

CITY OF LEWISTON

CITY COUNCIL

JUNE 20, 2017

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (148-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

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 6:01pm and ended at 6:39pm.

VOTE (149-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

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 6:40pm and ended at 6:50pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam 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 FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR A MUSICAL CONCERT IN KENNEDY PARK**

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

VOTE (150-2017)

Motion by Councilor Lachance, seconded by Councilor Lajoie:

To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Saturday, June 24, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL

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

VOTE (151-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park and surrounding areas on June 30, July 1, 2, 3, and 4 with a rain date of July 5 as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS IN SIMARD PAYNE PARK FOR THE COLOR ME RAD 5K FUN RUN

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

VOTE (152-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To conduct a public hearing on an application from Color Me Rad Productions for an outdoor music concert to be held at Simard-Payne Memorial Park, on Saturday, July 15, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Color Me Rad Productions for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
STREETS AND SIDEWALKS ORDINANCE TO ESTABLISH THE COMPLETE
STREETS COMMITTEE**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Resident Matt Roy of Randall Road suggested a different name for the Committee to better reflect their scope of work. Mayor Macdonald then closed the hearing.

VOTE (153-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

That the proposed amendments to the City Code of Ordinances, Chapter 66 “Streets and Sidewalks”, Article IV “Design and Improvements”, regarding the Complete Streets Committee, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
STREETS AND SIDEWALKS ORDINANCE TO ESTABLISH THE COMPLETE
STREETS SYSTEM**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Craig Saddlemire, 75 Maple Street, introduced himself as the chair of the current Committee and said that pedestrian safety is a priority of the Committee. Charles Soule, 135 Bartlett Street, said the trial at Lincoln Street created a bottleneck and did not work and the Committee should focus more work on the intercity, they should pave Bartlett Street and take care of the sidewalks in the downtown. Shanna Cox, 119 Ash Street said the intersection where she lives has a lot of kids walking to school and there are lots of walkers in the area in general, as well as motorized wheelchairs. She said the current pedestrian systems are not safe and the City needs a consistent policy for the entire city for safety. Alicia Rea, 60 Webster Street, said a holistic approach to accommodate bikes, pedestrians and vehicles is needed. She said the Lincoln Street demonstration works well, it slows cars down and bikes are safe. Matt Roy of Randall Road asked what is the point of the ordinance if waivers are allowed to be issued. Mayor Macdonald then closed the hearing.

Councilor Lysen said this is an important action and it shifts this program from policy to ordinance, and ordinances are the law of the land and need to be followed. He noted the city has an obligation to protect the health, welfare and safety of its residents. There has been an alarming rate of pedestrian deaths in Lewiston recently and it is a public safety matter. He said this ordinance protects cars, drivers and pedestrians. Councilor Lachance pointed out that vehicles do dominate the roads and a Complete Streets program requires lots of bike lanes, regardless of demand. He noted the City has a pedestrian safety issue, not a bike safety issue, and the City needs better, more and wider sidewalks and that will address the safety issue. He noted that after a snow storm, the sidewalks are not immediately plowed, causing people to walk in the street, and this is contributing to the problem. He said the aspects of the new ordinance might work in the downtown, but the City needs to address pedestrian safety in the entire city and not just the downtown area. He also noted that more crosswalks on East Avenue are needed. Councilor Cloutier stated the changes in this ordinance are vital to have a livable community. Councilor Lajoie said that it is a matter of policy vs. ordinance, and that an ordinance forces these changes to apply to parts of the City that may or may not be relevant. He said he supports

to overall goals but feels a policy approach is better.

VOTE (154-2017)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

That the proposed amendments to the City Code of Ordinances, Chapter 66 “Streets and Sidewalks”, Article IV “Design and Improvements”, regarding the Complete Streets program, receive final passage by a roll call vote. Passed - Vote 4-3 (Councilors Lachance, Lajoie and Bouchard opposed)

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING OUTPATIENT ADDICTION TREATMENT CLINICS

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

VOTE (155-2017)

Motion by Councilor Golden, seconded by Councilor Bouchard:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XIV “Outpatient Addiction Treatment Clinics”, Sections 22-412 “Definitions”, receive final passage by a roll call vote. Passed – Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING FOOD TRUCKS

Mayor Macdonald opened the public hearing to receive citizen input and comment. Misty Parker, Economic Development Specialist, explained that she has been working with the owner of Pinky D’s food truck for the past two years to create these proposed amendments. Philip St. Pierre, owner of Victor News Variety Store, said he has owned the store for 25 years and pays about \$10,000 a year in taxes. He is opposed to changes and feels these vehicles that do not pay property taxes in Lewiston should not be operating near businesses selling similar items and therefore competing for customers. He noted that the sale of beverages, snacks and dessert type items are major sellers in his store and a food truck that sells similar items should not be allowed to park near any fixed establishment that sells the same type of items. Mayor Macdonald then closed the hearing. Councilors agreed to incorporate language into the ordinance amendments regarding the section of the building to measure from – building wall as opposed to location within the building where the food is located. An example was mentioned regarding Davinci’s Restaurant located in a large mill building.

VOTE (156-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article 1 “In General”, Section 22-2 and Article VI “Food Service Establishments”, Sections 22-166 through 22-169 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 PASSAGE OF ORDER, AUTHORIZING THE ISSUANCE OF \$49,749,244 TO CONSTRUCT AND EQUIP THE ROBERT V. CONNORS SCHOOL AND \$2,151,360 TO EXPAND THE CAPACITY OF THE GYMNASIUM, FULLY AIR CONDITION THE BUILDING, AND INSTALL AN ARTIFICIAL TURF IN PUBLIC IMPROVEMENT BONDS AND MAKING AN APPROPRIATION FOR THE PROJECT

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Macdonald then closed the hearing. Councilor Lysen noted there is about \$49 million dollars in state money and about \$2 million dollars in city money going into this project.

VOTE (157-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To approve the Order Authorizing the Issuance of \$49,749,244 to Construct and Equip the Robert V. Connors School and \$2,151,360 to Expand the Capacity of the Gymnasium, Fully Air Condition the Building, and Install an Artificial Turf Surface in Public Improvement Bonds and Making an Appropriation for the Project:

Ordered, That \$49,749,244 be appropriated to construct and equip the Robert V. Connors School Construction Project, a new elementary school; and \$2,151,360 be appropriated to expand the capacity of the gymnasium, fully air condition the building, and install an artificial turf surface.

Further Ordered, That to meet this appropriation, \$51,900,604 shall be raised by Public Improvement Bond Issue(s);

Further Ordered, That the City Council instruct the Finance Director to advertise for bids for \$51,900,604 or increments thereof, Public Improvement Bonds; to award the loan; and to seek and employ bond counsel to furnish the legal opinion for the same; provided that, in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, That the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director under the advice of UniBank Fiscal Advisory Services Inc.;

Further Ordered, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

Further Ordered, as the general tax based debt exceeds the debt limitation provision of Section 2-34, the City Ordinance shall be waived and, with respect to this, the Council order requires five affirmative votes for passage:

Further Ordered, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Passed - Vote 7-0

PUBLIC HEARING AND PASSAGE OF ORDER, AUTHORIZING THE REALLOCATION OF \$150,000 IN CDBG COMMERCIAL REVOLVING LOAN FUNDS TO BE USED TOWARD FUNDING FRANKLIN PASTURE RECREATIONAL FIELD IMPROVEMENTS

Mayor Macdonald opened the public hearing to receive citizen input and comment. Charles Soule of 135 Bartlett Street asked if the funds could be used to rehabilitate an existing building to serve as a new school. Lincoln Jeffers, Economic Development Director, noted there are very limited uses for the funds under federal regulations and that would not be permitted. Mayor Macdonald then closed the hearing.

VOTE (158-2017)

Motion by Councilor Bouchard, seconded by Councilor Beam:

To approve the Order authorizing the reallocation of \$150,000 in CDBG Commercial Revolving Loan Funds to be used toward funding Franklin Pasture Recreational Field Improvements:

Whereas, Lewiston has a Commercial Revolving Loan Fund that was initially capitalized with Community Development Block Grant funds (CDBG); and

Whereas, a balance of approximately \$608,550 has accumulated in that fund; and

Whereas, under CDBG rules, which are promulgated by the US Department of Housing and Urban Development, program income from Revolving Loan Funds (RLF) are to be used for the purpose the RLF was created, but that they can be reallocated for another CDBG eligible expense by City Council action after a public hearing; and

Whereas, additional funding is needed to help fund improvements to recreational fields at Franklin Pasture, which is located in the CDBG Target Area;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that City staff is authorized to reallocate \$150,000 from the Commercial RLF Program to be used to help fund infrastructure improvements at the Franklin Pasture recreational fields.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (159-2017)

Motion by Councilor Lajoie, seconded by Councilor Lachance:

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 \$2,600.00, or any portion thereof, in the case of the State of Maine vs. Carson Howe, CR-16-1003 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

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER SEVEN TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND EDWARD A. BARRETT

Councilor Lachance noted Mr. Barrett has earned high merits but the economy is getting better but is not great, and for this reason, he does not support the raise. Councilor Lajoie said he is opposed to automatic, annual raises. The Mayor thanked Mr. Barrett for the excellent work he has performed for the City.

VOTE (160-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To approve the contents of Amendment Number Seven to the employment agreement between the City of Lewiston and Edward A. Barrett and to authorize the Mayor to execute the same.

Passed - Vote 5-2 (Councilors Lajoie and Lachance opposed)

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Council President Cloutier updated the Council on some of the highlights of the recent School Committee meeting including the hiring of some school administrative staff members.

REPORTS AND UPDATES

City Administrator Barrett noted that the June 27 joint workshop with the Planning Board will begin at 7pm rather than the usual 6pm. The topics will be Implementation of the Comprehensive Plan and Boarding Houses around Bates College. He also noted this is the final regular City Council meeting for Deputy City Administrator Phil Nadeau after his 18 years of service to the City.

OTHER BUSINESS

No other business was presented at this time.

VOTE (161-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To adjourn at 8:55P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine