

CITY OF LEWISTON

CITY COUNCIL

MARCH 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, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Paradis

Pledge of Allegiance to the Flag.
Moment of Silence.

**RECOGNITION OF THE LEWISTON HIGH SCHOOL CHEERLEADERS -
MAINE STATE CLASS A CHEERING CHAMPIONS**

Mayor Guay presented certificates of recognition to the LHS cheerleading team for their recent win as Maine State Class A Cheerleading Champions.

MONTHLY UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Sarah Peters updated the Council on the various LYAC activities such as the completion of the All America Cities award application which was mailed last week. She noted the finalists will be announced on April 13 and the group is brainstorming their presentation if they are selected as a finalist. The group will be meeting with representatives from Belfast who are interested in establishing a youth council and is working to hold an Art Gallery night for youth at the Marsden Hartley Cultural Center.

VOTE (70-2006)

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

To dispense with the reading of the minutes of the January 17, February 21 and March 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 (71-2006)

Motion by Councilor O'Brien, second 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 \$1,595.00, or any portion thereof, in the case of the State of Maine vs. Luis Sanchez, CR-06-

155 Court Records; the transfer of \$1,192.00, or any portion thereof, in the case of the State of Maine vs. Joel Hayden, CR-06-250 Court Records; the transfer of \$607.00, or any portion thereof, in the case of the State of Maine vs. Mohamed Jama Abdalla a/k/a Abdalla Mohamed, CR-06-291 Court Records; the transfer of \$3,565.00, or any portion thereof, in the case of the State of Maine vs. Leon Devon Payne, CR-06-202 Court Records; the transfer of \$6,065.00, or any portion thereof, in the case of the State of Maine vs. Jonathan W. Jenkins, CR-06-194 Court Records; the proceeds from the sale of one 357 Magnum, model 253, serial #99762, or any portion thereof, and the transfer of \$490.00 in the case of the State of Maine vs. Rosuan R. Kindell, CR-06-195 Court Records and the transfer of \$522.00, or any portion thereof, in the case of the State of Maine vs. Rosuan R. Kindell, CR-06-32 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

AUTHORIZATION FOR GRANT APPLICATION AND ACCEPTANCE OF FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE'S EDWARD BYRNE MEMORIAL ASSISTANCE GRANT

VOTE (72-2006)

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

To authorize the Chief of Police to submit a grant application to the U.S. Department of Justice's Edward Byrne Memorial Justice Assistance Grant program and, if said grant is awarded to the City, to accept the grant award from the U.S. Department of Justice, and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 6-0

ANNUAL APPOINTMENT OF PROXIES TO THE LEWISTON-AUBURN RAILROAD BOARD OF DIRECTORS

VOTE (73-2006)

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

To nominate Councilor Bernier, Councilor Samson, Gerard J. B. Raymond, Richard R. Albert, Gerald P. Berube, Mark Pellerin and Lincoln Jeffers (as ex-officio), as proxies to serve on the Lewiston-Auburn Railroad Board of Directors for the 2006-2007 year term. Passed - Vote 6-0

AUTHORIZATION FOR THE LEWISTON MAINEIACS HOCKEY ORGANIZATION TO HANG LIGHT POST BANNERS ALONG LINCOLN STREET AND MAIN STREET

VOTE (74-2006)

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

To authorize the Lewiston Maineiacs hockey organization to hang light post banners along Lincoln Street and Main Street during the 2006-2007 hockey season. Passed - Vote 6-0

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

Mayor Guay opened the public hearing. Cathy McDonald of 40 Ware Street stated that the Inn has been a good neighbor, but there are concerns about outdoor functions. She noted that the wedding receptions will last several hours and that parking will be a problem, noting that even though there are designated parking areas at the campus, human nature is to find the closest spot which could be on street parking. Ms. McDonald stated the college is building a new dorm in the area which will create even more demand for limited parking space. She asked the Council to consider that this area is her home and the Ware Street Inn is a business that could be sold at anytime. Mayor Guay then closed the hearing.

City Planner David Hediger explained the proposed amendment which is recommended by both city staff and the applicant. The amendment changes the language to better reflect the intent of the proposal that the Planning Board is recommending.

VOTE (75-2006)

Motion by Councilor Samson, second by Councilor Jean:

To incorporate the proposed amendment to Article II, Section 2(3) of the proposed Bed and Breakfast amendment to reflect the intent of the language proposed to the Planning Board:

(3) ~~a~~Any meeting facilities are limited to twelve (12) non-guests.

(4) ~~and s~~Special outdoor functions such as weddings are limited to daylight hours only with no more than two functions per month and a total of eight functions per year. (Note: meeting facilities and special outdoor functions are limited to bed and breakfast establishments with five (5) and six (6) rooms available for lodging.)

Passed - Vote 6-0

VOTE (76-2006)

Motion by Councilor Jean, second by Councilor Samson:

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 as amended, receive final passage by a roll call vote. Passed - Vote 6-0

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

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

VOTE (77-2006)

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

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 final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO
THE BUSINESS LICENSING ORDINANCE REGARDING OUTPATIENT
ADDICTION TREATMENT CLINICS**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. The City Administrator stated this ordinance applies for all addiction treatment facilities such as those treating alcohol or drug addiction, gambling addiction and other addictions. There is a 1000 foot buffer zone from any schools, day care centers and other similar establishments. The regulations are similar to state statutes regarding distance limits for businesses with liquor licenses.

VOTE (78-2006)

Motion by Councilor Samson, second by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article XIV "Outpatient Addiction Treatment Clinics", Sections 22-410 through 22-419 receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 4, 2006 for final passage. Passed - Vote 6-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR
GRIDIRON, 1576 LISBON STREET**

Mayor Guay opened the public hearing. Shawn Martin stated he is the owner of the business and they will be open from 10:30am until 11:00pm and maybe 1:00am depending on the crowds. He noted that he owns Thatcher's Restaurant in Auburn and has experience in the business. This will be a restaurant and sports bar with no live entertainment. Mayor Guay then closed the hearing.

VOTE (79-2006)

Motion by Councilor Samson, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application for Gridiron, 1576 Lisbon Street. Passed - Vote 6-0

REPORTS AND UPDATES

Councilor Mendros noted that he and the Mayor attended the National League of Cities conference in Washington DC recently. While there, they met with Senators Snowe and Collins to discuss issues pertaining to Lewiston and it was a fruitful meeting.

OTHER BUSINESS

No other business was presented at this time.

PRESENTATION OF FY2007 MUNICIPAL BUDGET

City Administrator James Bennett presented the Fiscal Year 2007 municipal budget to the City Council. The budget proposes \$39,747,622 in municipal expenditures, \$41,427,116 in education expenditures and \$1,997,852 in county tax for a total of \$83,172,590. The revenues include anticipated revenues on the municipal side of \$14,892,249, anticipated education revenues at \$27,531,320 and projected general property tax revenues of \$40,749,021. Projected revenues for the water division are \$3,647,000 and projected expenditures are \$3,943,514. For the sewer division, projected revenues are \$4,290,000 and projected expenditures are \$4,554,336.

VOTE (80-2006)

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

To adjourn at 9:00P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine