

**CITY OF LEWISTON**

**CITY COUNCIL**

**JULY 19, 2005**

**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.

**MAYOR'S APPOINTMENTS TO THE LEWISTON YOUTH  
ADVISORY COUNCIL**

Mayor Guay appointed the following students to the Lewiston Youth Advisory Council for July 2005 to July 2006: Ally Beaucage, Jenni Golletti, Ray Goulet, Amanda Martin, Ashley Morgan, Hossain Naji, Kim Ouellette, Sarah Peters, Kelin Sevit, Rachel Spilecki and Tim Stretton. Each student was presented with a certificate of appointment.

Councilor Rousseau announced that he has collected two additional donations for the electronic message board project - a \$50 contribution from Rick Lachappelle of the Lewiston Pawn Shop and a \$200 donation from Debra Sullivan of the Sullivan Property Management company.

**NOMINATION OF CITY COUNCIL REPRESENTATIVE TO LYAC**

**VOTE (232-2005)**

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

To nominate and appoint Councilor Rousseau to serve as the Council's representative to LYAC. Passed - Vote 7-0

**VOTE (233-2005)**

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

To dispense with the reading of the minutes of the May 3, May 17 and June 21, 2005, meetings and to accept and place them on file as prepared by the City Clerk.  
Passed - Vote 7-0

AMENDMENTS TO THE TRAFFIC SCHEDULE

VOTE (234-2005)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To approve an amendment to the Traffic Schedule for Lincoln Street to add a loading zone:

Section 3 - Loading Zones, is hereby amended as follows:

LINCOLN STREET Odd numbered, westerly side, beginning at a point measured from the northwest corner of the intersection of Lincoln Street and Cedar Street, traveling northerly on Lincoln Street a distance of 217' for a distance of 22', 30 minutes - 7:30am to 6:00pm, except for Sundays and Holidays.

NOTE: (Additions are underlined; deletions are ~~struck-out~~).  
Passed - Vote 7-0

VOTE (235-2005)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To approve amendments to the Traffic Schedule regarding parking regulations on Lincoln Street:

Section 44 - Parking Restricted - No Parking Anytime - Hazardous or Congested Places

LINCOLN STREET Even numbered side, east side, beginning at the southeast corner of Lincoln Street and Main Street and extending southerly on Lincoln Street to the intersection of Lincoln Street and Cedar Street. (Bike lane)

Section 3 - Loading Zones

LINCOLN STREET Odd numbered side, west side, beginning at a point 279' north of the northwest corner of Lincoln Street and Cedar Street and extending northerly on Lincoln Street a distance of ~~36'~~ 46' (179 Lincoln St.) 30 minutes – 7:30am to 6:00pm except Sundays and Holidays

~~Even numbered side east side beginning at a point 25' south of the southeast corner of the intersection of Lincoln Street and chestnut street and extending southerly on Lincoln Street a distance of 44' (148 Lincoln St.) – 30 minutes – 0730am to 6:00pm except Sundays and Holidays.~~

Section 27 - Parking Time Regulated, Monday through Friday, 1 Hour

LINCOLN STREET            Odd numbered side, westerly side, beginning at a point 25' 68' north of the northwesterly corner of Lincoln Street and Cedar Street and extending northerly on Lincoln Street a distance of 141' 97'.

Section 32 - Parking Time Regulated, Monday through Friday, 2 Hours

LINCOLN STREET            Odd numbered side, westerly side, beginning at a point 166' north of the northwesterly corner of Lincoln Street and Cedar Street and extending northerly on Lincoln Street a distance of 58' 70'.

~~Even numbered side, easterly side beginning at a point 75' north of the northwesterly corner of Lincoln Street and Cedar Street and extending northerly on Lincoln Street a distance of 130'.~~

Section 9 - Parking Prohibited, All Times - Fire Lanes

LINCOLN STREET            ~~Both sides beginning at the southeast and southwest corners of Lincoln Street and Main Street and extending southerly on Lincoln Street a distance of 200'.~~

~~Odd numbered side westerly side beginning at the northwest corner of Lincoln Street and Chestnut Street and extending northerly on Lincoln street a distance of 165'.~~

NOTE: (Additions are underlined; deletions are ~~struck-out~~).  
Passed - Vote 7-0

**VOTE (236-2005)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To adopt the following amendment to the Traffic Schedule:

Section 37 - Speed Limits, is hereby amended as follows:

WOODHAVEN DRIVE            25 mph on both sides of Woodhaven Drive starting at the intersection of Woodhave Drive and Dyer Road, traveling northerly to the dead end cul-de-sac.

NOTE: (Additions are underlined; deletions are ~~struck-out~~).  
Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (237-2005)**

Motion by Councilor Jean, seconded 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 \$2,650.00, or any portion thereof, in the case of the State of Maine vs. Deshaun K. Walcott a/k/a Omar K. Mims a/k/a Brian Scott, CR-04-672 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

**APPROVAL FOR THE GREEK FESTIVAL TO PLACE SIGNAGE  
IN THE RIGHT OF WAY**

**VOTE (238-2005)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To authorize the organizers of the Greek Festival to place a temporary, directional sign in the public right of way, on a traffic island, at the intersection of Lisbon Street and Main Street, from August 20 to September 11, 2005. Passed - Vote 7-0

**THIRTEENTH ANNUAL GREAT FALLS BALLOON FESTIVAL**

Councilor Bernier inquired about the amount of city services that is required to help the festival operate and questioned some of the requests. Jim Wilkins, logistics director of the Festival, addressed the Council and stated the support of the City is vital to the operation and success of the Festival. He said the assistance received from the Police, Fire and Public Works Departments is invaluable and they make the Festival even possible. He noted the Festival attracts over 150,000 people over the three days of the event. Mayor Guay stated, as executive director of the Festival de Joie, that without the assistance of the City, the Festival would not happen and the events are a lot of work to put together. He noted the cost of the city services is minimal compared to what these festivals bring to the City in additional publicity, tourism and the like.

**VOTE (239-2005)**

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

To approve the request for the use of city services for the Great Falls Balloon Festival:

**ROAD CLOSURES AND POSTINGS:**

Friday, August 19, 2005 5:00pm - Sunday, August 21, 2005 7:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (eastbound) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 19, 2005 12:00pm - Sunday, August 21, 2005 7:00pm

Posted closure of Oxford Street from Cross Street to Chestnut Street, and posted closure of Beech Street, to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 21, 2005 11:30am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race.

Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

**OTHER REQUESTS:**

Friday, August 19, 2005 12:00pm - Sunday, August 21, 2005 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

Permission for the Great Falls Balloon Festival to use Veterans Memorial Park, the former Libby parking lot, Railroad Park and Railroad Park North (along Water Street) from midnight, Monday, August 15 to 12:00pm Monday, August 22 for Festival activities and to control use, access and security in the area, subject to final approval from the Chief of Police, pending completion of all appropriate forms with the City Recreation & Parks Department.

**SECURITY:**

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas. Note - A briefing will be held with the Police Department liaison to organize staffing and manpower requirements.

**TRASH REMOVAL:**

The City shall supply a 50 yard dumpster at Railroad Park and waive the tipping fees. Note - The Great Falls Balloon Festival, Inc. is working with Richard Morin of Public Works to supply a 50 yard dumpster at Railroad Park to handle trash. The City of Lewiston has picked up the tipping fees for the past three years and the Festival organizers are again requesting this assistance. Volunteers will be used to collect and bag trash. Volunteers will help to keep Festival areas clean on an ongoing basis and clean up after the Festival.

**LICENSES:**

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. *Note* - The Festival will supply license information for food booths to the City Clerk and Health Inspector.

**USE OF PUBLIC WORKS PERSONNEL:**

Permission for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance during the festival.

**PARKING**

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage and the Canal Street parking garage for festival and volunteer parking, as per the requirements and procedures outlined in the City's Facilities Use Policy.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE ON AMENDMENTS TO THE UTILITIES ORDINANCE REGARDING NON-STORM WATER DISCHARGE**

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

**VOTE (240-2005)**

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed amendment to the City Code of Ordinances, Chapter 74 "Utilities", Article III - "Non-Storm Water Discharge", Sections 74-200 - 74-210, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 9, 2005 for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING WALL MOUNTED BANNER SIGNS FOR INSTITUTIONAL USES**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Library Director Rick Speer addressed the Council and noted this Code amendment is necessary for the new signs that will be placed on the Library's new Cultural Center addition. The banner style signs will be two feet wide by twenty three feet long and will be visible on Lisbon Street as a landmark for citizens. He noted the design of the signs will dress up the building and complement the property. Gil Arsenault, Director of Planning and Code Enforcement, noted this Code change will impact a handful of properties, since the signs pertain to institutional signs. He said the Planning Board had an unanimous vote to endorse this amendment.

**VOTE (241-2005)**

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

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning requirements for institutional signs, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 9, 2005 for final passage.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR CONDITIONAL REZONING OF  
193 CROWLEY ROAD**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Paradis stated that he is still opposed to this project and zoning change, and feels that three to four years down the road, the City Council will regret making this zoning change. He does not feel that businesses of this nature will fit into this area. Councilor Bernier noted that the city staff worked with the applicant and addressed the areas of concern that Councilor Paradis brought forth at the previous meeting.

**VOTE (242-2005)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 193 Crowley Road, from the Office Service (OS) District to the Urban Enterprise (UE) District, subject to a conditional agreement, and that the public hearing on said ordinance be continued to the meeting of August 9, 2005 for final passage. Motion failed - Vote 4-3 (Councilors Jean, Rousseau, Mendros and Bernier in favor, and Councilors Connors, Paradis and O'Brien opposed.)

Note: Since this project received a negative recommendation from the Planning Board, a minimum of five affirmative votes is required by the City Council for passage (Land Use Code, Appendix A, Article XVII, Section 5, subsection E2)

**CONDEMNATION HEARING FOR 52 KING AVENUE**

**VOTE (243-2005)**

Motion by Councilor Connors, seconded by Councilor Rousseau:

To terminate the condemnation proceedings for the property at 52 King Avenue and to authorize the City Administrator to collect reimbursement of the city's legal fees from Mr. Bouchard regarding this issue. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION FOR  
ARMAND'S ORCHARD SIDE INN**

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

**VOTE (244-2005)**

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

To authorize the City Clerk's Office to approve a liquor license application for Armand's Orchard Side Inn, 16 Pinewoods Road. Passed - Vote 7-0

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR FESTIVAL DE JOIE**

Mayor Guay recused himself from this item due to a conflict of interest. Council President Bernier opened the public hearing. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

**VOTE (245-2005)**

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

To grant a Special Amusement permit for dancing and entertainment to the Festival de Joie Committee for the annual Festival to be held at Railroad Park on August 3-7, 2005. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT  
PERMIT FOR THE FESTIVAL DE JOIE**

Mayor Guay recused himself from this item due to a conflict of interest. Council President Bernier opened the public hearing. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

**VOTE (246-2005)**

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

To conduct a public hearing on an application for an outdoor entertainment event permit for the Festival de Joie, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Festival de Joie Committee for outdoor music concerts for the annual Festival Prelude to be held on Lisbon Street and Courthouse Plaza on August 3<sup>rd</sup> and 4<sup>th</sup>, and for the annual Festival at Railroad Park on August 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>, 2005, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0



**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT  
PERMIT FOR THE THIRTEENTH ANNUAL GREAT FALLS  
BALLOON FESTIVAL**

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

**VOTE (247-2005)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Railroad Park on August 19-21, 2005, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

Passed - Vote 6-0 (Councilor Bernier was out of the room during this vote.)

**AMENDMENTS TO THE FACILITIES USE POLICY AND THE PARK USE  
POLICY**

**VOTE (248-2005)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, and to the Park Use Policy, Policy Manual Number 77, as recommended by the City Administrator and the Director of Recreation and Parks.

Passed - Vote 6-0 (Councilor Bernier was out of the room during this vote.)

**DISCONTINUANCE OF A PORTION OF SOUTH LISBON ROAD**

Assistant City Administrator Greg Mitchell reviewed this item for the Council and provided background information for this item. He noted that this item and the next item are linked together.

**VOTE (249-2005)**

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

That the Order vacating and discontinuing a portion of South Lisbon Road be adopted.

Passed - Vote 7-0

**DISPOSITION OF PROPERTY ON SOUTH LISBON ROAD**

Motion by Councilor Jean, seconded by Councilor Paradis:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of approximately 2,200 square feet of city owned property on South Lisbon Road, as shown on the attached map, and to sell the property to Miracle Drywall, Inc. for the purchase price of \$8,000, per the terms as outlined in the Purchase and Sale Agreement, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and all related documents, substantially in the form as presented, as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Councilor Paradis questioned the selling price of \$8,000 and suggested that the amount should be lower.

**VOTE (250-2005)**

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To sell the parcel for \$4,000 rather than the proposed price of \$8,000.  
Did Not Pass - Vote 2-5 (Councilors Paradis and Rousseau in favor)

Vote on motion as originally presented:

**VOTE (251-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of approximately 2,200 square feet of city owned property on South Lisbon Road, as shown on the attached map, and to sell the property to Miracle Drywall, Inc. for the purchase price of \$8,000, per the terms as outlined in the Purchase and Sale Agreement, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and all related documents, substantially in the form as presented, as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 7-0

**STREET ACCEPTANCE OF WOODHAVEN DRIVE EXTENSION**

Kevin Gagne, Deputy Director of Public Services, stated that the proposed extension of Woodhaven Drive meets all of the City's standards and specifications for road construction.

**VOTE (252-2005)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

Ordered, that Woodhaven Drive extension, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston.

Passed - Vote 7-0

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL  
EMPLOYEES (AFSCME COUNCIL #93) LOCAL 1458-00**

City Administrator James Bennett noted that the major aspects of this contract are identical to the other union contracts, and all contracts include the addition of the new health care management prevention program.

**VOTE (253-2005)**

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

To ratify the Collective Bargaining Agreement between the City of Lewiston and the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit, said agreement being for the period of July 1, 2004 to June 30, 2007, and to authorize the Mayor to sign the agreements on behalf of the City of Lewiston. Passed - Vote 7-0

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

Councilor Bernier stated that she was disappointed in the earlier actions of the Council regarding the rezoning request for Crowley Road and said that the inaction of the Council has put the applicant out of work and unable to operate his business. Councilor Mendros noted that the residents of this neighborhood signed the rezoning petition in support of the requested change.

City Administrator Bennett informed the Council of an item that may come before them at the next meeting. A request has been submitted by a developer to open a business on outer Lisbon Street, in the area of Liberty Mutual. The developer had a traffic engineering study prepared which shows the business would fare better if Lisbon Street, in this section, was changed from four lanes of traffic to three lanes of traffic. Mr. Bennett noted this a major policy decision of the Council and the proposal will be going before the Planning Board on August 8.

**VOTE (254-2005)**

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

To adjourn at 8:35 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine