

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 18, 2003

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

RENEE A. BERNIER, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Philippon, O'Brien, Jean, Mason, Paradis, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

OATH OF OFFICE FOR NEW PATROL OFFICERS

City Clerk Kathleen Montejo administered the Oath of Office to two new Patrol Officers for the City: Hart Daley and Donald McKeen. The Police Chief welcomed them to the department and presented the new officers with their badges.

VOTE (54-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

To dispense with the reading of the minutes of the February 4, 2003, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

CONTINUATION OF PUBLIC HEARING FOR CENTRAL MAINE CIVIC CENTER TAX INCREMENT FINANCING (TIF) DISTRICT AGREEMENT

VOTE (55-2003)

Motion by Councilor Philippon, seconded by Councilor Paradis:

To continue the public hearing regarding the Tax Increment Financing District (TIF) District for the Central Maine Civic Center Project to the March 4, 2003 City Council meeting. Passed - Vote 6-0

REVIEW OF LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR THE OUTER LIMITS, 855 LISBON STREET

City Administrator James Bennett reminded Council that this item has been on going since the meeting of November 12, and was thoroughly discussed during their previous meeting. He noted that a payment arrangement has been made for the back due taxes, but has not been met on a regular basis. The Administrator reviewed a draft proposed motion to have the Council deny the liquor license citing issues such as the failure of the business owner to comply with all of the Council's criteria assigned during the December meeting.

The Council discussed the idea of adding a ninety day review period to the motion to ensure that there is a follow up and staff review for the noise in the parking lot. The City Administrator informed the Council that the business operations at this location will be monitored closely by city staff and will be reviewed on a regular basis, especially the parking lot noise. Councilor O'Brien said that she wants this business to follow the current liquor license laws like all other businesses in town.

VOTE (56-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

To approve the liquor license and special amusement permit for The Outer Limits, subject to the following conditions:

- 1) The owner will not seek permission, nor operate The Outer Limits or any other business in that location after the hours of 1:00am, effective immediately, and
- 2) Proceed with the improvements planned to control the parking lot noise, and
- 3) Payment of all outstanding bills to the City in compliance with the payment arrangements that will be made with the City Administrator by this Friday, February 22, 2003.

Passed - Vote 6-0

Michael Berube, owner of The Outer Limits, said that the major portion of his business is from 1am - 3am. He cautioned the Council that his regular patrons are used to the closing hours of 3am and they may not arrive at the business until 1am. He asked for special permission to be open until 3am for the next one to three weekends so he has time to notify the customers of the earlier closing time.

Arthur Cloutier of 48 Summit Avenue addressed the Council and asked that the business not be allowed to be open beyond 1am and said that the business can notify patrons of their new closing time via the newspaper and signs at the business. Raymond Beaudon of 50 Summit Avenue agreed with Mr. Cloutier.

Councilor Mason noted that the major part of the problem with this business is from 1am to 3am. He said that the other bars in town close at 1am and that the state law requires that liquor service ends at 1am and there is no need to be open beyond this time.

VOTE (57-2003)

Motion by Councilor Mason, seconded by Councilor Philippon:

To permit the Outer Limits to be open for the next 5 -15 days until 3am to allow the business and patrons an opportunity to transition to the new closing time of 1am.

Vote 3-3 (Motion failed.)

**PUBLIC HEARING REGARDING AFTER HOURS ENTERTAINMENT PERMIT
FOR THE HIP HOP CONNECTION, 855 LISBON STREET**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. It was agreed that due to the discussion and findings from the previous agenda item and past Council meetings on this issue, the Council does not support the open time until 3am for the business and the neighbors are concerned about this late time as well.

VOTE (58-2003)

Motion by Councilor Paradis, seconded by Councilor Philippon:

To deny the After Hours Entertainment Permit for The Hip Hop Connection, 855 Lisbon Street. Passed - Vote 5-0-1 (Councilor O'Brien abstained.)

Councilor Philippon thanked Councilor Paradis for his hard work on this issue and for his work with the neighbors regarding this topic.

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE
AMENDMENTS CONCERNING PERMITTED SIGNS**

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

VOTE (59-2003)

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

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Permitted Signs", of the City Zoning and Land Use Code, concerning special requirements for signs, receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO
THE LAND USE CODE TO EXTEND THE HIGHWAY BUSINESS DISTRICT**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Planning Director James Lysen made a brief presentation on this issue, stating that the owner of 2 Crowley Road, the Lewiston Grange Hall building, has requested this extension of the zoning designation to allow the Hall to have a liquor license. In addition, a request was made for property at 214 Old Lisbon Road to allow for an automotive repair business to be located on this site.

VOTE (60-2003)

Motion by Councilor Philippon, seconded by Councilor Paradis:

That the proposed amendment to extend the Highway Business (HB) District across Old Lisbon Road and South Lisbon Road from the Maine Turnpike to Crowley Road, receive

first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of March 4, 2003 for final passage. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE LAND USE CODE CONCERNING CHANGES TO THE DEVELOPMENT REVIEW PROCESS

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. City Administrator James Bennett mentioned that this proposal is consistent with the City's Goals and Objectives that were discussed during a past workshop. One of the goals was to streamline some of the redundant and time consuming regulations for new development projects in town, without compromising important issues such as environmental impact, abutter input and so forth. The Planning Board is in support of the proposed recommendations.

VOTE (61-2003)

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

That the proposed amendments to Appendix A, Article XIII, "Development Review and Standards", of the City Zoning and Land Use Code, concerning suggestions to streamline the development review procedures, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of March 4, 2003 for final passage. Passed - Vote 6-0

PUBLIC HEARINGS FOR SPECIAL AMUSEMENT PERMITS

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

VOTE (62-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

To grant a Special Amusement Permit for Dancing and Entertainment to Barnies Place, 1065 Sabattus Street. Passed - Vote 6-0

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

VOTE (63-2003)

Motion by Councilor Mason, seconded by Councilor Philippon:

To grant a Special Amusement Permit for Dancing and Entertainment to the Carlton Club, 25 Sabattus Street. Passed - Vote 6-0

AMENDMENTS TO THE FACILITIES USE POLICY

VOTE (64-2003)

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

To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, as recommended by City Administration and the Director of Recreation and Parks.
Passed - Vote 5-0-1 (Councilor Philippon was absent from the Chambers during this vote and therefore abstained.)

APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE MAINE MUNICIPAL ASSOCIATION'S LEGISLATIVE POLICY COMMITTEE

The Councilors suggested that Councilor Philippon would be an excellent choice for this committee and Councilor Philippon agreed to serve in this capacity.

VOTE (65-2003)

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

To appoint Councilor Philippon to serve as the City's other full member representative to the Maine Municipal Association's Legislative Policy Committee (MMA LPC).
Passed - Vote 6-0

REQUEST FOR CITY DONATION TO THE "TOWARD HARMONY: UNDERSTANDING A NEW DIVERSITY IN LEWISTON-AUBURN CONFERENCE"

Councilor Philippon urged the Councilors to support this item as a show of support for the Conference. Councilor Bernier stated that she hopes this Conference is geared toward all nationalities within the community, not just one specifically. Councilor Mason stated that he does not support the use of city taxpayer money for this conference, noting that the money will be used for transportation of attendees and for a luncheon. He said that he does not believe that the participants will get much out of the conference and he can not justify spending tax money for a free luncheon for the conference participants and suggested the planning group seek private funds.

Resident Bob MacDonald of 6 Jolin Street addressed the Council and stated that he strenuously objects to this item, saying that the City has spent enough tax payer money in the past two years on immigrant issues. He feels that City needs to spend the money on city services such as plowing the side streets and other services. He noted the City is contemplating laying off over 16 employees, and said that since money is tight, the City should not be giving funds away to a Bates College conference.

Councilor Philippon mentioned the recommended donation of \$500 will be used to help off set costs such as promotion, printing of programs, transportation for speakers, food, security, mailings, entertainment and so forth. He said that other agencies such as L/A College, L/A Excels, the Chamber, the United Way and others have contributed funds.

VOTE (66-2003)

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

To make a contribution of \$500 to help sponsor the "Toward Harmony: Understanding A New Diversity in Lewiston-Auburn" Conference to be held at Bates College on March 14 and 15, 2003, said funds to be designated from the Municipal Donations account, account number 49510-404300. Passed - Vote 4-2 (Councilors Jean and Mason opposed).

UPDATE FROM THE LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES

No update was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Bernier stated that the School Committee has been meeting on Monday and Wednesday nights in budget workshops to prepare the FY 2004 education budget.

OTHER BUSINESS

Councilor Paradis mentioned that the Council needs to consider reviewing the process for the one year performance evaluation for the City Administrator since this employment anniversary date is March 25. Mr. Bennett will collect sample evaluation forms used by communities around the state to help the Council develop the criteria to use for the evaluation.

Bob Stone of 13 Woodside Drive asked the Council to endorse a Resolution supporting the work and aggressive action of President Bush regarding the impending attack on Iraq and the fight on global terrorism. The Council felt that it was not the place of the City to take such a stand at this point and noted that if the war with Iraq happens, the Council would consider a Resolution to support the military troops at that time.

The Administrator said that he will have the budget ready for Council presentation within the next four to six weeks. He said that he is reviewing the draft with Department Managers in the morning.

VOTE (67-2003)

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

To adjourn at 8:50 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine