

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 2, 2010

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

STEPHEN J. MORGAN, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Mayor Gilbert

Pledge of Allegiance to the Flag.
Moment of Silence.

Council President Morgan noted the Mayor is ill this evening and is unable to attend the meeting. President Morgan explained the Council is starting a new program of inviting one member of the Lewiston Youth Advisory Council to sit up front with the Council during each meeting. The representatives are welcome and encouraged to ask questions of issues during each agenda item. He noted the representative during this meeting is Mackenzi Masselli.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Ms. Masselli welcomed Councilor Butler as the Council representative to the LYAC. She noted April 16 is the date for their upcoming Youth Summit and they are currently preparing the workshop topics. The group is still selling their DVDs on the dangers of underaged drinking and their next meeting is February 4.

VOTE (36-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

To dispense with the reading of the minutes of the meeting of January 19, 2010 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 comments at this time period.

APPOINTMENTS TO THE CABLE TELEVISION ADVISORY BOARD

VOTE (37-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To confirm the Mayor's nomination of Laurent F. Gilbert, Jr., Emile Jacques, Norman L'Heureux and Joanne Potvin, to serve as members of the Cable Television Advisory Board and to appoint these residents as members of the Board for a two year term, said term to expire January 3, 2010. Passed - Vote 7-0

ANNUAL APPOINTMENTS FOR THE LEWISTON-AUBURN RAILROAD COMPANY

BOARD OF DIRECTORS

VOTE (38-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Board of Directors:

Gerard J. B. Raymond to a three year term and Laurier T. Raymond, Jr. to a three year term.

Passed - Vote 7-0

ORDER – ACCEPTING THE RECOMMENDATIONS OF THE ENERGY SAVING COMMITTEE REGARDING THE CONVERSION OF STREET LIGHTS TO MORE ENERGY EFFICIENT FIXTURES

VOTE (39-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To adopt the Order accepting the recommendations of the Energy Saving Committee regarding the conservation of street lights to more energy efficient fixtures:

Be it ordered by the City Council of the City of Lewiston that the recommendations of the Energy Conservation Committee regarding the Conversion of Street Lights to More Energy Efficient Fixtures, as outlined on the attached report from the Committee, are hereby accepted and staff is directed to take the necessary steps to implement them.

Be it further ordered that staff is authorized to develop and present to the City Council for its consideration additional recommendations as to street lights that may be eliminated, following the same procedures that have been used in the current trial eliminations now in progress.

Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR THE SOUTH END SOCIAL CLUB, 315 LISBON STREET

President Morgan opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. President Morgan then closed the hearing. Chief Bussiere stated he has met with the applicants who were recently charged with operating the club without a liquor license. He noted their court date is in March and if they are convicted, they would need to remove themselves from the liquor license as officers of the club. Debbie Alberts, one of the officers, stated they thought the liquor license was still valid since this is a renewal of the license and they thought there was a grace period to allow for the transfer of ownership, and they were unaware they were operating without a valid license.

VOTE (40-2010)

Motion by Councilor Jean, seconded by Councilor Butler:

To authorize the City Clerk's Office to approve a new liquor license application for the South

End Social Club, 315 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION FOR
GRECO'S PIZZERIA, 984 SABATTUS STREET**

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

VOTE (41-2010)

Motion by Councilor Jean, seconded by Councilor O'Connell:

To authorize the City Clerk's Office to approve a new liquor license application for Greco's Pizzeria, 984 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR THE FRANCO AMERICAN HERITAGE CENTER,
46 CEDAR STREET**

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

VOTE (42-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

To grant a special amusement permit for live entertainment to the Franco American Heritage Center, 46 Cedar Street. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
BUSINESS LICENSING ORDINANCE PERTAINING TO PAWNBROKERS AND
SECOND HAND DEALERS**

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

VOTE (43-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article VII "Junk Collectors, Pawnbrokers and Secondhand Dealers", receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR THE ELIMINATION OF THE
WAIVER OPTION OF AN OVERTIME PARKING TICKET**

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

VOTE (44-2010)

Motion by Councilor Jean, seconded by Councilor O'Connell:

That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Article IV "Stopping, Standing and Parking", regarding the elimination of the "forgiveness option" for overtime parking tickets, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 6-1 (Councilor Bernier opposed)

PUBLIC HEARING AND FINAL PASSAGE FOR THE LAND USE CODE AMENDMENTS REGARDING LODGING HOUSES AS PERMITTED USES IN THE NEIGHBORHOOD CONSERVATION "B" ZONING DISTRICT

President Morgan recused himself from this item citing a conflict of interest. Councilor Bernier conducted this portion of the meeting. Councilor Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Councilor Bernier then closed the hearing.

VOTE (45-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

That the proposed amendment to Appendix A, Article XI "District Standards", Section 7 "Neighborhood Conservation 'B' district" of the City Zoning and Land Use Code, concerning lodging houses, receive final passage by a roll call vote. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING OFF STREET PARKING FOR LODGING HOUSES

President Morgan recused himself from this item citing a conflict of interest. Councilor Bernier conducted this portion of the meeting. Councilor Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Councilor Bernier then closed the hearing.

VOTE (46-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 17, "Off-Street Parking and Loading", of the City Zoning and Land Use Code, concerning lodging houses, receive final passage by a roll call vote. Passed - Vote 5-1 (Councilor Poulin opposed)

PUBLIC HEARING AND FIRST AND FINAL PASSAGE OF THE MORATORIUM ORDINANCE REGARDING MEDICAL MARIJUANA DISPENSARIES

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

VOTE (47-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

That the proposed moratorium ordinance regarding medical marijuana dispensaries, to be effective March 4, 2010, receive first passage by a roll call vote.

Passed - Vote 7-0

VOTE (48-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

VOTE (49-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

That the proposed moratorium ordinance regarding medical marijuana dispensaries, to be effective March 4, 2010, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR THE
LINCOLN STREET PARKING GARAGE PROJECT**

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

VOTE (50-2010)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To conduct a public hearing on the Bond Resolution of the Municipal Officers of the City of Lewiston, Maine, regarding the authorization to issue bonds in the amount of \$5,585,000 for the Lincoln Street Parking Garage project, and to continue the public hearing to the February 16, 2010 City Council meeting. Passed - Vote 7-0

**APPROVAL OF THE PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN THE
CITY OF LEWISTON AND TEDFORD HOUSING**

VOTE (51-2010)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To authorize the City Administrator to execute the Payment In Lieu of Taxes Agreement between the City of Lewiston and Tedford Housing, in substantial form as presented, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**CHANGE OF PROCEDURE REGARDING THE ILLUMINATION OF THE
FRANCO AMERICAN HERITAGE CENTER BUILDING**

Edmond Guay, facility manager for the Center, requested the city absorb the cost for the electricity for these lights to illuminate the steeple at the Center.

VOTE (52-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To authorize the expenditure of \$1,102.73 for the electricity charge for twelve lights for one year to illuminate the Franco American Heritage Center building.

Did Not Pass - Vote 2 – 5 (Councilors Butler and Jean in favor; others opposed)

**PRESENTATION REGARDING THE CHAMBER OF COMMERCE’S NEW
MARKETING CAMPAIGN**

Representatives from the Chamber of Commerce presented a power point presentation regarding their new marketing research in the region and their related findings, as well as information on their new marketing campaign which showcases the many attractions in the area, such as quality restaurants, entertainment and cultural venues.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Bernier inquired about the use of the funds received in the drug forfeiture process. The Chief will present material to the Council for this issue. Councilor Bernier also asked about transportation options for disabled residents. The Deputy City Administrator will provide information on this issue.

EXECUTIVE SESSIONS

VOTE (53-2010)

Motion by Councilor Jean, second by Councilor O’Connell:

To enter into executive session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:20pm and ended at 8:33pm

VOTE (54-2010)

Motion by Councilor Butler, second by Councilor Poulin:

To enter into an executive session pursuant to MRSA Title 1, section 405 (6)(A) to discuss a personnel matter. Passed - Vote 7-0 Session began at 8:35pm and ended at 8:48pm.

VOTE (55-2010)

Motion by Councilor O’Connell, second by Councilor Jean:

CITY COUNCIL

FEBRUARY 2, 2010

To adjourn at 8:50P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine