

LEWISTON CITY COUNCIL

WORKSHOP AGENDA

Tuesday, January 28, 2020

City Council Chambers

6:00 pm Workshop

Pledge of Allegiance to the Flag.

WORK SESSION

1. Waiver of City Costs for events – Trek Across Maine and Maine Bicentennial Parade
2. Discussion of City Options for Solar Energy Production
3. Amendments to the City’s Food Code
4. Urban Design Guidelines

EXECUTIVE SESSIONS

- ES-1. Executive Session pursuant to MRSA Title 1, section 405(6)(c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-2. Executive Session to discuss labor negotiations regarding the Maine Association of Police – Patrol Unit.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JANUARY 28, 2020
6:00 PM

1. Waiver of City Costs for Events – Trek Across Maine and Maine Bicentennial Parade

During the annual budget process, the City Council considers requested waivers of City costs, such as permits and overtime, for annually recurring events. Events that are not recurring or which are not confirmed by the time budget requests are due are addressed at other times during the year. We are aware of two pending events that were not confirmed during this year's budget – the Trek Across Maine and the Maine Bicentennial Parade. Background information on these events and the costs for which a waiver is being requested is in the attached memos from Deputy Administrator Denis D'Auteuil.

2. Discussion of City Options for Solar Energy Production

The State of Maine has enacted a series of changes to electricity generation and distribution law that provide financial incentives and potential cost savings for large institutional electricity users such as the City. These changes would allow the City to build and operator or to lease land for large scale solar projects. In addition, the new law raises the cap on community shared solar projects and makes it clear that such projects can be owned by third parties, increasing the interest in developing them. As a result, we have begun investigating the potential of solar generation to meet the City's energy needs and have seen interest from third parties in leasing land from the City for either community shared solar projects or other commercial purposes. We would like to begin a discussion with the Council on this issue. Please see the background information from Public Works Director, Dale Doughty.

3. Amendments to the City's Food Code

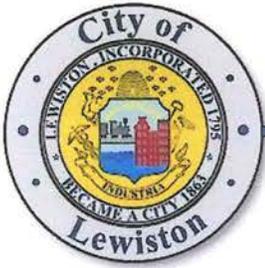
Chapter 22 of the City's Code references the State's rules regulating food, lodging, and tattoo establishments. The Code is outdated and must be updated. The City has delegated review authority from the state to inspect eating and lodging facilities and that authority requires that we follow state rules and regulations. Please see the attached memo and information from Planning and Code Director, David Hediger.

4. Urban Design Guidelines

One of the tasks identified in the City's Comprehensive Plan and Riverfront Island Master Plan involves reviewing our land use codes to consider adding flexibility and adopting design standards that preserve our heritage, encourage downtown infill, and create a more walkable city without adding a financial burden on development. The City Council funded consultant assistance for staff in this effort. This work has been on-going, and we would like to brief you on this project and its status. Please see the attached information.

IMMEDIATELY FOLLOWING THE REGULAR AGENDA

1. Executive Session – Economic Development
2. Executive Session – Union Negotiations – Police Patrol



EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Denis D'Auteuil, Deputy City Administrator

To: Mayor and City Councilors
From: Denis D'Auteuil, Deputy City Administrator
Date: January 2, 2020
RE: Waiver/In-kind Services Request
Event: Trek Downtown, June 19, 2020

On June 14, 2019, the American Lung Association brought the Trek Across Maine to the City of Lewiston for the first time in the event's long history. As a complement to the Trek event, the City partnered with the Lewiston Downtown Association to create an experience that welcomed Trekkers from across the State of Maine, the Trek Downtown Street Takeover. This event involved closing Lisbon Street from Ash Street to Main Street, bands playing in Dufresne Plaza, food trucks, and many participating restaurants, all of which played a critical role in making this first event successful. Approximately 800 Trekkers, along with other community members, experienced the event. We are excited to report that Lewiston will once again play host to the Trek Across Maine on June 19, 2020.

Building on the success from the 2019 Trek Downtown event, the City is again considering partnering with the Downtown Lewiston Association to host a similar event for the 2020 Trek. In support of this effort, the Downtown Lewiston Association has requested a waiver of the application fee and all permit fees necessary for this event as well as an estimated \$4,462 in in-kind service from the City. A breakdown of the requested fee waivers and in-kind services are as follows:

Permits and Fee Waivers:

Application Processing Fee	\$50
Park Fee (Dufresne Plaza)	\$75
Sound Amplification Permit	\$8.50
Outdoor Entertainment	\$25
Food Service License	\$25
Outside Alcohol	\$25

In-Kind Services:

Police	\$1,750
Public Works	\$2,712

Total In-kind and Fees: \$4,670

Given the success of last year's event, its positive impact on downtown entertainment businesses, and how it introduced today's Lewiston to many visitors, staff recommends approval of the fee waivers and labor costs outlined above in support of the 2020 Trek Downtown Street Takeover event on June 19, 2020.

Sincerely,

Denis D'Auteuil



EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Denis D'Auteuil, Deputy City Administrator

To: Mayor and City Councilors
From: Denis D'Auteuil, Deputy City Administrator
Date: January 2, 2020
RE: Waiver/In-Kind Services Request and
Memorandum of Understanding Authorization
Event: Maine Bicentennial Parade, May 16, 2020

Maine's bicentennial year is 2020, a year to celebrate our history. As part of that celebration, the state will sponsor the return of the Maine State Parade on May 16th, 2020, to be hosted by the Cities of Lewiston-Auburn. In December 2019, the Maine Bicentennial Commission announced that Poland Spring has donated \$50,000 in support of the Bicentennial parade. Over the past several months, a planning team of staff and local elected officials from both Lewiston and Auburn have been working to finalize operational and security plans in support of this parade.

The City of Lewiston's estimated costs in permit fees and in kind services totals \$10,017. The Parade Planning Committee and Maine Bicentennial commission have developed the attached Memorandum of Understanding (MOU) that allocates up to \$8,000 to each city to cover overtime costs and expenses associated with the execution of the parade. The Commission's allocation of funding covers all, but \$2,017 of the estimated costs for our Police, Fire, Public Works, and other event staff support overtime.

The Maine Bicentennial Parade Planning Committee is requesting a waiver of the remaining \$2,017 in estimated fees and labor costs associated with this event. Staff recommends your approval of this waiver request and authorization for the City Administrator to execute the MOU between the City and the Maine Bicentennial Commission.

Permit Fees:

Application processing fee:	\$ 50
Sound amplification fee (if needed):	\$ 17
Outdoor entertainments permit (if needed):	\$ 50

In-Kind Services:

POLICE:

Public Safety Budget:	\$3,300
Crowd Control & Security (\$2,250)	
Traffic Details (\$400)	
Incident Commander (\$650)	

PUBLIC WORKS (PW):

Labor, for traffic control	\$2,500
Road closures, detours, etc.	
Day prior to event	\$ 500
Posting No Parking signs and	
Traffic control signs	

Post event clean up	\$ 600
Other misc. event PW duties (estimate)	\$1,000
Other City Departments:	
Misc event support staff OT	\$2,000
Total in-kind and fees:	\$10,017

Sincerely,

Denis D'Auteuil

Memorandum of Understanding: State of Maine Bicentennial Parade

The Maine Bicentennial Commission (Maine200) and the cities of Lewiston and Auburn agree to co-host the State of Maine Bicentennial Parade on Saturday, May 16, 2020, according to the terms below:

The parade is a signature event of the Maine Bicentennial Commission and, as such, the Commission is a co-host and co-fundraiser in partnership with the cities of Lewiston and Auburn. Commission staff are promoting parade sponsorship in the Signature Events and Programs fundraising package. The Commission secured Poland Spring (Nestle Waters) as the presenting sponsor of the parade, with a company's donation of \$50,000 earmarked for the parade. Maine200.org lists the parade as a signature event, linking out to the City of Auburn's parade-specific webpage, Maine200parade.com. The Commission promotes the parade via the Maine200 social media accounts (@OfficialME200).

A parade subcommittee is comprised of staff members of each city, Commission representatives, and other interested parties. The subcommittee sets the budget for the parade and chooses a media partner. (The parade subcommittee approved its budget at the November 2019 meeting.) Only those parade expenditures that exceed \$10,000 for a single line item must receive approval from the Commission's executive committee (Commission Chairman Sen. William Diamond, Vice Chairman David Cheever, Treasurer Peter Merrill and State Librarian James Ritter.) Expenditure approvals can be conducted informally, via email. Commission staff/representatives on the parade subcommittee facilitate the approval process.

All funds raised for the parade will be handled by Commission staff, and donations/sponsorships will be committed to Maine200. All funds raised for the parade that exceed parade expenditures will be redistributed to other Commission signature events and programs once all parade invoices are paid. Commission staff will present an update on parade sponsorships and expenditures at each committee meeting, and the parade subcommittee will have access to a full report of the parade account between meetings upon request.

The cities of Lewiston and Auburn agree to contribute all staff time expenses associated with parade planning, including municipal staff participation on the parade subcommittee, and completion of associated planning and executive tasks. The cities of Lewiston and Auburn will provide police/fire/EMS and public works department support in planning and day-of activities.

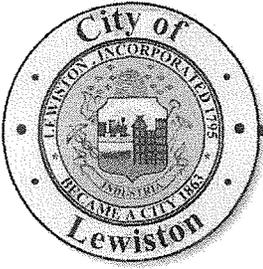
Each city will be allocated up to \$8,000 from the Bicentennial Parade budget to cover overtime cost for police/fire/EMS and Public Works expenses associated with the execution of parade. Any overtime costs to the cities beyond the \$8,000 allocation will be provided in-kind by the cities, but not to exceed \$5,000. This donation must be approved by each city council.

Lewiston and Auburn are encouraged to promote the area's amenities and attractions to complement the parade, and Commission staff will work with the subcommittee to ensure promotion of the area via social media accounts, press outreach and other parade publicity, including coordinating with entities to create group trips and packages to encourage overnight stays during the parade weekend.

Commission Chairman Sen. Bill Diamond, SIGN/DATE

Lewiston City Administrator Ed Barrett, SIGN/DATE

Auburn City Manager Peter Crichton, SIGN/DATE



PUBLIC WORKS DEPARTMENT

Dale F. Doughty, Director

January 24, 2020

To: Ed Barrett
From: Nate Libby & Dale Doughty

Re: Municipal Renewable Electricity Generation Options

Background

The State recently enacted a series of changes to electricity generation and distribution law. There are now strong financial incentives and significant potential cost savings for large institutional electricity users, like the City of Lewiston, to build or enter into agreements for Net Energy Billing related Power Purchase Agreements (PPA) for renewable energy sources.

Net Energy Billing is a method of encouraging the development and use of small-scale (large by our standards) renewable energy sources that partially or fully meet a customer's (Lewiston's) needs. Net Energy Billing is an offset to a customer's bill where the energy a customer produces is credited against the energy the customer uses. Any eligible generating facility must be primarily used to offset part or all of the customer's bill. During times when the customer produces peak energy, more than they can use, surplus energy may flow through the electrical grid for other users. When the customer needs more energy than they produce, energy may flow from other producers over the grid to the customer. The customer only pays for the net amount above what they generate. If a customer generates more energy than they use in a billing cycle the surplus credits may be used within a 12 month period. Because the energy produced is directed to the grid, transmitted, then consumed, a customer's renewable energy source may be located anywhere in their provider's service area.

A number of communities have or are seeking to develop renewable energy sources for both financial and environmental considerations, most through third party developers.

Approaches for Lewiston to Consider

There are four approaches for the City to consider in seeking the benefits of Net Billing Credits through development of renewable generation facilities:

- 1) A simple long-term lease of city owned land to a private developer who would own and operate a solar array. The benefit to the City would only be the revenue that the City would receive from the lease.
- 2) A long-term land lease agreement with a developer combined with a Power Purchase Agreement (PPA) that provides the City a guaranteed electricity rate. These agreements can be at an indexed rate that is guaranteed for as much as 20 years. In this case, the company would need to recover their capital and profits from the arrangement and the City would not receive the full benefit of the Net Billing Credits.

- 3) Buying into a renewable power generation facility, not on city land and maybe not even within the City limits. The City would enter into a Power Purchase Agreement (PPA) that provides the City a discount on indexed electricity rates for an extended period, often 20 years. Like the above, the company would need to recover its capital and profits from the arrangement and the City would not receive the full benefit of the net billing credits. Some communities have seen proposals for a wide array of renewable energy sources to include solar, wind, and clean hydroelectric.
- 4) The City site, permit, build and operate an array that is wholly owned and operated by the City. The first two approaches require no upfront investment. This approach would require a substantial capital investment but would provide the greatest long-term savings over the approximately 30+ year life of the project. In this case, we could offset part or all of our electrical cost including generation and transmission fees through Net Billing Credits.

In 2018, the City used about 6.7 million kilowatt hours (kWhrs) of electricity at a cost of \$735,241, roughly the same amount of energy generated by a 3.7 MW solar array. With a developer-owned solar array arrangement, the City may realize a 10%-20% reduction (\$70,000-\$140,000 savings) in electricity costs annually, paid either through land lease payments, through power purchase agreements, or a combination of the two. With a city-owned arrangement, there would be significant upfront costs, but larger savings over time, with an estimated 7-10 year payback. More work needs to be done to better assess the payback period and operational costs.

Large-scale solar arrays have been built on municipal properties in South Portland, Belfast, Sanford, and Fairfield in recent years. With the State's new rate incentive structure, many more projects are expected to come online in the next several years including in Auburn, Cumberland, Ellsworth, Saco, Waterville, and Westbrook. The city has been approached by a number of interested parties who would like to provide the City a proposal. Other communities have opened their request for proposals to other clean energy sources including hydroelectric and wind.

New State Law

The new law, LD 1711, has three parts:

- 1) **Eliminates Net Metering Restrictions**

Net metering is the system by which users earn credit for electricity they return to the grid. The new law eliminates the 10 meter cap on community shared solar projects, raises project size limit to 5 megawatts (MW) (enabling economies of scale), and makes it explicit that third-party ownership (e.g. non-profit PPAs, solar leases) are allowed under net metering.

- 2) **New Net Metering for Large Institutions**

Commercial and Institutional (C&I) projects have often been difficult to make work under conventional net metering because many of these customers pay a substantial portion of their electric bill based on 'demand' charges, a fixed fee based on the highest 15 minute usage of any given month, rather than kWhr basis. The new law helps create parity in the net metering benefit among residential retail, who purchase and sell electricity at relatively fixed rates, and C&I customers. The result is that project economics should improve and project payback periods decrease.

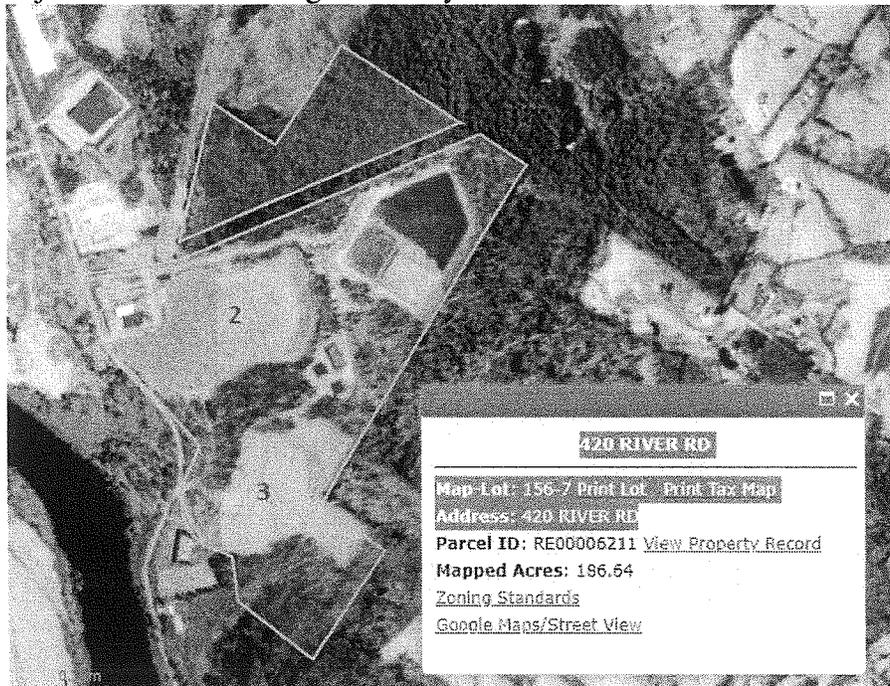
3) Long Term PUC Contracts

Starting next year, the Public Utilities Commission will enter into long term contracts for large C&I projects up to 5 MW. The long term contract rates are initially set by a competitive procurement to be held in early to mid-2020. Rates for projects after the initial auction are set through a series of declining blocks over the next several years. The competitive procurements and long term contracts will help improve the economies of scale for large projects and shorten payback periods.

Initial Thoughts on Potential Locations within the City

1) Capped landfill at the Solid Waste Facility

The lower area of the landfill (area marked “2”), closest to Casella’s ZeroSort facility, is a capped and dormant former MSW landfill. Existing methane vent pipes on this site make solar panel placement challenging with required 10’ radial setbacks. The area marked “3” is a capped and dormant LAWPCA sludge landfill that has fewer obstructions but more challenging topography. These sites have virtually no allowable alternative uses, but installation of a solar array could be one of them. The area marked “1” is a city owned buffer area between the active landfill and adjacent property owners. This area also happens to be adjacent to two CMP rights-of-way.



2) Old Reservoir at 532 East Ave

The reservoir is no longer used and would need to be filled in.



3) 496 Old Greene Road

The City owns a small right of way that connects the parcel to the Greenwood Lane neighborhood. A CMP transmission line is nearby, west of the parcel.



Next Steps

If the City Council would like staff, proceed with investigating the City's options we would:

- 1) Evaluate our Current Power Purchasing Agreements (PPA) that end in the Fall of 2020 and how they may interact with the development of a clean energy alternative.
- 2) Have further conversations with other communities who have solicited for suppliers and learn from their experiences.
- 3) Work with a consultant to better understand the long-term options, particularly the benefit of long-term ownership and operation directly by the City.
- 4) Provide the City Council with an analysis of options and clear recommendation on how to proceed.
- 5) Develop the appropriate solicitation for proposals based on the alternative(s) selected.



CITY OF LEWISTON

3

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: David Hediger, Director of Planning and Code Enforcement
DATE: January 23, 2020
RE: Ordinance Amendment for Consistency with State Rules

Chapter 22 of the Code of Ordinances references the State of Maine's rules regulating food establishments, lodging establishments, and tattoo establishments is outdated and incorrect. Lewiston is one of four communities in the state to have a memorandum of understanding with the Maine Center for Disease Control and Prevention to inspect eating and lodging establishments and to coordinate communications and activities to protect Maine from emerging public health threats. This includes Food Services Establishments (FSEs or restaurants), Class A Lounges (drinking establishments), and Mobile Units (food trucks). A requirement of this State delegated review authority is a requirement that the City Code reference current state laws and rules. The City also inspects Special Food Handlers (bakeries, convenience stores, establishments preparing food for consumption off premises). These establishments are inspected at the local level with reference to the Maine Food Code, but not under delegated authority from the State. Special Food Handlers require both a city license and a license from the Maine Department of Agriculture, Conservation and Forestry (DACF).

Staff is proposing the following amendments:

- Chapter 22-49, Adoption of State of Maine Rules, Section 1 refers to the current adopted State of Maine Food Code as the 2001 version. The State and municipalities with delegated authority are currently enforcing the 2013 State of Maine Food Code. Rather than referencing a specific version, staff is recommending an amendment that references the "latest" FDA food code as adopted and amended by the Maine Department of Human Services in the enforcement of all Food Service Establishments, Special Food Handlers, Mobile units and Class A Lounges licensed by the City of Lewiston; see Section 22-49(1) .
- Reference to the "latest" rules relating to Lodging Establishments as set forth by the Department of Health and Human Services; see Section 22-49(2).
- Reference to the "latest" rules relating to the Administration and Enforcement of Eating Establishments, Mobile Units and Tattoo Establishments as adopted and amended by the Maine Department of Human Services; see Section 22-49(3).
- Add the City's "Special Food Handlers" licenses to Article VI, Division 1. The DACF, who also license the City's Special Food Handlers, uses the 2013 Maine Food Code. Currently, Special Food Handlers' are not specifically referenced in Article VI, Division 1, leading to some confusion. This amendment clarifies that special food handlers must meet the requirements of the Maine Food Code.
- Throughout Chapter 22, any reference to a "Roving Diner" is changed to a "Mobile Unit" to be consistent with the State's licensing terms.
- Definitions in Section 22-2 are updated for consistency with State requirements and to provide additional clarification.

These amends add clarification to the requirements of licensed establishment while maintaining consistency with applicable State laws and rules.

**AN ORDINANCE PERTAINING TO FOOD SERVICE ESTABLISHMENTS,
SPECIAL FOOD HANDLERS, MOBILE UNITS AND CLASS A LOUNGES**

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 22 of the Code of Ordinances of the City of Lewiston, Maine are hereby amended as follows:

CHAPTER 22

BUSINESSES

Article VI. Food Service Establishments, Special Food Handlers, Mobile Units and Class A Lounges

Division 1. Generally

~~Sec. 22-146. Definitions. Reserved.~~

Sec. 22-147. License required.

Sec. 22-148. Suspension of license; appeal.

~~Sec. 22-149. Sanitary conditions required. Reserved.~~

~~Sec. 22-150. Running water, toilet facilities required.~~

Sec. 22-150. Right to enter.

~~Sec. 22-151. Diseased and unhealthy employees. Certified Food Protection Managers.~~

~~Sec. 22-152. Certificate of health required.~~

~~Sec. 22-153. Physician's duty.~~

~~Sec. 22-154. Exceptions to article.~~

~~Secs. 22-155--22-165. Reserved.~~

Secs. 22-152--22-165. Reserved.

Division 2. ~~Special Food Handlers and Roving Diners~~ Mobile Units

Sec. 22-166. Intent and purpose.

Sec. 22-167. Approval of health inspector/sanitarian, license required.

Sec. 22-168. Display of license or permit.

Sec. 22-169. ~~Roving diners~~ Mobile units in streets and public places.

Secs. 22-170--22-190. Reserved.

Sec. 22-2. Definitions.

Food means any raw, cooked or processed edible substance, ice, beverage, alcoholic beverage or ingredient used, or intended for use, or for sale, in whole, or in part, for human consumption.

Mobile unit means a mobile vehicle designed and constructed to transport, prepare, sell or serve food at a number of sites and is capable of being moved from its serving site at any time. This type of establishment is a self-contained food service operation, located in a vehicle or a

moveable stand on wheels, used to store, prepare, display or serve food intended for individual portion service. The term mobile units shall include but not be limited to food trucks, food trailers, pushcarts and stick built joints.

Pushcart means a self-propelled mobile unit that is limited to preparing and serving non-potentially hazardous foods or foods that are deemed low risk by the health inspector/sanitarian.

~~Roving diner means any portable, and any vehicle, food truck, trailer, cart, wagon, conveyance or carrier of any kind, capable of being moved from its serving site at any time from which food is sold or caused to be sold, at retail, from house to house, store to store, building to building, or along or upon any sidewalk, street, park or other public property in the city; lunch wagons. The term "roving diner" shall not be construed to include caterers, vendors of dairy products, ice, bakery products, or similarly employed route salesmen while engaged in making deliveries to their regular customers or persons making deliveries on order from customers of retail stores in the city.~~

Stick built joints are a type of mobile unit containing food service equipment that may be assembled and disassembled for storage or transportation and may only operate at a fixed location for the duration of an approved community event.

Sec. 22-41. Duration of licenses; expiration date.

All licenses, except when otherwise provided, shall be for 12 months' duration and shall expire according to the following schedule:

Adult amusement device.....	June
Billiard and pool rooms.....	November
Bowling alley.....	April
Class A lounge.....	One year from date of issuance
Coin-operated amusement devices.....	June
Flammable liquid.....	June
Food service establishment.....	April
Group care facility.....	February
Junk collectors.....	November
Lodging place operator.....	February
<u>Mobile units.....</u>	<u>April</u>
Motion picture theater.....	April
Pawnbroker.....	September
Peddler.....	April

Roller skating rink..... April
 Roving diner..... April
 Secondhand dealer..... September
 Special food handlers..... April
 Taxicabs..... February

(Code 1982, § 17-17; Ord. No. 98-11, 11-19-98; Ord. No. 01-21, 1-10-02; Ord. No. 03-13, 9-4-03; Ord. No. 17-20b, 12-21-17)

Sec. 22-49. Adoption of State of Maine Rules.

For the purpose of protecting the public health the City hereby adopts and enacts the following State of Maine Rules:

- (1) ~~State of Maine Food Code 2001~~ The U.S. FDA food code as adopted and amended by the Maine Department of Human Services 10-144 CMR 200 in the enforcement of all Food Service Establishments, Special Food Handlers, Mobile Units and Class A Lounges licensed by the City of Lewiston as if fully set forth herein, except for the changes set forth in this Article, and the Maine Department of Agriculture, Food and Rural Resources 01-001 CMR 331 May 1, 2001.
- (2) The rules relating to Lodging Establishments, adopted and amended as set forth by the Department of Health and Human Services, Maine Centers for Disease Control and Prevention, Division of Environmental Health 10-144 CMR 206 January 1, 2003.
- (3) The rules relating to the Administration and Enforcement of Establishments licensed and adopted and amended by the Health Inspection Program, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health Inspection Program 10-144 CMR Chapter 201 October 7, 2012.

(Ord. No. 12-12, 11-16-12; Ord. No. 13-1, 2-21-13)

ARTICLE VI. FOOD SERVICE ESTABLISHMENTS, SPECIAL FOOD HANDLERS, MOBILE UNITS, CLASS A LOUNGES*

***State law references:** Food and food handlers generally, 7 M.R.S.A. § 401 et seq., 22 M.R.S.A. §§ 2491—2501 22 MRS §§ 2491-2502, 30-A M.R.S.A. § 3931, 32 M.R.S.A. §§ 1751-1854.

DIVISION 1. GENERALLY

Sec. 22-146. ~~Definitions.~~ Reserved.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Food means and includes all liquid or solid substances intended for human consumption.~~

~~(Code 1982, § 12-1)~~

~~Cross references: Definitions generally, § 1-2.~~

Sec. 22-147. License required.

No person shall engage in, operate or conduct the business of the manufacture, preparation, sale or service of food in the city unless such person has first acquired a license in accordance with the provisions of this article and articles I and II of this chapter. (Code 1982, § 12-2)

Sec. 22-148. Suspension of license; appeal.

- (a) A license granted pursuant to this article may be temporarily suspended at any time by the health officer inspector/sanitarian of the city upon satisfactory evidence that food is being manufactured, prepared, sold or served in an unsanitary manner or in a manner not conducive to public health. The licensee shall have the right to appeal such suspension to the council, such appeal to be heard at the next regular meeting of the council.
- (b) The health officer inspector/sanitarian shall have discretion to remove the suspension and reinstate the license under this article prior to the hearing of the appeal upon finding that the unsanitary conditions have been remedied.

~~(Code 1982, § 12-3)~~

Sec. 22-149. ~~Sanitary conditions required.~~ Reserved.

~~Every person owning, managing or operating an establishment or business where food is manufactured, prepared, sold or served to the public in the city shall at all times keep the premises and all fixtures, appliances and utensils in a clean and sanitary condition. (Code 1982, § 12-4)~~

Sec. 22-150. ~~Running water, toilet facilities required.~~

~~Every establishment or business where food is manufactured, prepared, sold or served to the public in the city shall be provided with an adequate supply of hot and cold running water under pressure from the public mains where such is available, and shall be equipped with proper lavatory and toilet facilities convenient, accessible and sufficient to ensure the comfort and cleanliness of its employees; and where both male and female help are employed, the health officer may require separate toilets, lavatories and dressing rooms to be installed for the use of either sex.~~

~~(Code 1982, § 12-5)~~

Sec. 22-150. Right to Enter.

The health inspector/sanitarian shall be permitted to enter any licensed City establishment as described in Article VI of the code of ordinances during operating hours for the purpose of making inspections and of copying any and all records of food purchases and payrolls. It shall be the duty of every person responsible for the management or control of such establishment to afford free access to every part of such establishment and to render all aid and assistance necessary to enable the health inspector/sanitarian to make a full, thorough and complete examination thereof to determine compliance with this article and Section 22-49 of this code of ordinances. Records of purchases of food shall be held for a period of 3 months following the date of purchase either at the licensed establishment or at another place where they are customarily kept and shall be made available to the health inspector at the establishment within a reasonable time upon request.

Sec. 22-151. Certified Food Protection Managers.

(a) A food service establishment, special food handlers, mobile units and Class A lounges must have at least one employee granted supervisory and management responsibility designated a Certified Food Protection Manager (CFPM) as defined in the latest adopted and amended State of Maine Food Code.. Proof of CFPM certification is required as follows:

1. Prior to the issuance of any new license required by Chapter 22; Section 147.
2. Prior to the renewal of any license required by Chapter 22; Section 147.
3. Within 60 days of the date when a CFPM leaves employment.
4. At the time of any inspection by the City's health inspector/sanitarian.

(b) Proof of compliance with the requirements of this section shall be provided to the city health inspector/sanitarian. Prior to the issuance of any license required by Chapter 22, the city health inspector/sanitarian must certify that the requirements of this Section have been met. Failure to provide proof of compliance with the requirements of this Section will be subject to a denial, suspension or revocation of a license in accordance with the provisions of Chapter 22. In addition to license suspension or revocation, violations of subsection Sec. 22-151, above, shall result in a penalty to the violator and may result in a temporary suspension of the Food Service or Food Handler's license until compliance is met.

(c) An eating establishment may be deemed CFPM exempt by the city health inspector/sanitarian if the licensed establishment does not or minimally handle or prepare Potentially Hazardous Foods as defined by the FDA Food Code. The exemption will be documented on the health inspection/sanitarian report(s).

Sec. 22-151. Diseased and unhealthy employees.

~~No person afflicted with any eruptions, ulcerations or running sores, and no person afflicted with any communicable disease, shall be employed in any establishment where food is manufactured, prepared, sold or served to the public. (Code 1982, § 12-6)~~

~~**Sec. 22-152. Certificate of health required.**~~

~~Every person employed in any establishment where food is manufactured, prepared, sold and served to the public shall, when required by the health officer, file with such health officer, as evidence of good health, a certificate of examination by a reputable and competent physician, attesting to the fact that such person is not afflicted with active tuberculosis, any venereal disease or other communicable disease. (Code 1982, § 12-7)~~

~~**Sec. 22-153. Physician's duty.**~~

~~It shall be the duty of every physician attending a case of venereal disease, tuberculosis or any other communicable disease, in any person employed in or about any establishment where food is manufactured, prepared, sold or served to the public, to notify at once, in writing and over his signature, the health officer. Such notification in the case of a venereal disease shall not be made part of any record accessible to the general public, but may be used as evidence in any prosecutions initiated by the health officer for failure to comply with the provisions of this article. (Code 1982, § 12-8)~~

~~**Sec. 22-154. Exceptions to article.**~~

- ~~(a) The requirements of section 22-150 may be waived if the health officer determines that such a waiver will not create a hazard to public health.~~
- ~~(b) The provisions of this article shall not apply to any person who makes delivery of foodstuffs to customers on order from an established and regular place of business located in the city or to route salesmen while making deliveries of foodstuffs to their regular customers.~~

~~(Code 1982, § 12-23)~~

~~**Secs. 22-152--22-165. Reserved.**~~

~~**Secs. 22-155--22-165. Reserved.**~~

~~**DIVISION 2. SPECIAL FOOD HANDLERS AND ROVING DINERS MOBILE UNITS**~~

~~**Sec. 22-166. Intent and purpose.**~~

~~It is the intent and purpose of this division to establish minimum regulations for mobile units ~~special food handlers and roving diners~~, where food is sold within the corporate limits of the city.~~

(Code 1982, § 12-19)

Sec. 22-167. Approval of health inspector/sanitarian, license required.

No person shall operate a ~~roving diner mobile unit nor maintain, or otherwise engage in, any business as a special food handler or food service establishment~~ without having first secured the approval of the health inspector/sanitarian and obtained a license in accordance with the provisions of this article and those of articles I and II of this chapter.

(Code 1982, § 12-20; No. 17-08, 08-17-17)

Sec. 22-168. Display of license or permit.

Any person authorized to do business in accordance with this division as a ~~roving diner mobile unit~~ shall have displayed in a conspicuous place on the right-hand side of each vehicle, cart, conveyance or carrier used in such business a plate showing that a license or permit has been obtained. ~~Food trucks and trailers~~ All mobile units shall submit an application on a form provided by the City Clerk's Office with colored pictures of at least two different angles of the unit and a description that includes the length and width, when in its widest configuration. (Code 1982, § 12-21; No. 17-08, 08-17-17)

Sec. 22-169. ~~Roving diners~~ Mobile units in streets and public places.

- (a) Pushcarts licensed as ~~roving diners mobile units~~ may be operated in the streets, ways and public places in accordance with the provisions of this section. For the purpose of this section, the term "public places" shall include public parks and grounds.
- (b) No pushcart shall be operated or stationed:
 - (1) In the roadway as defined in chapter 66 of this Code, except when specifically authorized to do so by the chief of police on a street which has been blocked to vehicular traffic for purposes of a public event.
 - (2) Within 100 feet, measured by the most direct line, of occupied space of a food service establishment having a fixed location.
 - (3) On the premises of a public school.
 - (4) In any City park unless part of a permitted event.
 - (5) In such a manner as to unreasonably obstruct the normal flow of pedestrian traffic or to expose any pedestrian to a risk of injury.
 - (6) On any city sidewalk where the remaining pedestrian travel path is less than six feet.
 - (7) In such a way that any part of the equipment overhangs over private property, unless the owner of the pushcart has authorization from the property owner in writing.

- (c) No pushcart shall be operated or stationed in, on or within 100 feet of any area subject to an exclusive franchise granted by the city. The city clerk shall maintain a list of such areas and shall advise operators of pushcarts of the location thereof.
- (d) Operators of pushcarts shall provide waste paper receptacles for use by their customers and shall maintain the areas in which they operate free of litter generated by their business.
- (e) A license to operate a pushcart in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.
- (f) Food trucks, stick built joints and food trailers
 - (1) Food trucks and trailers may operate on City owned property from 6:00 a.m. to 10:00 p.m. and 6:00 a.m. to 1:00 a.m. on private property in zoning districts where restaurants are a permitted use as per Appendix A, Article XI, Section 22(c) of the Code of Ordinances of the City of Lewiston with the permission of the property owner.
 - (2) Police Department has the right to close down or request a food truck or trailer to relocate, where in the opinion of the Department, the food truck or trailer is causing or contributing to an imminent public safety hazard.
 - (3) Food trucks, stick built joints and food trailers shall not be permitted on the grounds of any school unless as part of a school authorized function.
 - (4) Food trucks, stick built joints and food trailers shall not be permitted in cemeteries, parking garages, city owned parking lots, on Lisbon Street, and within the boundaries of a City park unless part of a permitted event.
 - (5) In locations on public property where food trucks and trailers are permitted to operate, food trucks and trailers shall comply with all parking rules outlined in Chapter 70, Article IV of the City Code of Ordinances, except that food trucks otherwise operating lawfully and actively offering food for sale on public property may, in any twenty-four (24) hour period, "feed" any parking meter once in order to extend the maximum parking time to 4 hours. Hourly parking food trucks or trailers may have a maximum of 4 hours at any timed spot.
 - (6) Separation Requirement:
 - a. Except when operating in connection with a festival or special event, food Trucks, stick built joints and food trailers shall not locate within 100 feet, measured by the most direct line, of occupied space of a food service establishment having a fixed location.

- b. No minimum measured space is required between food trucks, stick built joints and food trailers.
- (7) In addition to complying with the City's ordinances related to ~~roving diners~~ mobile units and these regulations, the owner and operator of a food truck, stick built joints or food trailer is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages. The food truck or trailer itself shall be in compliance with the motor vehicle laws of the State of Maine, securing State of Maine Mobile Vendor license, and the food truck or trailer owner is responsible for verifying that a specific location does not violate an ordinance of the City.
- (8) Food trucks, stick built joints and food trailers may not be parked overnight on city streets or in city parking lots.
- (9) Size limitations: Food trucks and trailers shall not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks and trailers parking in metered parking spaces on city-owned property shall not exceed twenty (22) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks and trailers parking in non-metered parking spaces on city-owned property shall not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension.
- (10) Food trucks and trailers shall be self-contained when operating, except for the required trash and/or recycling receptacles, which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians. Owner is responsible for all clean up and waste.
- (11) Food trucks and trailers shall serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.
- (12) Food trucks and trailers shall park parallel to sidewalk or esplanade.
- (13) Food trucks and trailers shall be in a timed, metered or legal parking spot.
- (14) Only food and/or non-alcoholic beverages are allowed to be sold on City property.
- (15) Each food truck, stick built joint or food trailer vendor shall provide the City of Lewiston with a certificate of insurance to cover public liability in the amount of at least \$400,000.00.
- (16) The food truck, stick built joint or food trailer shall be inspected and properly licensed. If food is prepared outside of the truck, stick built joint or trailer base station it shall be prepared in a State of Maine licensed food service establishment.

- (17) Food trucks, stick built joint and food trailers shall comply with the City's noise requirements.
- (18) A license to operate a food truck, stick built joint or food trailer in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.
- (19) Stick built joints shall not be permitted in City streets.

4



CITY OF LEWISTON

Department of Planning & Code Enforcement

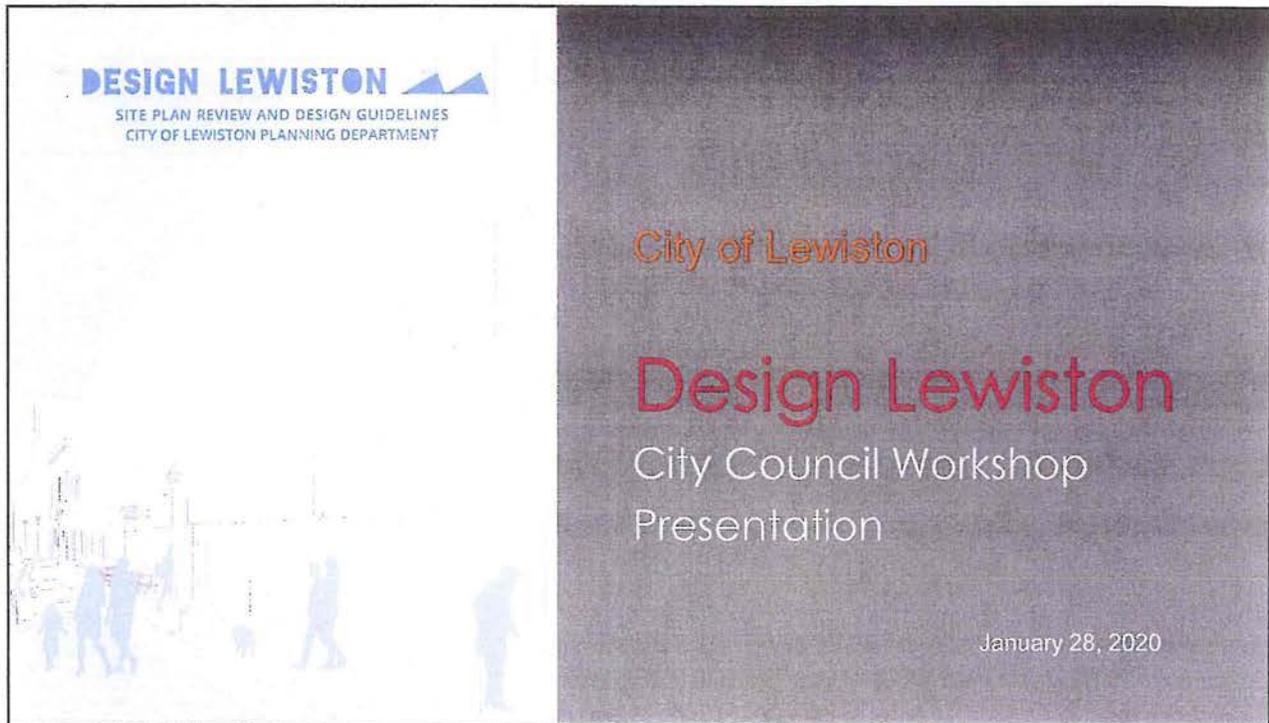
TO: Mayor and City Council

FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner

DATE: January 23, 2020

RE: Staff Presentation of Design Lewiston to the City Council

The Staff looks forward to presenting the Design Lewiston project to you at your January 28, 2020 workshop. Please bring your questions and comments.



Design Lewiston:

- What is it?
- Why is it needed?
- What are the goals of Design Lewiston?
- What are the proposed changes?
- How will the Design Standards work?
- What will the benefits be for Lewiston?

Design Lewiston: What is it?

The City's Comprehensive Plan and Riverfront Island Master Plan recommend creating new design regulations (standards) for Lewiston. Funding allocated for Comprehensive Plan implementation was used to hire a consultant that worked with an Advisory Committee and Staff to assist the City in creating what is now called:

Design Lewiston

Design Lewiston: Why is it needed?

The City currently has no design standards that can be used by the Planning Board or Staff when reviewing and approving new development proposals. As a result, any desired site or building design improvements to development applications are negotiated, not required. The current development review process frequently results in unpredictable, unattractive projects that are out of character with their surroundings.

Design Lewiston: What are the Goals?

The primary goals are to:

- Preserve Lewiston's heritage
- Encourage downtown infill
- Create a more walkable city

Secondary goals are to ensure the new design standards will not create a financial burden on new development, create a predictable set of design requirements, create flexibility in building setbacks, and allow redevelopment of some undersized lots.

Design Lewiston: What are the Proposed Changes?

Some of the basic changes made to implement Design Lewiston are:

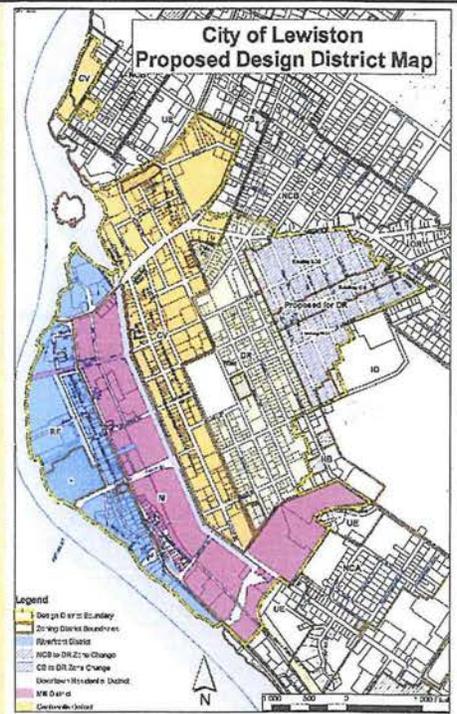
1. Creation of Design Districts in the Downtown Area
2. A complete update of the Site Plan Review and Design Guidelines that will become a "how to" manual for developers and citizens.
3. Changes to the Zoning Ordinance.
4. A new Development Review Application.

Design Lewiston:

What are the Proposed Changes?

1. Creation of Design Districts in the Downtown

- Design Standards will apply to the Riverfront, Mill, Centreville, and Downtown Residential zoning districts.
- The existing Downtown Residential district is proposed to be expanded to include all of the Tree Street Neighborhood.
- Lot frontage in the Riverfront and Downtown Residential districts are proposed to be reduced from 50' to 40'.



Design Lewiston: What are the Proposed Changes?

2. A complete update of the Site Plan Review and Design Guidelines that will become a “how to” manual for developers and citizens and contains:

- City-wide design recommendations that encourage efficient, well designed projects.
- Design District standards with general, graphic descriptions of the required design elements.
- Simple, graphic depictions of building setbacks.

Design Lewiston: What are the Proposed Changes?

3. Changes to the Zoning Ordinance

- Addition of Design Standards to Development Review approval criteria for projects in Design Districts.
- Changes to Space and Bulk standards in Design Districts.
- Require trees and landscaping in front of parking lots along major streets (City-wide).
- Amend modification language for flexibility in new projects.

4. New Development Review Application

- Create an on-line, user friendly application with helpful information and mapping links.

Design Lewiston: How will the Design Standards work?

New Projects in the Design Districts will be required to address:

- Exterior Building Standards (First and Upper Floors) for entrances and windows. Requirements include first floor elevation heights, no blank walls, and screening of mechanic protrusions.
- Parking Access and Design that prohibit parking in front of buildings, limit the maximum number of parking spaces, and require bike racks.
- Landscaping in Front Yards (where feasible w/ street trees ground covers, and shrubs).
- Context Sensitive Design to show compatibility and harmony with surrounding buildings for *mass, height, rooflines, windows, building materials, texture, and architectural consistency.*

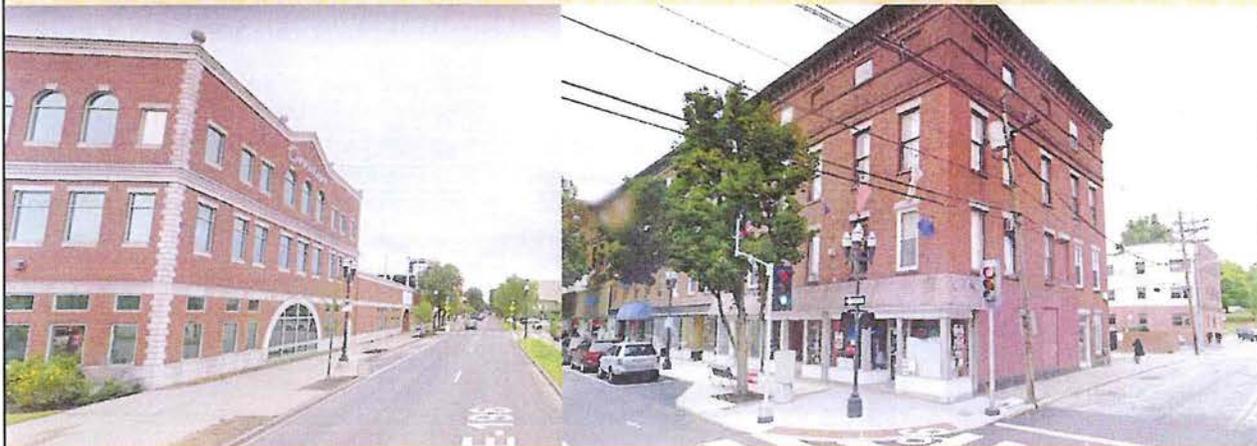
Design Lewiston: What Are the Benefits?

1. More efficient use of existing, high value downtown property.
2. Create high quality infill development.
3. Attractive new development that fits into the historic character of our Downtown.
4. Downtown development generates much higher tax revenues than suburban “big box” development.
5. The proposed Design Standards will encourage walkability, a key to a successful Downtown.

Design Lewiston: Next Steps

1. Complete final drafts of Design Guideline document and text amendments.
2. Final review by the Design Lewiston Advisory Committee and Planning Board.
3. Planning Board and public hearing on text and map amendments.
4. Final action and adoption by City Council.

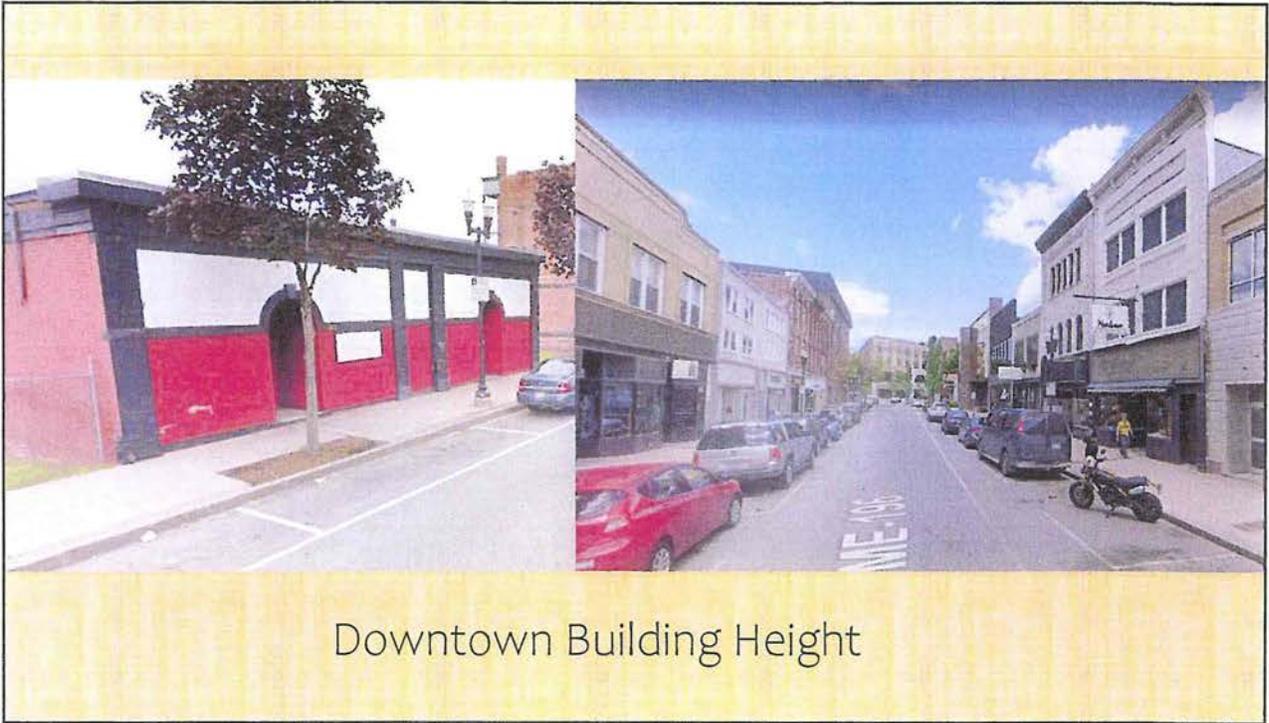
Examples of Design Lewiston Goals (Good and Bad)

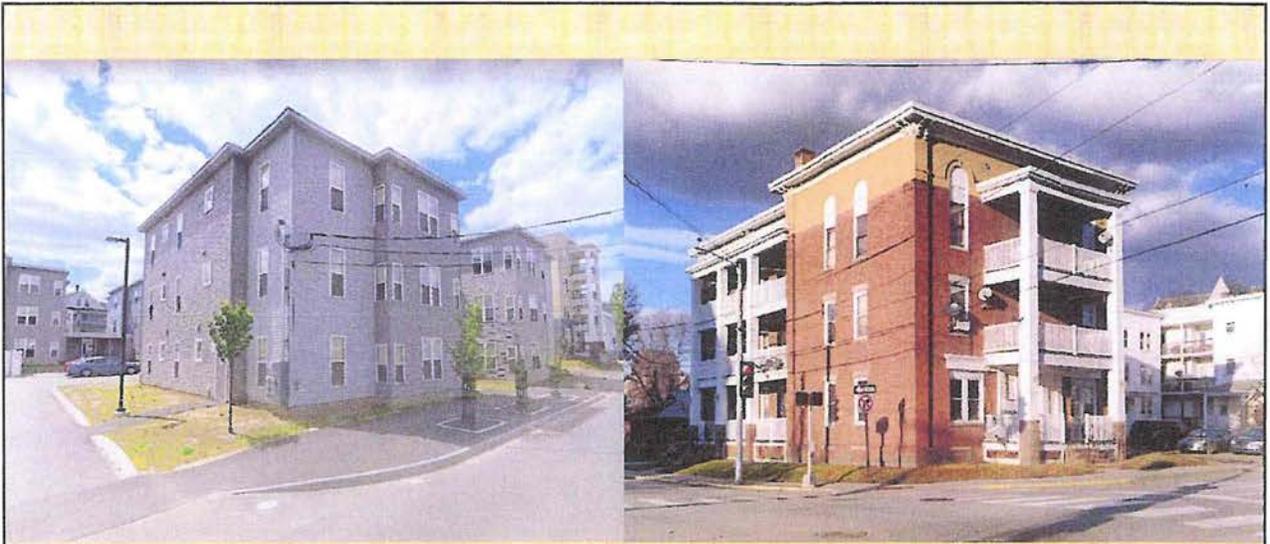


Commercial Entrances

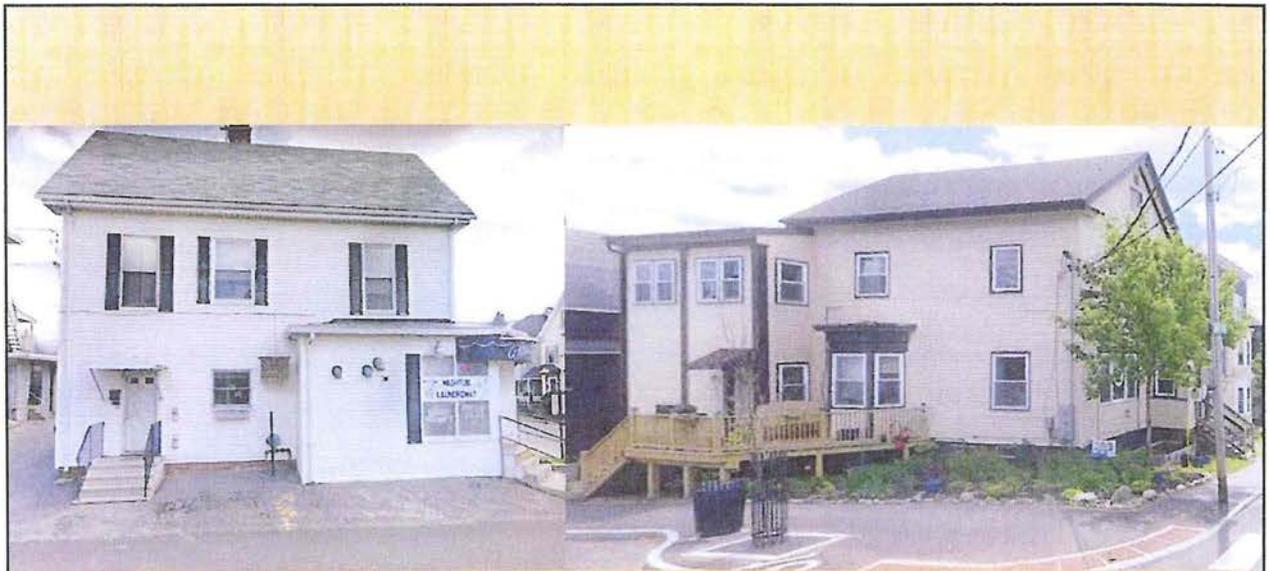
Commercial Window Treatment and Coverage



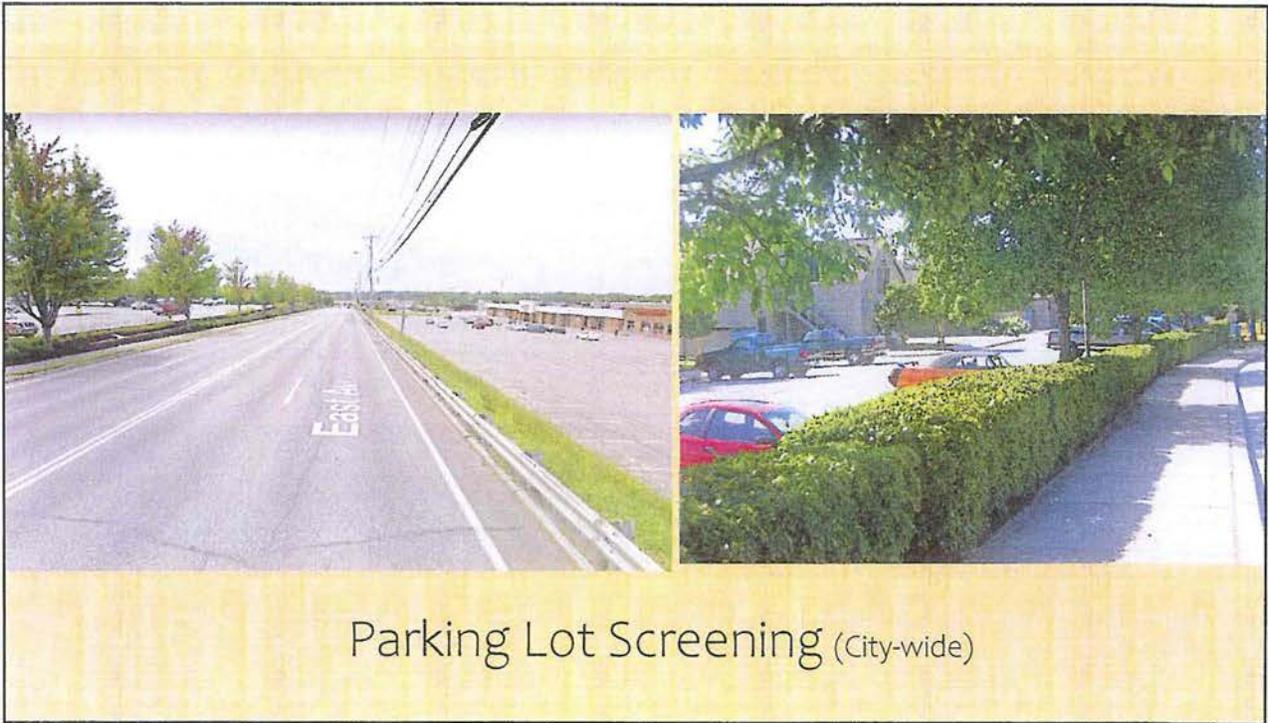




Residential Entrances and Style



Residential Front Yard Landscaping



Parking Lot Screening (City-wide)

SPACE AND BULK STANDARDS

DR - Downtown Residential District

The purpose of the downtown residential district is to promote the improvement of older residential neighborhoods within the downtown by encouraging a transition to more mixed use neighborhoods, reducing owner-occupied, mixed-age and mixed-income housing with less density where desired and appropriate, low-intensity nonresidential uses, more open space and other neighborhood amenities, creating diverse, mixed-use neighborhoods. The standards of the district will encourage the upgrading of the existing neighborhoods by removing blight and vacancy, providing an opportunity for new residential and commercial development and fostering a sense of community and place through neighborhood meeting, gathering and cultural places.

LOT	
A. Frontage	487 min
Lot area w/ sewer	4,000 sq ft min
Net Lot area w/ sewer	1,250 sq ft min
SETBACKS	
B. Min. Front	5'
B'. Max Front	10'
C. Side	5' min
D. Rear	10' min
BUILDING	
F. Min. Height	20'
F. Max. Height	55'
Lot Coverage	-
Impervious Coverage	75% max

SPACE AND BULK STANDARDS

RF - Riverfront

The purpose of the riverfront district is to promote redevelopment of the riverfront area for recreation, employment and mixed-age and mixed-income housing by encouraging the development of new buildings or the reuse or conversion of existing buildings and other areas that will enhance the use of the Anacostia River as an amenity.

LOT	
A. Frontage	487 min
Lot area w/ sewer	4,000 sq ft min
Net Lot area w/ sewer	1,250 sq ft min
SETBACKS	
B. Min. Front	5'
B'. Max Front	10'
C. Side	0' min
D. Rear	10' min
BUILDING	
F. Min. Height	20'
F. Max. Height	72'
Lot Coverage	50% max
Impervious Coverage	75% max

New Graphic Space and Bulk Standards

76

77

Design Lewiston:

Questions?

LEWISTON CITY COUNCIL

MEETING OF JANUARY 28, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

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:

State statutes define the purposes for entering into an executive session.

EATB/cmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 28, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit.

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.

E. Anislemm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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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.