

CITY OF LEWISTON

CITY COUNCIL

JUNE 5, 2001

EXECUTIVE SESSION HELD IN THE EXECUTIVE CONFERENCE ROOM AT 6:00 P.M.

COUNCIL PRESIDENT JOYCE A. BILODEAU, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, Samson, Adams, City Administrator Bogdan Vitas, Jr., Assistant City Administrator Phil Nadeau, and City Clerk Kathleen Montejo.

The City Council meeting was called to order by Council President Bilodeau at 6:05 pm in a public session.

VOTE (1)

Motion by Councilor Carignan, seconded by Councilor Bernier:

To enter into executive session to discuss personnel matters with legal counsel.

Passed - Vote 7-0

Executive Session began at 6:06 pm and ended at 6:48 pm.

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

COUNCIL PRESIDENT BILODEAU, PRESIDING.

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

Council President Bilodeau called the meeting back to order at 7:00pm and announced that Mayor Tara was attending an awards presentation for the local Boys and Girls Club and would arriving late to the meeting.

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (2)

Motion by Councilor Carignan, seconded by Councilor Gousse:

To dispense with the reading of the minutes of the May 15 and May 17, 2001, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE PARKS AND RECREATION ORDINANCE AMENDMENTS

Council President Bilodeau opened the public hearing to receive citizen comment. No members of the public spoke for or against this issue.

VOTE (3)

Motion by Councilor Jean, seconded by Councilor Adams:

That the proposed amendment to the City Code of Ordinances, Chapter 54 “Parks and Recreation”, Sections 1 - 8, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE STREETS AND SIDEWALKS ORDINANCE AMENDMENTS

Council President Bilodeau opened the public hearing to receive citizen comment. No members of the public spoke for or against this issue.

VOTE (4)

Motion by Councilor Jean, seconded by Councilor Gousse:

That the proposed amendment to the City Code of Ordinances, Chapter 66 “Streets and Sidewalks”, Article I, “In General”, Sections 66-9 (a), (b) and (d) “Altering, widening, establishing and discontinuing streets”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE AMENDMENTS

Council President Bilodeau opened the public hearing to receive citizen comment. No members of the public spoke for or against this issue.

VOTE (5)

Motion by Councilor Samson, seconded by Councilor Gousse:

That the proposed amendment to the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Article V, “Electrical Code”, Section 18-171 “Installations” and Section 177 “Exceptions”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR REZONING AN AREA BETWEEN HAMMOND, HOLLAND AND MAIN STREETS

City Planning Director Jim Lysen stated Central Maine Medical Center has a proposal to construct a building that will be taller than the current zoning allows, and the request is to extend the Community Business zone to this property. He is recommending approval.

Councilor Bernier noted the petition requesting this change is not signed by residential abutters near the site, but by residents from around the City. Mr. Lysen explained the current Code does not require abutter signatures, just signatures of Lewiston voters. He did note that no members of the public spoke for or against this issue at the Planning Board public hearing, for which an abutter notice mailing was distributed. Councilor Carignan inquired of the CMMC representatives the long range development plans of the organization. The representatives stated they are updating their campus master plan and have been working with the City Planning Department and would be happy to share the plan with the Council at a future date.

Council President Bilodeau opened the public hearing to receive citizen comment.

Lois Ongley of 86 Russell Street inquired about the zoning boundary lines down the middle of the streets and wondered if this was correct. Mr. Lysen stated a typical standard for zoning boundaries is to have the line down the center of streets and common practice to have different sides of streets in different, but complimentary zones.

VOTE (6)

Motion by Councilor Samson, seconded by Councilor Jean:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to re-zone the area between Hammond Street and Holland Street and between Main Street and Maine Central Railroad tracks to the Centreville (CV) District from Institutional Office (IO), Neighborhood Conservation "B" (NCB) and Community Business (CB), and that the public hearing on said rezoning be continued to the meeting of June 19, 2001 for final passage. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE OF THE NO NAME POND WATERSHED MANAGEMENT PLAN

Council President Bilodeau opened the public hearing to receive citizen comment.

City Planning Director Jim Lysen reviewed the Management Plan with the Councilors. He noted the Plan is dedicated to Frank Kelly, former Council President and former Ward 2 Councilor, who was very passionate about No Name Pond and was a great steward of working to protect the watershed. Mr. Kelly passed away in December 2000. Mr. Lysen stated that Mr. Kelly left a great legacy to the City regarding his dedication and commitment to the preservation of the Pond.

Mr. Lysen reviewed the proposed plan, which was discussed in detail at the May 22 Council workshop. Mr. Lysen credited numerous public input meetings and the work of the No Name Pond neighborhood association for the development of a Plan that is acceptable for all interested parties - conservationists, abutters, recreational users and so forth.

Councilor Adams stated for clarification that a positive vote of this agenda item to approve the Plan does not bind the Council to fund the project items. Each project item identified in the Plan will need to be funded through the standard city budget procedures.

Councilors then entered into a discussion about use of motor boats on the Pond, as well as sea planes and other motorized vehicles. Public access to the Pond was also discussed and residential abutters of the Pond who were present stated they welcome and encourage the public access and recognize the Pond is a great community resource and want to see that the Plan is approved to protect and maintain this resource. Discussion was also held on invasive aquatic, non-native plants, such as milfoil. It was noted that milfoil has not been found in No Name Pond as of this point, but that it is present in Lake Auburn, and there are concerns if boats are used in the same bodies of water and are not thoroughly cleaned, milfoil might be brought into the Pond. Residents, members of the neighborhood association and the area state biologist all addressed the Council, asking for their endorsement of this Plan.

Council President Bilodeau closed the public hearing at 8:35pm.

VOTE (7)

Motion by Councilor Jean, seconded by Councilor Adams:

That the adoption of the No Name Pond Watershed Management Plan and incorporation of the No Name Pond Watershed Management Plan as a component of the City's Comprehensive Plan receive first passage by a roll call vote and that the public hearing be continued to the meeting of June 19, 2001 for final passage. Passed - Vote 7-0

At this point, Council President Bilodeau declared a five minute recess.

FISCAL YEAR 2002 BOND ISSUE PROJECTS FOR SCHOOL CONSTRUCTION

Councilor Gousse inquired about the playground funding. Purchasing Agent Norm Beauparlant stated the \$60,000 identified for playground upgrades will be used in conjunction with other funds in hopes to upgrade the playgrounds at both Pettingill and Farwell.

VOTE (8)

Motion by Councilor Carignan, seconded by Councilor Jean:

To authorize funding of the \$1,090,000 of school projects through a future bond issue.
Passed - Vote 5-0
(Councilors Bernier and Samson were not present at the time of this vote.)

DISCONTINUANCE OF A PORTION OF CROSS STREET

The Public Works Director explained this discontinuance is in relation to the sale of the Bates Mill properties.

VOTE (9)

Motion by Councilor Adams, seconded by Councilor Gousse:

That the Order vacating and discontinuing a portion of Cross Street, be adopted.

Passed - Vote 7-0

DISCONTINUANCE OF A PORTION OF HINES ALLEY

The Public Works Director explained this discontinuance is in relation to the sale of the Bates Mill properties.

VOTE (10)

Motion by Councilor Samson, seconded by Councilor Gousse:

That the Order vacating and discontinuing a portion of Hines Alley, be adopted.

Passed - Vote 7-0

PUBLIC HEARING FOR PROPOSED CHANGES IN THE TAXI CAB RATES

Motion by Councilor Samson, seconded by Councilor Jean:

To approve the proposed amendments to the Operation of Taxicabs Policy to increase the schedule of rates by 25 cents per zone, as recommended by the City Clerk, Finance Director and Purchasing Director, to be effective July 1, 2001.

Council President Bilodeau opened the public hearing to receive citizen comment.

Daniel Leonas, owner of City Cab Co. and Two-In-One Taxi, and the owner who requested the rate increase, addressed the Council and stated that his business expenses during the past few years have increased due to the high cost of gasoline, insurances and so forth. The rates are regulated by the City and he is requesting a change. Mr. Leonas has requested a 25 cent per zone increase, plus a 50 cent per trip nighttime surcharge for all taxi rides between the hours of 9pm and 5am. The staff committee charged with reviewing requests and issuing recommendations to Council is recommending the 25 cent zone increase, but not the nighttime surcharge, due to the high increase and potential customer confusion about different rates at different times of the day.

Mr. Leonas stated he could not survive with just the 25 cent increase only and needed to have the nighttime surcharge in conjunction with the zone increase.

Councilors stated they supported the idea of an increase in the zone rates and the previous increase was in 1998. Councilors directed the staff committee to meet with the taxi company owners and representatives from the City of Auburn, to work to develop a mutual proposal that would work for all parties, and to present the findings for the June 19 meeting.

VOTE (11)

Motion by Councilor Samson, seconded by Councilor Gousse:

To continue this item to the June 19 Council meeting.

Passed - Vote 6-1 (Councilor Jean opposed.)

REQUEST FROM L/A EXCELS TO SUPPORT FEDERAL GRANT APPLICATION

VOTE (12)

Motion by Councilor Jean, seconded by Councilor Carignan:

To endorse and support the efforts of the Education and Family Zones of L/A Excels in their application process for a \$750,000 federal grant from the Administration for Children and Families, Department of Health and Human Services. Passed - Vote 7-0

**RESOLUTION FOR OPTIONS TO PURCHASE BETWEEN THE CITY,
PILSBURY ASSOCIATES AND NORMAND ROUSSEAU**

The City Administrator stated these agreements do not contain any final numbers for the value of the Pilsbury Building, but are a first step in resolving the differences, and that the final agreement and option to purchase will be brought back before Council with all of the final numbers for valuation and costs.

VOTE (13)

Motion by Councilor Samson, seconded by Councilor Carignan:

BE IT HEREBY RESOLVED That the execution by the City Administrator of two agreements, each being entitled "Agreement/Option to Purchase," and one of which being entered into between the City of Lewiston and Pilsbury Associates and the other being entered into between the City of Lewiston and Normand Rousseau, shall be and hereby are ratified and confirmed, provided, that consistent with the specific provisions of paragraph 5 of each such Agreement, the City Council reserves the sole right to exercise the Option(s) provided for in said Agreements, after determination of the Option Price(s) called for therein. The City Administrator is authorized to make, execute and deliver a release or discharge of the deeded right of first refusal and option as provided in the deed recorded in the Androscoggin County Registry of Deeds in Book 3477, Page 154. Passed - Vote 7-0

INDUCEMENT RESOLUTION FOR THE SUN JOURNAL PROJECT

VOTE (14)

Motion by Councilor Samson, seconded by Councilor Jean:

That the City Council adopt the Inducement Resolution with respect to the Sun Journal project and authorize the Finance Director to prepare and submit an application to the Finance Authority of Maine seeking approval for the issuance of Revenue Obligation Securities. Passed - Vote 7-0

AUTHORIZATION FOR ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (15)

Motion by Councilor Jean, 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 \$3,671.00, proceeds from the sale of one 1999 4-door green Dodge Stratus vehicle VIN #1B3EJ46X0XN595848, and \$20,500.00, or any portion thereof, in the case of State of Maine vs. Geary Bissonnette, Criminal Action, Docket Number CR-01. 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

APPROVAL OF RECYCLING PROCESSING FEES

VOTE (16)

Motion by Councilor Jean, seconded by Councilor Carignan:

To set the processing fee, charged to area towns utilizing the City's Recycling Facility, as follows: Auburn at \$29.26/ton; Greene, Turner & Leeds at \$30.85/ton and Others at \$33.58/ton. Passed - Vote 7-0

REQUEST TO USE KENNEDY PARK

VOTE (17)

Motion by Councilor Jean, seconded by Councilor Carignan:

To authorize Liberty Festival to use Kennedy Park on July 3, 2001, for a patriotic celebration and ceremonies, subject to the following conditions:

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

LEGISLATIVE UPDATE

No legislative update was presented at this time.

REPORT FROM SCHOOL COMMITTEE

Councilor Samson reported that Friday night is the High School graduation and he encouraged all Councilors to attend. Councilor Gousse noted Pettingill's Destination Imagination team placed well in a recent academic competition and challenge; the school placed 15th in the world in the recent global finals of the Destination Imagination contest.

OTHER BUSINESS

The City Administrator reported the closing took place this morning for the sale of Bates Mill buildings three, six and seven. He also noted the Library recently received a national grant from the Bill and Melissa Gates Foundation allowing the Library to purchase computers and software equivalent to what was cut from their recent budget request.

Councilor Jean stated that some Auburn City officials were disappointed with the Lewiston decision to limit some funding for the 911 dispatching center.

The City Administrator stated that the Council needs to present three names for nomination for Lewiston's representatives to the Androscoggin County budget committee. This as a late item that the city just received notification about. Two members of the current committee are interested in being re-appointed - Paul Labrecque and Dennis Roderick.

VOTE (18)

Motion by Councilor Bilodeau, second by Councilor Samson:

To nominate Lewiston residents Paul Labrecque and Dennis Roderick to serve on the Androscoggin County Budget Committee from county District III.

Passed - Vote 7-0

Student Representative Karen Gagnon stated she is wondering when the Council will work on developing a Youth Council now that the City budget process is complete. The City Administrator stated that one of the student summer interns will be working to develop the project.

VOTE (19)

Motion by Councilor Jean, second by Councilor Carignan:

To adjourn at 9:40 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine