

CITY OF LEWISTON

CITY COUNCIL

MAY 18, 2004

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.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (160-2004)

Motion by Councilor Jean, second by Councilor Paradis:

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 \$265.20, or any portion thereof, in the case of the State of Maine vs. Richard Hanks, CE-04-0025 and 04DEA434698 Court Records, and the transfer of sixteen percent of the proceeds from the sale of a 2002 Ford Explorer XLT or any portion thereof, in the case of the State of Maine vs. Marut Asdornvuttikrai, CE-04-0016 and 04DEA-434579. 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 LEWISTON FARMER'S MARKET ASSOCIATION TO PLACE TEMPORARY DIRECTIONAL SIGNS IN THE PUBLIC RIGHT OF WAY

VOTE (161-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the Lewiston Farmer's Market Association to place three temporary, directional signs in the public right of ways at the intersections of Lisbon Street and Canal Street, Lisbon Street and Main Street, and Main Street and Bates Street, from 1:30pm to 6:30pm on Mondays from June 7 to November 1, during the days the market is operating. Passed - Vote 7-0

**AMENDMENT TO THE CITY POLICY MANUAL REGARDING
COMMERCIAL PROGRAM GUIDELINES**

VOTE (162-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the proposed amendment to the Commercial Program Guidelines, Policy Manual Number 27, as recommended by the Director of Economic & Community Development.
Passed - Vote 7-0

**NAMING OF THE LIBRARY'S NEW CULTURAL LEARNING CENTER AS
THE MARSDEN HARTLEY CULTURAL CENTER**

A presentation was made by Phil Isaacson, chairperson of the Library's Building Committee, on the importance of naming the Cultural Center after Marsden Hartley, an internationally renowned painter who spent part of his childhood in Lewiston.

VOTE (163-2004)

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

To name the Lewiston Public Library's Cultural Learning Center the "Marsden Hartley Cultural Center". Passed - Vote 7-0

FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2005 BUDGET

The City Administrator and School Superintendent presented power point presentations outlining various aspects of the budgets, proposed budget adjustments, projected tax rate amounts compared to previous years, and other budget related statistics.

Mayor Guay opened the final budget public hearing to receive citizen input and communication regarding the proposed 2005 Fiscal Year City and Education budgets. No members of the public commented on the budgets. Mayor Guay then closed the hearing.

BUDGET RECOMMENDATIONS FROM FINANCE COMMITTEE

VOTE (164-2004)

Motion by Councilor Paradis, second by Councilor Jean:

To receive and review the recommendation from the Finance Committee regarding the Fiscal Year 2005 budget: The Finance Committee voted to recommend to the Mayor and City Council that they keep any property tax rate increase to a minimum while not reducing the critical services needed by the community and to also carefully scrutinize the authorization of additional debt so as not to negatively impact the budgets of future years.
Passed - Vote 7-0

FINAL ADJUSTMENTS TO THE 2005 FISCAL YEAR BUDGET

Councilor Connors commented on areas of the education budget which he believed were over budgeted, such as worker’s compensation, retirement and medical health insurance. Councilor Connors also inquired about the budgeting practices for special education, noting a budgeted deficit. He suggested a reduction in various areas noting they would not impact programs, services or personnel. Mr. Levesque, School Superintendent and Mr. Flanagan, Business Manger, addressed the areas that Councilor Connors mentioned.

VOTE (165-2004)

Motion by Councilor Connors, second by Councilor Mendros:

To reduce the Education budget by \$340,711. Did Not Pass - Vote 2-5 (Councilors Jean and Connors in favor, others opposed)

VOTE (166-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

To amend the City Administrator’s original recommended budget as outlined on the attached material entitled “City Council Budget Adjustments”:

Expenditures

Non-Union Wage Adjustments	(\$15,352)
Solid Waste Collection	\$61,000
Municipal Garage	(\$25,000)
Transit Subsidy	\$12,583
Health Insurance	(\$48,825)
Fringe Adjustments	(\$3,750)
Reserve for Salaries	(\$129,648)

Revenues

Fee Adjustments	\$286,741
Parking Facilities	\$26,300
URIP - Transit	\$12,583

School

Legislative Adjustments - Revenue	(\$190,691)
Adjust Worker’s Compensation	(\$144,039)
Adjust Health Insurance	(\$169,250)

Passed - Vote 6-1 (Councilor Connors opposed.)

ADOPTION OF APPROPRIATION RESOLVE FOR FISCAL YEAR 2005

VOTE (167-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

To approve the Appropriation Resolve for Fiscal Year 2005 by a roll call vote:

RESOLVED, That there is hereby appropriated for the support of the several departments of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Four, and ending the last day of June, in the year of Our Lord, Two Thousand and Five, for the payment of the State and County Taxes, for ordinary indebtedness and expenses, for the interest on the debt, of the City of Lewiston, for the payment of lawful debts and dues from the City of Lewiston:

AGGREGATE BUDGET	\$ 75,723,016
MEANS OF FINANCING:	
General Property Tax	39,943,255
Anticipated Revenues	33,885,966
Prior Year's Surplus	1,893,795
TOTAL	\$ 75,723,016

Passed - Vote 6-1 (Councilor Connors opposed.)

ADOPTION OF WATER AND SEWER APPROPRIATION FOR FISCAL YEAR 2005

VOTE (168-2004)

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

To approve the Water and Sewer Appropriation for Fiscal Year 2005 by a roll call vote:

RESOLVED, That there is hereby appropriated for the support of the Water & Sewer Divisions of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Four and ending the last day of June, in the year of Our Lord, Two Thousand and Five:

WATER DIVISION REQUIREMENTS	\$ 3,144,634
SEWER DIVISION REQUIREMENTS	\$ 4,307,220

Passed - Vote 7-0

AUTHORIZATION TO USE THE INTEREST FROM THE FARRAR FUND

VOTE (169-2004)

Motion by Councilor Connors, second by Councilor Jean:

To authorize the use of the interest from the Farrar Fund for expenses incurred in the Human Services Budget, for medical and dental services. Passed - Vote 7-0

APPROVAL OF MILEAGE REIMBURSEMENTS RATES

Councilor Rousseau suggested the Council increase the mileage reimbursement rate for individual miles so the rate is closer to the IRS recommended rate, and due to the current high cost of gasoline. Some Councilors spoke against this, noting that the increased cost of gas may be a temporary increase and may drop in a few months.

VOTE (170-2004)

Motion by Councilor Mendros, second by Councilor Connors:

To amend the individual mileage reimbursement rate from thirty-one cents a mile to thirty-three cents a mile. Passed - Vote 4-3 (Councilors Bernier, O'Brien and Rousseau opposed)

VOTE (171-2004)

Motion by Councilor Jean, second by Councilor Connors:

To authorize the Finance Director to approve payment for mileage reimbursement at the rates and manner as budgeted for the authorized use of privately owned vehicles in the conduct of official city business for each respective position:

<u>POSITION</u>	<u>ALLOCATION</u>
Mayor	\$ 500.00
Auditor	125.00
Business Development Manager	200.00
Chief Assessor	480.00
City Clerk	300.00
Deputy Treasurer	100.00
Development Director	200.00
General Assistance Administrator	100.00
Library Director	200.00

Recreation Director	1,200.00
Tax Collector	100.00

Per-mile basis. All others not specifically mentioned above shall be reimbursed at the rate of thirty-three (\$.33) cents per mile, excepting motorcycles which shall be reimbursed at the rate of 75% of the rate established for other vehicles, plus tolls and parking supported by received vouchers other than meters.

Passed - Vote 4-3 (Councilors Bernier, O'Brien and Rousseau opposed)

APPROVAL OF AID TO PRIVATE AND PAROCHIAL SCHOOLS

VOTE (172-2004)

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

To accept the recommendation of the Finance Director, and to establish the following allocation amounts for aid to private and parochial schools for textbook and testing services for Fiscal Year 2005:

	<u>Elementary</u>	<u>Secondary</u>
Testing	\$2.60 per student	\$2.60 per student
Textbooks	\$27.90 per student	\$40.25 per student

Passed - Vote 7-0

**RESOLUTION OF CONDEMNATION FOR THE PROPERTIES AT
95-109 MAIN STREET**

It was noted that the parties are still meeting to discuss and review the details, and the request was made to postpone this item to the next City Council meeting.

VOTE (173-2004)

Motion by Councilor Rousseau, second by Councilor Mendros:

To postpone this item to the meeting of June 1, 2004. Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTIONS FOR
BATES MILL GUARANTEE BONDS**

Mayor Guay opened the hearing to receive citizen input and comment. No members of the public addressed the Council at this time, and Mayor Guay closed the hearing. The City Administrator stated these bonds are guarantee bonds and this process is part of the exit strategy deal with Mr. Platz. He noted these bonds give the City the authority to borrow funds if the City defaults on our contractual obligations regarding the property.

VOTE (174-2004)

Motion by Councilor Jean, seconded by Councilor Rousseau:

That the Bond Resolutions regarding the authorization to issue guarantee bonds in an amount of \$5,400,000 to assist with financing of project infrastructure improvements to the Bates Mill, and in the amount of \$4,080,000 to build parking facilities at the Bates Mill, be adopted:

Public Infrastructure Improvement Bonds for Bates Mill

ORDERED: That the Finance Director is authorized to issue General Obligation Bonds in an aggregate principal amount of Five Million Four Hundred Thousand Dollars (\$5,400,000) to enable the City of Lewiston to guaranty performance of the following obligations required by the terms of the Acquisition Agreement by and between the City of Lewiston and Bates Mill Limited Liability Company, dated December 16, 2003 (“Acquisition Agreement”);

- a. Funding Three Million One Hundred Forty Five Thousand Dollars (\$3,145,000) of the operating losses of Bates Mill Limited Liability Company, project infrastructure improvements set forth in Schedule B-1(b) to the Acquisition Agreement, and environmental remediation;
- b. Funding Seven Hundred Sixty Thousand Dollars (\$760,000) of project infrastructure improvements in Schedules B-1(a) to the Acquisition Agreement; and
- c. Funding One Million Four Hundred Ninety Five Thousand Dollars (\$1,495,000) of public infrastructure improvements.

FURTHER ORDERED, That the Finance Director is authorized to negotiate the issue of the bonds;

FURTHER ORDERED, That the bond shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

FURTHER ORDERED, That bonds hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Bates Mill Parking Bonds

ORDERED: That the Finance Director is authorized to issue a General Obligation Bond in a principal amount of Four Million Eighty Thousand Dollars (\$4,080,000) to enable the City of Lewiston to secure its obligation to building parking spaces in surface parking lots, parking decks, parking garages, or a combination thereof as required by the terms of the Acquisition Agreement by and between the City of Lewiston and Bates Mill Limited Liability Company, dated December 16, 2003;

FURTHER ORDERED, That the Finance Director is authorized to negotiate the issue of the bonds;

FURTHER ORDERED, That the bond shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

FURTHER ORDERED, That bonds hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE ON AMENDMENTS TO THE
SOLID WASTE ORDINANCE**

Mayor Guay opened the hearing to receive citizen input and comment. No members of the public addressed the Council at this time, and Mayor Guay closed the hearing.

VOTE (175-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

That the proposed amendment to the City Code of Ordinances, Chapter 62 "Solid Waste", Section 62-11 "Definitions", Section 62-13 "Municipal collection of solid waste and recyclable materials" and Section 62-15 "Payments", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of June 1, 2004 for final passage. Passed - Vote 6-1 (Councilor Mendros opposed.)

**PUBLIC HEARING AND FIRST PASSAGE ON AMENDMENTS TO THE
TRAFFIC AND VEHICLES ORDINANCE**

Mayor Guay opened the hearing to receive citizen input and comment. No members of the public addressed the Council at this time, and Mayor Guay closed the hearing.

VOTE (176-2004)

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

To change the fee for Section 2, "Parking exceeding time limit, metered or unmetered area, if not paid within 15 days of the offense", from \$15 to \$25. Did Not Pass - Vote 3-4 (Councilors Bernier, Jean and Paradis in favor, other opposed)

VOTE (177-2004)

Motion by Councilor Rousseau, second by Councilor Mendros:

To change Section 1 to read “Parking exceeding time limit, unmetered area”, and to change the fee to \$15, and to change Section 2 to read “Parking exceeding time limit, metered area”, and to change the fee to \$10. Passed - Vote 4-3 (Councilors Bernier, O’Brien and Jean opposed)

VOTE (178-2004)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 70 “Traffic and Vehicles”, Section 70-134 “Alternate penalty provision, payment schedule”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of June 1, 2004 for final passage. Passed - Vote 5-2 (Councilors Mendros and Bernier opposed)

PUBLIC HEARING ON LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR MOM & POP’S PLACE, 339 LISBON STREET

Mayor Guay opened the hearing to receive citizen input and comment. No members of the public addressed the Council at this time, and Mayor Guay closed the hearing.

VOTE (179-2004)

Motion by Councilor Paradis, second by Councilor O’Brien:

To attach conditions to the permit to require that staff receive training in recognizing potential problem patrons and to have additional staff on duty during peak times to help recognize problem patrons, said conditions to be reviewed by and monitored by the Police Department. Passed - Vote 7-0

VOTE (180-2004)

Motion by Councilor Jean, second by Councilor Rousseau:

To authorize the City Clerk’s office to approve the applications for a liquor license and special amusement permit for dancing and entertainment for Mom & Pop’s Place, 339 Lisbon Street. Passed - Vote 7-0

AMENDMENTS TO THE CITY POLICY MANUAL REGARDING CHANGES TO THE FEE STRUCTURE FOR LICENSES, PERMITS AND SERVICES

VOTE (181-2004)

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

To approve the proposed amendments to the City Policy Manual, Policy 4 Building Permit Fees, Policy 7 Business Licensing Fees, Policy 16 Electrical Permit Fees, Policy 28 Facility Use Policy, Policy 30 Fire Alarms, Policy 39 Library Policies, Policy 42 Parking Fees, Policy 45 - Police Alarms - False Alarm Policy, Policy 52 Solid Waste Fees, Policy 56 Street and Sidewalk Occupancy Policy, Policy 67 Sewerage Use System Charges, and Policy 71 Zoning and Land Use Code Application fees, as recommended by the City Administrator, and said amendments to be effective July 1, 2004. Passed - Vote 6-1 (Councilor Mendros opposed.)

UPDATE OF CITY POLICY REGARDING THE EXCAVATION AND STREET OPENING POLICY

VOTE (182-2004)

Motion by Councilor Jean, second by Councilor Mendros:

To repeal the current Excavation and Street Opening Policy, Policy Number 55, and to adopt and establish a new Excavation and Street Opening Policy, Policy Number 55.

Passed - Vote 7-0

UPDATE OF CITY POLICY REGARDING THE HOUSING REHABILITATION LOAN PROGRAMS

VOTE (183-2004)

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

To repeal the current Housing Program Guidelines Policy, Policy Number 40, and to adopt and establish a new Housing Rehabilitation Loan Programs Policy, Policy Number 40.

Passed - Vote 7-0

REPORTS AND UPDATES

The City Administrator stated that the City is working with Moody's Investor Service regarding the bond rating for the City.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (184-2004)

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 5-2 (Councilor Mendros and Councilor Connors opposed.)

Councilors entered into Executive Session at 10:40pm and exited at 11:15pm.

VOTE (185-2004)

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

To adjourn at 11:16 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine