

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 23, 2010

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer, Morgan, City Administrator Ed Barrett, and Deputy City Clerk Kelly Mercier.

The Council workshop regarding city parking requirements (256 Bartlett Street) began at 6:05pm and ended at 8:15pm. At this point, the Council took a brief recess. The regular meeting started at 8:28pm.

Pledge of Allegiance to the Flag.
Moment of Silence.

PUBLIC COMMENT PERIOD

No public comment was offered at this time.

VOTE (319-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To dispense with the reading of the minutes of the March 23, May 18 and November 9, 2010, meetings and to accept and place them on file as prepared by the City Clerk and Deputy City Clerk. Passed - Vote 7-0

TRAFFIC SCHEDULE AMENDMENT TO ADD A YIELD SIGN ON STETSON ROAD

VOTE (320-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To adopt the following amendment to the traffic schedule to add a yield sign on Stetson Road:

Section 42 - Yield Signs

STETSON ROAD 1 sign at Hogan Road (Northeast corner)

NOTE: (Additions are underlined; deletions are ~~struck-out~~.)

Passed -Vote 7-0

**TRAFFIC SCHEDULE AMENDMENT TO ADD A STOP SIGN ON
WATER'S EDGE DRIVE**

VOTE (321-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To adopt the following amendment to the traffic schedule to add a stop sign on Water's Edge Drive:

Section 38 - Stop Signs

WATER'S EDGE DRIVE 1 sign at No Name Pond Road (Northwest corner)

NOTE: (Additions are underlined; deletions are ~~struck-out~~.)

Passed - Vote 7-0

At this point, the Council took agenda item 7 out of order and addressed it at this time.

**ORDER AUTHORIZING THE CITY ADMINISTRATOR AND THE ANDROSCOGGIN
TRANSPORTATION RESOURCE CENTER TO EXECUTE AGREEMENTS WITH
THE MAINE DEPARTMENT OF TRANSPORTATION FOR THE MAIN STREET
TRAFFIC SAFETY PROJECT**

City Administrator Ed Barrett announced that an agreement has been made with Maine Department of Transportation to install a non-raised median from Strawberry Avenue to Brooks Avenue. After eighteen months as long as no more than three reportable accidents involving left hand turns from Brooks Avenue and Dunkin Donuts. The city has the commitment and funding to synchronize the traffic lights all the way to Mollison Way to allow to better control speed.

Dr. Roger Bergeron who practices out of 585 Main Street supports the project with a change to the design to the exit out of Dunkin Donuts onto Main Street and accommodations for a U-turn at the Russell Street fly-over.

Mike Dubois of 588 Main Street questioned the need for the project and stated his opposition.

Ron Comeau of 584 Main Street mentioned his concerns about the part of the project that would cause him to lose land which would include one parking space.

Several business owners and residents of the affect area stated their support for the project especially for the traffic signal.

After some discussion Councilors and staff agreed to work with the affected home owners. City Administrator Ed Barrett said that the city would do everything possible to work with the property owners to work to minimize the cost to the home owners.

VOTE (322-2010)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator and the Androscoggin Transportation Resource Center to execute agreements with the Maine Department of Transportation for the Main Street Traffic Safety Project. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING THE EXPIRATION OF DEVELOPMENT REVIEW
APPROVED PROJECTS**

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

VOTE (323-2010)

Motion by Councilor Jean, seconded by Councilor Butler:

That the proposed amendment to Appendix A, Article XIII “Development Review and Standards”, Section 11, “Expiration of Approval” of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING LODGING HOUSES, BOARDING HOUSES AND SHELTERS**

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

VOTE (324-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

That the proposed amendment to Appendix A, Article II “Definitions”, Section 2, “Definitions”, Article XI “District Regulations”, Section 4, “Medium-density residential district”, Section 7 “Neighborhood conservation “B” district”, Section 8, “Office residential district”, Section 9 “Downtown residential district”, Section 13 “Centreville district”, and Section 16 “Urban enterprise district”, of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING MEDICAL MARIJUANA DISPENSARIES AND REGISTERED
PRIMARY CAREGIVERS**

Mayor Gilbert opened the hearing to receive citizen input and comment. City Administrator Ed Barrett informed the Council that the Planning Board voted not to recommend the City Council adopt this proposed amendment. The Planning Board had concerns with the primary caregivers growing medical marijuana. He stated the difficulty that this poses to the city is that state law allows it and without local regulation the city would not be able to regulate the growing and cultivation of medical marijuana.

Under the proposed ordinances registered primary caregivers engaged in the cultivation of medical marijuana for two to five patients would be permitted in the following districts: Highway Business, Office Service, Industrial, and the Urban Enterprise. State Law has no location requirements with respect to where primary caregivers can cultivate medical marijuana. Primary caregivers engaged in the cultivation of medical marijuana for two to five patients would be subject to licensing by the City Clerk and would have to meet certain fire safety, building and code rules. The cultivation of marijuana by a registered primary caregiver for two to five patients would not be allowed within 500 feet of the property line of a preexisting public or private school. This is not a requirement of State Law.

Councilor Cayer and Councilor Morgan voiced concerns about the ability to grow medical marijuana in large multi-family units.

Bruce Damon, a resident of Lewiston, stated that access to medical marijuana is available at a dispensary that is regulated and licensed by the State of Maine in Auburn so there should not be a need for primary caregivers to grow medical marijuana in Lewiston. Mr. Damon feels that if the ordinance would pass the message would be that Lewiston is promoting illegal activity.

City Attorney Marty Einstein explained the State Law recently approved by voters. After this Councilors and city staff had a brief question and answer period.

Jonathan Green of 20 Newman Street voiced his concerns that people are not informed about the new law. He stated that most patients do not have the ability to grow their own medical marijuana and that they need primary caregivers to provide them with an affordable medical marijuana option. Mayor Gilbert closed the hearing.

VOTE (325-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", Article V "Administration and Enforcement", Section 3, "General provisions", Article XI "District Regulations", Section 12, "Highway business district", Section 14 "Office service", Section 15 "Industrial district", and Section 16 "Urban enterprise district", of the City Zoning and Land Use Code, 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. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE BUSINESSES ORDINANCE REGARDING MEDICAL MARIJUANA DISTRIBUTION AND CULTIVATION

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

VOTE (326-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XV. “Medical Marijuana - Distribution and Cultivation”, Sections 22-420 through 22-443, to create a new article regarding medical marijuana distribution and cultivation, 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. Passed - Vote 7-0

AMENDMENTS TO THE PERSONNEL POLICIES CONCERNING HEALTH INSURANCE CAPS

VOTE (327-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To approve the following proposed amendments to the Personnel Policies, Policy Manual Number 22:

Health Insurance Caps

%	01/01/07	<u>1/10/2010</u>
10	\$27.50	<u>\$36.60</u>
11	30.25	<u>40.26</u>
13	35.75	<u>47.58</u>
16	44.00	<u>58.56</u>
19	52.25	<u>69.54</u>
20	68.75	<u>91.51</u>

Passed - Vote 7-0

AMENDMENTS TO THE PARKING FEES POLICY CONCERNING A MAJOR EMPLOYER PARKING FEE DISCOUNT PROGRAM

VOTE (328-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To approve the following proposed amendments to the Parking Fees Policy, Policy Manual Number 42:

Municipal Parking Facilities

E. ~~There shall be a five (5) year parking pass for any new parking facility. Such pass shall only be offered during the construction of the facility and prior to the opening of the facility. The pass shall cost \$1,900.00 and subject to the following:~~

- 1. ~~\$540.00 at time of application~~
- 2. ~~\$340.00 due annually on anniversary for the next four (4) years~~
- 3. ~~Limited to 50% capacity and closes 30 to 60 days prior to opening of garage.~~

Major Employer Parking Fee Discount Program

A property tax paying company that purchases 50 or more parking passes may do so at a 10% discount off of the Yearly Parking Pass rate under the following conditions:

- 1. Passes are paid for with one lump sum annual payment made on or before July 15 of each fiscal year and equal to the number of passes being purchased multiplied by the discounted rate.
- 2. After provision of the passes by the City to the company purchasing the passes, it is the purchaser’s responsibility to issue the parking passes to employees and administers their utilization.
- 3. No credit will be provided by the city for unused or underutilized passes.
- 4. This program cannot be combined with or be utilized in addition to any other parking discount program offered by the city.

NOTE: (Additions are underlined; deletions are ~~struck-out~~.)

Passed - Vote 7-0

TRAFFIC SCHEDULE AMENDMENTS REGARDING PARKING PROHIBITED, PARKING TIME REGULATED AND ESTABLISHING THE ONE WAY PORTION OF BARTLETT STREET AS A SINGLE LANE STREET

Nola Downing, owner of Additions N’ Subtractions which is located at 19 Bartlett Street and Sgt. David Chick of the Lewiston Police Department explained to the council why the request was made for the traffic schedule changes.

VOTE (329-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To approve the following proposed amendment to the Traffic Schedule for Bartlett Street:

Section 11 – Single Lane Street

<u>BARTLETT STREET</u>	<u>Bartlett Street southerly from Oak/Sabattus Street merging to a single lane of travel continuing until flaring back to double lanes after the intersection crossing over College Street.</u>
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**Section 17 - Parking Prohibited
Odd Numbered - Winter**

BARTLETT STREET Entire length excluding the section between Oak Street & College Street, and the section between Birch Street & Willow Street.

Section 27 - Parking Time Regulated, Monday Through Friday, 1 Hour, 9:00 am to 6:00 pm

BARTLETT STREET Odd numbered side, westerly side, beginning at a point 115' southerly of the southwesterly corner of Bartlett Street & Oak/Sabattus Street, and extending southerly on Bartlett Street to a point 25' northerly of the northwesterly corner of Bartlett Street & College Street (approximate spaces suitable for parking 6 vehicles).

NOTE: (Additions are underlined; deletions are ~~struck-out~~.)

Passed - Vote 7-0

TRAFFIC SCHEDULE AMENDMENT TO ADD A LOADING ZONE ON CHAPEL STREET

VOTE (330-2010)

Motion by Councilor Morgan, seconded by Councilor Jean:

To approve the following amendment to the Traffic Schedule for Chapel Street to add a loading zone.

Section 3 - Loading Zone

CHAPEL STREET Even numbered side, west side, beginning at a point 55' from the northwest corner of Chapel Street and Main Street and extending northwesterly on Chapel Street a distance of 40' Monday-Friday 9:00 am to 6:00pm.

NOTE: (Additions are underlined; deletions are ~~struck-out~~.)

Passed - Vote 7-0

REPORTS AND UPDATE

Mayor Gilbert mentioned the Twin Cities Holiday Celebration “Parade of Lights” is scheduled for November 29, 2010 at 6:00pm. The parade kicks off on Turner Street in Auburn and stops at Festival Plaza on Main Street for tree lighting and continues on to the Dufresne Plaza in Lewiston.

OTHER BUSINESS

No other business was presented at this time.

VOTE (331-2010)

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

To adjourn at 9:53 P.M. Passed - Vote 7-0

A true record, Attest:

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