

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 21, 2012

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:30 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D’Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

EXECUTIVE SESSION

VOTE (53-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition 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 6:25pm and ended at 6:41pm.

Since the first Executive Session ended earlier than expected, the Council addressed agenda item 19 – Executive Session on labor negotiations – at this time.

EXECUTIVE SESSION

VOTE (54-2012)

Motion by Councilor Libby, seconded by Councilor Butler:

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 and the Lewiston Police Supervisory Command Unit. Passed - Vote 7-0

Executive Session began at 6:43pm and ended at 6:59pm.

Regular City Council meeting began at 7:00pm.

**PRESENTATION OF A MAINE STATE LEGISLATIVE SENTIMENT TO THE L/A
CASH COALITION**

This item was postponed to a future City Council meeting.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Councilor Butler noted it is school vacation week so the students were not available to attend tonight's meeting. He said their video regarding Lisbon Street Happenings debuted on Saturday, February 11 and will be shown on the city's website as well as possibly Great Falls TV. LYAC members are working with a landscape architect who is donating his time to help generate ideas for Pierce Street Park.

PUBLIC COMMENT PERIOD

Charles Soule of 135 Bartlett Street requested that a monthly financial update be presented at Council meetings for the benefit of the public. He was also concerned that City money was used to help develop 48 rental units at the Bates Mill apartment complex when there are 24 vacant apartments in the Pine Street and Birch Street area neighborhood.

RESOLVE SUPPORTING THE CONCEPT OF A LEWISTON-AUBURN BIKE-PED COMMITTEE

VOTE (55-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To adopt the Resolve supporting the concept of a Lewiston-Auburn Bike-Ped Committee:

Whereas, a significant number of individuals within the Lewiston-Auburn area walk or bike for recreation or business; and

Whereas, the presence of bike and pedestrian infrastructure enhances safety and increases the quality of life of residents; and

Whereas, such infrastructure also supports economic development efforts by making these communities more appealing to those who bike, walk, and run; and

Whereas, the presence of walking and biking amenities also positively affects the value of nearby properties; and

Whereas, while sidewalk and biking infrastructure is available in certain areas, improving and extending such infrastructures requires a long-range plan as well as monitoring of individual infrastructure projects to ensure that they incorporate such a plan; and

Whereas, the goal of developing an appropriate and cost effective bicycle and pedestrian infrastructure can be furthered by the creation of a joint Lewiston-Auburn Bike-Ped Committee;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the City Council supports the concept of a joint Lewiston-Auburn Bike-Ped Committee with the mission, purpose, and structure as outlined on the attached Committee description, subject to the approval of the City of Auburn and any additions or modifications that Auburn may recommend that do not require substantive changes. Any recommended substantive change shall be brought to the

attention of the City Council for its consideration prior to implementing this Committee.
Passed - Vote 7-0

ADOPTION OF A CITY POLICY REGARDING PROPERTY DISPOSITION

VOTE (56-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To establish and adopt the city policy regarding Property Disposition, as recommended by the City Administrator and Finance Director. Passed - Vote 7-0

**ADOPTION OF A CITY POLICY REGARDING PROPERTIES WITH
MATURED TAX OR SEWER LIENS**

VOTE (57-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To establish and adopt the city policy regarding Properties with Matured Tax or Sewer Liens, as recommended by the City Administrator and Finance Director. Passed – Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR BARNIE’S BAR &
GRILL, 1065 SABATTUS STREET**

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

VOTE (58-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To grant a Special Amusement permit for dancing and entertainment to Bernie’s Bar & Grill, 1065 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE CARLTON
CLUB, INC., 25 SABATTUS STREET**

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

VOTE (59-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to the Carlton Club, Inc., 25 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE GOGO
LOUNGE, 229 LISBON STREET**

Mayor Macdonald opened the public hearing to receive citizen input and comment. The Police Chief stated he is recommending denial of this license and noted he had many concerns with the proposed business, specially the police record of the owner which involved drugs and weapons charges. Police have also been to this location several times recently and found minors consuming alcohol. Mayor Macdonald then closed the hearing.

VOTE (60-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To deny a Special Amusement Permit for the GoGo Lounge, 229 Lisbon Street.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE TO PROHIBIT THE USE OF CONSUMER FIREWORKS WITHIN THE URBANIZED AREAS AND TO PERMIT THE USE IN RURAL AREAS OF THE CITY OF LEWISTON

Mayor Macdonald opened the public hearing to receive citizen input and comment. State Representative and retired Lewiston Fire Chief Michel Lajoie strongly spoke against the allowance of any fireworks at all within the City limits. He provided information regarding the fire potential, physical and emotional damage that fireworks can cause. He noted annual statistics regarding emergency room visits, especially among children, due to fireworks. He also noted the emotional concerns they create for veterans and animals. He urged the Council to ban all fireworks in the City. Laurent F Gilbert, Sr. also spoke again allowing fireworks within the City. Mayor Macdonald then closed the hearing.

VOTE (61-2012)

Motion by Councilor D’Auteuil, seconded by Councilor Butler:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Article VIII, “Sale and Use of Consumer Fireworks”, referred to as “Option 2 – Prohibited in Urbanized Areas; Permitted in Rural Areas”, which will create a new article regulating the use of fireworks within the city limits, received first passage by a roll call vote. Did Not Pass - Vote 0-7

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE TO PROHIBIT THE USE OF CONSUMER FIREWORKS WITHIN THE URBANIZED AREAS AND TO HEAVILY RESTRICT THE USE IN RURAL AREAS OF THE CITY OF LEWISTON

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

VOTE (62-2012)

Motion by Councilor Butler, seconded by Councilor D’Auteuil:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and

Miscellaneous Provisions”, Article VIII, “Sale and Use of Consumer Fireworks”, referred to as “Option 2A – Prohibited in Urbanized Areas; Heavily Restricted in Rural Areas”, which will create a new article regulating the use of fireworks within the city limits, received first passage by a roll call vote.

Passed - Vote 4-3 (Councilors Saddlemire, Desjardins, Butler and D’Auteuil in favor.)

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE TO PROHIBIT THE USE OF CONSUMER FIREWORKS WITHIN THE CITY OF LEWISTON

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

VOTE (63-2012)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Article VIII, “Sale and Use of Consumer Fireworks”, referred to as “Option 1 – Outright Ban on the Use of Fireworks”, which will create a new article regulating the use of fireworks within the city limits, received first passage by a roll call vote.

Passed - Vote 5-2 (Councilors Butler and D’Auteuil opposed)

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING IN-LAW APARTMENT STANDARDS

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

VOTE (64-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

That the proposed amendment to Appendix A, Article II “Performance Standards”, Section 11, “In Law Apartment Standards”, of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING COMMUNITY GARDENS STANDARDS

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

VOTE (65-2012)

Motion by Councilor Saddlemire, seconded by Councilor Butler:

To amend Section 2 from 10,000 square feet to 20,000 square feet. Passed - Vote 7-0

VOTE (66-2012)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To add at the end of Section 7 “or soil enhancing cover crops”. Passed - Vote 7-0

VOTE (67-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

That the proposed amendment to Appendix A, Article XI “District Regulations” and Article XII “Performance Standards”, of the City Zoning and Land Use Code, concerning the creation and regulation of community gardens, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 7-0

RECEIPT OF RECOMMENDATIONS FROM THE FINANCE COMMITTEE AND THE PLANNING BOARD ON THE FY2013 LEWISTON CAPITAL IMPROVEMENT PLAN BUDGET

VOTE (68-2012)

Motion by Councilor Libby, seconded by Councilor Butler:

To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY12 Lewiston Capital Improvement Plan. Passed - Vote 7-0

RESOLVE REGARDING THE ADOPTION OF THE FISCAL YEAR 2013 LEWISTON FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

VOTE (69-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby approves the Resolve adopting the Fiscal Year 2013 Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be annually prepared for review by the Planning Board, Finance Committee, and City Council and be adopted by the Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community’s infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, as proposed, the plan calls for \$151.2 million in projects, of which \$67.1 million are supported by City resources including \$22 million in tax supported general obligation bonds for municipal purposes, \$16.8 million in tax supported bonds for school purposes, and \$19.8 million in enterprise supported bonds; and

Whereas, for Fiscal Year 2013, the plan proposes authorizing \$2.9 million in general obligation bonds for municipal purposes, \$8.7 million for schools, and \$6.3 million for our enterprise funds; and

Whereas, as proposed, the \$11.6 million in general obligation bonds for municipal and school purposes exceeds the ordinance limit on the amount of bonds that may be issued in the coming year and, if subsequently approved, will require the affirmative vote of five members of the City Council; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the Council;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the 2013 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed - Vote 7-0

WAIVER OF CITY PURCHASING POLICY TO ALLOW FOR THE SALE OF THE AUTO-TIE BALER SYSTEM AT THE SOLID WASTE FACILITY

VOTE (70-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To approve a waiver of the City Purchasing Policy to forego the competitive bid process regarding the sale of the Auto-Tie Baler System at the Solid Waste Facility and to allow city staff to conduct a direct sale of the Baler System to Recycling Mechanical of New England.

Passed - Vote 7-0

RESOLVE APPROVING A JOINT AGENCY BUDGET COMMITTEE

VOTE (71-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To adopt the Resolve approving a Joint Agency Budget Committee:

Whereas, the Cities of Lewiston and Auburn jointly fund a number of agencies including the Lewiston-Auburn Growth Council, LA 911, Great Falls TV, the Auburn-Lewiston Airport, LA Arts, and the Lewiston Auburn Transit Committee; and

Whereas, in the past, the communities -have used several alternative methods for reviewing the budgets submitted by these agencies, none of which has been fully satisfactory; and

Whereas, it is essential that these budgets receive detailed review by elected officials and that this review be done in a manner that assists the respective Governing Bodies in coordinating the approval of these budgets; and

Whereas, this joint budget committee is intended to refine the review of interagency budgets, build working relationships between Councilors of both cities, and streamline efforts to review expenditures and work plans for services funded by both Cities;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the City Council supports the creation of a Joint Agency Budget Committee to be composed of two Councilors each from Lewiston and Auburn. The purpose of this Committee shall be to undertake the necessary review of budgets and work plans presented by agencies and organizations jointly funded by Lewiston and Auburn and to make a consolidated recommendation to the respective governing bodies. Each City shall provide the necessary staff support to the Committee to allow it to successfully accomplish its purpose. In addition:

- The Committee's meetings shall be held in public and all elected officials shall be provided notice of the time, place and agenda of the meetings;
- All members of the respective governing bodies in attendance at the meetings shall be allowed the privilege of participating in them through asking questions and engaging in discussion, but only the designated members of the Committee shall have a vote on its final recommendations;
- The recommendations of the Committee shall be advisory to the respective governing bodies and each Council shall retain the right to make further budget adjustments and to meet separately with individual agencies to seek additional information regarding their budgets and work plans;
- Subsequent to the completion of this year's budgets, the Committee shall meet to evaluate the effectiveness of this approach to joint agency budgeting and shall make a recommendation to the respective Councils as to whether it should be continued in future years or an alternative approach should be taken;
- One Councilor from the City of Lewiston shall be appointed by the Mayor; the second Councilor shall be appointed by the Mayor upon the recommendation of the City Council.

Passed - Vote 7-0

APPOINTMENT OF CITY COUNCIL REPRESENTATIVES TO VARIOUS CITY COMMITTEES

VOTE (72-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To appoint Councilor Christ to serve as the Council representative on the Taxi Appeals Committee and the Public Health Committee. Passed - Vote 7-0

REPORTS AND UPDATES

No Reports or Updates were presented at this time.

OTHER BUSINESS

No Other Business was presented at this time.

CITY COUNCIL

FEBRUARY 21, 2012

VOTE (73-2012)

Motion by Councilor Butler, second by Councilor Christ:

To adjourn at 8:35 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine