

CITY OF LEWISTON

CITY COUNCIL

JULY 17, 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.

LEWISTON YOUTH ADVISORY COUNCIL PRESENTATION

Eleven members of the LYAC were introduced and presented certificates of appointment and t-shirts for the coming year.

PUBLIC COMMENT PERIOD

Larry Gilbert, 39 Cote Street, spoke in support of the need for a city wide ban on fireworks and noted several incidents on and around July 4 that were dangerous and potential fire hazards, specifically events at Pleasant View Acres.

Charles Soule of 135 Bartlett Street addressed the Council and spoke about a public health epidemic regarding bed bugs that is occurring in the intercity neighborhoods. He noted the issue is too much for the landlords to handle and asked the city to assist financially in addressing this problem for the residents. He also noted that he agreed with Mr. Gilbert regarding the fireworks.

AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD A STOP SIGN ON WILSON STREET

VOTE (193-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the amendments to the Traffic Schedule to add a stop sign on Wilson Street at the intersection with Lafayette Street. Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING LOADING ZONES ON ASH STREET AND LISBON STREET

VOTE (194-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To postpone this item to the next City Council meeting until additional information regarding other area loading zones is obtained. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY CLERK TO CAST THE CITY'S BALLOT FOR THE MAINE MUNICIPAL ASSOCIATION'S ELECTION OF THE EXECUTIVE

COMMITTEE AND VICE-PRESIDENT

VOTE (195-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

Be It Ordered by the City Council to authorize the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice-President. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE
ACME SOCIAL CLUB, INC. 255 PARK 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 (196-2012)

Motion by Councilor Libby, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to the Acme Social Club, Inc., 255 Park Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ANDROSCOGGIN
BANK COLISEE, 190 BIRCH 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 (197-2012)

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

To grant a special amusement permit for live entertainment to The Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR
CASA DEL LUNA, 838 LISBON 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 (198-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To authorize the City Clerk's Office to approve a new liquor license application for Casa del Luna, 838 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SHE DOESN'T LIKE GUTHRIES, 115 MIDDLE 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 (199-2012)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To grant a special amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR MUSICAL EVENT ON MIDDLE STREET FOR THE GRACE STREET SERVICES RIDE FOR RECOVERY FUNDRAISING EVENT

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 (200-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To conduct a public hearing on an application from Grace Street Services LLC for an outdoor music event to be held along Middle Street on Saturday, July 28, 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 Grace Street Services LLC for the outdoor music event, 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

PUBLIC HEARING AND FINAL 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 (201-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

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

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 159 PINE 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 (202-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 159 Pine 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

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 226 OAK 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 (203-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

With regard to the property at 226 Oak 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

REPORT FROM THE POLICE DEPARTMENT REGARDING THE SPECIAL AMUSEMENT PERMIT FOR ALTERA/CLUB KARMA, 16-18 PARK STREET

Deputy Chief of Police James Minkowsky stated the Police Department has seen improvements in the Club operations and recently met with club owners on site for a tour of the business to help determine better plans for security and noise control, such as moving the smoking area, posting "no loitering" signs and having the club serve 21 and over and not 18-20 year olds.

**RESOLVE ADOPTING THE 2012 RIVERFRONT ISLAND MASTER PLAN AND
AUTHORIZING THE PLANNING BOARD TO OVERSEE THE
IMPLEMENTATION OF THE PLAN**

VOTE (204-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Resolve adopting the 2012 Riverfront Island Master Plan and authorizing the Planning Board to oversee the implementation of the Plan:

Whereas, with the assistance of Goody Clancy, the selected consultant for this effort, the City embarked on a comprehensive planning process for Riverfront Island in the fall of 2011; and

Whereas, a wide variety of stakeholders and citizens were involved in this effort which included a series of well attended public sessions, frequent meetings of an appointed advisory committee, and meetings and interviews with individuals and organizations with a particular interest in this area; and

Whereas, as a result of this effort, a variety of alternatives were analyzed and discussed and a final plan was presented that distilled the best ideas advanced during this process and built upon a growing consensus among participants on a future vision for this area; and

Whereas, the Council and Planning Board met in joint workshop session to review the final plan; and

Whereas, the Planning Board has unanimously recommended that the Plan be adopted and that the Board be authorized to oversee its implementation; and

Whereas, to be successfully implemented, it is essential that this plan not only be approved by the City Council but that a group be designated to monitor its progress and oversee its implementation;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the 2011 Riverfront Island Master Plan as presented in May 2012 by the consulting firm of Goody Clancy is hereby adopted. Further, the Planning Board is designated as the entity responsible for providing oversight of the plan's implementation and ensuring its sustainability by periodically reviewing progress and recommending changes and modifications as necessary throughout the implementation period.

Passed - Vote 7-0

**RESOLVE AUTHORIZING THE LEWISTON ATHLETIC FOUNDATION TRUSTEES
TO SOLICIT AND RAISE FUNDS FOR FUTURE CONSTRUCTION AND
MAINTENANCE OF THE FRANKLIN PASTURE COMPLEX INFRASTRUCTURE
AND TO UTILIZE THE MUNICIPAL AND SCHOOL DEPARTMENT'S WEBSITES
TO PROVIDE PROJECT INFORMATION**

VOTE (205-2012)

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

To approve the Resolve authorizing the Lewiston Athletic Foundation Trustees to solicit and raise funds for future construction and maintenance of the Franklin Pasture Complex infrastructure and to utilize the municipal and school department websites to provide project information:

WHEREAS, the Franklin Athletic Complex needs immediate and substantial infrastructure improvements and additions as detailed in the Harriman Franklin Pasture Improvement Guide; and

WHEREAS, the total project cost estimate, including administrative support, a contingency, and a future maintenance endowment, is \$5 million; and

WHEREAS, the Lewiston Athletic Foundation Trustees recognize that this level of funding cannot be borne solely through the tax rate and desire to help raise the needed funds; and

WHEREAS, the Lewiston School Department has Administrative Policy EFDA and KHB with which fundraising efforts, corporate sponsors, and donors must comply; and

WHEREAS, the Lewiston Athletic Foundation Trustees have formed a Fundraising Committee that wishes to market the project and provide additional information to prospective donors on the City and School Department's websites; and

WHEREAS, the Lewiston Athletic Foundation Trustees have created a Corporate Underwriting Program which calls for sponsor acknowledgment at various levels for a one year period on the municipal website; and

WHEREAS, the Lewiston Athletic Foundation Trustees have created a Corporate Underwriting Program which allows the top five sponsorship levels the opportunity to, if needed, pay their commitment over a limited period of time; and

WHEREAS, if payment arrangements are made and cashflows require, the Lewiston Athletic Foundation Trustees may request approval from the Lewiston City Council for the City to bridge said cashflows in advance of incurring costs which would require such support;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL and the Lewiston School Committee of the CITY of LEWISTON that the Lewiston Athletic Foundation Trustees' request to solicit and raise donations for the project elements outlined in the Franklin Pasture Improvement Guide and for future complex infrastructure maintenance costs is hereby approved; further, a section on the municipal and school websites shall be made available to provide detailed project and donation information as well as acknowledgment of corporate sponsors in accordance with the established underwriting program.

Passed - Vote 7-0

RESOLVE OPPOSING THE MAINE TURNPIKE AUTHORITY PROPOSED TOLL RATE INCREASE

VOTE (206-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Resolve opposing the Maine Turnpike Authority proposed toll rate increase:

WHEREAS, the Maine Turnpike is an important resource to the Lewiston-Auburn community for transportation and the economy; and

WHEREAS, the Maine Turnpike Authority intends to raise toll rates to address revenue and budget concerns; and

WHEREAS, the proposed changes will exacerbate existing inequities in the existing toll rate structure; and

WHEREAS, while various proposals will significantly impact commuters throughout Maine and, in particular, in the Lewiston-Auburn area, the full impact has not yet been determined nor has sufficient time been allocated to analyze these impacts;

Now, therefore, be it RESOLVED that the Auburn City Council and the Lewiston City Council oppose immediate action on the proposed toll increases by the Maine Turnpike Authority and call upon the Board to allow the time needed to carefully evaluate alternative rate options that will move the overall system in the direction of greater equity between regions and recognize the hardships that certain commuters will face under the rate options currently under consideration.

Passed - Vote 7-0

ORDER TO DETERMINE IF AMENDMENTS TO THE CITY CHARTER REGARDING VARIOUS ITEMS SHOULD BE CONSIDERED AND TO ESTABLISH A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENTS

VOTE (207-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the changes regarding the forfeiture of office issue and the process of filling a vacancy either by special election or appointment.

Passed - Vote 4-3 (Councilors Butler, D'Auteuil and Saddlemire opposed)

VOTE (208-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

ORDERED, that amendments to the City Charter should be considered and that a public hearing be held on Tuesday, August 14, 2012 for the purpose of determining if a special municipal election should be held on November 6, 2012 to vote on amendments to the City Charter.

Passed - Vote 7-0

REPORTS AND UPDATES

The City Administrator will be contacting the Legislative Delegation to let them know about the City Council adoption of the Turnpike Toll increase Resolution.

OTHER BUSINESS

The Mayor would like a workshop in the future regarding the staffing levels in the city's social services department.

EXECUTIVE SESSION

VOTE (209-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

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 competitive bargaining position of the City. Passed - Vote 7-0

Session started at 9:45pm and ended at 10:03pm.

EXECUTIVE SESSION

VOTE (210-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

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 competitive bargaining position of the City. Passed - Vote 7-0

Session started at 10:03pm and ended at 10:15pm.

EXECUTIVE SESSION

VOTE (211-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

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 competitive bargaining position of the City. Passed - Vote 7-0

Session started at 10:15pm and ended at 10:26pm.

VOTE (212-2012)

Motion by Councilor Butler, second by Councilor Cayer:

To adjourn at 10:27P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine