

**CITY OF LEWISTON**

**CITY COUNCIL**

**DECEMBER 10, 2019**

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

Note – Due to a snowstorm, the City Council meeting originally scheduled for December 3, 2019 was postponed to December 10, 2019.

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.

**VOTE (311-2019)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To correct typographic error in the October 1 minutes regarding the voter to adjourn, the typographical error in the word “portions” in the October 15 minutes, to dispense with the reading of the minutes of the meetings of October 1 and 15, 2019 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

No members of the public offered comment at this time.

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR COWBELL GRILL & TAP, 49 LISBON 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 (312-2019)**

Motion by Councilor Marcotte, seconded by Councilor Lysen:

To grant a Special Amusement permit for live entertainment to Cowbell Grill & Tap, 49 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE BBQ PIT, 838 LISBON 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 (313-2019)**

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To grant a special amusement permit for live entertainment to The BBQ Pit, 838 Lisbon Street.  
Passed - Vote 7-0

**PUBLIC HEARING ON AN APPLICATION FOR A BUSINESS LICENSE RENEWAL  
FOR MERRIMACK RIVER MEDICAL SERVICES, INC., FOR AN OUTPATIENT  
ADDICTION TREATMENT CLINIC AT 18 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 (314-2019)**

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the License for an Outpatient Addiction Treatment Clinic for Merrimack River Medical Services, Inc. to operate a Clinic at 18 Mollison Way, Lewiston, subject to the following conditions:

1. Provide adequate interior client waiting space to eliminate the need for clients to queue or wait for service outside of the building, with the exception of clients waiting for public transportation.
2. Effectively monitor the exterior of the property to ensure that clients do not loiter on or adjacent to the property for any purpose other than waiting for the arrival of public transportation.
3. Designate the exit from the clinic that leads to a lobby shared with other tenants within the building as an emergency exit only and provide an audible alarm that will sound if this exit door is opened.
4. Applicant will maintain a methadone maintenance program as described in their "Treatment Components" and "Program Components". Applicant will immediately report to the police department any breaches of the security system described in the attachment.
5. Consistent with the applicant's application, the number of clients shall not exceed 500 at any given time.
6. The applicant will annually provide documentation to the City Clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law.
7. The applicant will comply with the requirements of Chapter 22, Article XIV, Section 22-417 of the Code requiring the applicant to conduct meetings at the discretion of the chief of police and or his designee.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR THE ORDINANCE, AMENDING SECTION 50-19 OF THE CODE OF ORDINANCES – OFFENSES AND MISCELLANEOUS PROVISIONS – PROHIBITING THE USE OF TOBACCO PRODUCTS IN DESIGNATED AREAS – CENTRAL MAINE MEDICAL CENTER**

Mayor Cloutier opened the public hearing to receive citizen input and comment. Heather Everly Berube, 254 Blake Street, expressed concerns about the enforcement of this ordinance and felt this action was intended to create additional jobs for law enforcement. She stated the implementation of the ordinance is establishing a “class system” and disenfranchises family members visiting loved ones in the hospital who want to go outside and smoke as a stress reliever. The Mayor then closed the hearing.

**VOTE (315-2019)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve Final 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 – Central Maine Medical Center.

Passed - Vote 6-1 (Councilor Marcotte opposed)

**PUBLIC HEARING AND FINAL PASSAGE FOR THE ORDINANCE, AMENDING CHAPTER 2, ARTICLE III, DIVISIONS 12, 13 AND 14 OF THE CODE OF ORDINANCES – DEPARTMENT OF PUBLIC WORKS**

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 (316-2019)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve Final Passage of the Ordinance, Amending Chapter 2, Article III, Division 12, 13 and 14 of the Code of Ordinances – Department of Public Works. Passed - Vote 7-0

**CONTINUATION OF PUBLIC HEARING FOR THE PROPOSED TAX INCREMENT FINANCING DISTRICT AND PROGRAM FOR SAXON PARTNERS – THE RESIDENCE AT GREAT FALLS**

**VOTE (317-2019)**

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To continue the public hearing for the proposed Tax Increment Financing District and Program for Saxon Partners - The Residence at Great Falls to the December 17, 2109 City Council meeting. Passed – Vote 7-0

**RESOLVE, ACCEPTING AND ADOPTING PUBLIC ART AS CITY MASTER POLICY NUMBER 2**

**VOTE (318-2019)**

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve the Resolve, Accepting and Adopting Public Art Plan as City Master Policy Number 2:

Whereas, in January 2019, the LA Metro Chamber of Commerce and L/A Arts, with formal support from the City of Auburn and the City of Lewiston, were awarded a Maine Arts Commission grant of \$75,000 to support the implementation of Cultural Plan LA; and

Whereas, this grant funding was awarded to “utilize arts and culture to enhance LA’s image to attract residents, tourism, and new investment” and to “further the position of arts and culture in local government;” and

Whereas, grant implementation is being overseen by a 10-person Public Art Working Group; and

Whereas, the Public Art Working Group has drafted a Public Art Plan designed to provide definitions, guiding principles, and an administrative structure for encouraging and managing public art and recently reviewed that plan with the City Council;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the attached Public Art Plan is hereby approved and adopted as City Master Policy Number 2.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Councilor Rea reported the School Committee held their final meeting of the current term. During the meeting, they voted to waive the fees charged to the YMCA for use of the school basketball courts. They also reviewed policies regarding sponsorships and funding for athletics. In addition, the outgoing members were recognized.

**OTHER BUSINESS**

The Mayor announced that she recently promoted Ryan Rhoades from associate member to full member on the Planning Board and appointed Linda Scott as an associate member.

**EXECUTIVE SESSION**

**VOTE (319-2019)**

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 7-0

Executive Session began at 7:25pm and ended at 8:13pm.

**VOTE (320-2019)**

Motion by Councilor Lysen, seconded by Councilor Beam:

To adjourn at 8:13 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine