

CITY OF LEWISTON

CITY COUNCIL

JULY 15, 2003

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

THE HONORABLE LAURIER T. RAYMOND, JR., MAYOR, PRESIDING.

PRESENT: Councilors Bernier, O'Brien, Jean, Mason, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Councilor Philippon arrived at 8:00pm.

Pledge of Allegiance to the Flag.

Moment of Silence.

MONTHLY UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Tarrah Bowen mentioned they have completed a video on the clock tower with the help of Great Falls TV. She noted that Councilor Bernier and City Engineer Mike Paradis assisted with the video. She stated that recently some members met with two members from a Youth Advisory Council from Tampa, Florida to exchange project ideas. Miss Bowen thanked the Council for their support from this past year and stated they are looking forward to the coming year with six new members and six returning members of the group.

VOTE (202-2003)

Motion by Councilor O'Brien, seconded by Councilor Jean:

To dispense with the reading of the minutes of the June 3 and June 17, 2003, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

The Mayor announced that there has been a request to remove the item for the Appointment of the LYAC members from the Consent Agenda and to address this issue as a matter of regular business.

TRAFFIC SCHEDULE AMENDMENTS

VOTE (203-2003)

Motion by Councilor Jean, second by Councilor Mason:

The City Council hereby adopts the following amendment to the Traffic Schedule:

Section 17 - Parking Prohibited - Odd Numbered - Winter, is hereby amended as follows:

Lincoln Street West side Beginning at Oxford Street and extending southerly to Nel's Court.

Passed - Vote 6-0

VOTE (204-2003)

Motion by Councilor Jean, second by Councilor Mason:

The City Council hereby adopts the following amendments to the Traffic Schedule:

Section 9 - Parking Prohibited - All Times - Fire Lanes, is hereby amended as follows:

Main Street South-east side of Main Street from the intersection of Lincoln Street & Main Street to the intersection of Canal Street and Main Street.

Section 3 - Loading Zones, is hereby amended as follows:

~~Main Street~~ ~~South side beginning at a point 274' from the southwesterly corner of Canal Street and Main Street and extending westerly on Main Street a distance of 40' (114 Main Street) 30 minutes - 7:30am to 5:00pm except Sundays and Holidays.~~

Section 7 - Parking Meters - Time Limitations - 1 Hour, is hereby amended as follows:

~~Main Street~~ ~~8 parking spaces southerly side between the Canal and the easterly line of Mill Street~~

Passed - Vote 6-0

RECYCLING AGREEMENT WITH MECHANIC FALLS

VOTE (205-2003)

Motion by Councilor Jean, second by Councilor Mason:

To authorize the City Administrator to enter into a Recycling Facility Agreement with the Town of Mechanic Falls. Passed - Vote 6-0

AMENDMENTS TO CITY BUSINESS LICENSE APPLICATIONS POLICY

VOTE (206-2003)

Motion by Councilor Jean, second by Councilor Mason:

To approve the proposed amendments to the City Business License Applications Policy, Policy Manual Number 7, as recommended by the City Administration and City Clerk.
Passed - Vote 6-0

AMENDMENTS TO LEWISTON YOUTH ADVISORY COUNCIL POLICY

VOTE (207-2003)

Motion by Councilor Jean , second by Councilor Mason:

To approve the proposed amendments to the Lewiston Youth Advisory Council Policy, Policy Manual Number 74, as recommended by the Lewiston Youth Advisory Council and their advisors. Passed - Vote 6-0

ANNUAL REQUEST FOR USE OF CITY SERVICES FROM THE GREAT FALLS BALLOON FESTIVAL

VOTE (208-2003)

Motion by Councilor Jean, second by Councilor Mason:

ROAD CLOSURES AND POSTINGS:

Friday, August 15, 5:00pm - Sunday, August 17, 7:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (eastbound) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 15, 5:00pm - Sunday, August 17, 7:00pm

Posted closure of Oxford Street from Lincoln Street to Chestnut Street and Beech Street to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 17, 11:30am - 12:30pm

Posted closure of Canal Street from Main Street to Ash Street for canal rubber duck race. Posted closure of one southbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

OTHER REQUESTS:

Wednesday, August 13, 8:00am - Monday, August 18, 7:00pm

Permission to use Bates Mill Parking Lot B for a carnival which will open Thursday night and run through Sunday night, logistical arrangements shall be coordinated with the Bates Mill Complex Property Manager

Friday, August 15, 5:00pm - Sunday, August 17, 7:00pm

Permission for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar

Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

Passed - Vote 6-0

APPROVAL OF THE RECREATION AND PARKS DEPARTMENT RECOVERY ACTION PLAN AND AUTHORIZATION FOR SUBMISSION OF THE PLAN

VOTE (209-2003)

Motion by Councilor Jean, second by Councilor Mason:

To approve the Recovery Action Plan from the Recreation and Parks Department and to authorize submission of the Plan to the National Park Service. Passed - Vote 6-0

ANNUAL APPOINTMENTS TO THE LEWISTON YOUTH ADVISORY COUNCIL

VOTE (210-2003)

Motion by Councilor Mason, second by Councilor Rousseau:

To appoint the following local youth to the Lewiston Youth Advisory Council for a one year term, said term to begin July 2003 and end June 2004: Allyson Beaucage, Tarrah Bowen, Jonathan Isacco, Charlie Kimball, Lisa Kimball, Katie Lauze, Kayla Leet, Isha Mahamud, Meliane Reed Morin, Ryan Reed, Kelin Sevit and Tim Williams. Passed - Vote 6-0

At this time, the Mayor presented certificates of appointment to each of the members present. After the presentation, the Mayor suggested taking agenda items 27, 16, 17, 18, 19, 20 and 21 out of order and handling this items at this time.

NOMINATION AND APPOINTMENT FOR COUNCIL REPRESENTATIVE TO THE LYAC

VOTE (211-2003)

Motion by Councilor O'Brien, second by Councilor Bernier:

To nominate and appoint Councilor Philippon to serve as the Council's representative to the Youth Advisory Council. Passed - Vote 6-0

LIQUOR LICENSES AND SPECIAL AMUSEMENT PERMITS

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

VOTE (212-2003)

Motion by Councilor Paradis, second by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application for Lewiston Mandarin, 750 Sabattus Street. Passed - Vote 6-0

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Councilor Paradis asked the business owner if they are planning to have music or other forms of live entertainment at the restaurant, citing problems with the previous business in this location. The business owner stated they are not planning to have any form of live entertainment and noted they are strictly a restaurant.

VOTE (213-2003)

Motion by Councilor Mason, second by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application for Pepper & Spice, 875 Lisbon Street. Passed - Vote 6-0

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

VOTE (214-2003)

Motion by Councilor O'Brien, second by Councilor Paradis:

To authorize the City Clerk's Office to approve the liquor license application for My Cousin Vinny's, 30 Lowell Street. Passed - Vote 6-0

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

VOTE (215-2003)

Motion by Councilor Mason, second by Councilor Rousseau:

To grant a Special Amusement Permit for Dancing and Entertainment to The Bird/Toucan Lounge, 1567 Lisbon Street. Passed - Vote 6-0

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

VOTE (216-2003)

Motion by Councilor O'Brien, second by Councilor Jean:

To grant a Special Amusement Permit for Dancing and Entertainment to the Festival de Joie Committee for the annual Festival to be held at Railroad Park on August 1, 2 and 3, 2003. Passed - Vote 6-0

OUTDOOR ENTERTAINMENT PERMIT FOR FESTIVAL DE JOIE

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

VOTE (217-2003)

Motion by Councilor Jean , second by Councilor O'Brien:

To grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Festival de Joie Committee for outdoor music concerts for the annual Festival Prelude to be held on Lisbon Street and Courthouse Plaza on July 29, 30 and 31 and for the annual Festival at Railroad Park on August 1, 2 and 3, 2003, contingent upon positive recommendations from the Police Department, Fire Department and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE STREETS AND SIDEWALKS ORDINANCE FOR PERMITTED USES

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. The City Administrator outlined the differences between this ordinance amendment and the following agenda item. Councilor Rousseau inquired about the impact of this amendment on private sidewalks, and the City Administrator stated this ordinance pertains to city sidewalks only and does not have an impact on private sidewalks/private property.

VOTE (218-2003)

Motion by Councilor Paradis, second by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article I "General", Article II "Permitted Uses" and Article III "Obstructions", receive final passage by a roll call vote. Passed - Vote 5-1 (Councilor Bernier opposed)

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE STREETS AND SIDEWALKS ORDINANCE REGARDING USE OF PUBLIC PROPERTY FOR MERCHANDISE SALES

The City Administrator said that this ordinance amendment was prepared at the Council's request regarding the use of sidewalks for sale of merchandise. He noted that it is the staff's recommendation not to pass this item, but it is presented at the request of Council. Mr. Bennett stated the practice of items for sale on city property is not recommended for several reasons - staff is not aware of any other town that has regular on-going merchandise displays allowed, occasional sidewalk sales are permitted, but not continuous, daily sales on city sidewalks; he noted it could become an enforcement problem for the police and code departments; the Council would need to act on each application because the ordinance does not restrict or define the type of merchandise or the amount of products. He also mentioned

the long term vision of the community and it's downtown and asked the Council to consider if this type of activity would be complementary, neutral or distracting from the direction the City is headed. Mr. Bennett stated the Council had three options - to pass the ordinance, to deny the ordinance or to table it to a workshop for additional discussion and review.

Councilor Mason asked if this would apply to the mobile food vendor carts and the City Administrator stated this ordinance is just for sale of merchandise on the sidewalk - merchandise from a store that wants to extend their sales into the sidewalk area.

Mayor Raymond opened the public hearing. Ricky LaChappelle, owner of the Lewiston Pawn Shop, thanked the Councilors for their time and for being proactive on this issue, rather than reactive. He stated that he agrees with Mr. Bennett and does not feel that this ordinance should be passed, but he feels this way for different reasons. Mr. LaChappelle said that this ordinance amendment does not address the issue and suggested that it be sent to a workshop for additional review. He noted that he has been selling merchandise on the city sidewalks for the past 28 years, in front of his storefront, and he feels it works well and does not detract from the downtown area. He said the proposed ordinance does not allow for any outside display in front of any building and noted that at least the current ordinance allows for one foot of display area. He also noted that in many parts of the downtown, the sidewalks are very wide and the displayed merchandise will not interfere with pedestrians walking downtown. Mr. LaChappelle reminded Councilors that the stores do not put junky items in front of their storefronts, but nice items to encourage shoppers to go inside the store. He mentioned that he has recently improved and remodeled the front of the building to make it more attractive and he encouraged the Council to continue to allow this practice as an example of their support for small businesses in town.

Mayor Raymond then closed the hearing. Councilor Mason inquired if Mr. LaChappelle could still maintain his past practice of selling items on the sidewalk if the ordinance did not pass. The City Administrator stated that the current ordinance in the City Code now allows for only the display of one foot of merchandise on the sidewalk and Mr. LaChappelle has been exceeding this limit for many years and his practice would need to change.

VOTE (219-2003)

Motion by Councilor Mason, second by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article III "Outside Displays, Solicitation of Sales and Obstruction of Public Passages", receive first passage by a roll call vote, and that the public hearing on said ordinance be continued to the meeting of August 5, 2003 for final passage.

Failed - Vote 0-6

At this point, Mr. LaChappelle addressed the Council and stated he was extremely disappointed with their actions as elected officials and their lack of support for small businesses.

Councilor Philippon arrived at this time.

CONTINUATION OF CONDEMNATION HEARING FOR 359 LISBON

Councilor Rousseau recused himself from this issue due to a conflict of interest. Mayor Raymond began this item by reminding everyone that this item was tabled during the previous Council meeting. The motion tabled from the previous meeting and now on the floor for consideration is as follows:

(Motion by Councilor O'Brien, seconded by Councilor Mason) To accept the Findings of Fact regarding the building at 359 Lisbon Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order.

The City Attorney then outlined the revised Order that has been reviewed with the current building owner's attorney, Mr. Trafton. The revised Order states that the taxes have been paid on the property and is no abandoned as previously stated in the original Order. Also, this new Order recognizes that the Development Department may approve the rehabilitation plan between now and the deadline of October 16, 2003 and shall work with the building owner regarding the proposed renovations and the feasibility and logistics of such proposal. The City Administrator noted that the deadline for a plan to be presented to show the rehabilitation and how the building deficiencies will be abated. An adjustment was also made to the revised Order to reflect the new property owner - Klister, LLC.

Mayor Raymond then opened the public hearing, which was continued from the previous meeting to this meeting. He noted the purpose of the hearing is continue the hearing to determine if the building located at 359 Lisbon Street meets the dangerous building statutes as defined in Title 17, sec. 2851 et all. Mr. Trafton, an attorney representing Klister, LLC, thanked the Council and stated his client appreciated the extension of this item from the June meeting to allow for additional time to allow for the sale of the property, which is now completed. He noted that the major renovations will mostlikely not be completed by the October 16 deadline, citing that major renovations are needed, yet noted that if the Council and Development Department approve the rehabilitation plan, then the owners will be able to do the work and the goal is to put the property back on the tax rolls. The City Administrator and City Attorney stated that they are comfortable with the changes in the revised Order. Mr. Bennett reminded the Council about the October 16 deadline and the Council can decide after this date if the building will be condemned and demolished, but the Development Department needs to approve of the rehabilitation plan by this date, if the plan is acceptable, but the work will not be completed by this date. He noted the plan will need to contain information from engineers regarding the building structure as well as contain a financial plan outlining the ability of the new owners to implement the rehabilitation work.

VOTE (220-2003)

Motion by Councilor Mason, second by Councilor Jean:

To amend the motion to accept the revised Order as presented, which contains amendments to the new Order in order to reflect the recent change in ownership from the Sultan Corporation to Klister LLC, and other changes as previously outlined by the City Attorney. Passed - Vote 5-1-1 (Councilor Bernier opposed, Councilor Rousseau abstained.)

VOTE (221-2003)

Vote on original Motion, tabled from the previous meeting, as now amended: (Motion by Councilor O'Brien, seconded by Councilor Mason) To accept the Findings of Fact regarding the building at 359 Lisbon Street to be a dangerous building as defined by state statutes, to adopt the revised Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order.

ORDER OF CONDEMNATION

Pursuant to 17 M.R.S.A. §§ 2851 et al.

I. WHEREAS the Municipal Officers of the City of Lewiston, after receiving testimony and other evidence from City officials and other interested parties, have:

A. Determined that the owner and all parties-in-interest of record claiming an interest in the premises at 359 Lisbon Street, Lewiston, Maine, have received notice of these proceedings in accordance with the requirements of 17 M.R.S.A. § 2851. Said premises are more particularly described as a certain parcel of land, with the buildings thereon, bounded and described as follows:

COMMENCING on the westerly side of said Lisbon Street, at a point twenty-four (24) feet and four (4) inches north of the northwesterly corner of Lisbon and Cedar Streets; thence running westerly at a right angle with said Lisbon Street forty-two (42) feet; thence at a right angle northerly eight (8) inches; thence at a right angle westerly eight (8) feet to the easterly line of land now or formerly owned by the heirs of one Samuel S. Scribner; thence at a right angle northerly along said Scribner line ten (10) feet to the northeast corner of said Scribner land; thence at a right angle westerly along said Scribner northerly line nineteen (19) feet, ten and one-half (10 ½) inches to the corner of land formerly owned by one Josiah W. Mitchell; thence at a right angle northerly of said Mitchell's line twenty-five (25) feet; thence at a right angle westerly thirty (30) feet and one and one-half (1 ½) inches to an alleyway; thence at a right angle northerly along said alleyway twenty-five (25) feet; thence at a right angle easterly one hundred (100) feet to the westerly line of Lisbon Street; thence at a right angle southerly sixty (60) feet and eight (8) inches to the point begun at. Also all rights to occupy the partition wall between the brick block on the lot herein conveyed and the brick building on the lot next southerly as conveyed by Sophia J. Merrifield to A.E. Mitchell, Ruel E. Mitchell, and Josiah W. Mitchell, as appears in her deed recorded in the

Androscoggin Registry of Deeds, Book 63, Page 303, it being the same premises with the rights in the partition wall appurtenant as is described in a deed from Alfred E. Mitchell to Z. Blouin and F. Lapointe in a deed, dated May 29, 1889, and recorded in said Registry in Book 132, Page 428, which above deeds and records are made a part of this description.

BEING A PORTION of a deed from Republic Bank to Republic Bank, dated March 7, 1996, and recorded in said Registry of Deeds in Book 3566, Page 128.

BEING THE SAME PREMISES conveyed to Sultan Corp., a Maine business corporation of Lewiston, County of Androscoggin, State of Maine, by Release Deed dated February 26, 1997 and recorded in the Androscoggin Registry of Deeds in Book 3878, Page 245.

BEING THE SAME PREMISES conveyed to Klister, LLC, a Maine limited liability company, the sole principal of which is Sultan Corp.

- B. Determined that a true and correct copy of the notice of these proceedings was filed with the Androscoggin Registry of Deeds in accordance with the requirements of 17 M.R.S.A. §§ 2851 et seq., in Book 5457, Pages 143 – 144.
- C. Made the following findings with respect to the building on the premises at 359 Lisbon Street (the “Building”):
 - a. The Building is structurally unsafe due to long-term exposure to the elements from a leaking roof.
 - b. There are substantial unsanitary conditions in the Building resulting from mold, extensive pigeon droppings, and dead pigeon carcasses, all throughout the upper stories of the Building. These conditions create a significant health hazard.
 - c. The layout of the upper story apartments does not comply with current egress requirements of apartment buildings.
 - d. The floors are covered with trash, debris, and plaster that have fallen from the walls and ceilings.
 - e. The entire electrical system must be replaced due to long-term exposure to moisture.
 - f. Most mechanical systems are functionally obsolete.
 - g. The Building is unfit for human occupation and/or habitation, and continues to deteriorate.
 - h. The Building creates a hazard to health and safety because of a failure to provide routine maintenance, which has caused the Building to become dilapidated and unsanitary.

D. Determined, based upon the foregoing findings, that the Building is a dangerous building or structure as defined in 17 M.R.S.A. § 2851.

II. NOW THEREFORE IT IS HEREBY ORDERED by the Municipal Officers of the City of Lewiston that the owner of the Building, Klister, LLC, the sole principal of which is Sultan Corporation, shall abate the dangerous condition of the Building in accordance with the City's Building, Life Safety and Property Maintenance Codes, or demolish the Building, by no later than October 16, 2003. This Order may be appealed to the Superior Court as provided under Rule 80B of the Maine Rules of Civil Procedure. In the event that the dangerous condition of the building has not been abated on or before October 16, 2003, and either no timely appeal has been filed, or the City of Lewiston's Development Department has not provided written approval of a redevelopment plan for the Building to both secure the building and to abate the dangerous condition of the Building as aforesaid, the Municipal Officers hereby direct the City Administrator to take such actions as he deems necessary, which may include demolition of the Building, to abate the dangerous condition of the Building at City expense, and to recover all expenses, including attorney's fees, as provided under 17 M.R.S.A. § 2853.

III. IT IS FURTHER ORDERED that the City Clerk shall cause a copy of this Order to be recorded in the Androscoggin Registry of Deeds and shall cause attested copies of this Order to be served on the owner of the premises and all of the parties-in-interest as provided in 17 M.R.S.A. § 2851.

Passed - Vote 4-2-1 (Councilors Bernier and Mason opposed, Councilor Rousseau abstained.)

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE LAND USE CODE REGARDING VARIANCES

Mayor Raymond opened the public hearing. Sue Marcotte of 18 Morse Avenue addressed the Council and urged them to pass this item, stating that her property will be impacted and she needs this ordinance amendment in order to complete anticipated work on her property. Mayor Raymond then closed the hearing.

VOTE (222-2003)

Motion by Councilor Philippon, second by Councilor O'Brien:

That the proposed amendment to Appendix A, Article IX "Appeal", Section 12, "Effect of grant of variance for single family detached dwelling on individual residential lot", of the City Zoning and Land Use Code, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the meeting of August 5, 2003 for final passage.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN ORDINANCE

AMENDMENT FOR DAY CARE FACILITIES

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

VOTE (223-2003)

Motion by Councilor Jean, second by Councilor Philippon:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article I “In General”, Section 22-2 “Definitions”; Article II “Licenses”, Section 22-41 “Duration of licenses; expiration date”, and Section 22-96 “Record Book” receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 5, 2003 for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN ORDINANCE
AMENDMENT FOR FOOD SERVICE ESTABLISHMENTS**

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

VOTE (224-2003)

Motion by Councilor Jean, second by Councilor Mason:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article I “In General”, Section 22-2 “Definitions” receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 5, 2003 for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND ESTABLISHMENT OF THE SOUTHERN GATEWAY
DEVELOPMENT DISTRICT DEVELOPMENT PROGRAM**

Councilor Rousseau recused himself from this issue due to a conflict of interest. Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. The City Administrator stated this item is the final passage necessary to establish the development district in the Southern Gateway.

VOTE (225-2003)

Motion by Councilor Jean, second by Councilor Paradis:

To approve and adopt the proposed Southern Gateway Development District Development Program, as presented, for the purpose of improving the health, safety and welfare of the City of Lewiston, and furthering the economic and community development goals of the City. Passed - Vote 6-0-1 (Councilor Rousseau abstained.)

REQUEST TO DEMOLISH THE COUTURE CENTER

This item was withdrawn from the agenda at this time.

ADOPTION OF ORDERS ON SCHOOL FUNDING

VOTE (226-2003)

Motion by Councilor O'Brien , second by Councilor Paradis:

That the following Orders have passage:

ORDERED, That this City Council hereby authorizes the School Committee to expend appropriated monies per line in support of educational programs during Fiscal Year 2003-2004 as follows:

LINE	DESCRIPTION	AMOUNT
1	Undistributed	\$ 11,199,332.00
2	Elementary Education - Instructional	5,721,326.00
3	Elementary Education - All Other	2,122,230.00
4	Middle School - Instructional	2,146,629.00
5	Middle School - All Other	632,171.00
6	High School - Instructional	3,726,320.00
7	High School - All Other	1,145,176.00
8	Special Education	6,409,029.00
9	Vocational - Instructional	1,212,101.00
10	Vocational - All Other	583,247.00
11	Student Activities	518,173.00
12	Adult Education	479,068.00
13	TOTAL	\$ 35,894,802.00

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation from the foundation allocation for school purposes the sum of \$32,449,958 and to raise as the local share of the foundation the sum of \$12,695,027.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation from the debt service allocation for school purposes, the sum of \$103,908 and to raise as the local share of the debt service, the sum of \$55,175.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby agrees to appropriate \$1,961,601 in additional local funds under the provisions of 20-A, M.R.S.A., Section 15614.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend \$35,894,802 for the fiscal year beginning July 1, 2003 and ending June 30, 2004 from the state foundation allocation (\$19,754,931), state debt service allocation (\$48,733), student activities (\$15,000), rentals - classrooms and auditoriums (\$12,000), state agency clients - special education (\$100,000), surplus-prior year (\$473,267), Medicaid reimbursement (300,000), local appropriation (\$14,711,803) for the support of schools.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation of \$479,068 for adult education and to bring forward surplus-prior year (\$-0-), and to raise as the local share for adult education the sum of \$284,934.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

CATEGORY	ESTIMATED AMOUNT
Title I A Disadvantaged	\$ 1,650,011.00
Title V Innovative	49,177.00
Local Entitlement, Part B, P.L. 101-476	857,481.00
Emergency Shelter Program	105,980.00
Drug Free School Program (Title IV)	49,981.00
Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (P.L. 101-392)	169,034.00
Pre-Apprenticeship	5,000.00
Maine Career Advantage	5,000.00
Adult Basic Education	64,846.00
Carl Perkins - Central Maine Technical College	3,800.00
Title II A Teacher Quality	424,985.00
Learning Results	46,050.00
ESTIMATED TOTAL	\$ 3,431,345.00

Passed - Vote 7-0

TAX RATE FOR THE FISCAL YEAR 2004

The City Administrator stated the original tax rate estimate was 28.89, yet as a result of the recent land reevaluation, the rate has decreased to 27.70. He noted that in real dollars, the dollar amount of taxes paid will be similar to last year. He said the lower tax rate is a testament to the hard work the Council did during the budget deliberations. Councilor Rousseau inquired about the percentage of tax payers paying more, less and about the same. Joe Grube, Chief Assessor, stated that those breakdowns have not been calculated as of yet. He noted that if the property owners see a reduction in their tax bill, it means they were paying more than their fair share in the past and this process is equalizing it. The City Administrator stated that typically, fifty percent will be the same, twenty five percent will see an increase and twenty five percent will see a decrease. This is standard past practice with other equalization programs.

Councilor Rousseau asked if there was an appeal process. Mr. Grube stated that tax payers are welcome to schedule an appointment to discuss their reassessment. The City Administrator mentioned that people need to compare the real dollars that they are paying to make the direct comparison and connection between last year's tax bill and this bill.

VOTE (227-2003)

Motion by Councilor O'Brien, second by Councilor Jean:

To accept the recommendation of the Chief Assessor and to set the tax rate for Fiscal Year 2004 at \$27.70. Passed - Vote 7-0

**ADOPTION OF CITY POLICY REGARDING THE BUSINESS DEVELOPMENT
LOAN PROGRAM MANAGEMENT PLAN**

The City Administrator stated that a committee, made up of Councilors Rousseau and Philippon and Planning Board Member Jeff Gosselin, was created to review the draft plan and the group created adjustments to the original draft. Some of the changes include using the existing LAEGC review committee instead of creating a new and separate committee, and that only Lewiston residents will be eligible for this program. Councilor Rousseau stated he still believes the plan is too risky, is a duplication of effort since other organizations offer business start-up loans, that the tax payers money should not be put at risk in this manner, and that the threshold amount is too high. Councilor O'Brien stated this is a wonderful program for the City to be doing and it will assist a lot of small business owners in town and she stated that she has full faith and confidence in the fiscal knowledge of the review committee.

VOTE (228-2003)

Motion by Councilor Jean, second by Councilor Philippon:

To adopt and establish the Business Development Loan Program Management Plan, City Policy Manual, Policy Number 76.

Passed - Vote 5-2 (Councilors Mason and Rousseau opposed.)

REVIEW AND DISCUSSION OF CITY'S SOLID WASTE POLICY

The City Administrator noted the Council approved the new Solid Waste Policy during the previous Council meeting. There was a section of the new policy that eliminated the exemption for certain non-profits for the cost of disposing of their trash. However, of the eight non-profit agencies impacted, none received advanced notice of the change. The City Administrator is recommending three options - the Council revisit the policy and possibly amend it, have the organizations pay like others do, or authorize the funds necessary to allow the free dumping for this current fiscal year only. The total cost is about \$19,000 in free tipping fees for these eight agencies. The three largest users are Salvation Army, Hope Haven and Goodwill, the others are very small users. Recognizing that agency funds are tight, the Councilors wanted to allow the one year period to allow enough notification for the agency to determine their future course of action. Mr. Bennett stated the funds will be reviewed during each future years budget deliberation, if the agencies still need the City to collect their trash. It was noted that other non-profit organizations have been paying for years for their own trash removal.

VOTE (229-2003)

Motion by Councilor Rousseau, second by Councilor Paradis:

To endorse Option 3 - To authorize the funds, from the Undesignated Funds/Contingency account, necessary in order to allow the free tipping fees for the current fiscal year, for the following eight non-profit agencies: Amazing Grace Church, Good News Chapel, Goodwill Industries, Hope Haven Gospel Mission, Mt. Hope Cemetery, Salvation Army, Spirits of Fire Ministry, and Vineyard Christian Fellowship. Passed - Vote 7-0

VOTE ON EXECUTIVE COMMITTEE MEMBERS OF MMA

City Administrator Bennett mentioned that the MMA Nominating Committee has presented a slate of officers and that one candidate was added to the ballot via petition. Councilors Philippon and Bernier spoke in favor of Mr. Bridgeo for Vice President, and Councilor O'Brien spoke in favor of Mr. Lee for Vice President, citing his recent work with the MMA Tax Reform project and noting he is from Androscoggin County. Councilor Rousseau stated that both men are excellent candidates.

VOTE (230-2003)

Motion by Councilor O'Brien, second by Councilor Jean:

To vote for Dana Lee, Town Manager of Mechanic Falls, to serve as the Vice President for the Maine Municipal Association.

Passed - Vote 4-3 (Councilors Philippon, Bernier and Mason opposed.)

VOTE (231-2003)

Motion by Councilor O'Brien, second by Councilor Mason:

To cast a ballot for the slate of officers as presented, to include a vote for Dana Lee for Vice President. Passed - Vote 7-0

LEGISLATIVE UPDATE

Assistant City Administrator Phil Nadeau reported that he has been in contact with the local Delegation, urging their support of the Transportation Bond and stating that money for the Alfred A. Plourde Parkway project is directly tied to this Bond Issue. He stated the MDOT and MTA work will be in jeopardy if the bond does not move forward.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

Councilor Mason inquired about the Park Policy and Mr. Bennett stated the City Attorney's Office is still reviewing it. Councilor Jean reported that he is receiving a few phone calls from landlords upset with the new solid waste policy.

The City Administrator mentioned a recent survey of town managers regarding local tax rates, and he noted that Lewiston was the only municipality whose rate was lower than last years, and no other town reporting in stated that they were able to maintain a zero percent increase either.

VOTE (232-2003)

Motion by Councilor Jean , second by Councilor Mason :

To adjourn at 9:05 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine