

LEWISTON CITY COUNCIL
SPECIAL MEETING & WORKSHOP AGENDA

Tuesday, June 27, 2023

City Council Chambers

6:00 pm Workshop

WORK SESSION

- *1. Annual presentation by the Lewiston Housing Committee to update the City Council on their work and activities as required by the City Code of Ordinances.
- *2. Presentation on the Lowell Street Housing Project Tax Increment Financing (TIF) proposal.
3. Discussion regarding proposed amendments to the Business License Ordinance as it pertains to the licensing of Homeless Shelters.

*SPECIAL MEETING IMMEDIATELY FOLLOWING

- *SM-1. Public Hearing for approval of an outdoor music event for the A-Hand-Up & R-Hom Recovery Kickoff BBQ.

City Clerk

TO: Mayor and City Council
FROM: Kathy Montejo, City Clerk
RE: Proposed amendments to the Business License Ordinance regarding Homeless Shelters
DATE: June 27, 2023

City staff is proposing a few amendments to the Business License Ordinance regarding the licensing of homeless shelters. As city staff has been working with the homeless shelters on the implementation of the revised ordinance regulations for shelters, a few sections of the ordinance arose as areas of concern which staff would like to review with the City Council, some of these changes are at the request of the current shelters.

1) Definitions - The ordinance contained two definitions of a homeless shelter and these differ. Staff is recommending the elimination of the original definition adopted in 2010 and maintaining the definition that was established in September 2022.

2) Expiration Date - All business licenses related to housing expire in February. In 2010, the city established a separate shelter license, prior to that, traditional homeless shelters were licensed as boarding houses. The boarding house licenses expired every February and as a result, the facilities that were transitioned to the new license category of shelter continued to expire every February. It was recently noted that “homeless shelter” is not listed as a separate category in the ordinance section pertaining to expiration date. This is a housekeeping item that would add it to the expiration list but not change the process of how this licensing has been implemented for many years.

3) Background Checks - The ordinance contains language that requires the city to conduct a background check on every “Controlling Person” associated with the homeless shelter, which by definition, means every member of the board of directors of the shelter, the executive director, manager and owner of more than 10% of any for-profit shelter. Of the six current homeless shelters in Lewiston, five objected to this requirement for several reasons:

A) Shelters already conduct a background check on their staff as required by ordinance but also past practice of most of the shelters as a place of employment

B) The board of directors are not doing hands-on work in the shelter facility, not running the day to day operations of the shelter, not interacting with guests on a regular basis; board members could change on a regular basis given term expiration, etc.

C) Some expressed concerns regarding an invasion of privacy, shelters are private operations not funded by the city and therefore should have a right to appoint anyone of their selection to a board position or staff position

In addition, the cost for the city to conduct a background check via the Maine SBI (State Bureau of Identification) is \$21 per person, this fee is paid by the applicant. This service only runs a background check regarding Maine records and cannot process out of state background checks.

4) 12 copies of application - Original applicants need to provide 12 paper copies of the application to be distributed to the Mayor and Council since they serve as the licensing authority. Renewal licenses are issued by city staff. The ordinance requires the submission of 12 paper copies of the application for renewal licenses as well but this is not necessary.

5) Shelter Address - The physical address and location of a homeless shelter that primarily serves survivors of domestic violence, human trafficking and sexual exploitation should be confidential in order to protect their guests.

6) Defining "Residence" - The ordinance requires the shelter maintain a log and report on an annual basis at license renewal the number of guests, their age, familial and employment status, and their last known residence. Staff is recommending that the ages be reported out in a range rather than individual ages for each guest, this would make the record keeping and reporting easier for the shelters. In addition, there have been some questions regarding what "residence" means regarding "last known residence" – the guest could have been staying around the city with different friends each night, staying in the woods, etc. The purpose of this ordinance requirement is to track where the guests are from – within Lewiston, outside of Lewiston, within the county, out of state, etc. Staff feels the shelters can log and report the municipality and state of residence rather than the street name or other location of where the guest was staying before arriving at the shelter.

7) Exemption for Demographics Report - Regarding the demographics that must be captured by the shelter for each guest, the recommendation is for homeless shelters that primarily serve survivors of domestic violence, human trafficking and sexual exploitation be exempt from reporting the last known residence of their guests in order to protect their privacy and safety given the nature of the shelter.

Chapter 22
BUSINESSES*

ARTICLE I. IN GENERAL

Sec. 22-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Shelter* means a charitable facility operated by either a not for profit corporation or a religious organization providing free temporary overnight housing in a dormitory style, barrack style, or per bed arrangement to homeless individuals.~~

ARTICLE II. LICENSES

Sec. 22-41. Duration of licenses; expiration date.

All licenses, except when otherwise provided, shall be for 12 months' duration and shall expire according to the following schedule:

Adult amusement device.....	June
Billiard and pool rooms.....	November
Bowling alley.....	April
Class A lounge.....	One year from date of issuance
Coin-operated amusement devices.....	June
Flammable liquid.....	June
Food service establishment.....	April
Group care facility.....	February
<u>Homeless Shelter.....</u>	<u>February</u>
Junk collectors.....	November
Lodging place operator.....	February
Mobile units.....	April
Motion picture theater.....	April
Pawnbroker.....	September
Peddler.....	April
Roller skating rink.....	April
Secondhand dealer.....	September

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Special food handlers..... April
Taxicabs..... February

ARTICLE XVI. HOMELESS SHELTERS*

Sec. 22-451. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Homeless shelter means a homeless shelter as defined in the Appendix A of the Code of Ordinance, Zoning and Land Use Code.

Controlling Person means a Person who is (i) an officer, including executive director and manager of the homeless shelter, and (ii) ~~a member of the Board of Directors or Board of Managers, of the homeless shelter, and~~ (iii) an owner of more than ten (10) percent or more of the ownership interests an entity that is not a non-profit organization that manages or operates the homeless shelter.

Sec. 22-453. Application submission requirements.

(1) Applications, whether new or renewal, shall be made in writing using a form prepared by the city for the purpose.

(2) Each applicant for a homeless shelter license, as well as an applicant for a renewal of the license, shall submit to the city clerk the applicable license fee and 1 complete copy (12 complete copies for first time application) and a PDF to the city clerk consisting of: (i) the application on the form provided by the city clerk, (ii) the following support materials:

- 1) Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the homeless shelter, except in the case of a renewal application the applicant need not submit this information unless there is an amendment from the original documents filed with the city.
- 2) ~~An list affidavit that identifies every Controlling Persons of the Homeless Shelter, including the information as to their positions, such as chairman of the board; the city clerk shall use the affidavit as a basis to order State of Maine background checks.~~
- 10) The physical address and location of homeless shelters that primarily serve survivors of domestic violence, human trafficking, and sexual exploitation shall be confidential.

BUSINESSES

Sec. 22-458. Approval and operation requirements.

In order to obtain a license pursuant to this article, the licensee shall demonstrate to the licensing authority that the following requirements will be met. The licensee shall comply with all of these requirements during the term of the license:

9) *Demographics*. On an annual basis, a report must be provided by the licensee to the city clerk of the number of guests, their age range, familial and employment status, their last known municipality and state of residence, and the success rate of self- sufficiency and placement into permanent housing, as well as total number of individuals who were denied service. Said report received over the course of the license term shall be provided to the licensing authority with a renewal application. Homeless shelters that primarily serve survivors of domestic violence, human trafficking, and sexual exploitation are exempt from reporting the last known municipality and state of residence of their guests.

April 18, 2023

To Whom It May Concern:

Safe Voices' requests to not be required to have background checks run again on the "controlling persons" for the following reasons:

- Safe Voices is required to run multiple checks on all persons engaged in our work. Safe Voices pays for many of these checks and having to pay again would be burdensome. The following checks are run on all Controlling Persons either by Safe Voices or the Maine Coalition to End Domestic Violence: criminal background, DHHS checks (if they work with people under 18 years old), driving record, sex offender registry, and federal debarment.
- Additionally, because of the nature of our work and significant safety concerns, we do not typically share personally identifying information about those who do or oversee our work.

Therefore, we are requesting a waiver of this requirement to re-run checks on all controlling persons. Safe Voices attests that all current and future controlling persons will be in compliance with the required checks that are mandated as part of the ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elise M. Johansen', with a decorative flourish at the end.

Elise M. Johansen

Executive Director



SHELTERED BY
JESUS L/A

Men's Christian Home

Statement to item 2 & 3. Affidavit of controlling persons, employees, and volunteers for background checks

2. The Board of Directors of Sheltered by Jesus L/A feels this is unnecessary because all controlling persons are either a Pastor, Elder or Deacon in the church and are upstanding citizens in the community. The staff has experience of 3 plus years at Shelters by Jesus in Skowhegan before relocating to Lewiston in January of 2018 to start Sheltered by Jesus L/A. and are members of Unity Bible Church.

Sheltered by Jesus L/A has no paid employees and volunteers are shelter guest and /or church Elders, Deacons or members, further investigation would be superfluous. (See page 1 lines 9,11)

Demographics

Sheltered by Jesus L/A does not admit individuals for short term stays of one night on a first come first serve basis. Our program is a long-term commitment. We have had guests that stay for two years or longer. In 2022 SBJ L/A has served 25 adult males that age between 21 through 65 y/o. with 95% rate of successful employment and or housing. Once the guest leave SBJ L/A has no control of nor do we keep track of the individuals although we do have several them return for bible studies and services as well as attending church services on Sunday at Unity Bible Church.

St. Martin de Porres Residence, Inc.

d.b.a. St. Catherine of Siena Residence

P.O. Box 7227 - Lewiston, ME 04243-7227

Dear City of Lewiston,

As part of the shelter application process, background checks were requested. I wish to inform you that the board of directors for the St. Martin de Porres Residence, Inc. do not wish to have a background check completed. As part of their onboarding process, a background check for each board member was completed by the Diocese. Several members expressed concern regarding the background checks. I too have had my background check completed by the diocese within the last 2 year and do not feel it warranted to have it completed again, at the cost of the nonprofit. Please accept this short letter in place of the affidavit. Thank you for all you do for the citizens of Lewiston.

Sincerely,

Andrew Phinney

Andrew Phinney
Executive Director.

LEWISTON CITY COUNCIL

MEETING OF JUNE 27, 2023

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. SM-1

SUBJECT:

Public Hearing for approval of an outdoor music event for the A-Hand-Up & R-Hom Recovery Kickoff BBQ.

INFORMATION:

The organization A-Hand-Up & R-Hom has submitted an application requesting permission to hold an outdoor musical event on City property. The event will be a community BBQ on Saturday, July 8 in Simard Payne Park and will involve live guitar playing and singing.

Per the City Code, an outdoor music event cannot be held on city property without approval of a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from A-Hand-Up & R-Hom for an outdoor music event to be held at Simard Payne Park on July 8 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 applicant for the outdoor music event, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Organizer Information

Name of Organization: A-Hand-Up & R-Hom For-Profit Non-Profit
 NP paperwork is required and due with your application. 501C3 IRS Letter Form 990
 Organization Address: 87 Bartlett Street City: Lewiston
 Organization Daytime Telephone: 207-907-8692 LBNP Discount N/A
 To be considered a Lewiston-Based NP, your office must be physically located in Lewiston.
 Applicant Name: Johnny Clark Title: Owner, Ex Director
 Applicant Telephone: 207-907-8692 Applicant Email: johnnyclark7777@gmail.com
 On-site Manager Name (day of event): Todd Wilson & Chase Hunter Cell: 207-376-5507

Event Information

Activity/Event Name: A-Hand-Up & R-Hom Recovery Kickoff BBQ Requested Location: Simard-Payne Park

See page two for list of park locations and applicable fees / please note there are no bathroom facilities at City Parks. If you plan to use the park for over 3 hours – porta potties must be obtained at your expense.

Requested Date(s) July 8 Rain Date (if applicable) _____ Recurring Dates _____

Actual Hours of Event 12:00 P to 6:00 P Set up: 10 A Tear Down: 7:30 P

Anticipated Attendance: 100 * required

Type of Event (describe in detail) Park Reservation First-Time Event Repeat Event

Recovery Connections-Jeremy Hiltz has done this type of event; is a co-sponsor Dunk Tank, games, families welcome & connections. Food given away-Webb's

Qualifying Questions to Determine Park Reservation or Event

Will you be amplifying sound?	If so, continue on and complete the application.
Is the anticipated attendance 50 or over?	If so, continue on and complete the application.
Will you have tents, bounce house, etc.?	If so, continue on and complete the application.
If you answered no to the above questions: dunk tank, music, food	Your request for a reservation is complete: Indicate park choice on Pg. 2, sign below and complete and attach the Liability Waiver.

Signature of Applicant

05/05/23
Date

Initial JC I have read and signed the Liability Waiver which will be attached to the Page 1 & 2 Park Reservation.

\$50 processing fee due when Park Reservation or Application is submitted.



Department Information for your Event

It is a requirement that the event organizer attend a City Event Staff meeting and/or contact the staff member to discuss all requirements outlined in the application.

City Clerk's Office in conjunction with Sanitarian/Code Enforcement

Kelly J. Brooks, Deputy City Clerk, 513-3020; kjbrooks@lewistonmaine.gov; **Louis Lachance, Sanitarian/Code Enforcement Officer**, 513-3000 ext. 3224; llachance@lewistonmaine.gov

The Clerk's office provides permits & licenses. **Review, check all that apply, & provide detail as needed.**

SOUND AMPLIFICATION-will you be amplifying sound? Yes No

Please describe: nothing very loud, just regular music & DJ

SOUND AMPLIFICATION PERMIT may be required \$17 per day / \$8.50 (LBNP) Amount \$ 17 paid

OUTDOOR ENTERTAINMENT (live performance) Yes No

Please describe: DJ, bringing stage, friend will play acoustic guitar (from telephone conversation/JDL)

OUTDOOR ENTERTAINMENT PERMIT *City Council approval required* \$50 / \$25 (LBNP) Amount \$ 50 due

FOOD Yes No Sold Given Away **Food Truck** Yes No

Food Truck Name _____ Licensed to operate in Lewiston? Yes No

BBQ Yes No Sold Given Away Is this a catered event? Yes No

(Required to review and adhere to BBQ rules & regulations) Name of caterer if applicable Webb's Market (providing food)

FOOD SERVICE LICENSE may be required \$50 up to 3 days / \$25 (LBNP) Amount \$ _____

Sanitarian/Code inspection may apply; Fire inspection may apply.

BEVERAGES Yes No Sold Given Away Type _____

Outside Alcohol Yes No (restrictions apply) **Licensed Business Name** _____

FOOD SERVICE LICENSE may be required \$50 up to 3 days / \$25 (LBNP) Amount \$ _____

OUTDOOR ALCOHOL PERMIT REQUIRED \$25 per event & other fees may apply Amount \$ _____

No discounts apply on alcohol permits.

A PORTA POTTY IS REQUIRED FOR ALL EVENTS THAT INCLUDE ALCOHOL. (See pg. 2)

PRODUCT Yes No Sold Given Away Type _____

PEDDLERS/FLEA MARKET PERMIT may apply

\$34 per day for 1-75 spaces / \$17.00 (LBNP)

\$61 per day for 76+ spaces / \$30.50 (LBNP) Amount \$ _____

CARNIVAL Yes No Rides Offered Details _____

CIRCUS Yes No

STATE PERMIT REQUIRED; has it been obtained? Yes No

CARNIVAL OR CIRCUS PERMIT REQUIRED \$180 per day x _____ number of days Amount \$ _____

No discounts apply on carnival or circus permits.