

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 1, 2022

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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.

EXECUTIVE SESSION

VOTE (378-2022)

Motion by Councilor Pease, seconded by Councilor McCarthy:

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 6:01pm and ended at 6:23pm.

VOTE (379-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police – Patrol Unit. Passed - Vote 7-0

Executive Session began at 6:23pm and ended at 6:58pm.

Regular Meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

The Mayor asked for a moment of reflection for Fowsia Musse, an Auburn resident and Lewiston community organizer, who was shot in Ethiopia while visiting family. She is receiving medical treatment and will be returning to the United States soon.

LEWISTON LEADS PRESENTATIONS

Councilor Harriman recognized Signe Lynch who recently completed a summer project through Bates College establishing a composting program for city elementary schools. She currently works as a support program coordinator at New Beginnings assisting youth in crisis. Councilor Gelinas recognized Dan and Sandy Marquis, owners of Marquis Signs. They have operated the business for 45 years. Both dedicate a great deal of time to volunteering within the community with local organizations such as the Stanton Bird Club, Emerge Film Festival, Downtown Lewiston Association, Planning Board, Chamber of Commerce and more.

VOTE (380-2022)

Motion by Councilor Pease, seconded by Councilor Gelinias:

To dispense with the reading of the minutes of the meetings of October 4 and 18, 2022 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Cat Harvey Shewman, Ward 7, expressed concerns about recent City Council comments regarding white supremacy. She noted she is mixed race and her mother is of German descent. Her family members were victims under Hitler.

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SEA 40, 40 EAST AVENUE

Mayor Sheline 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 (381-2022)

Motion by Councilor McCarthy, seconded by Councilor LaChapelle:

To grant a Special Amusement Permit for live entertainment to Sea 40, 40 East Avenue. Passed - Vote 7-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE LEWISTON URBAN CIVIC CENTER ENTERPRISES, LLC, 190 BIRCH STREET

Mayor Sheline 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 (382-2022)

Motion by Councilor Pease, seconded by Councilor Harriman:

To grant a Special Amusement Permit for live entertainment for the Lewiston Urban Civic Center Enterprises, LLC, 190 Birch Street. Passed - Vote 7-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LA PUBLIC THEATRE, INC., 31 MAPLE STREET

Mayor Sheline 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 (383-2022)

Motion by Councilor McCarthy, seconded by Councilor Harriman:

To grant a Special Amusement Permit for live entertainment for LA Public Theatre, Inc., 31 Maple Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE, ARTICLE II, DEFINITIONS

Mayor Sheline 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 (384-2022)

Motion by Councilor LaChapelle, seconded by Councilor Pease:

That the proposed amendments to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article II, Definitions receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE, ARTICLE III, OFFICIAL MAP

Mayor Sheline 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 (385-2022)

Motion by Councilor Pease, seconded by Councilor Clement:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area A Map receive final passage by a roll call vote. Passed – Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE, ARTICLE III, OFFICIAL MAP

Mayor Sheline opened the public hearing to receive citizen input and comment. Roger Champagne, Charles St – Inquired how LD 2003 at the state level would impact this item. Christine Poulin, Charles St – Wondered what kind of housing the developer might be considering building in this area. Chris LaChapelle, Farwell St – Appreciates the turnout from the residents, questions why the Council flipped their decision on the previous vote. Sharon Belle, Charles St – Was told a traffic survey would be done after the vote, would like to know why this will not be done before the vote. Larry Harvey, Farwell St – Lives in area, takes care of mother in law who has lived there for 60 years, traffic is busy now with drivers passing through and school buses from the elementary school, do survey on Farwell St traffic, traffic is backed up every day at 3:30pm due to the school and at 5pm due to commuter traffic. Crystal

LaChapelle, Farwell St – Hearing many comments tonight but nothing specific, no one knows if development would be single family homes, multi-unit buildings, low income, etc. There has been a large amount of crime in the city from tenants of low-income multi-family housing. Welcomes the 55 plus housing, does not want high rises. The Mayor then closed the hearing.

VOTE (386-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area B, Option 2 Map, which does not include 128 Farwell St., receive final passage by a roll call vote. Passed - Vote 7-0

Councilor Harriman did not see it as the Council’s place to initiate the process when the developer has the ability and rights to do so if he is interested in doing that. Councilor LaChapelle noted it is a protection for the neighborhood. Councilor McCarthy noted the contract zoning locks in the developer to a certain type of development and with the uncertainty in the economy, this would protect the owners. Councilor Scott questioned if the contract zone does lock in the developer. Councilor Clement noted the property owner meet with staff and a representative of the Council and stated his intention of developing a 55 age plus multi-unit housing development.

VOTE (387-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To refer the parcel of 128 Farwell St back to the Planning Board recommending that a contract rezoning be considered at the owner’s discretion. Passed - Vote 4-3 (Councilors Gelinas, Scott and Harriman opposed)

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE, ARTICLE XI, DISTRICT REGULATIONS

Mayor Sheline 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 (388-2022)

Motion by Councilor Harriman, seconded by Councilor Clement:

That the proposed amendments to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article XI, District Regulations receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE, ARTICLE XII, PERFORMANCE STANDARDS

Mayor Sheline 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 (389-2022)

Motion by Councilor Clement, seconded by Councilor Harriman:

That the proposed amendments to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article XII, Performance Standards receive final passage by a roll call vote.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE DESIGN LEWISTON SITE PLAN REVIEW AND DESIGN GUIDELINES/STANDARDS

Mayor Sheline 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 (390-2022)

Motion by Councilor Pease, seconded by Councilor McCarthy:

That the proposed amendments to Design Lewiston Site Plan Review and Design Guidelines/Standards receive final passage by a roll call vote. Passed - Vote 7-0

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 808 WEBSTER STREET

Director of Code Enforcement and Planning David Hediger and Code Enforcement Officer Nicholas Richard presented information on the conditions of the property and their communications with the owner. City staff recommend a continuance based upon conversations with the bank, they noted considerable improvements have been made since the last inspection. Matthew Bowen, representing US Bank and Nationstar Mortgage/Fannie Mae was present. Property owner Joel Nason is not present. City Attorney Mike Carey reviewed the consent agreement that the mortgage holder signed this afternoon.

VOTE (391-2022)

Motion by Councilor Pease, seconded by Councilor Clement:

To continue the hearing to determine if the building located at 808 Webster Street has met the dangerous building statutes as defined in Title 17, Sec 2851 et all. Passed - Vote 7-0

ORDER, AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE CITY'S GENERAL FUND FUND BALANCE IN THE AMOUNT OF \$96,000 TO FUND THE COST OF THREE SUV POLICE VEHICLES

VOTE (392-2022)

Motion by Councilor McCarthy, seconded by Councilor Pease:

To approve the Order authorizing a supplemental appropriation from the City's General Fund fund balance in the amount of \$96,000 to fund the cost of three SUV Police vehicles:

Whereas, given inordinately long lead times of between 6-12 months to receive public safety vehicles; and

Whereas, annually, the Police Department requests cruisers and SUV replacement vehicles given their wear; and

Whereas, based upon their immediate need, the department was able to locate three patrol rated SUV vehicles and used FY23 funds for the purchase; and

Whereas, considering the 6-12 month lead time, the department would also like to award the SUV vehicle bid and request their FY24 funding early to retain their vehicle replacement cycle;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to approve the Order authorizing a supplemental appropriation from the City's General Fund fund balance in the amount of \$96,000 to fund the cost of three SUV Police vehicles.

Passed - Vote 7-0

**ORDER TO APPROVE THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
– LOCAL #785 CHANGE IN MAINEPERS SPECIAL PLAN COVERAGE FROM 2C TO
3C FOR FUTURE SERVICE ONLY, EFFECTIVE JANUARY 1, 2023**

VOTE (393-2022)

Motion by Councilor Clement, seconded by Councilor Pease:

To approve the Order changing the International Association of Firefighters – Local #785 MainePERS Special Plan Coverage from 2C to 3C for Future Service Only, effective January 1, 2023:

Whereas, The City agrees to:

- a) Provide Special Plan 3C to its permanent firefighters (i.e. other than temporary, seasonal or limited period part-time) for service rendered after December 31, 2022. Service for firefighters rendered before January 1, 2023 remains under Special Plan 2C.
- b) Continue to provide Special Plan 3C to its permanent police officers (i.e. other than temporary, seasonal or limited-period part-time).
- c) Continue to provide Regular Plan AC to its permanent general government employees (i.e. other than temporary, seasonal or limited-period part-time) and its elected and appointed officials.
- d) Continue to exclude all other employees, including temporary, seasonal and limited-period part-time employees from participating in the plan.
- e) To authorize Heather Hunter, City Administrator to sign the Amended Agreement between the City and the Maine Public Employees Retirement System.

Whereas, this amendment is an imperative recruiting tool as well as, improves retention in Fire Department; and

Whereas, by electing Future Service Only, there will be no additional unfunded actuarial costs to the City; and

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to approve the International Association of Firefighter- Local #785 contract change changing MainePERS Special Plan Coverage from 2C to 3C for Future Service Only, effective January 1, 2023, and have the City Administrator execute the amended MainePERS contract.

Passed - Vote 7-0

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF 9 JAYDEE WAY

VOTE (394-2022)

Motion by Councilor McCarthy, seconded by Councilor Clement:

To approve the Order, Authorizing the City Administrator to execute the Purchase and Sale Agreement for the purchase of 9 Jaydee Way:

Whereas, the City’s current fire substation located on Main Street must be replaced due to its age, condition, and obsolete functionality; and

Whereas, the City owns insufficient property at this location to allow for a replacement station to be constructed on that site; and

Whereas, after review and evaluation of a number of sites by staff and the City’s architectural consultants, 9 Jaydee Way is the recommended location for a new station, due to its topography, the availability of infrastructure, and its location near the signalized intersection of Mollison Way and Main Street; and

Whereas, the City and the current owner have reached an agreement on purchase price of \$160,000;

Now, therefore, be it ordered by the City Council of the City of Lewiston, to authorize the City Administrator to execute the Purchase and Sale Agreement for the purchase of 9 Jaydee Way and execute the necessary closing documents.

Passed - Vote 7-0

REQUEST FOR DONATION OF IN-KIND CITY SERVICES AND WAIVER OF FEES FOR THE HOLIDAY AT THE PLAZA EVENT

VOTE (395-2022)

Motion by Councilor Pease, seconded by Councilor Gelinas:

To approve the request submitted by The Holiday At The Plaza organizing committee for an in-kind donation of city services and authorize the waiver of fees totaling \$2,705. Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Scott reported the School Committee has not met since the last City Council meeting and their next meeting this Monday evening.

OTHER BUSINESS

Councilor LaChapelle has requested a joint workshop with the Planning Board in January or February.

VOTE (396-2022)

Motion by Councilor Harriman, seconded by Councilor Clement:

To adjourn at 10:23 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine