

CITY OF LEWISTON

CITY COUNCIL

JUNE 19, 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.

EXECUTIVE SESSION

VOTE (177-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (A) to discuss a personnel matter. Passed - Vote 7-0

Session began at 6:35pm and ended at 6:45pm.

EXECUTIVE SESSION

VOTE (178-2012)

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Session began at 6:45pm and ended at 7:15pm.

Regular Meeting began at 7:20pm.

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.

**AWARD PRESENTATION – MAINE TENNIS ASSOCIATION RECREATION
DEPARTMENT OF THE YEAR (2011) AWARD**

The Mayor presented an award to the Lewiston Recreation Department from the Maine Tennis Association in recognition of 20 years of community tennis programs offered by the City of Lewiston.

**LEWISTON YOUTH ADVISORY COUNCIL – FAREWELL TO
GRADUATING SENIORS**

Five members of LYAC are high school seniors and are graduating this week. The group's work and accomplishments during the past year was highlighted and reviewed.

PUBLIC COMMENT PERIOD

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

REPEAL CITY COUNCIL POLICY 61 REGARDING THE CITY'S COMMUNITY FOREST PROGRAM AND BOARD

VOTE (179-2012)

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

To repeal the Lewiston-Auburn Community Forest Program & Board Policy, Policy Manual Number 61, as recommended by the City Administrator and the Public Works Director.

Passed - Vote 7-0

AMENDMENTS TO THE GENERAL ASSISTANCE POLICY REGARDING OVERALL MAXIMUM LEVELS OF ASSISTANCE

VOTE (180-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for transportation expenses in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance state and federal regulations. Passed - Vote 7-0

PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR IRISH TWINS PUB, 742 MAIN STREET

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

VOTE (181-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To grant a special amusement permit for live entertainment to Irish Twins Pub, 743 Main Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE VEGETATION ORDINANCE TO ESTABLISH REGULATIONS FOR THE COMMUNITY FOREST

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

VOTE (182-2012)

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

That the proposed amendments to the City Code of Ordinances, Chapter 78 “Vegetation”, Article III “Community Forest,”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE PERTAINING TO SECOND HAND DEALERS

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

VOTE (183-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendment to the City Code of Ordinances, Chapter 22, “Businesses”, Article VII “Junk Collectors, Pawnbrokers and Secondhand Dealer”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE

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

VOTE (184-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 46 “General Assistance”, Article I “General”, Article II “Application Procedure”, Article III “Eligibility Factors”, Article IV “Determination of Eligibility”, and Article VI “Recovery of Expenses”, receive final passage by a roll call vote. Passed - Vote 7-0

RESOLVE APPROVING THE CITY OF LEWISTON’S APPLICATION TO THE STATE OF MAINE TO BE DESIGNATED AS A BUSINESS FRIENDLY COMMUNITY

VOTE (185-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To adopt the Resolve approving the City’s application to the State of Maine to be designated a Business Friendly Community, and to authorize the submittal of the application to the state for their consideration:

Whereas, the State of Maine had inaugurated a program to recognize communities that meet various standards as a Business Friendly Community; and

Whereas, this designation will enhance the reputation of the City as a community with the

necessary skills, programs, and policies to assist businesses in expanding or locating in our community; and

Whereas, given the historic close coordination between the Cities of Lewiston and Auburn, this application will be joined with that of the City of Auburn; and

Whereas, Lewiston has long been recognized as a community which places a high priority on economic development and job creation and one which has implemented the necessary systems to assist businesses in locating and growing here; and

Whereas, the necessary application for such designation has been prepared and has been considered at a public hearing called for the purpose of soliciting input and comment from the business community and the public;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City's application for designation as a business friendly community, in a form substantially as is attached hereto, is hereby approved and accepted, and the City Administrator is authorized to submit this application to the State of Maine.

Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL

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

VOTE (186-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park on July 4, as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF THE SPECIAL AMUSEMENT PERMIT FOR ALTERA/CLUB KARMA, 16-18 PARK STREET

Mayor Macdonald opened the public hearing to receive citizen input and comment. Managers of the club and the Police Chief both addressed the Council and noted they have discussed the issues at the club and the managers agreed to work with the Police Department on this issue. Mayor Macdonald then closed the hearing.

VOTE (187-2012)

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

To approve the following plan for the special amusement permit for the business located at 16-18 Park Street:

- 1) For the business owner and club management to meet with the Police Chief in order to fully understand his concerns with the operation of the business
- 2) For the Club to establish a mitigation plan to address all of the concerns and to review the plan with the Police Chief
- 3) To develop a security plan for the Club and review it with the Police Chief
- 4) To for a meeting to be held with Club representatives, Oak Park tenants, the Mayor and Police Department representatives to discuss concerns
- 5) For the Police Chief to provide a report and recommendation at the July Council meeting

Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
122 PIERCE STREET**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Gil Arsenault, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Arsenault and Mr. Maynard then reviewed the City’s efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. Mayor Macdonald then closed the hearing.

VOTE (188-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

With regard to the property at 122 Pierce Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City’s costs through a special tax or collective action. Passed - Vote 7-0

**RESOLUTION TERMINATING THE CITY’S AGREEMENT WITH THE LEWISTON
AUBURN ECONOMIC GROWTH COUNCIL TO MANAGE AND OPERATE THE
LEWISTON ECONOMIC STIMULUS LOAN POOL**

VOTE (189-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Resolution terminating the City’s agreement with the Lewiston/Auburn Economic Growth Council to manage and operate the Lewiston Economic Stimulus Loan Pool:

WHEREAS, the City of Lewiston [City] received Grant Funds under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, pursuant to said Grants, the City has undertaken certain activities; and

WHEREAS, the City entered into an Agreement on July 1st, 2004 with the Lewiston-Auburn Economic Growth Council [LAEGC] to manage and operate the Lewiston Economic Stimulus Loan Pool [ESLP]; and

WHEREAS, the Agreement shall remain in effect during any period that the LAEGC has control over CDBG funds, including program income; and

WHEREAS, the City may TERMINATE THE CONTRACTUAL AGREEMENT with the LAEGC at any time for any reason in accordance with 24 CFR 85.44; and

WHEREAS, the City and LAEGC have mutually agreed to terminate the contract in order to allow the City to replenish its various loan and grant programs;

NOW, THEREFORE, be it resolved by the City Council of the City of Lewiston that as of June 30th, 2012, the City, for its convenience, TERMINATES the Contractual Agreement with LAEGC to manage and operate the Lewiston ESLP in order to permit the City Council, at its sole discretion, to reallocate funds hereunder to other uses in compliance with Title I of the Housing and Community Development Act of 1974, as amended; and

Be It Further Resolved, that, upon its TERMINATION, the LAEGC shall transfer to the City any CDBG funds on hand as of the TERMINATION date; and

Be It Further Resolved, that the LAEGC will continue to service any active, outstanding loans and manage documents and accounts receivable under its care and attributable to the use of CDBG funds and will promptly remit all loan principal and interest payments and any late fees and charges to the City; and

Be It Further Resolved, that the LAEGC will provide to the City's CDBG Office all original documentation on closed and active loans funded with the ESLP funds, including job creation agreements, environmental reviews, Davis Bacon Wage Rate records, and all other documentation required under the terms of the ESLP funds. The LAEGC may make copies of the documentation it needs from these files for proper servicing and maintenance of the active loans; and

Be It Further Resolved, that, upon TERMINATION, the City Director of Finance will coordinate with LAEGC Staff to establish a schedule for updating and completing an independent audit the ESLP as of June 30th, 2012 with the cost thereof charged to the ESLP funds.

Passed - Vote 7-0

**ORDER APPROVING THE ADDITION OF TWO EMPLOYEES TO THE MAINEPERS
RETIREMENT PLAN (2C) FOR FIREFIGHTERS**

VOTE (190-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To adopt the Order approving the addition of two employees to the MainePERS Retirement Plan (2C) for Firefighters:

Whereas, the City has traditionally treated Fire Inspectors as regular employees who were not eligible for inclusion in the special retirement plan available to firefighting personnel; and

Whereas, as a result of a grievance filed by the bargaining unit representing these employees, an arbitrator has ruled that they are so eligible under the applicable bargaining agreement; and

Whereas, MainePers has agreed to allow these employees to enter the special retirement plan retroactive to their dates of hire ; and

Whereas, this has been reviewed by the City's Finance Director who has determined that this is the most cost effective approach to resolving the issue and meeting the requirements of the arbitration award;

Now, Therefore, Be it Ordered By the City Council of the City of Lewiston that the Addition of Two Employees to the MainePERS Retirement plan (2C) for firefighters is hereby approved and the City Administrator is authorized to execute the necessary agreements to implement this action.

Passed - Vote 7-0

RESOLVE ACCEPTING THE DONATION OF AN AUTOMATED EXTERNAL DEFIBRILLATOR FROM THE LEWISTON FIREFIGHTERS ASSOCIATION'S COMMUNITY BENEFIT FUND

VOTE (191-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To accept the donation of an automated external defibrillator from the Lewiston Firefighters Association's Community Benefit Fund and to designate that it be located in Lewiston City Hall.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Saddlemire asked to have a Resolution regarding LATC on the July City Council agenda.

OTHER BUSINESS

Councilor Cayer mentioned the Wiseman Bridge and the recent damage as a result of a truck accident. He noted there is rebar that is showing and chipped concrete and he as wondering about the repairs noting it is a historic bridge.

CITY COUNCIL

JUNE 19, 2012

VOTE (192-2012)

Motion by Councilor Libby, second by Councilor D'Auteuil:

To adjourn at 9:20P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine