

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 2, 2001

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00PM

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Carignan, 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.

VOTE (1)

Motion by Councilor Carignan, seconded by Councilor Samson:

To dispense with the reading of the minutes of the September 18 , 2001, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 4-0

PRESENTATION FROM FORUM FRANCOPHONE DES AFFAIRS USA

Mark Leduc, executive director of FFA-USA and Severin Beliveau, president of FFA-USA made a presentation to the City Council regarding the work of FFA-USA. The organization is located on Lisbon Street and is the national headquarters for FFA. The objective of the FFA-USA is to provide linkages with French speaking counties and US businesses. The organization originally was established in April 1998, yet closed in December 2000 due to lack of funding, and lack of a general business plan. FFA-USA was re-structured in April 2001 and is working hard to re-establish itself. Since the national headquarters are located in Lewiston, the speakers felt it was important to brief the Council on their recent activities.

Councilor Gousse arrived at this time.

At the Mayor's request, agenda item 8 was brought forward at this time. The Mayor needs to leave the meeting early due to an ill child, and since the youth council issue is one that she has been working on, she requested to have this item addressed earlier in the meeting. Councilors did not have any objections.

NEW CITY POLICY FOR YOUTH ADVISORY COUNCIL

Recreation Director Maggie Chisholm and Executive Assistant Dot Perham-Whittier made a presentation to the Council regarding the background on this issue. They noted they have met with other communities that have youth councils, and reviewed sample bylaws and rules of procedure from the other communities. Councilors Carignan and Gousse stated they do not agree with the proposed selection process for the establishment of the membership. The proposed procedure is an application and interview process, to be conducted by adults and

community members. They suggested the members should be selected by their peers, since the members will be representing the Lewiston youth. They suggested for ownership purposes, it would be much better to have the young people directly selecting who will represent them on the youth council, rather than having independent adults making that selection for them. The staff members were opposed to this procedure, stating it would create a popularity contest and they are striving for a wide cross-section of youth to be represented. Councilors Gousse and Carignan stated they are in support of the youth council concept, but will vote against this issue because of concerns with the selection criteria. Mayor Tara reminded Councilors that youth were involved in creating the proposed bylaws, and one of the student interns in the Administration office was instrumental in developing the criteria, and he did not feel the selection process would be a problem. The Mayor suggested that a combination of the two procedures might be in order - an application process and an election of the student representatives. In addition, the Mayor suggested asking the youth council, as one of their first items of business, to review and explore the selection criteria and report back to Council. Councilor Adams stated that the proposal is a starting point, and suggested the Council approve the proposed policy as is, and see if the details can be reviewed at a later point, but stressed the need to get started.

VOTE (2)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To adopt and establish a new City Policy: Policy Number 74 - Youth Advisory Council Policy. Did Not Pass - Vote 3-2 (Councilors Samson, Bilodeau and Adams in favor; Councilors Gousse and Carignan opposed. Note - Per the Charter, any matter that is voted upon by the Council must receive four affirmative votes in order to be approved.)

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO A
CONDITIONAL REZONING AGREEMENT FOR 85 CROWLEY ROAD**

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

VOTE (3)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve first passage for the amendment to the conditional rezoning agreement, for 85 Crowley Road, to allow a portion of the property that is currently zoned as Rural Agriculture to be used for a breeding kennel in addition to the existing commercial tree farm, subject to the conditions defined in the rezoning agreement, and that the public hearing on said agreement be continued to the meeting of October 16 for final passage. Passed - Vote 5-0

**PUBLIC HEARING AND FIRST PASSAGE FOR CONDITIONAL REZONING FOR
LAND ADJACENT TO EAST AVENUE**

Economic Development Specialist Lincoln Jeffers made a brief presentation to Council. He stated the proposed development for this property will bring jobs, taxes and development to Lewiston. He stated there has been extensive public involvement with this issue, and during two Planning Board meetings, hearings were held and the plans were presented by the developer. Planning Director Jim Lysen stated the developer wants to be a good corporate neighbor, and has agreed to include conditions that are not regularly incorporated, such as limiting construction during the school hours, increased buffer landscaping, limiting street access, and so forth.

Councilor Bernier arrived at this time.

Five members of the public addressed the Council and spoke against the conditional rezoning of this property. They expressed concerns regarding safety of children walking to the schools due to increased traffic, destruction of neighborhoods, and concerns with current vacant commercial property in town. Many suggested re-locating this proposed commercial development into the empty stores on Lisbon Street or the empty stores in the Ames Mall. Many residents in the area that will be impacted are long time residents who have owned these homes for years, and are disappointed to hear their neighborhood will be a commercial zone.

The Mayor reminded the people that residents are continuously complaining about high taxes in Lewiston, and the way to lower the tax burden on the residential properties is to increase the commercial development in town. She also stated that the safety of the school children will always be foremost in the development of this project. Councilor Gousse expressed concern regarding this project, and stated he does not feel it is a well defined project as of yet, and is just a proposed concept with no concrete plans. He stated he is uncomfortable with approving this project without additional details. Mr. Jeffers stated the developer has an excellent reputation, and is one of the premier developers in New England. He works with well-known national retail stores such as Home Depot, Old Navy, and Toys R Us, and his company developed the Maine Mall. Mr. Jeffers stated the development review process needs to go to the Planning Board for a detailed design of the work for this project. The issue before the Council currently is the conditional rezoning agreement, to even allow a commercial development of this type in this zone.

VOTE (4)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property adjacent to East Avenue, between Lisbon Street and Pleasant Street, from the Office Residential (OR) and Neighborhood Conservation "A" (NCA) Districts to the Community Business (CB) District, subject to a conditional agreement, and that the public hearing on said ordinance be continued to the meeting of October 16, 2001 for final passage. Passed - Vote 4-1-1 (Councilor Gousse opposed, Councilor Carignan abstained.)

Mayor Tara left at this time, and Council President Bilodeau presided over the remainder of the meeting.

PLANNING BOARD RESOLUTION REGARDING MARTEL SCHOOL LOCATION

A motion was made by Councilor Samson and seconded by Councilor Adams to receive the Planning Board resolution regarding exploring alternate uses for the property where Martel School is located and the possible relocation of Martel School, and to forward the Resolution to the School Committee for review and comment.

Dennis Mason, Planning Board chairperson, made a presentation to the Council. He stated the Planning Board, in reviewing the proposed plans for the East Avenue development, felt that the City and the School Committee should consider the possible, future re-location of Martel School. The School is located at the corner of two busy streets in town, and the back side of the property will be abutting a commercial development, if the proposed East Avenue project receives final approval. The Board was concerned with safety as well as the potential commercial use of the property that school is currently located on.

Three members of the public spoke on this issue, and urged the Council not support this resolution. They stated they are parents of children who attend Martel, and they feel that Martel is an excellent school with great teachers and a rich history. They requested the school remain in the present location. Councilor Bernier stated the School Committee has plans in place do conduct comprehensive reviews of all school facilities. Councilor Carignan stated he believes it would be wrong to single out one school location at this time, since the School is already working on this issue.

VOTE (5)

Motion by Councilor Carignan, seconded by Councilor Bernier:

To lay this item on the table permanently. Passed - Vote 5-1 (Councilor Bilodeau opposed.)

DISCONTINUANCE OF A PORTION OF MARSTON STREET

Public Works Director Chris Branch stated that this six hundred foot portion of Marston Street was accepted by the City Council over fifty years ago, but was never constructed. This portion of land is still recorded on the books as a street, but is vacant land, and therefore should be adjusted for the city records.

VOTE (6)

Motion by Councilor Adams, seconded by Councilor Samson:

That the Order vacating and discontinuing a portion of Marston Street, be adopted.
Passed - Vote 5-0-1 (Councilor Gousse abstained.)

DISCONTINUANCE OF A PORTION OF MAPLE STREET

This discontinuance will accommodate the new Neighborhood Housing Initiatives housing project.

VOTE (7)

Motion by Councilor Samson, seconded by Councilor Adams:

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

Passed - Vote 6-0

BOND RESOLUTION FOR C'S INC/LEWISTON SUN JOURNAL PROJECT

Council President Bilodeau opened the public hearing in order to receive public input on this issue. No members of the public spoke for or against this issue. Council President Bilodeau closed the hearing.

VOTE (8)

Motion by Councilor Samson, seconded by Councilor Carignan:

That the bond resolution of the Municipal Officers of the City of Lewiston, Maine, authorizing the issuance of \$4,000,000 in revenue obligation securities, series 2001 (C's Inc./Lewiston Sun Journal project) and authorizing and approving the bond documents, be adopted.

Passed - Vote 6-0

TRAFFIC SCHEDULE AMENDMENT

VOTE (9)

Motion by Councilor Samson, seconded by Councilor Adams:

To approve amendments to the traffic schedule to add stop signs on Cottage Street at Wakefield Street, Arch Avenue and Curtis Street. Passed - Vote 6-0

**APPEAL OF FINANCE COMMITTEE ACTION ON BATES COLLEGE
TRAFFIC CALMING STUDY**

The Council opened the hearing to consider the request from the Public Works Director to appeal the decision of the Finance Committee regarding the amendment to the Bates College Traffic Calming Study. Chris Branch, Public Works Director, requested this appeal in order to receive the funding to complete the project; he noted the Finance Committee vote was a 2-2 vote. Councilor Bernier stated, as a member of the Finance Committee, that she voted against this issue because money was originally allotted for this study, now additional items are being added to the study, and the study is being done as a result of two large institutions in this area who should be more responsible for the parking needs of their consumers. She stated it is poor planning on the City's part to allow these two institutions to continually grow and expand without requiring parking to coincide with their developments. Mr. Branch stated that phase one of this study was paid for from the Bates College Traffic Calming Study account, and the additional funding would be paid for from the surplus funds leftover from the Pond Road Traffic Study. He stated the consultants doing the work are excellent consultants and the city is receiving good input from them. Councilor Carignan stated the institutions are working on the parking issue, and are also anxiously awaiting the results of this study for input in how to improve the parking as well, and urged the completion of this project.

VOTE (10)

Motion by Councilor Carignan, seconded by Councilor Samson:

To over turn the decision of the Finance Committee and to authorize an amendment to the contract with Wilbur Smith Associates for consultant services on the Bates College Area Traffic Calming Study at an additional cost not to exceed \$8,050.

Passed - Vote 4-1-1 (Councilor Gousse opposed, Councilor Bernier abstained.)

LEGISLATIVE UPDATE

No report was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

School Committee member Yvette Silva stated there are concerns regarding the safety of children walking to Pettingill School. The traffic on the roads travels fast, and parents have concerns. She asked if the City would consider installing a cross-walk to go above the traffic in order for the children to walk to school.

EXECUTIVE SESSION HELD IN THE EXECUTIVE CONFERENCE ROOM AT 9:25PM

VOTE (11)

Motion by Councilor Samson, seconded by Councilor Adams:

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 6-0

Executive Session began at 9:25pm. Session ended at 10:03pm.

VOTE (12)

Motion by Councilor Carignan, second by Councilor Gousse:

To adjourn at 10:03 P.M. Passed - Vote - 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine