

CITY OF LEWISTON

CITY COUNCIL

MARCH 4, 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.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

VOTE (102-2014)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To dispense with the reading of the minutes of the meeting of February 4, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

LEWISTON YOUTH ADVISORY COUNCIL

Councilor Libby read their report noting they are working hard on their Diversity Celebration event which will be held on April 5 and the public is invited.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR
THE CARLTON CLUB, 25 SABATTUS STREET**

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

VOTE (103-2014)

Motion by Councilor Christ, seconded by Councilor Libby:

To grant a special amusement permit for live entertainment to the Carlton Club, 25 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
BUSINESS LICENSING ORDINANCE REGARDING GARAGE SALE PERMITS**

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

VOTE (104-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article X “Sale of Personal Property from Residential Premises”, Section 22-282 “Permit required; conditions” receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 1 WALNUT STREET FROM THE DOWNTOWN RESIDENTIAL (DR) DISTRICT TO THE CENTREVILLE (CV) DISTRICT

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

VOTE (105-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 1 Walnut Street from the Downtown Residential (DR) District to the Centreville (CV) District, subject to a conditional agreement, and to continue the public hearing to the next regular City Council meeting for final passage.
Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE CONDITIONAL REZONING AGREEMENT FOR THE PROPERTY AT 170 SUMMER STREET

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

VOTE (106-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve first passage for the amendment to the conditional rezoning agreement for 170 Summer Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND ORDER REGARDING CONSOLIDATION OF CITYWIDE POLLING PLACES FOR THE JUNE 10, 2014, STATE PRIMARY AND SPECIAL MUNICIPAL ELECTION

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

VOTE (107-2014)

Motion by Councilor Christ, seconded by Councilor Cloutier:

To adopt the Order to Consolidate the Polling Locations for the June 10, 2014 election:

Ordered, that after conducting a public hearing to receive citizen input and comment, held on March 4, 2014, the Municipal Officers, in accordance with Title 21-A MRSA, section 631, subsection 1, approve the Certificate of Consolidation of Voting Places, consolidating the City's current four voting locations (seven wards) into one citywide polling place to be the Longley Elementary School Gymnasium for the June 10, 2014 election only,

And, Be It Further Ordered that this Certificate be recorded with the City Clerk and that she immediately file an attested copy with the Secretary of State's Office, in accordance with Title 21-A, section 631, subsection 1.

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING A CHANGE OF PARKING REGULATIONS FOR A PORTION OF COLLEGE STREET

VOTE (108-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To adopt the proposed amendment to the Traffic Schedule regarding the creation of a two hour parking time regulation for this section of College Street, as outlined on the vote sheet.

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING A CHANGE OF PARKING REGULATIONS FOR A PORTION OF MIDDLE STREET

VOTE (109-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To adopt the proposed amendments to the Traffic Schedule regarding the parking regulation for this section of Middle Street, as outlined on the vote sheet. Passed – Vote 7-0

REVIEW OF PROPOSED OPTIONS FOR THE PETTINGILL SCHOOL PARK AND RESIDENTIAL DEVELOPMENT PROPOSAL

The Council reviewed the three options presented: Option A – full-size park; Option B – 2 house lots and medium-size park; Option C – 4 house lots and small-size park. Numerous members of the public spoke in favor of this, many noting they are residents of the neighborhood and see the school playground and lawn area in use year round by residents from around the city. One citizen spoke against turning the entire area into a park and suggested creating three house lots and a smaller park in order to generate some revenue.

VOTE (110-2014)

Motion by Councilor Lachance, seconded by Councilor Christ:

To add the phrase to the end of the Resolve: Be It Further Resolved, that no bonds shall be

authorized for this project and in light of this, the LCIP FY15 capital project bond funds shall be deleted. Passed - Vote 7-0

VOTE (111-2014)

Motion by Councilor Libby, seconded by Councilor Dubois:

To support Option A: To approve the Resolve providing direction on the future of Pettingill School and Property – Park Only:

Whereas, the School Department returned the Pettingill School and surrounding property to the City in 2008; and

Whereas, after the property was returned, the City received no acceptable responses when reuse proposals were formally solicited on two separate occasions; and

Whereas, recognizing that the building constituted a blight and potential public safety hazard, the City Council authorized it to be demolished and demolition and site restoration will be completed this year; and

Whereas, residents in the area have expressed a desire to retain the existing playground and develop a park on the Pettingill site as a neighborhood amenity and the City Council has authorized the Friends of Pettingill to raise funds toward developing all or a portion of the property as a park; and

Whereas, the City Council has reviewed a variety of options for this property ranging from using the entire property as a park to dividing the property between a park and single family house lots; and

Whereas, it is now appropriate for the Council to determine the final use for this property;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the entire former Pettingill School Property is hereby designated for park and open space use and City Staff is authorized to work with the Friends of Pettingill and neighborhood residents to establish a master plan for the development of the property.

Be it Further Resolved, that the Friends of Pettingill are hereby authorized to continue to solicit and raise donations for the purpose of establishing a park and playground on this property. This authorization shall remain valid until January 1, 2015 unless further extended by action of the Council. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City to the donor.

Be It Further Resolved, that no bonds shall be authorized for this project and in light of this, the LCIP FY15 capital project bond funds shall be deleted.

Passed - Vote 6-1 (Councilor Cayer opposed)

RESOLVE ACCEPTING THE DONATION OF A 2003 FORD AMBULANCE FROM UNITED AMBULANCE

VOTE (112-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Resolve accepting the donation of a 2003 Ford ambulance from United Ambulance:

Whereas, the collection of evidence at crimes scenes has become increasingly sophisticated due to the advance of technology and the growing importance of appropriately handling and maintaining items that are collected; and

Whereas, the ability to store all of the equipment and supplies required for evidence collection and accident reconstruction in a single vehicle will ensure that required material will be readily available to officers and detectives working scenes; and

Whereas, United Ambulance has offered to donate a 2003 ambulance to the Lewiston Police Department for this purpose; and

Whereas, Given the limited use anticipated for this unit, operating expenditures are anticipated to be minor;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the donation of a 2003 Ford ambulance from United Ambulance is hereby accepted.

Passed - Vote 7-0

ORDER AUTHORIZING THE DEPUTY CITY ADMINISTRATOR TO EXECUTE A FISCAL SPONSORSHIP GRANT AGREEMENT WITH TRI-COUNTY MENTAL HEALTH SERVICES – ACCESSIBLE PLAYGROUND

VOTE (113-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve the Order authorizing the Deputy City Administrator to execute a Fiscal Sponsorship Grant Agreement with Tri-County Mental Health Services – Accessible Playground:

Whereas, several years ago, Shane’s Inspiration, a non-profit organization dedicated to improving the lives of children with disabilities, selected the City of Lewiston as the recipient of technical and design support and partial funding toward a universally accessible playground project to be located in Marcotte Park; and

Whereas, local stakeholders have joined with the City and representatives of Shane’s Inspiration to develop a design for that park; and

Whereas, a portion of the funding of this project must come through grants and fundraising activities; and

Whereas, certain foundations and granting organizations will only fund projects that are financially managed through a 501-c-3 non-profit organization; and

Whereas, Tri-County Mental Health Services is a 501-c-3 and is willing to become the Fiscal Sponsor for this project;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the Deputy City Administrator is hereby authorized to execute the attached Fiscal Sponsorship Agreement with Tri-County County Mental Health Services for the universally accessible playground project planned for Marcotte Park.

Passed - Vote 7-0

REPORTS AND UPDATES

The Council discussed holding a workshop on the issue of downtown housing and mixed-use housing. The City Administrator said that staff is working on developing a housing plan and plan to present it after the budget sessions. Councilor D’Auteuil updated the Council on the school budget that was presented yesterday.

OTHER BUSINESS

No other business was presented at this time.

VOTE (114-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To adjourn at 8:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine