

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 21, 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, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Absent/Excused: Councilor Libby due to illness. Note – The Ward Four City Council seat is presently vacant due to the resignation of Councilor Christ which was effective September 30, 2014.

EXECUTIVE SESSION

VOTE (307-2014)

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 6-0

Executive Session began at 6:30pm and ended at 6:53pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.
Moment of Silence.

The Mayor read a Proclamation regarding Food Day in Lewiston which addressed issues of food security for all Americans.

VOTE (308-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To dispense with the reading of the minutes of the meetings of April 15, May 6 and 20, June 3 and 17, July 15 and August 12, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FISH BONES
AMERICAN GRILL, 70 LINCOLN STREET**

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

VOTE (309-2014)

Motion by Councilor Cloutier, seconded by Councilor Dubois:

To grant a Special Amusement permit for live entertainment to Fish Bones American Grill, 70 Lincoln Street. Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE MIDTOWN
ATHLETIC CLUB, 43 WALNUT STREET**

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

VOTE (310-2014)

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to the Midtown Athletic Club, 43 Walnut Street. Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LBK EVENTS, LLC,
1 BATES STREET**

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

VOTE (311-2014)

Motion by Councilor Dubois, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to LBK Events, LLC, 1 Bates Street. Passed - Vote 6-0

**PUBLIC HEARING AND ADOPTION OF AMENDMENTS TO THE
GENERAL ASSISTANCE POLICY**

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

VOTE (312-2014)

Motion by Councilor Lachance, seconded by Councilor Dubois:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines and the current Thrifty Food Plan.

Passed - Vote 6-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO TRANSFER PORTIONS OF THE UNBUILT RESERVOIR STREET TO ABUTTING PROPERTY OWNERS WHEN THEY PROVIDE THE REQUIRED DOCUMENTS AT NO COST TO THE CITY

VOTE (313-2014)

Motion by Councilor Cayer, seconded by Councilor Lachance:

To approve the Order authorizing the City Administrator to execute the necessary documents to transfer portions of the unbuilt Reservoir Street to abutting property owners when they provide the required documents at no cost to the City:

Whereas, the City of Lewiston’s Joint Standing Committee on Highways, Streets, Bridges and Sidewalk established a Reservoir Street on November 12, 1879, noting: “Said Street passes over land reserved as a Rangeway or Public Road”; and

Whereas, the land of the so-called Reservoir Street is unimproved raw land and the street was never constructed; and

Whereas, City staff foresees no future need to develop a street along this so-called Reservoir Street; and

Whereas, the City Attorney has reviewed documents and titles relating to Reservoir Street and has concluded that the City’s interest in the property is limited to an easement and is not in fee ownership; and

Whereas, the City Council has previously approved two (2) requests from abutting property owners at 49 Hillcrest Avenue and 196 Pleasant St; and

Whereas, the City Council expressed an interest to not piece-meal additional requests and to authorize the City Administrator to honor any future requests regarding the Reservoir St “Rangeway”; and

Whereas, the interest the City has in the property can be transferred at no cost to the City;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to sign and execute any documents provided by the abutting property owners necessary to effect the transfer of any and all interest the City has in one-half of the

portion of the unbuilt Reservoir Street “Rangeway” immediately abutting such properties at no cost to the City.

Passed - Vote 6-0

RESOLVE ACCEPTING AND APPROPRIATING THE FY2014 HOMELAND SECURITY GRANT AWARD OF \$162,028.80

VOTE (314-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Resolve accepting and appropriating the FY2014 Homeland Security Grant award of \$162,028.80:

Whereas, the Fire Chief has prepared and presented the FY2014 Lewiston Homeland Security Grant Program to the City Council and the City Administrator; and

Whereas, the Fire Chief has submitted grant applications in line with the FY2014 Homeland Security Program to the Maine Emergency Management Agency

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the FY2014 Homeland Security Grant Award is hereby accepted and appropriated.

Passed – Vote 6-0

RESOLVE ACCEPTING AND APPROPRIATING A COPS GRANT FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE PURPOSE OF HIRING ADDITIONAL POLICE OFFICERS

VOTE (315-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Resolve accepting and appropriating a COPS Grant from the U.S. Department of Justice for the purpose of hiring additional police officers:

Whereas, the City has been offered a COPS grant from the U.S. Department of Justice that would pay for roughly 60% of the personnel related costs for three police officers for a three year period; and

Whereas, during the most recent budget process, the City Council indicated support for applying for such a grant in light of the elimination of police officer positions in the FY 15 municipal budget; and

Whereas, as an element of this discussion, the Council approved \$35,683 in the FY 15 budget as either the local match for this grant or to allow the Department to hire one officer in January 2015; and

Whereas, the \$35,683 available in this year’s budget is more than sufficient to cover the local share and non-eligible expenses for two positions; and

Whereas, at a recent workshop, the consensus of the Council was to proceed with hiring two COPS officers during the current budget year and to consider filling the third COPS position after the FY 16 budget is considered and adopted;

Now, therefore, be it resolved by the City Council of the City of Lewiston that a three year COPS grant from the United States Department of Justice in the approximate amount of \$375,000 is hereby accepted and the amount of this grant required for funding two positions during the FY15 municipal budget is hereby appropriated.

Passed - Vote 6-0

RESOLVE ACCEPTING AND APPROPRIATING A LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT AND HEALTHY HOMES INITIATIVE FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

VOTE (316-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Resolve accepting and appropriating a Lead-Based Paint Hazard Control Program Grant and Healthy Homes Initiative funding from the U.S. Department of Housing and Urban Development (HUD):

Whereas, the City has been awarded \$2,995,159 in Lead-Based Paint Hazard Control Program grant funding and an additional \$400,000 in Healthy Homes Initiative funding; and

Whereas, in 2012, there were 78 children who were identified with elevated blood lead levels in the Program’s target areas in Lewiston and Auburn; and

Whereas, in recent years, children living in downtown Lewiston and Auburn target areas tested for elevated lead blood levels at 3 times the rate of elsewhere in Maine; and

Whereas, lead poisoning’s effects in at risk communities include learning disabilities, loss of IQ, speech development problems, attention deficit disorder, and aggressive behavior that have challenged the Cities’ schools and juvenile justice systems; and

Whereas, the Cities of Lewiston and Auburn have developed a dynamic program model for the integration of comprehensive green and healthy housing interventions and strategies to create lead safe, healthy, and affordable homes for low income families in Lewiston and Auburn; and

Whereas, the cities will perform healthy homes assessments in 160 units as well as address lead hazards in 225 housing units, providing safer homes for low and very low- income families with children;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the award of \$2,995,159 in Lead-Based Paint Hazard Control Program grant funding and an additional \$400,000 in Healthy Homes Initiative funding is hereby accepted and appropriated and the City Administrator is authorized to execute all documents necessary to accept the grant.

Passed - Vote 6-0

REPORTS AND UPDATES

The City Clerk provided a reminder about the upcoming election and noted the deadline to request absentee ballots is October 30. She also noted the Early Voting Polling Place will be open from Oct 24 – Oct 30.

OTHER BUSINESS

Councilor Cloutier noted the School Committee has set their budget meeting dates. Councilor Cayer requested the Council meet earlier in the budget process with the School Committee to know their funding requests.

EXECUTIVE SESSIONS

VOTE (317-2014)

Motion by Councilor Dubois, seconded by Councilor Lachance:

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 6-0

Executive Session began at 7:40pm and ended at 8:23pm.

VOTE (318-2014)

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

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 6-0

Executive Session began at 8:24pm and ended at 9:27pm.

VOTE (319-2014)

Motion by Councilor Dubois, seconded by Councilor Cloutier:

To adjourn at 9:28P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine