

**CITY OF LEWISTON**

**CITY COUNCIL**

**APRIL 2, 2002**

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

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

PRESENT: Councilors Philippon, Bernier, Jean, Samson, Rousseau, Assistant City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.  
Moment of Silence.

**VOTE (100-2002)**

Motion by Councilor Jean, seconded by Councilor Philippon:

To dispense with the reading of the minutes of the March 19, 2002 meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0

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

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

**VOTE (101 -2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

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 final passage by a roll call vote. Passed - Vote 5-0

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

Motion by Councilor Samson, 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 final passage by a roll call vote.

Councilor Bernier made a suggestion that the Council consider an amendment to change the buffer from 100 feet to 150 feet, in the area of the Alfred A. Plourde Parkway to the Quaker Cemetery. Development Director Greg Mitchell commented on this recommendation, stating the Planning Board has reviewed the plan, and is recommending the 100 foot buffer, which is an increase of the current set back from this zone of 25 feet. Mr. Mitchell stated the Planning Board has held a number of meetings and public hearings on this issue. He noted that the facility layout needs to use as much space as possible, yet at the same time understands the need to protect the residential abutters. Mr. Mitchell stated that the Planning Board will review with Walmart the idea of changing some of their building layout, to better accommodate the neighborhood.

Mayor Raymond opened the public hearing. Mr. Roberge of River Road stated he would like to have the 100 foot buffer zone increased to at least 150 feet. Mr. Racine of River Road stated that in the public meetings, he heard from the Walmart officials that they really want to come to Lewiston. He believes their strong desire to come to Lewiston is because the City has offered them above and beyond what they normally receive and ask for from communities when they construct a facility, such as large tax incentives and so forth. Mrs. Roberge of River Road stated that she does not feel that the concerns of the resident taxpayers were taken into consideration by the Planning Board, city staff or Council when they were recruiting Walmart to come to Lewiston. She requested that the access road be moved to the other side of the plan layout, away from the residential side.

Mayor Raymond then closed the hearing. Councilor Philippon stated that he is uncomfortable making a change like this at the last minute, without input from the Planning Board, since they have studied the technical details of this plan in depth. He stated this issue is not an easy one for the Council, and he wanted the residents to know that if the Council does not vote in their favor, it does not mean that they were not heard or listened to. Councilor Jean stated that the City will instill strong restrictions to protect the neighbors and require Walmart to be a good corporate neighbor. Councilor Rousseau stated that he just read in the Sunday paper that Walmart is now one of the largest companies and most financially secure companies in the world, and he feels that if the City puts strong restrictions on them, they will be able to comply and afford them.

### **VOTE (102 -2002)**

Motion by Councilor Bernier, seconded by Councilor Samson:

To amend the proposed Ordinance Amendment to change the total buffer and setback from 100 feet to 150 feet, for the section of River Road from the Alfred A. Plourde Parkway to the Quaker Cemetery, for that side of the road (that the Walmart building will be on).

Failed - Vote - 3-2 (Councilors Bernier, Samson and Rousseau voted in favor, Councilors Philippon and Jean opposed). *(Note - Per the City Charter, all votes require a four or more vote in the affirmative in order to pass.)*

**VOTE (103 -2002)**

Motion by Councilor Rousseau, seconded by Councilor Samson:

To table this item until the next Council meeting. Failed - Vote 2-3 (Councilors Rousseau and Samson in favor; Councilors Philippon, Bernier and Jean opposed.)

The motion, as originally moved by Councilor Samson and seconded by Councilor Jean, is back on the floor for Council consideration.

**VOTE (104 -2002)**

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 final passage by a roll call vote.

Failed - Vote 2-3 (Councilors Philippon and Jean in favor; Councilors Bernier, Samson and Rousseau opposed.)

**PUBLIC HEARING AND FINAL 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.

**VOTE (105 -2002)**

Motion by Councilor Philippon, 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 final passage by a roll call vote. Passed - Vote 5-0

**PUBLIC HEARING AND FINAL 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.

**VOTE (106 -2002)**

Motion by Councilor Philippon, seconded by Councilor Samson:

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 final passage by a roll call vote. Passed - Vote 5-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE AMUSEMENTS AND ENTERTAINMENT 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 (107 -2002)**

Motion by Councilor Philippon, seconded by Councilor Rousseau:

That the proposed amendment to the City Code of Ordinances, Chapter 10 “Amusements and Entertainments”, Article VI “After Hours Entertainment Events”, Section 10-158 “License required”, and Section 10-159 “Application” receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 16, 2002 for final passage. Passed - Vote 5-0

**SPECIAL AMUSEMENT PERMIT FOR CHANCES PUB**

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

**VOTE (108 -2002)**

Motion by Councilor Samson, seconded by Councilor Rousseau:

To grant a Special Amusement Permit for Dancing and Entertainment to Chances Pub, 675 Main Street. Passed - Vote 5-0

**RECEIVE FUNDING RECOMMENDATIONS FOR CDBG PROGRAM**

Councilor Jean asked if the Council will be receiving additional information on the CDBG program. The suggestion was made to hold a Council workshop in April to review the CDBG program budget. Development Director Greg Mitchell reminded the Council that Councilor Bernier was chairperson of the committee established by Council to review the entire CDBG process and to develop recommendations, and these have been incorporated in this year’s program budget. During the May 7 public hearing, Councilors will receive additional information about the committee’s findings.

**VOTE (109 -2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

To receive the recommendation from the Planning Board for the allocation of the Community Development Block Grant program funds for the City's 28<sup>th</sup> year (2002-2003), and further that the schedule be published for a public hearing at the regular Council meeting of Tuesday, May 7, 2002. Passed - Vote 5-0

**UPDATE ON ADELPHIA CABLE RATE INCREASE**

Assistant City Administrator Phil Nadeau updated the Council on the recent rate increases for the Adelphia cable television channels and packages. He stated there is an informational meeting next week that Councilors can attend and can suggest to their constituents if they receive questions or hear concerns about the new rate increases.

**ANNUAL APPOINTMENTS TO THE RAILROAD BOARD OF DIRECTORS**

Councilor Bernier inquired about the ward representation regarding the nominees proposed by the Mayor. Mayor Raymond stated that he did not focus on ward representation as much as who the members would be and the knowledge and experience they can contribute.

**VOTE (110 -2002)**

Motion by Councilor Philippon, seconded by Councilor Rousseau:

To appoint Councilor Bernier, Councilor Samson, Gerard J. Raymond, Richard R. Albert, Greg Hanscom and Mark Pellerin to serve as proxies on the Lewiston-Auburn Railroad Board of Directors for the 2002-2003 year term. Passed - Vote 5-0

**AUTHORIZATION FOR APPROVAL OF CIRCUS AND CARNIVAL PERMITS**

**VOTE (111 -2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for a circus or carnival on behalf of the Municipal Officers, during the period April 2, 2002 through January 6, 2004. Passed - Vote 5-0

**UPDATE FROM THE MMA LEGISLATIVE POLICY COMMITTEE**

Assistant City Administrator Phil Nadeau informed the Council that the City is lobbying for the passage of two bills regarding local tax reform, that will benefit urban service center communities, such as Lewiston.

**VOTE (112 -2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To approve the Resolution regarding support of LD's 2086 and 2087, which support tax reform measures for urban service center communities. Passed - Vote 5-0

**REPORT FROM SCHOOL COMMITTEE**

Councilor Samson reported the School Committee held a joint meeting with the Planning Board to discuss future needs of the school buildings and long range planning needs. He noted the budget workshop with the School and Council is this Thursday.

**OTHER BUSINESS**

Mrs. Roberge of River Road asked for clarification on the earlier votes regarding the Industrial District zoning changes, and what impact the votes will have. Development Director Greg Mitchell stated that with the votes, the original setbacks in this zone of 25 feet are in effect, because the proposal to increase the setback to 100 feet in this section of the Industrial District, did not pass. Assistant City Administrator Phil Nadeau stated the issue will be placed on the next agenda for additional Council discussion and consideration.

**VOTE (113 -2002)**

Motion by Councilor Bernier, second by Councilor Jean:

To adjourn at 8:10 P.M. Passed - Vote 5-0

A true record, Attest:

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Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine