

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 7, 2003

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

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

PRESENT: Councilors Philippon, O'Brien, Jean, Mason, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Councilor Bernier was not present.

Pledge of Allegiance to the Flag.
Moment of Silence.

AMENDMENT TO THE GENERAL ASSISTANCE POLICY

VOTE (286-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

That the maximum amounts allowed for general assistance and the maximum amounts allowed for food and housing, in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended in accordance with HUD guidelines and the current Thrifty Food Plan. Passed - Vote 6-0

REGISTRAR'S HOURS FOR THE NOVEMBER ELECTION

VOTE (287-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the State Referendum Election and Municipal Election to be held on Tuesday, November 4, 2003:

- A. That the hours for acceptance of registrations in person only, prior to the November 4th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, October 22 through November 3, 2003; and additional hours of 9:00am to 12:00noon on Saturday, November 3, 2003.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 7:00am, 10:00am, 2:00pm, 4:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 6-0

ELECTION WARRANT FOR MUNICIPAL ELECTION

VOTE (288-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

Be It Ordered by the City Council that the Election Warrant be issued for the Municipal Election to be held on Tuesday, November 4, 2003 for Mayor, seven City Council ward positions, one School Committee at large seat, and seven School Committee positions.
Passed - Vote 6-0

**APPOINTMENT OF WARDENS AND WARD CLERKS FOR THE
NOVEMBER ELECTION**

VOTE (289-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

To confirm the following appointments by the City Clerk to the positions of Election Warden and Election Ward Clerk:

- Ward 1 Lucy Bisson, warden; Monique Gagne, ward clerk
- Ward 2 AnnaRose Gosselin, warden; Claire Gagne, ward clerk
- Ward 3 Simonne Nadeau, warden; Gracia Eisman, ward clerk
- Ward 4 Jacqueline Labrecque, warden; Annette Berube, ward clerk
- Ward 5 Alvira Caron, warden; Phyllis Hodgkin, ward clerk
- Ward 6 Joan St. Hilaire, warden; Lewis Zidle, ward clerk
- Ward 7 Joan Malenfant, warden; Therese Lajoie, ward clerk
- Central Gerald Martel, warden; Claudette Martel, ward clerk

Passed - Vote 6-0

AUTHORIZATION TO ACCEPT FORFEITURE FUNDS

VOTE (290-2003)

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 ten percent of the proceeds from the sale of the property at 70 Country Club Road, Sanford, Maine, or any portion thereof, in the case of State of Maine vs. Blaine L. Gerrish, CE-02-0015 Court Records; and the transfer of \$900.00, or any portion thereof, in the case of the State of Maine vs. Patrick Thomas Callahan, CE-03-0038 Court Records. 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 6-0

TRAFFIC SCHEDULE AMENDMENT

This item was tabled from the previous Council meeting to allow time for additional material to be studied. Councilor Rousseau suggested that it is time for the City to look at all parking in the City - the loading zones, the fees charged and so forth. He noted the parking garage fees are different amounts at different municipal garages. City Administrator James Bennett agreed that the City's parking needs today are very different from 8 - 10 years ago, and said the parking schedule needs to be reviewed and updated. He suggested this could be a workshop item after the election. Mr. Bennett noted that this agenda item is an economic development related item and needs to be acted upon now rather than waiting until later for a workshop. Councilor O'Brien reminded Councilors that there are many downtown residents, such as Oak Park, Gateway and Chestnut Place, that need to have a safe and inexpensive place to keep their vehicles.

Charles Soule, 170 Bartlett Street, suggested that the Council could keep the meters in place and charge twenty five cents for two hours of parking. He said this would save Public Works time from removing the meters and still generate money for the City.

VOTE (291-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve amendments to the Traffic Schedule:

Section 32 - Parking Time Regulated, Monday through Friday, 2 Hours, 9:00am to 6:00pm, is hereby amended as follows:

CHAPEL STREET On the east side of Chapel Street between Main Street and Lowell Street

Section 8 - Parking Meters, Time Limitations, 2 Hours, is hereby amended as follows:

CHAPEL STREET ~~13 parking spaces easterly side between Main Street and Lowell Street.~~

Passed - Vote 6-0

SPECIAL AMUSEMENT PERMIT FOR CENTRAL MAINE CIVIC CENTER

The Mayor announced that it has been requested by the Fire Department that this item be postponed to the next meeting since they are still working with the owner of the Civic Center regarding additional renovations that need to be completed. It was noted that the Civic Center does not have any events scheduled between now and October 21 that would require this permit.

VOTE (292-2003)

Motion by Councilor Philippon, seconded by Councilor Rousseau:

To table this item to the Council meeting of October 21, 2003. Passed - Vote 6-0

LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR CLUB HYPNO

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

VOTE (293-2003)

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the City Clerk's Office to approve the liquor license application and special amusement permit for Club Hypno, 17 Park Street. Passed - Vote 6-0

SPECIAL AMUSEMENT PERMIT FOR ROCK N' ROBINS

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 stated that there have been problems in the past with businesses owned by the same owner, and he suggested attaching conditions to this permit, to hold the business owner more accountable for the actions of the patrons. He noted there are about thirty two incidents at this business listed in the police department log. Councilor Mason said that the conditions will not do any good unless they are follow up on by the police department.

VOTE (294-2003)

Motion by Councilor Paradis, seconded by Councilor Philippon:

To attach the following conditions, to be agreed upon with the owner, to the permit renewal for Rock n' Robins: Have additional staff on duty to assist in recognizing and removing potential problem patrons before an incident occurs especially between 8:00pm and 2:00pm; and to have staff meet with State Liquor Enforcement officers, or other applicable source deemed appropriate by the Chief of Police, to obtain awareness training for the staff to be able to recognize intoxicated patrons. Passed - Vote 6-0

VOTE (295-2003)

Motion by Councilor Mason, seconded by Councilor Jean:

To grant a Special Amusement permit for Dancing & Entertainment to Rock n' Robins, 855 Lisbon Street, with the following conditions, to be agreed upon with the owner: 1) have additional staff on duty to assist in recognizing and removing potential problem patrons before an incident occurs especially between 8:00pm and 2:00pm; and 2) to have staff meet with State Liquor Enforcement officers, or other applicable source deemed appropriate by the Chief of Police, to obtain awareness training for the staff to be able to recognize intoxicated patrons. Passed - Vote 6-0

DISPOSITION OF PROPERTY AT 32 SPRING STREET

Councilor Mason asked if the City will be giving this property away. The City Administrator explained the background for this project, noting that a new house will be built on the property by CEI and will be sold to a low income family. Some of the proceeds from the sale will be returned to the City in exchange for the lot, which will be taxable in the future.

VOTE (296-2003)

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

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to execute the Real Estate Transfer Agreement, pertaining to the transfer of the property at 32 Spring Street to Coastal Enterprises, Inc., 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 6-0

**DISCUSSION ON PROPOSED CHANGES TO ORDINANCE FOR
ROVING DINERS**

Assistant City Administrator Phil Nadeau provided the background for this item, explaining that a local resident, Steve Berry, approached the City seeking a fixed location on public property in which to set up his mobile hot dog cart. The City's current ordinance allows for roving diners, and allows the mobile food carts to set up on public property, but not to lock in and secure a location for one specific business. Mr. Berry asked if the current ordinance could be changed for allow for this, noting that a cart could establish a strong following, and work hard to cultivate a certain spot. City staff reviewed sample ordinances from other towns, and the process is handled differently in each town with a wide range of fees and procedures. The lottery system is recommended for determining which vendor will be assigned to a certain spot.

The City Administrator noted that some communities that city staff checked with, such as Boothbay Harbor and Old Orchard Beach, do not allow mobile food carts, out of fairness to the fixed businesses that pay property taxes and other fees, with the thought that the mobile food carts have low overhead and compete for the same customer base. Councilor Paradis suggested that this issue should be brought to a future workshop for additional review and discussion and other Councilors agreed.

VOTE (297-2003)

Motion by Councilor Rousseau, seconded by Councilor Mason:

To have additional review and discussion regarding this issue and to bring this to a future Council workshop. Passed - Vote 6-0

**UPDATE FROM LEWISTON MILL REDEVELOPMENT CORP
REPRESENTATIVES**

No report was presented at this time.

REPORT FROM SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

The City Administrator informed Council that the City was notified today that there are businesses in town that are selling bottled hard liquor on Sundays, and this is not permitted under state law unless the municipality votes to allow this change. This will be an item for the next Council meeting. Mr. Bennett also shared that there has not been a lost time injury in the City for the month of September. The City Clerk announced that the Municipal Candidate's Forum, hosted by the Chamber of Commerce, will be held on Thursday, October 23. Mr. Nadeau stated that the federal hearing, which will be hosted by Senator Snowe, will be held in the Council Chambers on Thursday and the City is honored to serve as the host site for the hearing.

Robert Stone, 13 Woodside Drive, addressed the Council and spoke in support of Question 1C on the November ballot. He mentioned the commercials in support of Question 1A are misleading regarding statements for property tax reduction. Mr. Stone said that Question 1A is a result of LD 1372 which does not mention a reduction in property taxes at all, it just requires the state to pay 55% of the costs of education. He said the commercials and advertising for 1A are costing thousands and thousands of dollars, and are being paid for by the Maine Municipal Association. Mr. Stone pointed out that property taxes are paid to the City and the City in turn sends in dues to MMA with the property tax revenue. He noted that as a taxpayer, he feels the City is helping to fund a misleading campaign to misinform voters, and a great deal of damage has already been done.

Councilor O'Brien said that she respects the fact that the Council allows citizens to speak at meetings and Mr. Stone is an individual in the City expressing his opinion, and noted that Mr. Stone does not always agree with the Council, and she said it would be inappropriate for the Council to take any action on this issue at all. Councilor Philippon thanked Mr. Stone for speaking and noted that he sent a detailed letter in advance to all Councilors with his comments prior to the meeting. Councilor Philippon said that if he was charged with crafting Question 1A, he would have done it differently. He pointed out that the TV ads for 1A do have a disclaimer which says that property tax changes will vary by town. The City Administrator mentioned that MMA does a lot more than just legislative advocacy for towns, noting that MMA runs the Risk Pool which has saved Lewiston thousands of dollars. Mr. Bennett also pointed out that various groups have stated that each of the campaign efforts for each of the questions - 1A, 1B and 1C - have information that is misleading for voters, and people have said that each proposal has information that is misleading and confusing. Mr. Bennett reminded the Council that with the Homestead Exemption, home owners are paying less property taxes today than they did five - six years ago.

Steven Berry, 10 Orleans Street, addressed the Council and spoke in support of the proposed changes to the roving diner ordinance. He asked about the number of spots the city was looking at for locations and said that vendors may not be at their spot each day due to weather conditions. Mr. Berry said that it would be unfair to target roving diners even though they do not pay taxes like a fixed business does. He said that the mobile food carts offer a good product and bring business to the area, and he said that if Lewiston wants to develop the downtown area, this change needs to be done. The Mayor thanked him for speaking and said the issue will be reviewed during a future workshop.

John Bennett, captain of the Salvation Army, asked if his street feeding program will be impacted, because they give food away to the local residents in need. He usually parks the vehicle by Kennedy Park because it is a convenient spot for the residents.

VOTE (298-2003)

Motion by Councilor Paradis, second by Councilor Jean:

To adjourn at 8:45P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine