

# CITY OF LEWISTON

CITY COUNCIL

APRIL 15, 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, Rousseau, Assistant City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### RECOGNITION OF FIREFIGHTERS

Council President Bernier presented a plaque and certificate of recognition to members of the Lewiston Fire Department Engine Three, Platoon B crew for saving the life of Councilor Mark Paradis in the early morning hours of March 1, 2003. Those receiving the awards were Lt. George A. Merrill, Pvt. Richard D. Dostie and Pvt. Gerard P. Rioux. Councilor Paradis thanked the firefighters for their quick response and life saving techniques, and stated that words can not express how truly thankful he and his family are for the work that they do.

### TRAFFIC SCHEDULE AMENDMENT FOR LISBON STREET

#### VOTE (102-2003)

Motion by Councilor Mason, seconded by Councilor Rousseau:

To approve an amendment to the Traffic Schedule for Lisbon Street to designate a handicapped parking space:

Section 22 - Parking Time Regulated, 15 Minutes, 9:00am - 6:00pm, is hereby amended as follows:

**LISBON STREET** Both sides between Main St. and Chestnut St. at the lay-bys outlined as 15 minute parking and/or bus stops on the Lisbon Street Sidewalk Layout Plan on file at the City Clerk's Office. (Except one (1) parking space described in Section 35).

Section 35 - Parking Reserved - Handicapped, is hereby amended as follows:

LISBON STREET Even numbered side, beginning at a point on the center of the curb face at the intersection of Main St. and Lisbon St. and extending easterly on Lisbon Street to a point at 135' 7", extending 26" to the end of the lay-by area ending at 156' 7". (1 space)

Passed - Vote 7-0

**DONATION OF FIRE HOSE TO TOWN OF BOWDOIN**

**VOTE (103-2003)**

Motion by Councilor Mason, seconded by Councilor Rousseau:

To authorize the Fire Chief to donate the 3600 feet of three inch rubber lined bubble jacketed fire hose to the Town of Bowdoin, in “as is” condition, at which time the fire hose will become the property of, and therefore the responsibility of, the Town of Bowdoin.

Passed - Vote 7-0

**RECEIVE FUNDING RECOMMENDATIONS FOR CDBG PROGRAM**

**VOTE (104-2003)**

Motion by Councilor Mason, seconded by Councilor Rousseau:

To receive the recommendation from the CDBG Review Committee for the allocation of the Community Development Block Grant program funds for the City’s 29<sup>th</sup> year (2003-2004), and further that the schedule be published for a public hearing to be held at the regular Council meeting of Tuesday, May 6, 2003. Passed - Vote 7-0

**POLICY MANUAL AMENDMENTS FOR NON-DISCRIMINATION POLICY**

**VOTE (105-2003)**

Motion by Councilor Mason, seconded by Councilor Rousseau:

To approve the proposed amendments to the Non-Discrimination Policy, Policy Manual Number 2, as recommended by the City Administration Office. Passed - Vote 7-0

**SANITARY SEWER REQUEST FOR JONES AVENUE**

**VOTE (106-2003)**

Motion by Councilor Mason, seconded by Councilor Rousseau:

To deny the request to extend the city sanitary sewer line on Jones Avenue, based upon the recommendation of the Planning Board and Department of Public Works. Passed - Vote 7-0

**PUBLIC HEARING FOR AMENDMENT TO WALMART  
DEVELOPMENT AGREEMENT**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Development Director Greg Mitchell stated that Walmart has requested an extension for the construction of the Distribution Center. Mr. Mitchell said that the original start date was this spring with a completion date of April 2004. The company is now planning to start construction April 2004 with a completion date of August 2005. He

stated that this location is not the only one that will be delayed a year; the company is doing well financially, just not as well as projected and they are planning to slow their growth cycle just a bit. Walmart will pay the full amount of taxes next April 1 as required in the Development Assistance Agreement, regardless of what is in the ground for construction at that point. The tax amount is one million dollars per year, with three hundred thousand dollars returned to the company via the TIF. If the Agreement has to be terminated, the company will reimburse the City for all costs. Walmart owns the land and has all of the required state and local approvals completed.

**VOTE (107-2003)**

Motion by Councilor Mason, seconded by Councilor Rousseau:

To authorize the City Administrator to execute the Second Amendment to the Agreement for Development Assistance and Tax Increment Financing, dated December 28, 2001 between the City of Lewiston and Wal-Mart Stores East, LP. Passed - Vote 7-0

**LEASE AGREEMENT AND BOND ISSUE FOR MAINE VIOLATIONS  
BUREAU BUILDING**

Finance Director Richard Metivier explained the background for this item. He stated this will be a new 15 year lease with the Maine Violations Bureau at the old courthouse building. He stated that some renovations are being done such as interior walls and new rooms. The cost of the renovations work will be rolled into the lease agreement payments

**VOTE (108-2003)**

Motion by Councilor Philippon, seconded by Councilor Paradis:

To authorize the City Administrator to execute the Lease Agreement with the Maine Violations Bureau for use of the building at 85 Park Street, the old District Court Building. Passed - Vote 7-0

Council President Bernier opened the public hearing to receive citizen input and comment regarding the Bond Issue for the Maine Violations Bureau. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (109-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To approve the Order to finance the capital improvements for the Maine Violations Bureau at 85 Park Street, through a bond issue in the amount of \$300,000:

Ordered, That up to \$300,000 be appropriated for financing capital improvements for the Maine Violations Bureau at 85 Park Street, (old District Court Building),

Further Ordered, That to meet this appropriation up to \$300,000 shall be raised by a Public Improvement Bond Issue,

Further Ordered, That the City Council instruct the Finance Director to advertise for bids for up to \$300,000 Public Improvement Bonds to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank,

Further Ordered, That the bonds 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 the bonds issued 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 FOR BOND RESOLUTION FOR CENTRAL  
MAINE CIVIC CENTER**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Councilor Mason inquired about the funding of the two million dollars, he stated it was his understanding that the owner of the Civic Center was suppose to be actively seeking private financing for this project. Finance Director Richard Metivier stated that the Council granted authorization during the March 4 Council meeting for the Development Assistance Agreement for this project and this bond resolution provides a loan guarantee. The guarantee bond will not be activated unless a payment default occurs, the bond guarantee is a piece of security to be used in case a problem arises. Mr. Metivier stated that CMCC is in charge of securing all of their own funding, the City just will guarantee it. BankNorth is the lender and will loan CMCC the two million dollars, and the City will not finance any amount of that. In addition, the Council passed a Resolution on February 4 pledging the financial support from the City for this project. Development Director Greg Mitchell, along with Mr. Metivier, stated that City staff are working very closely with Mr. Therriault, owner of the Civic Center, and are monitoring the process. Meetings are held weekly or biweekly to monitor each step in the process, in order to protect the City's interest. Issues such as financing and regulatory approvals are being monitored. Mr. Mitchell stated it is an aggressive but realistic timetable. Councilor Paradis inquired about the level of city staff support and involvement, and whether this is unusual or not. Mr. Mitchell stated this is a common level of participation regarding large-scale projects such as this one. Councilor Philippon stated that there is a certain element of risk with any large development project, but he noted the City made a commitment, with much fan fare, and the City pledged to finance or guarantee the project up to two million dollars, this is a very visually important

project for the City, and he encouraged fellow Councilors to support this. Councilors O'Brien and Rousseau concurred, stating the investment in the facility is needed and the work needs to be done.

**VOTE (110-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

That the Bond Resolution regarding the authorization to issue bonds in an amount not to exceed \$2,000,000 in order to assist in the financing of improvements to the Central Maine Civic Center, by providing a loan guarantee to the owner of the Civic Center, be adopted:

Ordered, That the Finance Director is authorized to issue bonds in a principal amount not to exceed \$2,000,000 in order to assist in the financing of improvements to the Central Maine Civic Center, by providing a loan guarantee to the owner of the Civic Center or otherwise assisting in such financing,

Further Ordered, That the Finance Director is authorized to negotiate the issue of the bonds,

Further Ordered, That the bonds 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 FOR CONSOLIDATION OF POLLING PLACES**

Council President Bernier opened the Public Hearing to receive citizen input and comments regarding the proposal to consolidate polling places for any future, special citywide or multi-jurisdictional elections. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Councilor O'Brien spoke in support of this item.

**VOTE (111-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To adopt the Order to Consolidate Polling Locations/Districts for Any Special Election:

Ordered, that after conducting a public hearing to receive citizen input and comment, held on April 15, 2003, the Municipal Officers, in accordance with Title 21-A MRSA, section 631, subsection 1, approve the Certificate of Consolidation of Voting Places/Districts,

consolidating the City's current fifteen voting locations/districts (seven wards with two precincts each and the central polling place) into one master polling location/district for any future, special, unscheduled citywide or multi-jurisdictional election, to be applied at the sole discretion of the City Clerk; and

Further Ordered, that the Lewiston Multi-Purpose Center located at 145 Birch Street, Lewiston, Maine is hereby designated as the voting place for the consolidated voting place/district, and

Further Ordered, that this Certificate be recorded with the City Clerk and that she immediately file an attested copy with the Secretary of State's Office, in accordance with Title 21-A, section 631, subsection 1.

Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMITS**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (112-2003)**

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

To grant a Special Amusement Permit for Dancing and Entertainment to Chance's Pub, 675 Main Street. Passed - Vote 7-0

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (113-2003)**

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

To grant a Special Amusement Permit for Dancing and Entertainment to Little Joe's Inc., 740 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING FOR OUTDOOR SUMMER CONCERT SERIES**

Council President Bernier opened the Public Hearing to receive citizen input and comment on an application for the noon-time outdoor summer concert series to be held at Courthouse Plaza on July 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup> and 31<sup>st</sup>, and August 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. Richard Willing, executive director of L/A Arts, addressed the Council and invited them to attend the concert series, citing the different styles of music offered this summer. Council President Bernier then closed the hearing.

**VOTE (114-2003)**

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

To authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the noon-time outdoor summer concert series, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.  
Passed - Vote 7-0

**USE OF CITY PROPERTY FOR CARNIVAL BY L/A VETERANS COUNCIL**

**VOTE (115-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the L/A Veterans Council to use the City parking facilities at Veterans Memorial Park, Railroad Park and Bates Mill Building 5, from April 27, 2003 to May 12, 2003, for a carnival, subject to the following conditions:

- 1) Area to be kept properly clean by L/A Veterans Council
- 2) Security, satisfactory to the Police Chief, to be provided at the expense of L/A Veterans Council
- 3) Advanced approval of the Recreation Department regarding an use of electrical power
- 4) Appropriate insurance, and fire safety certificates (if having a tent), are provided to the City at least seven (7) days in advance of said event
- 5) Compliance with all City ordinances, rules, policies, procedures and regulations

Passed - Vote 7-0

**UPDATE FROM THE LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES**

No update was presented at this time.

**REPORT FROM THE SCHOOL COMMITTEE**

No report was presented at this time.

**OTHER BUSINESS**

Councilor Paradis asked Mr. Nadeau to check on the reserved parking spaces at the old court house building that were reserved for the police cars, and whether or not these spaces still need to be reserved for police vehicles, now that the court is no longer located at this building. Councilor Bernier reported that the Lewiston Sun Journal will be doing a story regarding the status of the housing code issues in town, this is a follow up to the investigative report they did about 2 years ago.

**VOTE (116-2003)**

Motion by Councilor Mason, second by Councilor Jean:

To adjourn at 8:40 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine