

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 5, 2000

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

Executive Session: Motion by Councilor Bilodeau, seconded by Councilor Carignan to enter into executive session to discuss economic development and pending litigation. Session began at 6:15pm and ended at 6:45pm.

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Samson, Bilodeau, Adams, Acting City Administrator Phil Nadeau, Student Representative Karen Gagnon, and City Clerk Kathleen Montejo.

ABSENT: Councilor Jean.

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (1)

Motion by Councilor Samson, seconded by Councilor Carignan:

To dispense with the reading of the minutes of the August 15, 2000, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

STUDENT REPRESENTATIVES' REPORT TO THE COUNCIL

Student Representative Karen Gagnon updated the Council on three projects. She noted the Senior Class Community Service project which will be to work at Railroad Park to assist with landscaping efforts. Karen also commented on the Youth Council initiative and the proposed Ropes Course at the High School.

COMMITTEE APPOINTMENTS

VOTE (2)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To confirm the Mayor's nomination of Richard Albert, 192 Grove Street, to a three year term on the Water Pollution Control Authority Board, said term to expire January 2, 2002.

To confirm the Mayor's nomination of Thomas Palman, 114 Meadowview, to a five year term to the Housing/Urban Renewal Authority, said term to expire October 2005.
Passed - Vote 4-0-2 (Councilors Samson and Bernier were out of room at the time of the vote.)

PRESENTATION FROM FRANKLIN PASTURE COMMITTEE

The Council received a presentation by Mr. Thomas Delahanty, chairperson of the Franklin Pasture committee. Mr. Delahanty informed the Council of a generous donation of \$100,000 to the Franklin Pasture project. The money was donated by David Roux with the request the football field be named in his father's memory. Mr. Delahanty also informed the Council of the intent of the Franklin Pasture committee to establish a capital improvement endowment fund with the recent donation.

VOTE (3)

Motion by Councilor Samson, seconded by Councilor Gousse:

To grant the request from the Franklin Pasture Committee to name the football field within the Franklin Pasture Athletic Complex as "Don Roux Field" and to establish a Capital Improvement Trust Fund for the Franklin Pasture complex. Passed - Vote 6-0

**CODE AMENDMENT FOR NEW ZONING DISTRICTS
FOR DOWNTOWN AREA**

Mayor Tara opened the public hearing. Attorney Kim Visbaras addressed the Council on behalf of Robert Gladu, owner of the Pepperell Mill. He stated he was concerned about the impact on the Mill and their 39 business tenants. It was noted that none of the current uses of the Mill building will be excluded in the new district designation. He also commented a few administrative errors he discovered with the proposed ordinance.

VOTE (4)

Motion by Councilor Bernier, seconded by Councilor Samson:

To remove the Pepperell Mill from the proposed zoning ordinance district and requirements. Failed - Vote 3 - 4 (Mayor Tara and Councilors Gousse, Carignan and Bilodeau opposed.)

VOTE (5)

Motion by Councilor Carignan, seconded by Councilor Gousse:

To remove the following phrases from the proposed ordinance:

page 3, item 21 "and business offices"

page 5, item 23 "and business offices"

page 8, item 28 "and business offices"

page 14, item 13 "fully enclosed light industrial uses involving no exterior storage of materials"

Page 15, item 25 "and business offices"

Passed - Vote 6-0

VOTE (6)

Motion by Councilor Carignan, seconded by Councilor Samson:

That the proposed amendments to Appendix A, Article II “Definitions”, Article IV “Establishment of Districts”, Article XI “District Regulations” and Article XII “Performance Standards”, of the City Zoning and Land Use Code to adopt new zoning districts and regulations for the downtown area, receive final passage by a roll call vote.

Passed - Vote 4-3 (Councilors Bernier, Samson and Adams opposed. Mayor Tara voted to break the tie vote.)

CODE AMENDMENT FOR AFTER HOURS ENTERTAINMENT EVENTS

Mayor Tara opened the public hearing. Mary Robinson, a resident of Auburn, addressed the Council and presented the Council with a petition with 650 signatures expressing opposition to the ordinance. Ms. Robinson stated she has coordinated after hours events in Lewiston in the past and believes this ordinance will force these events “underground” and to be held illegally in an unsafe environment.

Eight residents addressed the Council in support of the ordinance. They stated concerns with the loud noise in the area of the Civic Center, where most of these events are held. Five people addressed the Council in opposition to the ordinance, stating they believe the ordinance will be too strict regarding after hours events.

VOTE (7)

Motion by Councilor Carignan, seconded by Councilor Bernier:

To table this item to allow for additional staff review and citizen input regarding the ordinance requirements. Failed - Vote 1-5 (Councilor Carignan in favor.)

VOTE (8)

Motion by Councilor Carignan, seconded by Councilor Gousse:

That the proposed amendment to the Amusements and Entertainments ordinance contained in Chapter 10, “Amusements and Entertainment”, Article VI, “After Hours Entertainment Events”, Sections 10-156 -10-169, of the City Code of Ordinances receive final passage by a roll call vote. Passed - Vote 5-1 (Councilor Samson opposed.)

PUBLIC HEARING FOR LIQUOR LICENSE FOR THE TUNNEL

Ray Beaudon of Summit Avenue addressed the Council on behalf of the neighbors of the proposed business. He noted the petition he submitted in July with 42 signatures from abutters of the business who opposed the establishment of this business due to noise

concerns and traffic safety concerns.

VOTE (9)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To authorize the City Clerk's Department to approve the liquor license for The Tunnel, 855 Lisbon Street. Passed - Vote 6-0

SPECIAL AMUSEMENT PERMIT FOR THE TUNNEL

Mr. Beaudon again addressed the Council and stated that he echos his comments from the previous item.

VOTE (10)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To grant a Special Amusement permit for Dancing and Entertainment for The Tunnel, 855 Lisbon Street. Passed - Vote 6-0

CODE AMENDMENTS FOR DEMOLITION DELAY ORDINANCE

Mayor Tara opened the public hearing. Attorney Kim Visbaras addressed the Council on behalf of Robert Gladu, owner of the Pepperell Mill. He stated concerns with the new ordinance regarding its impact on the Pepperell Mill and potential future renovations to the interior and exterior of the Mill building.

VOTE (11)

Motion by Councilor Carignan, seconded by Councilor Samson:

That the proposed amendments to Appendix A, Article XV "Significant Buildings and Districts", Sections 1-8, of the City Zoning and Land Use Code, adopting demolition delay provisions, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of September 19, 2000 for final passage. Passed - Vote 4-2 (Councilors Bernier and Samson opposed.)

CONDITIONAL REZONING AT 115 CAMPUS AVENUE

Mayor Tara opened the public hearing. A resident spoke in opposition to this rezoning request, stating concerns with parking.

VOTE (12)

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 115 Campus Avenue from the Neighborhood Conservation "A" (NCA) District to the Office-Residential (OR) District, subject to a conditional agreement and that the public hearing be continued to the meeting of September 19 for final passage. Passed - Vote 5-1 (Councilor Bernier opposed.)

OUTDOOR CONCERT PERMIT

VOTE (13)

Motion by Councilor Samson, seconded by Councilor Carignan:

To conduct a public hearing and to consider granting an outdoor concert permit to James and Tina Denis of 96 Grove Street to hold a music concert on their property on September 16, 2000 from 4:00pm to 10:00pm. Passed - Vote 6-0

PRESENTATION BY FESTIVAL DE JOIE

Lionel Guay, executive director of the Festival de Joie made a presentation to the Council regarding the relocation of the annual celebration from the Central Maine Civic Center to the Railroad Park. He noted the festival events are expanding and the location of Railroad Park would be ideal.

VOTE (14)

Motion by Councilor Samson, seconded by Councilor Carignan:

To authorize the Festival de Joie to hold their future events at Railroad Park. Passed - Vote 6-0

AMENDMENT TO RULES GOVERNING CITY COUNCIL MEETINGS

VOTE (15)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To amend the Rules to Govern the City Council to eliminate the Ordinance Committee and Street Committee as standing committees of the City Council. Passed - Vote 5-0-1 (Councilor Samson was out of the room at the time of the vote.)

LEGISLATIVE UPDATE

Acting City Administrator Phil Nadeau stated there was no update at this time.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Samson reported to the Council the school system is having a difficult time finding math and science teachers. He also noted the school committee is drafting a policy on tobacco use, is preparing for upcoming contract negotiations with the teachers union

and is developing a strategic plan for the school department.

OTHER BUSINESS

Councilor Carignan asked to have the Police Department review noise from The Cage bar, specifically loud noise from motorcycles that leave the establishment late at night.

VOTE (16)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To authorize a banner to be hung at the Lewiston pump station to promote a Harvest Fair sponsored by St. Mary's hospital. Passed- Vote 5-0-1 (Councilor Carignan abstained due to a conflict of interest.)

VOTE (17)

Motion by Councilor Adams, second by Councilor Carignan:

To adjourn at 10:08 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine