

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 6, 2001

**EXECUTIVE SESSION HELD IN THE
EXECUTIVE CONFERENCE ROOM AT 6:00PM**

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Bernier, Carignan, Jean, Samson, Bilodeau, Adams, City Administrator Bogdan Vitas, Jr., Assistant City Administrator Phil Nadeau, Finance Director Richard Metivier, Development Director Greg Mitchell and City Clerk Kathleen Montejo

The City Council meeting was called to order by Mayor Tara at 6:00pm in a public session.

VOTE (1)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To enter into executive session to discuss real estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Executive Session began at 6:02pm and ended at 6:30pm.

Councilor Gousse arrived at 6:10pm.

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, Samson, Bilodeau, Adams, City Administrator Bogdan Vitas, Jr., Assistant City Administrator Phil Nadeau, City Clerk Kathleen Montejo and Student Representatives Karen Gagnon and Marc Moreau.

Mayor Tara called the meeting back to order at 7:00pm.

Pledge of Allegiance to the Flag.
Moment of Silence.

The Mayor, Council and City Administrator commended the Public Works crews for the outstanding job they did with the recent storm. It was noted that the streets and sidewalks were well maintained and well sanded at all times during the storm.

VOTE (2)

Motion by Councilor Gousse, seconded by Councilor Bilodeau:

To dispense with the reading of the minutes of the January 16, 2001, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

STUDENT REPRESENTATIVES' YOUTH REPORT

Karen Gagnon and Marc Moreau made a presentation the City Council regarding the Younger American's Act and also shared with the Council the "Ten Commandments for Involving Young People in Our Communities".

PUBLIC HEARING REGARDING ADULT ENTERTAINMENT ORDINANCE

Mayor Tara opened the public hearing. No members of the public spoke for or against this issue.

VOTE (3)

Motion by Councilor Samson, second by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 10 "Amusements and Entertainment", Article IV "Adult Entertainment", Sections 101 - 131, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING REGARDING AN AMENDMENT TO THE FIRE PREVENTION CODE

Mayor Tara opened the public hearing. No members of the public spoke for or against this issue.

VOTE (4)

Motion by Councilor Bilodeau, second by Councilor Gousse:

That the proposed amendment to the City Code of Ordinances, Chapter 38 "Fire Prevention and Protection", Article 2 "Fire Prevention Code", Section 38-26 "Codes Adopted", Subsection C-1, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING ON LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR THE "BIG" D

Mayor Tara opened the public hearing. No members of the public spoke for or against this issue.

VOTE (5)

Motion by Councilor Samson, second by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application and a special amusement permit for dancing and entertainment for The Big "D", 330 Lisbon Street.

Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR CLUB CAIRO

VOTE (6)

Motion by Councilor Samson, second by Councilor Bilodeau:

To grant a Special Amusement permit for dancing and entertainment to Club Cairo, 39 Chestnut Street. Passed - Vote 7-0

SALE OF BATES MILL BUILDINGS THREE, SIX AND SEVEN

Paul Gosselin, president of the Lewiston Mill Redevelopment Corporation (LMRC) and Finance Director Richard Metivier made a presentation to the Council regarding the details of the sale of these buildings. Developer Tom Platz, who is purchasing the buildings, was also present. Mr. Gosselin noted this is a significant moment in the re-development of the Mill complex and noted this is a major step in the transition from public to private ownership. He thanked the City Council for their continuous support of this project.

The Mayor, Council and City Administrator thanked Mr. Gosselin, Mr. Metivier, Mr. Platz and Development Director Greg Mitchell for their hard work, patience, tenacity, vision, passion and drive in order to complete this phase of the project.

VOTE (7)

Motion by Councilor Bilodeau, second by Councilor Gousse:

To approve the Acquisition Agreement, Indemnity Agreement, Steam Purchase Agreement and the Environmental Indemnity Agreement and to authorize the sale of the Bates Mill buildings three, six and seven on the terms set forth in the Acquisition Agreement. Further, to authorize the City Administrator to execute the Bates Mill Acquisition Agreement, Indemnity Agreement, Steam Purchase Agreement and the Environmental Indemnity Agreement and any other related documents to complete the sale of Mill buildings three, six and seven at the Bates Mill Complex to the Bates Mill LLC. Passed - Vote 7-0

WAIVER OF ECONOMIC STIMULUS LOAN PROGRAM GUIDELINES

VOTE (8)

Motion by Councilor Samson, second by Councilor Carignan:

To authorize a waiver of the loan cap limit in the Economic Stimulus Loan Program (ESLP) with Lewiston-Auburn Economic Growth Council (LAEGC), in order to provide a

loan to Bates Mill LLC in support of the acquisition of Mill 3 in the Bates Mill Complex.
Passed - Vote 7-0

CONTINUATION OF PUBLIC HEARING FOR LEPAGE BAKERIES TIF

VOTE (9)

Motion by Councilor Bilodeau, second by Councilor Gousse:

To continue the public hearing regarding the Tax Increment Financing (TIF) District for the LePage Bakeries, Inc. and B. L. Holdings, LLC, Project to the February 20, 2001 City Council meeting. Passed - Vote 7-0

PRESENTATION FROM PROJECT HARMONY

Representatives from Project Harmony made a presentation to the City Council to introduce their organization. Project Harmony is a professional development program for Russian, Moldovan and Armenian business people and professionals. This international organization, established in 1985, provides educational community-based training programs and international exchange programs. Project Harmony's Maine headquarters is located in Lewiston.

Councilor Carignan noted that both of the presenters are graduates of Bates College who have returned to Lewiston to work in the City.

DISPOSITION OF 91 MAPLE STREET AND 264 BLAKE STREET

Mayor Tara and Councilor Carignan both stated they will be abstaining from discussion and voting on this issue due to connections with Sisters of Charity Health Systems. SOCHS established the Neighborhood Housing Initiatives. The Mayor is employed by SOCHS and Councilor Carignan serves as chairperson of their Board of Directors.

James Cassidy, CEO of Sisters of Charity Health Systems, addressed the Council regarding this project. He noted these two properties are the final properties to complete the block of older apartment buildings that SOCHS has acquired, in order to re-develop housing in the downtown area. The buildings will be demolished and twenty town-house style buildings will be constructed in their place. These will be owner-occupied buildings and will be designed for low to moderate income families.

It was noted this is the first development of single-family style residential property in the downtown area in many years.

VOTE (10)

Motion by Councilor Samson, second by Councilor Bilodeau:

To dispose of the properties located at 91 Maple Street and 264 Blake Street and to authorize the City Administrator to convey the parcels to Neighborhood Housing

Initiatives, Inc., free of liens, claims encumbrances or occupants, for consideration of \$1.00 and other good and valuable considerations.

Passed - Vote 6-0-1 (Councilor Carignan abstained.)

**AMENDMENT TO THE LEWISTON AUBURN TRANSIT COMMITTEE (LATC)
INTERLOCAL AGREEMENT**

VOTE (11)

Motion by Councilor Bilodeau, second by Councilor Jean:

Be It Resolved, that the City Council hereby approves the proposed Amendment to the Agreement to Establish the Lewiston-Auburn Transit Committee, which amends the 1998 amendment of the 1976 Agreement; authorizes the Mayor to execute the Agreement on behalf of the City of Lewiston; and directs that the Agreement, once fully executed, be filed in office of the City Clerk and in the office of the Secretary of State. Passed - Vote 7-0

DISPOSITION OF L/A TRANSIT BUS TERMINAL FACILITY

VOTE (12)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To approve the sale of 214 Main Street to RPM Realty Trust for \$275,000, to authorize the release of \$100,000 of City money to be used toward the purchase of 214 Main Street as outlined in the RPM Realty Trust Development Assistance Agreement, and to authorize the City Administrator to execute a purchase and sale agreement for 214 Main Street according to the terms and conditions as negotiated between the City and RPM Realty Trust.

Passed - Vote 7-0

**AGREEMENT TO LOCATE TEMPORARY BUS SHELTERS
ON CITY PROPERTY**

VOTE (13)

Motion by Councilor Samson, second by Councilor Jean:

To authorize the City Administrator to enter into an agreement with the Lewiston-Auburn Transit Committee (LATC) to locate temporary bus shelters on city property with the understanding that the Lewiston-Auburn Transit Committee shall be responsible for the maintenance of the bus shelter structures. Passed - Vote 7-0

TRAFFIC SCHEDULE AMENDMENT

VOTE (14)

Motion by Councilor Samson, second by Councilor Carignan:

The City Council hereby adopts the following amendments to the Traffic Schedule:

Section 48 - Busses Only - Monday - Friday 6:00am to 6:00pm, is hereby adopted as follows:

BATES STREET Odd numbered side, southeast side, beginning at a point 35' from the southeast corner of Bates St. and Oak St. and extending easterly on Bates St. a distance of 200'.

OAK STREET Odd numbered side, east side, beginning at a point 25' from the southeast corner of Oak St. and Bates St. and extending westerly on Oak St. a distance of 138'.

Passed - Vote 7-0

ANNUAL POSTINGS OF ROADS FOR SPRING TRAVEL

VOTE (15)

Motion by Councilor Bilodeau, second by Councilor Jean:

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross weight of over 23,000 pounds.

From March 1, 2001 to May 1, 2001:

- Ferry Road - From Cottage Road to River Road
- River Road - From Ferry Road to Solid Waste Facility
- Dyer Road - From Lisbon Road to Ferry Road
- Pinewoods Road - From Ferry Road to Town Line
- Gayton Road - From Lisbon Road to Town Line
- Webster Road - From Old Lisbon Road to Crowley Road
- Merrill Road - From College Road to Main Street
- Sleeper Road - From Merrill Road to Town Line
- Randall Road - From Sunrise Lane to Grove Street
- Grove Street - From Randall Road to Town Line
- Old Greene Road - From North Temple Street to Town Line
- No Name Pond Road - From Old Greene Road to Town Line
- Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 7-0

APPOINTMENT OF COUNCILOR TO BIO-SOLIDS SUB-COMMITTEE

VOTE (16)

Motion by Councilor Samson, second by Councilor Gousse:

To nominate and appoint Councilor Bilodeau to serve as the Council representative to the Bio-Solids Stacking Pad Site Committee. Passed - Vote 7-0

ADOPTION OF RULES TO GOVERN CITY COUNCIL

VOTE (17)

Motion by Councilor Bilodeau, second by Councilor Jean:

To approve an amendment to the Rules, section 6 Standing Committees and to adopt the Rules to Govern the City Council for the period of January 2, 2001 to January 8, 2002 as presented. Passed - Vote 7-0

WARRANT TO PROSECUTE UNLICENSED DOG OWNERS

VOTE (18)

Motion by Councilor Bilodeau, second by Councilor Jean:

To accept and sign the warrant for prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 7-0

MORATORIUM ON WAIVERS FOR LANDFILL TIPPING FEES

Assistant Administrator Phil Nadeau noted this moratorium will affect only new requests from new agencies and the current agencies receiving the waiver will not be impacted from the moratorium.

VOTE (19)

Motion by Councilor Bilodeau, second by Councilor Bernier:

To establish a moratorium on the issuance of waivers of landfill tipping fees for non-profit organizations; said moratorium shall be in effect until a policy is prepared by city staff and presented to City Council for approval. Passed - Vote 7-0

REQUEST TO HANG BANNER

VOTE (20)

Motion by Councilor Bilodeau, second by Councilor Jean:

To authorize the Alzheimer's Association to hang a banner at the Lewiston pump station from September 17 - October 6, 2001 to promote the L-A Memory Walk 2001. The banner must be installed per requirements of the Public Works Department. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (21)

Motion by Councilor Samson, second by Councilor Bilodeau:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5826(6) the City Council hereby acknowledges and approves of the transfer of \$925.58, or

any portion thereof, in the case of State of Maine vs. Christopher Lea, Complaint Number-Court Records 00-08000. 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

LEGISLATIVE UPDATE

Assistant Administrator Phil Nadeau updated the Council on several pending bills and noted the MMA LPC is tracking hundreds of proposed bills that have a municipal impact. Mr. Nadeau specifically commented on the BETR program, overpass highway bond, homestead exemption and local option sales tax. The issue of Service Center Communities was also discussed. He explained the review process that is in place for city staff to review bills that are related to their department area. Mr. Nadeau stated he would like to hold a breakfast meeting every few weeks with members of the Lewiston state delegation in order to update them on the City's position of various bills.

REPORT FROM SCHOOL COMMITTEE

Councilor Samson did not present a School Committee update this evening.

OTHER BUSINESS

Councilors asked about the photos of the past Mayors and wondered why these were not currently being displayed. The Administrator will follow up on this issue with building maintenance.

VOTE (22)

Motion by Councilor Adams, second by Councilor Jean:

To adjourn at 9:05 p.m. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine