

# CITY OF LEWISTON

**CITY COUNCIL**

**JANUARY 21, 2014**

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

### **VOTE (24-2014)**

Motion by Councilor Libby, seconded by Councilor Lachance:

To dispense with the reading of the minutes of the meetings of January 7, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### **UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

The next session of the LYAC will feature issues regarding the understanding of immigration issues. They are planning to present a public information session which will be an intercultural educational session in early February at the Armory.

### **PUBLIC COMMENT PERIOD**

Larry Gilbert, 39 East Cote Street, asked the City Council to oppose Rule 17P (Maine Department of Health and Human Services Rule) which is proposed to eliminate general assistance funding for asylum seekers. He noted many Lewiston residents would become homeless if this state Rule goes into effect. He also stated many local landlords will lose revenue since there will not be a General Assistance benefit to cover the rent for many of their tenants. Mr. Gilbert said as a city, state and nation, we welcome immigrants to this country and they are legal residents. He noted he attended a state public hearing on this issue when 200 people spoke against this Rule and no one spoke in favor. He said if this passes, the State and city would be placing families on the street and this is inhumane and disgraceful treatment. He asked the Council to adopt a Resolve to oppose Rule 17P. He said the Maine Chamber of Commerce and Portland City Council have adopted resolutions opposing this new Rule.

### **PUBLIC HEARING ON THE SPECIAL AMUSEMENT PERMIT FOR THE ELKS LEWISTON LODGE, 1675 LISBON STREET**

Mayor Macdonald 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 (25-2014)**

Motion by Councilor Christ, seconded by Councilor Cloutier:

To grant a special amusement permit for live entertainment to the Elks Lewiston Lodge #371, 1675 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE SPECIAL AMUSEMENT PERMIT FOR THE FRATERNAL ORDER OF EAGLES, 1327 SABATTUS STREET**

Mayor Macdonald 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 (26-2014)**

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To grant a special amusement permit for live entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE ELECTIONS ORDINANCE REGARDING WRITE-IN CANDIDATES**

Mayor Macdonald 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 (27-2014)**

Motion by Councilor Cayer, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 32, "Elections", Section 32-2 "Write-in vote", 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

**HEARING ON AN APPEAL FOR A DENIAL OF A TATTOO ARTIST LICENSE**

Bruce Flash was denied a Lewiston tattoo artist license in December by the City Clerk, and he is appealing the denial. Mr. Flash spoke to his professional background as a tattoo artist as well as his past criminal background. He noted he held a license from Auburn for several years and has now helped to establish a new tattoo business in Lewiston and he would now like to work here. The Police Chief also commented on Mr. Flash's criminal background and noted some of his actions are related to tattooing, such as tattooing a minor. The Chief then had a detective from the City of Auburn who investigated some of Mr. Flash's criminal activity provide additional background information.

**VOTE (28-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

To uphold the City Clerk's denial of the tattoo artist license for Bruce Flash and to deny the issuance of a City of Lewiston tattoo artist license to Mr. Flash. Passed - Vote 7-0

**REQUEST FOR USE OF CITY SERVICES FOR THE L/A ARTS ICE FESTIVAL EVENT**

**VOTE (29-2014)**

Motion by Councilor Libby, seconded by Councilor Cayer:

To allow the use of city services for the Ice Festival L/A for the use of trash barrels, opening of the city garage and disposal of the excess ice from the sculptures.

Passed - Vote 5-2 (Councilors Cloutier and Lachance opposed)

**RESOLVE ACCEPTING THE CITY OF LEWISTON'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2013**

**VOTE (30-2014)**

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Resolve accepting the City of Lewiston's Comprehensive Annual Financial Report for the Year Ended June 30, 2013:

Be It Resolved by the City Council of the City of Lewiston that the City of Lewiston's Comprehensive Annual Financial Report, including its General Purpose Financial Statements for the year ended June 30, 2013 as prepared by City Finance staff and the Independent Auditor's Report thereon prepared by Runyon, Kersteen Ouellette, is hereby accepted in its entirety.

Passed - Vote 7-0

**RESOLVE EXPRESSING THE OPPOSITION OF THE CITY COUNCIL OF THE CITY OF LEWISTON TO ADDITIONAL REDUCTIONS IN MUNICIPAL REVENUE SHARING AND THE IMPACT IT WILL HAVE ON THE CITY'S PROPERTY TAX AND PROPERTY TAX PAYER**

**VOTE (31-2014)**

Motion by Councilor Libby, seconded by Councilor Lachance:

To add the following sentence to the last section of the Resolve: If the State continues to raid its Revenue Sharing fund, the State must allow municipalities other options for revenue sharing.

Councilor discussed the pros and cons of adding this additional statement to the Resolve, and it was determined to not include this statement at this time. The amendment was withdrawn.

**VOTE (32-2014)**

Motion by Councilor Cloutier, seconded by Councilor Christ:

To approve the Resolve Expressing the Opposition of the City Council of the City of Lewiston to Additional Reductions in Municipal Revenue Sharing and the Impact it will have on the City's Property Tax and Property Tax Payer:

Whereas, during FY 14, municipal revenue sharing was significantly reduced resulting in the loss of \$1.4 million to the City of Lewiston; and

Whereas, as a result, the City was forced to take action to reduce expenditures and limit the impact of this reduction on the City's property tax assessment, including deferring filling certain

vacant positions, reducing maintenance budgets, and funding recurring capital expenditures through a combination of borrowing and fund balance; and

Whereas, the actions taken this year to reduce expenditures resulted in an adopted budget that was over \$1.1 million less than last year; and

Whereas, to accomplish this reduction, the City has eliminated virtually all flexibility in its budget leaving significant service and personnel reductions and/or major property tax increases as the only viable alternatives; and

Whereas, these reductions come after more than a decade during which the City has eliminated one-fifth of its work force and taken scores of actions to reduce expenditures; and

Whereas, as a result of these efforts, Lewiston spends the lowest amount per capita among Maine's ten largest Cities to provide basic governmental services to residents and visitors; and

Whereas, in spite of these efforts, the City was forced to increase the municipal property tax rate this year by 40 cents, increasing the property taxes that must be paid by residents and businesses; and

Whereas, included in the state's adopted FY 15 budget is an additional \$40 million cut to revenue sharing, a reduction which will take effect unless the legislature takes action; and

Whereas, funding revenue sharing at \$20 million for the coming year will reduce Lewiston's revenues by an additional \$2 million in addition to this year's \$1.2 million reduction; and

Whereas, on a combined basis, this \$3.2 million represents over a 25% reduction in the City's municipal non-property tax revenues; and

Whereas, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$1.06 in FY 15, increasing our property tax rate to \$27.50, one of the highest rates in the state; and

Whereas, alternatively, offsetting the loss of \$2 million by reducing expenditures would require reducing staff by an additional 30 to 40 positions over and above the 20% reduction that has been implemented since 2002; and

Whereas, further staffing and expenditure reductions of this magnitude would undermine our ability to provide basic public services and to support the infrastructure necessary for economic activity and growth; and

Whereas, even a balance between tax increases and spending cuts would result in much higher property taxes in return for services that would no longer meet resident expectations or needs;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that we hereby expresses our strong opposition to any further reduction in municipal revenue sharing. Such a reduction will continue the on-going and significant shift in the burden of funding state government to the property tax and property tax payer. These cuts have and will continue to

dramatically increase property taxes in Lewiston, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents and businesses with basic government services.

Be it Further Resolved, that the City Clerk is directed to provide copies of this Resolve to the members of the Legislature representing the City of Lewiston, members of the Appropriations Committee, the Speaker of the House, the President of the Senate, and the Legislative leadership.

Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (33-2014)**

Motion by Councilor Cayer, seconded by Councilor Dubois:

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 items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. Being funds forfeited pursuant to 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**

No items were presented for Reports and Updates at this time.

**OTHER BUSINESS**

**VOTE (34-2014)**

Motion by Councilor Libby, seconded by Councilor D'Auteuil:

To suspend the City Council Rules and to add an item to the agenda at this time entitled "Resolve Authorizing the purchase of a spare sidewalk snow blower attachment". Passed - Vote 7-0

**VOTE (35-2014)**

Motion by Councilor Libby, seconded by Councilor Dubois:

To approve the Resolve authorizing the purchase of a spare sidewalk snow blower attachment:

Whereas, snow removal on sidewalks is a significant concern; and

Whereas, the City's sidewalk blowers are run hard to clear approximately 50 miles of sidewalks, which often results in the gear boxes of the blower attachment breaking down, putting the unit out of service; and

Whereas, a spare sidewalk blower attachment, which can be used on all 3 available sidewalk machines, would allow a quick switch out for the blower attachment and resumed clearing

sidewalks; and

Whereas, a spare sidewalk blower attachment would also allow the mechanics more time to address needed repairs to the blower attachments; and

Whereas, a spare sidewalk blower attachment would cost approximately \$16,000 and bids for all the other equipment planned for purchase this fiscal year have come in approximately \$87,000 less than the budgeted amount;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Administrator is authorized to purchase a spare sidewalk snow blower attachment using funds available as a result of savings in the equipment replacement budget.

Passed - Vote 7-0

**EXECUTIVE SESSION**

**VOTE (36-2014)**

Motion by Councilor Dubois, seconded by Councilor D'Auteuil:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, 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 9:16pm and ended at 10:06pm.

**VOTE (37-2014)**

Motion by Councilor Libby, seconded by Councilor D'Auteuil:

To adjourn at 10:06 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine