

CITY OF LEWISTON

CITY COUNCIL

JUNE 16, 2020

REGULAR MEETING HELD REMOTELY VIA ZOOM AT 6:45 P.M.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinias, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (158-2020)

Motion by Councilor Khalid, seconded by Councilor Gelinias:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:45pm and ended at 7:05pm.

UPDATE ON CITY ACTIONS REGARDING COVID-19 PANDEMIC SITUATION

Deputy Administrator D'Auteuil said that City Hall opened this past Monday to all customers and no appointments are needed; he noted all is going well. Several restaurants are opening for indoor dining and offering outdoor seating options as well. Gyms and tattoo shops are opening and retail options are expanding with more people allowed inside. The Wellness Shelter at the Armory will stop accepting clients at the end of the month and the residents will transition to finding new places in the month of July. July 17 is the target date for the final closure of the shelter. The City received a letter from a resident of the shelter thanking us for the service that has been provided.

VOTE (159-2020)

Motion by Councilor Jensen, seconded by Councilor Khalid:

To dispense with the reading of the minutes of the meetings of May 19, June 2 and June 9, 2020 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0-1 (Councilor Clement abstained)

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

PUBLIC HEARING AND FINAL PASSAGE TO REPEAL THE PORTION OF THE STREETS AND SIDEWALKS ORDINANCE REGARDING TRAFFIC IMPACT FEES FOR OUTER LISBON STREET

Mayor Cayer opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Director of Planning and Code Enforcement David Hediger presented the background on this issue.

VOTE (160-2020)

Motion by Councilor Clement, seconded by Councilor Jensen:

That the proposed amendments to the Code of Ordinances, Chapter 66, “Streets and Sidewalks”, Article VI, “Outer Lisbon Street Traffic Impact Fee”, receive final passage by a roll call vote.
Passed - Vote 7-0

ORDINANCE, AMENDING SECTION 62-13 (B) (2) OF THE CODE OF ORDINANCES REGARDING THE COLLECTION OF SOLID WASTE AND RECYCLING MATERIALS FROM MULTIPLE UNIT APARTMENT BUILDINGS

Mayor Cayer opened the 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 (161-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To hold a public hearing and approve final passage of an Ordinance, Amending Sec. 62-13 (b) (2) of the Code of Ordinances regarding the collection of solid waste and recycling materials from multiple unit apartment buildings. Passed - Vote 7-0

ORDINANCE, AMENDING SECTION 22-36, LICENSES DENIED; APPEAL, TO WAIVE THE REQUIREMENT THAT BUSINESS LICENSE APPLICANTS ARE CURRENT ON ALL AMOUNTS OWED THE CITY

Mayor Cayer opened the 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 (162-2020)

Motion by Councilor Clement, seconded by Councilor Jensen:

To hold a public hearing and approve final reading of an Ordinance, Amending Section 22-36, Licenses denied; appeal, to waive the requirement that business license applicants are current on all amounts owned the City. Passed - Vote 7-0

FIRST READING FOR PROPOSED LAND USE CODE AMENDMENTS CONCERNING THE STANDARDS FOR DRINKING ESTABLISHMENTS

VOTE (163-2020)

Motion by Councilor Pettengill, seconded by Councilor Rea:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, of the City Zoning and Land Use Code, concerning the distance between drinking establishments, receive first reading at this time and to schedule the public hearing for the next regular City Council meeting. Passed - Vote 7-0

RESOLVE, APPROVING THE FY21 BUDGET FOR THE LEWISTON SCHOOL DEPARTMENT

VOTE (164-2020)

Motion by Councilor Khalid, seconded by Councilor Jensen:

To adopt the Resolve approving the FY21 budget for the Lewiston School Department:

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a FY21 budget for the Lewiston School Department and has submitted that budget to the City Council; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as proposed, the School budget meets the local share property tax commitment required by state law; and

Whereas, the City Council must approve the total amount of the School Budget before it can be presented to the voters in a school budget ratification election scheduled for July 14, 2020;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Fiscal Year 21 budget approved by the Lewiston School Committee as outlined and detailed on the attached Lewiston School Department Budget Articles is hereby adopted, subject to approval of the voters of the City of Lewiston at a budget validation referendum:

EXPENDITURE ARTICLES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE:

1. To authorize the Lewiston School Committee to expend \$29,089,157.83 for Regular Instruction for the fiscal year beginning July 1, 2020 and ending June 30, 2021.
2. To authorize the Lewiston School Committee to expend \$23,992,383.62 for Special Education for the fiscal year beginning July 1, 2020 and ending June 30, 2021.
3. To authorize the Lewiston School Committee to expend \$3,694,643.11 for Career and Technical Education for the fiscal year beginning July 1, 2020 and ending June 30, 2021.
4. To authorize the Lewiston School Committee to expend \$1,394,077.06 for Other Instruction, including Summer School and Extracurricular Instruction for the fiscal year beginning July 1, 2020 and ending June 30, 2021.
5. To authorize the Lewiston School Committee to expend \$6,005,569.16 for Student and Staff Support for the fiscal year beginning July 1, 2020 and ending June 30, 2021.
6. To authorize the Lewiston School Committee to expend \$1,724,265.46 for District Administration for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

7. To authorize the Lewiston School Committee to expend \$3,691,900.30 for School Administration for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

8. To authorize the Lewiston School Committee to expend \$5,093,483.95 for Transportation and Buses for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

9. To authorize the Lewiston School Committee to expend \$7,189,025.59 for Facilities Maintenance for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

10. To authorize the Lewiston School Committee to expend \$6,710,971.97 for Debt Service and Other Commitments for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

11. To authorize the Lewiston School Committee to expend \$29,000.00 for All Other Expenditures for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

REVENUE ARTICLES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

12. To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$78,783,890.42) and to see what sum the City will raise as the City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Minimum Required Statutory Recommendation	\$18,531,790.00
School Committee Recommendation	\$18,531,790.00

Explanation: The City’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

13. In the event that Lewiston School Department receives more state education subsidy than the amount included in its budget, the School Committee shall first use the additional state subsidy to decrease the local cost share expectation, as defined in Title 20-A, section 15671 A(1)(B), for local property taxpayers for funding public education, provided that the total amount of funds raised by local taxpayers under Article 12 is no more and no less than the the local cost share expectation defined by law, and the School Committee shall then be authorized to use any remaining additional subsidy to cover emergency expenditures for school purposes in cost center categories approved by the School Committee and/or to leave any remaining additional subsidy unexpended to be applied to the school budget for the following fiscal year.

14. To appropriate the sum of \$1,466,929.19 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City’s contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.

15. To raise and appropriate the sum of \$214,567.05 in additional local funds which exceeds the State's Essential Programs and Services allocation model by \$214,567 as required to fund the budget recommended by the School Committee. The School Committee recommends \$214,567.05 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services Funding Model by \$214,567.05: The Essential Programs and Services funding model does not provide sufficient funding to fully cover the actual costs of operating the Lewiston Public Schools.

Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non- state-funded debt service that will help achieve the City's budget for educational purposes.

TOTAL SCHOOL OPERATING BUDGET ARTICLE TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

16. To authorize the Lewiston School Committee to expend the sum of \$88,614,478.05 for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the City's contribution to the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

OTHER REVENUES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

17. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2020-2021 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

ADULT EDUCATION TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

18. To appropriate the sum of \$787,592.93 for adult education for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and to raise the sum of \$480,687.00 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

Passed - Vote 7-0

APPROVAL OF ELECTION WARRANT CALLING FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JULY 14, 2020 FOR THE SCHOOL BUDGET VALIDATION AND RECOMMENDATIONS FROM THE CITY

VOTE (165-2020)

Motion by Councilor Clement, seconded by Councilor Pettengill:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, July 14, 2020 for the purposes of adoption of the school budget; and

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Referendum and State Candidate Primary & Referendum Election to be held on Tuesday, July 14, 2020:

- A. That the hours for acceptance of registrations in person only, prior to the July 14th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, July 8 through July 13, 2020.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 8:00am, 2:00pm, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

Passed – Vote 7-0

RESOLVE, CONDEMNING ALL USE OF EXCESSIVE AND UNREASONABLE FORCE AND THE USE OF RACIAL PROFILING BY POLICE, AND COMMITTING THE CITY OF LEWISTON TO ACHIEVING EQUALITY AND EQUAL JUSTICE FOR ALL IN ITS POLICING PRACTICES, POLICIES, AND TACTICS

Councilor Khalid read the proposed Resolution. The City Administrator presented an alternate Resolution drafted by the Mayor for the Council’s consideration. Members of the public offered comments regarding both Resolution proposals. Aleksander Diamond-Stanic, Renee Fortin, Joshua Nagine, Yaus Anoff, Caleb Roebuck, Lisa Belanger, Kiernan Majerus-Collins, Nairus Abdullahi, Bruce King, Malik Hall, Virginia Dearani, Tonya Bailey Curry, Laura Ligouri and Mohamed Ibrahim all addressed the Council. Most speakers spoke in support of the original Resolution as proposed. Councilors discussed their opinions of the Resolution and the issue in general, noting that compromises have already been reached, some constituents have concerns with the Police Department, the Resolve is not a statement on the local police, intent is not to reduce the police budget, Resolve is a chance to be proactive on this issue, some constituents are opposed to the Resolve, others support it, awareness training for all city employees is important, the Lewiston Police Department is to be commended for their 25 year national CALEA accreditation and are only one of four departments in the state to obtain this high status.

After Councilors reviewed and discussed the Resolution, it was agreed to incorporate the following changes into the original Resolution via friendly amendment and the Councilors who made the original motion concurred:

- 1) To insert the word “mostly” in the second “Whereas” clause, just before the word “peaceful”
- 2) To remove the third item in the Resolve language and to replace it with the language from Number 2 in the Mayor’s proposed Resolution, so the new language reads: “Recognizes and reaffirms the long-standing policy of the Lewiston Police Department prohibiting its officers from using chokeholds or strangleholds, that the Department is CALEA accredited as a result of its adoption of a full range of the best practices, policies, and procedures, and that the Department has worked hard to develop a strong and positive relationship with all members of our community; and”
- 3) To change the word “Directs” to “Encourage” at the beginning of Number 6 in the Resolve
- 4) To add a Number 9 to the Resolve to read: “Commits the Diversity and Equity Ad Hoc Committee to come up with a plan for permanent standing committee status by September 30, 2020.

VOTE (166-2020)

Motion by Councilor Rea, seconded by Councilor Jensen:

To approve the Resolve, Condemning All Use of Excessive and Unreasonable Force and Use of Racial Profiling by Police, and Committing the City of Lewiston to Achieving Equality and Equal Justice for All in its Policing Practices, Policies, and Tactics:

Whereas, criminal charges have been filed against a number of Minneapolis, Minnesota police officers for the murder of George Floyd on May 25, 2020; and

Whereas, millions of Americans, thousands of Mainers, and hundreds of Lewiston residents of all races and ethnic backgrounds have responded to George Floyd’s murder with mostly peaceful protests recognizing that Black Lives Matter and calling for the reform of police policies, procedures, and tactics that have contributed to this and other similar deaths in this country; and

Whereas, George Floyd’s murder was not an isolated incident in our country’s 400 year history of brutality and discrimination against people of color; and

Whereas, according to a 2018 study from the University of Michigan, Rutgers University, and Washington University, police use of force is the sixth leading cause of death for young black men and black men in general are about 2.5 times more likely to be killed by police than white men; and

Whereas, as is the case throughout our country, Lewiston has experienced incidents of racial, religious, and ethnic hatred and division, such as a Ku Klux Klan cross burning targeting Catholics in 1924 and isolated anti-immigrant incidents that continue today; and

Whereas, at the same time, many in this community have consistently spoken out against such hate and discrimination as, for example, the thousands of community members who joined together in 2003 to organize against a white supremacist rally, and large numbers of community members who continue to do so today in response to the unjust murders of Mr. Floyd and other minorities; and

Whereas, the Lewiston Police Department does not currently reflect the racial demographics of the community it serves; and

Whereas, the Lewiston City Council has a moral obligation to stand for justice and build a community where all people, including people of color, can live and breathe freely:

Now, therefore, be it Resolved that

The Lewiston City Council

- (1) Affirms and acknowledges that Black Lives Matter.
- (2) Condemns all acts of excessive police use of force, brutality, and racial profiling throughout the country, in Maine, and in Lewiston.
- (3) Recognizes and reaffirms the long-standing policy of the Lewiston Police Department prohibiting its officers from using chokeholds or strangleholds, that the Department is CALEA accredited as a result of its adoption of a full range of the best practices, policies, and procedures, and that the Department has worked hard to develop a strong and positive relationship with all members of our community; and
- (4) Commits to reviewing, through a special committee specifically established for this purpose and which is representative of the community, the process by which citizen complaints against police officers are investigated and, if necessary, to implement improvements in this process to ensure that such complaints are addressed thoroughly, objectively, fairly, and in a timely manner; and
- (5) Commits to providing the necessary resources to ensure that all city staff, including certified Lewiston police officers, receive anti-bias training and that police officers also receive crisis de-escalation training; and
- (6) Encourages the Police Department, in concert with minority communities, to expand efforts to recruit and hire individuals from minority communities in an effort to redress the current demographic imbalance within the department; and
- (7) Supports youth and community programs, including social services and public health, and reaffirms the on-going work of the Poverty Awareness Committee to address the impact of generational poverty on Lewiston's school students and the City-wide work of the City Spirit Council, in cooperation with diverse community partners, to create a city-wide equity statement.
- (8) Recognizes the need to explore innovative public safety models that emphasize compassion and empathy to move our society away from mass incarceration; and
- (9) Commits the Ad-Hoc Committee on Equality and Diversity to come up with a plan for a permanent standing committee by September 30, 2020

Passed - Vote 6-1 (Councilor Clement opposed)

**RESOLVE, REIMBURSING NINO CORPORATION FOR CERTAIN EXPENDITURES
RELATING TO LANE RECONFIGURATION ON OUTER LISBON STREET**

VOTE (167-2020)

Motion by Councilor Rea, seconded by Councilor Jensen:

To approve the Resolve, reimbursing Nino Corporation for certain expenditures relating to lane reconfiguration on Outer Lisbon Street:

Whereas, in 2006, the City Council agreed to reimburse Nino Corporation for certain expenses in excess of a then estimated traffic impact fee incurred by the Corporation for certain lane reconfigurations on outer Lisbon Street; and

Whereas, this reimbursement was to be made from the traffic impact fees to be paid by other projects as developments occurred in the area; and

Whereas, traffic impact fees collected to date have been insufficient to fully reimburse Nino Corporation for its expenditures; and

Whereas, the City Council is considering repeal of the traffic impact fee ordinance given that it is conceptually flawed and the purpose for which it was initially adopted, to raise funds for expanding outer Lisbon Street to five lanes, is no longer considered necessary within any reasonable planning timeframe; and

Whereas, if the ordinance is repealed, the unreimbursed amount will not be recovered from future fees;

Whereas, the Planning Board has reviewed this property and recommends its disposition; and

Whereas, the Finance Committee has recommended that the City negotiate directly with the developer for this property with a preference that it be sold for \$5,600; and

Now, therefore, be it resolved by the City Council of the City of Lewiston that Nino Corporation be reimbursed \$4,459.07 for the unreimbursed work it performed on the outer Lisbon Street lane reconfiguration project, such amounts satisfying in total any further obligation of the City of Lewiston in this matter.

Passed - Vote 7-0

**ORDER, AUTHORIZING THE SALE OF THE LAND AT 186 BLAKE STREET TO
THE RAISE-OP HOUSING COOPERATIVE**

VOTE (168-2020)

Motion by Councilor Jensen, seconded by Councilor Lajoie:

To approve the Order, authorizing the sale of land at 186 Blake Street to the Raise-Op Housing Cooperative:

Whereas, the City of Lewiston owns the vacant lot located at 186 Blake Street; and

Whereas, the City has no current need for this property and wishes to see it transferred into private ownership for potential development use; and

Whereas, the Planning Board has reviewed this property and recommends its disposition; and

Whereas, the Raise-Op Housing Cooperative has expressed a desire to purchase this property as part of a project to construct a new residential property at 188-194-198 Blake Street; and

Whereas, this project would build a 9 unit, mixed income, owner occupied building on these properties; and

Whereas, 186 Blake Street lot would be added to the property on which this development will occur; and

Whereas, the Finance Committee has recommended that the City negotiate directly with the developer for this property with a preference that it be sold for \$5,600; and

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Manager be authorized to sell the property at 186 Blake Street to the Raise-Op Housing Cooperative for \$5,600.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Rea reported the School Committee met last night to approve the warrant articles for the school budget and this past Saturday held a committee planning retreat.

OTHER BUSINESS

Councilor Khalid asked about the reopening date for the parks. Public Works Director Dale Doughty said the situation is scheduled to be reassessed on July 1. Councilor Rea asked the Mayor to consider issuing a Proclamation in honor of National Pride Month which is June. Councilor Khalid noted that World Refugee Day is coming up and asked the Mayor to issue a Proclamation in honor of that event as well. City Administrator Ed Barrett noted this is his last Council meeting after 10 years with Lewiston and 45 years in municipal government which amounts to approximately 1,080 Council meetings in his career in various communities. The Mayor and Council thanked Mr. Barrett for his dedicated service.

VOTE (169-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To adjourn at 10:08P.M. Passed - Vote 7-0

CITY COUNCIL

JUNE 16, 2020

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine