LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
DECEMBER 18, 2018

6:30 p.m. Executive Session

ES-1. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Recognition of Lewiston High School Mock Trial Team
Recognition of Robert Reed and Bruce Damon for years of service to city boards and committees
Update from the Lewiston Youth Advisory Council

Acceptance of the minutes of the October 16, November 20 and December 4, 2018 meetings.

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 7.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

* 1. Resolve, Confirming Adoption of the National Incident Management System (NIMS).
* 2. Order, Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 265 Lincoln Street.

REGULAR BUSINESS:

3. Ordinance, Amending Chapter 70, Traffic and Vehicles, of the Code of Ordinances by Adding a New Section 70-179, On-Street Parking by Permit Only.
4. Amendments to the Municipal Parking Fees Policy to establish fees for On-Street Parking By Permit.
5. Amendments to the Park Use Policy.
6. Amendments to the Facility Use Policy.
7. Amendments to the Special Events Policy.
8. Amendment to the Traffic Schedule regarding On-Street Parking By Permit Only zones on Canal Street.
9. Resolve, Repurposing $90,000 from the FY2019 Water Utility Budget Initially Allocated to Funding two (2) 3/4 Ton Service Trucks to replace the Water Valve Maintenance trailer.
10. Resolve Extending the Term of the Ad-Hoc Advisory Committee on rental registration.
11. Resolve, Indicating our Support for Various Issues During the Upcoming State Legislative Sessions in 2019 and 2020.
12. Resolve, Accepting the December 2018 Public Works Committee Report and Recommendations.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.

City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination Policy

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** ES-1

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

GAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 1

SUBJECT: Resolve, Confirming Adoption of the National Incident Management System (NIMS)

INFORMATION: Between 2006 and 2008, the State of Maine, it's sixteen counties, and their respective municipalities adopted by resolution the Homeland Security Presidential Directive #5 (HSPD-5), which requires all state, tribal, and local governments to adopt the National Incident Management System (NIMS) as a condition of receiving federal preparedness funds. These funds include Homeland Security Grants, Firefighter Grants, Hazard Mitigation Grants, etc., with the exception of federal disaster assistance under the Federal Robert T. Stafford Act. The local resolution states that all departments of that jurisdiction shall utilize and respond by the prescribed NIMS and local Incident Command System, plans be updated as needed, that all those covered by the NIMS requirements complete required training such as incident command orientation for elected municipal officials (NIMS 402 training), and that adoption of the resolution be made in a meeting open to the public (i.e. a regularly scheduled Council meeting). In 2006, Androscoggin County and all fourteen of its political subdivisions adopted and signed the NIMS Resolution.

That said, it is now time again for the State, its 16 counties and all of the counties' local jurisdictions to reaffirm adoption of the NIMS Resolution by reviewing and signing anew the NIMS Resolution for 2018. All of Lewiston's City Councilors have completed the required NIMS 402 training as have required staff.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action. EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the Resolve, Confirming Adoption of the National Incident Management System (NIMS)

CITY OF LEWISTON, MAINE

December 18, 2018

COUNCIL RESOLVE

Resolve, Confirming Adoption of the National Incident Management System (NIMS)

WHEREAS, President Bush issued Homeland Security Presidential Directive (HSPD-5), *Management of Domestic Incidents*, on February 28, 2003, directing the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS); and

WHEREAS, NIMS will provide a consistent nationwide approach allowing federal, state, local and tribal governments to work effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents; and

WHEREAS, the Department of Homeland Security has sought extensive input on NIMS from state, local and tribal officials, the emergency response community, and the private sector and has incorporated the best practices currently in use by incident managers; and

WHEREAS, effective homeland security incident management involves new concepts, processes, and protocols that will require refinement over time. The collective input and guidance from all homeland security partners has been, and will continue to be, vital to the further development of an effective and comprehensive national incident management system; and

WHEREAS, NIMS was published by the Department of Homeland Security on March 1, 2004; and

WHEREAS, HSPD-5 and NIMS require all federal departments and agencies to adopt NIMS and use it in domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation programs and activities, as well as to assist state, local, or tribal entities; and

WHEREAS, HSPD-5 and NIMS require federal departments and agencies to require state, tribal and local organizations to adopt NIMS as a condition for federal preparedness assistance beginning in federal FY 2005 and to confirm adoption of the NIMS Resolution in FY 2018.

NOW, THEREFORE, BE IT RESOLVED by the **Lewiston City Council** as follows:

SECTION 1: That all departments of the City of Lewiston, in Androscoggin County, shall utilize the National Incident Management System (NIMS) prescribed by the Department of Homeland Security.

SECTION 2: That the **Lewiston City Council** directs all departments to train their personnel

on the NIMS and to update the City's Integrated Emergency Management Plan (formerly known as the Incident Command System Plan – an Addendum to the City's overall Emergency Operations Plan).

SECTION 3: That this **City Council** hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this **Council**, and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 4: This Resolution shall take effect at the earliest period allowed by law.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 265 Lincoln Street.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 265 Lincoln Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 265 Lincoln Street.

CITY OF LEWISTON, MAINE

December 18, 2018

COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 265 Lincoln Street.

WHEREAS, the owner, Jean-Marie Tremblett, failed to pay her bills on a timely basis for 265 Lincoln Street (Tax Map 209, Lot 004, Parcel 00-008760); and

WHEREAS, a tax lien was filed on June 16, 2010 (Book 7953 Page 106) and matured on December 16, 2011 in the amount of $730.42; and

WHEREAS, a tax lien was filed on June 17, 2011 (Book 8181 Page 347) and matured on December 17, 2012 in the amount of $1,011.11; and

WHEREAS, a tax lien was filed on June 13, 2012 (Book 8418 Page 102) and matured on December 13, 2013 in the amount of $798.67; and

WHEREAS, a tax lien was filed on June 19, 2013 (Book 8700 Page 184) and matured on December 19, 2014 in the amount of $792.06; and

WHEREAS, a tax lien was filed on June 18, 2014 (Book 8935 Page 104) and matured on December 18, 2015 in the amount of $815.05; and

WHEREAS, a tax lien was filed on June 23, 2015 (Book 9165 Page 233) and matured on December 23, 2016 in the amount of $823.44; and

WHEREAS, a tax lien was filed on June 16, 2016 (Book 9387 Page 152) and matured on December 16, 2017 in the amount of $1099.04; and

WHEREAS, the owner is selling the property and payment will be received in full at closing;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 265 Lincoln Street to the owner upon receipt of the full amount due the City.

City Hall, 27 Pine Street, Lewiston, ME 04240 • Tel. (207) 513-3121 • TTY/TDD (207) 513-3007 • Fax (207) 795-5069
Email: ebarrett@lewistonmaine.gov • pnadeau@lewistonmaine.gov
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LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 3

SUBJECT: Ordinance, Amending Chapter 70, Traffic and Vehicles, of the Code of Ordinances by Adding a New Section 70-179, On-Street Parking by Permit Only

INFORMATION:

Eric Agren, owner of 49 Lisbon Street, has secured a tenant for the commercial space previously occupied by Fuel restaurant. Cowbell Grill and Tap plans to open in January 2019 offering specialty burgers and a large array of microbrews on tap. Cowbell Grill and Tap is a spinoff of the owner's successful restaurant Cowbell Burgers in Biddeford. Similar to their establishment in Biddeford, they intend to offer delivery service. In order to be successful in ofering this service from the downtown commercial area, permit parking will be required to ensure two spaces are available for delivery vehicles. Given the location, the only viable alternative is to provide these spaces on Canal Street. This will require establishing a new category in our parking ordinance to allow for designation of on-street spaces for permit parking only. The attached ordinance amendment will do this. Once this amendment is in place, we will then need to amend ourparking schedule to so designate these spaces and our policies on fees and fines to establish a monthly permit fee and fines for violations.

Staff recommends your approval to support this new downtown restaurant.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAT3|Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

That the proposed Ordinance Amendment to Add a New Section 70-179 to Chapter 70 of the Code of Ordinances, Traffic and Vehicles, On-Street Parking by Permit Only, receive final passage by a roll call vote.

CITY OF LEWISTON, MAINE

December 4, 2018

ORDINANCE

Ordinance, Amending Chapter 70, Traffic and Vehicles, of the Code of Ordinances by Adding a New Section 70-179, On-Street Parking by Permit Only.

Now, therefore, be it Ordained by the City of Lewiston that a new section 70-179, On-Street Parking by Permit Only, is hereby added to the Code of the City of Lewiston as follows: the following amendment be adopted

Sec. 70-179. On-Street Parking by Permit Only

(a) *Designation.* The city council may designate and establish time limitations and permit fees for on-street parking by permit only zones.

(b) *Use limited.* No person shall stop, stand, park, or leave any vehicle upon any street where an officially designated on-street parking by permit only zone has been established and appropriately marked, except those vehicles displaying a permit issued by the City authorizing them to utilize the zone.

Deletions are ~~struck through~~; additions are underlined.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 4

SUBJECT:

Amendments to the Municipal Parking Fees Policy to establish fees for On-Street Parking by Permit.

INFORMATION:

This agenda item connects with the previous agenda item regarding the creation of an On-Street Parking by Permit Only designation within the City Code. This agenda item establishes the fee to be paid for this new category of parking spaces.

Note: Additions are <u>underlined</u>; deletions have ~~strikeout~~ lines.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABJKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the proposed amendment to the Parking Fees Policy, Policy Manual Number 42, as recommended by City Administration.

(Note - Full copy of the amendments are attached.)

CITY OF LEWISTON, MAINE

December 18, 2018

MASTER POLICIES

Resolve, Amending Parking Fees, Policy Number 42, of the City of Lewiston Master Policies by Establishing On-Street Parking Fees to include On-Street Parking by Permit Only.

Whereas, the owner of 49 Lisbon Street has secured a tenant for the commercial space previously occupied by Fuel restaurant; and

Whereas, the new restaurant to be established plans to offer delivery service; and

Whereas, in order to be successful in doing so in the downtown commercial area, permit parking will be required to ensure two spaces are available for delivery vehicles; and

Whereas, given the location, the only viable alternative is to provide these spaces on Canal Street where such parking is generally available; and

Whereas, the City Council has taken the necessary steps to amend the City's parking ordinances and to designate the spaces involved; and

Whereas, this action will establish the fee for on street permit parking;

Now, therefore, be it Resolved by the City of Lewiston that:

Policy 42, Parking Fees, is hereby amended to establish a new fee for On-Street Parking by Permit Only, as follows:

ON-STREET PARKING FEES

Hourly parking meters be set at $.50 per hour
(Amended by City Council - 5/18/2004 Vote # 181-04)

<u>On-Street Parking by Permit Only be set at $69 per month per parking space</u>
<u>(Amended by City Council - 12/18/2018 Vote #)</u>

Deletions are ~~struck through~~; additions are <u>underlined.</u>

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 5

SUBJECT:

Amendments to the Park Use Policy.

INFORMATION:

The most of proposed changes to the Park Use Policy are primarily housekeeping in nature. The main amendment throughout the Policy is to eliminate the position of Recreation Director and replace it with City Administrator. Other changes include adjusting the fees for rental of Dufresne Plaza and Simard-Payne Park and removing the discount on park use fees for Lewiston based non-profit organizations.

Note: Additions are <u>underlined</u>; deletions have ~~strikeout~~ lines.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABlkmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the proposed amendments to the Park Use Policy, Policy Manual Number 77, as recommended by the City Administrator.

(Note - Full copy of the amendment is attached.)

CITY OF LEWISTON PARK USE POLICY

Application must be signed and returned no later than thirty (30) business days prior to the date of the event and a $50 non-refundable application processing fee must accompany the application. This fee will not be waived.

This Policy is designed to govern the use of City-owned parks and playgrounds (herein referred to as "parks") by individuals, groups, and/or organizations that are not directly associated with the City of Lewiston (i.e., not employees or offices or departments of the City of Lewiston.) Parks and playgrounds are defined by the City Code of Ordinances. All references to parks and playgrounds within this policy shall mean the City owned parks described in Section 2.

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

Section 1 - Definition of Park Use

The City, by this policy, designates the following parks as public use parks, subject to the regulations, restrictions and other requirements that are established. All parks are subject to the other policies and ordinances that have been, or may in the future, be adopted to govern those specific locations, including the following sections of the City Code of Ordinances:

Chapter 14 of the City Code of Ordinance regarding Animals
Chapter 54 of the City Code of Ordinances regarding Public Park usage

Section 2 – Purpose, Waivers, Exemptions

Purpose. The purpose of this section is to provide a listing of city parks subject to this policy. All activities requiring city permits or the approval of ~~the Recreation Department Director,~~ City Administration or the City Council must comply with the park application and use conditions outlined in this policy.

Exemptions. All activities, programs or events hosted by any Department of the City of Lewiston are exempt from those conditions and regulations outlined in this policy.

Covered Parks. The Parks covered by this policy include the following:

Judge Armand A. Dufresne, Jr. Plaza	Simard-Payne Police Memorial Park
Kennedy Park	Veterans Memorial Park

Section 3 - Application Process

Any individual and/or organization that desires to conduct or sponsor a public assembly or other event at a City-owned park in which it could reasonably be anticipated that fifty (50) or more persons might gather or participate, or that will involve the creation or emission of amplified sound, shall first apply for and obtain a permit. Applications for a permit, with an application fee in the amount of $50.00 non-refundable to defray the costs of processing the

application, shall be submitted to the ~~Director of Recreation~~ City Administrator or designee at least thirty (30) calendar days before the planned event date.

The application shall state:

A. The name and address of the applicant;
B. The name and address of the person, corporation or association sponsoring and/or conducting the activity;
C. The day and hours for which the permit is desired;
D. The park for which a permit is desired;
E. An estimate of the anticipated attendance or patronage;
F. The nature and scope of the proposed use; and
G. Any other information that the ~~Director~~ City Administrator finds reasonably necessary to a determination of whether a permit should be issued under this policy.

All applications for the use of a park shall be returned to the ~~Director~~ City Administrator for review. The ~~Director~~ City Administrator shall within five (5) business days of receipt of a completed application either:

A. Approve it;
B. Conditionally approve it.
C. Disapprove it; or
D. Refer it to the Facilities Use Review Committee for further review.

The ~~Director~~ City Administrator shall then notify an applicant of the disposition of the application. In the event that an application is denied or conditionally approved, the ~~Director~~ City Administrator shall state in writing the reasons for the denial or conditions.

Should the ~~Director~~ City Administrator conclude that an application requests a use which is appropriate for review by additional City officials, approval must be obtained from the Facilities Use Review Committee. All inquiries concerning the Parks should be directed to the attention of the ~~Director of Recreation, Memorial Armory, 65 Central Avenue,~~ City Administrator, City Hall, 27 Pine St., Lewiston, Maine 04240, Tel.: ~~513-3005.~~ 513-3121.

Section 4 - Parks Use Review

A. Purpose and Organization

Since the parks are public facilities, the City of Lewiston is concerned that they be used in a manner consistent with the public interest. The ~~Director~~ City Administrator may forward an application to the Facilities Use Review Committee (herein referred to as Committee) for further review. The Committee shall be comprised of one or more of the following City staff members or their representatives.

1. City Clerk or designee
2. Police Chief or designee

3. Fire Chief or designee
4. ~~Director of Recreation~~ Director of Public Works or ~~his/her~~ designee
5. ~~Deputy~~ City Administrator or designee

B. When Use Application Referred to Committee

Proposed uses for which the ~~Director~~ City Administrator may require approval by the Committee include, but are not limited to:

1. Entertainment events (i.e. concerts, live performances, circuses);
2. Events which require a state or municipal license or permit;
3. Events which impose age restrictions for admission;
4. Events to which the general public is invited;
5. Events or organizations which request free use of the facility;
6. Events for which an admission price will be charged;
7. Events organized for commercial purposes.

C. Action on Application

If an application is forwarded to the Committee for approval, the Committee may, within five (5) business days, either approve, conditionally approve, or disapprove it. The Committee shall report its decision to the ~~Director~~ City Administrator who shall then inform the applicant. In the event that an application is denied or approved with conditions, the Committee and/or ~~Director~~ City Administrator shall state in writing the reasons for the denial or conditions.

Section 5 - Criteria for Approval of Use Applications

The Committee or the ~~Director~~ City Administrator may deny the application if they find:

A. The proposed event or activity would present an unreasonable danger to the health or safety of the applicant, or other users of the park, City employees or the public.
B. Adequate parking facilities do not exist and are not available to accommodate the proposed event or activity in the park, based upon recognized standards for provision of adequate parking facilities;
C. Adequate sanitary facilities do not exist and are not available to accommodate the proposed event, based upon recognized standards for provision of sanitary facilities;
D. The event or activity shall cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park;
E. The proposed event or activity would unreasonably disturb persons who occupy land which is adjacent to such park;
F. The park has been reserved for other use at the day and hour required in the application.
G. The applicant or the person on whose behalf the application is made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms or conditions of prior permits issued to or on behalf of the applicant.
H. The application for permit, including any attachments and submissions, is not fully

completed and executed.

I. The applicant has not tendered the required application fee, or the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the ~~Director~~ City Administrator.
J. The application contains a material falsehood or misrepresentation.
K. The applicant is legally incompetent to contract or to sue or be sued.
L. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City.
M. The use or activity intended by the applicant would conflict with programs organized and conducted by the City and scheduled for the same time and place.
N. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park designated pursuant to law, City ordinance, or City regulations.
O. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services.
P. The use or activity intended by the applicant is prohibited by law, by this policy or City ordinance, or by other regulations of the City.

Section 6 - Conditional Approval

A. Large Groups and Special Activities

The following conditions shall be imposed upon the issuance of a permit for events involving large groups (100 or more people) or groups with special activities (e.g. inflatables, tents, special equipment):

1. A requirement that the permittee pay in advance an estimate of all City costs that result directly from the permittee's use, event or activity under the permit, and that the permittee reimburse the City for any such costs which exceed the estimate.

2. A requirement that the permittee either provide an insurance policy naming the City of Lewiston as an additional insured, or a security deposit or performance bond, to cover damages that may result from permittee's use, event or activity.

Permittees will be required to sign a Fee Agreement which sets forth all conditions, prior to final approval.

B. Capital Costs for Judge Armand A. Dufresne, Jr. Plaza and Simard-Payne Police Memorial Park

The City has ongoing capital costs and indebtedness arising from construction of Judge Armand A. Dufresne, Jr. Plaza, and Simard-Payne Police Memorial Park. In order to meet these costs, permits for use of these parks shall be conditioned upon payment of a daily fee in the following amount:

Judge Armand A. Dufresne, Jr. Plaza $ ~~265.00~~ $150.00

Simard-Payne Police Memorial Park $ ~~135.00~~ $150.00

LA Arts shall be exempt from this fee for any approved use of Judge Armand A. Dufresne, Jr. Plaza by LA Arts, due to the contributions that LA Arts has already made toward the capital costs of constructing the Plaza.

Nonprofit organizations based in Lewiston shall be entitled to an ~~80~~50% discount on the above fee for up to five days per year per organization. ~~For purposes of this section, a nonprofit organization based in Lewiston shall include a nonprofit organization with an office or mailing address in Lewiston.~~

Section 7 – Permittee Privileges and Responsibilities

A. No person shall camp or maintain a campsite, tent or mobile recreational vehicle, whether self-propelled or not, or camp on any street or property owned, leased, maintained or controlled by the city unless specifically approved by ~~the Recreation Department or~~ the City Administrator. Such property shall include but not be limited to city streets, parks or municipal lots.
B. No person shall post or affix any placard, bill notice or other paper upon any structure, fence or enclosure in any public park, pleasure driveway or boulevard.
C. Any physical alteration of any building, structure, facility, or appurtenance thereof, without the prior written approval of the City ~~or the Recreation Department~~ is prohibited.
D. The permittee agrees to abide by City Ordinances that apply to noise, malicious activity, crowd control, individual and group behavior.
E. The permittee must comply with all applicable City, County, State, and Federal laws and regulations.

    1. If the permittee plans to handle food of any kind for any reason when utilizing the facilities, it is its responsibility to contact the Lewiston City Clerk's Office at City Hall to obtain the proper permit(s). This permit must be displayed in a prominent place in the facility during the event or program.

    2. The permittee shall be responsible for all other licenses, permits, and/or approvals required by the State of Maine and the City of Lewiston. Failure to obtain said licenses and permits shall be cause for cancellation of the event or program and withholding of any deposits or fees collected by the City of Lewiston.

F. The permittee agrees not to use the premises, or allow the premises to be used for any illegal, immoral, or improper purposes.

Section 8 - City Requirements and Responsibilities

A. Tentative holds on dates will be allowed for only a period of seven (7) calendar days. After this period has expired, the tentative hold may be canceled at any time.

B. Any security deposits shall be returned to the permittee within 15 working days of verification that no damage has occurred to the facility or furnishings and that required clean up was completed.
C. Permittee may cancel this agreement and receive a full refund of charges and security deposit if cancellation is provided to the ~~Director~~ City Administrator at least 3 weeks prior to the scheduled event.
D. The ~~Director~~ City Administrator shall inform City Clerk's Office, Code Enforcement, the Police Chief and the Fire Chief of all major scheduled events in writing following the signing of a contract.
E. It shall be the responsibility of the Chief of Police, in cooperation with the ~~Director~~ City Administrator to determine how many police officers and what, if any, additional private security will be required for the scheduled event. Certain events will require the services of a representative of the Fire Marshall's Office. The determination shall be made by the person or persons acting on the application, and the fee for this service shall be the responsibility of the permittee.
F. Similar type competitive events will not be allowed within seven (7) days of an approved event. The decision as to whether or not an event is considered to be a competitive event shall be made by the ~~Director~~ City Administrator.
G. Park use permits are not transferable and are revocable and may be revoked at the discretion of ~~the Lewiston Recreation Department or~~ a City of Lewiston representative with 24 hours notice, or without notice if the safety and health of the public is threatened, notwithstanding any other terms or conditions of the permit to the contrary.
H. No person, group, or association shall be excluded from use of a City facility because of race, color, creed, or national origin. No organization which discriminates on the basis of race, color, creed, or national origin shall be authorized use of any City facility.

Section 9 - Liability

A. The permittee shall be liable for any damages to the park or to any contents owned by the City during the period of use, whether such damage is caused by permittee or its agents, servants or employees, or by any invitees, permittees, or trespassers.
B. The City of Lewiston shall not be liable for any damage or loss to any property of the permittee or any other person from any cause whatsoever while said property is located on the premises for storage purposes or for any other purpose, nor shall the City be liable for any injuries resulting from the use of the park.
C. The permittee agrees to defend, indemnify, and hold harmless the City of Lewiston, its departments and their representatives, officers, agents or employees from and against all claims of any nature whatsoever for damages, including damages or loss to personal property, personal injuries and death resulting there from the use of the park in connection with the event for which the permit is granted. However, nothing contained herein shall be construed as rendering the permittee liable for acts of the City of Lewiston, its departments, or their agents or employees.
D. When a permittee provides a certificate of insurance pursuant to Section 6(A) of this policy, the permittee shall provide comprehensive general liability insurance

with minimum limits of liability for bodily injury in the amount of $1,000,000 for each occurrence and minimum limits of liability for property damage in the amount of $1,000,000 for each occurrence. The City shall be named insured additionally under the policy. Additional coverage may be requested when deemed necessary due to the risks posed by the permitted activity.

Section 10 - General Use

Upon completion of the activity, the park and adjacent area must be clear, orderly, and free of any obstruction or litter. The park must be left in the same condition it was when the permittee took occupancy. Area must be clear of all chairs, tables, booths, decorations, debris, etc., according to a schedule set by the ~~Lewiston Recreation Department~~ City Administrator. If additional personnel are needed to clean up after an event, in order to prepare the park for the next day's use, the permittee will be responsible for the extra cost involved.

Section 11 - Appeals

Any applicant who is aggrieved by the denial of an application or by conditions imposed on approval of an application may appeal to the City Administrator by written request filed with the Office of the City Administrator within five (5) days from the receipt of the decision of the ~~Director~~ City Administrator or the Committee. The City Administrator shall designate himself or any agent or employee to act as a hearing officer in the appeal. The hearing officer shall provide the applicant the opportunity to be heard regarding the denial or conditional approval of the application. The hearing officer shall issue a written decision within five (5) days of the close of the hearing,

Any person who is aggrieved by the decision of a hearing officer may appeal to superior court, pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Section 12 - Copyright

Permittee assumes full responsibility for any copyright infringements, charges, or royalties that may occur on account of activities at the facility pursuant to this Agreement. Permittee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their legal representatives and agrees to indemnify and hold the city harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees. Permittee, upon request, shall provide the City with written proof prior to the start time of rental that all copyright provisions and laws have been satisfied by permittee or some other party. The City reserves the rights to contact owners of copyrights to inform them of the impending event and to inquire whether appropriate copyright(s) fees have been paid. If these fees have not been paid and the City is informed of a claim which could or will result from the event contemplated by permittee in this Agreement, then the City or the City Contractor shall have the right to withhold from the box office receipts a sum of money sufficient to satisfy any such claims and shall have the right to pay such amount to the holder(s) of the copyright(s).

Section 13 - Veteran's Memorial Park

Effective July 6, 2010, the City shall not permit any vendors, entertainment or commercial activity in Veteran's Memorial Park.

Section 14 - No Smoking

There shall be no smoking permitted at The Mark W. Paradis Park.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 6

SUBJECT:

Amendments to the Facility Use Policy.

INFORMATION:

The amendments to this Policy are primarily housekeeping in nature. Most of the proposed changes involve removing the term Recreation Director and Deputy Recreation Director and replacing with Recreation Superintendent or a designee of various department managers.

Note: Additions are underlined; deletions have ~~strikeout~~ lines.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the proposed amendments to the Facility Use Policy, Policy Manual Number 28, as recommended by the City Administrator.

(Note - Full copy of the amendments is attached.)

FACILITY USE POLICY

ARTICLE I. USE OF CITY OWNED FACILITIES

Application must be signed and returned no later than thirty (30) business days prior to the date of the event and a $50 non-refundable application processing fee must accompany the application except where exempted elsewhere in this policy.

This Policy is designed to govern the use of City-owned facilities by other individuals, groups, and/or organizations that are not directly associated with the City of Lewiston. The Policy governs all city owned property, even if such property is not specifically listed within the Policy.

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

Section 1 - Definitions

Public Use Facility: Any City-owned property that has been designated by policy to be available for use by individuals, groups, or other organizations that are not directly associated with the City of Lewiston, Maine.

Facility:	Any City-owned property
Office:	1. ~~Assistant Director of Public Works for~~ Recreation Superintendent or ~~his/her~~ designee when referring to use of the Armory. 2. Library Director or ~~his/her~~ designee when referring to use of the Library or Hartley Center. 3. ~~Deputy~~ City Administrator or ~~his/her~~ designee when referring to Amphitheater or Kennedy Park Gazebo use.
Amphitheater:	Facility area designated by application rules within the area of Simard Payne Police Memorial Park
Armory:	City of Lewiston Memorial Armory
Gazebo:	Located in Kennedy Park
Hartley Center:	Marsden Hartley Cultural Center
Library:	Lewiston Public Library
Committee:	Facilities Use Review Committee

Section 2 - Definition of Facility Use

FACILITY USE POLICY

The City, by this Policy, defines the following facilities as public use facilities, subject to the regulations, restrictions and other requirements that are established.

A. The Memorial Armory, 65 Central Avenue
B. Certain athletic and public parks, subject to the other policies and ordinances that have been, or may in the future, be adopted to govern those specific locations.

   1. Chapter 54 of the City Code of Ordinances regarding Public Park usage.
   2. City Policy Manual, Policy Number 3, regarding use of the Athletic Fields.

C. Lewiston Public Library and Marsden Hartley Cultural Center, 200 Lisbon Street
D. Simard Payne Police Memorial Park Amphitheater
E. Kennedy Park Gazebo
F. Licensee: Organization/individual that has been authorized by the City to utilize any of the facilities covered by this policy.

Unless otherwise listed above, all other City-owned facilities are not available, and henceforth defined as public use facilities. However, on occasion, such properties may be used for private purposes, subject to Section 11 of this Policy.

Section 3 - Application Process

All individuals and/or organizations desiring to use a City-owned facility must complete an application for use.

All inquiries concerning the Armory should be directed to the attention of the Recreation Office, Memorial Armory, 65 Central Avenue, Lewiston, Maine 04240, Tel.: 513-3005. All inquiries concerning the Library or the Hartley Center should be directed to the attention of the Library Director, Lewiston Public Library, 200 Lisbon Street, Lewiston, Maine 04240, Tel: 513-3004.

All inquiries concerning the Amphitheater or Gazebo should be directed to the attention of the ~~Deputy~~ City Administrator, 27 Pine Street, Lewiston, Maine 04240, Tel.: 513-3121.

All applications for the use of a facility shall be submitted to the applicable office for review. The applicable office shall respond within ten (10) business days of receipt of a completed application either:

A. Approve it;
B. Conditionally approve it; (See Section 6c)
C. Disapprove it; or
D. Refer it to the Facilities Use Review Committee for further review.

The applicable office shall then notify an applicant of the disposition of the application.

If it is determined that an application requests a use which is appropriate for review by additional City officials, approval must be obtained from the Facilities Use Review Committee.

FACILITY USE POLICY

Section 4 - Facilities Use Review Committee

A. Purpose and Organization

Since the all referenced locations in this policy are public facilities, the City of Lewiston is concerned that they be used for proper purposes and in a manner consistent with the public interest. The applicable office may forward an application to the Committee for further review. The Committee shall be comprised of the following City staff members or their representatives.

1. City Clerk or designee
2. Police Chief or designee
3. Fire Chief or designee
4. ~~Assistant~~ Director of Public Works ~~for Recreation~~ or ~~his/her~~ designee
5. City Administrator or designee

B. When Use Application Referred to Committee

Proposed uses for which the applicable office may require approval by the Committee include, but are not limited to:

1. Entertainment events (i.e. concerts, live performances, circuses);
2. Events which require a state or municipal license or permit;
3. Events which impose age restrictions for admission;
4. Events to which the general public is invited;
5. Events or organizations which request free use of the facility.

C. Action on Application

If an application is forwarded to the Committee for approval, the Committee shall, within five (5) business days, either approve, conditionally approve, or disapprove it. The Committee shall report its decision to the applicable office who shall then inform the applicant.

Section 5 - Criteria for Approval of Use Applications

A. In approving any application which comes before the Committee or the applicable office, the following may be considered:

   1. Time of day event is to be held;
   2. Number of days event is to be held;
   3. Number of people expected to attend;
   4. Age of people admitted or expected to attend;
   5. Whether liquor is to be available at the event;
   6. Purpose of event (i.e. fund raising, profit making, etc.);
   7. Whether the event is appropriate for a publicly-owned and managed facility;
   8. Whether the use may disturb the peace or cause excessive traffic congestion;

9. Whether the use is likely to burden the fire or police departments or present safety hazards;
10. Whether the use may adversely affect the facility or neighboring property.

B. The primary use of Callahan Hall at the Lewiston Public Library is for City and Library sponsored programs that fit the following purposes:

1. Cultural and arts events.
2. Programs which celebrate ethnic diversity and promote inter-cultural communication.
3. Educational programs, lectures, workshops and seminars.

All applications for the use of Callahan Hall must fit under one of the three purposes above. In order to assure the availability of Callahan Hall for its primary uses, no application may be made more than 60 days in advance of such use.

C. The primary use for the Amphitheater shall be for the following purposes:

1. Cultural and arts events.
2. Programs which celebrate ethnic diversity and promote inter-cultural communication.
3. Government sponsored/funded educational programs, lectures, workshops and seminars.

All applications for the use of the Amphitheater must fit under one of the three purposes above. The City Administrator shall be authorized to waive these provisions on a case-by-case basis or in those instances where its use coincides with a City sponsored/hosted event.

D. The primary use for the Gazebo shall be for the following purposes:

1. Any private or public event which does not pose a public safety threat and/or may result in the physical damage to the structure or surrounding grounds.

Section 6 - Conditional Approval

Should an application be conditionally approved, the following conditions may be imposed:

A. A requirement that the applicant provide adequate security for the event (depending on type of event, number of people expected, etc.);

B. A requirement that the applicant post a security deposit in case of damage to City property or costs are incurred by the City as a result of breach of the agreement;

C. A requirement that the applicant post a fee to defray additional public costs which include, but are not limited to:

1. Police - traffic direction or protection;
2. Municipal inspection of special electrical equipment needed for events;
3. Cleaning - events which result in excessive debris from event or attendees;
4. Electrical - events which result in excessive use of electrical power.

D. A requirement that the applicant provide insurance pursuant to Section 9 of this policy.

Licensees will be required to sign a Facility Use Fee Agreement which sets forth all costs involved, prior to final approval.

Section 7 - Licensee Privileges and Responsibilities

A. In accordance with all facility use rules, the licensee may be allowed, with approval of the applicable office, access to the facility for the purpose of setting up decorations, installing booths and other equipment (during normal operating hours). The licensee may be allowed, with approval of the applicable office, access to the facility on the forenoon next following the rental date for the purpose of removing decorations, booths, and so forth, provided that the facility is not booked or occupied for said time.

B. Any licensee requiring additional electrical hookup in the facility will obtain the services of a qualified electrician in order that all such electrical work will meet the City of Lewiston code requirements. Additional information concerning electrical work to be done may be obtained by contacting the City of Lewiston Director of Code Enforcement or his representative.

C. No licensee shall be allowed to store any equipment, paraphernalia, or other items in the facility without prior permission from the applicable office.

D. No animals will be kept in the facility overnight.

E. Nothing shall be nailed, screwed, fastened, or otherwise attached to the walls, ceilings, or floor surfaces.

F. Smoking is not allowed within the area defined as the "Amphitheater", "Gazebo", Memorial Armory and Library facilities. It shall be the responsibility of the licensee to monitor and enforce these regulations.

G. If the licensee plans to handle food of any kind for any reason when utilizing the facilities, it is its responsibility to contact the Lewiston City Clerk's Office at City Hall to obtain the proper permit(s). This permit must be displayed in a prominent place in the facility during the event or program. Licensee must provide a copy of the permit to the applicable office prior to the event.

H. The licensee shall be responsible for all other licenses, permits, and/or approvals

required by the State of Maine and the City of Lewiston. Failure to obtain said licenses and permits may be just cause for cancellation of the event or program and withholding of any deposits or fees collected by the City of Lewiston. Licensee must provide a copy of all licenses/permits to the applicable office prior to the event.

Section 8 - City Requirements and Responsibilities

A. Tentative holds on dates will be allowed for only a period of seven (7) calendar days. After this period has expired, the tentative hold may be canceled at any time.

B. No refund shall be made upon cancellation of any booking unless such cancellation is made at least thirty (30) days prior to the scheduled event.

C. The applicable office shall inform both the Police Chief and the Fire Chief in writing of all major scheduled events following the signing of a contract.

D. It shall be the responsibility of the Chief of Police and Chief of Fire, in cooperation with the applicable office, to determine how many police officers and fire guards and what, if any, additional private security will be required for the scheduled event. Certain events will require the services of a representative of the Fire Marshall's Office. The determination shall be made by the person or persons acting on the application, and the fee for this service shall be the responsibility of the licensee.

E. Public dances, primarily for high school students, or other such events will not operate beyond 10:30 p.m. without special permission from the applicable office.

F. Similar type competitive events will not be allowed within seven (7) days of a contracted booking. The decision as to whether or not an event is considered to be a competitive event shall be made by the applicable office.

G. The applicable office may waive any provisions or requirements of this policy, except for fees, with prior approval of the City Administrator's Office or the Facility Use Review Committee.

Section 9 - Liability

A. The licensee shall be liable for any damages to the facility or to any contents owned by the City during the period of use, whether such damage is caused by licensee or its agents, servants or employees, or by any invitees, licensees, or trespassers.

B. The City of Lewiston shall not be liable for any damage or loss to any property of the licensee from any cause whatsoever while said property is located on the premises for storage purposes or otherwise.

C. The licensee agrees to defend, indemnify, and hold harmless the City of Lewiston, its departments and their representatives, officers, agents or employees from and against

all claims of any nature whatsoever for damages, including damages or loss to personal property, personal injuries and death resulting there from the licensee's use of the Amphitheater, Lewiston Memorial Armory, Library or other facility covered in this policy. However, nothing contained herein shall be construed as rendering the licensee liable for acts of the City of Lewiston, its departments, or their agents or employees.

D. The applicable office or the Committee is authorized to require that the licensee file a certificate of insurance with the City. When requested to do so, the licensee shall provide comprehensive general liability insurance with minimum limits of liability of $1,000,000 combined single limit for each occurrence. The City shall be named additionally insured under the policy. Additional coverage may be requested when deemed necessary.

Section 10 - General Use

The general use fee (See Sec. 12) covers applicable facility services such as "house" lights, heat, electricity, water, lobby areas, concession, ticket booths, stage, balcony and gymnasium. (See below)

A. The fee does **not** include the setting up or knocking down of chairs, bleachers, tables, booths, ramps, staging, lighting, etc. The arrangement, performance, and costs of these services shall be sole responsibility of the licensee.

B. Additional custodial and cleaning services shall be charged to the licensee for any applicable overtime required, as determined by the applicable office, by regular custodial staff at the rate which will cover the cost of overtime salaries including fringe benefits and administration. This charge shall cover all hours which the custodial staff is required to be on duty, including hours worked prior, during, and after the event.

C. The facility must be left in the same condition it was when the licensee took occupancy. Floors and/or ground area must be clear of all chairs, tables, booths, decorations, debris, etc., by noon of the day following the event. If the day following is a Sunday, arrangements must be made to have staff on duty. If additional personnel are needed to clean up after an event, in order to prepare the building for the next day's use, the licensee will be responsible for the extra cost involved. The need for additional cleaning personnel will be left to the discretion of the applicable office.

D. None of the services and equipment described in this policy are available for non-City use and/or rental outside of the Memorial Armory, Library or other City property and/or facilities.

FACILITY USE POLICY

Section 11 - Special Exceptions to Use Other Facilities

Upon application to the City Administrator's Office, the City Council by specific vote, may allow other individuals and/or organizations to utilize other City-owned facilities on a case by case basis, subject to the following:

A. City Administrator's Endorsement: The City Administrator's Office shall endorse the request.

B. Consistent with Policy: The applicant must follow all other sections of this policy, except that which has been specifically exempted by the City Council.

C. Additional Restrictions: The City Council may place any additional restrictions that are deemed appropriate as a condition of approval, for requests that would be considered exceptions to the Policy.

This section is specifically designed to address such events as the various festivals, special events, and other types of requests that are deemed to have broad public benefit to the inhabitants of the City of Lewiston. It is not intended to allow private individuals and/or organizations the opportunity to use such public property not otherwise available for functions that do not meet the requirement of broad public benefit.

Locations that receive approval to be used by others, consistent with this section, does not change the designations established by Section 2 of this Policy.

Section 12 - Fee Policy

A. For the purposes of this policy, the following user classifications have been developed:

CLASSIFICATION DEFINITIONS

GROUP	DEFINITION
Commercial (Revenue Producing) A	Defined as any type of commercial event where admission is charged, donation accepted, sales made, or other income derived.
Commercial (Non-revenue Producing) B	Defined as any type of commercial event where no admission is charged or donation accepted, nor any sales made, nor other income derived.

FACILITY USE POLICY

Non-Profit (Revenue Producing) A	Defined as church groups, civic groups, political organizations, fraternal groups, social organizations, conventions, or any other non-profit groups or activities sponsored by such groups where admission is charged, donations accepted, sales made, or other income derived.
Non-Profit (Non-revenue Producing) B	Defined same as non-profit (revenue producing), except that no admission is charged or donation accepted, nor any sales made, nor any other income derived.
Exempt (Lewiston Non-Profit) *$50 non-refundable application fee will not be waived.	Defined as non-profit groups or organizations located in the City of Lewiston (and not classified as non- profit revenue), also the governments of the State of Maine and United States, their departments, agencies or committees when the nature of the meeting does not meet the standards of exempt classification.
Exempt (Government) *$50 non-refundable application fee will be waived	Defined as the governments of the State of Maine and the United States and their departments, agencies, committees, or officials when the meeting is open to the public and on topic of interest to the residents of Lewiston and the City of Lewiston for any purpose.

B. Determination of which classification an applicant is charged fees shall be made by the Director based on information furnished, in writing, by the applicant.

C. Applications must be signed and returned no later than thirty (30) business days prior to the date of the event and a $50 non-refundable application processing fee must accompany the application. Upon approval, a licensee must sign a Use Agreement, pay the total use fee (no personal checks), and satisfy all other conditions within fifteen (15) business days of the date of the Use Agreement.

D. Should an applicant fail to comply in any material aspect with the terms of the application or Use Agreement, the applicable office may immediately terminate said agreement. In that event, the applicant shall not be entitled to the use of the facility or the refund of any fees paid in connection with the application.

E. Organizations that wish to hold an event in either the Memorial Armory, Amphitheater, or Library to which the general public is invited; where the event is consistent with the use restrictions stated in the policy; and as it applies to the

Armory, Library and Amphitheater, where there is to be no solicitation/recruitment of any kind, admission fee charged, donations accepted, or other income derived, must fill out the applicable facility form and request a waiver of all or a portion of fees. The applicable office shall direct such requests to the City Administrator for his/her review. Allocation of the facilities for free use will be approved or rejected by the City Administrator or may be referred to the Facilities Use Review Committee for further investigation.

F. Organizations that wish to reserve the Gazebo must fill out the application facility form and must also complete the waiver section to request the waiver of all or a portion of applicable fees. In the event that the waiver section is completed, the Deputy City Administrator shall direct such requests to the City Administrator for review. Allocation of the facilities for free use will be approved or rejected by the City Administrator or may be referred to the Facilities Use Review Committee for further investigation.

G. Rental Rate Schedule (See Appendix A Attached)

Section 13 - Copyright

Licensee assumes full responsibility for any copyright infringements, charges, or royalties that may occur on account of activities at the facility pursuant to this Agreement. Licensee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their legal representatives and agrees to indemnify and hold the City harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees. Licensee, upon request, shall provide the City with written proof prior to the start time of rental that all copyright provisions and laws have been satisfied by Licensee or some other party. The City reserves the rights to contact owners of copyrights to inform them of the impending event and to inquire whether appropriate copyright(s) fees have been paid. If these fees have not been paid and the City is informed of a claim which could or will result from the event contemplated by Licensee in this Agreement, then the City or the City Contractor shall have the right to withhold from the box office receipts a sum of money sufficient to satisfy any such claims and shall have the right to pay such amount to the holder(s) of the copyright(s).

ARTICLE II. CITY BUILDINGS

Section 14 – Prohibited Uses

The use, possession or storage of hoverboards and other similar electronic or powered devices is prohibited in any city owned buildings. The use of other similar wheeled devices such as inline skates, roller skates, skate boards and the like, is prohibited in any city owned buildings. If these devices are in use as part of an official city-approved event, their use is permitted.

APPENDIX A
RENTAL RATE SCHEDULE

Facility**	Facility Room	Commercial* (Revenue)	Commercial* or private use (Non Revenue)	All* Non-Profit (Revenue)	Other* Non-Profit (Non Revenue)	Exempt* (Lewiston NP, Govt)
ARMORY	Gymnasium	DAY 1st $ 465.00 2nd 345.00 3rd 290.00 Hour 60.00 Up to 3 hrs	DAY 1st $ 345.00 2nd 290.00 3rd 230.00 Hour 60.00	DAY 1st $ 230.00 2nd 205.00 3rd 175.00 Hour 25.00	DAY 1st $ 175.00 2nd 145.00 3rd 115.00 Hour 25.00	N/C N/C N/C N/C
	Meeting Rooms (2 - 4)	60.00	45.00	35.00	25.00	N/C
	Activity Room 1	145.00	115.00	90.00	60.00	N/C
	Seniors Room	115.00	90.00	60.00	45.00	N/C
LIBRARY	Callahan Hall	Day: 465.00 Hour: 60.00 Up to 3 hours	Day: 345.00 Hour: 60.00 Up to 3 hours	Day: 230.00 Hour: 25.00 Up to 3 hours	Day: 175.00 Hour: 25.00 Up to 3 hours	N/C Lewiston City Govt. sponsored/hosted events only
	Computer Lab	315.00	210.00	210.00	160.00	N/C
	Jeanne Couture Room	65.00	55.00	35.00	30.00	N/C
	Conference Room	65.00	55.00	35.00	30.00	N/C
~~**AMPITHEATER & Simard-Payne Police Memorial Park**~~	~~7AM – 9PM~~	~~DAY~~ ~~1st – 465.00~~ ~~2nd – 345.00~~ ~~3rd – 290.00~~ ~~Hour – 60.00~~ ~~Up to 3 hrs~~	~~DAY~~ ~~1st – 345.00~~ ~~2nd – 290.00~~ ~~3rd – 230.00~~ ~~Hour – 60.00~~	~~DAY~~ ~~1st – 230.00~~ ~~2nd – 205.00~~ ~~3rd – 175.00~~ ~~Hour – 25.00~~	~~DAY~~ ~~1st – 175.00~~ ~~2nd – 145.00~~ ~~3rd – 115.00~~ ~~Hour – 25.00~~	~~N/C~~ ~~Lewiston City Govt. sponsored/hosted events only~~
AMPITHEATER Only	~~Mon-Fri~~ 7AM – 9PM	~~DAY~~ ~~1st – 330.00~~ ~~2nd – 210.00~~ ~~3rd – 155.00~~ Hour – 60.00 ~~Up to 3 hrs~~	~~DAY~~ ~~1st – 210.00~~ ~~2nd – 155.00~~ ~~3rd – 95.00~~ Hour – 60.00	~~DAY~~ ~~1st – 95.00~~ ~~2nd – 70.00~~ ~~3rd – 40.00~~ Hour – 25.00	~~DAY~~ ~~1st – 55.00~~ ~~2nd – 40.00~~ ~~3rd – 30.00~~ Hour – 25.00	N/C Lewiston City Govt. sponsored/hosted events only
~~**AMPITHEATER & Simard-Payne Police Memorial Park**~~	~~Mon-Fri~~ ~~8AM – 2PM~~	~~DAY~~ ~~1st – 230.00~~ ~~2nd – 170.00~~ ~~3rd – 145.00~~ ~~Hour – 60.00~~ ~~Up to 3 hrs~~	~~DAY~~ ~~1st – 170.00~~ ~~2nd – 145.00~~ ~~3rd – 115.00~~ ~~Hour – 60.00~~	~~DAY~~ ~~1st – 115.00~~ ~~2nd – 100.00~~ ~~3rd – 85.00~~ ~~Hour – 25.00~~	~~DAY~~ ~~1st – 85.00~~ ~~2nd – 70.00~~ ~~3rd – 55.00~~ ~~Hour – 25.00~~	~~N/C~~ ~~Lewiston City Govt. sponsored/hosted events only~~
~~**AMPITHEATER Only**~~	~~Mon-Fri~~ ~~8AM – 2PM~~	~~DAY~~ ~~1st – 165.00~~ ~~2nd – 105.00~~ ~~3rd – 75.00~~ ~~Hour – 60.00~~ ~~Up to 3 hrs~~	~~DAY~~ ~~1st – 105.00~~ ~~2nd – 75.00~~ ~~3rd – 45.00~~ ~~Hour – 60.00~~	~~DAY~~ ~~1st – 50.00~~ ~~2nd – 40.00~~ ~~Hour – 25.00~~	~~DAY~~ ~~1st – 40.00~~ ~~2nd – 30.00~~ ~~Hour – 25.00~~	~~N/C~~ ~~Lewiston City Govt. sponsored/hosted events only~~
GAZEBO Only	8AM – 9PM	*N/C	*N/C	*N/C	*N/C	*N/C

Updated 12/18/2018

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 7

SUBJECT:

Amendments to the Special Events Policy.

INFORMATION:

There are a few proposed amendments to this Policy which was last updated in 2015. One amendment is to eliminate the need to cap events of different categories. It is felt that the City Council has the ability to cap events if needed via the city budget process when reviewing requests for fee waivers and use of city services. Other recommended changes include proposed adjustments to the application submission deadline to have this clarified for both applicants and staff to allow adequate time to process applications for large events.

Recommended changes are also proposed to adjust the Park Use fees. These fees are repeated in this Policy as well as the Park Use Policy simply for the purposes of bringing it to the attention of applicants.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To amend Policy Manual Number 87, the Special Events Policy, as recommended by the City Administrator.

(Note - Full copy of the amendment is attached; new proposed language is underlined.)

SPECIAL EVENTS POLICY

PURPOSE

To establish a process for the processing and approval of requests to host and/or conduct special events and activities in the city that may or may not require funding or support services from the City of Lewiston.

BACKGROUND

It has been the practice of the City of Lewiston to provide various levels of staff resources and/or funding to support a number of special events that offer recreational, entertainment, and charitable fundraising opportunities to residents and other members of the general public.

In order to ensure a uniform procedure is followed when requesting in-kind or funding support from the City of Lewiston, this policy outlines what is required of requesting organizations and provides clarity regarding the expectations of the City Council.

SPECIAL EVENT APPLICATION FILING REQUIREMENTS

All organizations or individuals seeking to utilize or reserve any city-controlled property such as streets, sidewalks, parking areas, or parks for any activity or event with 25 people or more or require the use of city services to support an event or activity on city-controlled or private property may be require to pay for fees which include, but are not limited to, processing/park-use fees, permits, and staff time.

SPECIAL COMMUNITY EVENT STATUS

For the purposes of this policy, certain organizations/events shall be granted "Special Community Event Status" given the length of time they have existed and the size of their events. The "Special Community Event Status" shall entitle these events to the permanent creation of a Festival Zone as defined in Section G of this policy. The organizations listed below must file all applicable paperwork for this Festival Zone designation each year.

This status shall not be meant to waive any portion of this policy relative to requirements for funding, payment, and in-kind services. This status shall not restrict the City Council from denying, modifying, or amending any part of the organization's request or waiving any portion of this policy. The organizations/events eligible for "Special Event Status" under this section are:

- The Liberty Festival Committee or 4th of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

~~CAPPING OF SPECIAL EVENTS~~

~~The City shall restrict the number of Special Events by capping the total number based on calendar year 2014 activity (events that occurred and applications received for 2015) and the classification of those events as listed below. The total number of events in each classification~~

~~may be exceeded but may not cause the total number of events/activities to exceed the 2014 number.~~

~~Any 2014 event/activity failing to file an application in calendar year 2015 and in future years shall create an available event/activity vacancy which may be filled by the organization/person who is first to file for a new event that receives the city's approval. The event categories shall be classified as follows:~~

~~a. Road races as defined in item B.1of this policy (CAP – 17)~~
~~b. Festivals, carnivals, etc. as defined in item B.2 of this policy (on city-controlled property only) (CAP – 18)~~
~~c. Special events listed in item B.3 of this policy (CAP – 1)~~
~~d. Special event requests listed in B.4 of this policy (CAP – 2)~~
~~NOTE: NON-PROFIT CASH REQUESTS APPLICATIONS WILL BE TRACKED AND WILL ALL BE SUBMITTED TO THE COUNCIL FOR CONSIDERATION UNDER THE TIMELINE PROVISIONS OF ITEM C.2 OF THIS POLICY~~

A. DEFINITIONS

"Financial assistance" shall mean any municipal granting of funds encompassing all forms of direct cash payments for eligible activities.

"In-kind" shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee to support the event/program that the non-profit is either sponsoring or participating in.

"Non-profit organization" shall mean any non-profit/charitable organization recognized as a tax-exempt IRS approved 501.C.3/4 entity and/or an entity recognized as a legally tax-exempt organization under Maine law.

"Special Event" shall mean any event held outdoors or indoors that requires some level of city review, approval, service, support or funding. Events defined as "Athletic Events" that only require the approval and oversight of the Recreation Division shall not be defined as a "Special Event."

"Special Event Application" shall mean the form which is so titled and is supplied by the City to all parties who seek city approval to conduct any activity that meets the City's definition of a "Special Event."

B. INTRODUCTION

The Special Events Policy has been established by the City Council to provide guidelines to non-profit and for-profit organizations that are seeking city approval for special events.

All requests for special events require the completion of the "Special Event Application" for any event which will involve, but will not be limited to, the following:

SPECIAL EVENTS POLICY

1. Road races/walks may be one or more combinations of running, walking, biking, vehicle racing or any other related activity which will require the use of public streets, ways, public rights-of-way or other city-controlled property.
2. Festivals, carnivals, circuses, entertainment, business shows, or any event that will require the use of any city-controlled property or may require the City to review an activity/event on private-property requiring a permit/license, police approved security plan, fire approved safety plan, or other city approval function.
3. Any special event which may begin in another city or town and will require the use of any city-controlled property or that fall into the categories listed in items B.1 and B.2 above.
4. Requests for any in-kind support through the use of city equipment, structures, assets, public space, services and staffing or any level of funding not eligible for funding through a department budget or other funding source managed by the city.

C. CONDITIONS FOR CONSIDERTATION AND APPROVAL

1. EVENTS/PROGRAMS/REQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY

The following non-profit and for profit requests that do not require City Council approval AND DO NOT REQUIRE THE FILING OF A SPECIAL EVENT APPLICATION shall be reviewed for possible approval by the City Administrator/Deputy City Administrator and may be subject to the review by applicable city departments.
Administration shall have the final authority to assess the city's ability to support any and all requests that fall under the provisions of this section. Failure to fulfil any and all requirements shall result in the denial of the application by Administration.

One or more of the following limited conditions may apply:

a. The proposed use of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
b. The proposed use of city properties & assets will not substantially impact the city budget and provides support for county, state, and federal agency/commission meetings, local/state/national organization meetings/workshops/seminars/hearings, and state/federal legislative oversight groups.
c. Waiver of use policies and/or rental and insurance fees in instances when the event/program benefits the community; can be co-sponsored as a "City of Lewiston" event; and is consistent with the normal use of the facility/city-controlled property; and can be supported with budgeted city staff/resources.
d. Events/activities receiving City Council approval in the prior year and that remains substantially similar in scope and which did not require any direct city cash payment or contribution and/or in-kind assistance.

SPECIAL EVENTS POLICY

2. NON-PROFIT & OTHER ORGANIZATION APPLICATION REQUIREMENTS – CITY COUNCIL APPROVAL

All for-profit and non-profit requests which do not fall under Section B.1 of this policy require filing a Special Event Application which will be subject to City Council approval. **Failure to fulfill any and/or all requirements shall result in the denial of the application by Administration.**

A. **In any instance where a request for city funding or city services/assets is made in the form of in-kind support, such requests shall only be considered from organizations that meet the non-profit organization definition in this policy. All requests require the filing of a Special Event Application in accordance with the following eligibility conditions:**
   - To be considered as part of the city budget process, all applications and all required paperwork, must be submitted no earlier than January 1st and no later than March 1st of each year for any event occurring in the next fiscal year (beginning July 1st of each year).
   - If the application is not submitted between January 1st and March 1st as part of the city budget process, the application and all required paperwork must be submitted for events that will be held in the calendar year with all paperwork submitted between March 2nd and September 1st and no later than 90 days prior to the event for any event occurring in the same calendar year. <u>The application submission deadline may be shortened by Administration upon request and at their discretion.</u>
   - ~~All applications filed between March 2nd and September 1st must be approved by the City Council.~~
   - All paperwork must be completed to the city's satisfaction <u>and fees paid</u> no later than ~~45~~ <u>30</u> days prior to the event.
   - ~~All required fees are paid to the City no later than 30 days prior to the event.~~
   - The organization provides a recreation, cultural, or community service to a significant proportion of city residents that the city does not otherwise provide.
   - The organization has demonstrated through its application that it is a financially viable organization.
   - ~~The organization agrees to acknowledge the support of the municipality through the use of the municipal logo, site and tag line on any promotion material for the event, service, activity, etc.~~

B. In any instance where a request for city services/assets is from an organization/entity that is not defined by this policy as a non-profit organization, the use of city services/assets shall require payment to the city in accordance with this policy and all other applicable city policies, ordinances, and requirements. All requests require the filing of a Special Event Applications in accordance with the following conditions of eligibility:

- The application along with all required paperwork must be submitted, no later than 90 days prior to the event.
- The application date must be in the same year as the event.
- All applications must be filed between January 1st and September 1st.
- The organization provides a recreation, cultural, or community service to a significant proportion of city residents that the city does not otherwise provide.
- All paperwork is completed to the city's satisfaction no later than 45 days prior to the event.
- All required fees are paid to the City no later than 30 days prior to the event.
- The organization has no outstanding city financial obligations or has failed to fulfil any payment agreement with the city.
- The organization agrees to acknowledge the support of the municipality through the use of the municipal logo, web site and tag line on any promotion material for the event, service, activity, etc.

3. CONDITIONS OF INELIGIBILITY FOR FINANCIAL ASSISTANCE/IN-KIND SUPPORT

The following will not be eligible for City financial/in-kind assistance unless specifically waived by the City Council:

A. Types of Organizations or Individuals

1) For-profit organizations.
2) Organizations with political affiliations.
3) Faith based organizations where services/activities include the promotion of and/or required adherence to a faith.
4) Political candidates, political parties and political campaigns except where required by law.
5) Organizations that are receiving Community Development Block Grant funding from the city.

B. Types of Requests

1) Travel expenses for members of an organization.
2) Uniforms.
3) Individual support.
4) Programs with legislated mandates from other governments.
5) Costs for major capital equipment/renovations and financing of deficits.
6) Requests from organizations that do not submit the required reporting information for a previous year's city approved event.
7) Incorporation costs or Director's Liability insurance costs.
8) Requests for the use of tables/chairs or other city assets off-site.

9) Events that involve fund raising with no general public purpose; will not be accessible to the general public; or provide a benefit limited only to existing participants, clients, or membership of the organization.

D. FUNDING LIMITS

Unless stated otherwise in this policy, in any one fiscal year any non-profit organization cash request or event support will be capped at a cash value of $2,500 or an in-kind value of $5,000. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

E. APPLICATION PROCESS & CONDITIONS

Prior to or following City Council action on any request for non-profit organization funding or in-kind support, the City Administration is authorized to:

- Terminate and/or cancel all activities on city property by any approved event/activity for non-compliance with applicable permitting, non-payment of applicable fees, and/or non-compliance with applicable city ordinances or city policies. Failure to comply with the terms of the Special Event Application may also result in forfeiture of applicable deposits or fees.

- Require, at Administration's discretion, any event/activity consisting of 100 people or more to obtain a performance bond or security deposit in the form of a cashier's check or money order payable to the City of Lewiston. The performance bond/security deposit will be returned if the reserved area is left clean and undamaged following the event. The deposit or bond must be submitted 30 days prior to event date.

- Ensure that any event where attendance is expected to be approximately 1000 or more is submitted to the City Council for action.

- Ensure that all applicable information requested in the Special Events Application is provided in full and in accordance with all stated requirements.

- Preserve the city's authority to reserve the right to deny or approve any/all requests.

- Reject/deny any Special Events Application if all required information is not provided.

F. NON-WAIVABLE & NON-REFUNDABLE SPECIAL EVENT FEES

Any entity wishing to schedule an outdoor or indoor event that requires some level of city review, approval, service support, fee waiver, or funding and/or involves the

reservation of any city-controlled property is required to complete a Special Events Application and to pay the following:

A. **Processing Fee: $50** - required to be paid upon successful submission of the Special Events Application. This fee is non-refundable upon receipt by the City.

B. **Park Use Fees (non-refundable less than 30 days prior to event):**
   - ~~80~~50% discount for Lewiston based non-profit organizations(LBNP)
   - ~~50% discount for non-Lewiston based non-profit fundraisers~~
   - ~~34% discount for non-Lewiston based non-profit community event~~

C. **Applicable Park Fees:**
   1) Simard-Payne Park - ($~~135~~ 150 daily fee – or applicable discount ~~@80%=$27.00;~~ @50%=~~$67.50~~ $75; ~~@34%=$89.10~~)
   2) Dufresne Park - ($~~265~~ 150 daily fee – or applicable discount ~~@80%=$53.00;~~ @50%=~~$132.50~~ $75; ~~@34%=$174.90~~)
   3) Kennedy Park (no fee)
   4) Veterans Park (no fee)
   5) Marcotte Park (no fee)
   6) Potvin Park (no fee)
   7) Raymond Park (no fee)
   8) Sunnyside Park (no fee)

G. ESTABLISHMENT OF FESTIVAL ZONES

The City Council shall have the authority to establish a Festival Zone if requested by the applicant. The Festival zone will:

- Authorize an event organizer to charge fees to participating vendors/groups that are selling products/services or have registered with the event/activity for some other purpose within the city-controlled property areas designated as the Festival Zone.
- Prohibit the collection of donations by any person, organization, company or group not approved by the event organizer within the Zone **with the exception of any City department or employee that has received approval to do so by the City Administrator.**

To request such a zone, the event/activity must file a map clearly showing what city-controlled areas are to be set aside and provide a written explanation as to why and how such a designation will be used by the event/activity. Approval of a Festival Zone does not waive the requirement for any person, organization, company or group to obtain all applicable city/state permits/licenses to sell any product/service whether on public or private land

A Festival Zone designation will not apply to any non-city controlled property within the zone.

SPECIAL EVENTS POLICY

H. CERTIFICATE OF INSURANCE REQUIREMENTS

For any special event/activity involving twenty-five (25) or more individuals and/or requiring the utilization/reservation of any city owned/controlled property such as a park or street and for events which include but are not limited to walk-a-thons, races, festivals, concerts and similar events, general liability insurance coverage and a Certificate of Insurance naming the City of Lewiston as ~~an~~ additionally ~~named~~ insured are required.

The Certificate of Insurance shall name the City of Lewiston; specify the event/activity; the dates for the event/activity; and any other pertinent information. Once an event is approved by the City, the Certificate of Insurance must be received by the City no later than thirty (30) days before the date of the event. This time requirement may be waived by the City Administrators office.

The Certificate of Insurance shall provide general liability coverage of a minimum of One Million Dollars ($1,000,000) per occurence.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 8

SUBJECT:

Amendment to the Traffic Schedule regarding On-Street Parking By Permit Only zones on Canal Street.

INFORMATION:

The proposed traffic schedule amendment will designate two parking spaces on Canal Street as On-Street Parking By Permit Only zones to accommodate a business in this block. The new restaurant will offer delivery service and will need two spots for their delivery vehicles to access the business. City staff is in support the request and recommend Council adoption.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

GAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve an amendment to the Traffic Schedule regarding On-Street Parking By Permit Only zone areas on Canal Street, as outlined in the attached memorandum.

POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation

TO: Traffic Schedule Review
FROM: Sgt. Derrick St. Laurent
DATE: December 14, 2018
SUBJECT: Traffic Schedule Amendment – Canal St. – On-Street Parking By Permit Only

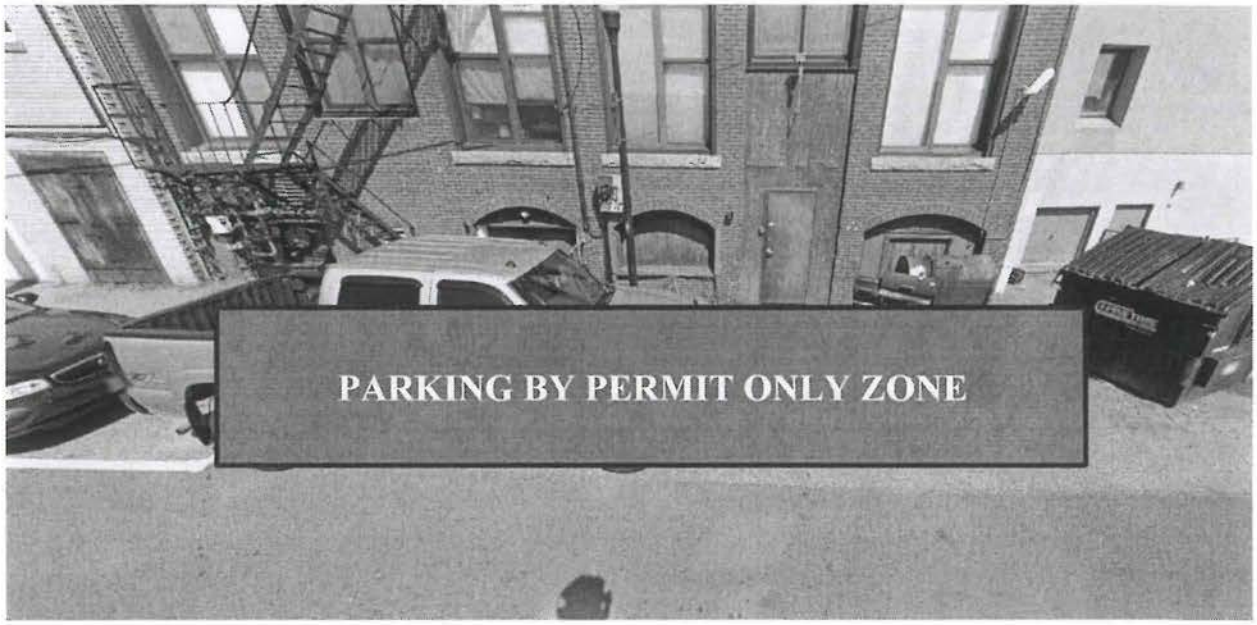
The owner of Cowbell Grill & Tap (49 Lisbon St. / Former Flue Restaurant), Alex Markakis, is requesting a traffic schedule amendment be passed to better suit the restaurant operation. Mr. Markakis is requesting to have the rear of his business (Canal St. side) be posted "On-Street Parking By Permit Only Zone" to better accommodate his delivery and off-site business. The proposal will create two parking spots for delivery drivers and/or vendors.

Currently, there is "No Parking" allowed at this location. Changing the traffic schedule to "On-Street Parking By Permit Only Zone" will have no impact on traffic nor will it create any other parking issues.

The owner of the building, Eric Agren, is also in support of this amendment.

Add:

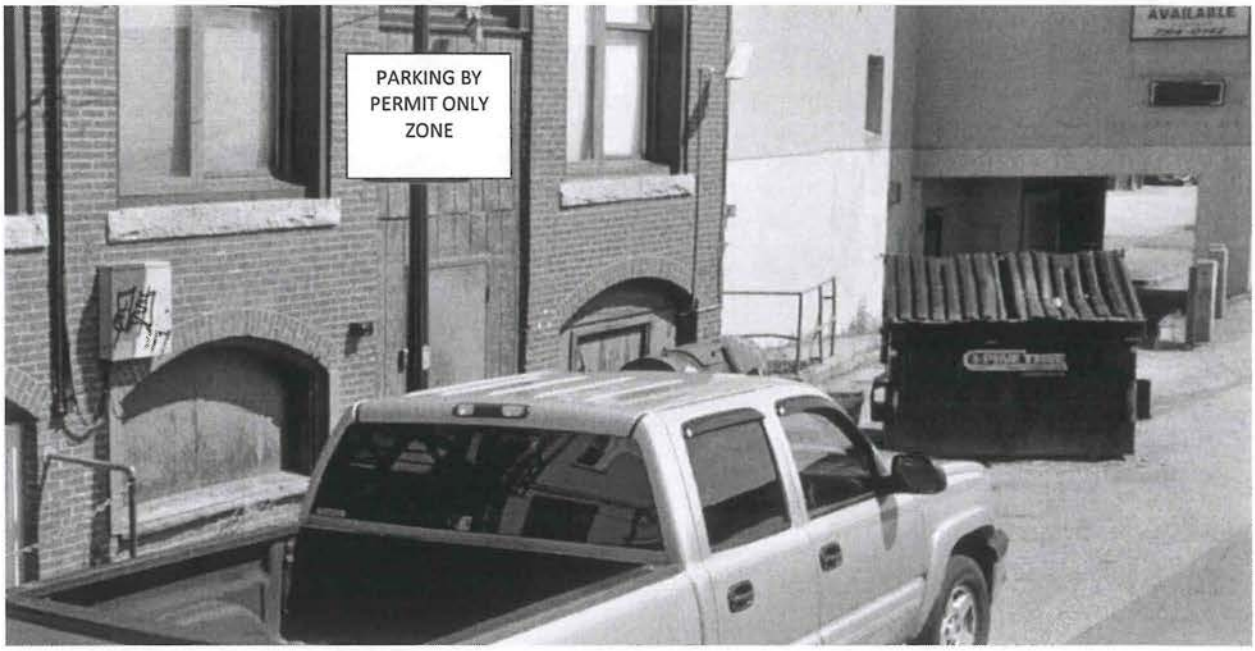
Traffic Section 70-179	On-Street Parking By Permit Only Zone
Canal St.	South 265' From the intersection of Canal/Main (Starting Point) extending 33' South (Ending Point)



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org

POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



If this amendment is approved, this would require Public Works Department to erect sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department

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www.lewistonpd.org

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 9

SUBJECT:

Resolve Repurposing $90,000 from the FY2019 Water Utility Budget Initially Allocated to Funding two (2) 3/4 Ton Service Trucks to Replacing the Water Valve Maintenance Trailer.

INFORMATION:

The Public Works Department is seeking permission to transfer some funds within the Water Budget that were originally earmarked for the purchase of two trucks to be used instead to replace the Water Valve Maintenance Trailer.

The attached Resolve will authorize the requested transfer of funds.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action. EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the Resolve Repurposing $90,000 from the FY2019 Water Utility Budget Initially Allocated to Funding two (2) 3/4 Ton Service Trucks to Replacing the Water Valve Maintenance Trailer.

CITY OF LEWISTON, MAINE

December 18, 2018

COUNCIL RESOLVE

Resolve, Repurposing $90,000 from the FY2019 Water Utility Budget Initially Allocated to Funding two (2) ¾ Ton Service Trucks to Replacing the Water Valve Maintenance Trailer.

Whereas, two replacement ¾ ton service trucks are currently funded for $90,000 in FY2019 Water Utility budget; and

Whereas, these two trucks cannot be purchased this budget year as the preferred manufacturer is not producing this model truck until fall of 2019; and

Whereas, the water valve maintenance trailer is scheduled to be replaced in the FY2020 LCIP for $90,000; and

Whereas, the current valve maintenance trailer is not working and in need of major repair or replacement; and

Whereas, a replacement water valve maintenance trailer was bid and the low bid meeting specification is $79k if purchased before December 31, 2018; and

Whereas, waiting to purchase the valve maintenance trailer until after December 31, 2018 will result in a $10,000 price increase due to steel prices;

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

$90,000 from FY2019 water utility budget initially allocated for two (2) ¾ ton service trucks is hereby repurposed to replace the water valve maintenance trailer.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 10

SUBJECT: Resolve, Extending the Term of the Ad-Hoc Advisory Committee on Rental Registration.

INFORMATION: The Ad-Hoc Advisory Committee on Rental Registration was established in June of this year and tasked to investigate whether the City should or should not adopt a rental registration program. It's duties included discussing and defining the goals of such a program, outlining the resources and staffing levels required to meet these goals, recommending whether such a program should be adopted and specifying the nature of that program, and determining how such a program should be funded and implemented. The Committee recently presented an interim report to the City Council that, while recommending against the rental registration program that was presented to the Council in May, contained a number of goals and recommendations to address our multi-family housing issues. The Committee, however, also requested a two month term extension to allow those recommendations to be integrated into a fully rounded program and to identify costs and implementation steps.

The attached Resolve would extend the Committee's term from January 31, 2018 to February 28, 2019.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the Resolve, Extending the Term of the Ad-Hoc Advisory Committee on Rental Registration.

CITY OF LEWISTON, MAINE

DECEMBER 18, 2018

COUNCIL RESOLVE

Resolve, Extending the Term of the Ad-Hoc Advisory Committee on Rental Registration.

Whereas, the members of the Ad-Hoc Advisory Committee on Rental Registration have presented and interim report to the City Council; and

Whereas, the Committee has requested a two month extension to its term to allow for integrating those recommendations into a fully rounded program and to identify costs and implementation steps;

Now, therefore, Be it resolved by the City Council of the City of Lewiston that

The term of the Ad-Hoc Advisory Committee on Rental Registration is hereby extended to February 28, 2018.

INTERIM REPORT
AD-HOC COMMITTEE ON RENTAL REGISTRATION

DECEMBER 2018

MEMBERS OF THE RENTAL REGISTRATION COMMITTEE

David Hediger, Chair, Director of Planning and Code
Jim Lysen, City Councilor Ward 1
Michael Marcotte, City Councilor Ward 7
Tom Maynard, City Building/Plumbing Inspector
Paul Ouellette, City Fire Inspector
Charles Weaver, City Police Officer
Rick Lachapelle, Property Owner
Amy Smith, Property Owner
Chris Aceto, Property Owner
Erin Guay, Vice-Chair, Lewiston Area Public Health Committee
Ronnie Paradis, Chair, Lewiston Area Public Health Committee

Introduction

In May 2018, the Lewiston Area Public Health Committee, in conjunction with staff of the City Planning and Code Enforcement Department, developed a draft rental registration ordinance. This work was undertaken in light of a goal set in the City's comprehensive plan to establish a rental registration program as a mechanism to expand property maintenance and life safety inspection services associated with multifamily dwelling units and to provide information on an annual basis such as emergency contact information for owners and managers.

The registration process proposed would have required information on the total number of dwelling units rented/vacant at time of registration; number of units not immediately available for rental; bedroom counts; rental rates; etc. It proposed an annual fee of $36 per unit, resulting in $256,284 in revenue which would be used to create a housing manager inspector position ($80,000); a new Code Enforcement position ($74,000); upgrade a part-time administrative assistant position to full-time ($30,500); and transfer the funding for a current Code Enforcement position from Community Development Block Grant Funds to the General Fund ($68,274). The net effect would be to increase code enforcement staffing by 2.5 positions.

This proposal was presented to the City Council during a workshop on May 15, 2018. A number of stakeholders appeared at that meeting, including owners of multi-family buildings in Lewiston, to express their opinions on the proposal. While there were some who spoke in favor, a majority of those present expressed opposition.

Given this, the City Council established an Ad-Hoc Advisory Committee on Rental Registration on June 19, 2018 and charged the Committee to investigate whether the City should or should not adopt a rental registration program and to report its findings and recommendations to the City Council. (See Attachment 1 for the full Council Resolve establishing the Committee.) The Committee was composed of eleven members including multi-family property owners, City Councilors, City staff, and representatives of Healthy Androscoggin and the Lewiston Auburn Public Health Committee.

Recommendation on May 15, 2018 Rental Registration Proposal.

At the Committee's September 26th meeting, the following motion was adopted: "To not support the rental registration proposal presented to the City Council in May in the form in which it was presented." The Committee's vote was seven in favor, one abstention (David Hediger). The Committee reached this conclusion based on several concerns including the financial burden that would be placed on landlords, many of whom already face challenges associated with Lewiston's relatively low rents and the age of their properties. Many of the members also indicated that the cost of additional or ramped up code enforcement should not be borne solely by property owners but should be supported through the overall property tax. Other concerns included the already existing burden of governmental regulation, the extent to which this proposal expanded on the initial concept of rental registration where adequate contact information for building owners/managers was the primary goal, and the potential for meeting the City's housing goals through other, less costly mechanisms.

While not supporting the proposed registration system, the Committee recognizes and appreciates the need for the City to have on hand accurate contact information in order to easily reach owners and managers of properties in emergency situations or to handle simple issues. It believes this can be accomplished without establishing additional burdens on property owners through such mechanisms as integrating the City's utility billing system with Code Enforcement's Energov software system and requiring emergency contact information when utility accounts are initially established.

Goals and Recommendations

While the Rental Registration Committee recommends against adopting the system and fees proposed by Code Enforcement in May 2018, it recognizes that many of the driving forces behind that proposal are valid and that the issues raised by the extent and nature of rental property in Lewiston require that the City, landlords, and tenants work together toward improving the overall rental housing conditions in Lewiston.

Toward this end, the Committee agreed on five major goals:

1. Protect the health and safety of our residents by ensuring the health and safety of our rental properties;
2. Attract and support property owners who are committed to providing healthy and safe housing;
3. Educate and provide resources for the general public so they can assess the health and safety of rental properties and units;
4. Educate and provide resources for owners and renters so they can succeed; hold both accountable for the health and safety of the property;
5. Address inappropriate and illegal activity in and around multi-family properties.

Recommendations on each of these goals are outlined below.

GOAL 1: PROTECT THE HEALTH AND SAFETY OF RESIDENTS BY ENSURING THE HEALTH AND SAFETY OF OUR RENTAL PROPERTIES.

- Clarify the roles and responsibilities of Fire Prevention and Code Enforcement

  The sheer number and age of rental properties in Lewiston and the number of demands placed on Code Enforcement and Fire Prevention require that the two departments have clearly defined functions and priorities. The City faces two competing priorities in its inspection programs. Proactively, there is interest in establishing a routine program than ensures the City is in all rental properties within an acceptable period of time. At the same time, staff must respond quickly to complaints. Further, significant staff time is spent on working toward compliance from a relatively small number of uncooperative owners and dealing with abandoned and hazardous structures. Given these demands, the role, mission, and responsibility of Fire and Code must be clearly defined and understood. The committee recommends the following:

A. The Fire Department, through its engine company inspection program and Fire Prevention Office should be the primary agency responsible for proactive, scheduled inspections. These inspections should focus on three primary elements designed to protect lives: tenant notification systems (smoke and carbon monoxide detectors), building elements designed to prevent or slow the spread of fire, and the presence of adequate and useable means of egress. In addition, other clear threats to occupant safety and health should be identified.
B. Code Enforcement should be the primary agency responsible for responding to complaints. When responding to complaints, the Code inspector should also review the structure for other potential issues. In addition, it should undertake targeted inspection efforts focused on buildings or areas that present the greatest risk due to such factors as size, density, age, and number of police calls; continue its focus on dangerous structures; and handle the more complex enforcement efforts required when a building owner is not cooperative.

Under this approach, Fire Prevention becomes the City's "first line of defense" against life and safety threats while Code Enforcement handles routine complaints and deals with more protracted and time consuming enforcement efforts.

- Provide City Staff with Improved Technology

In order for staff to become more efficient, they need to be provided with improved technology. Currently, data cannot be entered in the field but must be manually recorded and later transcribed into the City's automated systems. This increases the time that staff must spend in documenting its inspections and issuing notices of violation. Staff should be provided with the ability to enter this data while in the field.

- Adopt a Goal to Inspect all Three-Unit and Larger Properties Within a Three-to-Five Year Period

Given certain issues associated with the record keeping systems currently used by the Fire Department, the exact frequency of multi-unit building inspections is unclear. Given this, the Committee provides the following additional recommendations:

A. The Fire Department must improve and automate its record system so that adequate information on inspection frequency and the results of inspections can be accessed. In addition, the software used by Fire and Code must be capable of integration so that each department is aware of the work of the other and to avoid duplication of effort.
B. Communication and coordination must be improved between Fire and Code. If Code has inspected and cleared a property within the desired inspection cycle, fire should defer its inspection to ensure other structures can be addressed, while recognizing that Code and Fire will respond to complaints

from recently cleared properties. Consideration should be given to cross training fire and code personnel.

C. The frequency with which Fire inspects a property should be tied to some form of risk analysis. For example, larger and older non-sprinkled buildings should be inspected with a greater frequency that those with fewer units.
D. When Fire identifies a building with significant problems, it should be referred to Code for follow-up to avoid tying up significant engine inspection time on a problem building.
E. Once adequate data is available to determine the actual inspection cycle, and should additional staff be required to meet the inspection goal, the additional staff should be provided in Fire Prevention. Such an additional position, with an initial annual estimated cost of $65,110, would be tasked with conducting additional inspections, particularly during the winter months when engine companies are unable to do this work due to concerns over fire equipment freeze up.

Additionally, and in order to supplement the inspections performed by the City, the City should investigate the potential for accepting third party building inspection information from such sources as insurance companies and other governmental entities as meeting the periodic inspection requirement. Such information could be voluntarily provided by building owners and entered into the City's automated code enforcement system (i.e. Energov). Before accepting such information in-lieu of city inspections, Code should verify that the inspection standards meet the City's minimum requirements and that such inspections are conducted on an annual basis.

- Establish a General Assistance Housing Inspection and Tenant Education Program

  When the City pays for housing for its General Assistance clients, it has an obligation to ensure that this housing is safe. General Assistance and Code Enforcement should work together to establish a program that ensures such outcomes by requiring that such city supported units be inspected. The City Administrator has proposed that such a program be started on a test basis. That program should be monitored and its results reported back to the Council to determine whether it can and should become a permanent program given existing resources. In concert with this program, incentives should be provided to tenants who receive city vouchers to attend education sessions covering responsible tenant issues as well as lead safety education.

- Continue Dangerous Building Enforcement and Demolition Program

  Code Enforcement has aggressively implemented a dangerous building program in recent years that has eliminated some of the most dangerous multi-family buildings from the City's inventory. While the number of abandoned and dangerous buildings has declined as the economy improved, this program should be continued as necessary. At the same time, the City should seek out every possible way to save and renovate dangerous and abandoned buildings whenever possible.

- Implement a Lead Safe On-Line Registry

Lead is and will remain a major health issue in Lewiston. The City is now involved in its third significant lead remediation grant and, as a result, has access to information on units this program has funded to lead free or lead safe standards. Properties built after 1987 would also qualify as lead free, and the City has data on the date of building construction. Given this, the City or one of its partners such as Healthy Androscoggin are in a good position to initiate an on-line registry for lead safe/lead free properties. This registry could be open to other property owners who can provide certification that their property qualifies. The date on which the property was determined to be lead safe or lead free should also be recorded and available. This would provide a source of information to those seeking housing, particularly those with children, and for the City's general assistance clients.

GOAL 2: ATTRACT AND SUPPORT PROPERTY OWNERS WHO ARE COMMITTED TO PROVIDING HEALTHY AND SAFE HOUSING

The Committee recommends that the City Council identify a specific area within which incentives could be offered to property owners for meeting code requirements and voluntarily meeting other city requirements such as participating in a voluntary rental registration program. The target area might logically match the area currently designated within the Choice Neighborhood project. Participating building owners would be required to:

- Voluntarily register their properties with the City and provide the City with additional information on their properties such as lead status, number of bedrooms per unit, owner and emergency contact information, etc.
- Pass an inspection by either the Fire Department or Code Enforcement
- Be in compliance with other City ordinances

The committee suggested that the City provide free solid waste collection for participants as an incentive for program participation. Other potential or alternative benefits might include items such as priority in accessing city funding such as CDBG and lead grants/loans; lower interest rates on City financing when provided; and waivers of permit fees associated with renovations or routine property maintenance, but not Notices of Violation.

GOAL 3: EDUCATE AND PROVIDE RESOURCES FOR THE GENERAL PUBLIC SO THEY CAN ASSESS THE HEALTH AND SAFETY OF RENTAL PROPERTIES AND UNITS.

The Committee supports making information about the known condition of multi-family properties available to the public as a resource that can be used when considering where to rent or lease. In addition, more complete information about multi-family properties would be useful to the City for a variety of analytical and operational purposes. Toward these ends, the Committee recommends the following:

1. Upgrade the City's current Code Enforcement system (Energov) by, first, enhancing the ability to view all data about a specific property through inquiry by address and, second, implementing the Public Portal element of this software that will provide web based access to Code data by the public.

2. Assessing should begin to gather additional information about multi-family properties to include the number of units by bedroom size and other useful information.
3. Adopt a data collection system geared directly toward gathering information useful to the City and the public such as owner and emergency contact information[1].

GOAL 4: EDUCATE AND PROVIDE RESOURCES FOR OWNERS AND RENTERS SO THEY CAN SUCCEED; HOLD BOTH ACCOUNTABLE FOR THE HEALTH AND SAFETY OF THE PROPERTY

Managing rental properties in Lewiston can be a challenge given their age, condition, and the economics of the rental market. Owners/managers are faced with a wide variety of challenges, including complying with the various codes and requirements associated with operating multi-family properties. The City should look for ways to provide both owners and renters with the information they need to succeed and to ensure the health and safety of these properties. Therefore, the Committee Recommends:

1. Providing building owners with a simplified code/fire prevention checklist to allow them to self-inspect for compliance, perhaps accompanied by or as a part of a code/fire compliance booklet providing information on areas of frequent violation.
2. On a trial basis to determine level of interest, the City should offer a training class for landlords/property managers covering city code requirements and how to meet them.
3. Provide an incentive for general assistance clients to attend a tenant training class to cover their responsibilities as tenants and what they can/should do to maintain their units in a safe and healthy condition.
4. Involve Healthy Androscoggin in outreach efforts to the portion of the population at risk from the presence of lead in housing.
5. Pursue higher General Assistance rental payments to assure landlords of adequate rental income to assure the health and safety of the property.

GOAL 5: ADDRESS INAPPROPRIATE AND ILLEGAL ACTIVITY IN AND AROUND MULTI-FAMILY PROPERTIES.

Excessive inappropriate and illegal activity in a neighborhood is detrimental to the residents of the area and those who own buildings there. Such behaviors make it difficult to recruit or retain good tenants, driving down rental rates and occupancy levels. This leads to a potential downward cycle of declining building income, the inability to maintain properties, and higher vacancy rates. It is in the interest of both building owners and tenants that their properties are in a safe and quiet neighborhood. While the Police Department currently has a standard operating procedure under which the owners of certain properties are contacted and asked to work with the police to address resident problems, the current guidelines may not be sufficient to effectively address issues of safety and quiet enjoyment. As a result, the Committee recommends:

[1] The vote of the Committee on Goal 3 Recommendation 3 was 8-1, member Aceto opposing.

1. Strengthening the current Disorderly Property Standard Operating Procedure. Under the current policy, a unit within a building must hit a certain number of police calls for service for a certain category of calls prior to initiating Police contact with the property owner. As a result, a building with a large number of calls may not receive an intervention because the calls either cannot be tracked to one particular unit in the building or they are spread out between many units. To address this, a second standard should also be applied based on the total number of calls to a property potentially scaled to the number of units in that property. This may require evaluating the need for additional personnel to support this effort.
2. Consider notifying property owners of all police calls for service to a property
3. The Police Department should continue and expand when possible certain current programs including the targeted enforcement efforts periodically undertaken in the downtown including targeting drug enforcement efforts and the community resource team.
4. On a longer term basis, the City should investigate the potential of integrating police calls for service into the City's on-line GIS system.
5. Consider adopting a city ordinance that would penalize tenants who vandalize property.

GOAL 6: AGGRESSIVELY SEEK AND PURSUE FEDERAL, STATE, AND PRIVATE FUNDS TO ASSIST WITH MULTI-FAMILY HOUSING IN LEWISTON.

The Committee recognizes that significant investment is required to improve the safety and quality of portions of our multi-family housing stock and that our relatively low rents make it difficult for certain owners to undertake significant investments in their properties. Addressing lead concerns alone has been estimated to cost $63,000,000 city wide. As a result, the City must continue to aggressively pursue alternative sources of funding to support needed reinvestments in our housing stock.

Other Information

Throughout the Committee's tenure, additional information has been provided that we believe can be useful to the City Council and the public as the City works to address housing health and safety issues and to work toward implementing the recommendations included in this report. That information is appended.

Attachments:

Council Resolve Establishing Committee
May 2016 Rental Registration Proposal
August 14, 2018 Memo from City Administrator, Background Information Requests
August 24, 2018 Memo from City Administrator, Disorderly Property Process

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 11

SUBJECT: Resolve, Indicating our Support for Various Issues During the Upcoming State Legislative Sessions in 2019 and 2020.

INFORMATION:

The City Council generally meets with the Lewiston delegation to the Maine Legislature prior to each legislative session to discuss issues of importance to the City and our residents. Such a meeting was held this year on December 17th. At that meeting, the attached list of legislative issues was discussed.

The attached Resolve would adopt this list as the City's legislative platform. By formally adopting this document, the Council will be authorizing its elected officials and cityemployees to speak in support of them and on behalf of the City before the state legislature. By adopting this program in whole, it will then not be necessary for the Council to act on each item separately.

It should be noted, however, that it is likely that other issues will arise during the session that are not covered in our platform.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABkmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the Resolve, Indicating our Support for Various Issues During the Upcoming State Legislative Sessions in 2019 and 2020.

CITY OF LEWISTON, MAINE

December 18, 2018

COUNCIL RESOLVE

Resolve, Indicating Support for Various Issues During the State Legislative Sessions in 2019 and 2020.

Whereas, the actions of state government have a significant impact on the City and its residents; and

Whereas, the City's elected officials generally meet with the Lewiston Legislative Delegation prior to each legislative session; and

Whereas, such a meeting was held on December 17, 2018; and

Whereas, numerous issues were discussed at that meeting; and

Whereas, adoption of a formal legislative platform by the City Council will allow individual elected officials and members of City staff to speak for the City during these legislative sessions to ensure that our voices are heard in Augusta;

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

The attached legislative issues document is hereby adopted as the official platform of the City of Lewiston for the State Legislative Sessions during 2019 and 2020.

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LEGISLATIVE ISSUES

Revenue Sharing.

For a number of years, and particularly during and after the great recession, municipal revenue sharing funds were redirected to the State's general fund. As a result, revenue sharing is now receiving 2% of state sales and income taxes, not the statutorily required 5%. Per state projections, Lewiston will receive $2,927,055 this year. If fully funded, that amount would increase to $7,317,638, an increase of $4,390,583. An additional $4.4 million would reduce the City's property tax rate by $2.29. We urge you to support a full restoration of revenue sharing funds in the next state budget. In addition, Maine Municipal Association will be advocating for a constitutional amendment requiring that not less than 5% of state sales and income tax revenue be distributed to municipalities on a monthly basis.

Homestead Exemption.

We recognize that there will be an effort to increase the value of the Homestead Exemption and, potentially, to also increase the municipal reimbursement percentage from 62.5%. Proponents of the homestead support it because it directly reduces the tax bills of resident homeowners. At the same time, it can have a negative effect on renters and businesses in a community to the extent that this exemption is not 100% funded by the state.

Assuming the homestead exemption remains at the current $20,000, it reduces our property tax base by roughly $66.9 million. After applying the 62.5% reimbursement from the state, the lost value is reduced to $25,087,500. This non-reimbursed lost revenue resulting from reducing the city's tax base must be recovered through an increase in the tax rate. Under current law, the tax rate impact is about a 55 cent increase.

Unless the homestead exemption is 100% reimbursed, the non-homestead property owners in the community are required to pay additional taxes in order to fully reimburse the homestead.

While we support the homestead exemption and its possible expansion, we would also urge the delegation to place a priority on increasing the reimbursement rate. This would immediately provide some minor relief to non-homestead property owners since they would no longer be partially supporting the tax relief provided to those with the homestead exemption. Please keep in mind that the vast majority of Lewiston's tax base is in categories other than single family homes. We estimate that slightly more than 50% of our residents rent their dwellings. Once commercial, industrial, and vacant land is taken into consideration, properties with the homestead exemption represent less than 6% of our property tax base.

Especially in light of our high property tax rate, we support property tax relief for all of our residents and property owners.

Local Option Sales Tax.

Maine municipalities are largely reliant on the property tax to finance government services. We all recognize that this is a regressive tax that falls heavily on low and fixed income residents. Unfortunately and unlike many other states, Maine does not allow its municipalities to adopt

other forms of tax and revenue generation. We anticipate that a number of local option proposals will be advanced in the legislature this year. A 1% local sales tax in Lewiston would result in an estimated $3,710,998 in revenue. This would represent about $1.90 on our tax rate. Other local option or alternative revenue sources should and could be made available. A local option income tax would almost surely produce more revenue for Lewiston and share the cost of providing services to those who work in Lewiston and live elsewhere. Another area would be sharing a portion of state marijuana revenues with local communities.

MMA will be proposing legislation that would allow the local legislative body to impose a local option sales tax of not more than 1% on retail, meals, and lodging sales subject to the state sales tax.

Property Tax Relief, Seniors.

Reinstitute the state-administered, means-tested senior state tax deferral program. Up until April 1, 1991, the State's elderly property tax deferral program provided a mechanism to allow qualifying senior homeowners to defer property tax payments by having the State pay the property taxes on behalf of the homeowner. The state then places a lien on the property and recovers it outlay at the time the property is subsequently sold. There was much furor in the last session over the tax lien foreclosure process on home owners, something that rarely happens. Unlike the legislation eventually adopted last year, this proposal provides a mechanism for low income seniors to remain in their home while ensuring that the municipality receives taxes and allowing the state to recover its outlay in the future. We believe this would be a great alternative to offer homeowners who qualify.

Adult Use Marijuana Tax Revenue.

As mentioned above, we believe it is reasonable for the state to share the excise and sales tax revenues resulting from the sale of non-medical (e.g., "adult use" or "recreational") marijuana products with the host communities that have authorized the operation of related industries. We anticipate that a significant burden will be placed on local communities to license and regulate these operations and to deal with potential negative and unforeseen consequences. We are also concerned given what has happened with other state responsibilities such as alcohol enforcement and food service establishment inspections that the state will underfund its enforcement and regulatory functions devolving these responsibilities to local governments.

Utilities & Right of Way.

Unlike many jurisdictions, Maine law generally provides that companies designated as public utilities have free right of access to the public right of way. Theoretically, a portion of the space on utility poles is to be made available for municipal use for functions related to a public purpose and excluding non-police power/revenue producing purposes. In reality, this public space is often infringed on by other utilities. When a municipality then wishes to use the public space, it is required to pay "make ready" fees to cover the cost of relocating the infringing utility. Municipalities should be exempt from these fees and also should not be required to pay charges to replace utility poles. Free right of access to the public right of way is a significant benefit that creates problems for municipalities and we should receive some value for this.

Clarify the right of municipalities to assess a right of way access fee on all regulated public utilities, including the right to negotiate payment in kind. Second, broadband systems should be added to the list of publicly necessary infrastructure in the State Revenue Producing Municipal Facilities Act. While this is not a major issue for Lewiston given the range of private services available here, some communities struggle with broadband service to the extent that local governments have opted to install the required infrastructure to make it available to their residents and businesses. In these instances, the municipality generally makes the infrastructure investment and then open the "pipe" to private IP providers. Examples include Sanford, South Portland, and some of Maine's island communities. We believe that such services are implied by the current law; however, making it explicit will ensure that the ability to do so cannot be questioned and may serve as a barricade to efforts of some private providers to advance legislation restricting such local government investments. Finally, we will soon face an explosion of small cell installations in our larger communities and high cell demand areas. As we migrate to 5G technology, provider will depend upon small cell installations placed 350 to 1,000 feet apart with up to 4 or 5 companies installing their separate systems. Even the FCC has recognized that municipalities should be able to charge installation and annual fees on such installations, and we believe Maine should enact legislation allowing municipalities to assess and collect service fees on entities that locate their facilities in the municipal right of way.

County Jail Funding.

Issues surrounding county jail funding have been before the legislature repeatedly in recent years with no consensus on a long-term solution. What is clear, however, has been a tendency to transfer additional costs onto municipalities and to kick the can down the road. It's time for a permanent solution that protects the property tax payer.

County Inmate Healthcare Costs.

A bill will be introduced that clarifies existing law allowing Medicaid eligibility for incarcerated individuals and establishing a mechanism to make sure individuals who are eligible for such coverage are able to apply and renew their limited coverage while they are incarcerated.

Opioids.

The opioid epidemic in Maine continues, with deaths in 2018 occurring at a record setting pace. Local police units do not have the resources to adequately care for individuals suffering from substance use disorder. They require treatment, but there are few treatment spaces available and most individuals end up in jail and fail to receive the treatment they need. Maine needs to do much more.

Several communities began innovative diversion projects in 2016 under a state funded pilot program, but the state has not continued funding them. Those projects, which varied from connecting individuals with treatment rather than charging them with a crime to hiring case managers to work with those with substance use disorder, showed promising results. For example, Biddeford/Saco share the services of a case manager who works with those impacted by substance use disorder, and they are much more likely to manage their disorder now that this help was available. Other programs assign case workers to reach out and visit all overdose victims and try to work with them to enter treatment. In addition to state-wide funding for

opioid efforts, we support the continuation of grant programs to support local programs designed to meet local needs and to assist in exploring creative ways to address this problem.

Sober Houses.

Maine has seen a proliferation of sober houses designed to provide safe living spaces for those struggling to remain opioid free. These operations, however, are unregulated as recently reported by the Bangor Daily News. As a result, these operations are susceptible to abuse. In addition, the city generally relies upon state regulation of group homes when it comes to our zoning and ADA accommodation policies. We believe the state should evaluate the need for regulation of these operations.

Public Transportation.

Maine currently does many things right with the respect to public transportation. Maine DOT makes creative and efficient use of federal funds, we have a group of regional providers who serve every corner of the state, and we offer fixed route bus service in our major communities; but we fall far short of meeting the transportation needs of Maine people.

Maine DOT's 2025 Transit Strategic Plan determined Maine fails to meet even the modest goal of providing 20% of the needed rides for those without access to a vehicle. The Plan estimates it will cost $14 million a year just to get to the 20% goal.

Unfortunately, Maine only invests $1.5 million a year of state funds into public transportation. We can and must do more to meet the needs of Maine people.

911 System Requirements and Technology Upgrades.

The state continually places additional mandates on our 911 System. Beginning with a mandated medical protocol, we have now seen a required system for handling fire calls and will soon see another for police. All of these mandates carry costs with them, including the need to cover employee training time with overtime. In addition, LA's 911 technology is outdated and must be replaced at a cost in excess of $6 million. Recently, the state placed a cap on the 911 surcharge that it can collect and there has been discussion of lowering it. We would urge our delegation to evaluate this and seek ways that some of these funds could be used to offset capital and training costs for these systems. Alternatively, some states have allowed communications surcharges to be added at the local level to offset these costs. Absent this, the cost will, once again, fall to the property tax.

Municipal Infrastructure.

Maine communities know they must continually upgrade their infrastructure to attract and keep businesses. Infrastructure is essential to Maine's economic health. The state should develop a thoughtful infrastructure plan that utilizes Maine's bond capacity and other resources to achieve its goals. These must include maintaining the transportation network, upgrading wastewater systems that now have a $1 billion unmet need, higher education facilities, broadband, and downtown revitalization, especially along riverfronts/waterfronts.

Workforce Development

Maine businesses, like their counterparts around the country, are clamoring for more skilled workers. One way for Maine to compete nationally is to develop the skilled workers in demand in the 21st century economy. This will require support for more Career and Technical Education (CTE) programs within the K-12 system and supporting the growth of programs in high demand fields as varied as machinists and engineers in the Community College and University Systems. In addition, we have a potential source of workers in our immigrant and refugee community if adequate job and language training is available. The City has embarked on efforts in this area, but local funds are limited. State support could address both employer needs and produce income and economic opportunity for this segment of our population.

Lead

We applaud the legislature for its efforts to establish a state fund to address lead remediation and urge your support for additional funding. We estimate that the total cost of bringing our multi-family housing stock up to lead free or lead safe standards will be in the range of $60 to $70 million dollars. If individual property owners are forced to bear this cost alone, it would likely lead to additional abandonment and demolitions, often at municipal cost. In addition, the Lead Poisoning Control Act (M.R.S.A Title 22, Subtitle 2, Part 3, Chapter 252, Section 1321) requires that a notice be conspicuously posted in buildings where an environmental lead hazard exists and prohibits removing the notice. It also requires any owner selling such a building to notify the prospective buyer of the hazard. We are aware of at least one situation in Lewiston where the notice was removed, the seller failed to disclose, and the purchaser was required to bear the cost of remediation. We suggest that the Act be amended to require the state to file a copy of the lead hazard notice in the registry of deeds and a subsequent notice of clearance once the hazard has been abated.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 18, 2018

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 12

SUBJECT:

Resolve Accepting the December 2018 Public Works Committee Report and Recommendations.

INFORMATION:

This fall, the Mayor re-convened the Public Works Committee to review the operations of that Department. The Committee has reviewed the department organization, hiring of a new director, winter operations, equipment maintenance, scale house automation and other activities of the operations.

The Committee is presenting their December 2018 report to the Council.

Please see attached materials for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To approve the Resolve Accepting the December 2018 Public Works Committee Report and Recommendations.

CITY OF LEWISTON, MAINE

December 18, 2018

COUNCIL RESOLVE

Resolve, Accepting the December 2018 Public Works Committee Report and Recommendations.

Whereas, the Public Works Committee has met several times this fall; and

Whereas, the Committee reviewed and discussed issues including the Department organization, hiring of a new Public Works Director, Winter Operations, Equipment Maintenance, and Solid Waste Scale-House Automation; and

Whereas, the Committee completed a report including recommendations for the City Council to consider as part of the upcoming FY2020 budget;

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

The attached Public Works Committee Report is accepted and will be considered as part of the upcoming FY2020 budget deliberations.

PUBLIC WORKS DEPARTMENT

Public Works Committee

To: Mayor and City Council

December 13, 2018

Re: Public Works Committee Report for Fall 2018

The Public Works Committee was formed including the following members: Mayor Shane Bouchard (Chair), City Councilor Joline Beam, Paul Robinson, John Butler, Gary St Laurent, Mike Brochu and Steve Labrecque.

Staff members assisting the Committee included: Denis D'Auteuil (Deputy City Manager), David Jones (PW Director), Megan Bates (Deputy PW Director), Kevin Gagne (Deputy PW Director), Phil Brienza (Fleet Manager), Rob Stalford (Solid Waste Superintendent), Jason Hanken (Recreation Superintendent)

The Committee met four times in the fall of 2018 discussing the following items:

1. Organizing the Committee – This was done at the first meeting on October 10th and established the items the Committee would be focused upon, including replacing the current director who is retiring in January.
2. At the Oct 24 meeting, Jason Hanken provided information to the Committee regarding the Recreation Division including:
    a. Pros and Cons for having Recreation remain a division of Public Works or be a standalone Department. There was no wrong answer, but a consensus was reached to wait for the New PW Director to allow him/her to have input into the decision-making.
    b. Moving the funding to support the Kennedy Park Pool from the Recreation Fund to the General Fund. This was brought up in past budgets and is supported by Administration and the Finance Department. The committee unanimously supports moving the financial cost out of the Recreation Fund and to the City's General Fund.
3. At this same Oct 24 meeting, the committee briefly discussed the hiring process for the new Director of Public Works and the role the Committee would take. An update was provided at the Nov 14 meeting and initial interviews were conducted by an interview panel and the lead candidate met with the committee later in November, with the committee providing their thoughts.
4. Winter Operations was discussed at the Nov 14 meeting
    a. Jon Elie presented info about plowing operations
        i. Plow Route maps for both roads and sidewalks are available on the City website
        ii. The average plow run is about 10-12 miles and takes 4-6 hours to complete. The committee discussed ways to improve level of service.
        iii. Reviewed the A Team as primary crew and B Team as backups after ~16 hours of operations. B Team has ~ 14 less operators and equipment must be parked. The Downtown Night Crew will begin on Dec 12th.

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iv. Recently acquired GPS will provide more data to help manage operations and identify needs.

v. Hiring contractors to supplement the in-house crew could reduce the length of plow runs and increase the frequency streets are plowed. The Committee recommends this be considered during the FY2020 Budget process.

b. Phil Brienza reviewed the equipment issues the Municipal Garage folks face

i. We do not have capability to wash equipment frequently enough and as a result equipment suffers breakdowns that could be avoided. The LCIP does include a project for a wash facility

ii. We have 5 mechanics for more than 400 pieces of equipment. This is far too low as by comparison Auburn has 8 mechanics for 200 pieces of equipment. The Committee Recommends the City Council address this by adding mechanics in the FY2020 budget.

5. At the Nov 28th meeting, Rob Stalford presented information about Solid Waste

a. Presentation about the truck scale and scale management system replacement, which will have a request for proposals issued soon. This is looking to automate the system to free up the scale house attendant to help with directing customers at the drop-off area.

b. Tip Fees are currently $93/ton, while MMWAC is charging $97/ton and ReEnergy $114/ton. The committee recommends the City Council increase our tip fee to $100/ton to encourage people to go directly to MMWAC.

In summary, the PW Committee recommends the City Council adopt the following recommendations as part of the upcoming FY2020 budget:

- Move Kennedy Park Pool funding from the Recreation Fund to the General Fund.
- Hire contractors to supplement in-house personnel to increase the level of service for winter operations. Contractors would be used to reduce the length of plow runs, such that streets could be plowed more frequently during a storm.
- Hire a minimum of 2 additional mechanics to help maintain the City's fleet of equipment
- Increase the Solid Waste Tip Fee from $93/ton to $100/ton
- Support the PW Department projects in the draft LCIP as presented