

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 18, 2014

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

The Mayor introduced Councilor Shane Bouchard of Ward Four and welcomed him to the Council. Councilor Bouchard was elected in a special election on November 4 to fill the unexpired term of Councilor Christ who resigned in September.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Councilor Libby who serves as an advisor to the group noted the students are working on projects to promote pride in Lewiston and he showed the Do You Do Lew t-shirts which are available for purchase. He said in early December the members will be working on a Lewiston video highlighting arts and culture in the city and focusing on restaurants, exhibits and museums.

VOTE (320-2014)

Motion by Councilor D'Auteuil, seconded by Councilor Cloutier:

To dispense with the reading of the minutes of the meetings of September 2 and 16, and October 21, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (321-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$53,500.00, or any portion thereof, in the case of the State of Maine vs. Akyllle Murchison, CR-14-761 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO DESIGNATE TWO
HANDICAPPED PARKING SPACES ON MAIN STREET**

VOTE (322-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the amendment to the Traffic Schedule for Main Street to designate two handicapped parking spaces as outlined on the attached vote sheet. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING
PROHIBITED ON A PORTION OF TALL PINES DRIVE**

VOTE (323-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the proposed amendments to the Traffic Schedule for a portion of Tall Pines Drive as outlined on the attached vote sheet. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE
ELECTION ORDINANCE REGARDING THE CITIZEN INITIATIVE AND
REFERENDUM PROCESS**

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

VOTE (324-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

That the proposed amendment to the City Code of Ordinances, Chapter 32 "Elections", Article II "Initiative and Referendum", Section 32-27 "How to invoke", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING OF
THE PROPERTY AT 239 BARTLETT STREET, FROM THE HIGHWAY BUSINESS
(HB) DISTRICT TO THE DOWNTOWN RESIDENTIAL (DR) DISTRICT**

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

VOTE (325-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 239 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to a conditional agreement, and that the public hearing on the rezoning request be continued to the next regular City Council meeting for

final passage. Passed - Vote 7-0

AMENDMENTS TO THE PERSONNEL POLICY REGARDING SMOKING AND THE USE OF “E-CIGARETTES”

The Deputy City Administrator requested an adjustment to the language to clarify a grammatical error. He suggested removing the phrase “such as” and inserting “these products and devices are”. The Council concurred with the language change.

VOTE (326-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the proposed amendments to the Personnel Policy, Policy Manual Number 22, as recommended by the City Administrator. Passed – Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO TAKE POSSESSION OF 193 ROSEDALE STREET AND TO DETERMINE A COURSE OF ACTION

Councilor Lachance recused himself from this item noting he personally knows the property owner. Councilors expressed concerns about a lack of formal notification to the property owner that the City would be voting to take possession of his property. Council asked staff to contact and notify the owner of this action before it is presented at the next meeting.

VOTE (327-2014)

Motion by Councilor Dubois, seconded by Councilor Cloutier:

To continue this item to a future City Council meeting to allow city staff time to communicate with the property owner about the action to acquire this property. Passed – Vote 5-1 (Councilor Libby opposed)

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO DISPOSE OF THE PROPERTY AT 10 COLLEGE STREET

VOTE (328-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to dispose of the property at 10 College Street:

Whereas, the City condemned and subsequently demolished a structure located on 10 College Street; and

Whereas, subsequently, the owner of the property agreed to reimburse the City for its demolition costs and transfer the property to the City for \$1; and

Whereas, 10 College Street is a substandard lot which appears to only be useable for parking or green space associated with adjacent properties; and

Whereas, a city sewer line currently lies under an unspecified portion of the lot without benefit of an easement; and

Whereas, City staff has identified no reason for the City to retain the property but has recommended that the necessary easement be established for the sewer line; and

Whereas, the Planning Board has reviewed the property and has recommended that the City dispose of it through offering it for sale or lease; and

Whereas, the property disposition policy adopted by the City Council indicates that city-owned unbuildable lots should be offered to abutting property owners;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to dispose of 10 College Street and to offer it for lease or sale to abutting property owners, subject to the maintenance of a sewer easement on the property.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSIONS

VOTE (329-2014)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 7:42pm and ended at 8:43pm.

VOTE (330-2014)

Motion by Councilor Libby, seconded by Councilor Dubois:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 8:44pm and ended at 8:55pm.

VOTE (331-2014)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c) to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 8:56pm and ended at 9:21pm.

VOTE (332-2014)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 9:22pm and ended at 9:47pm.

VOTE (333-2014)

Motion by Councilor Dubois, seconded by Councilor Libby:

To adjourn at 9:47P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine