

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 16, 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, Bouchard, Cayer and Lachance, City Administrator Edward Barrett and Deputy City Clerk Kelly Brooks.

Absent/Excused: Councilor Cloutier (Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.)

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (349-2014)

Motion by Councilor Cayer, seconded by Councilor Lachance:

To dispense with the reading of the minutes of the meeting of December 2, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

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

VOTE (350-2014)

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

To adopt the proposed amendments to the Traffic Schedule regarding the regulations of parking times for a portion of Middle Street. Passed - Vote 7-0

RESOLVE EXTENDING THE TERM OF THE COMMITTEE TO REVIEW PUBLIC WORKS' SERVICE LEVEL STANDARDS

VOTE (351-2014)

Motion by Councilor Lachance, seconded by Councilor Libby:

To approve the Resolve extending the term of the Committee to Review Public Works' Service Level Standards:

Whereas, on June 17, 2014, the City Council established the Committee to Review Public Works' Service Level Standards; and

Whereas, the Committee was charged with submitting its report and recommendations by

January 2015; and

Whereas, due to delays in the appointment of the Committee and conflicts in scheduling its meetings, the Committee will be unable to complete its work within the originally prescribed term; and

Whereas, given this, the term of the Committee must be extended;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the term of the Committee to Review Public Works' Service Level Standards is hereby extended to March 31, 2015.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
REGARDING FOOD AND BEVERAGE FACILITIES IN THE
CENTREVILLE DISTRICT**

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

VOTE (352-2014)

Motion by Councilor Lachance, seconded by Councilor Libby:

That the amendments to Appendix A, Zoning and Land Use Code, Article II, "Definitions" and Article XI "District Regulations", Section C "Land Use Table" of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance amendment be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**REPEAL OF THE CURRENT CHARITABLE ORGANIZATION SUPPORT CITY
POLICY AND ADOPTION OF A NEW SPECIAL EVENTS CITY POLICY**

VOTE (353-2014)

Motion by Councilor Cayer, seconded by Councilor Libby:

To table to the next regularly scheduled City Council meeting, the repeal of Policy Manual Number 87, the Charitable Organization Support Policy, and to establish and adopt a new Policy Manual Number 87, the Special Events Policy, as recommended by the Deputy City Administrator. Passed - Vote 7-0

**RESOLVE EXPRESSING CONCERN OF THE CITY COUNCIL REGARDING
CERTAIN ACTIONS SURROUNDING THE ESTABLISHMENT AND
AUTHORIZATION OF COMPENSATION FOR ELECTED COUNTY OFFICIALS**

Councilor Dubois recused herself from this matter citing a conflict of interest due to her

husband's position with the County as Judge of Probate. Elaine Makas, Stavros Mendros and Charles Morrison all addressed the Council regarding this matter and offered their input and comments. The City Administrator provided additional background information as well.

VOTE (354-2014)

Motion by Councilor Lachance, seconded by Councilor Cayer:

To adopt the Resolve expressing concern of the City Council regarding certain actions surrounding the establishment and authorization of compensation for elected county officials:

Whereas, in 2012, the voters of Androscoggin County approved a new charter for county government changing the nature, responsibilities, and composition of both the Board of County Commissioners (the Board) and the County Budget Committee (the Committee); and

Whereas, the Committee's role was redefined from approving all county budget expenditures to advising on such expenditures, but with two exceptions: a requirement that the Board's compensation be approved by the Committee (County Charter section 3.7) and authorizing the Committee to override specific line items recommended by the Board by an affirmative vote of 11 of its members (County Charter Section 5.5.2); and

Whereas, when the new charter went into effect, the newly constituted Committee and the transitional Board agreed that Section 3.7 of the Charter ultimately meant that the Board could not set its own salaries or benefits since final authority remained with the Committee; and

Whereas, this same understanding was investigated and reiterated without objection at the outset, interim, and conclusion of this year's budget process; and

Whereas, on October 22, 2014, the Chair and the Vice Chair of the Androscoggin County Charter Commission testified in-person to the assembled Committee and Board that the intent of section 3.7 was that the salaries and benefits of Commissioners are set by the Committee by a majority-plus-one vote of 9 of its members and cannot be changed by the Board; and

Whereas, on October 24, 2014, the Chair, Vice Chair, and Secretary of the Androscoggin County Charter Commission submitted a formal letter to Androscoggin County Clerk Patricia Fournier, reiterating that the intent of section 3.7 was that the salaries of elected county officials are to be set and approved by the Committee with a majority-plus-one vote of 9 of its members; and

Whereas, the Board's proposed compensation for themselves as presented to the Committee was adjusted by the Committee by a majority vote of 9 or more of its members; and

Whereas, only following final presentation of the budget and adjournment by the Committee, did the Board (upon an opinion solicited from legal counsel) disregard the Committee's action on compensation of Commissioners; and

Whereas, there appear to be additional disagreements between the framers of the County Charter Commission and the Board regarding the final authority of the Board and Committee; and

Whereas, disagreement as to the respective authorities of the Board and the Committee and the checks and balances intended thereof by the framers of the Charter can only serve to undermine the legitimacy of the County's governance structure;

Now, therefore, be it resolved by the City Council of the City of Lewiston that given the clear statement of intent by the members of the Androscoggin County Charter Commission and the apparent agreement of the Board of County Commissioners prior to and throughout this year's budget process, and with regard to the compensatory authority of the County Budget Committee, we are concerned that the subsequent actions taken by the County Commissioners to overrule the Budget Committee on compensation of Commissioners raises fundamental questions regarding the authority and responsibilities of both the Budget Committee and County Commissioners. These fundamental questions must be resolved to ensure the legitimacy of the new charter and form of government for Androscoggin County. To this end, the City Council:

- Requests the Board of County Commissioners reverse its dismissal of the Budget Committee's approved adjustments to the compensation of Commissioners; and
- Supports the effort to ask the State Attorney General to review the issues that have been raised and to render an opinion that clarifies the respective authority of the Board of Commissioners and Budget Committee relating to the county budget and compensation of commissioners; and
- Calls upon all parties to accept and abide by the opinion of the Attorney General on these issues; and
- Authorizes the City Administrator to support other efforts, in concert with other municipalities in Androscoggin County, to resolve these concerns; and
- Subject to further review by the Council of costs, authorizes the City Manager to work with other municipalities in Androscoggin County to outline potential remedies and the likely costs of pursuing them should these issues not otherwise be resolved;

Be It Further Resolved, that the City Clerk shall provide copies of this resolution to the County Clerk, Board of County Commissioners, members of the County Budget Committee, Maine Attorney General, and all other municipalities in Androscoggin County.

Passed - Vote 6-0 (Councilor Dubois recused herself from this item)

**RESOLVE EXTENDING THE TERM OF THE DOWNTOWN NEIGHBORHOOD
ACTION COMMITTEE**

VOTE (355-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To adopt the Resolve extending the term of the Downtown Neighborhood Action Committee:

Whereas, the Downtown Neighborhood Advisory Committee was established by Resolve of the Lewiston City Council in 2010 for an initial term of two years; and

Whereas, this term was subsequently increased by the Council for two additional years; and

Whereas, the extended term of the Committee will expire on December 31, 2014; and

Whereas, the Committee has voted to request that its term be extended to June 30, 2015 to allow the Committee to complete certain on-going projects including renovations and improvements to Paradis Park and to develop a proposal for the future direction of the Committee;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the term of the Downtown Neighborhood Action Committee is hereby extended to June 30, 2015.

Passed – Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSIONS

VOTE (356-2014)

Motion by Councilor Dubois, seconded by Councilor Cayer:

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 8:02pm and ended at 8:23pm.

VOTE (357-2014)

Motion by Councilor Lachance, seconded by Councilor Dubois:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(e) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 8:23pm and ended at 9:17pm.

VOTE (358-2014)

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

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(d) to discuss Labor Negotiations regarding the city’s six employee unions – International Association of

firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 7-0

Executive Session began at 9:17pm and ended at 10:10pm.

VOTE (359-2014)

Motion by Councilor Cayer, seconded by Councilor Libby:

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

A true record, Attest:

Kelly J. Brooks, CMC
Deputy City Clerk
Lewiston, Maine