

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 21, 2006

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

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

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

Pledge of Allegiance to the Flag.

Moment of Silence.

MONTHLY UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Sarah Peters reported that the group is finalizing their work on the All America City Award application form and that the top 30 finalists will be announced on April 13. The group has been working with the Cultural Center at the Library for Youth Fine Arts Week. Sarah reported that the group currently has raised \$2,215 toward their goal of \$20,000 for an electronic bulletin board on East Street in front of the High School. She also noted that the City of Biddeford is planning to start a youth council, modeled after LYAC.

ANNUAL AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO POST CERTAIN ROADS

VOTE (47-2006)

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

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross vehicle weight of over 23,000 pounds.

From March 1, 2006 to May 1, 2006:

Ferry Road - From Cottage Road to River Road
River Road - From Ferry Road to Solid Waste Facility
Dyer Road - From Lisbon Road to Ferry Road
Pinewoods Road - From Ferry Road to Town Line
Gayton Road - From Lisbon Road to Town Line
Webster Road - From Old Lisbon Road to Crowley Road
Merrill Road - From College Road to Main Street
Sleeper Road - From Merrill Road to Town Line
Randall Road - From Sunrise Lane to Grove Street
Grove Street - From Randall Road to Town Line
Old Greene Road - From North Temple Street to Town Line
No Name Pond Road - From Old Greene Road to Town Line
Pond Road - From Cherrywood Drive to No Name Pond Road
Passed - Vote 7-0

DISPOSITION OF POLICE DEPARTMENT COMMAND VEHICLE

VOTE (48-2006)

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

To authorize the sale of the 1988 police department command vehicle to the City of Auburn for \$2,000. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (49-2006)

Motion by Councilor Samson, seconded by Councilor Jean:

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 twelve percent (less administrative fees) of \$147,652, in lieu of property in Bridgton, Maine, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Frank Kimball, CE-05-0016 Exhibit N-14 and 05-DEA-449530; and the transfer of fifteen percent of the proceeds from the sale of 181 acres of land with a 40' by 100' barn in Standish, Maine, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Ross Wheaton, CE-03-0011 and 05-DEA-449668. 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 7-0

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

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

VOTE (50-2006)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article VI "Outer Lisbon Street Traffic Impact Fee", receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Mendros opposed.)

SPECIAL AMUSEMENT PERMIT FOR THE OASIS, 351 LISBON STREET

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Jean noted that there are four pages from the police log regarding issues with this business. The business owner, Frank Berenyi, said that he has met with the Police Chief and Lieutenant McGonagle and has discussed the

problems which are mainly on Thursday nights and were a result of the patrons ages 18 - 20. Mr. Berenyi said that he will be changing the business to cater to and allow only those that are 21 and over. Councilor Jean suggested adding additional staff to help monitor. The applicant said that he has added additional staff and will also be adding cameras on the outside of the building to monitor for problems. The Chief stated that the change in ages of the patrons as well as the cameras will be a big help, and the Police Department is recommending the renewal of this permit.

VOTE (51-2006)

Motion by Councilor Jean, seconded by Councilor Paradis:

To grant a special amusement permit for dancing and entertainment to The Oasis, 351 Lisbon Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR BARNIE’S BAR & GRILL

Mayor Guay opened the public hearing. Gary Morin of 295 Pond Road stated his house is located 150-170 feet away from this establishment. He said there are constant noise problems in the summer time when patrons are on the deck. He also said that since the smoking laws have changed, patrons now gather outside to smoke and often become very loud and boisterous, many times at midnight or later. Mr. Morin noted he must keep all of his windows closed in the summer so his family can try to sleep and he feels the location of the bar interferes with his use of his home. He expressed concerns are parking problems and intoxicated patrons leaving the bar. Paul Custeau of 1063 Sabattus Street spoke and said if this was operated as a friendly, neighborhood bar it would be fine, but the entertainment and live bands add a lot of noise and the patrons get louder. He said it is impossible to get a good night sleep in the summer time because of the noise. Mary Marden of 1056 Sabattus Street addressed the Council and echoed the previous comments. She said that she hears a lot of noise in the parking lot and tires squealing on a regular basis. Mayor Guay then closed the hearing. The City Administrator reminded the Council that this agenda item is for a new liquor license for the new owners of this establishment and that under state statutes, the actions and activities of the bar, under previous ownership, can not be taken into consideration when approving a new liquor license. Mr. Bennett addressed the applicants who were present and suggested that they met with the neighbors to address the concerns that were expressed during this hearing.

VOTE (52-2006)

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the City Clerk’s Office to approve a new liquor license application and special amusement permit Bernie’s Bar & Grill, 1065 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR CLUB ADRENALIN, 18 PARK STREET

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor O'Brien expressed concerns regarding noise and other issues that are a result of a nightclub operation and mentioned the senior housing complex next door. The business owner addressed the Council and stated he has met with the Police Chief about this and is working on recommendations regarding sound reduction techniques, best location of the outside smoking area and so forth.

VOTE (53-2006)

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

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Club Adrenalin, 18 Park Street. Passed - Vote 5-1-1 (Councilor O'Brien opposed, Council Mendros was absent from the Chambers during this vote)

**SPECIAL AMUSEMENT PERMIT FOR THE CARLTON CLUB,
25 SABATTUS STREET**

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

VOTE (54-2006)

Motion by Councilor Paradis, seconded by Councilor Jean:

To grant a special amusement permit for dancing and entertainment to Carlton Club, 25 Sabattus Street. Passed - Vote 6-0-1 (Councilor Mendros was absent from the Chambers during this vote)

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

Daniel Leonas addressed the Council and said the taxi owners met with city staff and are in full support of the proposed rates.

VOTE (55-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To approve the proposed amendments to the City Policy Manual, Policy Number 60 - Operation of Taxicabs, to be effective March 1, 2006. Passed - Vote 6-0-1 (Councilor Mendros was absent from the Chambers during this vote)

ESTABLISHMENT OF THE SOUTH LEWISTON RETAIL GROWTH DISTRICT

Councilor Jean felt that this development district should not be limited to just retail but should be expanded to allow for all development options. A resident of Russell Street spoke and stated she is representing the Visible Community organization and inquired about any

public input in the creation of the district. The City Administrator stated that development districts are designed by city staff and the City Council, yet this is the opportunity for public input and comment prior to the adoption and establishment of such district.

VOTE (56-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To adopt the Findings and Resolution for the South Lewiston Retail Growth District, and to approve and adopt the proposed South Lewiston Retail Growth District, for the purpose of stimulating appropriate retail and commercial growth in the District, increasing the employment opportunities and broadening the tax base of the people of the City of Lewiston.

Passed - Vote 7-0

ADOPTION OF KENNEDY PARK MASTER PLAN

Allison Stone, chairperson of the Kennedy Park Master Plan committee, spoke and described the public input process the committee undertook to gain citizen ideas and input regarding the future use of the park. Councilor Bernier inquired about the location of the bicentennial time capsule that was buried in Kennedy Park. Deputy City Administrator Phil Nadeau stated the committee is still researching the exact location. Councilor Mendros stated the design plans contain numerous trees and he was concerned with safety and limited visibility. Resident Charles Soule of 170 Bartlett Street stated he felt the money could be spent by the City in other ways that would be of greater benefit to the residents.

VOTE (57-2006)

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

To accept and adopt the Kennedy Park Master Plan as presented. Passed - Vote 7-0

RESOLUTION REGARDING COLLABORATIVE EFFORTS AND THE LEWISTON AUBURN JOINT SERVICES COMMISSION

Councilor Bernier stated that if the taxpayers can see a savings from the recommendations, then it is a positive benefit. She stated that she did not feel it was appropriate to vote on the report at last week's joint meeting, noting the City Administrator should have been allowed time to discuss the reports recommendations with city staff prior to a Council vote. She mentioned the city staff does an exceptional job and she wants to departments to focus on the budget preparation and not be distracted with the report. Mr. Bennett said the employees understand the need to save money, yet he felt that things were moving too quickly by taking a vote last week. He noted he did not have time to discuss any impacts with the union leadership. Councilor Paradis noted he fully supports the Resolution and is concerned that only 300 people were polled for the survey. Councilor Rousseau said that the Commission only scratched the surface regarding joint work and projects that could be done and stated that any recommendations by the joint coordinator need to be approved by both Councils before it can move forward.

VOTE (58-2006)

Motion by Councilor Samson, seconded by Councilor Jean:

To adopt the Resolution regarding collaborative efforts and the Lewiston Auburn Joint Services Commission:

WHEREAS, the Lewiston City Council has worked diligently over the last few years to provide quality municipal services for the benefit of our residents and for those who come into the community for employment and pleasure, and,

WHEREAS, the Lewiston City Council has also supported a quality lifelong public education system that is being provided within the community by our School Department, and

WHEREAS, despite a time when all of the goods and services that are purchased by the school and municipal operations continue to increase in cost, the Lewiston City Council has delivered these services without increasing the cost to the taxpayers, and,

WHEREAS, the Lewiston City Council recognizes that a major part of our city's many accomplishments is the direct result of our employees hard work and deep commitment for the citizens of Lewiston, and

WHEREAS, the challenges to continue this trend of maintaining and improving our services without increasing the direct costs to the Lewiston taxpayers in an era of escalating costs and inflation becomes ever more difficult each year, and

WHEREAS, the Lewiston-Auburn Commission on Joint Services has presented a report that provides some bold and innovative suggestions to further expand those collaborative ideals that could assist the Lewiston City Council to continue this recent trend, and

WHEREAS, the citizens of Lewiston have benefitted financially from the collaboration efforts to date, and

WHEREAS, the Commission's report has stated as a specific goal that expanding the scope of these collaborative efforts shall be done through natural attrition of the cities' workforces and hence, would not include any employee layoffs,

NOW, THEREFORE, be it resolved by the City of Lewiston that the Lewiston City Council hereby resolves that they will explore in detail and through a deliberative process the recommendations that have been made by the Commission. This process shall be done on the principle of honoring and respecting the outstanding employees of the City of Lewiston, to insure that all proposals are achievable relative to their impact on reducing the costs of local government, and shall hold steadfast to the Commission's recommendation that such collaborative gains will be accomplished only through attrition and with employee involvement.

Passed - Vote 7-0

DISPOSITION OF A PORTION OF PROPERTY AT 424 RIVER ROAD

Lincoln Jeffers, Assistant to the City Administrator, noted the Planning Board met this afternoon and voted 6-0 in favor of this project.

VOTE (59-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of a portion of the city owned property at 424 River Road, and to execute the Agreement for Purchase and Sale of Real Estate for this property, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Mendros said the School Committee met last week and approved the budget as presented without any changes. He could not attend due to the conflict with the joint Lewiston-Auburn Council meeting.

OTHER BUSINESS

Councilor Paradis requested an update on the general assistance program such as number of families served, costs, etc. The City Administrator stated this past winter there has been a high increase in applications for fuel assistance, many coming from first time applicants. Councilor Bernier inquired about the recent influx of secondary refugees. Deputy City Administrator Phil Nadeau stated the City is seeing a large increase in new residents, noting that the current surge is similar to the original peak influx in February 2001.

VOTE (60-2006)

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 9:40 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine