

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, Connors, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.
Moment of Silence.

UPDATE FROM LEWISTON YOUTH ADVISORY COUNCIL

Tarrah Bowen reported that the group is still working on the clock restoration project, and are planning to create a time capsule to commemorate the clock project. The LYAC members are asking if local residents have historical items to loan the City to create a display around the clock area. They are also undertaking a new project - encouraging residents to have street numbers on their houses so the buildings can be located easier by the fire and police departments in case of emergencies. She also reported that Ryan Reed will be serving as the LYAC representative to the Civic Center Advisory Board.

VOTE (54-2004)

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

To dispense with the reading of the minutes of the January 13 and February 3, 2004, meetings and to accept and place them on file as prepared by the City Clerk.
Passed - Vote 7-0

RATIFICATION OF APPOINTMENT OF THE YOUTH ADVISORY COUNCIL REPRESENTATIVE TO THE CIVIC CENTER ADVISORY BOARD

VOTE (55-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

To ratify the appointment of Ryan Reed as the Lewiston Youth Advisory Council representative to the Civic Center Advisory Board. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (56-2004)

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 \$2,920, or any portion thereof, in the case of the State of Maine vs. Eddy Phanthai, 04-DEA-431096 Court Records, of \$987.50, or any portion thereof, in the case of the State of Maine vs.

Hasana Vongkaysone 04-DEA-431038 Court Records, and of a portion of the proceeds of the sale of a 1999 Honda Prelude, or any portion thereof, in the case of the State of Maine vs. Eddy Phanthai, 04-DEA-431166 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 7-0

ANNUAL APPOINTMENT OF PROXIES FOR LEWISTON-AUBURN RAILROAD BOARD OF DIRECTORS

VOTE (57-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

To nominate Councilor Bernier, Paul Samson, Gerard J. Raymond, Richard R. Albert, Greg Hanscom and Mark Pellerin as proxies to serve on the Lewiston-Auburn Railroad Board of Directors for the 2004-2005 year term. Passed - Vote 7-0

FORMAL REQUEST TO PLANNING BOARD TO INITIATE AMENDMENTS TO THE LAND USE CODE

VOTE (58-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

To request that the Planning Board review and consider changes to the Land Use Code regarding adult business establishments and eating & drinking establishments in the Urban Enterprise and Centreville districts. Passed - Vote 7-0

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 this item. Mayor Guay then closed the hearing. Councilor Mendros asked about the clause requiring a taxi permit holder to have a valid State of Maine driver's license, stating that he was concerned if a local college student from outside of Maine wanted to get a part time job as a taxi driver, they would be prohibited from doing so. The City Administrator stated that he will ask the Police Chief about this situation, and if this will be a problem, it can be changed in the future.

VOTE (59-2004)

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, Division 2. Licenses, Section 82-48, Standards for Denial and Section 82-54 Right to Appeal, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING OPERATION OF NOISE-CREATING DEVICES UPON THE PUBLIC RIGHT OF WAYS

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Mendros stated that he feels the \$100 fine for the first offense is too high, stating that many of the people stopped for the noise might be high school students and he felt they should receive a warning first or a lower initial fine. Councilors Bernier and Jean stated they agree with Councilor Mendros that the first offense is too high. Councilor Connors stated that the noise issue in the City is a problem and is a violation of common courtesy, and the vehicle noise does irritate many people, noting that the high fees should deter people and that ignorance of the law is no excuse. Councilor Paradis said he feels the higher fines will help deter people from violating the ordinance, noting that citizens are familiar with the issue due to the publicity and awareness campaign on noise pollution started by the LYAC members. He also stated the LYAC members can promote awareness of the ordinance at the high school to kids who might play their car music too loud, stating it will become effective 30 days after final passage. Councilor O'Brien said that people are taking a deliberate action to create the noise and to disrupt to other people's lives, and suggested keeping the fine structure that the police department recommended. Mayor Guay said that he feels that people know exactly what they are doing when they play the music loud, and would like to see the City send a message that if people break the law, they will pay for it. Councilors Mendros said the believes that the people who are playing the loud music and abusing the system will get the point with the higher fee for the second offense, and would like to see the first offense to serve more as a warning.

VOTE (60-2004)

Motion by Councilor Mendros, second by Councilor Jean:

To amend the fine for the first offense from \$100 to \$50. Passed - Vote 4-3 (Councilors O'Brien, Connors and Paradis)

VOTE (61-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article VI. "Operation of Noise-Creating Devices upon the Public Right of Ways", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of March 2, 2004 for final passage.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING THE AMUSEMENTS AND ENTERTAINMENT ORDINANCE

The City Administrator explained this is one part of a multi-piece solution to try to address the issue of bars in the downtown area. He said the Planning Board is working on the changes to the Land Use Code and these will be presented to the Council at the next

meeting. This agenda item will create four categories for special amusement permits and allow the Council to attach conditions to permits. Councilor Paradis stated he wants to see standards and guidelines that the City can hold business owners accountable regarding problem patrons. He would like to see a set standard that business owners can follow, such as if there are more than a certain number of police calls in the police log for their business, their license might not be renewed. The City Administrator advised against this particular method, noting that the City does not want to have bar owners handling major patron problems by themselves when they really should be involving the police department, and said the Police Chief also mentioned this during last week's workshop. Councilor Paradis expressed his frustration in having the police officers "babysit" some of the patrons of these businesses. Mr. Bennett also stated that the regulations for the businesses also happen through issuance of their liquor license, not just the special amusement permit, and he said that the liquor licensing guidelines are strictly regulated via the state statutes, which would need to be changed to address some of Councilor Paradis' concerns. Mr. Bennett suggested allowing time for the Police Department's liquor enforcement policies and procedures to be put into use and then evaluating the problems after the procedures are used for a few months.

Mayor Guay opened the public hearing. Scott Verreault, representing The Gallery, expressed concerns about the upcoming proposed changes to the Land Use Code regarding limiting the number of special amusement permits in a particular area of the downtown, noting that he has two businesses next to each other. He also said that some businesses are afraid to call the police when they really need help, saying the calls will be reflected in their police log when the Council reviews the renewal of their special amusement permits. Mr. Verreault also said he has received reports of other bars allowing under aged drinking and he has concerns with the image this sends to Councilors when other bar owners are working hard to follow the laws. Mayor Guay then closed the hearing.

VOTE (62-2004)

Motion by Councilor Jean, second by Councilor Connors:

That the proposed amendment to the City Code of Ordinances, Chapter 10 "Amusements and Entertainments", Article III. "Special Amusement Permit", Section 10-76, "Permit required" and Section 10-77, "Public Hearing", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of March 2, 2004 for final passage. Passed - Vote 7-0

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR BARNIES PLACE,
1065 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 (63-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To grant a Special Amusement Permit for Dancing and Entertainment to Barnies Place, 1065 Sabattus Street. Passed - Vote 7-0

AMENDMENTS TO THE JOINT TAX INCREMENT FINANCING POLICY

Assistant City Administrator Greg Mitchell stated there are no major substantive changes to the policy, just minor changes to reflect the procedures the Cities are currently following. Councilor Connors inquired about the number of jobs required, as well as the fee charged to the businesses and the frequency of review, as defined in the Policy.

VOTE (64-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the proposed amendments to the Joint Tax Increment Financing Policy, City Policy Manual Number 48, as recommended by the City Administrator. Passed - Vote 7-0

AMENDMENTS TO JOINT ECONOMIC DEVELOPMENT PROTOCOL POLICY

VOTE (65-2004)

Motion by Councilor Jean, second by Councilor Mendros:

To approve the proposed amendments to the Economic Development Policy, City Policy Manual Number 36, as recommended by the City Administrator. Passed - Vote 7-0

ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR THE PROMENADE MALL TAX INCREMENT FINANCING AGREEMENT

Councilor Rousseau inquired about how many years were remaining in the current TIF, and the Finance Director stated it is a 15 year TIF which will end in the year 2012. Mr. Metivier said that all of the rights and obligations in the current TIF document will carry over to the new owner of the Mall property. Mr. Metivier stated the current owners are putting the corporation into a new LLC based in Maine. The new corporation will assume all obligations as the current LLC has in the TIF.

VOTE (66-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the Assignment and Assumption of Agreement for the Promenade Mall Tax Increment Financing Agreement, and to authorize the City Administrator to execute the attached Agreement. Passed - Vote 7-0

DISPOSITION OF A PORTION OF PROPERTY AT 585-587 COLLEGE STREET

Economic and Community Development Director Jim Andrews provided background on this item, stating that several years ago the City acquired the property as a tax acquired parcel, which has environmental issues and was the former Cote farm. He said that Roland Cote's property abuts this land, and his existing septic system is located on the City's property and is failing and needs to be replaced, and is asking to install the new system on the City's property because he does not have enough land. Mr. Andrews stated the

municipal sewer lines do not extend this far on College Street. He also said the installation of a new system will solve some environmental issues on this property. Councilor Mendros noted that \$1000 is a good price for this land and wondered how close it is to market value. The City Administrator stated the value is more than just the cash, stating the benefit is the environmental clean up, and the piece of land is small, only enough to put the septic system on.

VOTE (67-2004)

Motion by Councilor Jean, second by Councilor Mendros:

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 585-587 College Street, 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

**MUNICIPAL/STATE PROJECT AGREEMENT WITH MDOT REGARDING
ANDROSCOGGIN RIVER GREENWAY PROJECT**

VOTE (68-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the City Administrator to enter into a Municipal/State Project Agreement with the Maine Department of Transportation for the design phase of the Androscoggin River Greenway Project. Passed - Vote 7-0

REPORTS AND UPDATES

The City Administrator stated that Thursday night will be a re-dedication ceremony at the Civic Center and the facility's new name will be announced.

Councilor Bernier asked to have an update regarding the LUCCE, LLC activities with the Civic Center at future Council meetings. She also reported the proposed school budget is completed, and said the School Board and the Council will be meeting to hold a joint workshop on the budget.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (69-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To enter into an executive session to discuss an Economic Development issue, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 9:10pm and ended at 11:15pm.

VOTE (70-2004)

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

To adjourn at 11:15 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine