

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 3, 2019

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

THE HONORABLE KRISTEN S. CLOUTIER, MAYOR, PRESIDING.

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

EXECUTIVE SESSION

VOTE (189-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (E) to discuss a legal matter. Passed - Vote 6-0

Executive Session began at 6:00pm and ended at 6:20pm.

VOTE (190-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police – Patrol Unit.
Passed - Vote 6-0

Executive Session began at 6:21pm and ended at 6:36pm.

Regular Meeting began at 7pm.

Pledge of Allegiance to the Flag.

The All Star Little League Players were unable to attend the meeting and their recognition presentation will be rescheduled for another time.

PUBLIC COMMENT PERIOD

Jenn Hogan, CEO of Community Credit Union located at 144 Pine Street, invited residents to attend a block party on September 18 from 4pm – 7pm on Pine Street between Bartlett St and Howe Street.

**PUBLIC HEARING ON A NEW APPLICATION FOR A NEW LIQUOR LICENSE FOR
LEGENDS SPORTS BAR & GRILL, 4 MOLLISON WAY**

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 (191-2019)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To authorize the City Clerk’s Office to approve a new liquor license application for Legends Sports Bar & Grill, 4 Mollison Way. Passed - Vote 6-0

PUBLIC HEARING ON A RELOCATION APPLICATION FOR A LIQUOR LICNESE FOR LRI, INC., D/B/A WINNERS CIRCLE OTB TO 675 MAIN 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 (192-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To authorize the City Clerk’s Office to approve a relocation liquor license application for LRI, Inc. d/b/a Winners Circle OTB to 675 Main Street. Passed - Vote 6-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE DEMPSEY CHALLENGE

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 (193-2019)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on September 28 and 29, as part of The Dempsey Challenge, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the organizing committee for the outdoor music concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Passed - Vote 6-0

ORDINANCE, ESTABLISHING A STANDING HOUSING COMMITTEE

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.

Motion that was postponed from the July 16, 2019 City Council meeting to this meeting:

That the proposed amendments to the City Code of Ordinances, Chapter 2 “Administration”,

Sections 225-229, “Housing Committee”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting.”

VOTE (194-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To amend by substitution the ordinance version with the Residence Amendment language and to strike out the language in Section 2-226 (4) “including steps to address lead poisoning prevention”. Passed - Vote 4-2 (Councilors Pettengill and Marcotte opposed)

VOTE (195-2019)

Motion by Councilor Pettengill, seconded by Councilor Lajoie:

To add a subsection 4 in Section 2-229 to require a joint meeting with the Housing Committee and City Council at least twice a year in February and October at a regularly scheduled City Council workshop or meeting. Passed - Vote 6-0

VOTE (196-2019)

Motion by Mayor Cloutier, seconded by Councilor Rea:

To add a twelfth position to the Housing Committee to allow a member from the prior Ad-Hoc Rental Registration Committee to be appointed for a one year term without reappointment Passed - Vote 6-0

VOTE (197-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve final passage of the proposed Ordinance establishing a Housing Committee. Passed - Vote 5-1 (Councilor Marcotte opposed)

VOTE (198-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To adopt the Ordinance establishing a Housing Committee and to incorporate the approved amendments. Passed - Vote 5-1 (Councilor Marcotte opposed)

PUBLIC HEARING AND FINAL PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 2 CEDAR STREET – THE CONTINENTAL MILL – FROM THE RIVERFRONT (RF) DISTRICT TO THE MILL (M) DISTRICT

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 (199-2019)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 2 Cedar Street – the Continental Mill – from the Riverfront (RV) District to the Mill (M) District. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 183 MERRILL ROAD REAR FOR MEDIUM DENSITY RESIDENTIAL DISTRICT BULK AND SPACE REQUIREMENTS FOR FRONTAGE AND BUILDING HEIGHT

Mayor Cloutier opened the public hearing to receive citizen input and comment. Representatives from CMP presented their plans for this project. Members of the public urged the Council to be cautious when working with CMP, noted that 22 towns have rescinded their support of the CMP expansion project, encouraged the exploration of other sources of power such as wind and solar, and encouraged preservation of the North Woods noting this type of pristine land is rare and should be preserved and maintained.. The Mayor then closed the hearing.

VOTE (200-2019)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 183 Merrill Road Rear for Medium Density Residential District Bulk and Space Requirements for frontage and building height, subject to a contractual agreement, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Passed – Vote 6-0

AMENDMENTS TO THE CITY POLICY MANUAL FOR MISCELLANEOUS FEES REGARDING PENALTIES FOR ORDINANCE VIOLATIONS REGARDING PROHIBITED TOBACCO USE IN DESIGNATED HOSPITAL AREAS

VOTE (201-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the proposed amendments to the City Policy, Policy Number 81 – City Department Miscellaneous Fees and Penalties, as recommended by the City Administrator. Passed - Vote 6-0

RESOLVE, SUPPORTING THE EFFORTS OF COMMUNITY RECOVERY TO PLACE SAFE SYRINGE DISPOSAL DROP BOXES AT VARIOUS LOCATIONS IN LEWISTON

Tim Lajoie of College Avenue asked what kind of message this sends to children, noting he feels this is legitimizing the use of illegal drugs. Ronnie Paradis of 82 Prospect Avenue said this prevents kids and others from picking up discarded needles and getting injured. Josh Rejene of Spring Street supports the use of the boxes. Jon Conner of 408 Pleasant Street is opposed to this

program and asked if first responders receive training in handling discarded needles.

VOTE (202-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Resolve, Supporting the Efforts of CommUNITY Recovery to Place Safe Syringe Disposal Drop Boxes at various locations in Lewiston:

Whereas, in recent years, the City has seen an increase in the number of syringes that are found or reported in public places, including city parks; and

Whereas, such improper disposal poses a public health threat to those who use or work in these locations; and

Whereas, CommUNITY Recovery has discussed the need to provide a safe and convenient way to dispose of used syringes with the Police and Public Works Departments; and

Whereas, CommUNITY Recovery is seeking grant funding to cover first year costs, initially estimated at \$6,100 and is asking that the City Council consider future year on-going funding at approximately \$4,700 per year; and

Whereas, this proposal has the support of the Lewiston Area Public Health Committee and the Lewiston Police and Public Works Departments.

Now, therefore, be it ordered by the City Council of the City of Lewiston that we hereby support the efforts of CommUNITY Recovery to place safe and convenient syringe collection boxes at various locations in the Community, including support for its efforts to acquire grant funding to offset costs. Toward this end, City staff is authorized to cooperate with CommUNITY Recovery on establishing locations, maintaining the collection boxes, and collecting and disposing appropriately of the deposited syringes. Staff is to monitor utilization and report back to the City Council on the number of syringes safely disposed of through this program.

Passed - Vote 4-2 (Councilors Pettengill and Marcotte opposed)

REPORTS AND UPDATES

Councilor Rea reported the next meeting of the School Committee is September 9 and that the first day of school went well.

OTHER BUSINESS

VOTE (203-2019)

Motion by Councilor Marcotte, seconded by Councilor Rea:

To waive the City Council Rules and to add an item to the agenda. Passed - Vote 6-0

VOTE (204-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To appoint Public Works Director Dale Doughty to the Lake Auburn Watershed Protection Commission Board of Directors for a three year term, retroactive to January 7, 2019 and said term to expire January 4, 2022. Passed - Vote 6-0

VOTE (205-2019)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To adjourn at 8:50P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine