

CITY OF LEWISTON

CITY COUNCIL

APRIL 7, 2015

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.

EXECUTIVE SESSION

VOTE (90-2015)

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 Disposition of Property, 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 6:03pm and ended at 6:35pm.

VOTE (91-2015)

Motion by Councilor Dubois, seconded by Councilor Libby:

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. Passed - Vote 7-0

Executive Session began at 6:35pm and ended at 7:04pm.

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.

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 DAVINCI'S,
150 MILL 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 (92-2015)

Motion by Councilor Lachance, seconded by Councilor Cayer:

To grant a Special Amusement Permit for live entertainment to Davinci's, 150 Mill Street.
Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR
LIVE ENTERTAINMENT FOR THE DERBY ATHLETIC ASSOCIATION,
37 PARK 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 (93-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to the Derby Athletic Association, 37 Park Street. Passed - Vote 7-0

BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2016 BUDGET

The Mayor opened the Public Hearing to receive citizen input and comment on the budget. The City Administrator provided a summary of the budget highlights and budget message. No members of the public spoke for or against any aspects of the municipal budget. The Mayor then closed the hearing.

**ADOPTION OF A NEW CITY POLICY REGARDING DEMOLITION PROTOCOLS
AND PROCEDURES**

VOTE (94-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To establish and adopt a City Demolition Policy, Policy Manual Number 40, as recommended by the City Administrator. Passed - Vote 7-0

AMENDMENTS TO THE PURCHASING POLICY

Robert Reed, chairperson of the City's Finance Committee, noted the adjustments to the Policy are needed to account for the federal Brooks Act.

VOTE (95-2015)

Motion by Councilor Lachance, seconded by Councilor Libby:

To approve the proposed amendments to the Purchasing Policy, Policy Manual Number 46, as

recommended by the Finance Director and the Finance Committee. Passed - Vote 7-0

AMEND THE PREVIOUSLY ADOPTED RESOLVE TO INSTALL A BIKE LANE ON LISBON STREET FROM SPRUCE STREET TO NEAR MAIN STREET

The City Administrator stated that passage of this Resolve will delete the bike lane and substitute “sharrow” markings instead, which indicates a “shared” lane between bikes and vehicles and MDOT would move this project to summer 2016. Stavros Mendros of Hogan Road stated he prefers sharrows over nothing at all. Cynthia Smith Robbins of 11 Hall Street stated she signed a petition and feels the citizens should vote on this issue, noting that Lisbon Street is 1.5 miles long but it takes 15 minutes to travel. She urged the Council to put this item out for referendum. Coral Brewer of 195 Holland St and Joshua Vink of LA Arts both encouraged the Council to support the bike lane and not settle for a sharrow.

VOTE (96-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To adopt the Resolve to Amend the Previously Adopted Resolve to Install a Bike Lane on Lisbon Street from Spruce Street to near Main Street:

Whereas, the installation of a bike lane on Lisbon Street has closely divided the City Council; and

Whereas, the issue of a bike lane at this location is one element of the Lisbon Street project that appears to have contributed to an effort to place a referendum on the ballot that would delay the project’s construction for at least one construction season; and

Whereas, in an effort to move the project forward this year, this amendment would replace the proposed bike lane with sharrow markings which indicate a travel lane may be shared by both vehicles and bicyclists;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the resolve adopted on March 3, 2015 which authorized a bike lane to be installed on Lisbon Street between Spruce Street and near Main Street is hereby amended to delete the bike lane and substitute sharrow markings in its place.

Passed - Vote 4-0-3 (Councilors Dubois, Bouchard and Lachance abstained)

AMEND THE PREVIOUSLY ADOPTED RESOLVE TO ESTABLISH A SINGLE THROUGH LANE ON LISBON STREET FROM CEDAR TO PINE AND ELIMINATE THE TURN LANES AT PINE AND ASH STREETS

Robert Reed of 58 Albert Street encouraged the Council to put this matter out for a non-binding referendum in June.

VOTE (97-2015)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To adopt the Resolve Amending the Previously Adopted Resolve to Establish a Single Through Lane on Lisbon Street from Cedar to Pine and Eliminate the Turn Lanes at Pine and Ash Streets:

Whereas, modifications to lane assignments and elimination of turn lanes on Lisbon Street have closely divided the City Council; and

Whereas, such modifications are one element of the Lisbon Street project that appears to have contributed to an effort to place a referendum on the ballot that would delay the project's construction for at least one construction season; and

Whereas, in an effort to move the project forward this year, this amendment would eliminate the proposed lane assignment changes and retain the current lane assignments, including turn lanes at Ash and Pine Streets;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the resolve adopted on March 3, 2014 which authorized reducing Lisbon Street to one lane between Cedar and Pine and eliminating the turn lanes at Pine and Ash Streets is hereby replaced in its entirety with the following: the current lane assignments on Lisbon Street shall be retained, to include two traffic lanes between Cedar and Pine and turn lanes at Pine and Ash Streets.

Passed – Vote 7-0

AMEND THE PREVIOUSLY ADOPTED RESOLVE TRANSFERRING \$10,000 FROM THE WALNUT STREET PROJECT TO THE LISBON STREET PROJECT FOR THE PURPOSE OF INSTALLING BIKE RACKS

VOTE (98-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To Postpone this item Indefinitely. Passed - Vote 7-0

AMEND THE PREVIOUSLY ADOPTED RESOLVE TRANSFERRING \$10,000 FROM THE WALNUT STREET PROJECT TO LISBON STREET PROJECT FOR THE PURPOSE OF INSTALLING TREES

VOTE (99-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To Postpone this item Indefinitely. Passed - Vote 7-0

RESOLVE TO WAIVE DEVELOPMENT AND OTHER CONSTRUCTION RELATED FEES FOR THE PROPOSED PETTINGILL PARK

VOTE (100-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Resolve waiving development and other construction fees for the proposed Pettingill Park:

Whereas, the City Council has previously authorized the Friends of Pettingill to engage in fund raising and to implement certain plans for the purpose of developing a park at the location of the former Pettingill School; and

Whereas, the Friends are now approaching the point where they will be making application for site plan review for the proposed park and where they may be seeking other permits for construction within the park; and

Whereas, the normal site plan review fee is \$700, \$500 for the permit and \$200 to cover advertising expenses; and

Whereas, the Friends of Pettingill have requested that this fee be waived; and

Whereas, in the past, the City has not required permit fees (building, zoning & electrical) for City and School projects with the exception of required plumbing permit fees where we assess 25% of the otherwise required fee, the amount we are required to remit to the State 25%;

Now, therefore, be it resolved by the City Council of the City of Lewiston that Development and Building Fees associated with the Proposed Pettingill Park are hereby waived with the exception of any costs associated with required advertising and 25% of any plumbing permit fees.

Passed - Vote 7-0

**RESOLVE APPOINTING RHR SMITH & COMPANY AS THE CITY'S
INDEPENDENT EXTERNAL AUDITORS**

VOTE (101-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Resolve appointing RHR Smith & Company as the City's Independent External Auditors:

Whereas, Section 6.12 of the City Charter requires the City Council to appoint a certified public accountant to conduct an annual audit of the City's financial records at year end; and

Whereas, a request for proposal was solicited to perform these services for the years ending June 30, 2015 through June 30, 2019; and

Whereas, the Finance Committee served as the Selection Subcommittee to evaluate each response and conducted interviews with the qualifying firms; and

Whereas, the Subcommittee recommended that the firm of RHR Smith & Company be awarded

the audit bid by the Finance Committee; and

Whereas, the Finance Committee accepted the recommendation of the evaluation subcommittee to award the bid to the certified public accounting firm, RHR Smith & Company, in the amount of \$307,500;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston to appoint RHR Smith & Company as the City's independent auditor for the fiscal years ending June 30, 2015 through June 30, 2019, at a total cost of \$307,500.

Passed - Vote 7-0

AWARD BID FOR THE RIVERFRONT ISLAND AMPHITHEATER AND RIVER ACCESS TO J. PRATT CONSTRUCTION IN THE AMOUNT OF \$343,365.32

Robert Reed, chairperson of the City's Finance Committee, noted the Finance Committee voted against this item.

VOTE (102-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Resolve to award the bid for the Riverfront Island Amphitheater and River Access Project to J. Pratt Construction in the amount of \$343,265.32:

Whereas, bids for the riverfront amphitheater and river access project were opened on February 17, 2014, with all bids coming in over the engineering estimate; and

Whereas, involved City staff determined that modifying the project to come within budget would affect the integrity of the project; and

Whereas, as a result, at its March 17, 2015 meeting, the Council was asked to provide additional resources for this project and agreed to transfer additional funds to it and directed staff to value engineer the project to reduce its overall cost while maintaining its integrity; and

Whereas, staff met with the low bidder and the project's design consultant and identified ways to reduce the project's cost; and

Whereas, on March 30, 2014, the Finance Committee received staff's recommendation to award the contract to the low bidder; and

Whereas, following a lengthy discussion, this recommendation failed by a vote of 2-3; and

Whereas, staff is of the opinion that awarding this bid is in the best interests of the City given the gap between the low and next low bidder and the value engineering that has been done to meet the Council's goal of a quality project that can be completed within available resources;

Now, therefore, be it resolved by the City Council of the City of Lewiston that Bid 2015-001 for the construction of a Riverfront Amphitheater and River Access Project is hereby awarded to J. Pratt Construction in the amount of \$343,265.32.

Passed - Vote 6-1 (Councilor Dubois opposed)

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (103-2015)

Motion by Councilor Dubois, seconded by Councilor Cayer:

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

Executive Session began at 8:45pm and ended at 9:07pm.

VOTE (104-2015)

Motion by Councilor Libby, seconded by Councilor Lachance:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss an Economic Development issue 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 9:07pm and ended at 9:37pm.

VOTE (105-2015)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

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. Passed - Vote 7-0

Executive Session began at 9:37pm and ended at 10:15pm.

VOTE (106-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To adjourn at 10:15P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine