

# CITY OF LEWISTON

**CITY COUNCIL**

**AUGUST 9, 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.

### **APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW**

#### **VOTE (255-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To receive the City Administrator's nomination and to appoint Rudy Duplississ, 40 St. Patrick Avenue, to a three year term on the Board of Assessment Review, said term to expire December 17, 2007 since this appointment is filling a current vacancy. Passed - Vote 7-0

#### **VOTE (256-2005)**

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

To dispense with the reading of the minutes of the July 19, 2005, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### **AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

#### **VOTE (257-2005)**

Motion by Councilor Jean, second by Councilor Connors:

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 sixteen percent (16%) of the proceeds from the sale of a 1996 Audi A4 Quattro, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Adrian Mosher, CE-05-0028, 05-DEA-453928. 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

**BALLOT FOR 2006 SLATE OF EXECUTIVE COMMITTEE AND OFFICERS FOR  
THE MAINE MUNICIPAL ASSOCIATION**

**VOTE (258-2005)**

Motion by Councilor Jean, second by Councilor Connors:

To approve the slate of candidates as presented on the Maine Municipal Association Ballot for Election of the 2006 Executive Committee and Officers. Passed - Vote 7-0

**PUBLIC HEARING AND PROPOSED ACTION FOR A PROPOSAL TO  
RECONFIGURE LISBON STREET/ROUTE 196 FROM FOUR LANES  
TO THREE LANES**

Representatives of Nino Corporation, a local real estate developer, and their engineering consultants, made a presentation to the City Council regarding a commercial project they hope to develop at 1930 Lisbon Street (Route 196). The project will be a gas station, carwash, convenience store, coffee shop and sandwich shop. The traffic engineers hired by the company studied the area and recommended that, due to vehicle traffic safety, a turning lane be added in the area of this business. Currently there are four lanes of traffic on this part of Lisbon Street, two lanes east bound and two lanes west bound. The traffic engineers have submitted a request to City Council to reconfigure this portion of Lisbon Street from four lanes to three lanes (one east bound, one west bound and one center turning lane). The Planning Board voted to endorse this proposal. It was reported that an MDOT traffic movement permit is needed for this project and a turning lane would be a requirement for this, since there will be over 100 vehicles turning for this development during a peak hour. It was noted that within the next five to ten years that perhaps all of Lisbon Street would need to become five lanes due to traffic.

Mayor Guay then opened the public hearing. Michael Ouellette of 1498 Lisbon Street spoke against the proposed lane changes, stating that speeding is a problem in this area already and he is concerned with two lanes of traffic limited to one, with a turning lane, would create more problems. He said there is a need for more officers for enforcement in the area and suggested the City also focus on driver safety and driver education for local residents. Mr. Ouellette illustrated that everyone who drives in Lewiston has experienced having a large truck following them on Lisbon Street. He mentioned that now the driver can move over to the other lane and let the truck pass, but with only one lane, this will not work and will encourage more accidents. He feels the current road set-up is a safer path.

Allen Austin, Associate Pastor of the Vineyard Church at 9 Foss Road, spoke in favor of this change. Pastor Austin said he feels that it would be safer for their church members if there is a turning lane that is added, citing an accident that one of their members was in a few years ago while trying to cross two lanes of traffic to make a left hand turn.

Jonathan LaBonte, resident of the Bangor area, addressed the Council and urged the Council to vote against this, mentioning the proposed plan is not in line with various traffic reports

and the City's Comprehensive Plan. He recommended the Council create an Urban Access Plan for the Route 196 corridor area due to increased development in this area.

Rick LaChappelle, Lewiston resident, commended the City Council and Planning Board for a recent change in attitude as a business friendly community. He noted if the City wants to develop this area, there needs to be three lanes for turning purposes.

Colleen Lahey, CEO of Liberty Mutual, stated there are numerous accidents in front of Liberty Mutual each year. She said there are over 400 employees who work in the building who exit onto Lisbon Street each day. Ms. Lahey said she contacted the State regarding a traffic light at this location and was told that a better solution to the problem would be for a five lane road - two east bound, two west bound and a turning lane. She asked the Council to consider conducting a traffic engineering study for a five lane road on this portion of Lisbon Street.

**VOTE (259-2005)**

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

To direct staff to move forward with the creation of an Impact Fee Ordinance for this corridor for five lane construction, in which the City will escrow the funds for future construction, and to vote in favor of the project to reconfigure Lisbon Street/Route 196 from the Lisbon town line to Westminister Street from four (4) lanes to three (3) lanes, and to have the applicant, Nino Corporation, pay for the expense of re-stripping the road from the Lisbon/Lewiston line up to the Maine Turnpike bridge, to be used as credit against an impact fee. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL 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 (260-2005)**

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

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL 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.

**VOTE (261-2005)**

Motion by Councilor Jean, second by Councilor Connors:

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION FOR  
FISH BONES AMERICAN GRILL**

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

**VOTE (262-2005)**

Motion by Councilor Jean, second by Councilor Connors:

To authorize the City Clerk's Office to approve a liquor license application for Fish Bones American Grill, Bates Mill #6. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE AND  
SPECIAL AMUSEMENT PERMIT FOR  
WINNERS CIRCLE OFF TRACK BETTING/SPARETIME BOWLING**

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

**VOTE (263-2005)**

Motion by Councilor Mendros, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Winners Circle Off Track Betting/Sparetime Bowling, 729 Main Street. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE AND SPECIAL AMUSEMENT  
PERMIT FOR HI STYLE CATERERS D/B/A CARRIAGE HOUSE PLUS**

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

**VOTE (264-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Hi Style Caterers d/b/a Carriage House Plus, 1119 Lisbon Street.

Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR CONFETTI'S RESTAURANT & LOUNGE**

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

**VOTE (265-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Confetti's Restaurant & Lounge, 855 Lisbon Street.

Passed - Vote 7-0

**UPDATE ON THE CITY'S WORKER'S COMPENSATION PROGRAM**

Denis Jean, Human Resources Director, provided an update to the City Council regarding the status of the City's worker's compensation program.

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME COUNCIL #93) ON BEHALF OF THE LEWISTON PROFESSIONAL TECHNICAL UNIT**

**VOTE (266-2005)**

Motion by Councilor Connors, second 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) on behalf of the Lewiston Professional Technical Unit, said agreement being for the period of July 1, 2004 to June 30, 2007, and to authorize the Mayor to sign the agreement on behalf of the City of Lewiston. Passed - Vote 7-0

**APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE LEWISTON BUSINESS DEVELOPMENT LOAN COMMITTEE**

Councilors nominated Councilor Rousseau to serve on this committee, citing his business experience as a plus for working on this committee.

**VOTE (267-2005)**

Motion by Councilor Paradis, second by Councilor Connors:

To appoint Councilor Rousseau to serve as the Council's representative to the Lewiston Business Development Loan Committee, said appointment to expire December 31, 2005.  
Passed - Vote 6-0-1 (Councilor Rousseau abstained.)

**ADOPTION OF A PARKING POLICY FOR THE LOT CREATED BY THE  
DEMOLITION OF THE OLD EMPIRE THEATER**

**VOTE (268-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To adopt the following Parking Policy for the lot created by the demolition of the old Empire Theater, as recommended by the City Administrator:

**PARKING FACILITIES**

Lot created by the demolition of the old Empire Theater: Two Hour parking from 7:00am to midnight.

Passed - Vote 7-0

**ADOPTION OF A PARKING POLICY FOR THE LOT CREATED BY THE  
DISTRICT COURT PROJECT**

**VOTE (269-2005)**

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

To adopt the following Parking Policy for the lot created by the District Court project, as recommended by the City Administrator:

**PARKING FACILITIES**

Lot created by District Court Project: Parking spaces to be rented on a month by month basis. The fee will be \$60.00 per month with an initial fee of \$25.00 to pay for signage for that space.

Passed - Vote 7-0

**ADOPTION OF A PARKING POLICY FOR THE LOT TO BE CREATED BY  
THE RAILROAD DEPOT**

**VOTE (270-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

To adopt the following Parking Policy for the lot to be created by the Railroad Depot, as recommended by the City Administrator:

**PARKING FACILITIES**

Lot to be created by Railroad Depot: Daily parking to be governed by stickers.

Passed - Vote 7-0

**ADOPTION OF A PARKING POLICY FOR THE LOT ON THE CORNER OF  
CEDAR AND LINCOLN STREETS**

**VOTE (271-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

To adopt the following Parking Policy for the lot on the corner of Cedar and Lincoln Streets, as recommended by the City Administrator:

**PARKING FACILITIES**

Lot on corner of Cedar and Lincoln: Front spaces to be hourly, controlled by parking meters. The remaining spaces will be daily parking to be governed by stickers.

Passed - Vote 7-0

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

City Administrator Bennett reminded the Council about the August 22 Joint Workshop with Auburn City Council which is when the Mayors' Joint Service Commission will present their first report to the Councils.

Councilor Paradis mentioned that he would like the Council to reconsider their action taken at the previous meeting regarding the application from Norman Jalbert of 193 Crowley Road

regarding the conditional rezoning of his property. Mr. Jalbert requested the rezoning to allow for the addition of an automobile repair garage and automobile sales. The rezoning request did not receive the required five affirmative votes by the Council and the rezoning request was essentially denied. Councilor Paradis feels that this issue should be revisited by the Council.

**VOTE (272-2005)**

Motion by Councilor Paradis, second by Councilor Mendros:

To reconsider action taken during the July 19, 2005 Council meeting regarding the application from Norman Jalbert of 193 Crowley Road for the conditional rezoning of the property. Passed - Vote 6-1 (Councilor Connors opposed.)

**VOTE (273-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

Due to the late hours, to postpone this item to the next City Council meeting.  
Passed - Vote 6-1 (Councilor Connors opposed.)

Councilor Rousseau said that he is interested in having the Council discuss parking meters in the downtown and suggested that the Council hold a workshop to review this issue.

**VOTE (274-2005)**

Motion by Councilor Rousseau, second by Councilor Paradis:

To schedule a workshop to review and discuss parking meters in the downtown area.  
Passed - Vote 6-1 (Councilor Connors opposed.)

**VOTE (275-2005)**

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

To adjourn at 9:40 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine