

CITY OF LEWISTON

CITY COUNCIL

MAY 19, 2015

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, 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

Nairus Abdullahi spoke about the Do You Do Lew presentation the LYAC did in the 3rd and 5th grades at Geiger Elementary this morning.

MAINE ARBOR WEEK PROCLAMATION

Mayor Macdonald read a Proclamation in support of Maine Arbor Week in Lewiston.

PUBLIC COMMENT PERIOD

Jay Allen of South Portland, a new landlord to Lewiston, shared his observations and recommendations he thought the city council should hear about some of the local landlords in Lewiston. Mayor Macdonald confirmed with Mr. Allen that they already had an 11:00am appointment on Wednesday, May 20th to discuss this topic further.

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 226 OAK STREET/62 ELM STREET

VOTE (137-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 226 Oak Street/62 Elm Street:

Whereas, the owner, Harvey Miller, failed to pay sewer bills on a timely basis for 226 Oak Street/62 Elm Street (Tax Map 194, Lot 76, Parcel 00-002901); and

Whereas, a sewer lien was filed on March 2, 2012 (Book 8348 Page 219), and matured on September 1, 2013, in the amount of \$184.52; and

Whereas, payment was received in at closing on the sale of this property;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim be issued for 226 Oak Street/62 Elm Street is authorized to release the City's interest in the property to the new owner.

Passed - Vote 7-0

ADOPTION OF MEETING SCHEDULE FOR THE MONTHS OF JULY AND AUGUST

VOTE (138-2015)

Motion by Councilor Cayer, seconded by Councilor Lachance:

To suspend Section 1, (a) of the Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 14th at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 11th at 7:00pm. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR CONCERT IN
CONJUNCTION WITH THE "BUILD MAINE 2015: OXFORD ST. FORWARD"
FESTIVAL AT SIMARD PAYNE POLICE MEMORIAL PARK**

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

VOTE (139-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To conduct a public hearing on an application from The Street Plans Collaborative for an outdoor concert to be held at Simard-Payne Police Memorial Park on Thursday, May 21, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to The Street Plans Collaborative for an outdoor concert, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

BUILD MAINE 2015: OXFORD ST. FORWARD FESTIVAL

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (140-2015)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve the Build Maine 2015 May 21, 2015 event at Simard Payne Memorial Park as an officially sponsored City event in accordance with the Special Events Policy and to authorize City Administration to provide staff support which will not involve any overtime hours. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE CITY SERVICES FOR VARIOUS EVENTS CO-SPONSORED BY THE CITY OF LEWISTON AND THE LEWISTON VETERANS COUNCIL

VOTE (141-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to provide city services for various events co-sponsored by the City of Lewiston and the Lewiston Veterans Council:

Whereas, the city of Lewiston has a history of providing support services for a variety of activities that will enhance our city's quality-of-life; and

Whereas, the City of Lewiston Veterans council co-sponsored Memorial Day, Flag Day, and Veteran's Day activities; and

Whereas, the City provides in-kind support and waives certain permit fees for these events;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to direct city departments to provide applicable city support services to the events co-sponsored by the City and the Lewiston Auburn Veterans Council as outlined in a memorandum from Deputy City Administrator Phil Nadeau dated May 19, 2015.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE PARKS & RECREATION ORDINANCE TO INCORPORATE THE NEW PETTINGILL SCHOOL PARK AS A RECOGNIZED CITY PARK

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (142-2015)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

That the proposed amendments to the City Code of Ordinances, Chapter 54 "Parks & Recreation" regarding the addition of Pettingill School Park to the list of city parks, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE ANIMALS ORDINANCE PERTAINING TO THE ADDITION OF PETTINGILL SCHOOL PARK

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (143-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

That the proposed amendment to the City Code of Ordinances, Chapter 14 “Animals”, Article IX “Public Land, Parks and Playgrounds: Control or Prohibition of Domestic Animals”, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2016 LEWISTON CAPITAL IMPROVEMENT PROGRAM BOND ISSUE ORDER

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (144-2015)

Motion by Councilor Cayer, seconded by Councilor Lachance:

To adopt the FY2016 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$7,498,553 in Public Improvement Bonds, the issuance of \$100,000 in FY2015 in Public Improvement Bonds and making an appropriation for certain capital projects:

ORDERED, that \$7,498,553 is hereby appropriated for financing the following FY2016 projects and \$100,000 be appropriated for financing the following FY2015 project in the Lewiston Capital Improvement Program:

Project	Amount
Comp. Plan Implementation	100,000
Telephone System	250,000
Hardware Replacement	90,000
Wireless Managed Switch & Audit Controls	54,250
Public Safety Vehicles	133,400
Central Station Paving Project	48,000
Second Floor Interior Restoration	120,000
Garage Wayfinding Signage	60,000
Street Maintenance	1,305,000
Road Rehab	895,000
Street Amenities	200,000
MDOT- River Rd. Reconstruction	225,000
Local Share of Cedar & Lisbon	50,000
Oxford St. - Cedar to Beech	75,000
Riverfront Island Implementation	250,000
Municipal Garage Vehicles	587,700
Shop Equipment	53,500
Landfill Road Maintenance	120,000
Total General Fund Projects	4,616,850
Telephone System	250,000

New School Project	159,353
Chrome Books Purchase (\$285 x 330)	94,050
LHS Electrical & Network Upgrade	248,300
Playground Upgrades	260,000
Montello School Roof Replacement	670,000
Total School Projects	1,681,703
Sanitary Sewer Main Rehabilitation	1,000,000
Total Sewer Projects	1,000,000
Hart Brook Water Quality Restoration	200,000
Total Stormwater Projects	200,000
Total FY2016 Projects	7,498,553
Reauthorization of:	
North Temple Storm Drain Repair	100,000
Total FY2015 Projects	100,000

FURTHER ORDERED, that to meet this appropriation, \$7,498,553 and \$100,000 shall be raised by Public Improvement Bond Issue(s);

FURTHER ORDERED, that the City Council instructs the Finance Director to advertise for bids for \$7,498,553 and \$100,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Edwards Wildman Palmer LLP to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

FURTHER ORDERED, that the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

FURTHER ORDERED, that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

FURTHER ORDERED, that on or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Passed - Vote 6-1(Councilor D’Auteuil opposed)

**RESOLVE AUTHORIZING THE USE OF \$219,230 FROM THE GENERAL FUND
UNASSIGNED FUND BALANCE FOR CAPITAL OUTLAY PURCHASES AND
OTHER ONE-TIME COSTS**

VOTE (145-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the resolve authorizing the use of \$219,230 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time costs:

Whereas, the City of Lewiston adopted Ordinance 11-05 pertaining to Unassigned Fund Balance and effective on August 18, 2011; and

Whereas, the ordinance establishes an unassigned fund balance floor of 8% and a ceiling of 12% of General Fund GAAP revenues including transfers in; and

Whereas, as of June 30, 2014, the City's General Fund Unassigned Fund Balance floor was \$8,483,906 and the ceiling was \$12,725,859; and

Whereas, the City's actual General Fund Unassigned Fund Balance was \$13,476,275 or 12.71% as of June 30, 2014; and

Whereas, during FY15, the City used \$3,475,000 to pay off the taxable Colisee bonds; and

Whereas, the School Department agreed to allocated \$200,000 toward its deficit fund balance in FY16; and

Whereas, the City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2016 budget;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that \$219,230 of unassigned fund balance is hereby appropriated to purchase the following capital items:

- Ergonomic and miscellaneous office equipment (\$3,250);
- IT equipment including: 15 PCs, 1 printer, and 10 phones (\$8,100);
- Third floor bathroom renovations (\$1,000);
- Parking garage entrance gate replacement (\$16,000);
- Parking garage replacement of an expansion joint (\$10,000);
- Prorated portion of a GPS unit (\$2,500);
- Guardrail replacement (\$4,000);
- Fire hose and foam (\$9,250);
- Fire furniture replacement (\$4,000);
- East Ave. and general maintenance of sidewalks (\$20,000);
- Mercury vapor street light replacement (\$18,000);
- Leachate collection system maintenance at the Solid Waste Facility (\$78,500);
- Kennedy Park pool maintenance (\$5,500);
- Removal of the LAP lights (\$4,130); and
- Installation of a vehicle wash pad at Public Works (\$35,000)

Passed - Vote 7-0

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

VOTE (146-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the resolve Accepting the Report of the Committee to Review Public Works' Service Level Standards and Extending the Term of the Committee:

Whereas, in June 2014, the City Council established the Committee to Review Public Works' Service Level Standards and charged it with undertaking a comprehensive review of the Public Works Department including reviewing current staffing levels, organizational structure, and equipment to determine their adequacy in providing acceptable levels of service; and

Whereas, following this review, the Committee was also asked to develop recommendations that could enhance or improve departmental efficiency and effectiveness; and

Whereas, the Committee began meeting in December 2014 with the goal of completing its tasks in time for the City Council to consider its recommendations during the FY16 budget process; and

Whereas, the Committee developed and presented its report to the Council in May 2015; and

Whereas, due to the length of time required to appoint Committee members and organize its work, the Committee did not have adequate time to fully evaluate the productivity and work processes of the Department and submitted its final report later in the budget process than hoped; and

Whereas, as a result, the Committee is recommending that its tenure be extended for two (2) years and that it meet between August and December of each year to continue to review Department operations and review budgetary needs and issues;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The attached Final Report of the Committee to Review Public Works' Service Level Standards is hereby accepted with thanks and appreciation to the members of the Committee for their time and hard work.

Be it further Resolved that the term of the Committee is extended to December 31, 2016.

Passed - Vote 7-0

REPORTS AND UPDATES

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

OTHER BUSINESS

Councilor Libby noted the Knights of Columbus are looking for volunteers for this Friday, May 22nd to help place 1,600 flags on veteran's gravestones at Riverside Cemetery and Grand Army

of the Republic (GAR) Cemetery.

VOTE (147-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To adjourn at 7:35P.M. Passed - Vote 7-0

A true record, Attest:

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