

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 4, 2018

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

PUBLIC COMMENT PERIOD

Jay Allen stated he owns several rental properties in Lewiston and he has no objection to the recommended fee in the proposed Rental Registration program. He did express concern that the City is not inspecting rental units where General Assistance clients are residing. He feels that since the City is paying the rent, they have a right to see if the unit is acceptable or not. Mr. Allen said he believes there are 400-500 units within the city that the City is currently paying for rent for GA clients.

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE DANCE PARTY UNDER THE STARS II EVENT TO BE HELD AT SIMARD PAYNE MEMORIAL PARK

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

VOTE (230-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To conduct a public hearing on an application for an outdoor entertainment event for the Dance Party Under The Stars II event, 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, to Museum L/A for outdoor music concert to be held at Simard Payne Memorial Park on September 7, 2018, 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 A MUSICAL CONCERT IN KENNEDY PARK ON SEPTEMBER 28 AND OCTOBER 26

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

VOTE (231-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

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 Friday, September 28 and October 26, 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 DEMPSEY CHALLENGE

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

VOTE (232-2018)

Motion by Councilor Cloutier, seconded by Councilor Beam:

To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on September 28, 29 and 30, as part of The Dempsey Challenge, 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 organizing 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 AND FIRST PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 230 BARTLETT STREET FROM THE HIGHWAY BUSINESS (HB) DISTRICT TO THE DOWNTOWN RESIDENTIAL (DR) DISTRICT

Mayor Bouchard opened the public hearing to receive citizen input and comment. Rick LaChappelle, applicant, stated they are hoping to be able to develop fifty units in total. The Mayor then closed the hearing.

VOTE (233-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 230 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to a contractual agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.
Passed - Vote 7-0

PUBLIC HEARING AND RESOLVE TO APPROVE THE DESIGNATION OF CENSUS TRACKS 201, 2013 AND 204 AS A NEIGHBORHOOD REVITALIZATION STRATEGY AREA

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

VOTE (234-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Resolve to approve the designation of census tracts 201, 203 and 204 as a Neighborhood Revitalization Strategy Area:

Whereas, in 2018 Lewiston was the recipient of a \$1.3 million Choice Neighborhood Planning and Action Grant; and

Whereas, the purpose of the grant is to engage citizens of Census Tracts 201, 203 and 204 in the creation of a transformation plan that will address housing, people and the neighborhood. Goals include better quality and mixed income housing, better schools, and reinvestment in the physical landscape of the neighborhood that will make for safer, more attractive neighborhoods and more commercial activity with more economic opportunity; and

Whereas, the U.S. Department of Housing and Urban Development (HUD) has a designation within the Community Development Block Grant Program known as the Neighborhood Revitalization Strategy Area (NRSA) program that allows greater flexibility in the utilization of CDBG funds, such as making it easier to use CDBG funds to help create market rate housing within the district, simplifies documentation and record keeping associated with job creations supported by CDBG funds, and allows public service agency activities conducted by a Community Based Development Organization to not be included under the 15% Public Service Agency cap; and

Whereas, HUD policy recognizes the considerable overlap of the intent and goals of their Choice Neighborhood and NRSA programs and the benefits of each program; and

Whereas, HUD invited the City to apply for an NRSA designation for Census Tracts 201, 203 and 204, and approved designation of the district pending approval of the City Council;

Now, therefore, be it resolved by the City Council of the City of Lewiston that Census Tracts 201, 203 and 204 be approved for designation as a Neighborhood Revitalization Strategy Area.

Passed - Vote 7-0

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 12 FAIR STREET

David Hediger, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Hediger and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. No members of the Council personally know the property owner and therefore do not have a conflict of interest for this hearing.

Mayor Bouchard opened the public hearing to receive citizen input and comment. David West, attorney representing the mortgage holder, stated they are not interested in renovating the building and will not oppose its demolition. The Mayor then closed the hearing.

VOTE (235-2018)

Motion by Councilor Rea, seconded by Councilor Lysen:

With regard to the property at 12 Fair Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE MAINE ASSOCIATION OF POLICE UNIT

VOTE (236-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute a new Collective Bargaining Agreement between the City of Lewiston and the Maine Association of Police on behalf of the Lewiston Police Patrol and Detectives Unit:

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Council hereby authorizes the City Administrator to Execute a New Collective Bargaining Agreement with the Maine Association of Police Unit.

Whereas, the City and Maine Association of Police Unit representatives have worked diligently over the last several months to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Maine Association of Police Collective Bargaining Agreement believe that negotiations have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city and Police Patrol and Detectives Unit;

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

The City Administrator is authorized to execute the new FY 2019-2021 Maine Association of Police Collective Bargaining Agreement and is authorized to approve any final administrative, non-monetary, and non-substantive amendments as needed.

Passed – Vote 5-2 (Councilors Pettengill and Marcotte opposed)

ORDER AUTHORIZING THE REALLOCATION OF UP TO \$100,000 OF FY19 CDBG FUNDS FROM THE CHOICE NEIGHBORHOOD MATCH TO BE USED TO COMPLETE CONSTRUCTION OF SHANE'S INSPIRATION

VOTE (237-2018)

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To approve the Order authorizing the reallocation of up to \$100,000 of FY19 CDBG funds from the Choice Neighborhood Match to be used to complete construction of Shane’s Inspiration:

Whereas, Shane’s Inspiration is a universally accessible playground to be built at Marcotte Park; and

Whereas, the City has been engaged for several years in designing, fundraising, purchasing equipment and other endeavors to make Maine’s first fully accessible playground a reality in Lewiston; and

Whereas, bids were solicited earlier this year to complete site improvements and install the already purchased equipment for the park; and

Whereas, only one bid was received for the work and the price bid was \$533,200; and

Whereas, only \$345,000 of funding is available in grant, donations, bond, and fund balance allocations to complete the work; and

Whereas, Public Works has worked with the sole bidder to reduce their bid price to \$420,200; and

Whereas, grant sources being used to fund this project require that the funds be spent this calendar year; and

Whereas, with these requirements of the grant funding sources the Finance Committee has voted to suspend their rules and award the bid to the sole bidder on the contract, Gordon Contracting with the condition that additional CDBG funds be secured for the project

Now, therefore, be it Ordered by the City Council of the City of Lewiston that up to \$100,000 of FY19 CDBG funds be reallocated from the \$118,750 approved to fund the Choice Neighborhoods Grant match requirements, and be used to fund completion of construction of Shane’s Inspiration Universally Accessible Playground in Marcotte Park.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE NAMING OF THE NEW UNIVERSALLY ACCESSIBLE PLAYGROUND TO BE ESTABLISHED IN MARCOTTE PARK AS “JUDE’S PLACE AT MARCOTTE PARK”

VOTE (238-2018)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve the Resolve authorizing the naming of the new Universally Accessible Playground to be established in Marcotte Park as “Jude’s Place at Marcotte Park”:

Whereas, several members of the community and City staff recognized the need to establish the first-in-Maine universally accessible playground at Marcotte Park, Lewiston; and

Whereas, Nate Libby understands the need for accessibility to play. His nine-year-old son, Jude, has cerebral palsy and is non-mobile & non-verbal. However, he loves sights, sounds, movement, and other sensory stimulation, all of which this playground will provide; and

Whereas, through the work of members of the community and City staff this project has now garnered enough financial support to begin in the fall of 2018; and

Whereas, as evidenced by service needs within our community, Jude will not be alone in benefitting from a locally situated universally accessible playground. This playground will enable all children, regardless of ability, to play alongside each other; and

Whereas, the Universal Playground Committee has made a recommendation to the City Council to name the Universal Playground to “Jude’s Place at Marcotte Park”.

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Council hereby approves naming the universally accessible playground “Jude’s Place at Marcotte Park”.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A DONATION OF PROPERTY TO EXTEND MASON AVENUE

VOTE (239-2018)

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

To approve the Resolve authorizing the City Administrator to accept a donation of property to extend Mason Avenue:

Whereas, Mr. Lucien A. Dupere recently contacted the City regarding his properties at 51 & 55 Sargent Ave questioning the ownership of the part of Mason Ave that appears to cross the back of his two properties; and

Whereas, the City’s records indicate Mason Ave was only accepted up to where Mr. Dupere’s 51 Sargent Ave property begins; and

Whereas, the property at 41 Mason Ave currently has about 50 feet of road frontage and the property at 47 Mason Ave has 0 feet of frontage on the accepted street; and

Whereas, the City had been maintaining the street all the way to where it appeared to end, just past the driveway for 47 Mason Ave; and

Whereas, Mr. Dupere approached the City asking if he could donate the land as described on the attached property description to provide him frontage on Mason Ave to allow him to subdivide 51 and 55 Sargent St into 3 lots; and

Whereas, this is a win-win-win action, which would help Mr. Dupere, the owners of 41 and 47 Mason Ave and the City to resolve a complicated problem;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Administrator is authorized to accept the donation of property as described on the attached property description from Mr. Dupere for the purpose of extending the accepted portion of Mason Avenue the entire distance covered by the property.

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD TWO STOP SIGNS AT WOOD STREET AT THE INTERSECTION WITH VALE STREET

VOTE (240-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the amendments to the Traffic Schedule to add two stop signs on Wood Street at the intersection with Vale Street. Passed - Vote 7-0

REQUEST TO AMEND THE TRAFFIC SCHEDULE TO ADD TWO STOP SIGNS AT MARK STREET AT THE INTERSECTION WITH GINA STREET

Councilor Beam asked to have this item continued to the next meeting to allow time for the resident who requested this change to attend the meeting to address their request.

VOTE (241-2018)

Motion by Councilor Beam, seconded by Councilor Cloutier:

To continue this item to the next City Council meeting. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (242-2018)

Motion by Councilor Marcotte, 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 \$6,660.00, or any portion thereof, in the case of the State of Maine vs. Troy James, CR-18-434 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

REPORTS AND UPDATES

Councilor Rea reported that the School Committee has hired a consultant to undertake a national search for the replacement of the Superintendent. This should be about a 5-6 month process and they are hoping to have information by February 2019. Their next meeting is September 10.

OTHER BUSINESS

VOTE (243-2018)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To waive the Rules and to add an item to the agenda at this time. Passed - Vote 7-0

VOTE (244-2018)

Motion by Councilor Cloutier, seconded by Councilor Beam:

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 Wednesday, September 12, 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

Mayor Bouchard noted the City was recently named a Tree City USA and that September is National Childhood Cancer Awareness Month. Councilor Lysen asked about the possibility of a change order to have solar powered flashing lights at the crosswalks by the Basilica.

VOTE (245-2018)

Motion by Councilor Marcotte, seconded by Councilor Lysen:

To suspend the Rules and to add an item to the agenda at this time.
Passed - Vote 4-3 (Councilors Pettengill, Rea and Lajoie opposed)

VOTE (246-2018)

Motion by Councilor Lysen, seconded by Councilor Marcotte:

To require the Public Work Department to prepare material to request MDOT to create a change-order for the Bartlett Street sidewalk and road construction project to allow for the installation of solar powered beacon lights at the crosswalks to the Basilica, to notify MDOT that the City Council is requesting this change, and for MDOT to provide 90% of the funding cost, contingent upon state funds. Passed - Vote 4-3 (Councilors Pettengill, Rea and Lajoie opposed)

VOTE (247-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

To adjourn at 7:50P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine