

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 4, 2018

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:30 P.M.

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (300-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

Executive Session began at 6:35pm and ended at 6:55pm.

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

**RECOGNITION OF CITY ARBORIST STEVE MURCH – RECIPIENT OF THE 2018
HEALTHY ANDROSCOGGIN LEADERSHIP AWARD**

Katie Bosse from Healthy Androscoggin spoke of the work and dedication that Steve has demonstrated for the benefit of public health. The Mayor represented a proclamation to Steve honoring and recognizing his work in earning this award.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR
REAL ESTATE LOCATED AT 42 CHARLES STREET**

Councilor Cloutier recused herself stating that she knows the property owner.

VOTE (301-2018)

Motion by Councilor Lajoie, seconded by Councilor Beam:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 42 Charles Street:

Whereas, the owner, Penny L. Dion, failed to pay her bills on a timely basis for 42 Charles Street (Tax Map 147, Lot 013, Parcel 00-007756); and

Whereas, a water lien was filed on June 19, 2014 (Book 8936 Page 183) and matured on December 19, 2015 in the amount of \$122.75; and

Whereas, a sewer lien was filed on June 19, 2014 (Book 8936 Page 095) and matured on December 19, 2015 in the amount of \$120.78; and

Whereas, payment will be received in full at closing;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed is hereby authorized to release the City's interest in the property located at 42 Charles Street to the owner.

Passed - Vote 7-0 (Councilor Cloutier recused herself and the Mayor voted in her place.)

**APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY
BOARD OF COMMISSIONERS**

VOTE (302-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Muhidin Libah of 77 Rideout Street (term to expire October 7, 2023)

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (303-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

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 \$685.00, or any portion thereof, in the case of the State of Maine vs. Michael Williams, CR-18-2703 Court Records; the transfer of \$2,131.00, or any portion thereof, in the case of the State of Maine vs. Daniel Letourneau, CR-18-187 Court Records; and the transfer of \$1,235.00, or any portion thereof, in the case of the State of Maine vs. Johnny Walker, CR-18-2985 Court Records, being funds forfeited pursuant to the 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

**PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND
SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR
LA PUBLIC THEATRE, 31 MAPLE STREET**

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

VOTE (304-2018)

Motion by Councilor Lysen, seconded by Councilor Marcotte:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for LA Public Theatre, 31 Maple Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BIG MIKE'S SMOKE
HOUSE, 838 LISBON STREET**

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

VOTE (305-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To grant a Special Amusement permit for live entertainment to Big Mike's Smoke House, 838 Lisbon Street. Passed - Vote 7-0

**ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE XV, MEDICAL
MARIJUANA – DISTRIBUTION AND CULTIVATION, TO REMOVE REFERENCES
TO REGISTERED DISPENSARIES AND CLARIFY THAT THE CITY HAS NOT
OPTED IN UNDER STATE LAW TO AUTHORIZE REGISTERED CAREGIVER
RETAIL STORES, REGISTERED DISPENSARIES, MARIJUANA TESTING
FACILITIES, OR MARIJUANA MANUFACTURING FACILITIES**

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

VOTE (306-2018)

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

That the proposed Ordinance Amendment to remove references to Registered Dispensaries and clarify that the City has not Opted In under state law to authorized Registered Caregiver Retail Stores, Registered Dispensaries, Marijuana Testing Facilities, or Marijuana Manufacturing Facilities be further amended as proposed and that, following a public hearing, it receive final passage by a roll call vote. Passed – Vote 7-0

ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 18, BUILDING AND BUILDING REGULATIONS, ARTICLE III, PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS - WEEDS

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

VOTE (307-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

That the proposed ordinance amendment to extend the existing prohibition on tall weeds in certain zoning districts to additional districts receive final passage by a roll call vote.
Passed - Vote 7-0

ORDINANCE AMENDING CHAPTER 70, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 70-179, ON-STREET PARKING BY PERMIT ONLY

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

VOTE (308-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

That the proposed ordinance amendment to add a new section 70-179 to Chapter 70 of the Code of Ordinances, Traffic and Vehicles, On-Street Parking by Permit Only, receive first passage by a roll call vote and that the public hearing be continued to the next regularly scheduled Council meeting. Passed - Vote 6-1 (Councilor Pettengill opposed)

RESOLVE, ADOPTING PERSONNEL POLICIES FOR THE CITY OF LEWISTON AND RESCINDING VARIOUS MASTER POLICIES TO BE REPLACED

The City Administrator stated there are no substantive changes and the policies are updated to match current practice and to remove language that is no longer applicable. He also said this work was to clarify language that was confusing and to put all of these documents into one location. Councilor Rea inquired if the term domestic partner could be added to the language. The City Administrator will look at the Policies and report back to the Council.

VOTE (309-2018)

Motion by Councilor Cloutier, seconded by Councilor Rea:

To approve the Resolve, Adopting Personnel Policies for the City of Lewiston and Rescinding various mater Policies to be replaced:

Whereas, over the years, the City has adopted a variety of personnel related policies including a number of separate master policies separate from the general Personnel Policy; and

Whereas, as a result, there has not been a single consolidated reference guide for employees and supervisors that brings together in one document the City’s major personnel policies; and

Whereas, in addition, as society and our legal framework has changed, the need for various policies and program has also changed requiring that existing policies be updated; and

Whereas, over the last year, the City’s human resources staff and Finance Director undertook the task of integrating and updating the majority of the city’s personnel related policies into a single document; and

Whereas, upon adoption, this revised Personnel Policy will replace numerous Master Policies which should be rescinded;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the attached Personnel Policy is hereby adopted and master policies 2, 17, 18, 19, 20, 22, 25, 47, 49, and 93 are hereby rescinded.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE AND EXECUTE DOCUMENTS FOR ISSUING AND ACCEPTING EASEMENTS ASSOCIATED WITH THE BATES COLLEGE STEM BUILDING CONSTRUCTION

Councilors Rea and Cloutier recused themselves citing a conflict of interest with their employer. Two representatives from the college made a presentation describing the work and the need for the easements

VOTE (310-2018)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Order authorizing the City Administrator to approve and execute documents for issuing and accepting easements associated with the Bates College STEM Building Construction:

Whereas, Bates College has proposed constructing a three-story Science, Technology Engineering, and Math (STEM) Building at 45 Campus Ave; and

Whereas, the project will require several easements from both the City and Bates College; and

Whereas, the Planning Board at its meeting on October 22, 2018 approved the project with conditions; and

Whereas, Bates College consultant Wright-Pierce submitted a request for two easements from the City to Bates College for utilities to be located within the Public Right-of-Way and two easements from Bates College to the City for a portion of a sidewalk to be on Bates College property; and

Whereas, Wright-Pierce also identified right-of-way modifications, including changing on-street parking, resulting in a net increase of 9 spaces when both on-street and off-street parking is taken into account; and

Whereas, Wright-Pierce also identified reducing the number of curb cuts and installing new pavement markings, including two new pedestrian crossings and associated safety signage; and

Whereas, Bates College shall record all easements in the Androscoggin County Registry of Deeds; and

Whereas, all Traffic Schedule changes will be implemented after the approved modifications have been made to the City's right of way;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that the City Administrator is authorized to execute any documents necessary to complete the agreement, issue/receive the easements as described, and implement the traffic schedule changes as shown on the attached ROW Modification Plan.

Passed - Vote 6-0 (Councilors Rea and Cloutier recused themselves, the Mayor cast a vote in favor)

REPORTS AND UPDATES

Councilor Rea reported the School Committee has not met since November 9 but has a student disciplinary hearing tomorrow. She said the Teaching and Learning subcommittee is working on the proficiency based learning and standards based learning issues.

OTHER BUSINESS

There will be a joint workshop with the School Committee on Monday, December 17 and the purpose is to meet with the legislative delegation to discuss upcoming legislative issues.

VOTE (311-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

To adjourn at 7:30 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine