

CITY OF LEWISTON

CITY COUNCIL

MARCH 6, 2012

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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.

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

Representatives of the Lewiston Legislative Delegation presented a Legislative Sentiment to city staff for their work on the recent L/A Cash Coalition program.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR FUEL, INC.,
49 LISBON 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 (74-2012)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to Fuel, Inc., 49 Lisbon Street
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL 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. State Representative Michel Lajoie addressed the Council and reminded them of his comments from the previous meeting regarding his strong opposition to allowing fireworks within Lewiston. Mayor Macdonald then closed the hearing.

VOTE (75-2012)

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, receive final passage by a roll call vote. Passed - Vote 4-3

PUBLIC HEARING AND FINAL 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.

Proposed motion before the Council:

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, receive final passage by a roll call vote.

VOTE (76-2012)

Motion by Councilor Saddlemire, seconded by Councilor Libby :

To postpone indefinitely. Passed - Vote 6-1

PUBLIC HEARING AND FINAL 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 (77-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

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 final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL 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 (78-2012)

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENT
CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS AND
REFERRAL OF ISSUE TO THE PLANNING BOARD**

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 (79-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, Section 16, “Signs”, of the City Zoning and Land Use Code, concerning authorization for city staff to remove illegally placed political signs (Option A), receive first passage by a roll call vote and that the matter be referred to the Planning Board for their review and recommendation.

Passed - Vote 7-0

VOTE (80-2012)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, Section 16, “Signs”, of the City Zoning and Land Use Code, to prohibit the placement of political signs within the public right-of-way and authorization for city staff to remove illegally placed political signs (Option B), receive first passage by a roll call vote and that the matter be referred to the Planning Board for their review and recommendation.

Did Not Pass - Vote 2-5 (Councilors Libby and Saddlemire in favor, others opposed)

**AUTHORIZATION TO APPROVE THE EXPENDITURE OF FUNDS FOR DESIGN
WORK FOR THE KENNEDY PARK BANDSTAND RESTORATION PROJECT**

VOTE (81-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To authorize the expenditure of up to \$4,000 of Community Development Block Grant funds from the Kennedy Park Improvements project, for design work with cost estimate for the Kennedy Park Bandstand Restoration project. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE JOINT
CITY-SCHOOL HUMAN RESOURCE SERVICES AGREEMENT**

VOTE (82-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute the Joint City-School Human Resource Services Agreement:

Whereas, the City has pursued and supported a number of joint-service efforts to provide programming to residents and employees of the city; and

Whereas, the City and School Department have worked collaboratively on an informal basis for several decades; and

Whereas, city and school human resources needs and programs will continue to be confronted with an increasing level of regulation and complexity; and

Whereas, both the City and School Department Human Resources offices have spent the last six months assessing all aspects of the respective human resources operations and have determined that a preliminary agreement would allow for the first step in merging staffs, systems, and programs while providing sufficient time to work through the details of fully integrating and merging the Human Resource offices of both organizations; and

Whereas, the proposed Agreement will allow the City and School Department to begin the process of fully merging both offices with a target date of July 1, 2013 without binding either organization to a specific long-term commitment at this time;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to sign the attached joint Human Resource Services Agreement with the Lewiston School Department and to approve any non-substantive amendments to the Agreement as needed.

Passed - Vote 7-0

**ORDER AUTHORIZING THE LEWISTON-AUBURN TRANSIT COMMITTEE (LATC)
TO OBLIGATE UP TO \$90,000 AS LEWISTON’S LOCAL SHARE OF FUNDING TO
SUPPORT A “STATE OF GOOD REPAIR” FEDERAL TRANSPORTATION
ADMINISTRATION APPLICATION FOR A BUS-TRUCK WASH FACILITY**

VOTE (83-2012)

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

To amend the proposed dollar amount from \$90,000 to \$180,000. Passed - Vote 7-0

VOTE (84-2012)

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

To approve the Order authorizing the Lewiston-Auburn Transit Committee (LATC) to obligate up to \$180,000 as Lewiston’s local share of funding to support a “State of Good Repair” Federal Transportation Administration Application for a Bus-Truck Wash Facility:

Whereas, given the recent recommendation by the Gillig bus company to frequently wash busses in order to preserve their structural integrity; and

Whereas, both cities have discussed the need to invest in a truck washing system to preserve the

condition of its rolling stock which have faced increasing exposures to more corrosive road salts and other pollutants that are visibly impacting the structural integrity of an increasingly expensive truck fleet in both cities; and

Whereas, the Federal Transportation Administration and the Maine Department of Transportation support the use of “State of Good Repair” funds to fund a truck-bus wash facility that may be used for all CityLink city busses, city vehicles and, if both cities so desire, by the private sector; and

Whereas, the Maine Department of Transportation has advised the LATC that it is their understanding that the “State of Good Repair” funding application must be submitted no later than March 9, 2012 and, if awarded, must begin funding draw-downs no later than September 2013; and

Whereas, the “State of Good Repair” grant will provide up to 80% of the costs associated with the entire project;

Now, Therefore, be it Ordered by the City Council of the City of Lewiston that the Lewiston-Auburn Transit Committee (LATC) is authorized to obligate the City of Lewiston for up to \$180,000 as the city’s local share of Federal Transportation Administration “State of Good Repair” funds to support the LATC truck-bus wash facility project application.

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.

VOTE (85-2012)

Motion by Councilor Butler, second by Councilor Libby:

To adjourn at 9:14P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine