

# CITY OF LEWISTON

CITY COUNCIL

DECEMBER 15, 2020

## REGULAR MEETING HELD VIA ZOOM AT 7:00 P.M.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinas, City Administrator Denis D'Auteuil and City Clerk Kathleen Montejo.

### UPDATE ON CITY ACTIONS REGARDING COVID-19 PANDEMIC SITUATION

Deputy City Administrator Dale Doughty stated city staff will be working split shifts to try to isolate groups of staff to prevent COVID spreading into an entire city department. This is to protect both customers and staff and to maintain a continuity of service should an outbreak occur in a department. He noted all city employees are wearing masks during their entire shift unless they are working at their personal work station area. He noted the recent outbreak of 16 cases at the police department has been resolved with employees now back to work or on their way soon. Mr. Doughty noted the wonderful support the City has received from an epidemiologist at the Maine CDC office.

### VOTE (274-2020)

Motion by Councilor Gelinas, seconded by Councilor Jensen:

To dispense with the reading of the minutes of the meeting of December 1, 2020 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### PUBLIC COMMENT PERIOD

Ronnie Paradis, a member of the Public Health Committee, commented on the increased homeless situation and noted her church is gearing up to provide a mobile unit for showers and restrooms. She also noted a local church is offering free meals on Fridays but is located on outer Lisbon Street so not within walking distance to the downtown area and she encouraged the City Bus to add a route on Fridays.

### PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR COWBELL GRILL & TAP, 49 LISBON STREET

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

### VOTE (275-2020)

Motion by Councilor Lajoie, seconded by Councilor Gelinas:

To grant a Special Amusement permit for live entertainment to Cowbell Grill & Tap, 49 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO AMEND THE LAND USE CODE AND MAP TO AMEND THE EXISTING CONDITIONAL ZONING OF NEIGHBORHOOD CONSERVATION “B” (NCB) AT 299 RIVER ROAD, BY INCREASING THE ALLOWABLE OFFICE SPACE FROM 5,000 SF TO 25,000 SF**

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

**VOTE (276-2020)**

Motion by Councilor Khalid, seconded by Councilor Clement:

To approve Final Passage to amend the Land use Code and Map at the property located at 299 River Road by amending the conditional rezoning of Neighborhood Conservation “B” (NCB) to increase the allowable office space from 5,000 sg to 25,000 sf. Passed - Vote 7-0

**AMENDMENT TO THE POLICY MANUAL REGARDING PERSONNEL POLICIES AND EARNED LEAVE TIME**

**VOTE (277-2020)**

Motion by Councilor Rea, seconded by Councilor Jensen:

To approve the amendment to the Policy Manual regarding Personnel Policies and Earned Leave Time. Passed - Vote 7-0

**RESOLVE, AUTHORIZING REALLOCATION OF \$16,485 FROM THE LIBRARY CARPETING REPLACEMENT PROJECT TO THE LIBRARY ROOF RESTORATION PROJECT**

To approve the Resolve, Authorizing the transfer of \$16,485 from the Library Carpeting Replacement project to fund the shortfall on the Library Roof Restoration Project:

**VOTE (278-2020)**

Motion by Councilor Rea, seconded by Councilor Khalid:

Whereas, The City Council approved Library Roof Restoration Project in the FY21 fund balance (\$35,000); and

Whereas, the RFP scope of work was updated to include a full membrane roof system, due to the poor condition of the base materials, and recommendations from the pre-bid walk through, and

Whereas, the low bid came in at \$51,485 from Industrial Roofing, leaving a short fall of \$16,485; and

Whereas, The City Council approved the Library Carpeting Replacement project in FY20 fund balance (43,000), and

Whereas, the Library Carpeting Replacement is of lower priority and the reduced funds can be used to complete a revised scope of carpeting work, with future work to be proposed in the FY22 operating budget; and

Whereas, the Facilities Manager and Library Director are requesting to reallocate \$16,485 from the FY20 fund balance Library Carpeting Replacement project to cover the shortfall on the Library Roof Restoration Project.

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the amount of \$16,485 is hereby reallocated from the following fund balance: FY20 fund balance account 4559-458000 to the FY21 Library Roof Restoration Project (4559-458000).

Passed - Vote 7-0

**ORDER, TAKING POSSESSION OF THE FOLLOWING PROPERTIES AND  
AUTHORIZING THAT THEY BE OFFERED FOR SALE THROUGH THE  
COMPETITIVE BID PROCESS: 8 ANN STREET, 35 BEECHWOOD AVENUE, 71  
BRIGHAM STREET, 1 CARVER STREET, 9 CERES AVENUE, 1 JAMES AVENUE, 68  
JONES AVENUE, 47 PAYNE STREET AND 120 PROSPECT AVENUE**

**VOTE (279-2020)**

Motion by Councilor Jensen, seconded by Councilor Gelinias:

To approve the Order, directing staff to take possession of the following properties and offer them for sale through a competitive sealed bid process: 8 Ann Street, 35 Beechwood Avenue, 71 Brigham Street, 1 Carver Street, 9 Ceres Avenue, 1 James Avenue, 68 Jones Avenue, 47 Payne Street and 120 Prospect Avenue:

Whereas, tax liens have matured on nine parcels that are either unoccupied or vacant land; and

Whereas, numerous attempts have been made to contact the owners of these properties to seek collection of taxes owed through first class mail, certified mail, phone calls, and emails; and

Whereas, none of these attempts resulted in payment of amounts due or consistent compliance with negotiated payment arrangements; and

Whereas, as a result of matured tax liens, the City now legally owns these properties; and

Whereas, these properties should be offered for sale in an effort to recover amounts due to the city;

Now, therefore, be it resolved by the City Council of the City of Lewiston that staff is hereby directed to take possession of the following properties and offer them for sale through a competitive sealed bid process: 8 Ann Street, 35 Beechwood Avenue, 71 Brigham Street, 1 Carver Street, 9 Ceres Avenue, 1 James Avenue, 68 Jones Avenue, 47 Payne Street, and 120 Prospect Avenue.

Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (280-2020)**

Motion by Councilor Clement, seconded by Councilor Lajoie:

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 \$2,856.00 or any portion thereof, in the case of the State of Maine vs. Chad Nichols, CR-19-1963 Court Records, and the transfer of \$919.00 or any portion thereof, in the case of the State of Maine vs. Treva Wordell, CR-20-1822 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

**REPORTS AND UPDATES**

Councilor Rea reported the School Committee received a COVID-19 update last night and McMahan School will be remote until the new year and Connors is also closed until the new year. Mr. Doughty reported an update on the work to assist homeless residents, noting the Housing Committee and the Public Health Committee are working to identify resources, some of which are the Vineyard Church, CCI, Trinity Jubilee Center and others that sponsor “warming huts”. He said the city departments of Economic and Community Development, Public Works, Police, and Code are also working to identify work that can be done in this area. He said the temporary shelter at the Ramada has 28 dedicated beds and these are at capacity. The Mayor asked for an update on the situation in 60 days.

**OTHER BUSINESS**

**VOTE (281-2020)**

Motion by Councilor Clement, seconded by Councilor Lajoie:

To suspend the Council Rules and to add an item to the agenda at this time.  
Passed - Vote 7-0

**VOTE (282-2020)**

Motion by Councilor Rea, seconded by Councilor Pettengill:

To amend the proposed Resolve to also include December 31, 2020  
Did Not Pass – Vote 3-4 (Councilors Pettengill, Rea and Khalid in favor, others against)

**VOTE (283-2020)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Resolve authorizing the closure of all municipal offices with non-essential services on Thursday, December 24:

Whereas, under the Personnel Policy, city employees receive Christmas Eve Day, December 24, as a partial holiday (closing at 12pm); and

Whereas, federal government offices and many municipal offices in other communities are closed on December 24, 2020; and

Whereas, this year has been very difficult and demanding on municipal operations yet employees rose to the challenge of meeting the needs of the delivery of city services in unique and innovative ways during the pandemic; and

Whereas, the City Administration and City Council would like to send a positive message of appreciation and thanks to all city employees for their dedication and hard work this year;

Now, therefore, be it resolved by the City Council of the City of Lewiston that:

The City Council hereby authorizes the closure of all municipal offices with non-essential services on Thursday, December 24, 2020.

Passed – Vote 7-0

**EXECUTIVE SESSION**

**VOTE (284-2020)**

Motion by Councilor Clement, seconded by Councilor Gelinas:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

Passed - Vote 7-0

Executive Session began at 7:52pm and ended at 8:27pm.

**VOTE (285-2020)**

Motion by Councilor Rea, seconded by Councilor Pettengill:

To adjourn at 8:27P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine