

CITY OF LEWISTON

CITY COUNCIL

APRIL 16, 2019

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

THE HONORABLE KRISTEN S. CLOUTIER, MAYOR, PRESIDING.

PRESENT: Mayor Cloutier, Councilors Lysen, Pettengill, Rea, Lajoie, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Note: Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

Pledge of Allegiance to the Flag.

SPIRIT OF AMERICA AWARD RECOGNITION

The Lewiston Youth Council was selected by the City Council as this year's recipient of the annual Spirit of America Award in recognition of their work with within the community.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The members are working on a bullying awareness campaign and placed noted on 1400 lockers at the high school. Applications to join the LYAC next year are due May 17.

VOTE (70-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To dispense with the reading of the minutes of the meetings of March 19 and April 2, 2019 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Charles Soule, 135 Bartlett Street noted the average age of Mainers is 43 years old. He also stated that there apparently is no civility in school anymore if post-it notes have to be added to lockers to remind students to be nice to one another. Kiernan Majerus-Collins of Jefferson Street stated the dates on the mayoral portraits are incorrect.

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LITTLE JOE'S BAR & GRILL, 740 SABATTUS STREET

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

VOTE (71-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To grant a Special Amusement permit for live entertainment to Little Joe's Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 10, 35 AND 37 AVON STREET FROM THE RESOURCE CONSERVATION (RC), URBAN ENTERPRISE (UE) AND NEIGHBORHOOD CONSERVATION “B” (NCB) DISTRICTS TO THE CENTREVILLE (CV) DISTRICT

Mayor Cloutier opened the public hearing to receive citizen input and comment. Staff provided a brief background on this project. The developers also made a presentation regarding their proposal and reviewed the street and sidewalks improvements. The Mayor then closed the hearing.

VOTE (72-2019)

Motion by Councilor Marcotte, seconded by Councilor Rea:

To approve Final Passage of the amendment to the Zoning and Land use Code and Map to contractually rezone the property at 10, 35 and 37 Avon Street from the Resource Conservation (RC), Urban Enterprise (UE), and Neighborhood Conservation “B” (NCB) Districts to the Centreville (CV) District subject to a contractual agreement. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE TREK DOWNTOWN EVENT TO BE HELD AT DUFRESNE PLAZA

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

VOTE (73-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To conduct a public hearing on an application for an outdoor entertainment event for the Trek Downtown event, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Downtown Lewiston Association for an outdoor music concert to be held at Dufresne Park on June 14, 2019, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE FEES AND COMMIT THE CITY’S IN-KIND RESOURCES TO SUPPORT THE DOWNTOWN LEWISTON ASSOCIATION’S TREK DOWNTOWN STREET TAKEOVER EVENT

VOTE (74-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Order authorizing the City Administrator to waive applicable fees and commit to City’s In-Kind Resources to support the Downtown Lewiston Association’s Trek Downtown Street Takeover Event:

Whereas, The Trek Across Maine cycling adventure will bring approximately 1,500 cyclists and an additional 200 to 500 volunteers to Downtown Lewiston; and

Whereas, the Downtown Lewiston Association has requested that the application fee and all permit fees associated with event, estimated at \$208, be waived; and

Whereas, they have also requested that the City provide in-kind services in the estimated amount of \$3,692; and

Whereas, the purpose of this event, which will be held on June 14, 2019, is to Welcome the Trek Across Maine participants to Lewiston;

Now, Therefore, Be it Ordered By the City Council of the City of Lewiston that the \$208 in application and permit fees for the Trek Downtown Street Takeover event is hereby waived and the City Administrator is hereby authorized to commit City resources in the estimated amount of \$3,692 to this June 14th event.

Passed - Vote 7-0

RESOLVE REPEALING AND REPLACING MASTER POLICY 3 – USE OF ATHLETIC FIELDS

VOTE (75-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Resolve Repealing and Replacing Master Policy 3, Use of Athletic Fields:

Whereas, as a result of recent significant changes to the athletic fields at Franklin Pasture, City and School Department staff undertook a complete review of City Master Policy 3, Use of Athletic Fields; and

Whereas, in addition to making adjustments related to field changes, the revised policy being proposed makes a number of other non-substantive changes and improvements to simplify and the policy and make it easier for users to understand; and

Whereas, the most significant substantive change is revising the composition of the Field Use Review Committee that is charged with approving certain unusual events and handling appeals from denials of field use requests from applicants; and

Whereas, this revised policy has been reviewed and is recommended by both City and School Department management;

Now, therefore, be it resolved by the City Council of the City of Lewiston that City Master Policy 3, Use of Athletic Fields, is hereby repealed in its entirety and is replaced with the attached new City Master Policy 3, Use of Athletic Fields.

Passed - Vote 7-0

RESOLVE AMENDING MASTER POLICY 81 – MISCELLANEOUS FEES AND FINES, FRANKLIN PASTURE USE FEES

VOTE (76-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Resolve, Amending Master Policy 81, Miscellaneous Fees and Fines, Franklin Pasture Use Fees:

Whereas, as a result of recent significant changes to the athletic fields at Franklin Pasture, City and School Department staff undertook a review of the fees charged for the use of these fields, including compiling data on the fees charged by other municipalities; and

Whereas, in part, the proposed fee adjustments for Franklin Pasture are also intended to provide a source of revenue over time to allow, at least in part, for addressing major maintenance items and turf field replacement; and

Whereas, toward that end, fees from the use of the fields at Franklin Pasture are recommended to be placed into the Franklin Pasture Trustees fund to be used for these purposes;

Now, therefore, be it resolved by the City Council of the City of Lewiston that City Master Policy 81, Miscellaneous Fees and Fines, is hereby amended, as attached, to adjust the fees charged for the use of the City’s athletic fields.

Be it Further Resolved, that fees received for use of the athletic fields at Franklin Pasture be placed into the Franklin Pasture Trustees fund to be used for the purpose of undertaking major maintenance and turf field replacement at the Complex, subject to a recommendation from the Trustees and approval of the City Council.

Passed – Vote 6-1 (Councilor Pettengill opposed)

CONFIRMATION OF MAYOR CLOUTIER’S NOMINATION OF THOMAS SHANNON TO FILL THE UPCOMING VACANCY IN THE WARD 7 POSITION ON THE SCHOOL COMMITTEE

Heather Everly stated she is opposed to this appointment citing the nominee’s use of “ablest” language in the past and his negative comments about the stigma of mental illness. Councilor Marcotte, Lysen and Beam stated they have worked with the nominee in the past and he is a dedicated and well-respected public servant who puts the needs of all students first.

VOTE (77-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Mayor’s nomination and to appoint Thomas Shannon to fill the vacant Ward 7 position on the Lewiston School Committee, said appointment to be effective as of April 23, 2019. Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEED FOR
REAL ESTATE LOCATED AT 40 SPRING STREET**

VOTE (78-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 40 Spring Street:

Whereas, the owner, Gregory C. Washburn, failed to pay his bill on a timely basis for 40 Spring Street (Tax Map 206, Lot 111, Parcel 00-006992); and

Whereas, a tax lien was filed on June 16, 2016 (Book 9387 Page 169) and matured on December 16, 2017 in the amount of \$1,711.02; and

Whereas, a tax lien was filed on June 14, 2017 (Book 9615 Page 233) and matured on December 14, 2018 in the amount of \$3,155.90; and

Whereas, 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 40 Spring Street to the owner.

Passed - Vote 7-0

REPORTS AND UPDATES

Mac Richardson, LAWPCA Superintendent, presented a report to update the City Council on issues surrounding PFAS chemicals and land spreading of sewer treatment sludge. The Deputy City Administrator stated there will be a downtown clean up effort on May 3 and 4.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (79-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

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

Executive Session began at 8:40pm and ended at 9:10pm.

VOTE (80-2019)

Motion by Councilor Lajoie, seconded by Councilor Marcotte:

To adjourn at 9:10 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine