

**CITY OF LEWISTON**

**CITY COUNCIL**

**AUGUST 5, 2003**

**EXECUTIVE SESSION HELD IN THE  
EXECUTIVE CONFERENCE ROOM AT 5:30PM**

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

PRESENT: Councilors Philippon, Bernier, O'Brien, Jean, Mason, Paradis, Rousseau, and City Administrator James Bennett.

The City Council meeting was called to order by Mayor Raymond at 5:30pm in a public session.

**VOTE (231-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To enter into an executive session to discuss Labor Negotiations regarding the Fire Union contract. Passed - Vote 7-0 Session began at 5:31pm and ended at 6:17pm.

**VOTE (232-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To enter into an executive session to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0 Session began at 6:18pm and ended at 6:33pm.

**VOTE (233-2003)**

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

To enter into an executive session to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0 Session began at 6:34pm and ended at 6:42pm.

**VOTE (234-2003)**

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

To enter into an executive session to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0 Session began at 6:43pm and ended at 7:05pm.

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

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

PRESENT: Councilors Philippon, Bernier, O'Brien, Jean, Mason, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Mayor Raymond called the meeting back to order at 7:06pm.

Pledge of Allegiance to the Flag.

Moment of Silence.

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

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

**VOTE (235-2003)**

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

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL 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 (236-2003)**

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

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL 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. Councilor Mason inquired about

events that are longer than three days in duration. The City Clerk noted that the event organizers would apply for the 30-day temporary food service license.

**VOTE (237-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article I “In General”, Section 22-2 “Definitions” receive final passage by a roll call vote. Passed - Vote 7-0

**GREAT FALLS BALLOON FESTIVAL**

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

**VOTE (238-2003)**

Motion by Councilor Philippon, seconded by Councilor Jean:

To conduct a public hearing to receive citizen input and comment regarding the carnival permit application, and to grant a carnival permit to Miller Amusements for the Great Falls Balloon Festival to be held August 14, 15, 16, and 17, 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 7-0

**VOTE (239-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinance, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Railroad Park on August 14-17, 2003, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION  
IN THE AMOUNT OF \$4,500,000 FOR THE SOUTHERN GATEWAY  
DEVELOPMENT BONDS**

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 that the Joint Development Agreement has been signed, the lease with Oxford Networks and Franklin Property Trust has been signed, and the project has now started and is underway.

He noted this Bond Issue includes costs for acquisition, demolition and other related project costs. Councilor Rousseau stated that he agrees with the need for changes to the gateway areas, but he does not agree with the proposed changes if the taxpayers have to cover the bill. He said that he is uncomfortable investing \$4.5 million dollars of taxpayer money into this project.

**VOTE (240-2003)**

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

Be It Ordered that the Bond Resolution of the Municipal Officers of the City of Lewiston, Maine, regarding the authorization to issue bonds in the amount of \$4,500,000 for the Southern Gateway Development Project, and authorizing and approving the bond documents, be adopted:

Ordered, That \$4,500,000 be appropriated for financing capital improvements for the Southern Gateway Development Project;

Further Ordered, That to meet this appropriation up to \$4,500,000 shall be raised by a Public Improvement Bond Issue;

Further Ordered, That the City Council instruct the Finance Director to advertise for bids for up to \$4,500,000 Public Improvement Bonds to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, That the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

Further Ordered, That the bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

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

**ACQUISITION OF PROPERTIES AT 495-497 LISBON STREET**

Staff noted that the acquisition of these properties includes the land, the buildings and the FHP Engine business, but does not include the business known as The Shop.

**VOTE (241-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

To authorize the City Administrator to close on the purchase of properties at 495-497 Lisbon Street, for a purchase price of \$265,000.00, plus closing costs, with the funds to purchase

these properties to be allocated from the Southern Gateway Bond Issue, to approve the acquisition of the properties as defined in the Purchase and Sale Agreement, and to authorize the City Administrator to execute all documents associated with the transaction.

Passed - Vote 6-1 (Councilor Rousseau opposed)

**DISPOSITION OF CITY-OWNED PROPERTY AT 24 WALNUT STREET**

**VOTE (242-2003)**

Motion by Councilor Paradis, seconded by Councilor Mason:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 24 Walnut Street, and to execute a Real Estate Transfer Agreement to transfer the property at 24 Walnut Street to Lots to Gardens for purposes of public improvement at no cost, with the condition that Lots to Gardens shall retain the property and a revision clause that the property shall revert back to the City if the property will no longer be used as a public green space, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**DISPOSITION OF CITY-OWNED PROPERTY AT 117 GOOGIN STREET**

Motion by Councilor Paradis, seconded by Councilor Jean:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 117 Googin Street, and to sell the property at 117 Googin Street to Mr. and Mrs. Poland, subject to the condition that a 20 foot easement be granted to the City for maintenance of the sewer line and to include a condition to allow children to use the property for egress to and from Pettingill School, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Councilors had several questions regarding the actual location of this parcel, since the map was unclear regarding which parcel was specifically in question. Councilor Mason asked about putting property out for public bid and Councilor Rousseau inquired if the lot was a conforming lot. James Andrews, Director of Community and Economic Development, stated that Public Works suggested the easement for the sewer. He also noted that this lot is really an unbuildable parcel.

Motion by Councilor Mason, seconded by Councilor Jean:

To amend the motion to put the property out for public bid.

After discussion, it was determined that additional information will need to be provided on this issue.

**VOTE (243-2003)**

Motion by Councilor Bernier, seconded by Councilor Mason:

To table the proposed disposition of the city owned property at 117 Googin Street to the next Council meeting on August 19 for additional review and discussion. Passed - Vote 7-0

**DISPOSITION OF CITY-OWNED PROPERTY AT 41 LESSARD STREET**

**VOTE (244-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 41 Lessard Street, and to sell the property at 41 Lessard Street via public bid, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**DISPOSITION OF CITY-OWNED PROPERTY AT 64 NO NAME POND ROAD**

Motion by Councilor Jean, seconded by Councilor Philippon:

Be It Resolved by the City Council that the City review the request from Ms. Diane Chasse and consider the possible disposition of the property at 64 No Name Pond Road, or a portion of the lot necessary to settle the land dispute, and to direct the City Administrator to negotiate the terms with Ms. Chasse and bring the issue to the Council for final consideration.

Councilor Bernier asked if the City has had discussions with the No Name Pond Association regarding this parcel, and when staff replied that the Association has not been contacted regarding this property, she asked if the Councilors would be willing to postpone the decision on this matter until the Association has been consulted.

**VOTE (245-2003)**

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

To table the proposed disposition of the city owned property at 64 No Name Pond Road until this issue can be reviewed with the No Name Pond Association. Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (246-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

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 \$584.40, or any portion thereof, in the case of State of Maine Drug Enforcement Administration vs. Kerry Kelker, Complaint Number 01-3013C; \$411.00, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Thomas Greenlaw, DEA Case Number CE-02-0009; \$472.30, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Thomas Greenlaw, DEA Case Number CE-02-0009; \$25,956, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Sekou Williams, DEA Case Number CE-03-0010 and a 1999 Jeep Grande Cherokee, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Sekou Williams, DEA Case Number CD-03-0010. 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

**UPDATE FROM THE LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES**

No report was presented at this time.

**REPORT FROM THE SCHOOL COMMITTEE**

No report was presented at this time.

**OTHER BUSINESS**

The City Administrator briefly updated the Council on the status of the transition of the solid waste collection issue. To date, a ninety percent response has been received from the area landlords and building owners. A few received summons yesterday and today for putting trash out in front of their properties who have not registered for the trash collection program yet. However, he noted the City is confident that the pending matters will be resolved in the near future.

**EXECUTIVE SESSION**

**VOTE (247-2003)**

Motion by Councilor Jean, seconded by Councilor Philippon:

To enter into an executive session to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0 Session began at 8:00pm and ended at 8:22pm.

**VOTE (248-2003)**

Motion by Councilor Jean, second by Councilor Bernier:

To adjourn at 8:23 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine