

CITY OF LEWISTON

CITY COUNCIL

JUNE 21, 2011

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Jean.

Pledge of Allegiance to the Flag.
Moment of Silence.

LEWISTON YOUTH ADVISORY COUNCIL FAREWELL PRESENTATION

Four members of LYAC are graduating this year – Kevin Costello, Ally Lewandowski, Jama Ahmed and Holly Lavorgna. Certificates were presented to Kevin and Jama and the others could not attend the meeting. Mayor Gilbert, Councilor Butler and LYAC co-advisors Dot Perham-Whittier and Maggie Chisholm presented the certificates to the graduating seniors.

PUBLIC COMMENT PERIOD

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

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (140-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$556.00, or any portion thereof, in the case of the State of Maine vs. Karna Yvonne Reed, CR-11-421 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

Passed - Vote 6-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT EXTENSION WITH COMMUNITY CONCEPTS, INC. FOR THE NEIGHBORHOOD STABLIZATION PROGRAM

VOTE (141-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Order authorizing the City Administrator to enter into a Development Agreement Extension with Community Concepts, Inc. for the Neighborhood Stabilization Program:

Whereas, the City and Community Concepts entered into a developer agreement under the NSP program in October 2009; and

Whereas, this original agreement has expired; and

Whereas, the majority of the rehabilitation work has been completed on these properties with marketing and selling them as the last major remaining task; and

Whereas, both the City and Community Concepts wish to extend this agreement to allow for completion of activities that are currently underway;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an extension of the developer agreement with Community Concepts Inc. originally approved in October 2009 to June 30, 2012 in order to complete the projects undertaken under the original agreement.

Passed - Vote 6-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT STORM DRAINAGE EASEMENTS FROM THE OWNERS OF PROPERTIES AT 19 WHITE STREET AND 20 DAVIS STREET

VOTE (142-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Order authorizing the City Administrator to accept Storm Drainage Easements from the owners of properties at 19 White Street and 20 Davis Street:

Whereas, the City is seeking to install a 24 inch diameter storm drain to convey the storm drainage from White Street to the Davis Street storm drain; and

Whereas, this is an element of a storm drainage separation project designed to reduce the street and basement flooding affecting residential homes on White Street and Davis Street; and

Whereas, this project was approved as part of the Fiscal Year 2010 budget; and

Whereas, the project was designed, bid, and awarded in 2010; and

Whereas, any further delay in the project increases the potential for further street and basement flooding of residential homes on White Street and Davis Street; and

Whereas, the owners of the two properties have agreed to and executed the necessary easements to allow this project to continue;

Now, Therefore, Be It Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to accept and execute easements allowing for the installation of an underground storm drainage pipe crossing properties located at 19 White Street and 20 Davis Street.

Passed - Vote 6-0

ORDER CONFIRMING THE CITY ADMINISTRATOR'S APPOINTMENT OF NANCY MENNEALY AS TAX COLLECTOR/DEPUTY TREASURER FOR THE CITY OF LEWISTON

VOTE (143-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Order confirming the City Administrator's appointment of Nancy I. Mennealy as Tax Collector/Deputy Treasurer for the City of Lewiston:

Whereas, the current Tax Collector/Investment Officer, Paul R. Labrecque, is retiring on June 30, 2011 after 37 years of service with the City, having served as Assistant Tax Collector/Treasurer from 1975 to 1984, Tax Collector/Treasurer from 1984 to 2003, and Tax Collector/Investment Officer from 2003 to date; and

Whereas, Nancy I. Mennealy has been employed in the Tax Collector's office since 1970 and has served as Deputy Tax Collector/Deputy Treasurer since 1984 and is a certified Tax Collector/Treasurer; and

Whereas, Title 30-A, M.R.S.A. Section 2636 and Section 3.02 of the City Charter authorize the City Administrator to appoint a new Tax Collector with City Council confirmation;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the City Administrator's appointment of Nancy I. Mennealy as the Tax Collector/Deputy Treasurer for the City of Lewiston is hereby confirmed, effective July 1, 2011, and Ms Mennealy is hereby appointed Tax Collector/Deputy Treasurer as of that date.

Passed - Vote 6-0

ORDER AUTHORIZING THE MUNICIPAL OFFICERS OF THE CITY OF LEWISTON TO SETTLE WITH TAX COLLECTOR PAUL LABRECQUE FOR THE PAYMENTS RECEIVED OUTSTANDING/UNCOLLECTED PROPERTY TAXES FOR TAX YEARS 2003 - 2011

VOTE (144-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Order authorizing the Municipal Officers of the City of Lewiston to settle with the current Tax Collector, Paul R. Labrecque, for the payments received and

outstanding/uncollected property taxes for Tax Years 2003 through 2011:

Whereas, the current Tax Collector/Investment Officer, Paul R. Labrecque is retiring on June 30, 2011 after 37 years of service with the City of Lewiston, having served as Assistant Tax Collector/ Treasurer from 1975 to 1984, Tax Collector/Treasurer from 1984 to 2003 and Tax Collector/Investment Officer from 2003 to this date;

Whereas, Title 36 M.R.S.A. ss 763 provides that: “When a Tax Collector is resigning the position of Tax Collector before the time set for perfecting his collections, said officers may settle with him for the money he has received on his tax lists, demand and receive from him such tax lists of outstanding taxes and discharge him therefrom.”

Whereas, the outstanding and uncollected property taxes for tax years 2003 through 2011, as of June 14, 2011 is as follows:

| | |
|-------|-----------------------|
| 2003 | \$1,545.50 |
| 2004 | \$2,030.54 |
| 2005 | \$2,986.08 |
| 2006 | \$5,965.80 |
| 2007 | \$13,413.77 |
| 2008 | \$25,926.09 |
| 2009 | \$87,164.82 |
| 2010 | \$683,707.66 |
| 2011 | <u>\$1,428,017.65</u> |
| TOTAL | \$2,250,757.91 |

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, Maine that under the authority contained in Title 36 M.R.S.A. ss 763 as amended, we hereby discharge the current Tax Collector, Paul R. Labrecque from further liability or obligation to collect the balance due of the 2003 to 2011 property taxes in the amount of \$2,250,757.91.

Passed - Vote 6-0

ORDER AUTHORIZING THE MUNICIPAL OFFICERS OF THE CITY OF LEWISTON TO RECOMMIT OUTSTANDING AND UNCOLLECTED PROPERTY TAXES FOR TAX YEARS 2003 TO 2011 TO NEWLY APPOINTED TAX COLLECTOR/TREASURER NANCY MENNEALY

VOTE (145-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Order authorizing the Municipal Officers of the City of Lewiston to recommit outstanding and uncollected property taxes for Tax Years 2003 to 2011 to newly appointed Tax Collector/Deputy Treasurer Nancy I. Mennealy:

Whereas, there has been a change in the Tax Collector’s office as a result of the retirement of the current Tax Collector, Paul R. Labrecque, and the appointment of Nancy I. Mennealy as the new Tax Collector/ Deputy Treasurer; and

Whereas, the total outstanding property taxes for tax years 2003 through 2011 as of June 14, 2011, is as follows:

| | |
|-------|-----------------------|
| 2003 | \$1,545.50 |
| 2004 | \$2,030.54 |
| 2005 | \$2,986.08 |
| 2006 | \$5,965.80 |
| 2007 | \$13,413.77 |
| 2008 | \$25,926.09 |
| 2009 | \$87,164.82 |
| 2010 | \$683,707.66 |
| 2011 | <u>\$1,428,017.65</u> |
| TOTAL | \$2,250,757.91; and |

Whereas, Title 36 M.R.S.A. Section 763 authorizes the Municipal Officers in a Primary Assessing Area to recommit outstanding taxes to the newly appointed Tax Collector/Deputy Treasurer, Nancy I. Mennealy; and

Whereas, Joseph Grube, the City of Lewiston’s Chief Assessor, will perform the actual recommitment and complete the Certificate of Recommitment;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that newly appointed Tax Collector/Deputy Treasurer, Nancy I. Mennealy, is hereby committed to collect the aforementioned uncollected property taxes in the amount of \$2,250,757.91 for tax years 2003 through 2011, and Chief Assessor, Joseph Grube, will complete the Certificate of Recommitment.

Passed - Vote 6-0

AMENDMENTS TO THE FACILITIES USE POLICY, PARK USE POLICY AND ATHLETIC FIELD USE POLICY REGARDING INSURANCE REQUIREMENTS FROM ORGANIZATIONS UTILIZING THE FACILITIES

VOTE (146-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the proposed amendments to the Use of Athletic Fields Policy, Policy Manual Number 3, the Facilities Use Policy, Policy Manual Number 28, and the Park Use Policy, Policy Manual Number 77, as recommended by the City Administrator and the Director of Recreation.

Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE DAWG HOUSE, 1018 SABATTUS STREET

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

VOTE (147-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

To grant a Special Amusement permit for live entertainment to The Dawg House, 1018 Sabattus Street. Passed - Vote 6-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR IRISH TWINS PUB, 743 MAIN STREET

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

VOTE (148-2011)

Motion by Councilor Poulin, seconded by Councilor Bernier:

To grant a Special Amusement permit for live entertainment to Irish Twins Pub, 743 Main Street. Passed - Vote 6-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FAST BREAKS, 1465 LISBON STREET

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

VOTE (149-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

To grant a Special Amusement permit for live entertainment to Fast Breaks, 1465 Lisbon Street. Passed - Vote 6-0

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

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

VOTE (150-2011)

Motion by Councilor Morgan, seconded by Councilor Bernier:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park and other downtown venues 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 6-0

**RESOLVE REGARDING AUTHORIZATION FOR LIBERTY FESTIVAL ACTIVITIES
TO BE CONDUCTED IN THE VETERAN'S MEMORIAL PARK PARKING
LOT AREA**

VOTE (151-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

Whereas, the City Council voted to prohibit all non-veteran activities in the landscaped and non-landscaped areas on the perimeter of Veterans Park in 2010; and

Whereas, the Liberty Festival's leadership has negotiated a verbal agreement with the Veterans Council to allow the Liberty Festival to utilize the parking lot area only for entertainment and other vendor use; and

Whereas, the actions to permit this Veterans Park policy waiver shall be considered for this year only with the understanding that an amendment allowing for Liberty Festival activities on an annual basis may be submitted to the City Council for consideration at a later date;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that effective July 1, 2011 through July 5, 2011, the Liberty Festival shall be authorized to use only the parking lot area of Veterans Park, consistent with the mapping documentation submitted to the City Council, for entertainment and other vendor activity previously reviewed by the City Council for FY 2012.

Passed - Vote 6-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR THE FARMER'S MARKET CONCERTS**

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

VOTE (152-2011)

Motion by Councilor Cayer, seconded by Councilor Butler:

To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 6-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS AT
DUFRESNE PLAZA**

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

VOTE (153-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza on the last Friday of the month in June, July and August, 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 L/A Arts for the outdoor 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 6-0

VOTE (154-2011)

Motion by Councilor Cayer, seconded by Councilor Poulin:

To approve the request from L/A Arts to waive the permit fee of \$44 for these events.

Passed - Vote 6-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS AT SIMARD-
PAYNE MEMORIAL PARK**

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

VOTE (155-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

To conduct a public hearing on an application from the Recreation Department for an outdoor concert to be held at Simard-Payne Memorial Park on Wednesday, August 13, 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 L/A Arts for the outdoor 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 6-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR A MUSIC CONCERT IN KENNEDY PARK TO BE HELD IN
CONJUNCTION WITH THE NEIGHBORHOOD BLOCK PARTY**

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

VOTE (156-2011)

Motion by Councilor O’Connell, seconded by Councilor Bernier:

To conduct a public hearing on an application from the Neighborhood Housing League and League of Young Voters Education Fund for an outdoor music concert to be held at Kennedy Park on Saturday, July 30, 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 sponsoring groups for the outdoor concert, 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 6-0

The group organizers also asked for approval from the City for a waiver of the licensing and permitting fees, use of tables, trash cans, liners and barriers for their event. Councilors asked Recreation Director Maggie Chisholm about the tables, noting in the past there has been damage to the tables by other groups who have borrowed them before. Ms. Chisholm noted the organizations sign an agreement which notes they will be responsible for paying for any damages to city owned equipment that is borrowed for events.

VOTE (157-2011)

Motion by Councilor Poulin, seconded by Councilor Bernier:

To amend their request to not permit the use of city owned tables for this event.
Did Not Pass - Vote 3-4 (Councilors Bernier, Poulin and Cayer in favor; Councilors Butler, O’Connell and Morgan opposed; Mayor voted to break the tie and voted against the motion.)

VOTE (158-2011)

Motion by Councilor Butler, seconded by Councilor O’Connell:

To approve the request for in-kind services from the City for this event, to include the waiver of licensing and permitting fees, use of tables, trash cans and liners and barriers.
Passed - Vote 4-2 (Councilors Bernier and Poulin opposed)

At this time, the Council took agenda item 20 out of order and addressed it at this time.

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENT
REGARDING THE CREATION OF A NEW ZONING DISTRICT CALLED BUSINESS
TRANSITIONS - 1**

Councilor Morgan recused himself from this item citing a conflict of interest since he represents Mr. and Mrs. Cote as their realtor. Councilor Morgan sat in the audience during this item. Mayor Gilbert opened the public hearing to receive citizen input and comment. Neighbors expressed their concerns regarding this item noting traffic safety and access issues. Mayor Gilbert then closed the hearing.

VOTE (159-2011)

Motion by Councilor Bernier, seconded by Councilor Butler:

That the proposed amendment to Appendix A, Article IV “Establishment of Districts”, and Article XI “District Regulations”, of the City Zoning and Land Use Code, concerning the creation of the Business Transition – 1 Zoning District, 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 for final passage. Passed - Vote 4-1 (Councilor Poulin opposed).

PUBLIC HEARING AND ADOPTION OF THE FY2012 LEWISTON CAPITAL IMPROVEMENT PROGRAM BOND ISSUE ORDER

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

VOTE (160-2011)

Motion by Councilor Butler, seconded by Councilor O’Connell:

To adopt the FY2012 Lewiston Capital Improvement Program Bond Issue Order:

Ordered, That \$8,121,000 be appropriated for financing the following projects in the Lewiston Capital Improvement Program:

| Project | Amount |
|-------------------------------------|------------------|
| Property Acquisition & Demolition | 200,000 |
| Way Finding Signage | 50,000 |
| Voting Machines | 50,000 |
| MIS Server Hardware | 40,000 |
| Gendron Business Park | 200,000 |
| General Street Rehab & Construction | 1,394,000 |
| Lewiston Riverside Greenway | 464,000 |
| Landfill Cover | 200,000 |
| Fire Station Roof | 50,000 |
| P.W. Boiler Replacement | 250,000 |
| Airport Terminal Building | 250,000 |
| Total General Fund | 3,148,000 |
| Transmission Main Replacement | 100,000 |
| Distribution Main Replacement | 1,123,000 |
| Total Water Fund | 1,223,000 |
| Oak Street Sewer Separation | 375,000 |
| Jepson Brook Sewer Separation | 1,250,000 |
| Interceptor Inspection & Rehab. | 150,000 |
| Sanitary Line Rehabilitation | 250,000 |

| | |
|------------------------------------|----------------------|
| Total Sewer Fund | 2,025,000 |
| Oak Street Stormwater Separation | 375,000 |
| Hart Brook Water Quality I | 100,000 |
| Jepson Brook Stormwater Separation | 1,250,000 |
| Total Stormwater Fund | 1,725,000 |
| GRAND TOTAL | 8,121,000 |

Further Ordered, That to meet this appropriation, \$8,121,000 shall be raised by a Public Improvement Bond Issue;

Further Ordered, That the City Council instruct the Finance Director to advertise for bids for \$8,121,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, That the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

Further Ordered, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Further Ordered, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Passed - Vote 6-0

Councilor Bernier retired from the meeting for the evening at this time.

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE CITY CODE TO REFLECT NEW PROCEDURES REGARDING THE USE OF THE CITY’S UNASSIGNED FUND BALANCE

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

VOTE (161-2011)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendments to the City Code of Ordinances, Chapter 2 “Administration”, Sections 2-36 – 38, pertaining to Unassigned Fund Balance, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 5-0

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

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

VOTE (162-2011)

Motion by Councilor Poulin, seconded by Councilor O'Connell:

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article VII "Junk Collectors, Pawnbrokers and Second Hand Dealers", Section 22-191, 195 and 197 receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 5-0

PUBLIC HEARING AND RESOLVE AUTHORIZING APPLICATION AND ACCEPTANCE OF FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE – EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. The Police Chief was asked what their intended use of the funds will be and he noted they are planning to purchase computer software and upgrades as well as surveillance equipment.

VOTE (163-2011)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Resolve to authorize city staff to apply for and accept funds from the U.S. Department of Justice – Edward Byrne Justice Assistance Grant Program:

Whereas, the Lewiston and Auburn Police Departments and the Androscoggin County Sheriff's Office are eligible to apply for a joint Byrne Memorial Justice Assistance Grant in the amount of \$62,787; and

Whereas, in order to apply for these funds, the City must accept the funds if they are awarded and provide opportunity for public feedback and the proposed uses of these funds; and

Whereas, the agencies involved have met and discussed how to spend their portions of this grant as outlined in the attached material from the Chief of Police;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.

Passed - Vote 5-0

**ADOPTION OF NEW CITY POLICY REGARDING GENERAL FUND – FUND
BALANCE**

VOTE (164-2011)

Motion by Councilor Butler, seconded by Councilor Cayer:

To establish and adopt the General Fund – Fund Balance Policy, Policy Manual Number 91, as recommended by the City Administrator and the Finance Director. Passed - Vote 5-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO DEMOLISH CERTAIN
CITY OWNED, TAX ACQUIRED STRUCTURES**

VOTE (165-2011)

Motion by Councilor Morgan, seconded by Councilor Poulin:

To postpone action on this matter to a future City Council meeting.
Passed - Vote 5-0

**APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR MAINTENANCE
OF DROUIN FIELD**

VOTE (166-2011)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to enter into a Memorandum of Understanding for the use of Drouin Field:

Whereas, Drouin Field is owned by St. Dominic’s Academy; and

Whereas, this field has the capacity to host athletic events by other groups in addition to those of St. Dominic’s; and

Whereas, a significant community demand exists for athletic fields over and above what can be provided by City-owned facilities; and

Whereas, St. Dom’s has indicated a willingness to allow this field to be used by the Lewiston Recreation Department in return for certain in-kind services from the City including mowing and certain other field preparation activities; and

Whereas, such arrangement will benefit both the City and St. Dom’s;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to enter into a Memorandum of Understanding with St. Dominic’s Academy and/or the Catholic Diocese of Portland to allow for the use of Drouin Field by the City’s Recreation Department under the following terms and conditions:

- The City will mow the field on a regular basis throughout the seasons when City programs are using the field.
- St. Dom's will not be charged any fees for the use of the LAP and Randall Road Field for baseball and softball practices and games throughout the season.
- St. Dom's will have priority on Drouin Field for their seasonal sports.
- The Recreation Department will maintain the lines on the field during the seasonal sports season.
- The City will provide a certificate of insurance to St. Dom's.
- The City and the youth sports groups will be responsible for the care of the field (trash, locking/unlocking the gates, etc) during and after use.
- St. Dom's will provide a copy of their schedule to the Recreation Department.
- The Recreation Department will provide a schedule of use to St. Dom's.
- The Recreation Department will inform the Colisee of scheduled activities on the field.

Passed - Vote 5-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No Other Business was presented at this time.

EXECUTIVE SESSION – PERSONNEL MATTER

VOTE (167-2011)

Motion by Councilor Poulin, seconded by Councilor Cayer:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (A) to discuss a personnel matter. Passed - Vote 5-0

Session began at 8:23pm and ended at 8:43pm.

EXECUTIVE SESSION – ECONOMIC DEVELOPMENT ISSUE

VOTE (168-2011)

Motion by Councilor Butler, seconded by Councilor Morgan:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 5-0

Session began at 8:44pm and ended at 9:27pm.

VOTE (169-2011)

Motion by Councilor Butler, second by Councilor Bernier:

To adjourn at 9:28P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine