

CITY OF LEWISTON

CITY COUNCIL

MAY 21, 2013

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D’Auteuil, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Libby (Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.)

Pledge of Allegiance.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The LYAC students recently worked with students at Montello Elementary School on their “Keep in Mind, Be Kind” anti-bullying campaign. They distributed stickers and bracelets and these were funded by the Lewiston Fire Department union. It was noted there are 5 members graduating this year and 22 applications for 15 slots were received for the 2013-2014 year.

PUBLIC COMMENT PERIOD

Willie Danforth, Commander of the Franco-American Veterans group, thanked the public for their assistance with placing 3000 flags at St. Peters Cemetery.

The Mayor also issued a Proclamation regarding Maine Arbor Week and it was noted Lewiston has received the Tree City USA designation status for 10 years in a row.

AMENDMENT TO THE TRAFFIC SCHEDULE TO DESIGNATE TWO “POLICE VEHICLE ONLY” PARKING SPACES ON BATES STREET

VOTE (1)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the proposed amendment to the Traffic Schedule for 292 Bates Street to designate two “police vehicle only” parking spaces as outlined on the vote sheet. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING PROHIBITED ON A PORTION OF STRAWBERRY AVENUE AND TALL PINES DRIVE

VOTE (2)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the proposed amendments to the Traffic Schedule for a portion of Strawberry Avenue

and Tall Pine Drive as outlined on the vote sheet. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (3)

Motion by Councilor Cayer, seconded by Councilor Christ:

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 \$1,100.00, or any portion therefore, in the case of the State of Maine vs. Downen Phillips, CR-13-237 Court Records, 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

**LIQUOR LICENSE APPLICATION FOR BUA THAI & SUSHI,
703 SABATTUS STREET**

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

VOTE (4)

Motion by Councilor Butler, seconded by Councilor Christ:

To authorize the City Clerk's Office to approve a new liquor license application for Bua Thai & Sushi, 703 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR SIMARD-PAYNE PARK AND REQUEST FOR USE OF
CITY SERVICES FOR THE EVENT**

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

VOTE (5)

Motion by Councilor Cayer, seconded by Councilor Butler:

To conduct a public hearing on an application for an outdoor entertainment event for the Giving Hearts-Fire Relief Benefit concert event, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-2, to the United Way of Androscoggin County for the event to be held at the Simard-Payne Park on Sunday, June 2, 2013, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

Passed - Vote 7-0

VOTE (6)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the request from the event organizers for the use of city services for their event.
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING FLOODPLAIN ADMINISTRATION AND MANAGEMENT**

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

VOTE (7)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

That the proposed amendments to Appendix A, Article II “Definitions”, Article V “Administration and Enforcement”, Article IX “Appeals”, Article XIV “Floodplain Administration and Management”, of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE REGARDING AN
EMERGENCY ORDINANCE FOR AMENDMENTS TO THE BUILDINGS AND
BUILDING REGULATIONS ORDINANCE REGARDING DANGEROUS
STRUCTURES AND REMOVAL OF DEBRIS AND MATERIAL**

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

VOTE (8)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed emergency ordinance for the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Article III “Property Maintenance Code”, Section 18-52, “Emergency Measures, PM-109.2” and adding a new section, “PM-109.2.1”, receive first passage by a roll call vote. Passed - Vote 7-0

VOTE (9)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

VOTE (10)

Motion by Councilor D’Auteuil, seconded by Councilor Saddlemire:

That the proposed emergency ordinance for the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Article III “Property Maintenance Code”, Section 18-52, “Emergency Measures, PM-109.2” and adding a new section, “PM-109.2.1”, receive final passage by a roll call vote. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
5 PETER BOULEVARD**

Ben Campbell, an attorney, was present speaking for the estate and heirs of the owner. The Mayor read a prepared statement regarding the process of the hearing. No City Councilors had a conflict of interest with this item. Director of Planning and Code Enforcement Gil Arsenault and Code Enforcement Officer Tom Maynard provided information and photos from their inspections of the property, noting numerous fire code and safety code violations. Mr. Maynard noted collapsed porches, collapsed roof, siding wood rotting, excessive moisture, mold, rot and garbage throughout.

VOTE (11)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

With regard to the property at 5 Peter Boulevard, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorized the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City’s costs through a special tax or collective action. Passed - Vote 7-0

**PUBLIC HEARING ON A PROPOSED INCREASE IN WATER RATES AND
APPROVAL OF AMENDMENTS TO POLICY MANUAL 69 REGARDING THE
WATER RATES AND CHARGES**

The Mayor opened the public hearing to receive citizen input and comment. Tom Peters of Main Street spoke against the increase, citing the landlords cannot absorb the increase and neither can the elderly residents of the city. Jacqueline Smith said she was upset with the 25% increase. Julie Dube felt the increase was too high. Brian Banton of 30 Davis Street noted the increases in water, sewer and stormwater billing. The Mayor then closed the hearing.

VOTE (12)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the proposed amendments to Policy Manual 6, Water Rates, as outlined below, as recommended by the Public Works Director and the City Administrator:

In accordance with Maine Revised Statutes Annotated, Title 35A, Section 6104, the following rates are hereby established, effective July 1, 2010 July 1, 2013:

For the first 1,200 cu. ft. per quarter ~~\$38.40~~ 45.60
For the next 9,000 cu. ft. per quarter ~~\$2.48~~ 2.95 per 100 cu. ft.
For all over 10,200 cu. ft. per quarter ~~\$2.17~~ 2.65 per 100 cu. ft.

QUARTERLY MINIMUM CHARGES

5/8" Meter \$ ~~38.40~~ 45.60

3/4" Meter	60.72	<u>72.15</u>
1" Meter	97.92	<u>116.40</u>
1 1/2" Meter	187.20	<u>222.60</u>
2" Meter	300.66	<u>358.80</u>
3" Meter	561.06	<u>676.80</u>
4" Meter	821.46	<u>994.80</u>
6" Meter	1,602.66	<u>1,948.80</u>
8" Meter	3,165.06	<u>3,856.80</u>

SPRINKLERS	\$120.00	<u>144.00</u> per inch per year
PRIVATE HYDRANTS	\$958.00	<u>1,150.00</u> each per year
PUBLIC HYDRANTS	\$593,200.00	<u>738,000.00</u> per year plus cost for each additional hydrant installed after December 31, 2010 <u>2013</u>

The following meter installation charges are hereby established:

METER INSTALLATION CHARGES

5/8"	\$ 150.00
3/4"	210.00
1"	260.00
1 1/2"	590.00
2"	800.00
3"	1,290.00
4" & Larger	Cost of meter plus installation charge and appropriate overhead

Note: Additions are underlined; deletions are struck out.

Passed - Vote 5-2 (Councilors Cayer and Desjardins opposed)

RESOLVE APPROVING A CAPITAL PROJECT TO IMPROVE SAFETY AT MONTELLO ELEMENTARY SCHOOL AND TRANSFERRING VARIOUS BOND PROCEEDS FOR THIS PURPOSE

VOTE (13)

Motion by Councilor D’Auteuil, seconded by Councilor Butler:

To approve the Resolve approving a capital project to improve safety at Montello Elementary School and transferring various bond proceeds for this purpose:

Whereas, the School Department has identified a need for certain safety improvements involving the main entrance to Montello Elementary School; and

Whereas, these improvements will enhance school security and the ability of school staff to monitor those who enter the facility; and

Whereas, the estimated cost of this project is \$275,000, and the School Department has recommended that bond proceeds from completed or pending projects be transferred for this project; and

Whereas, although this project was not included in the recently adopted Lewiston Capital Improvement Plan, a recent review of security issues at all city schools has indicated a need for this work; and

Whereas, in accordance with city ordinance, this request has been reviewed by the Planning Board, which recommends your approval;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

There is hereby approved a capital project to enhance security for the entrance at Montello Elementary School. Funding for this project shall be transferred from the following capital projects:

Project	Amount	Account
Transfer from New School Bond:	\$20,000	(710-7107101)
Transfer unused Longley bond funds:	\$22,842	(710-7107301)
Transfer unused contingency McMahon*:	\$126,667	(713-7137201*)
Re-purpose Montello Locker bond funds:	<u>\$105,491</u>	(713-7137301)
TOTAL	<u>\$275,000</u>	

* This contingency amount includes residual McMahon construction funds from the previous phase, originating in Bond 722-7227201.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH ST. MARY’S HEALTH SYSTEM FOR THE USE OF THE MUNICIPAL SURFACE PARKING LOT AND ADJACENT PROPERTIES AT THE CORNER OF MAIN AND LINCOLN STREETS FOR A SUNDAY FARMER’S MARKET

VOTE (14)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to enter into an Agreement with St. Mary’s Health System for the use of the Municipal Service Parking Lot and Adjacent Properties at the corner of Main and Lincoln Streets for a Sunday Farmer’s Market:

Whereas, St. Mary’s Nutrition Center has operated farmer’s markets in several locations in Lewiston, including Kennedy Park; and

Whereas, the Center has been in discussion with City staff regarding the use of a high visibility location near Lincoln and Main Streets for a weekend market; and

Whereas, no objections to the use of the premises during the times/dates proposed have been

raised by City or Bates Mill staff; and

Whereas, no current policy governs the use of the space proposed; and

Whereas, both the City and St. Mary's Health System wish to formalize this approval through entering into a use agreement;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute a use agreement, substantially in the form as attached, with St. Mary's Health System for the use of the municipal surface parking lot and adjacent properties on the corner of Main Street and Lincoln Street for the St. Mary's Nutrition Center's Sunday Farmer's Market.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Saddlemire invited everyone to attend a community meeting tomorrow night at Longley School to discuss quality of life issues in the downtown.

OTHER BUSINESS

The Deputy City Administrator provided an update on the downtown fires, noting 93 buildings have received punch passes for free clean up of the contents of the multi-unit buildings and 56 tons of debris was brought to the Solid Waste facility. The Fire Department has inspected all properties in the target zone area. Councilor Desjardins noted the 56 tons of garbage has probably built up over the years due to the lack of a citywide spring clean up program.

VOTE (15)

Motion by Councilor Butler, second by Councilor Saddlemire:

To adjourn at 9:10 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine