

# CITY OF LEWISTON

**CITY COUNCIL**

**MAY 1, 2001**

## **EXECUTIVE SESSION HELD IN THE EXECUTIVE CONFERENCE ROOM AT 5:00 P.M.**

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, 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 5:15 pm in a public session.

### **VOTE (1)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

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 and for Labor Negotiations. Passed - Vote 6-0

Executive Session began at 5:16 pm and ended at 6:40 pm.

## **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, 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 and announced that Councilor Samson was ill and would not be attending the meeting.

Pledge of Allegiance to the Flag.  
Moment of Silence.

Presentation of Alfred A. Plourde Memorial Scholarship Award  
Council President Bilodeau and Mrs. Alfred Plourde presented the scholarship award to Lewiston High School senior Karen Gagnon. Ms. Gagnon plans to study public policy. The scholarship is named after a former Mayor who also served as city treasurer for twenty-five years. This is the eleventh year the scholarship has been awarded.

**VOTE (2)**

Motion by Councilor Gousse, seconded by Councilor Carignan:

To dispense with the reading of the minutes of the April 17 and April 24, 2001, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

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

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

**VOTE (3)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To approve final 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. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR THE ANIMAL ORDINANCE**

Mayor Tara opened the public hearing. No members of the public spoke for or against this issue. It was noted by Assistant City Administrator Phil Nadeau that the current Animal ordinance will automatically be repealed once the new ordinance takes effect, which is 30 days following final passage.

**VOTE (4)**

Motion by Councilor Bilodeau, seconded by Councilor Gousse:

That the proposed ordinance for the City Code of Ordinances, Chapter 14 "Animals", Articles I - XII, receive final passage by a roll call vote. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMITS**

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

**VOTE (5)**

Motion by Councilor Bilodeau, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Dancing and Entertainment to Chances Pub, 675 Main Street. Passed - Vote 6-0

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

**VOTE (6)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To grant a Special Amusement Permit for Dancing and Entertainment to Schemengee's Billiards, 15 Lincoln Street. Passed - Vote 6-0

**DISCONTINUANCE OF A PORTION OF BIRCH STREET**

Public Works Director Chris Branch stated that this issue has been reviewed by the City departments that would be impacted by this change such as police and fire, and that no department had any concerns about this discontinuance of this section of Birch Street.

**VOTE (7)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

That the Order vacating and discontinuing a portion of Birch Street, from Lisbon Street to Park Street, be adopted. Passed - Vote 6-0

**ACQUISITION AND DISPOSITION OF PROPERTIES ON  
PARK STREET AND BIRCH STREET**

Development Director Greg Mitchell noted this item relates to the recent Tax Increment Financing District for the Lepage Bakeries expansion.

**VOTE (8)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To authorize the City Administrator to close on the purchase of 228 Park Street, 232 Park Street, and 23 Birch Street, for a combined purchase price of \$91,550.00, plus closing costs, with the funds to purchase these properties to come from the Acquisition and Demolition Fund; and to authorize the City Administrator to sell these three properties, along with two tax acquired city owned properties, 231 Park Street and 414 Lisbon Street, to Lepage Bakeries for \$75,000, resulting in a net cost to the City of approximately \$17,000. Passed - Vote - 5-1 (Councilor Carignan opposed.)

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (9)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

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 \$720.00, or any portion thereof, in the case of State of Maine vs. Tyrone Davis, Criminal Action,

Docket Number CR-00-696. 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

**VOTE (10)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

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 \$100.00, or any portion thereof, in the case of State of Maine vs. Gregory Abbey, Jr., Criminal Action, Docket Number CR-00-687. 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

**VOTE (11)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

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 \$223.00, or any portion thereof, in the case of State of Maine vs. William Day, Criminal Action, Docket Number CR-00-698. 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

**VOTE (12)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

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 \$255.00, or any portion thereof, in the case of State of Maine vs. Jared Donathan, Criminal Action, Docket Number CR-00-167. 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

**VOTE (13)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

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 \$320.00, or any portion thereof, in the case of State of Maine vs. Damien Peterman, Criminal Action, Docket Number CR-00-713. 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

**REQUEST TO USE KENNEDY PARK**

**VOTE (14)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To authorize the Seventh Day Adventist Church to use Kennedy Park for July 11 - 17, 2001, for religious services/prayer assembly, subject to the following conditions:

1. Area to be kept properly cleaned by Seventh Day Adventist Church.
2. Security, satisfactory to the Police Chief, to be provided at the expense of Seventh Day Adventist Church.
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 6-0

**LEGISLATIVE UPDATE**

Assistant City Administrator Phil Nadeau reported that the City is monitoring the state budget items that would impact municipal funds such as General Purpose Aid to Education and Revenue Sharing II, but realize that additional monies from the state are unlikely. Mr. Nadeau is in contact with Rep. Mailhot who serves on the Appropriations Committee. It was noted that the May 12 breakfast meeting with the state delegation will be re-scheduled to a later date.

**REPORT FROM SCHOOL COMMITTEE**

Councilor Samson was not in attendance at this meeting due to illness and therefore a School Committee report was not presented at this meeting.

**OTHER BUSINESS**

Budget issues - Councilor Bernier stated that she would agree to defer one cruiser replacement for one year and after speaking with the Police Chief, understands that this would not impact public safety. The requested funding for the new animal shelter was also discussed. It was noted that Lewiston and Auburn should review the funding with the Humane Society and perhaps a ten year payment schedule could work with their

fundraising efforts instead of a three year schedule. Financially, for the City, the Society's request would be difficult. Councilor Carignan stated that the new housing initiative program is \$800,000 short and the committee wants to review non-property tax funding ideas such as grants, and working with area banks. Councilor Samson mentioned he met with the Senior Citizens program officers who would like to have their original request funded instead of the reduced amount recommended by the Administrator.

It was noted that Council and staff worked extremely hard on this budget, it was a very tough budget year, yet the Council needs to make sound decisions regarding items because every item that is deferred this year must be addressed next year.

Shining Stars program - Mayor Tara reminded the group that the Shining Stars program will take place on May 15. Councilor Adams inquired about the feasibility of holding the Council meeting at the Franco-American Heritage Center, following the Shining Stars program. The City Administrator stated that he will ask his assistant to check on the logistics.

Joint Council meetings - Mayor Tara stated that her secretary is contacting the cities of Portland, Augusta and Bangor to find out about holding joint council meetings to discuss issues of similar importance such as service center issues.

**VOTE (15)**

Motion by Councilor Carignan, second by Councilor Bilodeau:

To adjourn at 8:00 P.M. Passed - Vote 6-0

A true record, Attest:

---

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine