, on their behalf. Typically, only non-profit organizations can have banners hung or signs posted to promote an upcoming community event.

The City's Land Use Code (Article XII, Performance Standards, Section 16 Signs, subsection b 1 c 6) states "Upon approval of the city council, temporary signs, banners, flags and other decorations may be erected in the public right of way when in relation to a special event."

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to hang banners, post community event signs on city property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers, during the period of January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Authorization for Deputy City Administrator and/or Finance Director to have signatory authority for the City Administrator when the Administrator is unavailable.

INFORMATION:

Every two years, the City Council votes to authorize the Deputy City Administrator sign documents on behalf of the City Administrator when the Administrator is unavailable (on vacation, out sick, at a conference, etc.). In addition, if the Deputy City Administrator is unavailable, then the Finance Director would then be authorized to execute any city related document.

This is done from an efficiency standpoint and is a standard agenda item in larger municipalities.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EPB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the Deputy City Administrator, or in the absence of the Deputy City Administrator, the Finance Director, to have signatory authority for the City Administrator, when the Administrator is unavailable, during the period of January 7, 2014 through January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Order calling for a Special Municipal Election to be held on Tuesday, June 10, 2014 for the purpose of electing three members of the Joint Charter Commission regarding the proposed consolidation of the Cities of Lewiston and Auburn.

INFORMATION:

The City Council is asked to consider calling for a special election to be held on June 10, 2014 for the purpose of electing three citizens to serve on the Joint Charter Commission. The charge of the Commission is to study the consolidation of the cities of Lewiston and Auburn and prepare a Consolidation Agreement to be approved by the voters at a future election.

The City Administrator has confirmed with the Auburn City Manager that the Auburn City Council is also considering holding this election on June 10, 2014.

Attached for background material is a copy of the state statutes regarding consolidation as well as a proposed timeline for the election process.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAZ/kmm

REQUESTED ACTION:

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To adopt the Order calling for a Special Municipal Election to be held on Tuesday, June 10, 2014 for the purpose of electing three members of the Joint Charter Commission regarding the proposed consolidation of the Cities of Lewiston and Auburn.



**City of Lewiston
City Council Order
January 7, 2014**



Order, Calling a Special Municipal Election to be held on Tuesday, June 10, 2014 for the purpose of electing three members of the Joint Charter Commission regarding the proposed consolidation of the Cities of Lewiston and Auburn

Whereas, Maine State Statutes outline and define the process for the consolidation of two or more municipalities; and

Whereas, in November 2013, a petition was submitted to the City containing 1,000 signatures, as required by state statutes, calling for the election of a Joint Charter Commission to draft a charter for the merger of municipal governments of Lewiston and Auburn and to prepare a Consolidation Agreement; and

Whereas, June 10, 2014 is the scheduled day for the state primary election;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a Special Municipal Election will be held on Tuesday, June 10, 2014, for the purpose of electing three Lewiston citizens to serve on the Joint Charter Commission, said Commission's duties to be as defined in State Statutes.

POTENTIAL TIMELINE FOR ELECTION OF COMMISSION TO DRAFT CHARTER FOR MERGING LEWISTON & AUBURN

What follows is a preliminary timeline for election of Charter Commissioners for the purpose of drafting a charter to merge the cities of Lewiston and Auburn. It has been developed based on the assumption that the election of commissioners will be scheduled for the primary election to be held on June 10, 2014. I would note that it would seem appropriate for Lewiston and Auburn to coordinate efforts in regard to scheduling this election so that both cities will elect commissioners at the same time.

Background - Under the statutes (MRSA Title 30-A, Sec 2151 – 2156), when 1,000 valid signatures are submitted on a petition to consolidate two or more municipalities, the City Council shall schedule at the next available election, the election of three Joint Charter Commissioners (three from Lewiston and three from Auburn). Once elected, the six Joint Charter Commission members are tasked with drafting a consolidation agreement.

November 2013 – 1,000 signatures have been submitted and verified on a Lewiston petition to start the formal process to consolidate the Cities of Lewiston and Auburn.. (Note – 1,000 signatures were submitted to Auburn in the fall and were verified.)

December 3, 2014 City Council meeting – Receive report on submission and completion of consolidation petition

January 7, 2014 City Council meeting– Vote to set election date for the Joint Charter Commissioners as June 10, 2014

February 10, 2014 – Nomination papers become available for the Joint Charter Commission seats (120 days before election day by Lewiston Charter). City staff confirmed with the City Attorney that 100 signatures would be required for these nomination petitions.

April 11, 2014 – Filing deadline for nomination papers for Joint Charter Commission seats (60 days before election day by Lewiston Charter)

June 10, 2014 – Election Day Top three candidates receiving the most votes are elected to serve as the three Joint Charter Commissioners from Lewiston

Maine Revised Statutes

**Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987,
c. 737, Pt. A, §2 (new)**

**Chapter 113: CONSOLIDATION, SECESSION AND ANNEXATION HEADING:
PL 1995, c. 377, §1 (rpr)**

§2152. JOINT CHARTER COMMISSION

1. Petition. The voters of a municipality may file a petition in the municipal office that must:

- A. Be addressed to the municipal officers;
- B. Be signed by at least 10% of the voters of that municipality, except that only 1,000 signatures are necessary in municipalities of 10,000 or more voters;
- C. Propose that the municipality be consolidated with another municipality, or other municipalities, named in the petition; and
- D. Request that 3 persons be elected by the voters of the municipality to serve as members of a joint charter commission for the purpose of drafting a consolidation agreement.

2. Joint charter commission. If a petition is filed as required under subsection 1, the 3 members of a joint charter commission shall be elected at the next special or regular election in the manner provided for the election of municipal officers. The election of members by 2 or more municipalities authorizes the commission to draft the consolidation agreement. If a municipality does not elect members, it may not participate in the consolidation.

3. Consolidation agreement. The joint charter commission shall draft an agreement between the consolidating municipalities which includes:

- A. The names of the municipalities;
- B. The name under which it is proposed to consolidate, which must be distinguishable from the name of any other municipality in the State, other than the consolidating municipalities;
- C. The property, real and personal, belonging to each municipality, and its fair value;
- D. The indebtedness, bonded and otherwise, of each municipality;
- E. The proposed name and location of the municipal office;
- F. The proposed charter;
- G. The terms for apportioning tax rates to service the existing bonded indebtedness of the respective municipalities; and
- H. Any other necessary and proper facts and terms.

4. Submission of consolidation agreement. The consolidation agreement shall be submitted to the voters of each municipality at a municipal election after notice and hearing as provided in paragraphs A and B. The consolidation agreement may be amended, provided that the amended agreement meets the notice and hearing requirements of paragraphs A and B. Upon approval of a majority of those voting in each of 2 or more municipalities, the consolidation agreement becomes effective, according to its terms, in those municipalities.

- A. The municipal officers of each municipality shall hold a public hearing on the consolidation agreement. The public hearing may be held on more than one day, provided that it adjourns permanently at least 10 days before the election.

B. The municipal officers shall notify the voters of each municipality of the consolidation agreement and of the time and place of the public hearing in the same manner that the voters of each municipality are notified of ordinances to be enacted. This notice must be given at least 30 days before the election and at least 10 days before the hearing.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Appointments to various City boards and committees.

INFORMATION:

Every two years at the beginning of each new Council biennial session, the Mayor and City Council have several committee appointments to make. There are two types of committee openings - those that are filled by members of the public (Planning Board, etc.) and those that are filled by Councilors which serve as the Council's representative to a number of boards and committees.

For the City Council representative appointments - The City Council votes to select their representative to various committees. Attached is a listing of Councilors who are interested in serving.

For citizen positions on various boards - The Mayor has the authority to make several appointments directly, some appointments are done at the Mayor's nomination and requires Council approval and some appointments are under the sole authority of the City Council.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The Council shall select their representatives to the various boards and committees.

EAB/kmm

REQUESTED ACTION:

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- 1) To receive the Mayor's appointments to various city boards and committees (full listing will be presented at the meeting - no Council action required)
- 2) To approve the Mayor's nominations regarding his appointments to the Cable Television Advisory Committee and the Library Board of Trustees (listing will be presented at the meeting- Council vote required)
- 3) To appoint Normand R. Lamie of 234 Montello Street to serve as a member of the Lewiston Auburn Water Pollution Control Authority, said term to expire December 31, 2015.
- 4) To review and approve the City Council's representative to various boards and committees (please see attached sheet for full listing - Council vote required)
- 5) To receive the City Council President's appointments (please see attached list - no Council action required)

**LEWISTON CITY COUNCIL REPRESENTATIVES TO
VARIOUS CITY BOARDS AND COMMITTEES
January 2014 - December 2015**

MOTION: To approve the following appointments of the City Council representatives to the various boards and committees:

911 Committee	Councilor D'Auteuil
Airport Board of Directors	Councilor Cayer
Androscoggin County Budget Committee*	Councilor D'Auteuil, Councilor Lachance
Androscoggin Valley Council of Governments General Assembly	Councilors Cloutier, Councilor Dubois
Community Development Block Grant Committee	Councilor Libby
Comprehensive Plan Committee	Councilor Cloutier, Councilor Lachance
Downtown Neighborhood Action Committee	Councilor Cloutier
L/A Transit Committee	Councilor Cayer
Lake Auburn Watershed Protection Commission	Councilor Lachance
Lewiston Auburn Economic Growth Council	Councilor Libby, Mayor Macdonald
Lewiston Auburn Public Health Committee	Councilor Cloutier
Lewiston Mill Redevelopment Corp	Mayor Macdonald
Loan Qualification Committee	Councilor D'Auteuil
Library Board of Trustees	Mayor Macdonald
Maine Municipal Association Legislative Policy Committee	Mayor Macdonald
School Committee	Councilor D'Auteuil
South Park Industrial Park Board of Directors	Council President, Mayor
Taxi & Tattoo Appeals Board	Councilor Cayer, Councilor Christ
Youth Advisory Council	Councilor Libby, Councilor Cloutier

** Elected official is elected by county caucus based upon their residency in the county districts.*

APPOINTMENT BY CITY COUNCIL PRESIDENT (as required by the City Charter):

Finance Committee	Councilor Dubois , Councilor Christ
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LEWISTON CITY COUNCIL
MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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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.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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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.