

CITY OF LEWISTON

CITY COUNCIL

MARCH 19, 2002

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, Samson, Paradis, Rousseau, Acting City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (87-2002)

Motion by Councilor Paradis, seconded by Councilor Samson:

To amend the minutes to move the section of the Council's discussion regarding the Life Safety Code amendment to the proper section in the minutes, and to insert the names of Councilor Samson and Councilor Philippon as the Councilors who moved and seconded the motion for the forfeiture of drug funds. Passed - Vote 7-0

VOTE (88-2002)

Motion by Councilor Samson, seconded by Councilor Jean:

To dispense with the reading of the minutes of the February 25, 2002 meeting and to accept and place them on file as prepared by the City Clerk. and to dispense with the reading of the minutes of the March 5, 2002, meeting and to accept and place them on file as prepared by the City Clerk and amended by the Council. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR ADOPTION OF THE
2000 LIFE SAFETY CODE ORDINANCE**

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

VOTE (89-2002)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 38 "Fire Prevention and Protection", Article 2 "Fire Prevention Code", Section 38-26 "Codes Adopted", Subsection C and D, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO THE
TRAFFIC AND VEHICLES ORDINANCE**

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

VOTE (90-2002)

Motion by Councilor Samson, seconded by Councilor Philippon:

That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Article I "In General", Section 70-2 "Definitions" receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR REZONING A PORTION OF
THE EAST SIDE OF RIVER ROAD**

Development Director Greg Mitchell made a presentation regarding the rezoning. He noted the changes are needed for the Walmart Distribution Center project and the need for the rezoning was addressed during the discussions with Walmart before they selected Lewiston as their new location. Councilor Paradis stated he has concerns and questions regarding the truck route into the Walmart facility. He stated it is a 24 hour operation with a single entrance and exit road for the delivery trucks. He stated there is a projected 450 trucks per day that will use this access road, and he is concerned about the facility's design and infrastructure layout. Mayor Raymond noted this item is just for the rezoning change, and not the building layout. Councilor Bernier noted that during the Planning Board hearing, residents inquired about a larger buffer than just the 100 foot proposed buffer. Mr. Mitchell stated that in the three public meetings of the Planning Board, it was determined that a 100 foot buffer is an adequate buffer to protect neighbors from the impact. There will be no transportation access on River Road at the request of the residents. Councilor Bernier inquired about the property tax impact, and Mr. Mitchell stated the rezoning will not effect the residential taxes, because that is based upon the use of the property.

Mayor Raymond then opened the public hearing. It was stated that the Council will accept comments during the public hearing for both this item and the next agenda item, which is related to the project.

Peter Greiner of River Road stated that he recently had his property appraised and the value decreased due to the upcoming Walmart development. He also requested that a row of trees be planted along the roadway, as a buffer for the neighbors. Roger Roberge of 299 River Road requested a 275 foot buffer rather than the 100 foot buffer, and stated he was concerned with the increased noise from the tractor trailer trucks idling all hours of the day and night. He stated this will have a very negative impact on the area. Councilor Paradis noted during the Planning Board hearing, many neighbors expressed concerns about the truck stacking issue, noise from back-up horns, engines idling, and so forth. He noted the

Planning Board is required to approve the access road and designs and is working with Walmart, but wants to see the neighbors protected. He is requesting a complete design be submitted by Walmart immediately. Mr. Mitchell stated the City is still working with Walmart on the design features. Ronella Paradis of River Road requested a 500 foot buffer for the protection of the neighbors, and stated the City is not doing enough to protect the residents who live out in this part of town, and noted the location of the Walmart facility will be destroying their neighborhood already, so the City should try to accommodate the residents with their requests.

Lorraine Roberge of River Road stated a 500 foot buffer is ideal, but a 250 foot buffer would work, and that is what was proposed during the Post Office project. She also noted there is a high number of accidents on the road, and a larger buffer would be safer. John Racine of River Road stated it is the Council's job to protect the City and they are sacrificing the ten homes in the area for the benefit of the entire City and Walmart. He stated he has researched other towns where a Walmart facility has been established in the community, and found they are not good neighbors. He wants the Council to protect the residents from the loud noise, increased traffic and other negatives, and is also requesting a 250 foot buffer. He stated he recently had his house appraised and the estimated re-sale value was zero, due to the Walmart development. He is requesting the City explore the idea of flipping the proposed development layout, to have the truck and employee access road further away from the neighbors. He believes there will be 600-680 trucks per day traveling the access road. He stated with the \$9 million dollar tax break Walmart received from the City, the City is supporting businesses and not it's own residents.

Mayor Raymond then closed the hearing. Councilor Philippon inquired about the option of increasing the buffer zone. Mr. Mitchell stated a 500 foot buffer does not open up any land for the development layout. The current zoning set back in this area is 20 feet, so the 100 feet is increasing the current set back area. The 100 foot set back protects the abutters and opens up the parcel for development.

Councilor Paradis made a motion to change the buffer area of Phase One of the project to a 200 foot buffer and set back and to require Walmart to transpose their project design to have the access road on the opposite side of the original proposal. This motion was not seconded.

Councilor Bernier inquired if Councilor Paradis brought up his idea and suggestion to the Planning Board, and he confirmed he had done so. Mr. Mitchell stated that the Development Department is working with Walmart on building design issues, and will explore this option with them. He noted that Walmart ideally needed to have 150 acres of level land for their project, and the Lewiston site offered only 41 acres and was not level, so accommodations have already been made by Walmart. Councilor Bernier asked about diesel run-off, dust and other impacts. Business Development Manager Lincoln Jeffers stated there is a meeting with EPA representatives on Wednesday night to review the environmental impact of this development, and all of these issues will be reviewed. Councilor Philippon noted that development does not come without some costs and impact, yet the Council is charged with working for the collective good and benefit of the

City and unfortunately in some cases, the minority pays a price and there is a need to find a balance. He stated that many meetings have already been held on this issue, and many additional meetings will be held. He stated the Council does not take their decisions or their roles lightly.

VOTE (91-2002)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to re-zone the property along the east side of River Road, from Alfred A. Plourde Parkway to the City Solid Waste Transfer Facility (290 River Road to 424 River Road) from the Rural Agricultural (R) District to the Industrial (I) District receive first passage by a roll call vote, and that the public hearing on said ordinance be continued to the meeting of April 2, 2002, for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS FOR ADDITIONAL STANDARDS IN THE
INDUSTRIAL DISTRICT**

Councilor Paradis stated that he believes some accommodations need to be made for the residents and is suggesting a larger buffer zone for some portion of the development. Councilor O'Brien stated that the proposed amendment will put the project in jeopardy and limits the Walmart development. She stated the 200 feet is too much and the Council needs to support the Planning Board's recommendation.

VOTE (92-2002)

Motion by Councilor Paradis, seconded by Councilor Samson:

To increase the buffer zone in Phase One of the project, from 290 River Road to the north edge of 326 River Road (to the Quaker Cemetery) to be 200 feet of a buffer and set-back.

Failed - Vote 1-6 (Councilor Paradis in favor.)

VOTE (93-2002)

Motion by Councilor Bernier, seconded by Councilor Jean:

That the proposed amendments to Appendix A, Article XI "District Regulations", Section 15, "Industrial District", subsection F2 "Additional Standards", of the City Zoning and Land Use Code, concerning the industrial zoned land on the east side of River Road, from the Alfred A. Plourde Parkway to the City of Lewiston Solid Waste Transfer Facility (290 River Road to 424 River Road), receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 2, 2002 for final passage. Passed - Vote 6-1 (Councilor Paradis opposed.)

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS FOR THE INDUSTRIAL DISTRICT**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Greg Mitchell, Development Director, noted these proposed amendments are for the entire Industrial District, not just the portion of the District along River Road.

VOTE (94-2002)

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 E "Space and Bulk Standards", and subsection F1 and 2 "Additional Standards", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 2, 2002 for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS FOR THE HIGHWAY BUSINESS DISTRICT**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Greg Mitchell, Development Director, stated these changes will support the residential use of properties in the Highway Business District.

VOTE (95-2002)

Motion by Councilor Samson, seconded by Councilor Bernier:

That the proposed amendments to Appendix A, Article XI "District Regulations", Section 12, "Highway Business District", subsection C "Permitted Uses", of the City Zoning and Land Use Code, to allow mixed-use structures involving the adaptive reuse of an existing building, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 2, 2002 for final passage. Passed - Vote 7-0

PROCLAMATION FOR MARCH OF DIMES WALK

Councilor Rousseau encouraged the Council to form a team to show support for the walk.

VOTE (96-2002)

Motion by Councilor Samson, seconded by Councilor Philippon:

To approve the Proclamation supporting the March of Dimes Walk America Millionaire Day, on Sunday, April 28, 2002. Passed - Vote 7-0

UPDATE ON PARK STREET PARKING STRUCTURE AND DESIGN

Public Works Director Chris Branch and an architect from Platz Associates presented the conceptual drawings to the Council regarding the proposed design of the Park Street parking structure, where the current municipal parking lot is located. It was noted they are working with a citizens advisory group to develop a structure that will look like a brick building and will blend in with the neighborhood. The structure will be designed to allow a clear view of the SS Peter and Paul cathedral from Lisbon Street, by the new court house building. Mayor Raymond stated this was a very innovative design and thanked them for their work and the presentation.

TEMPORARY CLOSURE OF A PORTION OF CROWLEY ROAD

Public Works Director Chris Branch stated this is an MDOT project and noted the Police Department, Fire Department and ambulance service have been notified of this closure.

VOTE (97-2002)

Motion by Councilor Philippon, seconded by Councilor Bernier:

To authorize the closure of a portion of Crowley Road beginning on or about April 15, 2002 for an approximate four month period, until the work is completed, for the maintenance work related to the Crowley Road bridge, and to authorize the posted detour to be via Old Webster Road and Old Lisbon Road. Passed - Vote 7-0

BUDGET WORKSHOP SCHEDULE

The Council decided to wait until the new City Administrator begins next week before setting the schedule for the budget workshops. The schedule will be reviewed and approved during the March 28 special Council meeting, where the budget is presented. Councilor Philippon suggested the idea of holding several Saturday sessions, rather than workshops on week nights.

LEWISTON MILL REDEVELOPMENT UPDATE

Councilor Paradis stated the LMRC Board approved their budget recently and the goal is to lessen the burden on the City's general funds and tax payer funds.

REPORT FROM SCHOOL COMMITTEE

Councilor Samson reported the School Committee passed their budget last week and have forwarded it to the City Administrator.

OTHER BUSINESS

Councilor Bernier stated the Council's recent trip to the National League of Cities conference was beneficial, and it was very clear that future federal funds will be directed to homeland security issues, and communities may be losing federal funding in other areas, such as community development and housing issues. She also stated that in speaking with other municipal leaders from around the country, she learned that some cities have suspended some of their projects that are mandated by the federal government, due to lack of funding to support the project. Councilor Bernier asked if Administration could explore the possibility of entering into an agreement with federal agencies on such issues as mandatory CSO projects, since the federal funds to support the project may not be arriving, and this would be an unfunded federal mandate.

EXECUTIVE SESSION

VOTE (98-2002)

Motion by Councilor Paradis, seconded by Councilor Jean:

To enter into executive session to discuss real estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City and to discuss a legal matter with the City Attorney.

Passed - Vote 7-0

Executive Session began at 9:15pm and ended at 9:48pm.

VOTE (99-2002)

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

To adjourn at 9:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine