

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 4, 2022

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE CARL L. SHELINE, MAYOR, PRESIDING.

PRESENT: Mayor Sheline, Councilors Scott, McCarthy, Harriman, LaChapelle, Pease, Clement and Gelinas, City Administrator Heather Hunter and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

LEWISTON LEADS PRESENTATION

Councilor Scott presented a Lewiston Leads coin to ZamZam Mohamed for her support over the years with numerous community events, assistance with translation services for Somali residents and work on behalf of the Somali community. Councilor Gelinas recognized Megan Parks for her work as an advocate for homeless residents and on the School Committee.

MAYOR'S BOOK PRESENTATION TO LEWISTON SLATE ARTIST

Mayor Sheline presented a book on slate carving to Lewiston artist Lynn Albert Leger. Several years ago, Mr. Leger carved the city seal on a large piece of granite and it is on display in the City Administrator's office. He is a self-taught craftsman and checked this book out of the library numerous times. The Mayor purchased another copy and presented it to Mr. Leger.

RECOGNITION OF DAN CARON, CHEF AT THE GREEN LADLE, LEWISTON HIGH SCHOOL

Mayor Sheline honored Dan Caron, chef instructor at the The Green Ladle, the culinary arts program catering service at the high school, with a certificate of congratulations for his 25 years of service in this role.

PUBLIC COMMENT PERIOD

Caleb Roebuck, Ward 2, stated on Sunday, Oct 2, a neo-Nazi group called NSC 131 (National Socialist Club) held a gathering in Kennedy Park and he asked the City Council to denounce this group and their presence in the city. Dr. Ron Sprinkle, Scarborough, spoke in support of recovery residences that assist people with substance abuse challenges. He noted he oversees five of these homes and four are located in Lewiston. Luke Jensen, Ward 5, suggested the Council establish a process and procedure for how items are placed on the agenda, noting there is currently no direction on agenda preparation. Johnny Clark spoke in favor of A Hand Up in Lewiston, a sober living house and member of the Maine Association for Recovery Residences.

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CARRIAGE HOUSE PLUS, 1119 LISBON STREET

Mayor Sheline opened the public hearing for comment and input on this agenda item. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (339-2022)

Motion by Councilor LaChapelle, seconded by Councilor Pease:

To grant a Special Amusement Permit for Live Entertainment to The Carriage House Plus, 1119 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE CASTING NETS OUTREACH

Mayor Sheline opened the public hearing for comment and input on this agenda item. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (340-2022)

Motion by Councilor Gelinas, seconded by Councilor McCarthy:

To conduct a public hearing on an application from The Casting Nets Outreach for outdoor musical concerts and performances to be held at Simard-Payne Memorial Park on October 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 organizing committee for the outdoor music concerts, 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. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FOR A BUSINESS LICENSE RENEWAL FOR MERRIMACK RIVER MEDICAL SERVICES, INC. FOR AN OUTPATIENT ADDICTION TREATMENT CLINIC AT 18 MOLLISON WAY

Mayor Sheline opened the public hearing for comment and input on this agenda item. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (341-2022)

Motion by Councilor Clement, seconded by Councilor Gelinas:

To approve the License for an Outpatient Addiction Treatment Clinic for Merrimack River Medical Services, Inc. to operate a Clinic at 18 Mollison Way, Lewiston, subject to the attached conditions. Passed - Vote 7-0

PUBLIC HEARING AND ADOPTION OF RESOLVE TO APPROVE THE AUBURN-LEWISTON HOME CONSORTIUM HOME-ARP PY21 ALLOCATION PLAN

Mayor Sheline opened the public hearing for comment and input on this agenda item. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (342-2022)

Motion by Councilor Gelinas, seconded by Councilor Clement:

To adopt the Resolve to approve the Auburn-Lewiston HOME Consortium HOME-ARP PY21 Allocation Plan:

Whereas, Auburn and Lewiston are the members of the Auburn-Lewiston HOME Consortium (ALHC); and

Whereas, the Consortium was formed to be eligible to receive a portion of federal HOME funding as allocated by Congress annually; and

Whereas, neither City is eligible for funding independently; and

Whereas, as an element of the American Rescue Plan the ALHC was allocated \$1,700,829 of additional HOME funding, with the requirement that the additional funding be used to reduce and address issues of homelessness; and

Whereas, staff from both Cities have conducted the requisite research, surveying, analysis, and stakeholder engagement to develop an allocation plan recommending how the additional funding can best be used in each City to address homelessness; and

Whereas, that plan, the Auburn-Lewiston HOME Consortium HOME –ARP PY21 Allocation Plan has been posted on the City of Auburn’s web site and been open to public comment; and

Whereas, a public notice was posted of a 30 day comment period was posted on the City’s social media platforms on September 1st; ending with a Public Hearing on October 4, 2022. Thus far, no comments were received;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Auburn-Lewiston HOME Consortium HOME ARP PY21 Allocation Plan is hereby adopted, and City staff may move forward with its implementation using the following appropriation breakdown for Lewiston share of the funding:

Affordable Rental Development	\$350,000
Support Services	\$372,852
Planning and Administration	<u>\$ 63,781</u>
	\$786,633

Passed - Vote 7-0

**AMENDMENTS TO THE CITY BUSINESS LICENSE FEE SCHEDULE POLICY
REGARDING THE FEES FOR SHELTERS**

VOTE (343-2022)

Motion by Councilor LaChapelle, seconded by Councilor McCarthy:

To approve the proposed amendments to the City Business Licensing Fee Schedule Policy,

Policy Manual Number 7, as recommended by the City Clerk. Passed – Vote 7-0

PUBLIC HEARING AND APPROVAL OF AMENDMENTS TO THE GENERAL ASSISTANCE POLICY FOR ANNUAL AUTHORIZATION OF ELIGIBILITY AMOUNTS

Mayor Sheline opened the public hearing for comment and input on this agenda item. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (344-2022)

Motion by Councilor Harriman, seconded by Councilor Scott:

That the maximum amounts allowed for general assistance and the maximums allowed for food, housing, personal care, utilities, heating fuel, transportation and recovery residence expenses in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be adopted as presented, in accordance with HUD guidelines and the current Thrifty Food Plan. Passed - Vote 7-0

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 808 WEBSTER STREET

Councilors confirmed they do not know the property owner or parties-in-interest or have any connection to one of them that make them unable to participate in the hearing. City Attorney Michael Carey assisted the Council with the hearing. Mayor Sheline opened the public hearing for evidence on this agenda item. David Hediger, Director of Planning and Code Enforcement and Nick Richard, Code Enforcement Officer, presented their findings on the condition of the building at 808 Webster Street and their recommendations to the Council. Carrie Folsom appeared as an attorney representing the mortgage holder and servicer. After accepting evidence, the Mayor continued the hearing as to the owner, Joel Nason.

VOTE (345-2022)

Motion by Councilor LaChapelle, seconded by Councilor Scott:

With regard to the property at 808 Webster Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE ELECTION ORDINANCE TO ESTABLISH JANUARY 1, 2023 AS THE EFFECTIVE DATE OF THE CITY WARD BOUNDARY LINES

Mayor Sheline opened the public hearing for comment and input on this agenda item. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (346-2022)

Motion by Councilor Pease, seconded by Councilor Clement:

That the proposed amendment to establish January 1, 2023 as the effective date of the Election Ordinance, regarding the city ward boundary lines, approved by the City Council during their September 6 and 20th meetings, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting.
Passed - Vote 7-0

RESOLVE, APPROVING THE LEASE PURCHASING AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION FOR THE JOHNSON CONTROL INC (JCI) ENERGY PERFORMANCE CONTRACT AND AUTHORIZING THE FINANCIAL DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

VOTE (347-2022)

Motion by Councilor McCarthy, seconded by Councilor Harriman:

To approve the Resolve for the Lease Purchasing Agreement with Banc of America Public Capital Corporation for the Johnson Control Inc. (JCI) energy performance contract and authorizing the Financial Director to execute the necessary documents:

Whereas, the City is entering into an energy performance contract with Johnson Control Inc. in the amount of \$2,598.989.97, and

Whereas, as part of the contract process, the City is required to execute a document entitled “A Resolution of the Governing Body of City of Lewiston, Maine, authorizing the execution and delivery of an Equipment Lease/Purchase Agreement with respect to the acquisition, financing and leasing of certain equipment for the public benefit within the terms provided herein; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution”,

Now, Therefore, Be It Resolved by the City Council that the City Council hereby authorizes the City Administrator, Finance Director and any additional require city staff, to execute all necessary documents related to the completion of this transaction regarding the Johnson Control Inc. Energy Performance Contract.

Passed - Vote 6-1 (Councilor LaChapelle opposed)

RESOLVE, AUTHORIZING APPLYING FOR, ACCEPTING AND APPROPRIATING A GRANT FROM THE JOHN T. GORMAN FOUNDATION FOR THE PURPOSE OF FUNDING CHOICE NEIGHBORHOOD IMPLEMENTATION GRANT PERSONNEL SUPPORT AND RELATED ACTIVITIES

VOTE (348-2022)

Motion by Councilor McCarthy, seconded by Councilor Gelinas:

To approve the Resolve, Authorizing the application for, acceptance of, and appropriating a grant from the John T. Gorman Foundation for the purpose of funding Choice Neighborhood Implementation Grant personnel support and related activities:

Whereas, the City adopted the Choice Neighborhood Transformation: Growing our Tree Streets in September 2019; and

Whereas, on May 26, 2021, Lewiston Housing, in partnership with the City of Lewiston, received a Choice Neighborhood Implementation Grant from the Department of Housing and Urban Development; and

Whereas, the award provides grant funding to Lewiston Housing and the City to build targeted replacement housing, implement an associated people plan, and critical community improvements in the neighborhood; and

Whereas, the City as co-grantee will provide project direction, and lead implementation of the neighborhood plan; and

Whereas, the John T. Gorman Foundation (JTG) has invited the City to apply for a grant to support the neighborhood development planner staff position related to the implementation of the Choice Neighborhood Transformation Plan;

Now, Therefore, Be It Resolved that the Lewiston City Council hereby authorizes application for, acceptance of, and appropriating a grant from the John T. Gorman Foundation for the purpose of funding Choice Neighborhood Implementation Grant personnel support and related activities.

Passed - Vote 7-0

TO PROVIDE STAFF DIRECTION ON THE CONTINUATION OF COTE STREET PARK PROJECT CONSTRUCTION

Public Works Director Mary Ann Brenchick explained the background of the project noting it is a rec conversion project and funds have been spent for design and engineering. Cote St resident Katie Prince noted she and neighbors are opposed to the establishment of a new park at this location noting the city cannot maintain the current parks and green spaces in good condition; they are also concerned with the lack of public input and outreach on this project.

VOTE (349-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To postpone action on the Cote Street park project and to direct staff to move forward to investigate the Island Point option. Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Scott reported the School Committee reviewed Freedom of Access training and approved housekeeping changes for several policies. She noted the district recently received a

grant for the creation of mobile labs for computer science and STEM programming. Councilor Harriman noted the Complete Streets Committee is working on pedestrian related improvements to Sabattus Street and are reviewing the Main St paving by MDOT. The City Clerk provided an election update noting 1,457 absentee ballots were mailed out this morning and the early voting polling place in the Council Chambers will open next week.

OTHER BUSINESS

Councilor LaChapelle stated he went on a ride-along with the police on Friday night and encouraged all Councilors to consider doing the same to see what the police experience on a regular basis. Councilor Clement would like to have a discussion of solar arrays at a future workshop. Councilor Scott noted it is getting cold outside and she would like to know what the city is planning to help the homeless during the fall and winter.

EXECUTIVE SESSION

VOTE (350-2022)

Motion by Councilor Clement, seconded by Councilor Pease:

To enter into an Executive Session pursuant to MRSA Title 1, Section 4-5 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive session began at 9:25pm and ended at 9:58pm.

VOTE (351-2022)

Motion by Councilor Harriman, seconded by Councilor Gelinias:

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 9:58 and ended at 10:12pm.

VOTE (352-2022)

Motion by Councilor Scott, seconded by Councilor Pease:

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 10:12pm and ended at 10:38pm.

VOTE (353-2022)

Motion by Councilor Clement, seconded by Councilor McCarthy:

To adjourn at 10:38 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine