

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 4, 2020

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:45 P.M.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinas, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (35-2020)

Motion by Councilor Khalid, 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 7-0

Executive Session began at 6:45pm and ended at 6:58pm.

Regular Meeting started at 7:00pm

Pledge of Allegiance to the Flag.

VOTE (36-2020)

Motion by Councilor Clement, seconded by Councilor Lajoie:

To dispense with the reading of the minutes of the meeting of January 21, 2020 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Jay Allen of Six Sigma Properties stated he owns several multi-unit buildings in the “tree streets neighborhood”. He noted he sold all of his buildings in Portland and is focusing his developments on all Lewiston properties. He expressed concerns about the increasing crime in the area including gun violence. He noted the recently created Nuisance Building ordinance but said the City is not enforcing the regulations to hold landlords responsible for the actions of their tenants.

RESOLVE ACCEPTING THE CITY OF LEWISTON’S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2019

VOTE (37-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To approve the Resolve accepting the City of Lewiston’s Comprehensive Annual Financial

Report for the Year Ended June 30, 2019:

Be It Resolved by the City Council of the City of Lewiston that the City of Lewiston's Comprehensive Annual Financial Report, including its General Purpose Financial Statements for the year ended June 30, 2019 as prepared by the City Finance Director, and the Independent Auditor's Report thereon prepared by RHR Smith & Company, is hereby accepted in its entirety.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 40 GINA STREET

VOTE (38-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

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

Whereas, the owners, Michelle Morin and Marsha E. Greene, failed to pay their bills on a timely basis for 40 Gina Street (Tax Map 64, Lot 82, Parcel 00-011801); and

Whereas, a storm water lien was filed on October 6, 2017 (Book 9702 Page 88) and matured on April 6, 2017 in the amount of \$92.18; and

Whereas, payment has been received in full;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a quitclaim deed is hereby authorized to be issued to release the City's interest in the property located at 40 Gina Street to the owner.

Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CAGE, 97-99 ASH STREET

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

VOTE (39-2020)

Motion by Councilor Jensen, seconded by Councilor Lajoie:

To grant a Special Amusement Permit for live entertainment to The Cage, 97-99 Ash Street.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING THE ADOPTION OF THE

STATE OF MAINE RULES FOR FOOD SERVICE ESTABLISHMENTS, SPECIAL FOOD HANDLERS, MOBILE UNITS AND CLASS A LOUNGES

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

VOTE (40-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

That the proposed amendments to the City Code of Ordinances, Chapter 22 “Businesses”, Article VI “Food Service Establishments, Special Food Handlers, Mobile Units and Class A Lounges”, 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. Passed - Vote 7-0

PUBLIC HEARING FOR THE FISCAL YEAR 2021 LEWISTON CAPITAL IMPROVEMENT PROGRAM

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

RESOLVE, AMENDING MASTER POLICY 81, MISCELLANEOUS FEES AND PENALTIES – CLARIFYING ESCALATING PENALTY PROVISION

VOTE (41-2020)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve the Resolve, Amending City Master Policy 81, Miscellaneous Fees and Penalties – Clarifying Escalating Penalty Provision:

Whereas, during discussion of the fines for failure to register a building in accordance with our Rental Registration Ordinance, the Council requested that the proposed escalating fine structure be revised to reset at the beginning of each registration year; and

Whereas, in the process of making this adjustment, the adopted fine structure inadvertently set two separate fine amounts for the sixth month of failing to register; and

Whereas, the Council’s clear intent at the time was for the smaller fine amount (\$100) to apply, not the larger (\$200); and

Whereas, this amendment will correct this error and meet the Council’s intent;

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 six <u>seven</u> through twelve	\$200 per month or portion thereof ^{fiinii}

Failure to post registration certificate \$100 per occurrence

The following civil penalties shall be imposed for the issuance of citations for violation of Section 18-96, Registration Requirements:

Failure to timely provide updates to required information in 18-96 (a) Legal Owner or Owners; 8-96 (b) Business Operator; 18-96 (c) Property Manager; and 18-96 (d) Emergency Contact \$100 per occurrence

(Note: Additions are underlined; deletions are ~~struck through~~.)

Passed – Vote 7-0

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE APPLICABLE FEES AND COMMIT THE CITY’S IN-KIND RESOURCES TO SUPPORT THE USE OF LISBON STREET FROM ASH STREET TO MAIN STREET AND DUFRESNE PLAZA FOR THE TREK DOWNTOWN STREET TAKEOVER EVENT

VOTE (42-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order, Authorizing the City Administrator to waive applicable fees and commit the City’s In-Kind Resources to support the use of Lisbon Street from Ash Street to Main Street and Dufrense Plaza for the Trek Downtown Street Takeover Event:

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

Whereas, the Downtown Lewiston Association, in conjunction with the City, has requested that the application fee and all permit fees associated with event, estimated at \$158.50, be waived; and

Whereas, they have also requested that the City provide in-kind services in the estimated amount of \$4,462; and

Whereas, the purpose of this event, which will be held on June 19, 2020, is to Welcome the Trek Across Maine participants to Lewiston; Now, Therefore, Be it Ordered By the City Council of the City of Lewiston that the \$158.50 in application and permit fees for the Trek Downtown Street Takeover event is hereby waived and

the City Administrator is hereby authorized to commit City resources in the estimated amount of \$4,462 to this June 19th event.

Passed - Vote 7-0

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE APPLICABLE FEES AND COMMIT THE CITY'S IN-KIND RESOURCES, AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MAINE BICENTENNIAL COMMISSION IN SUPPORT OF THE MAINE STATE BICENTENNIAL PARADE TO BE HELD ON MAY 16, 2020

VOTE (43-2020)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To approve the Order, Authorizing the City Administrator to waive applicable fees, commit the City's In-Kind Resources, and Execute a Memorandum of Understanding with the Maine Bicentennial Commission in support of the Maine State Bicentennial Parade to be held on May 16, 2020:

Whereas, 2020 is the bicentennial of Maine achieving statehood; and

Whereas, numerous events are planned throughout the year and throughout the state to celebrate and commemorate Maine's history; and

Whereas, one such event is the Maine State Bicentennial Parade to be held in Lewiston and Auburn on May 16, 2020 and which will be cohosted by the Cities of Auburn and Lewiston; and

Whereas, in support of this event, the City Council has been asked to waive various permit fees in the amount of \$117 and to provide certain in-kind services at an estimated cost of \$9,900; and

Whereas, the Maine Bicentennial Commission has also agreed to assist with these in-kind cost by reimbursing the City for up to \$8,000;

Now, Therefore, Be it Ordered By the City Council of the City of Lewiston that the City Administrator is hereby authorized to waive applicable fees, commit the City's in-kind resources, and execute a memorandum of understanding with the Maine Bicentennial Commission in support of the Maine State Bicentennial Parade to be held on May 16, 2020.

Passed - Vote 7-0

RESOLVE, DIRECTING THE CITY ADMINISTRATOR TO UNDERTAKE NEGOTIATIONS WITH THE AUBURN CITY MANAGER THE CURRENT COST ALLOCATION FORMULA ESTABLISHED BY THE LEWISTON AUBURN 911 INTERLOCAL AGREEMENT

VOTE (44-2020)

Motion by Councilor Lajoie, seconded by Councilor Clement:

To approve the Resolve, Directing the City Administrator to undertake negotiations with the Auburn City Manager regarding the current cost allocation formula established by the Lewiston Auburn 911 Interlocal Agreement:

Whereas, on December 4, 2019, the City Council of the City of Auburn directed its Manager to enter into negotiations with the Lewiston City Administrator aimed at revising cost sharing formula in the Lewiston-Auburn 911 Interlocal Agreement, which was first established by the cities in 1978 and revised in February 2000; and

Whereas, under both the current and original agreements, the costs of maintaining the 911 services are shared equally (50-50) between the two cities; and

Whereas, the City of Auburn's request seeks an apportionment based upon the populations of the two cities; and

Whereas, the City Manager of Auburn has contacted the Lewiston City Administrator and requested that such negotiations begin;

NOW, THEREFORE, Be it Resolved that the Lewiston City Council:

1. Entertains the City of Auburn's request to discuss modifications to the Lewiston-Auburn 911 Agreement;
2. Authorizes the City Administrator to undertake good faith negotiations with the Auburn City Manager;
3. Directs the City Administrator to review the basis for the apportionment formula in the two prior agreements to determine whether circumstances have changed since the 1978 and 2000 agreements sufficiently to warrant modification of the currently effective interlocal agreement and to advise the City Council on the results of this review;
4. Directs that the City Administrator advise the City Council of any other background information regarding the 911 service pertinent to this issue and to keep the City Council fully informed regarding the progress of negotiations.

Passed - Vote 6-1 (Councilor Pettengill opposed)

ORDER, AUTHORIZING THE MAYOR TO EXECUTE A TENTH AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE CITY ADMINISTRATOR

VOTE (45-2020)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve the Order, Authorizing the Mayor to Execute a Tenth Amendment to the Employment Agreement between the City of Lewiston and the City Administrator:

Whereas, City Administrator Edward Barrett entered into an employment agreement with the City of Lewiston on December 1, 2009; and

Whereas, that agreement has been amended from time to time to adjust the City Administrator's salary and the term of the agreement; and

Whereas, the current agreement expires on June 30, 2020; and

Whereas, the City Administrator has informed the City Council that he intends to retire from his position during calendar year 2020; and

Whereas, the Administrator has also indicated his desire to ensure that the City Council has sufficient time available to ensure a smooth and unbroken transition to a new City Administrator; and

Whereas, to allow for such a transition, the attached tenth amendment to the Administrator's employment agreement would extend that agreement to the effective date of employment of a new administrator, not to exceed a final date of December 31, 2020.

Now, therefore, be it ordered by the City Council of the City of Lewiston that the Mayor is hereby authorized to execute a Tenth Amendment to the Employment Agreement between the City and Edward A Barrett in a form as attached hereto.

Passed - Vote 7-0

INFORMATION UPDATE – TIF REQUEST AT 197 LISBON STREET

Staff updated the Council on discussions regarding a potential Tax Increment Financing District for 197 Lisbon Street. The project entails developing 12 market rate apartment s along with commercial space on the Lisbon Street level. The building development is facing some extraordinary costs associated with meeting the fire code requirements for egress and adding the stormwater separation.

INFORMATION UPDATE – TIF REQUEST AT 2019 LISBON STREET

Staff updated the Council on discussions regarding a potential Tax Increment Financing District involving an expansion by Valley Beverage at 2019 Lisbon Street. The plan includes at 23,600 square foot expansion on their current site. The project is facing two primary issues – the need to address wetlands impacting the potential expansion footprint and the higher tax rate in Lewiston compared to other communities.

REPORTS AND UPDATES

VOTE (46-2020)

Motion by Councilor Gelinias, seconded by Councilor Clement:

To confirm the Mayor’s nomination of Marissa Deku of 20 Amos Street and Jessica Williams of 352 College Street, to serve as members of the Auburn-Lewiston Cable Television Advisory Board and to appoint Ms. Deku and Ms. Williams as members of the Board for two year terms, said terms to expire January 4, 2022. Passed - Vote 7-0

Councilor Rea reported the School Committee held their meeting on January 27 and they recently approved the hiring of a Social/Emotional Learning Coordinator. The recently established four committees – Curriculum, Policy, Facilities and Negotiations.

OTHER BUSINESS

Councilor Khalid asked to have a workshop regarding the Recreation Division.

EXECUTIVE SESSION

VOTE (47-2020)

Motion by Councilor Khalid, seconded by Councilor Jensen:

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

Executive Session began at 7:50pm and ended at 8:12pm.

VOTE (48-2020)

Motion by Councilor Pettengill, seconded by Councilor Gelinas:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785. Passed - Vote 7-0

Executive Session began at 8:12pm and ended at 8:48pm.

VOTE (49-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

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

Executive Session began at 8:48pm and ended at 9:12pm.

VOTE (50-2020)

Motion by Councilor Clement, seconded by Councilor Jensen:

To adjourn at 9:12P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine