

CITY OF LEWISTON

CITY COUNCIL

APRIL 17, 2001

EXECUTIVE SESSION HELD IN THE EXECUTIVE CONFERENCE ROOM AT 5:30 P.M.

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Samson, Adams, City Administrator Bogdan Vitas, Jr., Assistant City Administrator Phil Nadeau, Finance Director Richard Metivier, City Attorney Robert Hark, Human Resources Director Denis Jean, Development Director Greg Mitchell and City Clerk Kathleen Montejo.

The City Council meeting was called to order by Mayor Tara at 5:45 pm in a public session.

VOTE (1)

Motion by Councilor Samson, seconded by Councilor Carignan:

To enter into executive session to discuss real estate negotiation of which the premature disclosure of the information would prejudice the competitive bargaining position of the City and to discuss labor negotiations. Passed - Vote 5-0

Executive Session began at 5:46 pm and ended at 7:07 pm. Councilor Bilodeau arrived at 6:05pm. Councilor Jean arrived at 6:35pm.

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

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 7:10pm.

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (2)

Motion by Councilor Samson, seconded by Councilor Carignan:

To dispense with the reading of the minutes of the March 20, 2001 and April 3, 2001 meetings and to accept and place them on file as prepared by the City Clerk.
Passed - Vote 7-0

PUBLIC HEARING FOR THE 2002 FISCAL YEAR CDBG BUDGET

Community Development Director Jim Andrews reviewed the process of the CDBG budget up to this point as well as the program highlights. He noted the public service agency donations are capped at two hundred thousand dollars. Mr. Andrews mentioned the Planning Board and CDBG committee have reviewed the recommendations and are endorsing the recommendations for the CDBG program.

Mayor Tara opened the public hearing to receive public comment on the proposed CDBG budget.

Estelle Rubienstien of the Androscoggin Head Start complimented the new process. She noted it was very inclusive of agencies and was very similar to the process for United Way funding. Each agency received a through review by the staff and CDBG committee before funding money was recommended. Joel Packer of Pathways and Roy Cathance from the Child Health Center also complimented the new process. A representative from Androscoggin Home Care also spoke in support.

Mabel Morris of 32 Bartlett Street asked a question about building projects for elderly housing on Maple Street.

Phoebe Lowell of Catholic Charities of Maine stated her agency was not informed of the process and did not receive information from the City about participating in the procedure. She stated that she would like to have their request of \$6,000 included in this budget, instead of their amount last year of \$5,000. She noted the high demand of needs on her service from elderly folks and stated the elderly population is expanding.

Nancy Bullet of the AIDS Coalition addressed the Council about her concerns that there was no money in the budget for her agency. She noted her organization would be new agency and only agencies previously funded were in line for funding from the new budget. She spoke about the local statistics regarding AIDS as well as new research and outreach work being done locally. She requested \$4797 from the proposed budget. She stated that Androscoggin County has the second highest increasing rate of recent HIV diagnosis in the state.

Mayor Tara commented it was a disturbing policy statement that AIDS funding is at zero.

Bonnie Bickford of the American Red Cross noted during the past few weeks there have been a number of fires in the twin cities that her agency has provided support to fire victims and their agency budget is now in despair.

Community Development Director Jim Andrews stated the CDBG committee recommended funding current agencies and not taking on new programs. New programs would reduce funding to current agencies; a multiplier would be added across the board for all agencies.

Councilor Gousse stated that this is a difficult task and that certainly all agencies are worthwhile, but he recognizes the CDBG committee has reviewed the process and agencies expensively and they worked hard on the process to review all details.

Mayor Tara closed the public hearing at 7:35pm.

VOTE (3)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To act on the adjustments and amendments to the program budget as recommended by the Community Development Director at the workshop on April 10, 2001. Passed - Vote 7-0

VOTE (4)

Motion by Councilor Carignan, seconded by Councilor Jean:

To adopt the schedule of funds for the 2001-2002 CDBG budget as recommended by the Planning Board with the adjusted recommendations by the Community Development Director. Passed - Vote 7-0

VOTE (5)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To authorize the submission of the program to the Department of Housing and Urban Development. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR THE REZONING OF
1154 AND 1160 SABATTUS STREET**

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

VOTE (6)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to re-zone 1154 and 1160 Sabattus Street from the Resource Conservation (RC) District to the Neighborhood Conservation "A" (NCA) District and that the public hearing on said ordinance be continued to the meeting of May 1, 2001 for final passage.
Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING THE ADOPTION OF
THE ANIMAL AND ANIMAL CONTROL ORDINANCE**

Mayor Tara opened the public hearing. Assistant City Administrator Phil Nadeau reviewed the proposed changes to the Animal ordinance. He noted the addition of a local leash requirement for dogs, the requirement for owners to clean up their pet's excrement if left on public property, and the strong requirements to address dangerous dogs. He stated that a public meeting was held for citizen input and he worked with the local Humane Society, local dog clubs, the Parks and Recreation Department and the Police Department to craft this ordinance. He stated these changes enhance animal control within the city. Animal Control Officer Wendell Strout also reviewed ordinance changes for the Council.

Mr. Nadeau noted that no dogs will be allowed in Franklin Pasture Athletic Complex with this new ordinance.

Councilors Samson and Gousse thanked Mr. Nadeau for preparing such an extensive ordinance to address current problems regarding animal control. Councilor Gousse stated he felt the bond for an owner to keep a dangerous dog was too low and would not serve as a deterrent and suggested an increase from \$100,000 to \$300,000. The Animal Control Officer supported this suggestion and felt it was needed for public safety.

VOTE (7)

Motion by Councilor Gousse, seconded by Councilor Carignan:

To amend section 14.21 regarding the bond required for a dangerous dog to \$300,000 from the proposed \$100,000 level. Passed - Vote 7-0

Mabel Morris of Bartlett Street commented about the dog excrement around her neighborhood and stated she supported the new ordinance requirements. Approximately five additional members of the public also spoke in support of these changes. All inquired about the enforcement provisions of this change.

Tony Croteau of Walnut Street asked about the increased demand on the City's Animal Control Officer due to the new requirements and regulations in the ordinance. Mayor Tara noted that the City does need to have additional ACOs on staff, yet due to budget concerns and a tight financial situation, the City is unable to expand this division.

Mayor Tara closed the public hearing.

VOTE (8)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the proposed ordinance for the City Code of Ordinances, Chapter 14 "Animals", Articles I - XII, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of May 1, 2001 for final passage.
Passed - Vote 7-0

**LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR
ROCK 'N ROBIN'S RESTAURANT & LOUNGE**

Mayor Tara opened the public hearing. Robert Lambert of Summit Avenue spoke in support of the issuance of these licenses. He stated that he spoke with neighbors of Summit Avenue and residents did not object to the new location for this restaurant. Mayor Tara inquired about the movie theater next door to the restaurant and asked about the sound and noise levels from the bar and from the cinema. Business owner Michael Berube stated that he has met with representatives from the movie theater and there are no concerns from either party. The walls of both businesses are soundproofed and there is a hallway between both businesses. He noted that the business on the other side of the restaurant will be closed before the bar entertainment begins each night. Mr. Berube also noted there is plenty of parking in the mall and the hours of his business are compatible with the other businesses. The restaurant and lounge will mostlikely become busy when the other businesses and shops have already closed for the night. His restaurant will be open 7 days a week and entertainment will begin at 9pm.

Mayor Tara closed the public hearing.

VOTE (9)

Motion by Councilor Gousse, seconded by Councilor Bilodeau:

To authorize the City Clerk's Office to approve the liquor license application and special amusement permit for dancing and entertainment for Rock 'n Robin's Restaurant & Lounge. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR DEL'S BAR & GRILL

Mayor Tara opened the public hearing. No members of the public spoke for or against this issue. Councilor Samson stated he spoke with the Police Chief regarding the police report and calls for this address. The calls are high, yet include any events that occur at this address or in the vicinity. If there are many apartments upstairs, then any police calls to these addresses would also be included in the police log for the bar. Councilor Bernier stated she felt there were many calls for intoxicated people at the bar which caused the police to have to respond many times.

VOTE (10)

Motion by Councilor Samson, seconded by Councilor Carignan:

To grant a Special Amusement permit for dancing and entertainment to Del's Bar & Grill, 43 Walnut Street. Passed - Vote 7-0

BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE

Councilor Jean stated the Finance Committee reviewed the City budget and did not recommend the addition of funds for the new housing initiative because they believed it is

a for-profit venture and that city tax funds should not be used in this manner. Councilor Jean stated the Finance Committee reviewed the budget that was presented by the Administrator which included at 1.86 mil increase.

Councilor Carignan noted that the housing project is not for-profit, but is non-profit and the proceeds from mortgage payments will be reinvested in the properties and used to expand for additional housing units.

Councilor Bernier stated she was unable to attend the recent Finance Committee meeting, yet noted their recommendation is not to fund any new programs due to the difficult financial situation of the city, and they are not just targeting the housing program.

VOTE (11)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To receive and place on file the recommendations from the Finance Committee regarding the fiscal year 2002 budget. Passed - Vote 7-0

REQUESTS TO USE KENNEDY PARK

VOTE (12)

Motion by Councilor Carignan, seconded by Councilor Samson:

To authorize March for Jesus to use Kennedy Park for June 1 and 2, 2001, for religious services/prayer assembly, subject to the following conditions:

1. Area to be kept properly cleaned by March for Jesus.
2. Security, satisfactory to the Police Chief, to be provided at the expense of March for Jesus.
3. Advanced approval of the Public Works Department regarding any 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

VOTE (13)

Motion by Councilor Carignan, seconded by Councilor Samson:

To authorize Faith Walk Ministries to use Kennedy Park for June 23, 2001, for religious services/prayer assembly, subject to the following conditions:

1. Area to be kept properly cleaned by Faith Walk Ministries.
2. Security, satisfactory to the Police Chief, to be provided at the expense of Faith Walk Ministries.

3. Advanced approval of the Public Works Department regarding any 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

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (14)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$66.00, or any portion thereof, in the case of State of Maine vs. Brian Ward, Criminal Action, Docket Number CR-00-724. 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

VOTE (15)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$94.00, or any portion thereof, in the case of State of Maine vs. Gregory Geary, Criminal Action, Docket Number CR-01-74. 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

VOTE (16)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$560.00, or any portion thereof, in the case of State of Maine vs. John Davis, Criminal Action, Docket Number CR-01-66. 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

VOTE (17)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$112.00, or any portion thereof, in the case of State of Maine vs. Jared Souza Criminal Action, Docket Number CR-01-89. 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

VOTE (18)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$1015.00, or any portion thereof, in the case of State of Maine vs. Geraldine Teague, Criminal Action, Docket Number CR-00-717. 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

VOTE (19)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$205.00, or any portion thereof, in the case of State of Maine vs. Gary Wheeler, Criminal Action, Docket Number CR-00-725. 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

VOTE (20)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$250.00, or any portion thereof, in the case of State of Maine vs. Robert Torstenbo, Criminal Action, Docket Number CR-00-721. 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

VOTE (21)

Motion by Councilor Carignan, seconded by Councilor Samson:

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 \$75.00, or any portion thereof, in the case of State of Maine vs. Joshua Pinkham, Criminal Action, Docket Number CR-00-714. 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

REPORT FROM LMRC REPRESENTATIVES

Mayor Tara noted this afternoon's reception at Bates Mill was very nice. Tours were offered and these showcased the 350 new jobs to Lewiston.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Samson noted that signage and traffic flow issues are being improved at the High School.

OTHER BUSINESS

Student Representative Karen Gagnon inquired about the status of the youth advisory council. Mayor Tara noted the Council and staff are engrossed in the budget process currently and the youth advisory council will probably be reviewed later this summer.

Ray Smith, citizen, commented on his concern with the new animal ordinance and that it will allow dogs in city cemeteries, he noted he is opposed to this.

VOTE (22)

Motion by Councilor Bilodeau, second by Councilor Samson:

To enter into executive session to discuss labor negotiations. Passed - Vote 7-0

Session started at 8:45 p.m. and ended at 9:55 p.m.

VOTE (23)

Motion by Councilor Bilodeau, second by Councilor Adams:

To adjourn at 9:55 p.m. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine