

CITY OF LEWISTON

CITY COUNCIL

AUGUST 10, 2004

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, Rousseau, City Administrator James Bennett, and Deputy City Clerk Kelly Mercier. Councilor Mendros was absent/excused from the meeting.

Pledge of Allegiance to the Flag.

Moment of Silence.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (273-2004)

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

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 \$1,032.00, or any portion thereof, in the case of the State of Maine vs. Andrew Ash, CR-04-3280 Court Records; and the transfer of \$525.00, or any portion thereof, in the case of the State of Maine vs. Jerry Clemons, CR-03-1621. 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 6-0

TRAFFIC SCHEDULE AMENDMENT

VOTE (274-2004)

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

To approve the following amendments to the Traffic Schedule to add stop signs on Judith Street at Gina Street:

Section 38 - Stop Signs, is hereby amended as follows:

JUDITH STREET 2 signs at Gina Street

Passed - Vote 6-0

2004 LOCAL LAW ENFORCEMENT BLOCK GRANT

VOTE (275-2004)

Motion by Councilor Connors, seconded by Councilor Jean:

To authorize the Chief of Police to accept the US Department of Justice's Local Law Enforcement Block Grant in the amount of \$13,278.00 in order to procure new technology and equipment. Passed - Vote 6-0

50/50 COMMERCIAL REHABILITATION LOAN PROGRAM

A motion was made by Councilor O'Brien and seconded by Councilor Jean to approve the proposed amendments to the Commercial Rehabilitation Loan Program Guidelines, Policy Manual Number 27, as recommended by the Director of Economic & Community Development and the Loan Qualification Committee.

Councilor Rousseau expressed his concerns about the increase in the interest rate from 3% to 5.25% and the negative effect it would have on small business owners. He suggested that we look for incentives for small businesses to help with the development of the downtown in addition to keeping the interest rate as is. Councilor Rousseau recommended keeping the interest rate at 3%.

VOTE (276-2004)

Motion by Councilor Rousseau, seconded by Councilor Jean:

To amend the Policy as presented to keep the interest rate at 3%. Passed - Vote 6-0

VOTE (277-2004)

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

To approve the proposed amendments to the Commercial Rehabilitation Loan Program Guidelines, Policy Manual Number 27, as recommended by the Director of Economic & Community Development and the Loan Qualification Committee as amended. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE FOR CODE AMENDMENT FOR MOBILE HOME PARKS

Mayor Guay opened the public hearing to receive citizen input and comments. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (278-2004)

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

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article I "In General", Section 22-2 "Definitions" receive final passage by a roll call vote.
Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE
AMENDMENTS FOR OFF-STREET PARKING**

Mayor Guay opened the public hearing to receive citizen input and comments. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (279-2004)

Motion by Councilor Connors, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, to amend the definition of "accessory use or structure", receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST & FINAL PASSAGE REGARDING
AMENDMENTS TO THE ELECTIONS ORDINANCE**

Mayor Guay opened the public hearing to receive citizen input and comments. At this time, Councilor O'Brien asked about the possibility of returning absentee voting at Oak Park and re-establishing Meadowview as a polling place for ward 5. Councilor Bernier expressed concern with the lateness of the ward map changes and possible voter confusion for the upcoming November election.

A motion to move the previous question was made by Councilor Connors and seconded by Councilor O'Brien. No vote was taken. Councilor Connors removed the motion. Public was allowed to comment.

Lewiston residents Paul Samson, Elaine Makas, Paul Brunetti, and Lois Mailloux expressed concerns about polling place locations and possible confusion for voters at the upcoming election. No other members of the public wished to speak, and the Mayor closed the hearing.

VOTE (280-2004)

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed amendments to the City Code of Ordinances, Chapter 32, "Elections", Section 32-1 "Wards described", receive first passage by a roll call vote.
Passed - Vote 5-1 (Councilor Bernier opposed.)

VOTE (281-2004)

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

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 5-1 (Councilor Bernier opposed.)

VOTE (282-2004)

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

That the proposed amendments to the City Code of Ordinances, Chapter 32, "Elections", Section 32-1 "Wards described", receive final passage by a roll call vote.
Passed - Vote 5-1 (Councilor Bernier opposed.)

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO
THE ADMINISTRATIVE CODE**

A motion was made by Councilor Jean and seconded by Councilor Paradis that the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Division 7. "Department of Law", Section 2-336, "Powers and duties of city attorney", receive first passage by a roll call vote, and that the public hearing on said ordinance be continued to the meeting of September 7, 2004 for final passage.

Mayor Guay opened the public hearing to receive citizen input and comments. At this time, Councilor Rousseau suggested that the Council have an opportunity to discuss this issue at a future workshop before the Council is asked to vote on it.

VOTE (283-2004)

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

To table to a future workshop the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Division 7. "Department of Law", Section 2-336, "Powers and duties of city attorney".

Passed - Vote 4-3 (Councilors Bernier, O'Brien, and Rousseau voted in favor, Councilors Jean, Connors and Paradis opposed, Mayor Guay broke the tie with an affirmative vote).

**REFERRAL TO PLANNING BOARD REGARDING THE LAND USE
CODE AMENDMENTS**

VOTE (284-2004)

Motion by Councilor Connors, seconded by Councilor Jean:

To refer back to the Planning Board the recommendations for proposed amendments to the Land Use Code regarding definitions for adult business establishments and eating & drinking establishments. Passed - Vote 6-0

At this time the Council took a 10 minute recess.

**REQUEST FOR FUNDING COMMITMENT FOR THE ST. DOM'S
REDEVELOPMENT PROJECT**

A motion was made by Councilor Jean and seconded by Councilor O'Brien to reaffirm and commit \$1,115,000 for the St. Dom's Redevelopment Project, subject to the following conditions: a) the securement of \$2,000,000 in federal dollars; b) the continued allocation of \$6,161,155 of low income housing tax credits (LIHTC); c) the continuous availability of the subsidy of \$600,000 from Maine State Housing Authority and of the Maine State Housing Authority's loan of \$117,933; and d) the continuous availability of municipal resources.

A presentation was given by Lewiston Housing Authority Executive Director James Dowling and Corbin Findlan from Realty Resources.

A lengthy discussion followed the presentation concerning the best way to spend the earmarked federal monies. Councilor Rousseau strongly disagreed with the use of the monies on this project. He felt the council would best serve the community by investing the monies elsewhere.

VOTE (285-2004)

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

To move the previous question. Passed - Vote 4-3 (Councilors Bernier, O'Brien, and Connors voted in favor, Councilors Jean, Paradis and Rousseau opposed, Mayor Guay broke the tie with an affirmative vote)

VOTE (286-2004)

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

To reaffirm and commit \$1,115,000 for the St. Dom's Redevelopment Project, subject to the following conditions:

- a) the securement of \$2,000,000 in federal dollars;
- b) the continued allocation of \$6,161,155 of low income housing tax credits (LIHTC);
- c) the continuous availability of the subsidy of \$600,000 from Maine State Housing Authority and of the Maine State Housing Authority's loan of \$117,933; and
- d) the continuous availability of municipal resources.

Passed - Vote 4-3 (Councilors Bernier, O'Brien, and Connors voted in favor, Councilors Jean, Paradis and Rousseau opposed, Mayor Guay broke the tie with an affirmative vote.)

At this time the Council took a 5 minute recess.

NOMINATIONS TO THE ANDROSCOGGIN COUNTY BUDGET COMMITTEE

A motion was made by Councilor Jean and seconded by Councilor Connors to nominate and select at least three Lewiston residents to serve as the Lewiston representatives to the Androscoggin County Budget Committee from Commission District 3.

VOTE (287-2004)

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

To nominate Councilor Bernier, Paul Labrecque, 340 Grove Street, and Dennis Roderick, 28 Reservoir Avenue, to serve as the Lewiston representatives to the Androscoggin County Budget Committee from Commission District 3. Passed - Vote 6-0

**APPOINTMENTS TO THE MAINE MUNICIPAL ASSOCIATION'S
LEGISLATIVE POLICY COMMITTEE**

VOTE (288-2004)

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

To appoint the Assistant City Administrator as the City's staff representative, and the City Administrator and the City Clerk as the City's alternate representatives, to the Maine Municipal Association's Legislative Policy Committee, for the term of July 1, 2004 through June 30, 2006 and to nominate Councilor Connors to serve as the Councils' alternate representative to the Municipal Association's Legislative Policy Committee in the event Councilor Mendros is unable to attend. Passed - Vote 6-0

IMPACTS OF THE PALESKY TAX CAP REFERENDUM

After discussion as to how, or if, to create a task force to study the impact of the proposed Palesky tax cap, the following motion passed.

VOTE (289-2004)

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

To create a task force, consisting of the Mayor, City Councilors and eight citizens from Lewiston to immediately start the process of developing the FY06 municipal budget as if the Palesky tax cap referendum has passed, and commit to the "unofficial" adoption of that budget no later than October 19. Passed - Vote 5-1 (Councilor Connors opposed)

**RESOLUTION REQUESTING THE GOVERNOR AND STATE LEGISLATURE
TO PASS MEANINGFUL TAX REFORM PRIOR TO NOVEMBER**

It was discussed whether the timing of this resolution would have an impact and if it would be ineffective to send it at this point. It was recommended that the resolution still be sent to Augusta.

VOTE (290-2004)

Motion by Councilor Rousseau, seconded by Councilor Bernier:

To adopt the following Resolution asking the Governor and State Legislature to pass meaningful tax reform legislation before the November election.

WE, the members of the Lewiston City Council, respectfully request that Governor John E. Baldacci convene the members of the Maine State Legislature within the month of August 2004 to address Maine tax reform and tax relief, prior to the November 2004 election, as their #1 priority.

WHEREAS, the Lewiston City Council recognizes that Lewiston citizens, as well as other citizens throughout Maine, have patiently waited for tax reform at the State level; and

WHEREAS, the Lewiston City Council strongly believes that the time for the Legislature to act is NOW and that the need for such reform can wait no longer and must be aggressively addressed; and

WHEREAS, the Lewiston City Council believes that the Governor and the State Legislature must be fiscally responsible by immediately working together to answer the plea of the people for tax reform; and

WHEREAS, the Lewiston City Council is recommending that the Governor and the Maine State Legislature diligently work together towards developing a five-year plan that will effectively address the need for tax reform and tax relief—a plan that will become effective in FY2006, which begins July 1, 2005; and

WHEREAS, the Lewiston City Council is also asking the Governor and all members of the Maine State Legislature to address this serious need in a collaborative and respectful manner for the benefit of the constituents they serve.

NOW, THEREFORE, BE IT RESOLVED that the Lewiston City Council seeks an immediate response from Governor John E. Baldacci and the Maine State Legislature as to a five-year plan of action that will effectively address the need for citizen property tax reform and tax relief, effective FY2006, which begins July 1, 2005.

BE IT FURTHER RESOLVED that the Lewiston City Council also encourages other cities and towns within Androscoggin County and throughout Maine to seek the same immediate response from Governor Baldacci and the Maine State Legislature.

Passed - Vote 4-3 (Councilors Bernier, Paradis and Rousseau voted in favor, Councilors O'Brien, Jean, and Connors opposed, Mayor Guay broke the tie with an affirmative vote.)

REPORTS AND UPDATES

No reports were presented at this time.

OTHER BUSINESS

Lewiston resident Lois Mailloux voiced some concerns she has with the Lewiston Police Department. Mayor Guay suggested that she call his office and make an appointment to discuss the matter further.

VOTE (291-2004)

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

To adjourn at 11:16 P.M. Passed - Vote 6-0

A true record, Attest:

Kelly J. Mercier, CCM
Deputy City Clerk
Lewiston, Maine