

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
DECEMBER 16, 2014**

6:00 p.m. Workshops

- A. Discussion on Calling Bonds - 30 minutes
- B. Review of proposed Special Events policy - 15 minutes
- C. Update on Riverfront Improvements - 15 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Acceptance of minutes of the meeting of December 2, 2014.

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.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Amendment to the Traffic Schedule regarding regulations of parking times for a portion of Middle Street.
- * 2. Resolve extending the term of the Committee to Review Public Works' Service Level Standards.

REGULAR BUSINESS:

- 3. Public Hearing and First Passage for Land Use Code Amendments regarding food and beverage facilities in the Centreville District.
- 4. Repeal of the current Charitable Organization Support City Policy and adoption of a new Special Events City Policy.
- 5. Resolve expressing concern of the City Council regarding certain actions surrounding the establishment and authorization of compensation for elected county officials.
- 6. Resolve extending the term of the Downtown Neighborhood Action Committee.
- 7. Reports and Updates.
- 8. Any other City Business Councilors or others may have relating to Lewiston City Government.
 - a. Discussion of the Authority of the County Budget Committee
- 9. Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- 10. Executive Session regarding consultation with the City Attorney.
- 11. Executive Session to discuss labor union negotiation regarding the city's six employee unions.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, DECEMBER 16, 2014
6:00 P.M.

1. Discussion of Calling Bonds – 30 minutes

In April, the bonds that the City initially sold to finance improvements at the Colisee become callable for the first time. As bonds approach their callable date, we routinely evaluate whether they should be called (in effect, paid off) and/or refinanced. Finance has evaluated the Colisee bonds and will present a recommendation to the Council on how to proceed with them.

2. Review of Special Events Policy – 15 minutes

Deputy Administrator Phil Nadeau has recently assumed responsibility for coordinating the City's involvement in special events. As a part of this, he has reviewed our existing policies and procedures and is recommending certain policy changes. These are summarized in a memo that can be found on the regular agenda under this item. If the Council is comfortable with these changes, the revisions can then be approved during the regular meeting. If not, this item could be tabled to a future meeting.

3. Update on Riverfront Improvements – 15 minutes

David Hediger has continued to work with our consultants on the next phase of Riverfront improvements including relaying to them the comments received recently from both the Planning Board and Council. Last week, he also had the opportunity to review the proposed changes in the plan with the Planning Board. Given the interest in this project, he would like to review current status and thinking regarding these improvements.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Amendment to the Traffic Schedule regarding regulations of parking times for a portion of Middle Street.

INFORMATION:

There is currently no parking on the northeast side of Middle Street for 146 feet from its intersection with Main Street. This is on the opposite side of the street from the Maine Department of Health and Human Services Offices. Staff has been asked to look at the possibility of shortening this no parking area to allow some further limited on-street parking in support of businesses and residents in the area.

This amendment would shorten the no parking zone to 50 feet. The stop bar for traffic entering the signalized intersection from this section of Middle street will also be moved back further from the intersection to accommodate the turning radii of trucks making right hand turns from Main Street.

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
---	---	---	---	---	---	---	---

To adopt the proposed amendments to the Traffic Schedule regarding the regulations of parking times for a portion of Middle Street.



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: November 25, 2014
TO: Traffic Schedule Review
FROM: Sgt. David Chick, Inspector of Police
Subject: Middle St

**Traffic Schedule Amendment – Chapter 70 Section 158
Two (2) Hour Parking
9:00 A.M. to 6:00 P.M. – Monday to Friday (Section 33)**

**Traffic Schedule Amendment – Chapter 70 Section 150
Parking Restricted
Hazardous or Congested Places (Section 44)**

This location has been identified as an area of increasing parking demand as well as the streets being narrow and congested, and contributing to traffic gridlock affecting Main St; especially during the evening commute and when there are snow banks. An effort to increase available parking was initiated in 2011 restoring a former loading zone to full use. This exacerbated the existing congestion, and after conducting a review and measurements with LPW assisting, an amendment for an extended area of prohibition was established early in 2014 to allow room for vehicle turning radius and at the same time discourage the use of this area for brief transitory parking which frequently resulted in unauthorized vehicles accumulating up to the corner. That corrective action resulted in a net loss of parking which had existed before the initial change was made in 2011. There are (3) travel lanes on Middle St at this intersection in order to better accommodate left turning traffic, and that did not leave room for parking close to the intersection. At the request of area property owner, City officials met on scene to devise this proposal which aims to legitimately restore use for some parking and also allow for turning radius.

NOTE: (Additions are double underlined; deletions are ~~struck-out~~).

**Section 33 – Parking Time Regulated
Monday Through Friday
2 Hours – 09:00 AM To 09:00 PM**

MIDDLE STREET **Even numbered side, east side, beginning at a point 50' ~~146'~~² northerly of the northeast corner of Middle St & Main St and extending northwesterly on Middle St to Lowell St.
AMEND by City Council – 3/4/2014, Vote #**



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism Integrity Compassion Dedication Pride Dependability



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



NOTE: (Additions are double underlined; deletions are ~~struck-out~~).

Section 44 – Parking Restricted – No Parking Anytime – Hazardous or Congested Places

MIDDLE STREET **Even numbered side, east side, beginning at the northeast corner of Middle St & Main St and extending northwesterly on Middle St a distance of ~~146'~~ 50'.**
ADDED by City Council – 3/4/2014, Vote #

(Attempting to balance the business/residential tenant needs for convenient on-street parking, though limited, and maintain unhindered traffic movement in this congested area, LPW will reinforce the sign posting with painted markings aimed at conveying to vehicles not to park in the prohibited area. The painted stop line will also be moved back a distance of 20-30 feet to allow for a turning radius for vehicles making a right turn off Main St onto Middle St, and larger vehicles making a left turn onto Middle St. Additional signs and painted markings may be necessary to reinforce that stop line and properly convey the intended use to motorists.)

If this amendment is approved, this would require Public Works department to install sign(s) and marking(s) pertaining to the intended designations.

Sgt. David Chick, Inspector of Police

cc: Michael Bussiere
Ed Barrett – City Hall; Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;
Kathy Montejo – City Clerk; Steve Murch – Public Works; Paul Ouellette – Fire



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism Integrity Compassion Dedication Pride Dependability



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Resolve extending the term of the Committee to Review Public Works' Service Level Standards.

INFORMATION:

In June of this year, the City Council established the Committee to Review Public Works' Service Level Standards and set out its mission and organization, including term. That term expires at the end of December.

Due to delays in appointing the members of the Committee and conflicts with other meetings requiring the attendance of its members, the Committee did not begin its work until December. As a result, it is necessary to extend its term.

The attached Resolve will extend the Committee's term to the end of March 2015.

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
---	---	---	---	---	---	---	---

To approve the Resolve extending the term of the Committee to Review Public Works' Service Level Standards.



City of Lewiston, Maine

COUNCIL RESOLVE

December 16, 2014

Resolve, Extending the Term of the Committee to Review Public Works' Service Level Standards.

Whereas, on June 17, 2014, the City Council established the Committee to Review Public Works' Service Level Standards; and

Whereas, the Committee was charged with submitting its report and recommendations by January 2015; and

Whereas, due to delays in the appointment of the Committee and conflicts in scheduling its meetings, the Committee will be unable to complete its work within the originally prescribed term; and

Whereas, given this, the term of the Committee must be extended;

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

The term of the Committee to Review Public Works' Service Level Standards is hereby extended to March 31, 2015.

COMMITTEE TO REVIEW PUBLIC WORKS' SERVICE LEVEL STANDARDS

Mission/Purpose:

- Establish acceptable service level baselines (Bench Marks) for the Department of Public Works;
- Review current staffing levels, organizational structure, and equipment to determine its adequacy to meet those baselines/bench marks or other service levels;
- Once the above bullets are completed, review/evaluate whether further review is warranted; if so, then proceed to:
 - Identify investments in personnel, equipment or technology that could be made to enhance or improve departmental efficiency and effectiveness in meeting the service level baselines;
 - Review current customer service system to evaluate its ability to adequately track and monitor citizen service requests;

Composition and Appointment

The Committee would be composed of 7 voting members: 2 Councilors and 5 members of the public who are residents or taxpayers in the City of Lewiston and are knowledgeable concerning public works, construction, civil engineering, equipment operations/maintenance, purchasing, customer service operations, or related areas; and 2 ex-officio staff members. The 7 voting members shall be appointed by the Mayor, who shall designate one of them as Committee Chair and the 2 staff members shall be assigned by the City Administrator and shall be responsible for providing logistical support to the Committee.

Staff Support:

The City Administrator shall assign additional staff as necessary to support the work of the Committee.

Term

The Committee shall complete its work by January 2015 at which time its report and recommendations shall be forwarded to the City Council and the City Administrator to allow for funding for its recommendations to be considered during the annual budget process. The Committee shall, however, be free to submit recommendations for changes at any point during its term.

Meetings

The Committee shall establish the times and places of its meetings. Meetings shall be open to the public and notice of such meetings shall be posted by the City Clerk. The Committee may invite such others as may be knowledgeable about subjects under discussion to provide information for its consideration.

Report

The Committee shall present a report to the City Council using the following format as an outline:

- Executive Summary
- Results of Levels of Service Baseline Evaluation
- Discussion of the Process and Results of the Organizational evaluation to determine if changes are needed to the current staffing levels, organizational structure, or equipment to meet the recommended Level of Service
- Recommendations

If further review is warranted in certain areas, the Committee may also:

- Report on the Department's efforts to keep personnel, equipment and technology current;
 - Research and Report on potential personnel training, equipment improvements, and technological advances the Department could use to improve operations and the delivery of services, including an economic evaluation of the investment needed;
 - Report on its evaluation of customer service in regard to tracking and monitoring customer service requests;
 - Provide any other recommendations.
-

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and First Passage for Land Use Code Amendments regarding food and beverage facilities in the Centreville District.

INFORMATION:

The Planning Board voted unanimously to send a favorable recommendation to the City Council to amend the Land Use Code regarding establishment of light industrial uses limited to food and/or beverage facilities as permitted uses in the Centreville Zoning District. A local micro brewery business has submitted the request for the zoning allowance.

Please see the attached memorandum from City Planner David Hediger for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

That the proposed amendments to Appendix A, Zoning and Land Use Code, Article II, "Definitions" and Article XI "District Regulations", Section C "Land Use Table" of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance amendment be continued to the next regularly scheduled City Council meeting.

AN ORDINANCE PERTAINING TO MINCROBWERIES IN THE
CENTREVILLE DISTRICT

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

Article II. Definitions.

Sec. 2. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

Microbrewery means a limited-production brewery, typically producing specialty beers and often selling its products only locally or regionally.

Food and/or Beverage Facility means a facility wherein food and/or beverage is produced, sold on a wholesale or retail basis, distributed, and/or consumed on the premises as may be permitted by State of Maine law. This may include, but not be limited to, a microbrewery, coffee roaster and/or other facilities producing crafted alcoholic or non-alcoholic beverages and/or artisan food.

Article XI. District Regulations

(c) *Land Use Table* – uses appearing in the table are part of this Code and set forth the uses allowed in all district. (SEE TABLE: Light Industrial, CV)

Land Use Table Notes

(9) Must be fully enclosed with no exterior storage.

(38) Limited to Food and/or Beverage Facilities. These facilities shall be restricted to 8,000 gross square feet. All store front windows at street level shall remain unobstructed and provide two-way visibility. If facility is in the business of producing alcohol, sales of alcohol for consumption on site shall be limited to what is produced on site. Facilities shall contain a retail component open to all ages.

Reason for proposed amendment

Microbreweries are currently classified as light industrial. Many home brewing operations are beginning to grow beyond home hobbies and looking for start-up opportunities to introduce their product to the general public. The opportunity to produce a product, share the process with customers, and sell directly to the public is a growing business model helping launch successful start-ups. Based on the size of many start-up businesses in the artisanal food and beverage craft, small commercial spaces where they can easily manufacture, market, and sell direct to consumers in thriving downtowns are ideal. Encompassing microbreweries within the category of food and/or beverage facility permits other appropriately similar businesses to be located in the Centreville district as well.

The proposed amendment:

- Restricts light industrial uses in the Centreville District to food and/or beverage facilities, including microbreweries.
- Requires storefront windows where food and/or beverage facilities in the Centreville District are located to remain unobstructed and visible; ensuring storefronts continue contributing to walkable commercial downtown areas.
- Directs facilities to be fully enclosed with no exterior storage.
- Limits the light industrial component of food and/or beverage facilities to 8,000 gross square feet.
- Only permits alcohol produced on site can be served on site. The establishment must contain a retail component and cannot restrict visitors based on age. State law permits only those of legal drinking age to consume alcohol.
- Noise, odor, and other potential impacts of concern are regulated through the existing Article XII, Section 19, Environmental Performance Standards.

Conformance with Comprehensive Plan

- Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy C, p 39).
- Ensure that there are adequate land/buildings for expanding firms and entrepreneurial start-ups within Lewiston... (Economy, Policy 4, A, p40)
- Transform the downtown into a unique cultural and business district (Historic Preservation, Policy 1, Strategy B.1, p56)
- Encourage the orderly growth and development of the appropriate areas of the City while making efficient use of public services ... (Land Use, Goals, #1, page 123).



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: December 10, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on December 8, 2014 regarding a request by Eben Dingman and Adam B Cox to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district.
Second by **Normand Anctil**.

VOTED: 7-0 (Passed).

c: Planning Board Members



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: City Council
Honorable Mayor
FROM: David Hediger, City Planner
DATE: December 11, 2014
RE: Zoning and Land Use Code Amendment: food and/or beverage facilities in the Centreville (CV) district

On December 8, 2014 the Planning Board voted unanimously to send a favorable recommendation to the City Council to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the CV district. Their action was the result of a petition to amend said code submitted by Eben Dingman and Adam B Cox who are interested in establish a small microbrewery (i.e. nanobrewery) downtown on Lisbon Street.

While considering the proposed amendment, the Board deliberated whether food and/or beverage facilities as defined should be allowed as permitted or conditional uses and what other uses may fall within this definition. The discussion ended with the Board's full support of said facilities in the CV district wherein food and/or beverage is produced, sold on a wholesale or retail basis, distributed, and/or consumed on the premises as may be permitted by State of Maine law. This may include, but not be limited to a microbrewery, coffee roaster and/or other facilities producing crafted alcoholic or non-alcoholic beverages and/or artisan food.

Reference should be made to Economic Development Specialist Misty Parker's memo to the Planning Board dated December 4, 20114

Economic and Community Development



To: Planning Board Members
From: Misty Parker, Economic Development Specialist
RE: Food and/or Beverage Facility Amendment
Date: December 4, 2014

Based on feedback from the Planning Board, staff has worked with the owners of Bear Bones Beer to develop an ordinance amendment to permit small breweries in the Centreville (CV) district. In doing so, the owners Eben Dingman and Adam B Cox have submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the CV district.

The Planning Board agreed small operations like breweries, distilleries, or coffee roasters would be appropriate uses in the Centreville district as long as they were limited in size and standards were appropriate to reduce their impact. The proposed recommendation provides a food and beverage category that would allow small businesses within this realm to be permitted. Planning Board also suggested addressing such uses on a conditional basis as an approach to permitting them.

Currently permitted in the Centreville district are commercial bakeries and printing facilities (i.e. the Sun Journal), both considered industrial uses, and the only conditional use permitted in this district is for power transmission lines, substations, and other public or communication utilities. Staff felt with appropriate definition and a restriction, including limiting the size to what is currently leased by Bear Bones, allowing small specialty food/beverage facilities would serve the district appropriately and minimize potential negative impacts.

Additionally, language was recommended that clearly defines the operation of microbrewery to specifically differentiate it from drinking establishments. One requirement will be that the only alcohol served shall be what is produced on site.

It is at the Planning Board's discretion what you feel is most appropriate for how to permit this small brewery. Staff has reviewed the proposed language and is in support of the proposal.

ACTIONS NECESSARY

1. Make a motion to consider a petition submitted by Eben Dingman and Adam B Cox to amend the Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district;
2. Obtain input on the petition;
3. Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Zoning and Land Use Code, Article II. Definitions and Article XI. District Regulations, to allow light industrial uses limited to food and/or beverage facilities with restrictions as a permitted use in the Centreville (CV) district (subject to any concerns raised by the Planning Board or staff).

BEAR BONES BEER

@ 43 Lisbon Street, Lewiston ME

Monday, December 8th 2014

Dear Planning Board Members,

We at Bear Bones Beer continue to pursue an amendment to the zoning laws to expand the opportunities for small artisanal companies to grow and develop in the heart of Lewiston's downtown. The current zoning of the downtown bans outright all light industry and we would like to petition an amendment in this zoning law to allow for small storefront retail oriented businesses to be able to operate in this burgeoning downtown environment.

We will maintain an attractive storefront, keeping window spaces unobstructed and visible. This is to ensure even if light industrial activities are occurring they are contributing to the pedestrian oriented commercial downtown. Another key feature of the amendment is the limiting size of the space, having a cap on 8,000 sq ft ensures the city that no single business will dominate the area.

Bear Bones Beer will be open to all ages of the public to come see the craft and purchase our merchandise. Those of age, after providing sufficient identification, would be able to purchase tastings and or sealed bottles for off premise consumption. Due to our diminutive size (nano brewery), we would not be seeing heavy traffic for deliveries to or from the brewery, although we do expect to see an increase in foot traffic from customers excited for a new local tasting room. We have also been in communication with brew bus tours, who are looking forward to increasing their Lewiston tour to 2 stops. To be clear we are not a bar. We are not exclusionary to minors, would be closed by 10pm, and our core offering will be off premise consumables.

We have canvassed the downtown area, and received great support for our project and the proposed change zoning amendment.

Sincerely,

Adam B Cox and Eben Dingman

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

13

Pursuant to Appendix A, Article XVII, Section 5 "Amendments" of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the Centreville District to permit Light Industrial uses limited to food and/or beverage facilities as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Adam B Cox	48 Holland St. Apt 1	11/23/14
2		Tonya Jewell	48 Holland Apt #2	11/23/14
3		Dyllan A Jewell	48 Holland St. #2	11/23/14
4		Nicole Ducharme ^{DUCHARME}	711 Lisen St, Rome	11/23/14
5		KEVIN ST. ONGE	126 POND RD LEWISTON, ME 04240	11-23-2014
6		Devon Irish	146 Golden Rd Lewiston, ME	11/23/14
7		RUSSELL CHARMA	1645 Rout 116 Rd	11-23-14
8		Janet Verrill	400 Old Greene Rd Lewiston	11/23/14
9		LOU MAURICE	52 LAFAYETTE RD	11/23/14
10		Christine Doucette	45 Wood St	11/18/14
11		STEVE DESAUTEL	12 MARGUERIT ST	11/23/14
12		Ian MacMunn	150 college st. Apt. 3	11/24/14
13		Zachery Bureau		
14		Cari Jolin	84 Cumberland Ave Apt 1	11/24/14
15		Gerald Pulish	88 Howe St Apt 1	11/24/14
16		Shene Belment	88 Howe St Apt 1	11/24/14
17		Audrey Chapin	10 Perris St. ^{Lewiston} ME	11/24/14

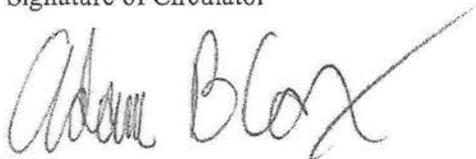
✓ 18	Sadie Lander	Sadie Lander	435 East Ave	11-23-14
✓ 19	Mary Ellen Sheehy	Mary Ellen Sheehy	75 Wood St	11/24/14
✓ 20	Tyler Duth	Tyler Duth	10 Libby Ave	11/24/14

CIRCULATOR=S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, at the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.



Signature of Circulator



EBEN DZINGMAI
Adam B COX

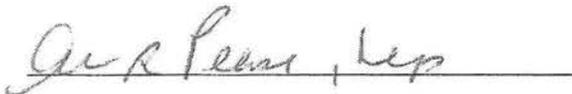
Printed Name of Circulator

Date 11/23-24/14

REGISTRAR=S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 13 Total Invalid: 6



Signature of Registrar/Deputy Registrar

11/24/14 Date:

Land Use Table: All Zoning Districts 10.17.13	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation on "A" (NCA)	Neighborhood Conservation on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centerville (CV) ⁽²⁴⁾	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservation (RC) ⁽¹⁸⁾	Groundwater conservation overlay district (GC) ⁽²⁰⁾	No Name Pond Conservation Overlay District (NNP) ⁽²⁵⁾	Mobile Home Park overlay district (MH) ⁽²⁶⁾
USES(15)(33)																					
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Commercial-Service																					
Veterinary facilities excluding kennels and humane societies								P		P	P	P									
Veterinary facilities including kennels and humane societies	C													P		P					
Small day care facilities	C	P(22)	P(22)	P(22)		P(22)	P	P	P	P	P			P	P	P					
Day care centers	C				P			P	P	P	P	P	P	P	P	P	P				
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	C(22)	C(22)		C(22)	C(22)														
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services					P(9)		C(31)	P(9)	P(9)	P	P(9)	P	P(9)	P	P	P	P	P(6)			
Restaurants					P(1)				P(1)	P(5)	P(26)	P(26)	P(1)	P	P(6)	P	P(1)				
Drinking places					P						C	C	P	P(6)							
Adult business establishments											C										
Hotels, motels, inns					P				C	P(4)	P	P	P	P		P	P				
Movie theaters except drive-in theaters					P				P		P	P	P	P		P	P				
Places of indoor assembly, amusement or culture					P						P	P	P	P		P	P				
Art and crafts studios					P		C		P	C	P	P	P	P		P	P				
Personal Services					P		P	P	P	P	P	P	P	P	P(6)	P	P				
Retail stores					P				P		P	P	P		P(6)	P	P				
Neighborhood retail stores				C(21)			P			C											
Lumber and building materials dealer											C	P				P	P				
Gasoline service stations												P				P					
Gasoline service stations which are a part of and subordinate to a retail use											P	P									
New and used car dealers												P				P(6,17)					
Recreational vehicle, mobile home dealers												P				P					
Equipment dealers and equipment repair												P				P					
Automotive services including repair											P(8)	P				P		C(9)			
Registered dispensary(27)												C		C	C	C					
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.												P		P	P						
Tattoo Establishments											C	C									
Industrial																					
Light industrial uses												P(9)	P(9,38)	P	P	P	P				
Industrial uses													P(16)		P	C	C				
Building and construction contractors												P(6)		P(6)	P(6,7)	P(6,7)	P(6,7)				
Fuel oil dealers and related facilities															P	P(6,7)					
Wholesale sales, warehousing and distribution facilities and self-storage facilities											P			P	P	P	P				
Self storage facilities														P		P	P				
Commercial solid waste disposal facilities															C						
Junkyards and auto graveyards															C						
Recycling and reprocessing facilities															C	C	P(8)				
Private industrial/commercial developments(23)											P	P		C	P	P	P				
Transportation																					
Airports or heliports	C																				
Commercial parking facilities					P		C		C(3)	C	C	P	P			P	P				
Transit and ground transportation facilities					P				C				P								
Transportation facilities												P	P	C	P	P	P(16)				
Public and Utility																					
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Municipal buildings and facilities	C	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P	C			
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways																		P			
Dams																		C			

Land Use Table: All Zoning Districts 10.17.13	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation on "A" (NCA)	Neighborhood Conservation on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV) ⁽²⁰⁾	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservation (RC) ⁽¹⁹⁾	Groundwater conservation overlay district (GC) ⁽²¹⁾	No Name Pond Conservation Overlay District (NPN) ⁽²²⁾	Mobile Home Park overlay district (MH) ⁽²³⁾
Institutional																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Cemeteries	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P				
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C	P		C	P	P	P	P	P	P	P		P	P				
Hospitals, medical clinics					P		C	P	C	P	P	P	P	P		P	P				
Museums, libraries, and non-profit art galleries and theaters					P				P	P			P				P				
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures				C(13)	P		C(13)	C	P	P(12)(24)	P	P	P	P	P	P	P				
Civic and social organizations							C	P		C			P								
Public community meeting and civic function buildings including auditoriums					P				P	P			P				P				
Residential(4)																					
Single-family detached dwellings on individual residential lots	P	P	P	P		P	P(2)	P	P(11)	P(2)											
Mobile homes on individual residential lots	P			P(35)																	
Two-family dwellings				P		P(27)	P	P	P(11)				P(14)								
Multifamily dwellings in accordance with the standards of Article XII				P(34)	P(11)		P	P	P(11)	P	P		P		P	P					
Single-Family attached dwelling in accordance with the standards of Article XII	C			P(34)	P(11)		P	P	P(11)	P											
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P			P														
Mixed residential developments in accordance with the standards of Article XII		P		P			P	P													
Mixed use structures					P(11)		P	P	P(11)	P	P	P	P			P	P				
Lodging houses							P	P	P(11)												
Home occupations	P	P	P	P		P	P	P	P		P					C					
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
In-law apartments in accordance with the standards of Article XII	P	P	P	P		P	P	P	P				P								P
Single family cluster development	P	P	P	P																	
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Shelters							C		C												
Natural Resource																					
Agriculture	P(5)																				P
Farm Stands	P																				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P		P	P	P			P	P		P	P	P					P
Earth material removal	C													C	C						
Community gardens(20)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Water dependent uses, e.g. docks and marinas					P																P
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																					C
Recreation																					
Campgrounds	C																				C
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C												P
Commercial outdoor recreation and drive-in theaters					P						C	C		C							P(32)
Fitness and recreational sports centers as listed under NAICS Code 713940								C							P						

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Repeal of the current Charitable Organization Support City Policy and adoption of a new Special Events City Policy.

INFORMATION:

In December 2009, the City Council adopted a city policy outlining the procedures for charitable donations to local non-profit organizations who hold fundraising events within the city. The policy defined the city's procedure for cash and in-kind donations, use of city services including both equipment and personnel as well as waivers of permit fees.

Staff is proposing to repeal that policy and adopt a new policy that is broader and will address all "special events" held within the City. A special event is an event held by an organization within the community and is held on city property and usually involves the use of city services.

Please see the attached memorandum from Deputy City Administrator Phil Nadeau for additional information. This information will be discussed in a workshop at 6pm.

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
---	---	---	---	---	---	---	---

To repeal Policy Manual 87, the Charitable Organization Support Policy, and to establish and adopt a new Policy Manual Number 87, the Special Events Policy, as recommended by the Deputy City Administrator.

(Note - Full copy of the Policy is attached.)



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Ed Barrett
FR: Phil Nadeau
CC:
RE: New Special Event Policy and Form
DT: 12.2.14

The restructuring of the Recreation Division in May 2014 necessitated that Administration assume the responsibilities associated with the oversight and management of the many special events that were scheduled in our city through the end of 2014.

The assumption of those responsibilities also necessitated a full analysis of both the processes associated with a number of events; the staff review and actual staffing of those events; and how well the existing 2008 Charitable Donations Policy addresses the many details and stipulations associated with both the budgetary requirements and policy requirements that impact outdoor special events.

It was immediately apparent that the current processes and forms were burdensome to both City staff and applicants who were asked to deal with two separate offices (the City Clerks and Recreation offices); three different forms (Charitable Donations-Special Event-Park Use applications); and several other policies beyond the Charitable Donations Policy.

We are proposing a new Special Events Policy to replace the Charitable Donations Policy by incorporating features that apply to both while also providing details and other requirements for reviewing special events. This will address the need to preserve the budgetary process for those non-profits that are now accustomed to it and also address those organizations that inevitably come before the Council after the budget is approved to request service/fee waivers for a variety of outdoor events.

The new policy and form will now require that non-profits provide specific documentation to verify their non-profit status (IRS Form 990; IRS letter approving 501C status; etc.); stipulate specific time requirements for the filing the application; and stipulate that the city will deny applications that are incomplete, unpaid, or do not comply with city requirements. The new policy also makes clear that organizations that do not qualify as non-profit may apply for events as a “for profit” but are required to pay all associated costs without the Council policy-approved discounts received by non-profits. More importantly, the new policy works in concert with a new form that eliminates the need to file other forms. Finally, applicants will not be required to deal with only one office as the primary coordinator for all special events—the Deputy City Administrator’s Office.

More significantly, the new policy will cap the number of special events at levels that were approved for events held in 2014 or events approved in 2014 for 2015. All events have been broken down into 4 categories:

- B1 15 Road Races/Walks
- B2 16 Festival/Concerts/Community Events
- B3 1 event from outside community
- B4 2 requests for city assets

NOTE: 9 applications involved cash requests only

The approval of the policy will fix the number of events with a hard cap in each of the four categories and only allow for a new entry if an event fails to apply within the allowable time frames stated in the policy. To date, the city has been advised that one B1 and one B2 event will not occur in 2015 (Night of the Living Dead run and the Team 207 Car show) leaving one slot open in each category for 2015.

Administration is urging the Council to support this feature of the policy recognizing that the Council has the authority to waive any part of any City policy if it believes that the best interest of the city are served by doing so. In the absence of any such waiver, Administration believes that approving more events beyond what was approved for 2014 will exceed our ability to continue to support these events with the high quality of excellence that the Council, the organizers, and the public demand.

A few other notable policy changes (some of which were imported from the Charitable Donations Policy and other policies):

- Establishes the creation of “festival zones” in policy for events such as Great Falls Balloon Festival
- Provides “Special Community Event Status” to the Liberty Festival, Great Falls Balloon Festival, and the Dempsey Challenge that provides annual “festival zone” status for those events but requires that they file all applicable paperwork to define the festival zone borders
- Makes clear when City Council approval is required and not required
- Establishes conditions of ineligibility for financial assistance and in-kind support
- Caps cash funding requests with language waiving this requirement on a case-by-case basis (Liberty Festival currently receives \$8,100 for fireworks)
- Redefines the “Park Use Fee” as a non-refundable/non-waivable processing fee for all special event application filings
- Clearly states conditions associated with the filing a Certificate of Insurance
- Clearly states all park fees and applicable non-profit discounts

SPECIAL EVENTS POLICY

PURPOSE

To establish a process for the processing and approval of requests to host and/or conduct special events and activities in the city that may or may not require funding or support services from the City of Lewiston.

BACKGROUND

It has been the practice of the City of Lewiston to provide various levels of staff resources and/or funding to support a number of special events that offer recreational, entertainment, and charitable fundraising opportunities to residents and other members of the general public.

In order to ensure a uniform procedure is followed when requesting in-kind or funding support from the City of Lewiston, this policy outlines what is required of requesting organizations and provides clarity regarding the expectations of the City Council.

SPECIAL EVENT APPLICATION FILING REQUIREMENTS

All organizations or individuals seeking to utilize or reserve any city-controlled property such as streets, sidewalks, parking areas, or parks for any activity or event with 25 people or more or require the use of city services to support an event or activity on city-controlled or private property may be required to pay for fees which include, but are not limited to, processing/park-use fees, permits, and staff time.

SPECIAL COMMUNITY EVENT STATUS

For the purposes of this policy, certain organizations/events shall be granted “Special Community Event Status” given the length of time they have existed and the size of their events. The “Special Community Event Status” shall entitle these events to the permanent creation of a Festival Zone as defined in Section G of this policy. The organizations listed below must file all applicable paperwork for this Festival Zone designation each year.

This status shall not be meant to waive any portion of this policy relative to requirements for funding, payment, and in-kind services. This status shall not restrict the City Council from denying, modifying, or amending any part of the organization’s request or waiving any portion of this policy. The organizations/events eligible for “Special Event Status” under this section are:

- The Liberty Festival Committee or 4th of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

CAPPING OF SPECIAL EVENTS

The City shall restrict the number of Special Events by capping the total number based on calendar year 2014 activity (events that occurred and applications received for 2015) and the classification of those events as listed below. The total number of events in each classification

SPECIAL EVENTS POLICY

may be exceeded but may not cause the total number of events/activities to exceed the 2014 number.

Any 2014 event/activity failing to file an application in calendar year 2015 and in future years shall create an available event/activity vacancy which may be filled by the organization/person who is first to file for a new event that receives the city's approval. The event categories shall be classified as follows:

- a. Road races as defined in item B.1 of this policy (CAP – 15)
- b. Festivals, carnivals, etc. as defined in item B.2 of this policy (on city-controlled property only) (CAP – 16)
- c. Special events listed in item B.3 of this policy (CAP – 1)
- d. Special event requests listed in B.4 of this policy (CAP – 2)

NOTE: NON-PROFIT CASH REQUESTS APPLICATIONS WILL BE TRACKED AND WILL ALL BE SUBMITTED TO THE COUNCIL FOR CONSIDERATION UNDER THE TIMELINE PROVISIONS OF ITEM C.2 OF THIS POLICY

A. DEFINITIONS

“Financial assistance” shall mean any municipal granting of funds encompassing all forms of direct cash payments for eligible activities.

“In-kind” shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee to support the event/program that the non-profit is either sponsoring or participating in.

“Non-profit organization” shall mean any non-profit/charitable organization recognized as a tax-exempt IRS approved 501.C.3/4 entity and/or an entity recognized as a legally tax-exempt organization under Maine law.

“Special Event” shall mean any event held outdoors or indoors that requires some level of city review, approval, service, support or funding. Events defined as “Athletic Events” that only require the approval and oversight of the Recreation Division shall not be defined as a “Special Event.”

“Special Event Application” shall mean the form which is so titled and is supplied by the City to all parties who seek city approval to conduct any activity that meets the City's definition of a “Special Event.”

B. INTRODUCTION

The Special Events Policy has been established by the City Council to provide guidelines to non-profit and for-profit organizations that are seeking city approval for special events.

All requests for special events require the completion of the “Special Event Application” for any event which will involve, but will not be limited to, the following:

SPECIAL EVENTS POLICY

1. Road races/walks which will may one or more combinations of running, walking, biking, vehicle racing or any other related activity which will require the use of public streets, ways, public rights-of-way or other city-controlled property.
2. Festivals, carnivals, circuses, entertainment, business shows, or any event that will require the use of any city-controlled property or may require the City to review an activity/event on private-property requiring a permit/license, police approved security plan, fire approved safety plan, or other city approval function.
3. Any special event which may begin in another city or town and will require the use of any city-controlled property or that fall into the categories listed in items B.1 and B.2 above.
4. Requests for any in-kind support through the use of city equipment, structures, assets, public space, services and staffing or any level of funding not eligible for funding through a department budget or other funding source managed by the city.

C. CONDITIONS FOR CONSIDERTATION AND APPROVAL

1. EVENTS/PROGRAMS/REQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY

The following non-profit and for profit requests that do not require City Council approval AND DO NOT REQUIRE THE FILING OF A SPECIAL EVENT APPLICATION shall be reviewed for possible approval by the City Administrator/Deputy City Administrator and may be subject to the review by applicable city departments.

Administration shall have the final authority to assess the city's ability to support any and all requests that fall under the provisions of this section. Failure to fulfil any and all requirements shall result in the denial of the application by Administration.

One or more of the following limited conditions may apply:

- a. The proposed use of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- b. The proposed use of city properties & assets will not substantially impact the city budget and provides support for county, state, and federal agency/commission meetings, local/state/national organization meetings/workshops/seminars/hearings, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in instances when the event/program benefits the community; can be co-sponsored as a "City of Lewiston" event; and is consistent with the normal use of the facility/city-controlled property; and can be supported with budgeted city staff/resources.
- d. Events/activities receiving City Council approval in the prior year and that remains substantially similar in scope and which did not require any direct city cash payment or contribution and/or in-kind assistance.

SPECIAL EVENTS POLICY

2. NON-PROFIT & OTHER ORGANIZATION APPLICATION REQUIREMENTS – CITY COUNCIL APPROVAL

All for-profit and non-profit requests which do not fall under Section B.1 of this policy require filing a Special Event Application which will be subject to City Council approval. Failure to fulfil any and all requirements shall result in the denial of the application by Administration.

A. In any instance where a request for city funding or city services/assets is made in the form of in-kind support, such requests shall only be considered from organizations that meet the non-profit organization definition in this policy. All requests require the filing of a Special Event Application in accordance with the following eligibility conditions:

- To be considered as part of the city budget process, all applications and all required paperwork, must be submitted no earlier than January 1st and no later than March 1st of each year for any event occurring in the next fiscal year (beginning July 1st of each year).
- If the application is not submitted between January 1st and March 1st as part of the city budget process, the application and all required paperwork must be submitted for events that will be held in the calendar year with all paperwork submitted between March 2nd and September 1st and no later than 90 days prior to the event for any event occurring in the same calendar year.
- All applications filed between March 2nd and September 1st must be approved by the City Council.
- All paperwork must be completed to the city’s satisfaction no later than 45 days prior to the event.
- All required fees are paid to the City no later than 30 days prior to the event.
- The organization provides a recreation, cultural, or community service to a significant proportion of city residents that the city does not otherwise provide.
- The organization has demonstrated through its application that it is a financially viable organization.
- The organization agrees to acknowledge the support of the municipality through the use of the municipal logo, site and tag line on any promotion material for the event, service, activity, etc.

B. In any instance where a request for city services/assets is from an organization/entity that is not defined by this policy as a non-profit organization, the use of city services/assets shall require payment to the city in accordance with this policy and all other applicable city policies, ordinances, and requirements. All requests require the filing of a Special Event Applications in accordance with the following conditions of eligibility:

SPECIAL EVENTS POLICY

- The application along with all required paperwork must be submitted, no later than 90 days prior to the event.
- The application date must be in the same year as the event.
- All applications must be filed between January 1st and September 1st.
- The organization provides a recreation, cultural, or community service to a significant proportion of city residents that the city does not otherwise provide.
- All paperwork is completed to the city's satisfaction no later than 45 days prior to the event.
- All required fees are paid to the City no later than 30 days prior to the event.
- The organization has no outstanding city financial obligations or has failed to fulfil any payment agreement with the city.
- The organization agrees to acknowledge the support of the municipality through the use of the municipal logo, web site and tag line on any promotion material for the event, service, activity, etc.

3. CONDITIONS OF INELIGIBILITY FOR FINANCIAL ASSISTANCE/IN-KIND SUPPORT

The following will not be eligible for City financial/in-kind assistance unless specifically waived by the City Council:

A. Types of Organizations or Individuals

- 1) For-profit organizations.
- 2) Organizations with political affiliations.
- 3) Faith based organizations where services/activities include the promotion of and/or required adherence to a faith.
- 4) Political candidates.
- 5) Organizations that are receiving Community Development Block Grant funding from the city.

B. Types of Requests

- 1) Travel expenses for members of an organization.
- 2) Uniforms.
- 3) Individual support.
- 4) Programs with legislated mandates from other governments.
- 5) Costs for major capital equipment/renovations and financing of deficits.
- 6) Requests from organizations that do not submit the required reporting information for a previous year's city approved event.
- 7) Incorporation costs or Director's Liability insurance costs.
- 8) Requests for the use of tables/chairs or other city assets off-site.

SPECIAL EVENTS POLICY

- 9) Events that involve fund raising with no general public purpose; will not be accessible to the general public; or provide a benefit limited only to existing participants, clients, or membership of the organization.

D. FUNDING LIMITS

Unless stated otherwise in this policy, in any one fiscal year any non-profit organization cash request or event support will be capped at a cash value of \$2,500 or an in-kind value of \$5,000. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

E. APPLICATION PROCESS & CONDITIONS

Prior to or following City Council action on any request for non-profit organization funding or in-kind support, the City Administration is authorized to:

- Terminate and/or cancel all activities on city property by any approved event/activity for non-compliance with applicable permitting, non-payment of applicable fees, and/or non-compliance with applicable city ordinances or city policies. Failure to comply with the terms of the Special Event Application may also result in forfeiture of applicable deposits or fees.
- Require, at Administration's discretion, any event/activity consisting of 100 people or more to obtain a performance bond or security deposit in the form of a cashier's check or money order payable to the City of Lewiston. The performance bond/security deposit will be returned if the reserved area is left clean and undamaged following the event. The deposit or bond must be submitted 30 days prior to event date.
- Ensure that any event where attendance is expected to be approximately 1000 or more is submitted to the City Council for action.
- Ensure that all applicable information requested in the Special Events Application is provided in full and in accordance with all stated requirements.
- Preserve the city's authority to reserve the right to deny or approve any/all requests.
- Reject/deny any Special Events Application if all required information is not provided.

F. NON-WAIVABLE & NON-REFUNDABLE SPECIAL EVENT FEES

Any entity wishing to schedule an outdoor or indoor event that requires some level of city review, approval, service support, fee waiver, or funding and/or involves the

SPECIAL EVENTS POLICY

reservation of any city-controlled property is required to complete a Special Events Application and to pay the following:

- A. Processing Fee: \$50 - required to be paid upon successful submission of the Special Events Application. This fee is non-refundable upon receipt by the City.
- B. Park Use Fees (non-refundable less than 30 days prior to event):
 - 80% discount for Lewiston based non-profit organizations
 - 50% discount for non-Lewiston based non-profit fundraisers
 - 34% discount for non-Lewiston based non-profit community event
- C. Applicable Park Fees:
 - 1) Simard-Payne Park - (\$135 daily fee – or applicable discount @80%=\$27.00; @50%=\$67.50; @34%=\$89.10)
 - 2) Dufresne Park - (\$265 daily fee – or applicable discount @80%=\$53.00; @50%=\$132.50; @34%=\$174.90)
 - 3) Kennedy Park (no fee)
 - 4) Veterans Park (no fee)
 - 5) Marcotte Park (no fee)
 - 6) Potvin Park (no fee)
 - 7) Raymond Park (no fee)
 - 8) Sunnyside Park (no fee)

G. ESTABLISHMENT OF FESTIVAL ZONES

The City Council shall have the authority to establish a Festival Zone if requested by the applicant. The Festival zone will:

- Authorize an event organizer to charge fees to participating vendors/groups that are selling products/services or have registered with the event/activity for some other purpose within the city-controlled property areas designated as the Festival Zone.
- Prohibit the collection of donations by any person, organization, company or group not approved by the event organizer within the Zone with the exception of any City department or employee that has received approval to do so by the City Administrator.

To request such a zone, the event/activity must file a map clearly showing what city-controlled areas are to be set aside and provide a written explanation as to why and how such a designation will be used by the event/activity. Approval of a Festival Zone does not waive the requirement for any person, organization, company or group to obtain all applicable city/state permits/licenses to sell any product/service whether on public or private land

A Festival Zone designation will not apply to any non-city controlled property within the zone.

H. CERTIFICATE OF INSURANCE REQUIREMENTS

SPECIAL EVENTS POLICY

For any special event/activity involving twenty-five (25) or more individuals and/or requiring the utilization/reservation of any city owned/controlled property such as a park or street and for events which include but are not limited to walk-a-thons, races, festivals, concerts and similar events, general liability insurance coverage and a Certificate of Insurance naming the City as an additionally named insured are required.

The Certificate of Insurance shall name the City of Lewiston; specify the event/activity; the dates for the event/activity; and any other pertinent information. Once an event is approved by the City, the Certificate of Insurance must be received by the City no later than thirty (30) days before the date of the event. This time requirement may be waived by the City Administrators office.

The Certificate of Insurance shall provide general liability coverage of a minimum of One Million Dollars (\$1,000,000).



CITY OF LEWISTON

Special Event Application

All organizations or individuals seeking to utilize any city-controlled property such as streets, sidewalks, parking areas or parks for any activity or event with 25 people or more must complete this application.

All requests that result in the use of city services to support an event or activity on city-controlled or private property may require the organization/individual to pay for fees that include but are not limited to, processing/park-use fees, permits and staff time.

For any organization/individual requesting the City Council to waive fees for any city permits, fees or staff time, the organization/individual must submit this application no earlier than January 1st and no later than March 1st for events that will occur in the next fiscal year beginning on July 1st. Failure to file by March 1st will require the filing of this application in the same year of the event; that the application be filed between March 2nd and September 1st; and that it be approved by the City Council.

All properly completed applications and \$50 Processing Fee (non-refundable) must be submitted at least 90 days prior to the event.

All items highlighted in grey with an asterisk (*) in Section 2 of this application must be completed to the city's satisfaction no later than 45 days prior to the event to comply with public hearing requirements. All applicable fees must be paid no later than thirty (30) days prior to event.

The City of Lewiston shall reserve the right to deny any application if the information in the application is incomplete; conflicts with city policies, ordinances, events or city services; contains information that is inaccurate or fraudulent; or appears to violate local, state or federal law.

Application Date _____

STAFF USE ONLY
EVENT FILE NO.: _____

SECTION 1. GENERAL EVENT INFORMATION

1. Name of host organization/individual legally responsible for event:
and _____
2. Is the applicant a legal non-profit? Yes _____ No _____

If the response in the above is "Yes", please enclose a copy of the IRS Form 990 filed in the year preceding the date of this application. If the applicant has not yet filed a 990, please attach a copy of the IRS letter awarding your non-profit status.

If the applicant is not a qualifying non-profit, 100% of all applicable fees must be paid.

3. Will you or your organization be paid by another non-profit agency to raise money for their organization? Yes No
If "Yes", provide a signed statement and with financial information from the non-profit indicating how much money they may receive for this event and/or received if the event was held last year.
4. Name of Contact Person for Event: _____
5. Title of Contact Person: _____
6. Mailing Address: _____
7. Daytime Telephone: _____ Cell Phone: _____
8. Email Address: _____
9. Contact Name and Cell Phone Number DURING the Event: _____
10. Name of Event: _____
11. Type of Event (walk, festival, concert, etc.): _____
12. Day of Event: _____ Date of Event: _____
13. Rain Date (if applicable): _____
14. Times of Event:
Start Time including set-up: _____ Ending time including clean up: _____
Actual Event Start Time: _____ Actual Event End Time: _____
15. Estimated Attendance: _____
16. Open to public: Yes No
17. By Invitation Only: Yes No
18. Location(s) of Event:

19. Age restriction on Admission? Yes No
20. If yes specify age required for admission: _____

DESCRIPTION OF EVENT – Please describe what will occur during your event

SECTION 2. EVENT DETAILS & POSSIBLE PERMITTING

- 34% discount on all city permits/licenses for fundraisers hosted by non-profit organization
- 50% discount on all city permits/licenses for non-fundraising events hosted by non-profit organizations
- **ALL PAYMENTS ON CITY PERMITS/LICENSES DUE NO LATER THAN 30 DAYS PRIOR TO EVENT**

All items highlighted below with an asterisk (*) in Section 2 of this application must be filed and completed to the city's satisfaction no later than 45 days prior to the event to comply with public hearing requirement.

	Permit Fee	Permits and/or Event Requirements	YES	NO
A	NON-PROFIT & FOR PROFIT	If you answered "Yes" in Section 1, Item 2 of this form and you are seeking City Council approval to waive any applicable fees, YOU MUST COMPLETE THIS SECTION AND SCHEDULE B of this form. All other events must complete this section.		
B	CITY PROCESSING FEE	If the event requires city staff inspection and/or the use of city-owned public space, please complete SCHEDULE A of this application.		
C	Separate fee and permit possible \$50/3days	FOOD – Will food or beverages be <u>given away</u> ? ___ YES ___ NO. If yes, list what types of food or beverages: ----- Will food or beverages be <u>sold</u> ? ___ YES ___ No If yes, list what types of food or beverages: Note - A food service license may be required.		
D	Separate fee and permit possible \$39/7 days plus \$21 background check	NON-FOOD ITEMS – Will products be <u>given away</u> (such as t-shirts, crafts, CDs, etc.)? ___ YES ___ NO If yes, list what items: ----- Will products be <u>sold</u> (such as t-shirts, crafts, CDs, etc.)? ___ YES ___ NO If yes, list what items: Note- A peddling permit may be required.		
E	*\$50/event	*LIVE MUSIC PERFORMED BY ONE OR MORE PEOPLE – If yes, please describe:		
F	\$17/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?		
G	Separate fee and permit required \$17/day \$25/day	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served at the event? If yes, describe:		
H	Separate fee and permit required \$180/day	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit (if applicable). A city permit is also required.		
I	Separate permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the State Fire Marshal and the Lewiston Fire Department is required.		

	COMMENTS	Permits and/or Event Requirements	YES	NO
J	COMMENTS:	RUN/WALK/CYCLE MAP – Will event involve participants doing a walk-a-thon, road race, etc? If yes, provide map of staging areas, actual route and where event will terminate and a business owner contact plan and attach to this application		
K	COMMENTS:	PARADE MAP – Will there be a parade? If yes, provide a route map which will include staging areas, actual parade routes, and where parade will terminate, and also provide a business owner contact plan. Note – A permit from the Police Department is required.		
L	COMMENTS:	FESTIVAL ZONE DESIGNATION: (Complete SCHEDULE A)		
M	COMMENTS:	PARK MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, hand washing facilities, stage, first-aid, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.		
N	COMMENTS:	TENT/AWNING/CANOPY SIZE – Will you be setting up a tent, awning or canopy? If yes, list size and height. NOTE: TENTS/AWNINGS ON PUBLIC/PRIVATE PROPERTY MUST HAVE CERTIFICATES SHOWING THAT THE MATERIALS ARE FLAME RETARDENT. COPIES OF THE CERTIFICATION MUST BE PROVIDED TO THE FIRE DEPARTMENT PRIOR TO THE EVENT.		
O	COMMENTS:	REST ROOM/HANDWASHING FACILITIES: Events with attendance of 200 persons or more lasting longer than 3 hours must provide portable restrooms/handwashing or sanitizing stations at the ration of (1) restroom for each 200 persons in attendance, one-third of which must meet ADA specifications (CITY WILL NOT PROVIDE NOR FUND PORTA POTTIE SERVICES – PLEASE LIST ON PARK MAP/DIAGRAM IN ITEM M ABOVE)	No. of Porta Potties Required	No. of handwash-ing stations required
P	COMMENTS:	ROAD/INTERSECTION CLOSURE MAP – Will any roads need to be closed to accommodate your event? If yes, please provide a map of what roads, alleys, sidewalks, etc. will be closed.		
Q	COMMENTS:	MATERIALS/EQUIPMENT TO BE DRIVEN OR PARKED ON CITY PARK OR PARKING LOT PROPERTIES – MAP/DIAGRAM: Please provide separate list and map details.		
R	COMMENTS:	PARKING ACCOMMODATIONS – What will be the anticipated need for parking and what is your parking plan?		
S	COMMENTS:	WASTE DISPOSAL – You are required to clean up after the even and to ensure that you have adequate containers, trash bags, etc. to pick up all waste. If the location does not have adequate containers for the event.	City assistance required	No City assistance required
T	COMMENTS:	FIRST AID FACILITIES – Please list location on PARK MAP/DIAGRAM as required in Item -----above.		
U	COMMENTS:	CERTIFICATE OF INSURANCE: If your event utilizes any public space, the city may require a certificate of insurance from your or sponsoring organization naming the City of Lewiston as the insured party. See Section 3.		
V	COMMENTS:			

Please note that you will be contacted by City Staff if your event requires additional permitting.

SECTION 3.

INSURANCE REQUIREMENTS

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

Any special event/activity in which any person/group wishes to reserve any city-controlled/owned property involving twenty-five (25) individuals and/or requiring the utilization/reservation of any city controlled/owned property such as a park or street, and for events which include but are not limited to walk-a-thons, races, festivals, concerts, etc., requires general liability insurance coverage and the issuance of a Certificate of Insurance.

The Certificate of Insurance shall be issued naming the City of Lewiston as an additional insured; specifying the event/activity; the dates for the event/activity, and any other pertinent information. Once the event is approved by the City, the Certificate of Insurance will need to be received by the City no later than thirty (30) days before event permits can be issued (the time requirement may be waived by the City Administrators office).

Please have your insurance company email (pnadeau@lewistonmaine.gov) or fax (207-795-5069) a copy to the Phil Nadeau, Deputy City Administrator.

SECTION 4.

CONDITIONS OF EVENT APPROVAL

I acknowledge/understand that:

- Non-compliance with applicable permitting, the non-payment of applicable fees, and/or the non-compliance of applicable city ordinances or city policies may result in the termination and/or cancellation of all events on city property. Failure to comply with the terms of this application may also result in forfeiture of applicable deposits or fees.
- Any event consisting of 100 people or more may be required to obtain a performance bond or security deposit payment in the form of a cashier's check or money order payable to the City of Lewiston. The performance bond will be returned if the reserved area is left clean and undamaged following the event. The deposit or bond must be submitted 30 days prior to event date.
- The City Council shall approve any event where attendance is expected to be approximately 1000 or more people.
- I have read the Special Events Policy and all applicable guidelines that are listed on the City's Special Events Requirements web page and have met and/or discussed all requirements with each City department listed in this application.

Signature of Applicant:

Printed Name:

Date Submitted:

SCHEDULE A.

PROCESSING FEE AND PUBLIC SPACE USAGE

Complete only if city staff inspection and/or the use of city-owned property is applicable

PROCESSING FEE (NON WAIVABLE AND NON-REFUNDABLE): \$50.00
(this payment will secure the date(s) and use of the public space for the event – MUST BE PAID WITH FULLY COMPLETED APPLICATION)

PARK USE FEES AND APPLICABLE DISCOUNTS – MUST BE PAID NO LATER THAN 30 DAYS PRIOR TO EVENT

→ **80% discount** for Lewiston based non-profit organizations
50% discount for non-Lewiston based non-profit fundraisers
34% discount for non-Lewiston based non-profit event

EVENT NAME: _____

EVENT DATE: _____

Park requested (check each):

Simard-Payne Park - (\$135 daily fee – or applicable discount @80%=\$27.00; @50%=\$67.50; @34%=\$89.10)

Dufresne Park - (\$265 daily fee – or applicable discount @80%=\$53.00; @50%=\$132.50; @34%=\$174.90)

Kennedy Park (no fee)

Veterans Park (no fee)

Marcotte Park (no fee)

Potvin Park (no fee)

Raymond Park (no fee)

Sunnyside Park (no fee)

PARK USE FEES AND APPLICABLE DISCOUNTS – MUST BE PAID NO LATER THAN 30 DAYS PRIOR TO EVENT

Other city-owned public space (e.g., roads, sidewalks, etc.) _____

FESTIVAL/EVENT ZONE (event will require organizer to control the public space within a defined area of the city which may prohibit authorized city street vendors to sell products in the “festival/event” zone):

1. Zone outline: (submit map)

2. Business owner contact plan

3. Reason for Festival/Event Zone designation: _____

TOTAL PROCESSING AND APPLICABLE PARK USE FEES: \$ _____

All checks made payable to “City of Lewiston”.

SCHEDULE B.

CHARITABLE FUNDING REQUEST

APPLICATION DEADLINE FOR CITY COUNCIL ACTION: MARCH 1

This request assumes that your organization will not receive Social Service Agency/Community Development Block Grant Funding from the City of Lewiston in the next fiscal year. All funding requests apply ONLY to events occurring in the next fiscal year (as of July 1st). This schedule and applicable attachments must be completed in full along with remainder of application.

Contact Phil Nadeau if you need assistance - 207-513-3012

1. Name of Event:

2. Are you requesting a cash donation? If yes, How much? _____

3. Does your application require any in-kind support from the City relative to city properties, resources, assets or departments? Yes _____ No _____

4. **If you answered “yes” in item 3 above, PRIOR TO SUBMITTING YOUR APPLICATION, please have your application reviewed by the applicable City staff listed below to ensure the value of the City’s in-kind support.** You must contact each department to verify that the department will or will not be required to service the event. Staff will enter the estimated value of each department’s in-kind services . (Use separate sheet to provide details if necessary.)

DEPARTMENTS	IN-KIND REQUEST Please list department cost estimate of staff services and/or permits&licenses	(THIS COLUMN FOR STAFF ONLY) Date of email contact w/cost info	(THIS COLUMN FOR STAFF ONLY) - Estimated cost of services/permits/lic or staff hours
City Clerk – permitting & licensing - Kathy Montejo – kmontejo@lewistonmaine.gov (207)513-3021			
Code Enforcement – food & electrical inspections - David Hediger – 207513-3125 - dhediger@lewistonmaine.gov			
Fire – Certifications, permits & facility inspections - Paul Ouellette – 207-513-3002 - pouellette@lewistonmaine.gov			
Police – traffic control & security requirements - David Chick – 207-513-3137- dchick@lewistonmaine.gov			
Public Works –traffic/ped control; park logistics; electric & water services - Megan Bates – mbates@lewistonmaine.gov (207)513-3073			

DEPARTMENTS	IN-KIND REQUEST	(THIS COLUMN FOR STAFF ONLY) - Date of First Contact	(THIS COLUMN FOR FOR STAFF ONLY) - Estimated Cost of Service or Staff Hours
Other			

IN ADDITION, PLEASE BE SURE TO INCLUDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION IN ORDER TO HAVE YOUR GRANT REQUEST CONSIDERED:

- a. Your organizations financial statements from the previous event or fiscal year.
Attached _____ Not attached _____ First time event _____
- b. A budget for the upcoming fiscal year or event.
Attached _____ Not attached _____ First time event _____
- c. If this event occurred last year, was the event a fundraising success? Yes _____ No _____
- d. If you answered “No” in item C above, provide a written explanation.
Attached _____ Not attached _____ First time event _____
- e. Did your organization pay a non-employee to organize and/or manage the event?
____ YES ____ NO. Did your organization provide services to raise money for one or more non-profit agencies? ____ YES ____ NO Provide a signed statement from the event organizer with financial information as to how much money was raised and for which organization.
Attached _____ Not attached _____ First time event _____
- f. If this event occurred last year, describe how the event met your projections and expectations?
(write below)

Please return this completed application with diagram and any applicable fee to:

MAIL: Phil Nadeau
City Administrator’s Office
Lewiston City Hall
27 Pine Street
Lewiston, Maine 04240

FAX: 207-795-5069

EMAIL: pnadeau@lewistonmaine.gov

Questions: 207-513-3012 phone

Please note: Incomplete applications may be rejected by the city. Please complete all sections on the form or list “N/A” if a section does not apply to your event so we know that every section was accounted for and not skipped over accidentally. The City needs to have a complete understanding of your event prior to the issuance of permits. Thank you for understanding.

******FOR STAFF USE ONLY******

1. **Organization Name:** _____

2. **Event Name:** _____

3. **(First) Date of Event:** _____

4. **File No. of Event:** _____

DEPARTMENT ACTIONS:

CITY CLERKS – PERMITS ISSUED	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Food Vendor License(s)				
Non-Food Vendor License(s)				
Live Music Permit				
Sound Amplification Permit				
Alcoholic Beverages License				
Event area designation map (if applicable)				
City Council action if required				

CITY CLERK COMMENTS/CONDITIONS:

*****FOR STAFF USE ONLY*****

PUBLIC WORKS	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Site visit with organizer				
Park set up/map review with organizer				
Road set up/map review with organizer				
Dig Safe completed for site(s)				
Electric access reviewed and plan approved				
Water access reviewed and plan approved				
Equipment and vehicles on property – logistics plan reviewed and approved				
Parking lots/garages – plan reviewed and approved				
Non-profits using parking area – review Parking Policy				
Waste collection plan reviewed and approved				
Organizer contact for private parking lots in area				
Parking and emergency shelter signage				
City Council action if required				

PUBLIC WORK COMMENTS/CONDITIONS:

******FOR STAFF USE ONLY******

PUBLIC WORKS – REQUESTED ITEMS NOT REFERENCED ABOVE

	Bollards			Weedwack electricals area	
	Barrels			Tables/Chairs	
	Trash bags			Stantions	
	Repair area(s)			Spray area(s) as needed	
	Snow fence				
	Keys				
	Barricades				
	Dumpsters				
	Recycle bins				
	Water spickets – working				

PUBLIC WORK COMMENTS/CONDITIONS:

POLICE DEPARTMENT	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Map reviewed and approved				
Security reviewed and approved				
Parade permit				
City Council action if required				

POLICE DEPARTMENT COMMENTS/CONDITIONS:

*****FOR STAFF USE ONLY*****

FIRE DEPARTMENT	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Flame retardant tent/awning/canopy certificates submitted				
Fire Marshall and Lew. FD fireworks permits issued				
Fire Marshall carnival license issued				
Carnival inspection				
Organizer advised of open burning Permit requirement				
Fire Dept. permit for propane tanks over 20 lbs. issued				
General fire safety inspection: cooking equipment; fire extinguishers, tents, etc.				
City Council Action if required				

FIRE DEPT. COMMENTS/CONDITIONS:

CODE ENF - SANITARIAN	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Vendors reviewed and inspections scheduled				
City Council action if required				

CODE/SANITARIAN COMMENTS/CONDITIONS:

*****FOR STAFF USE ONLY*****

ADMINISTRATION	FILE/ACTION DATE	COST EST SUBMITTED	APPROVAL DATE	NAME
NO ACTION REQUIRED				
Cert of Insurance				
Porta-Pottie/hand-washing and ADA requirements reviewed and approved				
Security deposit/Perf bond				
First aid plan review				
ALL FEES REVIEWED AND PAID				
CONTACT AUB-911 & AUB STAFF				
Provide Parking, Park, BBQ, and applicable policies				
Organizer contact of area businesses(if applicable)				
Form 990 or IRS letter submitted				
Applicant raising money for another agency—ltr & financials				
City Council action if required				

ADMINISTRATION COMMENTS/CONDITIONS:

FINAL ADMINISTRATION APPROVAL:

- A. ____ All event requirements have been met to the City's satisfaction
- B. ____ Event is not approved as application was not submitted in a timely manner or has not provided sufficient information
- C. ____ Event application is not approved – see comments below

Phil Nadeau, Dep. City Administrator

Date

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Resolve expressing concern of the City Council regarding certain actions surrounding the establishment and authorization of compensation for elected county officials.

INFORMATION:

Recently there has been discussion and disagreement amongst the Androscoggin County Budget Committee and the Androscoggin County Commissioners regarding compensation packages including salaries and benefits. The elected municipal officials of the fourteen towns in Androscoggin County has been asked to express their opinion on the matter. Attached is a proposed Resolve for the Council to consider, as well as a letter from the Sabattus Board of Selectmen, a letter to the Lewiston Council from the county budget committee and a letter to the Maine Attorney General from the county budget committee.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To adopt the Resolve expressing concern of the City Council regarding certain actions surrounding the establishment and authorization of compensation for elected county officials.



COUNCIL RESOLVE

Resolve, Expressing the Concern of the City Council Regarding Certain Actions Surrounding the Establishment and Authorization of Compensation for Elected County Officials.

Whereas, in 2012, the voters of Androscoggin County approved a new charter for county government changing the nature, responsibilities, and composition of both the Board of County Commissioners (the Board) and the County Budget Committee (the Committee); and

Whereas, the Committee's role was redefined from approving all county budget expenditures to advising on such expenditures, but with two exceptions: a requirement that the Board's compensation be approved by the Committee (County Charter section 3.7) and authorizing the Committee to override specific line items recommended by the Board by an affirmative vote of 11 of its members (County Charter Section 5.5.2); and

Whereas, when the new charter went into effect, the newly constituted Committee and the transitional Board agreed that Section 3.7 of the Charter ultimately meant that the Board could not set its own salaries or benefits since final authority remained with the Committee; and

Whereas, this same understanding was investigated and reiterated without objection at the outset, interim, and conclusion of this year's budget process; and

Whereas, on October 22, 2014, the Chair and the Vice Chair of the Androscoggin County Charter Commission testified in-person to the assembled Committee and Board that the intent of section 3.7 was that the salaries and benefits of Commissioners are set by the Committee by a majority-plus-one vote of 9 of its members and cannot be changed by the Board; and

Whereas, on October 24, 2014, the Chair, Vice Chair, and Secretary of the Androscoggin County Charter Commission submitted a formal letter to Androscoggin County Clerk Patricia Fournier, reiterating that the intent of section 3.7 was that the salaries of elected county officials are to be set and approved by the Committee with a majority-plus-one vote of 9 of its members; and

Whereas, the Board's proposed compensation for themselves as presented to the Committee was adjusted by the Committee by a majority vote of 9 or more of its members; and

Whereas, only following final presentation of the budget and adjournment by the Committee, did the Board (upon an opinion solicited from legal counsel) disregard the Committee's action on compensation of Commissioners; and

Whereas, there appear to be additional disagreements between the framers of the County Charter Commission and the Board regarding the final authority of the Board and Committee; and

Whereas, disagreement as to the respective authorities of the Board and the Committee and the checks and balances intended thereof by the framers of the Charter can only serve to undermine the legitimacy of the County's governance structure;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

Given the clear statement of intent by the members of the Androscoggin County Charter Commission and the apparent agreement of the Board of County Commissioners prior to and throughout this year's budget process, and with regard to the compensatory authority of the County Budget Committee, we are concerned that the subsequent actions taken by the County Commissioners to overrule the Budget Committee on compensation of Commissioners raises fundamental questions regarding the authority and responsibilities of both the Budget Committee and County Commissioners. These fundamental questions must be resolved to ensure the legitimacy of the new charter and form of government for Androscoggin County. To this end, the City Council:

- Requests the Board of County Commissioners reverse its dismissal of the Budget Committee's approved adjustments to the compensation of Commissioners; and
- Supports the effort to ask the State Attorney General to review the issues that have been raised and to render an opinion that clarifies the respective authority of the Board of Commissioners and Budget Committee relating to the county budget and compensation of commissioners; and
- Calls upon all parties to accept and abide by the opinion of the Attorney General on these issues; and
- Authorizes the City Administrator to support other efforts, in concert with other municipalities in Androscoggin County, to resolve these concerns; and
- Subject to further review by the Council of costs, authorizes the City Manager to work with other municipalities in Androscoggin County to outline potential remedies and the likely costs of pursuing them should these issues not otherwise be resolved;

Be It Further Resolved, that

The City Clerk shall provide copies of this resolution to the County Clerk, Board of County Commissioners, members of the County Budget Committee, Maine Attorney General, and all other municipalities in Androscoggin County.



TOWN of SABATTUS

190 Middle Road • Sabattus, Maine 04280
Phone: (207) 375-4331 • Fax: (207) 375-4104

December 5, 2014

Commissioners Bell, Greenwood, and Makas
Androscoggin County
2 Turner Street
Auburn, Maine 04210

Dear Commissioners Bell, Greenwood, and Makas:

We were very surprised to learn that commissioners received health benefits from the County, some full family coverage at that, and the fact that 100% of the premiums are paid by county taxpayers. We are now quite aware that Androscoggin County is not alone in offering health benefits to its part-time elected commissioners. We are also aware of the history in Androscoggin County which once offered 100% taxpayer health benefits to commissioners for life. Neither of these facts justifies nor weakens our very strong position that it is highly inappropriate and an entitlement that needs to end. It is our unanimous sentiment and philosophical position that part-time, elected county commissioners should not receive taxpayer funded health coverage at any level. We do understand and agree that a reasonable annual stipend should be paid to help defray the personal cost of serving the public. What a "reasonable" amount for a stipend should be is certainly a matter that could be endlessly debated and that is not the focus of this letter and not our primary concern. We also want to point out that our collective position regarding health benefits for commissioners does not apply to other elected positions in county government that are fulltime jobs such as sheriff, judges, etc. We take no issue with benefits for those positions.

Running for a municipal officer or county commissioner position is a personal decision to serve the public. Profiting from part-time elected office, including expensive taxpayer-funded health coverage, is a gross overreach that takes undue advantage of your public office and the taxpayers that support it. Public service should not be for personal gain other than to deepen one's own sense of commitment to service.

The Board of commissioners is increasing from three to seven members. Now more than ever, there should be no credible argument that serving as a county commissioner is akin to regular employment and certainly not fulltime employment. There will indeed be a time period in 2015 that requires additional work of the commissioners to oversee a proper search and hiring process to select the right person as its first manager, develop bylaws, and other related tasks. However, any extra work required of the seven commissioners during this period of transition, in our view, is part of the responsibilities that come with the honor of serving. Additionally, the commissioners will also have legal and presumably other resources to draw upon to assist in these tasks. We see no credible argument that the workload of the commissioners, particularly with the board growing from three to seven members, will be significant enough to emulate fulltime employment and therefore be deserving of additional compensation, including health coverage, over what the Budget Committee voted to appropriate.

At least as, if not more, egregious to us than the idea of commissioners receiving taxpayer-funded health coverage is the recent process in which two of the three commissioners voted to ignore the unanimous vote of the Budget Committee. The third commissioner simply chose not to vote at all citing abstention. Abstention should only be used in matters of a potential or direct conflict of interest. All three commissioners certainly had a direct conflict of interest on this particular vote whereas each of the three commissioners stands to gain personally from overturning the vote of the Budget Committee. All three should have 'abstained' from taking a vote.

From a legal perspective, we believe it very much remains an unanswered question whether or not the commissioners actually have legal authority to effectively overturn a vote of the Budget Committee related to commissioner compensation including benefits. The County's attorney may support the commissioners' interpretation; however we, members of the Budget Committee, and many others disagree. At the moment, that's all that exists on the matter - opposing opinions. If this matter isn't resolved soon, the issue of proper authority can only be resolved definitively in court. We certainly hope it does not come to that end.

Many of us supported and advocated for the passage of the county charter specifically due to the promise of significant change to governance structure. Professional management and what we were told by members of the charter commission was to be the role of the Budget Committee were compelling reasons for us to support the county charter's passage. The recent actions of the commissioners undermine the very spirit of the charter, if not the letter of the law itself. Your actions state loud and clearly you intend to conduct your business as usual despite the hard work of the County's Charter Commission, the Budget Committee, and the will of a majority of Androscoggin County voters.

Androscoggin County government has a real opportunity at hand in this time of transition. Efforts in the past to regionalize services have been deeply mired in politics, and a general distrust between communities and County government. But hard economic times and the promise of new County management create what could be a tremendous opportunity at hand. The County, under professional management and a Board of seven could establish a forum and process to pull together people from each of its member communities and explore areas to collectively make the most impact in purchasing and delivery of services on a much broader level than current practice. Some services, not all, should be delivered on a more regional basis to be more efficient, more cost effective, and avoid future cost increases for our collective taxpayers.

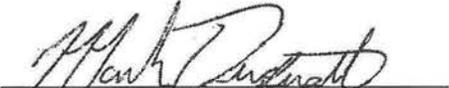
Regardless of the initiative, any possible hope of success absolutely requires credibility. It requires credibility both in the process and the central entity facilitating the effort. The current controversy over the commissioners' compensation and ignoring the charter and Budget Committee greatly compromises the credibility of the current Board and County government. It perpetuate and deepen the criticisms, distrust, and lack of hope that Androscoggin County can move beyond its past and work collaboratively with its member communities.

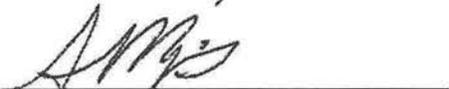
There is still an opportunity, albeit a fleeting one if not addressed very soon, to turn this unfortunate situation around. We do not believe the Commissioners' 2-0-1 vote adhered to the charter and therefore is not legal. However, that can only be resolved if the commissioners reverse their course of action, or the matter is decided in court. If the commissioners voluntarily reverse course and declare that the Budget Committee vote stands, it would certainly go a long way to restore credibility in, and respect for County government and support the new charter instead of damaging it. Valuable time, energy and

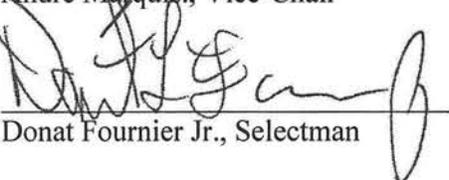
resources could instead be collectively focused on pulling the Androscoggin member communities together to welcome a new county manager to help facilitate change, explore common ground, and seek and achieve opportunities to work more effectively on a regional basis.

We sincerely implore the current Board of three commissioners to publicly declare your recent vote to be invalid, or take another vote to rescind it if you feel that is more proper. However if the current Board of three is not inclined to do so, then we implore a majority of the new board of seven to set this situation right and adhere to the Budget Committee vote.

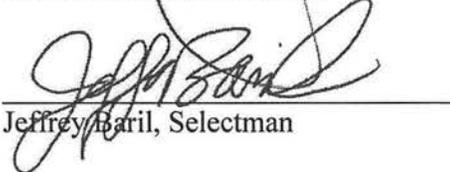
Respectfully,


Mark Duquette, Chair


André Marquis., Vice-Chair


Donat Fournier Jr., Selectman


Michelle Ames, Selectman


Jeffrey Baril, Selectman

- cc: Androscoggin County Commissioners-elect: Chicoine, Roy, Fournier and Christner
- Androscoggin County Clerk: Patricia Fournier
- Androscoggin County Budget Committee Members
- Municipal Officials in Androscoggin County

County Budget Committee and County Charter Commission
Androscoggin County
2 Turner St.
Auburn, ME 04210

Municipalities of Androscoggin County:

Greene	Sabattus	Wales	Leeds	Turner	Auburn
Lewiston		Lisbon	Durham	Livermore	Livermore Falls
Minot		Poland	Mechanic Falls		

Dec. 8, 2014

To municipal elected officials and administrators:

It is rare that all 14 municipalities so varied in nature, constituents, needs, and means can unequivocally agree on an issue. We write to you in anticipation and hopes that such an agreement can be reached in opposing the Androscoggin County Board of Commissioners action to set their own compensation in disregard to the Budget Committee's decision and to what we believe the new Charter states and allows.

The details of our opposition are set forth in the attached letter to the State Attorney General. We ask that municipalities join us in challenging this very dangerous and expensive precedent set by the current Board of Commissioners that will include four additional new commissioners and future commissioners.

We are faced with the possibility that self-benefiting practices may return and pose an even greater tax burden than those that were wisely discarded several years ago. Many of you will recall that at one time, commissioners who served as few as eight years (the terms varied over the years) voted themselves lifetime medical coverage that included lifetime spouse benefits as well. This was done with the simple majority approval of Budget Committee members with questionable conflict of interest issues. Subsequent commissioners put an end to this practice. Subsequent Budget Committee members considered disallowing even the grandfathered benefits but chose not to for compassionate and ethical reasons. However, the Budget Committee has been publicly consistent in its intentions to pare down and to eliminate previous and current compensation for commissioners. With the new charter calling for a full time administrator to be hired in 2015, the Budget Committee believed that this year was the right time to eliminate medical and dental benefits for part-time elected commissioners, who are now charged with setting policy and not administration.

Despite repeated requests to provide detailed information about insurance benefits and costs, the county has yet to provide them. Despite numerous iterations of Charter Commission intent and clarification, the county has proceeded to ignore them. Currently we are subjected to the will and whim of county commissioners unless we somehow challenge their most recent action, which was taken after the public hearing and without notice to the Budget Committee or to the public. We await a response from the Attorney General and hope to avoid the expense and stress of any court challenge. In the meantime, we ask for your collective and public support in not allowing the commissioners' decision on compensation for themselves to stand.

Sincerely and respectfully,
The Androscoggin County Budget Committee and Charter Commission (members signed below)

cc: Androscoggin County Board of Commissioners

County Budget Committee and County Charter Commission
Androscoggin County
2 Turner St.
Auburn, ME 04210

Janet T. Mills, State Attorney General
Office of the Attorney General, State of Maine
6 State House Station
Augusta, ME 04333

Dec. 1, 2014

Dear Attorney General Janet T. Mills:

We write as collective bodies in our duty of advocating for local taxpayers and in hopes of sparing taxpayers additional legal expenses as we seek resolution in a dispute over county government powers. More specifically, we write to seek your opinion, direction, and help in resolving nonpartisan issues with county charter language, local government procedures, and preservation of checks and balances over executive powers.

In 2012, voters of Androscoggin County approved a new charter for county government. This charter changed the nature, responsibilities, and composition of both the Board of County Commissioners and the County Budget Committee. It also separated powers between legislative and administrative functions by specifying that the Board (1.5) be a policy-making body, with administration going to a newly created position of County Administrator (2.3). The Board was increased from three commissioners to seven (3.1) with the intent by charter authors to increase voter representation. Furthermore, the membership of the Budget Committee increased from eight members to fourteen (5.5.5) and in authority from previously approving all county budget expenditures to currently serving as an advisory body -- with two key exceptions (3.7 and 5.5.2). These exceptions are the crux of our local dispute and have precedent-setting and wide-ranging implications.

It is the opinion of the Budget Committee and Charter Commission that section 3.7 of Article 3 addressing "Board of County Commissioners" requires Board compensation to be approved by the Budget Committee. This proviso appears completely separate from Article 5, which outlines budget procedures and parameters. This section states in its entirety: "Salaries and benefits of all County elected officials shall be recommended by the Board and approved by a majority plus one vote of the full Budget Committee. Said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of the officials' duties may be allowed upon formal review and

approval by the board." Section 1.5 states that all references to Board means Board of County Commissioners. When the new charter took effect in 2013, the newly constituted Budget Committee and the transitional Board of Commissioners (the incumbent three elected officials) agreed that Section 3.7 meant that the commissioners could not set their own salaries or benefits. That authority remained with the Budget Committee. This same agreement was reiterated at the beginning of this year's 2014 budget process. However, acting under the opinion of its publicly paid attorney, which was issued in a written letter after the budget process, the Board of Commissioners (two voting in the affirmative and one abstaining) have disregarded the Budget Committee's decision and claimed executive power over their compensation. We strongly disagree with this action as a matter of language, procedure, intent, and precedent.

The second key issue speaks to the matter of budget override authority. In Article 5 addressing "Finance," section 5.5.2 has a paragraph inserted to allow the Budget Committee authority to override specific line items recommended by the Board. It reads, "The Budget Committee shall have the authority to reject or modify any line item in the budget by the affirmative vote of 11 of its members. The Budget Committee's proposed budget shall include proposed salaries and benefits for elected officials." The meaning of this section was raised and debated by Budget Committee members at the outset of this year's budget process as reflected in the public record minutes. At the request of the committee, the Board sought and received clarification of intent from Charter Commission members. Subsequent public appearances, statements, emails, and letters from Charter Commission members affirmed that a minimum of 11 votes out of 14 allowed for line item overrides. This issue was not addressed by the Board of Commissioners or its attorney but nonetheless requires an affirming ruling for future budget proceedings.

The issues of public transparency and detailed information regarding county government and finances remain troublesome as well but are not the subjects of this request. For the immediate future, we wish to preserve the intended and stated checks and balances over executive powers and seek legal guidance in how best to ensure this. There is an urgency of time in that municipalities in Androscoggin County are setting their mil rates based on the tax levies issued by the county. For the long-term implication, we strongly object to the idea that seven people can arbitrarily set their compensation at will. For municipalities in Maine, such budgetary powers are balanced by town meetings, referenda, or other means. If no such balance is in place, then we believe a dangerous and expensive precedent will be set. Therefore we ask for your opinion on the matter and direction for possible remedies.

With all sincerity and respect to democracy, we sign as Budget Committee and Charter Commission members.

cc: Androscoggin County Board of Commissioners

Elected municipal officials in Androscoggin County

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Resolve extending the term of the Downtown Neighborhood Action Committee.

INFORMATION:

The Downtown Neighborhood Action Committee (DNAC) is scheduled to complete their terms by December 31, 2014, however the members would like to wrap up some continuing and pending projects. They are requesting the work of the committee be allowed to continue until June 30, 2015. Staff supports their request.

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
---	---	---	---	---	---	---	---

To adopt the Resolve extending the term of the Downtown Neighborhood Action Committee.



COUNCIL RESOLVE

Resolve, Extending the Term of the Downtown Neighborhood Action Committee.

Whereas, the Downtown Neighborhood Advisory Committee was established by Resolve of the Lewiston City Council in 2010 for an initial term of two years; and

Whereas, this term was subsequently increased by the Council for two additional years; and

Whereas, the extended term of the Committee will expire on December 31, 2014; and

Whereas, the Committee has voted to request that its term be extended to June 30, 2015 to allow the Committee to complete certain on-going projects including renovations and improvements to Paradis Park and to develop a proposal for the future direction of the Committee;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The term of the Downtown Neighborhood Action Committee is hereby extended to June 30, 2015.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Executive Session to discuss Acquisition 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:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

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

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Executive Session regarding consultation with the City Attorney.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. Discussing a legal matter with the City Attorney is a topic permitted under the statutes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 16, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

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:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

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.