

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 15, 2005

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

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

PRESENT: Councilors Bernier, O'Brien, Jean, Connors, Paradis, City Administrator James Bennett and City Clerk Kathleen Montejo. Councilor Mendros and Rousseau were excused/absent.

Pledge of Allegiance to the Flag.
Moment of Silence.

MONTHLY REPORT FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Student representative Ryan Reed announced the group is working on the establishment of an electronic community message board to be located at the High School. They have met with the School Superintendent to discuss their idea. It will be a scrolling sign that will have information on upcoming school and community events. They are working with Senator Rotundo to have state legislation submitted that will allow for such an electronic sign, currently not permitted under state law. The group is working on a fundraising effort to raise the \$40,000 needed for this project.

VOTE (59-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To dispense with the reading of the minutes of the January 18 and February 8, 2005, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0

**PUBLIC HEARING AND FINAL PASSAGE FOR A CODE AMENDMENT
REGARDING SIGNIFICANT BUILDINGS AND DISTRICTS**

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

VOTE (60-2005)

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed amendments to Appendix A, Article XV "Significant Buildings and Districts", Sections 1- 8, of the City Zoning and Land Use Code, concerning the Historic Preservation Review Board, receive final passage by a roll call vote. Passed - Vote 5-0

**PUBLIC HEARING AND FINAL PASSAGE FOR A CODE AMENDMENT
REGARDING EROSION AND SEDIMENTATION CONTROL STANDARDS**

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

VOTE (61-2005)

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed amendments to Appendix A, Article XII "Performance Standards", Section 15 "Erosion and Sedimentation Control", of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 5-0

**PUBLIC HEARING AND FINAL PASSAGE FOR A CODE AMENDMENT
REGARDING THE DEFINITIONS OF ADULT BUSINESS ESTABLISHMENT,
DRINKING AND EATING ESTABLISHMENT AND TATTOO PARLORS**

Mayor Guay opened the public hearing. Arthur F. Clements IV, an employee of Captain Morgan's Tattoo Parlor, addressed the Council and spoke against this recommended zoning change. Mr. Clements said the changes will limit areas in town where a tattoo parlor can be located. He said that in the future, he was hoping to gain experience by working for an established business such as Captain Morgan's, and then open up his own tattoo shop in his home one day. He noted the tattoo businesses are low impact regarding residential areas - usually only one customer at a time, so parking and traffic noise will not be a problem, there are no industrial type odors as a result of the tattoo business, noting that beauty parlors create odors due to chemicals and create additional traffic issues. He also said it was unfair for the City to classify a tattoo establishment as an adult business establishment, which most people think of as an adult book store or pornography shop. He noted the tattoo parlors are clean and sanitary businesses, noting they have to be to retain their city and state licenses. Mr. Clements urged the Council not to adopt these proposed changes in zoning.

VOTE (62-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendments to Appendix A, Article II "Definitions", Article VI "Nonconformance", Article XI "District Regulations", and Article XII "Performance Standards", of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 5-0

**PUBLIC HEARING AND FIRST PASSAGE FOR RE-ZONING OF THE
PROPERTY AT 338 EAST AVENUE AND A PORTION OF THE PROPERTY
AT 348 EAST AVENUE/192 RUSSELL STREET**

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

That the proposed amendment to re-zone the property at 338 East Avenue and a portion of the property at 348 East Avenue/192 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, receive first passage by a roll call vote, and that the public hearing on said ordinance be continued to the meeting of March 1, 2005 for final passage.

Mayor Guay opened the public hearing. Councilor Bernier expressed concern about rezoning the property at 338 East Avenue due to traffic concerns. She said the proposed location of the driveway would add to the traffic congestion, especially at 5pm when the traffic is very heavy. City Planner David Hediger said that currently, the staff parking for United Ambulance employees is tight, and the proposed solution is better than the one that exists now. He said the project will still need to go through development review, noting that the rezoning is step one of this process. The City Administrator said that United Ambulance has a substantial investment in this area and that city staff did review the area for traffic impact issues. He said that one solution is to put a traffic signal at Lafayette Street. Councilor O'Brien said that perhaps the plans can be reviewed and the proposed entrance and proposed exit can be switched. Councilor Bernier also had concerns since these properties are near a school zone.

Paul Gosselin, owner of United Ambulance, said that the Planning Board held a public hearing and neighborhood meeting and that the neighbors were in support of this project.

Scott Duplissis of 355 East Avenue said that traffic in the area is a huge problem, and suggested that the Council check the police logs for the area and check the number of accidents at the intersection. He said that he would not want to stop growth or stop the project, but suggested that many traffic and safety issues need to be reviewed first, also noting this is in a school zone area where children are walking to school.

VOTE (63-2005)

Motion by Councilor Bernier, seconded by Councilor Connors:

To divide the question and to vote on the properties as separate items. Passed - Vote 5-0

VOTE (64-2005)

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

To approve the rezoning request for the property at 348 East Avenue/192 Russell Street.
Passed - Vote 5-0

VOTE (65-2005)

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

To approve the rezoning request for the property at 338 East Avenue.

Motion did not pass - Vote 3-2 (Councilors Bernier and O'Brien opposed)

Note - Per the City Charter, items must receive at least four affirmative votes in order to receive passage.

**TO RENAME COURTHOUSE PLAZA IN MEMORY OF
JUDGE ARMAND A. DUFRESNE, JR.**

Mayor Guay announced that this item will be removed from the agenda at this time and will be rescheduled to the Council meeting in mid-March. He noted that the presenters of this item were unable to attend this Council meeting and asked to have it re-scheduled.

**JOINT DEVELOPMENT AGREEMENT WITH SOLO PROPERTIES LLC AND
THE CITY OF LEWISTON REGARDING THE ISLAND POINT PROJECT**

Assistant City Administrator Greg Mitchell made a presentation to Council outlining the projected plans for the Island Point project. He outlined the items such as the call center, proposed restaurant, condos, performance space, boat launch and other features.

VOTE (66-2005)

Motion by Councilor Jean, seconded by Councilor Connors:

To authorize the City Administrator to enter into a Joint Development Agreement with Solo Properties, LLC and the City of Lewiston, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transactions. Passed - Vote 5-0

ACQUISITION OF PROPERTY AT 142 MAIN STREET

VOTE (67-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the City Administrator to purchase the property at 142 Main Street for the purchase price of \$300,000, to approve the acquisition of the property as defined in the Real Estate Purchase and Sale Agreement, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transactions.
Passed - Vote 5-0

**CONSENT JUDGMENT REGARDING LAND USE VIOLATION AT
2 NOB HILL AVENUE**

Mr. and Mrs. Taylor addressed the Council and said there was a misunderstanding regarding the boundary lines that created this situation. They suggested that for the future protection of other residents, the city's code enforcement department should work with the residents better to ensure there is an understanding of the location of the city boundary line and the owner's property line. Councilor Bernier stated that she felt the fine amount was too high for the violation involved.

VOTE (68-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the City Administrator to sign the Consent Judgment between the City of Lewiston and Todd and Pauline Taylor regarding the land use violation at 2 Nob Hill Avenue. Passed - Vote 4-1 Councilor Bernier opposed.

ADOPTION OF THE ANDROSCOGGIN COUNTY HAZARD MITIGATION PLAN

Mayor Guay announced that this item will be moved to the March 1 City Council meeting.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (69-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

To adjourn the meeting at 9:18pm. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine