

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 20, 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 Gelinis, City Administrator Heather Hunter and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

LEWISTON LEADS PRESENTATION

Councilor LaChapelle honored Robert Reed with a Lewiston Leads challenge coin for his work over the years volunteering for Boy Scouts and numerous city boards and committees, notably service on the City Council and Finance Committee. Councilor Clement recognized Paul Robinson for his numerous contributions to the city over the years, having served on just about every city board and committee, a feat achieved by no other Lewiston resident in recent memory.

PRESENTATION – RECOGNITION OF LEWISTON HIGH SCHOOL MOCK TRIAL TEAM

The Mayor recognized the Lewiston High School Mock Trial Team on their recent state championship win. They will be representing the State of Maine in the national competition in the spring. The Mayor thanked the students, teachers, coaching attorneys and alumni for all of their support in this achievement.

PRESENTATION – RECOGNITION OF STUDENTS FROM CONNORS ELEMENTARY SCHOOL CIVIL RIGHTS TEAM WHO DESIGNED THE MAINE ORNAMENT FOR THE NATIONAL CHRISTMAS TREE

The Mayor honored the Civic Rights Team from Connors Elementary School for their work in designing the ornament representing the State of Maine that was placed on the national Christmas Tree in Washington, DC. The theme of the ornament was celebrating diversity.

The Mayor also announced that the City's Director of Social Services, Elaine Brackett, was recently recognized as a Housing Champion for 2022 by the Maine Quality Housing Coalition.

PUBLIC COMMENT PERIOD

Bob Reed, Ward 7, noted during the recent Council workshop on recycling and solid waste options, the MWAC was not mentioned during the discussion, most likely because Lewiston is not a member town. He encouraged the Council to find out about DEP regulations and the impact on MWAC. Melissa Dunn, 254 Blake St, asked about the Mayor's opening statement before each public comment period, nothing it references members of the public should avoid making comments that are illegal; she wanted to know if any comments could be subject to arrest in the middle of the meeting.

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FAST BREAKS, 1465 LISBON STREET

The Mayor 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 (417-2022)

Motion by Councilor Pease, seconded by Councilor McCarthy:

To grant a Special Amusement Permit for Live Entertainment for Fast Breaks, 1465 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE TO PROHIBIT LOITERING, CAMPING, SLEEPING OR REMAINING ON CITY OWNED PROPERTIES BETWEEN THE HOURS OF 9PM AND 5AM

The Mayor opened the hearing to receive citizen input and comment. Several members of the public spoke:

- 1) Jeffery Padham – Local landlord, member of the city’s Housing Committee, asked where will people without homes go if they cannot stay on city property and there are not enough shelter beds available. He said they would have no choice but to sleep on private property if this ordinance passes. He asked how the city will inform residents who are unhoused about this new change. He noted the city has no plan to address housing.
- 2) Steve, Auburn – Volunteers to feed the homeless and finds this ordinance ridiculous because it would just cause unhoused residents to constantly keep moving locations.
- 3) Chris Bucknell, Executive Director of New Beginnings – Does not support proposed changes and will not help the homeless. His organization helps clients ages 19-23 and provides limited shelter beds, when they are full, the people end up sleeping in the woods. This amendment will criminalize homelessness and will harm our vulnerable neighbors. He urged the Council to have compassion and vote this down.
- 4) Nicole Sparlin, Ware St – No one should be without shelter and heat, where are they supposed to go? This action would make the unhoused more invisible to the public.
- 5) Randy, homeless – If caught on city property, will be summons for trespassing, this will criminalize being homeless, they are invisible people, many are working. The Councilors are out of touch with reality and will go home tonight to their warm houses, and have nice jobs and nice cars. How many more deaths of homeless have to happen in Lewiston?
- 6) Ron Potvin, vice president of Store Next Door – The Store Next Door serves homeless students and works hard to keep them in school. Suggested this ordinance language is premature and should wait until a winter shelter is established to allow people to get through winter before this ordinance is changed. He asked the Council not to create more barriers for homeless students.
- 7) Melissa Dunn, Blake St – Reminded the Council the pandemic rental relief is ending soon and a lot more residents will be out on the street as a result of the ending of the federal funding, noting 3,000 Mainers could be evicted very soon. Homeless people are victims and have been harassed, traumatized and more.

- 8) Rosie Bosse, Pine St – The annual homeless vigil is tomorrow night, the longest night of the year. This ordinance will make homelessness illegal. The underlying problem is lack of accessible, affordable housing. The temperatures will soon be in the negative numbers with a high wind chill this winter.
- 9) Johnnie Clark – Hands Up Sober Living executive director, this ordinance does not address the issue of lack of housing, residents in his facility would be happy to staff a winter shelter in the city

The Mayor then closed the hearing. Councilors noted the difficulty of the situation, the lack of shelter space within the city.

VOTE (418-2022)

Motion by Councilor McCarthy, seconded by Councilor Pease:

If the ordinance amendment is adopted, to set the effective date of the amendment to be April 1, 2023. Passed - Vote 4-3 (Councilors Scott, Harriman and Gelinis opposed)

VOTE (419-2022)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

That the proposed amendments to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions” regarding the prohibition of loitering, camping, sleeping or remaining on city owned property between the hours of 9 pm and 5 am, receive final passage by a roll call vote. Passed - Vote 4-3 (Councilors Scott, Harriman and Gelinis opposed)

RESOLVE, ACCEPTING AND APPROPRIATING FUNDS RECEIVED FROM THE CITY’S DIRECT PARTICIPATION IN THE CLASS ACTION LAWSUIT AGAINST THE PHARMACEUTICAL COMPANIES WHO MANUFACTURED AND DISTRIBUTED OPIOID ADDICTING MEDICATIONS AND DRUGS

Councilor LaChapelle questioned the amount of money appropriated for the vehicle noting that a new one is not needed and a quality used one can be available for much less than allotted. It was noted the radio system would be about \$7,000 and the Finance Committee will review the bids received via the RFP for the vehicle.

VOTE (420-2022)

Motion by Councilor Harriman, seconded by Councilor Pease:

To approve the Resolve, Accepting and appropriating funds received from the City’s direct participation in the class action lawsuit against the pharmaceutical companies who manufactured and distributed opioid addicting medications and drugs:

Whereas, the City, as a direct participant, is entitled to receive both direct and State pass-through settlement funds; and

Whereas, the City has received the first direct payment of \$61,022.44 and is scheduled to receive a second payment this fiscal year of \$69,081.07; and

Whereas, the Mayor created a Substance Use Disorder (SUD) Ad-hoc Committee to outline services available within the community and identify needs that remain unfulfilled and make recommendations to address those needs; and

Whereas, the City contracts with Tri-county Mental Health for two Project Support You (PSY) workers, who perform SUD and other outreach services and travel with a patrol officer in their cruiser; and

Whereas, the Committee is recommending the PSY workers have their own vehicle to provide greater efficiency in responding to those in need and move one of the workers to the second shift based upon need and provide for a shift differential;

Now, Therefore, Be It Resolved that the Lewiston City Council hereby authorizes the acceptance of, and appropriating from the Opioid Lawsuit Settlement Funds the following items for the remainder of the fiscal year:

- Vehicle and Radio - \$65,000
- Gasoline - \$3,500
- Contractual Services – Shift Differential - \$2,500

Passed - Vote 7-0

TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF LEWISTON AND UNITED SOMALI WOMEN OF MAINE, DBA IMMIGRANT RESOURCE CENTER (IRCM) FOR SPACE AT CITY HALL AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE LEASE SUBSTANTIALLY IN FORM AS PRESENTED

VOTE (421-2022)

Motion by Councilor Clement, seconded by Councilor Harriman:

To approve the lease agreement between the City of Lewiston and United Somali Women of Maine, DBA Immigrant Resource Center of Maine (IRCM) for space at City Hall and authorize the City Administrator to execute the lease substantially in form as presented.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Scott reported the LYAC is planning a mental health awareness forum and speakers will be from the police department and a substance abuse counselor from the high school. Councilor Harriman stated the Transit Committee has commissioned a study to survey how riders use the transit system.

OTHER BUSINESS

Councilor LaChapelle inquired about Robert's Rules and the chair offering discussions during agenda items and making comments during the meeting. Councilor Clement mentioned this is prohibited in Robert's Rules in section 43:29 noting the chair must remain neutral. He also noted there is an opinion from the City Attorney supporting the principle that the Mayor as presiding officer may not offer comments during the discussion of agenda items. Councilor Harriman wished everyone a Happy Hannukah.

VOTE (422-2022)

Motion by Councilor Clement, seconded by Councilor Pease:

To adjourn at 9:05 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine