

CITY OF LEWISTON

CITY COUNCIL

AUGUST 21, 2001

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence. Mayor Tara requested that Councilors and staff keep in mind the recent passing of Louise Paradis, wife of City Engineer Mike Paradis, and Dr. John Mendros, a local prominent physician.

VOTE (1)

Motion by Councilor Jean, seconded by Councilor Samson:

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

PRESENTATION FROM THE LEWISTON HISTORIC PRESERVATION REVIEW BOARD

City Planner Jim Lysen and Douglas Hodgkins, local Bates College professor, addressed the Council and presented the new Lewiston Historic Walking Tour Brochure. The brochure highlights over one hundred historical sites in the downtown area. The material was prepared as a project of the Historic Preservation Review Board and was printed with grant money the City received.

Mayor Tara announced that she will not be making an appointment to the School Board to fill the vacancy in Ward Two at this time. After consultation with members of the Council, and the School Committee chairperson, it was decided that the School Committee could wait to have this position filled, since there are only two meetings between now and the November election. The Mayor noted that after the November election, the person elected for the new term could be appointed to complete the remaining current term.

Student Representative Marc Moreau thanked the Council for the opportunity to serve as a student representative for the past nine months and thanked the Council for the plaque of appreciation that he received earlier. The Council wished Marc well during his first year in college.

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO
THE ELECTIONS ORDINANCE**

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

VOTE (2)

Motion by Councilor Carignan, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 32 "Elections", Article II "Initiative and Referendum", Section 32-40, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of September 4 for final passage. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION AND
SPECIAL AMUSEMENT PERMIT FOR DEB'S PITT STOP**

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

VOTE (3)

Motion by Councilor Samson, seconded by Councilor Carignan:

To authorize the City Clerk's Office to approve the liquor license application and special amusement permit for dancing and entertainment for Deb's Pitt Stop, 1018 Sabattus Street, pending the results of the police department recommendation and state background check. Passed - Vote 7-0

Due to the Planning Board meeting which will begin at 7pm, the Council took this item out of order to accommodate the City Planner's schedule.

REQUEST TO CONDITIONALLY REZONE LAND ADJACENT TO EAST AVENUE

VOTE (4)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

BE IT RESOLVED, that the City Council, pursuant to Article XVII, §5(b)(1)(a) of the Zoning and Land Use Code refer to the Planning Board for its consideration a proposal for an amendment to the Code, by conditionally rezoning land adjacent to East Avenue between Lisbon and Pleasant Streets, for reasons such as the unusual nature or unique location of the development proposed, and subject to any specific written conditions to be determined.

Passed - Vote 7-0

DISPOSITION OF PROPERTY AT 75 MAPLE STREET

Councilor Samson stated the Land Committee has met and recommends approval of the requested action. Councilor Samson noted that the property will be taxable once it is purchased by CEI. It was noted this project was not presented to the Council's Housing Subcommittee for review, prior to this Council meeting, which it was stated was an oversight. Councilor Carignan, co-chair of the Housing subcommittee, stated that this is an excellent project and is consistent with the Council's housing plans, and would not suggest postponing this issue until the next meeting due to deadlines and the time table that CEI needs to meet. It was noted that all future issues regarding housing and requiring Council action need to be reviewed by the Housing subcommittee in advance.

VOTE (5)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To authorize the City Administrator to sell the property at 75 Maple Street, to Coastal Enterprises, Inc., for a low-moderate income, employer-assisted housing project.

Passed - Vote 7-0

DISPOSITION OF PROPERTY AT 84 LISBON STREET

Councilor Samson stated the Land Committee has met and recommends approval to convey the property to L/A Arts as outlined in the agreement. Economic Development Specialist Lincoln Jeffers stated the City purchased the land at 84 Lisbon Street for the Courthouse Plaza project, but did not need the land after all. He noted that Lewiston was recently designated as one of the Best 100 Small Arts Town in the United States. Richard Willing, executive director of L/A Arts, mentioned that the organization has moved three times in the last nine years, and is seeking a permanent location, one that will make the arts accessible to community members. He stated the organization will bring together many forms of art such as providing a place for artists to work, organizing concerts in the new Courthouse Plaza park, having a gallery on site and other exciting ideas. L/A Arts will not be seeking future money from the City for renovation costs.

Mayor Tara stated that she strongly supports this item and noted there is a direct link between arts and the economy and the positive impact arts has on a local economy.

Phil Isaacson, Lewiston resident, addressed the Council and spoke in support of this transaction. He noted that communities should be promoting the arts more. He mentioned the strong connection with arts and the recent downtown revitalization of the City of Rockland. Chip Morrison, executive director of the Chamber, stated that arts and downtowns go together, and that arts are a part of a thriving downtown. Marty Eisenstein, chairperson of the L/A Arts Board, also spoke in support of this item. State Representative and Ward Three School Board member Lillian O'Brien stated that L/A Arts has done great community outreach programs in her ward and commented on the great work the organization does with local schools in the city. This will bring life back into downtown, she said.

Resident Michael Marcotte inquired about possible parking problems in downtown due to this location. Councilor Bilodeau noted the Downtown Parking Study conducted a few years ago recommends having mixed use type businesses and organizations in downtown due to parking and there is significant public parking for after business hours events and noted the Chestnut Street parking garage can also accommodate many additional parkers. Mr. Jeffers stated that 800 parking spaces will be added with the two garages and these will be available for after hours parking and the downtown uses compliment each other well. Councilor Carignan stated that this Council action will affirm the support of the community to the arts.

VOTE (6)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To authorize the City Administrator to sign the Real Estate Transfer Agreement to convey the City-owned property at 84 Lisbon Street to L/A Arts. Passed - Vote 7-0

UTILITY EASEMENT ON BATES, LOWELL AND HAMMOND STREETS

VOTE (7)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

Be It Ordered, that the City shall issue a Quitclaim Deed without Covenant, to Central Maine Medical Center, for a utility easement along Bates, Lowell and Hammond Streets, with the boundaries and measurements of the same, as laid out and reported by the Director of Public Works, and be it hereby accepted, allowed and established as a utility easement for the use of Central Maine Medical Center. Passed - Vote 5-0-2 (Councilors Carignan and Gousse were out of the room at the time of the vote.)

DISCONTINUANCE OF A PORTION OF COMMERCIAL STREET

VOTE (8)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

That the Order vacating and discontinuing four hundred and thirty feet of the end portion of Commercial Street, be adopted. Passed - Vote 7-0

AMENDMENT TO THE WORDING OF THE MUNICIPAL REFERENDUM QUESTION FOR FUNDING OF PRIVATE AND PAROCHIAL SCHOOLS

Some Councilors expressed concerns regarding the wording of the referendum question and wondered if the phrase “as allowed under state law” will influence voters. Councilors Carignan and Gousse felt that the language might be too leading and suggestive, perhaps encouraging the voters to vote in the affirmative since it is “allowed for under state law”. It was noted the Council wanted to have the question be as simple and plain as possible.

Councilor Adams recommended that the wording remain, since this provision is allowed for under state law, the question is not telling the voters anything different, it is just stating a fact. Councilor Adams stated that he, and the rest of the Council, agree that they want to send a question to the voters that has a very clear “yes” or “no” response, but he also wants the voters to be informed and have the facts. Councilor Gousse stated that groups on both sides of the issue will comment and promote their side of the issue, but noted this is a non-binding referendum question and the Council is seeking the will of the people and he feels the current wording will sway the voter.

VOTE (9)

Motion by Councilor Carignan, seconded by Councilor Gousse:

To amend the wording of the November 6, 2001 municipal referendum question by deleting the phrase “as allowed for under state law”, which was approved at the May 15, 2001 Council meeting, and to approve the following wording of the referendum question to appear on the November 6, 2001 municipal ballot as follows:

“Should the City of Lewiston continue to subsidize student transportation at full cost, and to subsidize testing, textbooks, and school nursing services at current proportional levels for Lewiston students who attend private and parochial schools in the City of Lewiston?”

Failed - Vote 2-5 (Councilors Gousse and Carignan in favor.)

Additional discussion took place regarding the use of various words in the question, some that may be difficult to comprehend for some voters. Mayor Tara recommended changing the word “subsidize” to read “to pay”. There was also a question about the word “proportional”. The Council felt the phrase containing the word proportional should be removed entirely.

VOTE (10)

Motion by Councilor Bilodeau, seconded by Councilor Adams:

To amend the wording of the November 6, 2001 municipal referendum question which was approved at the May 15, 2001 Council meeting by deleting the word “subsidize” and inserting the phrase “to pay”, to insert the phrase “part of” in front of the word “testing”, and to delete the phrase “at current proportional levels” and to approve the following wording of the referendum question to appear on the November 6, 2001 municipal ballot as follows:

“Should the City of Lewiston continue to pay for student transportation at full cost, and to pay for part of testing, textbooks, and school nursing services for Lewiston students who attend private and parochial schools in the City of Lewiston?”

Passed - Vote 5-2 (Councilors Gousse and Carignan opposed.)

PRESENTATION REGARDING REGIONAL TOURISM EFFORTS

This issue was removed from the agenda and will be brought before the Council in a future meeting.

AMENDMENT TO TRAFFIC SCHEDULE

VOTE (11)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To approve amendments to the traffic schedule for Bates Street and Oak Street to establish a tow away zone in the busses only zone. Passed - Vote 7-0

AMENDMENT TO THE RULES GOVERNING THE CITY COUNCIL

VOTE (12)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To amend the Rules to Govern the City Council for the period of January 2001 to January 2002 to incorporate Section 14, Workshops. Passed - Vote 7-0

AMENDMENT TO THE PERSONNEL PROCEDURES AND PERSONNEL POLICY

Human Resources Director Denis Jean stated the changes regarding terminations will avoid the problems with employee “bumping” that occurred in the recent set of layoffs and staff cuts.

Councilor Gousse noted these amendments have been reviewed and recommended by the Personnel Board, the City Administrator and the Human Resources Director.

VOTE (13)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To approve the amendment to the Personnel Procedures Policy regarding terminations and the amendment to the Personnel Policy regarding layoffs, as recommended by the Personnel Board and the Human Resources Director. Passed - Vote 7-0

**LOCAL LAW ENFORCEMENT BLOCK GRANT AWARD FOR
THE POLICE DEPARTMENT**

VOTE (14)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To accept the \$47,485 grant from the US Department of Justice Local Law Enforcement Block Grant program and authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 7-0

UPDATE FROM THE LEWISTON MILL REDEVELOPMENT CORPORATION

No update was presented at this meeting.

REPORT FROM THE SCHOOL COMMITTEE

The City Administrator announced that he was able to take a tour of all of the City school buildings last week. Councilor Carignan inquired about the staff turnover during the past year, and noted the school needed to hire forty additional teachers for this fall. He wondered if that was typical. He also suggested looking into establishing a City Task Force on cultural diversity issues, after having noted there will be 125 Somali students enrolled in the schools this fall. The Mayor stated that such a committee is already in the works.

OTHER BUSINESS

Mayor Tara stated the Balloon Festival was very successful and had record number crowds this year. Mayor Tara also thanked Dot Treadwell, president of the Downtown Neighborhood Association, for attending the Council meeting.

Councilor Bilodeau reminded the Council about the public meeting on August 30 for proposed firearms ordinance changes.

**EXECUTIVE SESSION HELD IN THE
EXECUTIVE CONFERENCE ROOM AT 7:50 P.M.**

VOTE (15)

Motion by Councilor Bilodeau, 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. Passed - Vote 7-0

Executive Session began at 7:50pm. Session ended at 8:34pm.

VOTE (16)

Motion by Councilor Bilodeau, second by Councilor Gousse:

To adjourn at 8:35P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine