

# CITY OF LEWISTON

CITY COUNCIL

OCTOBER 15, 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, Rea, Lajoie, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Absent/Excused: Councilor Pettengill. Note: Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

Pledge of Allegiance to the Flag.

### UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The LYAC members are planning a Trunk or Treat event in the Connors Elementary School parking lot on November 2 from 4pm-6pm.

### MAYORAL PROCLAMATION – SMALL BUSINESS SATURDAY, NOVEMBER 30, 2019

The Mayor issued a Proclamation proclaiming Nov. 30 as Small Business Saturday in Lewiston.

### VOTE (252-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To dispense with the reading of the minutes of the meetings of September 3 and 17, 2019 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

### PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

### ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER

### VOTE (253-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To suspend Section 1 (a) of the Rules Governing the City Council, to cancel the November 5, 2019 City Council meeting due to the conflict with Election Day and to hold one regular meeting during the month of November on Tuesday, November 19<sup>th</sup>. Passed - Vote 6-0

**APPROVAL OF ELECTION WARRANT CALLING FOR THE MUNICIPAL  
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019;  
RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERES ON  
ACTIONS NECESSARY TO CONDUCT THE MUNICIPAL AND STATE ELECTION,  
NOVEMBER 5, 2019; AND AUTHORIZATION TO HOLD A MAYORAL RUN-OFF  
ELECTION ON TUESDAY, DECEMBER 10, 2019, IF NECESSARY**

**VOTE (254-2019)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Order entitled Approvals Necessary to Conduct the November 5, 2019 Municipal Elections:

Be It Ordered by the City Council that the Election Warrant be issued for the Municipal Election to be held on Tuesday, November 5, 2019 for the purposes of electing the positions of Mayor, City Councilor and School Committee, as well as a Referendum Question pertaining to the Lewiston High School Building Expansion Project; and

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal and State Election to be held on Tuesday, November 5, 2019:

A. That the hours for acceptance of registrations in person only, prior to the November 5th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, Oct. 16 through Nov 4, 2019.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 10:00am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary, and

To authorize the City Clerk to conduct the Mayoral Run-Off election on Tuesday, December 10, 2019, if necessary, based upon the results of the November 5, 2019 city election.

Passed - Vote 6-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO DESIGNATE ONE  
HANDICAPPED PARKING SPACE ON PINE STREET**

**VOTE (255-2019)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve an amendment to the Traffic Schedule for Pine Street to designate one handicapped parking space at the intersection of Pine Street and Lisbon Street as outlined in the vote sheet.

Passed - Vote 6-0

**RESOLVE AMENDING MASTER POLICY 81 – MISCELLANEOUS FEES AND  
PENALITIES – TO ESTABLISH PENALTIES FOR VIOLATIONS OF THE RENTAL  
REGISTRATION ORDINANCE**

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve the Resolve Amending Master Policy 81 – Miscellaneous Fees and Penalties – to establish Penalties for Violations of the Rental Registration Ordinance:

Whereas, Upon the recommendations of the Ad-Hoc Committee on Rental Registration and following numerous discussions and detailed review, the City Council has adopted a no-fee rental registration ordinance; and

Whereas, this ordinance requires that all multi-family buildings with three or more rental units be registered with the City to ensure that the City has current information regarding these structures and the responsible parties associated with them; and

Whereas, to be effective, penalties must be established to ensure that these buildings do, in fact, register and that they comply with other requirements of this ordinance;

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

City Master Policy 81, Miscellaneous Fees and Penalties, is hereby amended as follows:

Chapter 18, Article VI – Registration Requirements for Multi-Family Buildings – Penalties

The following civil penalties shall be imposed for the issuance of citations for violations of Section 18-94, Registration required:

Failure to register:

First month or portions thereof	\$50
Second through sixth month	\$100 per month or portion thereof
Months beyond six	\$200 per month or portion thereof

Other violations: \$100 per occurrence

Councilor Marcotte raised some questions and concerns about what would constitute “other violations”. The City Administrator provided some examples. It was agreed to postpone this matter to the next meeting to allow time for the categories of the fines to be better defined.

**VOTE (256-2019)**

Motion by Councilor Marcotte, seconded by Councilor Lysen:

To postpone this matter to the November 19, 2019 City Council meeting.

Passed - Vote 6-0

**RESOLVE AMENDING MASTER POLICY 81 – MISCELLANEOUS FEES AND PENALTIES – TO ESTABLISH PENALTIES FOR VIOLATING SECTION 54-10 OF THE CODE OF ORDINANCES – SMOKING IN PUBLIC PARKS, PLAYGROUNDS, OR RECREATIONAL FACILITIES**

**VOTE (257-2019)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to Establish Penalties for Violating Section 54-10 of the Code of Ordinances – Smoking in Public Parks, Playgrounds, or Recreational Facilities:

Whereas, the City Council recently adopted an Ordinance prohibiting smoking and the use of other tobacco products in city parks, playgrounds, and recreational facilities; and

Whereas, it is therefore appropriate that a fine schedule be established to allow for enforcement of this ordinance;

Now, therefore, be it resolved by the City Council of the City of Lewiston that City Master Policy 81, Miscellaneous Fees and Penalties, is hereby amended as follows:

Chapter 54 Section 10 – Smoking in Public Parks, Playgrounds, or Recreational Facilities – Penalty

The following civil penalties shall be imposed for the issuance of citations:

First offense	\$100.00
Second offense	\$200.00
Third and subsequent offense	\$300.00

Passed – Vote 6-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (258-2019)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$1,239.00, or any portion thereof, in the case of the State of Maine vs. Hussein Said Abdillahi, CR-19- 454 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the ‘City of Lewiston Drug Enforcement Program’ account.

Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR PEDRO O’HARA’S, 134 MAIN STREET**

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

**VOTE (259-2019)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To grant a Special Amusement Permit for live entertainment to Pedro O’Hara’s, 134 Main Street.  
Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR MIDTOWN ATHLETIC CLUB, 45 WALNUT STREET**

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

**VOTE (260-2019)**

Motion by Councilor Lajoie, seconded by Councilor Beam:

To grant a Special Amusement Permit for live entertainment to Midtown Athletic Club, 45 Walnut Street. Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LBK EVENTS, 1 BATES STREET**

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

**VOTE (261-2019)**

Motion by Councilor Lajoie, seconded by Councilor Beam:

To grant a Special Amusement Permit for live entertainment to LBK Events, 1 Bates Street.  
Passed - Vote 6-0

**ORDINANCE, AMENDING SECTION 50-19 OF THE CODE OF ORDINANCES – OFFENSES AND MISCELLANEOUS PROVISIONS – PROHIBITING THE USE OF TOBACCO PRODUCTS IN DESIGNATED AREAS – LISBON STREET, ADAMS AVENUE TO MAIN STREET, BOTH SIDES**

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

**VOTE (262-2019)**

Motion by Councilor Lajoie, seconded by Councilor Rea :

To approve first passage of the Ordinance, Amending Section 50-19 of the Code of Ordinances –

Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas – Lisbon Street, Adams Avenue to Main Street, both Sides and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.

Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE TRAFFIC AND VEHICLES ORDINANCE TO ESTABLISH A STUDENT DROP-OFF AND PICK-UP ZONE DESIGNATION**

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

**VOTE (263-2019)**

Motion by Councilor Marcotte, seconded by Councilor Rea:

That the proposed amendments to the City Code of Ordinances, Chapter 70 “Traffic and Vehicles”, Article IV “Stopping, Standing and Parking”, Section 70-180 “Student Drop Off and Pick Up Only” receive first passage by a roll call vote and to continue said public hearing to the next regularly scheduled City Council meeting for final passage. Passed – Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING ADULT USE AND MEDICAL MARIJUANA**

Mayor Cloutier opened the public hearing to receive public comment and input. Alex Metcalf and Chris Danio stated they have worked with the city staff in the crafting of this ordinance and they are in support of the material that is presented. The Mayor then closed the hearing.

**VOTE (264-2019)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To conduct a public hearing and approve first passage of the proposal to repeal Article XV entitled “Medical Marijuana – Distribution and Cultivation” in the Business Ordinance and to replace it with the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XV “Adult Use and Medical Marijuana”, Sections 22-420 through 22-444, and to continue the public hearing to the next regularly scheduled City Council meeting for final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING ADULT USE AND MEDICAL MARIJUANA**

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

**VOTE (265-2019)**

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve first passage for amendments to the City Code of Ordinances, Appendix A. “Zoning and Land Use Code”, Article II. “Definitions”, Article V. “Administration and Enforcement” and Article XI. “District Regulations”, and to continue said public hearing to the next regularly scheduled City Council meeting for final passage by a roll call vote.

Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING NURSERY SCHOOLS IN ADDITIONAL ZONING DISTRICTS**

**VOTE (266-2019)**

Motion by Mayor Cloutier, seconded by Councilor Beam:

To continue this item to the next regularly scheduled City Council meeting.

Passed - Vote 6-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 135-137 OXFORD STREET**

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

Mayor Cloutier opened the public hearing to receive public comment and input. The hearing began at 8:00pm. Ryan Willey, property owner and Brent Dunfee of Milk St. Capital which is the mortgage holder, addressed the Council and laid out the plans to secure the building and renovate it. Mr. Dunfee confirmed the funding was available to support the renovations. The Mayor then closed the hearing at 8:45pm.

**VOTE (267-2019)**

Motion by Councilor Rea, seconded by Councilor Marcotte:

With regard to the property at 135-137 Oxford Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City’s costs through a special tax or collective action. Passed - Vote 6-0

**RESOLVE AMENDING MASTER POLICY 23, PERSONNEL PROCEDURES**

At the recommendation of Councilor Rea, the Council agreed to change the term “mother tongue” on page 4 in the National Origin section of the proposed Procedure to “first language”.

**VOTE (268-2019)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve the Resolve Amending Master Policy 23, Personnel Procedures:

Whereas, the City Council recently adopted updated personnel rules and regulations for the City to ensure compliance with state and federal regulations and to bring together in one document a number of previously separate policies; and

Whereas, the City also has a policy governing personnel procedures to be followed in such areas as hiring, reporting accidents and injuries, and discipline; and

Whereas, given the revisions to the City’s personnel rules and changes in state and federal regulations, it is also necessary that our procedures be updated and modernized;

Now, therefore, be it resolved by the City Council of the City of Lewiston that City Master Policy 23, Personnel Procedures, is hereby repealed in its entirety and replaced with the attached.

Passed - Vote 6-0

**ORDER AUTHORIZING STAFF TO TAKE STEPS TO DISPOSE OF THE MARTEL SCHOOL AND ASSOCIATE PROPERTY**

Councilors has questions about the future use and access of the playground area.

**VOTE (269-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To postpone this item to the next regular City Council meeting. Passed - Vote 6-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT TO CONVEY TO LA COMMUNITY HOUSING THE PROPERTIES LOCATED AT 91 PINE STREET, 111 BARTLETT STREET, 114 BARTLETT STREET, AND 320 BATES STREET**

**VOTE (270-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Order Authorizing the City Administrator to enter into an Agreement to convey to LA Community Housing the properties located at 91 Pine St, 111 Bartlett St, 114 Bartlett St and 320 Bates Street:

Whereas, LA Community Housing, a development corporation of Community Concepts, Inc.

and Community Concepts, Inc. are partners with of the City in developing a transformation plan for the residential neighborhood adjacent to downtown Lewiston through the Department of Housing and Urban Development’s Choice Neighborhood program; and

Whereas, the transformation plan identifies two strategic replacement sites for targeted redevelopment and a site for homeownership development; and

Whereas, the Lewiston Planning Board reviewed for recommendation the request to convey these properties at their meeting on August 12, 2019; and

Whereas, the Lewiston Finance Committee reviewed for recommendation the request to convey these properties at their meeting on August 26, 2019; and

Whereas, LA Community Housing and its partners are committed to redeveloping the replacement housing outlined in the Choice Neighborhood Transformation Plan titled Growing Our Tree Streets; and

Whereas, the City owns vacant parcels at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St identified as replacement and homeownership sites in the Transformation Plan; and

Whereas, redevelopment of these sites would create new and safe housing consistent with the Comprehensive Plan and Transformation Plan; and

Whereas, the redevelopment of these properties would bring the parcels back onto the tax roll; and

Whereas, should LA Community Housing or its partners be unable to make sufficient progress in the redevelopment of these sites within seven years, the properties will revert back to City ownership;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to enter into an agreement with LA Community Housing to convey by donation the properties located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St in order to support and advance the redevelopment plan outlined in the Choice Neighborhood Transformation Plan; and to execute a Declaration of Affordable Housing Covenant, which would allow the reversion of the real estate back to the City if sufficient progress is not made on redeveloping the parcels as outlined in the Choice Neighborhood Plan.

Passed - Vote 5-1 (Councilor Marcotte opposed)

**ORDER AUTHORIZING THE USE OF \$19,000 FROM FY2019 SALARY RESERVE ACCOUNT TO FUND THE FIRE DEPARTMENT MANAGEMENT STUDY TO INCLUDE THE EMERGENCY MEDICAL SERVICES ALTERNATE**

**VOTE (271-2019)**

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve the Order Authorizing the use of \$19,000 from the FY 2019 Salary Reserve Account to fund the Fire Department Management Study to include the Emergency Medical Services Alternate. Passed - Vote 6-0

**APPOINTMENT OF MEMBERS TO THE HOUSING COMMITTEE**

**VOTE (272-2019)**

Motion by Councilor Marcotte, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One owner of a multi-unit property in Lewiston, initially appointed to a one-year term: Michael Reed

Passed - Vote 6-0

**VOTE (273-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One owner of a multi-unit property in Lewiston, initially appointed to a two-year term: Allie Smith

Passed - Vote 6-0

**VOTE (274-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term: Heritier Nosso

Passed - Vote 6-0

**VOTE (275-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One tenant of a multi-unit property in Lewiston, initially appointed to a two-year term: Bruce Noddin

Passed - Vote 6-0

**VOTE (276-2019)**

Motion by Councilor Rea, seconded by Councilor Lysen:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One Lewiston home owner, initially appointed to a one-year term: Stephanie Dube

Passed - Vote 6-0

**VOTE (277-2019)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One Lewiston home owner, initially appointed to a two-year term: Melanie Gould

Passed - Vote 6-0

**VOTE (278-2019)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

One representative of the LA Public Health Committee who may or may not be a resident of the city, initially appointed to a three-year term: Lysay Henry

Passed - Vote 6-0

**VOTE (279-2019)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

A representative of a financial institution with a presence in Lewiston that lends to home owners and/or residential developers, initially appointed to a three-year term: Michelle Green

Passed - Vote 6-0

**VOTE (280-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

A residential developer or real estate professional, initially appointed to a three-year term:  
Craig Saddlemire

Passed - Vote 6-0

**VOTE (281-2019)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

A representative of an agency or firm that owns or operates a multi-unit property in Lewiston providing affordable workforce or elderly housing and whose position is of a level and nature that allows it to exercise influence on the financing, development, or operation of such property, initially appointed to a three-year term: Corey Crowell

Passed - Vote 6-0

**VOTE (282-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

A member of the Rental Registration Subcommittee appointed for a one-year term: Erin Guay

Passed - Vote 6-0

**VOTE (283-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To receive the nomination from Mayor Cloutier and to appoint the following as a member of the Housing Committee:

A City Council member: Kristen Cloutier

Passed - Vote 6-0

**REPORTS AND UPDATES**

Councilor Rea reported the next School Committee meeting is October 21. At their October 7 meeting, they received a presentation from The Store Next Door about LHS homeless youth and a presentation about standardized testing and the associated federal and state standards.

**OTHER BUSINESS**

No other business was presented at this time.

**EXECUTIVE SESSION**

**VOTE (284-2019)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.

Passed - Vote 6-0

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

**VOTE (285-2019)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To adjourn at 9:50 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine