

**CITY OF LEWISTON**

**CITY COUNCIL**

**NOVEMBER 18, 2003**

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

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

Pledge of Allegiance to the Flag.  
Moment of Silence.

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

Tim Williams made a brief presentation to the Council stating that the group has raised \$14,500 to date toward the Clock Tower restoration fund. The group will hold a Rock for the Clock fundraising event on January 2 with a goal of \$2,500.

**AMENDMENTS TO THE NON-DISCRIMINATION POLICY**

**VOTE (311-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the proposed amendments to the Non-Discrimination Policy, Policy Manual Number 2, as recommended by the City Administration Office. Passed - Vote 6-0

**AMENDMENT TO THE TRAFFIC SCHEDULE**

**VOTE (312-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve amendments to the Traffic Schedule for Walnut Street to change a loading zone:

Section 21 - Parking Time Regulated, 15 minutes - 8:00am to 6:00pm, is hereby amended as follows:

WALNUT STREET                    Beginning at a point 25' from the northeast corner of the intersection of Walnut Street and Pierce Street and extending easterly on Walnut Street for a distance of 40'. (2 parking spaces)

~~WALNUT STREET                    Beginning at a point 20' from the southwesterly corner of Walnut Street & Bartlett Street and extending westerly on Walnut Street a distance of 85'.~~

Passed - Vote 6-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (313-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

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 \$188.00, or any portion thereof, in the case of the State of Maine vs. Dwayne J. Anderson, CE-03-0041 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

**RESOLUTION REGARDING THE MUNICIPAL/COUNTY COLLABORATIVE PARTNERSHIP**

**VOTE (314-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To adopt the Resolution entitled Municipal/County Collaborative Partnership:

Whereas, Cities and towns in Androscoggin County and County government recognize that establishing partnerships with each other has the potential for many positive results, to include cost-saving measures; and

Whereas, As there is "*strength in numbers*", it is exciting to consider the many collaborative and visionary ways that such partnerships could be successfully undertaken throughout Androscoggin County; and

Whereas, Within Androscoggin County, ranging from business to recreation, there are vast opportunities available to residents and visitors alike, opportunities that could be maximized when working together towards the common goal of cost-effective service delivery; and

Whereas, Cities and towns of Androscoggin County and County government desire to strengthen ways in which such partnerships could enable all those involved to achieve financial savings and quality of life enhancements for citizens; and

Whereas, Androscoggin County municipalities and County government wish to join together in considering new ways of doing business for the betterment of each respective city or town, the residents therein, and the county as a whole;

Be It Therefore Resolved, that cities and towns within Androscoggin County and County government shall establish a formal process in pursuit of mutually beneficial partnerships with neighboring communities throughout Androscoggin County for the purpose of saving taxpayers money while delivering critical services.

Passed - Vote 6-0

Councilor Philippon arrived at this time.

**PUBLIC HEARING FOR A TIF DISTRICT AND DEVELOPMENT ASSISTANCE AGREEMENT WITH CENTRAL MAINE POWER**

Assistant City Administrator Greg Mitchell made a presentation and discussed the need for the CMP substation which will provide power for the Walmart Distribution Center as well as power to other lots in the area for future industrial development. Mr. Mitchell said that the substation will provide power to support future growth in the area. Councilor Mason inquired if the substation is needed as a requirement to support the Walmart project, and Mr. Mitchell stated that these projects are dependent upon each other. The City Administrator also said that this new substation could provide upgraded power to the downtown area as well. The City Administrator stated that the amount of property taxes the City will receive from CMP on this project will be used to pay the City's bonded debt from this development, so the project balances out for the City. Mr. Mitchell reminded Council that this area of the City is the number one growth area of the community.

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

**VOTE (315-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To authorize the City Administrator to execute the attached Agreement for Development Assistance and Tax Increment Financing between Central Maine Power Company and the City, and to sign any related documents which are deemed necessary for the project, to establish the Central Maine Power Company Tax Increment Financing District and to authorize the City staff to prepare and submit a tax increment financing application to the Maine Department of Economic and Community Development. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENT TO ALLOW THE TRANSFER OF CERTAIN LOTS CONTIGUOUS WITH NON-CONFORMING LOTS**

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

**VOTE (316-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

That the proposed amendments to Appendix A, Article VI "Nonconformance", Section 2, "Nonconforming Lots", of the City Zoning and Land Use Code, concerning authorization to transfer certain lots contiguous with non-conforming developed lots, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE  
AMENDMENTS TO ALLOW FITNESS AND RECREATIONAL SPORTS  
CENTERS IN THE INDUSTRIAL ZONE**

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

**VOTE (317-2003)**

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

That the proposed amendments to Appendix A, Article XI "District Regulations", Section 15, "Industrial District", subsection c "Permitted Uses", of the City Zoning and Land Use Code, concerning the addition of fitness and recreational sports centers, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE  
AMENDMENTS TO ALLOW THE SEPARATE CONVEYANCE OF ATTACHED  
PRINCIPAL STRUCTURES**

City Planner David Hediger made a brief presentation to the Council and outlined that these properties must be owner occupied and this allowance is limited to the downtown residential zone. Councilor Rousseau cautioned about not having a minimum lot size requirement for this conveyance. Councilor O'Brien asked about parking requirements for landowners with buildings. Mr. Hediger stated it is the hopes that these changes will encourage more development of downtown residential properties. Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

**VOTE (318-2003)**

Motion by Councilor Jean, seconded by Councilor Philippon:

That the proposed amendments to Appendix A, Article V "Administration and Enforcement", Section 3, "General Provisions", and Article XIII. "Development Review and Standards", Section 3 "Procedure", of the City Zoning and Land Use Code, concerning the authorization to allow the separate conveyance of attached principal residential structures , receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE  
AMENDMENTS TO THE NEIGHBORHOOD CONSERVATION A DISTRICT  
REGARDING CHILD CARE FACILITY STANDARDS**

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

**VOTE (319-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

That the proposed amendments to Appendix A, Article II “Definitions”, Section 2, “Definitions”; Article XI “District Regulations”, Section 6, “Neighborhood Conservation “A” district”, subsections c and d, “Permitted Uses” and “Conditional Uses”; and Article XII “Performance Standards”, Section 20 “Child care facility standards” of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS TO REPEAL THE RURAL ACCESS STANDARDS**

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

**VOTE (320-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendments to Appendix A, Article XII “Performance Standards”, Section 15, “Rural access standards”, of the City Zoning and Land Use Code, concerning the repeal of this section, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR A MORATORIUM ORDINANCE REGARDING THE ISSUANCE OF NEW LIQUOR LICENSES IN THE CENTREVILLE AND URBAN ENTERPRISE DISTRICTS**

City Administrator James Bennett stated that over the past few months, people have talked with him and with Councilors about the major development changes occurring downtown and expressed concerns about any new additional liquor establishments in the downtown, concerned that it might not be the correct mixture. The recommendation is to ask the Planning Board to review the current zoning regulations for the area, which have not been reviewed for quite a long time. The moratorium on new liquor licenses in the Centreville and Urban Enterprise districts will allow the Planning Board time for their review. It was noted that this moratorium does not impact existing businesses in these zones with current liquor licenses. Councilor Paradis spoke in support of this, saying it is a pro-active move that allows time to study the issue. Councilor Mason expressed concern that this change is not helping new businesses and said if a Class A restaurant wanted to open up in the downtown area, it would be a shame to require them to wait the 90 days this moratorium will require.

Councilor O’Brien said that this moratorium gives some control to the Council and noted that people do not like the heavy bar presence in the City. She said that as a Council, they spend a lot of time with problems with bars and clubs and this action is only buying 90 days to study the issue to see if there is a problem. Councilor Mason asked why this proposed moratorium is not citywide. The City Administrator stated that there is not a need for this citywide; this 90 day wait is necessary due to the changes in the downtown area with new

Class A office space available, which the City did not have in the past, and suggested the need for time to study the zoning in the area.

Mayor Raymond opened the public hearing to receive citizen input and comment.

Paul Dube of Dube's Travel on Lisbon Street spoke in favor of this moratorium, stating that there is a problem with bars in the downtown and problems with businesses being broken into by intoxicated people. He noted the problem will not be from people leaving a Class A restaurant, but from people leaving the bars and clubs.

Scott Verrault of the Gallery Bar on Lisbon Street addressed the Council and said that his business is run very responsibly and they have seen evidence from other businesses in the area that are not as responsible and he welcomes the time to review the zoning for additional study.

The Mayor then closed the hearing.

**VOTE (321-2003)**

Motion by Councilor Jean, seconded by Councilor Philippon:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Centreville and Urban Enterprises zoning districts, to be effective retroactively to November 14, 2003, receive first passage by a roll call vote.

Passed - Vote 6-1 (Councilor Mason opposed)

**VOTE (322-2003)**

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

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 6-1 (Councilor Mason opposed)

**VOTE (323-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Centreville and Urban Enterprises zoning districts, to be effective retroactively to November 14, 2003, receive final passage by a roll call vote.

Passed - Vote 6-1 (Councilor Mason opposed)

**SPECIAL AMUSEMENT PERMITS**

Councilor Paradis asked Lieutenant Harmon of the Police Department about the previous conditions attached to this permit regarding additional training for the bartenders to help recognize intoxicated patrons. Lt. Harmon stated that the liquor enforcement training from the State was eliminated in the state budget cuts and there is not a local level of training offered by the police department. It was noted that there were 34 police calls to the

Tunnel/Club H2O. Lt. Harmon said that the calls have decreased and that H2O's record has been satisfactory in the past six months. Councilor Paradis noted that the local bars should be more responsible so the police departments do not have to "babysit" their patrons on a regular basis.

Mayor Raymond opened the public hearing to receive citizen input and comment.

Raymond Beaudoin of Summit Avenue addressed the Council with his concerns regarding the business and the excessive noise after hours. He reminded the Council that this has been an on going problem. He noted that the business was closed from June to September for renovations, which is why the police calls are down. Mr. Beaudoin also pointed out that the valet parking was not established as the owner said he would implement to try to eliminate parking lot crowd noise, and also a separate exit area was supposed to be developed to eliminate after hour noise as well, and this was not done either.

Michael Berube, owner of Club H2O spoke and said that he was closed from mid-June to the end of August for renovations which were needed since he had to change his venue to not be open until 3am anymore at the previous direction of Council. He pointed out that the crowds have not warranted the valet parking service.

The Mayor then closed the hearing. Councilor Paradis suggested that the police department could offer ideas and recommendations for establishing more alcohol awareness for employees of liquor establishments.

### **VOTE (324-2003)**

Motion by Councilor Jean, seconded by Councilor Philippon:

To grant a Special Amusement Permit for Dancing and Entertainment to Club H2O, 855 Lisbon Street. Passed - Vote 6-1 (Councilor Paradis opposed)

Mayor Raymond opened the public hearing to receive citizen input and comment on the permit for The Gallery Bar. Scott Verreault of the Gallery spoke and said that he also had a condition for additional training for alcohol awareness and learned the state program was no longer operating. He recently learned about other awareness training programs and he will be sending employees to this program.

Councilor Jean mentioned a high number of calls in the police log for this business. Mr. Verreault said that his business tries to be proactive when dealing with problem patrons and said they have 5 - 7 security personnel on duty on busy nights, plus 7 bartenders to help observe if someone is over their limit. He also mentioned the bar pays for taxi rides home of patrons who should not be driving.

The City Administrator pointed out that there were 24 calls for disorderly conduct and that this is close to becoming a problem. Mr. Verreault said that they have a zero tolerance policy in the bar, if a patron gets into one fight, they are permanently banned from the bar.

The Mayor then closed the hearing. Councilor Philippon echoed Councilor Paradis' comments about welcoming ideas from the police department regarding alcohol awareness training for employees.

**VOTE (325-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

To grant a Special Amusement Permit for Dancing and Entertainment to The Gallery Theatre Bar, 347 Lisbon Street. Passed - Vote 7-0

**REFERRAL TO THE FINANCE COMMITTEE OF PROPOSED AMENDMENTS TO THE PURCHASING POLICY REGARDING LOCAL VENDOR PREFERENCE**

Councilor Paradis said that he requested this agenda item and feels that it would be a good practice to consider local vendors first when dealing with purchasing and contracts.

**VOTE (326-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

To send to the Finance Committee for their review and recommendation the proposed amendments to the Purchasing Policy, Policy Manual Number 46, regarding Local Vendor Preference. Passed - Vote 7-0

**APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE ANDROSCOGGIN MUNICIPAL/COUNTY PARTNERSHIP COLLABORATIVE**

Councilor Bernier and Councilor O'Brien suggested that Councilor Rousseau would be a good representative to this committee. Councilor Rousseau said he would be pleased to serve to represent the City.

**VOTE (327-2003)**

Motion by Councilor Philippon, seconded by Councilor Bernier:

To appoint Councilor Rousseau to serve as the City's representative to the Steering Committee for the new Androscoggin Municipal/County Partnership Collaborative program. Passed - Vote 6-0-1 (Councilor Rousseau abstained)

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

Councilor Rousseau stated that the Board met this afternoon to review and discuss the proposed exit strategy from the Mill.



**REPORT FROM THE SCHOOL COMMITTEE**

No report was presented at this time.

**OTHER BUSINESS**

Councilor Mason suggested that separate entrances for Ward 5 and Ward 7 be established at the polling place, since they are both voting in the same building.

Charles Soule, 170 Bartlett Street, said that he was disappointed to see that the Council was not supportive of receiving public comment on the Bates Mill issue and he feels his right to speak was denied.

The City Administrator reminded everyone of the December 3 municipal family meeting and the December 4 joint school and Council workshop.

A tenant of 482 Canal Street addressed the Council about his concerns that the tenants are not receiving any financial assistance from the city to help them move, since the City purchased the building. The City Administrator said that as part of the purchase, the landlord received funds to assist the tenants with their move.

Councilor Rousseau requested that maps be included in agenda packets if an item refers to something that involves a certain section of the City, such as parking changes.

**VOTE (328-2003)**

Motion by Councilor Jean, second by Councilor Mason:

To adjourn at 9:15 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine