

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 7, 2006

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

PRESENT: Councilors Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Mendros

Pledge of Allegiance to the Flag.

Moment of Silence.

SAFETY AWARD PRESENTATION FROM THE NATIONAL SAFETY COUNCIL

Representatives from the New England division of the National Safety Council presented the City with a Certificate of Achievement regarding the numerous work place safety initiatives that have been implemented during the past two years. The Mayor, along with the City's Safety Coordinator, Bill Stretton, accepted the award on behalf of the City.

RECOGNITION FOR THE LEWISTON YOUTH ADVISORY COUNCIL FOR THEIR PLACEMENT AS A FINALIST FOR THE HARRIS WOFFARD AWARD

Mayor Guay read a statement honoring the Lewiston Youth Council in their recent placement as a finalist for the Harris Woffard Award.

VOTE (34-2006)

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

To dispense with the reading of the minutes of the January 3, 2006, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

ANNUAL WARRANT FOR PROSECUTING UNLICENSED DOG OWNERS/KEEPERS

VOTE (35-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To issue and sign the warrant for the prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (36-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$21,000.00, or any portion thereof, in the case of the State of Maine vs. Unidentified, CE-02-0005 N28 and 06-DEA-460443 Court Records; and the transfer of \$9,900.00, or any portion thereof, in the case of the State of Maine vs. Heather Boisvert, CE-05-0031 N40 and 06-DEA-460573 Court Records and the transfer of the following, or any portion thereof, in the case of the State of Maine vs. Angela Sargent:

CE-05-0021 & 06-DEA-461025	\$14,823.00
CE-05-0021 & 06-DEA-461027	Fifteen percent of the proceeds from the sale of a 2004 Arctic Cat T660 Turbo Touring Snowmobile
CE-05-0021 & 06-DEA-461032	Fifteen percent of the proceeds from the sale of a 2004 Arctic Cat F-7 Snowmobile
CE-05-0021 & 06-DEA-461033	Fifteen percent of the proceeds from the sale of a 2002 Arctic Cat ZL 800 Snowmobile
CE-05-0021 & 06-DEA-461207	Fifteen percent of the proceeds from the sale of a 2003 Yamaha Grizzly 660 ATV
CE-05-0021 & 06-DEA-461214	Fifteen percent of the proceeds from the sale of a 2004 Polaris Sportsman 700 Twin ATV
CE-05-0021 & 06-DEA-461218	Fifteen percent of the proceeds from the sale of a 2003 Chevy 3500 Dual Wheel Pickup Truck
CE-05-0021 & 06-DEA-461222	Fifteen percent of the proceeds from the sale of a 1995 Wellcraft Scarab Boat with trailer
CE-05-0021 & 06-DEA-461224	Fifteen percent of the proceeds from the sale of a 2004 Stingray 230 SX Powerboat with trailer

Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank.

Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (37-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$829.00, or any portion thereof, in the case of the State of Maine vs. Brian Woodbury, CR-05-1074 Court Records and the transfer of \$641.00, or any portion thereof, in the case of the State of Maine vs. Jesse Shepherd, CR-03-631 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE ON AN AMENDMENT TO THE CITY CODE FOR VEHICLES FOR HIRE

Mayor Guay opened the public hearing. No members of the public spoke for or against the item. Mayor Guay then closed the hearing.

VOTE (38-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Section 82-48, Standards for Denial and Section 82-53 City Clerk's Power to Suspend, receive final passage by a roll call vote. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 20 HIGHLAND SPRING ROAD

Mayor Guay opened the public hearing. No members of the public spoke for or against the item. Mayor Guay then closed the hearing.

VOTE (39-2006)

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

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 20 Highland Spring Road, from the Highway Business (HB) District to the Industrial (I) District, subject to a conditional agreement. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE STREETS AND SIDEWALKS ORDINANCE REGARDING TRAFFIC IMPACT FEES FOR OUTER LISBON STREET

Mayor Guay opened the public hearing. Allen Austin, a pastor at the Vineyard Church, addressed the Council. He noted that the Church is currently planning a large expansion and their estimates for a traffic impact fee range from \$7,600 to \$27,000. He asked how the new proposed changes would impact the development that the church is working on. Mr. Bennett reviewed the information regarding credits for public improvement. Mayor Guay then closed the hearing.

VOTE (40-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article VI "Outer Lisbon Street Traffic Impact Fee", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of February 21, 2006 for final passage. Passed - Vote 6-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT FOR THE CAGE, 97-99 ASH STREET

Mayor Guay opened the public hearing. No members of the public spoke for or against the item. Mayor Guay then closed the hearing.

VOTE (41-2006)

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

To grant a special amusement permit for dancing and entertainment to The Cage, 97-99 Ash Street. Passed - Vote 6-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT FOR THE OASIS, 351 LISBON STREET

Mayor Guay opened the public hearing. No members of the public spoke for or against the item. Mayor Guay then closed the hearing. Councilors noted numerous complaints in the police log report and asked the Chief about his recommendation for the license. The Chief noted that he recently met with the applicant who will be implementing changes in the business, such as not permitting patrons under the age of 21, adding cameras outside the building, hiring additional staff and other items. It was noted that the applicant was not present, perhaps due to the time change for this meeting. The Councilors suggested postponing this item to the next meeting to allow the applicant to be present.

VOTE (42-2006)

Motion by Councilor Bernier, second by Councilor O'Brien:

To postpone this item to the February 21, 2006 Council meeting. Passed - Vote 5-1 (Councilor Samson opposed.)

**POLICY MANUAL AMENDMENT REGARDING PROPOSED CHANGES IN
THE TAXI CAB RATES**

Dan Leonas representing City Cab and Two in One Taxi, and Roland Belanger, representing Two in One Taxi, addressed the Council and stated they were opposed to the new proposed taxi rate increases, noting the amount of the increase is too low. They stated they have been losing money due to the high increase in gas, and the proposed increase of twenty five cents per zone per taxi ride is not enough to match the gas prices. The Council asked the City Administrator to facilitate a meeting of the taxi owners to determine a reasonable recommended fee adjustment.

VOTE (43-2006)

Motion by Councilor Bernier, second by Councilor O'Brien:

To postpone this item to the February 21, 2006 Council meeting. Passed - Vote 6-0

AMENDMENT TO THE LEWISTON FIRE DEPARTMENT RETIREMENT PLAN

VOTE (44-2006)

Motion by Councilor Bernier, second by Councilor Samson:

To adopt the Maine State Retirement System Consolidated Plan 2-C for all uniformed (sworn) members of the Lewiston Fire Department, effective July 1, 2006. Said adoption covers all current and future service, and provides retirement benefits after completing 25-years of service without an age limit. Passed - Vote 6-0

**AUTHORIZATION FOR TRANSFER OF FUNDS AND AN INTERNAL LOAN
FROM THE CITY TO THE COMMUNITY FACILITY CORPORATION**

Councilor Bernier stated she feels that the Council needs to be able to review the financial reports on this facility prior to being able to make a determination on this request.

VOTE (45-2006)

Motion by Councilor Samson, second by Councilor Paradis:

To authorize a transfer of funds in the amount of \$470,000 from the City's undesignated fund balance to the Community Facility Corporation to finance the first year cost of the debt service, and to approve an advance of \$200,000 from the City's undesignated fund balance to the Community Facility Corporation for operations costs, to serve as an internal loan. Passed - Vote 5-1 (Councilor Bernier opposed)

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (46-2006)

Motion by Councilor Bernier, second by Councilor O'Brien:

To adjourn at 7:45P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine