

CITY OF LEWISTON

CITY COUNCIL

AUGUST 16, 2011

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

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

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

EXECUTIVE SESSION

VOTE (197-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 6-0 (Councilor Morgan was not present at this time.)

Executive Session began at 6:02pm and ended at 6:48pm.

The regular meeting began at 7:00pm. Councilor Morgan arrived at this time.

Pledge of Allegiance to the Flag.
Moment of Silence.

Mayor Gilbert asked that everyone keep the families of former Councilor James Carrigan and long time Colisee employee Georgette Richard in their thoughts and prayers at this time. Both passed away within the past week.

PUBLIC COMMENT PERIOD

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

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (198-2011)

Motion by Councilor Jean, seconded by Councilor Morgan:

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 items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached

listing. 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 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING
PROHIBITED ON A PORTION OF CAMPUS AVENUE**

VOTE (199-2011)

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the proposed amendment to the Traffic Schedule for a portion of Campus Avenue which would prohibit parking beginning at the northwest corner of Campus Avenue and Bardwell Street, extending approximately sixty feet (three vehicle spaces). Passed - Vote 7-0

**PUBLIC HEARING FOR A LIQUOR LICENSE AND SPECIAL AMUSEMENT
PERMIT FOR THE DERBY ATHLETIC CLUB, 37 PARK STREET**

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

VOTE (200-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To grant a special amusement permit for live entertainment to the Derby Athletic Association, 37 Park Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR SPARETIME
RECREATION, 24 MOLLISON WAY**

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

VOTE (201-2011)

Motion by Councilor Butler, seconded by Councilor Cayer:

To grant a special amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT AND OUTDOOR
ENTERTAINMENT PERMIT FOR THE HOLY TRINITY GREEK ORTHODOX
CHURCH GREEK FESTIVAL**

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

VOTE (202-2011)

Motion by Councilor Poulin, seconded by Councilor Cayer:

To authorize the City Clerk to issue a Special Amusement permit for live entertainment to the Holy Trinity Greek Orthodox Church for their Greek Festival. Passed - Vote 7-0

VOTE (203-2011)

Motion by Councilor Cayer, seconded by Councilor Poulin:

To conduct a public hearing on an application from the Holy Trinity Greek Orthodox Church for an outdoor music concert to be held at the church, in conjunction with the Greek Festival, on September 8, 9 and 10, 2011, 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 church 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 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUILDING AND BUILDING REGULATIONS ORDINANCE REGARDING THE PROPERTY MAINTENANCE CODE

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

VOTE (204-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To repeal Sections 18-51 and 18-52 of the current City Code, and that the proposed amendment to the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Article III, “Property Maintenance Code”, Section 18-51 “Adoption of International Property Maintenance Code” and Section 18-52 “Amendments to the International Property Maintenance Code”, receive first passage by a roll call vote. Passed - Vote 6-1 (Councilor Poulin opposed)

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE STREETS AND SIDEWALKS ORDINANCE REGARDING THE USE OF TABLES AND CHAIRS ON CITY SIDEWALKS

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

VOTE (205-2011)

Motion by Councilor Jean, seconded by Councilor Cayer:

That the proposed amendments to the City Code of Ordinances, Chapter 66, “Streets and Sidewalks”, Article II, “Tables, chairs and benches on sidewalks or public ways”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE GREAT FALLS BALLOON FESTIVAL

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

VOTE (206-2011)

Motion by Councilor Butler, seconded by Councilor Jean:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, 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 Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 19 - 21, 2011, 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 7-0

REQUEST FOR USE OF CITY SERVICES FOR THE ANNUAL GREAT FALLS BALLOON FESTIVAL

VOTE (207-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the request for the use of city services for the Great Falls Balloon Festival:

ROAD CLOSURES AND POSTINGS:

Friday, August 19, 5:00pm - Sunday, August 21, 9:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 19, 12:00pm - Sunday, August 21, 9:00pm

Posted closure of Beech Street and Oxford Street from Cross Street to Chestnut Street to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 21, 11:00am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

Saturday, August 20, 10:30am - 12:30pm

Posted closure of Longley Bridge from Auburn into Lewiston, lower Main Street, Lincoln Street from Main Street to Oxford Street, and all of Oxford Street for the 5th Annual Balloon Festival parade. NOTE: Parade path will start on Spring Street in Auburn, onto Court Street, across the

Longley Bridge turning onto Lincoln Street, then onto Oxford Street, ending at the intersection of Cedar Street and Oxford Street.

ESTABLISHMENT OF FESTIVAL ZONE:

Friday, August 19, 12:00pm - Sunday, August 21, 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors, as well as other non-approved activities, on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

APPROVAL TO USE CITY PROPERTY:

Tuesday, August 16, 8:00am - Monday, August 22, 7:00pm

Carnival to be located in the area formerly known as Railroad North. Carnival will arrive on Tuesday, set up on Wednesday and Thursday, open on Friday afternoon and run through Sunday night, and breakdown and depart on Monday.

SECURITY:

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas.

TRASH REMOVAL:

Authorization for Public Works to supply two 50-yard dumpsters at or in close proximity to Simard-Payne Police Memorial Park and waive the applicable tipping fees.

LICENSES:

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. Licensing fees for use of the parks, for the outdoor entertainment permits, parade permit and sound amplification permits, all obtained in the name of the Great Falls Balloon Festival, shall all be waived by the City.

USE OF PUBLIC WORKS PERSONNEL:

Authorization for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance prior to and during the festival, subject to the discretion of the Lewiston Public Works Director.

PARKING:

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage, the Lincoln Street parking garage, parking lot on the corner of Lincoln and Chestnut Streets, the Lincoln Street parking lot near Yvon's car wash, and the parking lot at the

corner of Lincoln and Cedar Streets for festival and volunteer parking, as per the requirements and procedures outlined in the City's Facilities Use Policy and submission of appropriate forms to City Administration.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FIRST AMENDMENT TO THE LEASE WITH LEWISTON CELLTelCO PARTNERSHIP TO USE OF THE LEWISTON ARMORY FOR CELL ANTENNAS AND ASSOCIATED EQUIPMENT

VOTE (208-2011)

Motion by Councilor Poulin, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute a First Amendment to the Lease with Lewiston CellTelCo Partnership for use of the Lewiston Armory for cell antennas and associated equipment:

Whereas, the City entered into a lease agreement with Lewiston CellTelCo Partnership in 2006 to allow U.S. Cellular to allow for installation of antennas on the Lewiston Armory; and

Whereas, while the installation of six antennas was expected at that time, only five were installed and lessee is seeking permission to install one additional and reconfigure the five existing ones; and

Whereas, as a part of this installation, additional support equipment will be located within a 10 by 15 foot areas adjacent to the Armory and currently included in the lease; and

Whereas, these are minor adjustments to the existing lease;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to Execute a First Amendment to Lease with Lewiston CellTelCo Partnership for Use of the Lewiston Armory for Cell Antennas and Associated Equipment.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN OPTION AGREEMENT WITH PARALLAX PARTNERS, INC. FOR PROPERTY LOCATED AT 15 AND 29 LINCOLN STREET

VOTE (209-2011)

Motion by Councilor Morgan, seconded by Councilor Butler:

To postpone this matter to a future City Council meeting to allow additional time for the preparation of this Agreement. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SIDE LETTER OF AGREEMENT WITH AFSCME-PROFESSIONAL TECHNICAL UNIT REGARDING SAFETY SERVICES PROVIDED TO THE SCHOOL DEPARTMENT

VOTE (210-2011)

Motion by Councilor Butler, seconded by Councilor Morgan:

To approve the Order authorizing the City Administrator to execute a Side Letter of Agreement with AFSCME-Professional Technical Unit for Safety Services provided to the School Department:

Whereas, the AFSCME-Professional Technical Unit leadership has agreed to permit the City Council to act on this Side Letter of Agreement; and

Whereas, the City Council and School Department have agreed to a Memorandum of Understanding which will utilize Mr. Mailhot's services to support and assess the workers compensation, safety and other related matters associated with School Department operations;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the City Council approves the AFSCME-Professional Technical Unit Contract Amendment-Side Letter of Agreement for Donald Mailhot and hereby authorizes the City Administrator to execute this document and/or any amendments which do not substantially alter the conditions or terms expressed in the Agreement.

Passed - Vote 7-0

RESOLVE ESTABLISHING A CHARTER REVIEW COMMITTEE

VOTE (211-2011)

Motion by Councilor Cayer, seconded by Councilor Poulin:

To approve the Resolve establishing a Charter Review Committee:

Whereas, the current Charter of the City of Lewiston was adopted in 1980; and

Whereas, while the Charter has periodically been amended, it has not been comprehensively reviewed since its initial adoption; and

Whereas, it is, therefore, timely to undertake a comprehensive review of the Charter in order to identify amendments and revisions designed to improve the functioning of Lewiston City Government; and

Whereas, the most appropriate vehicle for undertaking such a review is to appoint a committee of citizens with extensive knowledge of the community and of City government; and

Whereas, such Committee is to be tasked with reviewing the current Charter and recommending amendments for consideration by the City Council; and

Whereas, such Committee may also consider whether a complete Charter revision is necessary, such revision to be undertaken by an elected Charter Commission;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that

There is hereby established a Charter Review Committee.

1. Purpose. The Committee shall undertake a comprehensive review of the Charter of the City of Lewiston and shall
 - a. Recommend to the City Council amendments to the Charter designed to improve the operations of City government;
 - b. Recommend to the City Council whether a Charter Commission should be elected to undertake more substantive revisions to the Charter that might alter the basic structure or form of City government.
2. Composition. The Committee shall be composed of seven members who shall be residents of the City of Lewiston and who have a background in or understanding of City government and its operations.
 - a. Prior to August 31, 2011, each Councilor shall nominate two candidates for appointment to the Committee.
 - b. The Mayor shall select one of the two candidates nominated by each Councilor for appointment to the Committee.
 - c. In the event that a Councilor does not make nominations by August 31, 2011, the Mayor shall make an appointment.
 - d. In the case of a vacancy on the Committee, a replacement shall be appointed in the same manner as was the initial member.
 - e. The Mayor shall designate one of its members to serve as Chair.

3. Term

The Committee shall submit a report to the City Council on or before November 15, 2011 and shall officially dissolve on January 1, 2012.

4. Staff Support

The City Administrator's Office shall provide logistical support to the Committee and may utilize the services of the City Attorney as deemed necessary by the Administrator. In addition, other members of the City Management Team shall cooperate with the Committee as required.

5. Meetings and Reports

The Committee shall meet as necessary at a time convenient to its members. Minutes of these meetings shall be kept and provided to the City Council and shall be posted on the City Web site.

6. Public Hearing/Comments

The Committee shall solicit public comments on possible charter changes through

whatever mechanisms the Committee shall see fit to select. It shall, however, hold at least one public hearing after completing the majority of its work but prior to finalizing its report to the City Council.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Butler noted the display in the Chambers of the Lewiston Community Tree that was created by participants in the summer Recreation programs.

OTHER BUSINESS

Mayor Gilbert announced that nomination papers are available and due by September 9. He encouraged interested citizens to contact the City Clerk's Office for additional information.

Marcus T. stated the LYAC held their orientation last week with team building and leadership facilitators from Bates College.

VOTE (212-2011)

Motion by Councilor Cayer, second by Councilor Bernier:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) for the purposes of land disposition for the properties at 15 and 29 Lincoln Street. Passed - Vote 7-0

Executive Session began at 7:31pm and ended at 8:24pm.

VOTE (213-2011)

Motion by Councilor Butler, second by Councilor Jean:

To adjourn at 8:25 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine