

CITY OF LEWISTON

CITY COUNCIL

MARCH 7, 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, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo.
Excused/Absent: Councilor O'Brien

Pledge of Allegiance to the Flag.

Moment of Silence.

OATH OF OFFICE FOR NEW FIRE CHIEF PAUL LECLAIR

City Clerk Kathleen Montejo administered the oath of office to Paul LeClair for the position of Fire Chief. Chief LeClair's wife, Terri, placed the Fire Chief's badge on his uniform lapel.

VOTE (61-2006)

Motion by Councilor Paradis, seconded by Councilor Jean:

To dispense with the reading of the minutes of the December 20, 2005, and February 7, 2006 meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (62-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

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 \$2,176.00, or any portion thereof, in the case of the State of Maine vs. Edmund Seeley, CR-06-205 Court Records and the transfer of \$2,460.00, or any portion thereof, in the case of the State of Maine vs. Anthony Jean Brown, CR-06-179 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

AMENDMENTS TO THE FACILITIES USE POLICY

VOTE (63-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, as recommended by the Library Director and the Library Board of Trustees.

Passed - Vote 6-0

PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT PROGRAM

Mayor Guay opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Rousseau commented that this plan is simply a working document and does not grant approval for any of the projects. City Administrator James Bennett stated the LCIP sets forth, for planning purposes, the direction the City wants to take for large scale capital projects, but that each project requires separate funding and specific approval by the Council to move forward.

VOTE (64-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby adopts the Fiscal Year 2007 Capital Improvement Program, as prepared by the City Administrator. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING BED AND BREAKFAST ESTABLISHMENTS

Mayor Guay opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Mendros stated he received calls on this item today from abutters who are concerned with issues such as noise, parking and so forth. He noted the neighbors could not be present tonight but plan to be in attendance for final passage. Councilor Paradis inquired about neighborhood meetings that might have been held regarding this proposal. Development Director Gil Arsenault stated that no separate meetings were held for the neighborhood, but the Planning Board did hold a hearing and sent out abutter notifications for that meeting.

VOTE (65-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendments to Appendix A, Article II "Definitions", Article XII "Performance Standards" and Article XIII. "Development Review and Standards" 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 meeting of March 21, 2006 for final passage.
Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS CONCERNING FLOODPLAIN MANAGEMENT**

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

VOTE (66-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendments to Appendix A, Article XII "Performance Standards", Section 4 "Floodplain Management" and Article XIV "Floodplain Administration", 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 meeting of March 21, 2006 for final passage.
Passed - Vote 6-0

SPECIAL AMUSEMENT PERMIT FOR THE DERBY ATHLETIC ASSOCIATION

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

VOTE (67-2006)

Motion by Councilor Jean, second by Councilor Mendros:

To grant a special amusement permit for dancing and entertainment to the Derby Athletic Association, 40 Walnut Street. Passed - Vote 6-0

**AGREEMENT WITH MAINE TURNPIKE AUTHORITY REGARDING
DEVELOPMENT OF A GRAVEL PIT AND ACQUISITION OF ROAD
MAINTENANCE MATERIALS**

Councilor Bernier inquired about a previous negotiation with Walmart regarding the development of property for the distribution center project in 2000, noting that her recollection was that as part of the negotiations, the City would be able to access sand and gravel from some of the parcels in this area, and she questioned the need for this deal with MDOT. Public Works Director Paul Boudreau stated the surplus sand from the new PW Operations Center has been exhausted and the City would need to purchase sand from a supplier if the agreement with MDOT is not approved.

VOTE (68-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the City Administrator to enter into an Agreement between City of Lewiston and the Maine Turnpike Authority regarding the development of a gravel pit and mining operations on a parcel of land owned by the Maine Turnpike Authority and that the City Administrator is authorized to make, execute and deliver other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.
Passed - Vote 6-0

REPORTS AND UPDATES

Councilor Mendros noted that this month's MMA LPC meeting has been cancelled.

OTHER BUSINESS

The City Administrator distributed a revised budget workshop schedule for the Council.

VOTE (69-2006)

Motion by Councilor Paradis, second by Councilor Samson:

To adjourn at 7:52P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine