

# CITY OF LEWISTON

CITY COUNCIL

APRIL 16, 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, City Administrator James Bennett, Assistant City Administrator Phil Nadeau and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### VOTE (114-2002)

Motion by Councilor Philippon, seconded by Councilor Rousseau:

To dispense with the reading of the minutes of the March 28, April 2, April 4 and April 9, 2002, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 7-0

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

City Administrator Jim Bennett stated the Council is trying to balance economic development needs with citizen needs. He noted that the Development Department is working to try to move the access road to create a larger buffer area. The City is not able to have Walmart confirm the final design details at this time, but they are committed to working with the City to make this project work. The Administrator's recommendation is to adopt the proposal as presented, which includes the 100 foot buffer, to allow the project to move forward and to work with Walmart during the design stages to move toward the 150 foot area as requested by the residents.

Mayor Raymond opened the public hearing at this time for residents to offer comments on this issue, yet asked only for remarks that offer new information for the Councilors, since this issue has been through several public hearings already with the Council and Planning Board.

Lorraine Roberge of 299 River Road asked about zoning issues regarding her property and the desire to possibly sell her home in the future, but retain the property that the business is located on. She stated that she asked the City Planner about this option, and he informed her that with current zoning, she is unable to divide her property. She asked to have this explored, as an additional protection for the neighbors. Roger Roberge of 229 River Road stated that he does not have any confidence in what Walmart is pledging to now. They are

a large corporation who will do what is required by law and not any more, because any extras will cut into their revenues. He stated that he would bet that none of the current Councilors would be interested in buying his property right now, knowing that Walmart is going to be located there, and with only a 100 foot buffer zone.

Councilor Paradis inquired about having the City plant a row of trees along the street to provide a natural buffer zone. He also stated that he would encourage the Council to explore expanding the buffer to 150 feet, to protect the neighbors. He reminded Councilors that the Council has a responsibility to bring new business to town without hurting the residents. He noted that the East Street development project is an excellent example of business developers and residents working together to find a compromise. He cautioned the Walmart project will have more problems in the future.

**VOTE (115-2002)**

Motion by Councilor Paradis, second by Councilor Rousseau:

To amend the proposed Code amendment to increase the set-back/buffer zone from 100 feet to 150 feet in the area of River Road from the Alfred A. Plourde Parkway to the Quaker Cemetery. Motion Failed - Vote 2-5  
(Councilors Paradis and Rousseau in favor, others opposed.)

**VOTE (116-2002)**

Motion by Councilor Philippon, second 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.  
Passed - Vote 6-1 (Councilor Paradis opposed.)

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO  
THE AMUSEMENTS AND ENTERTAINMENTS 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 (117-2002)**

Motion by Councilor Jean, second by Councilor Samson:

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO  
THE ADMINISTRATIVE CODE REGARDING THE MAYOR'S DOWNTOWN  
RENAISSANCE ADVISORY BOARD**

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

Business Development Manager Lincoln Jeffers suggested an amendment to insert the phrase "at least" before the language "15 members", to allow the Mayor and Council the opportunity to appoint more than fifteen members, should there be that many interested citizens who want to participate on this committee. Mr. Jeffers stated that currently there is one vacancy, yet he has two very interested candidates, and would love to have both participate on the committee.

**VOTE (118-2002)**

Motion by Councilor Philippon, second by Councilor Rousseau:

To insert the phrase "at least" before the reference to "fifteen members". Passed - Vote 7-0

**VOTE (119-2002)**

Motion by Councilor Samson, second by Councilor Philippon:

That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Article IV "Boards, Commissions, Committees and Bureaus", Division 7 "Mayor's Downtown Renaissance Advisory Board" Sections 2-231 through 2-235, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of May 7, 2002 for final passage. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMITS**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Councilor Bernier inquired about the close proximity of the bar to the area residential properties, and cautioned about future problems with noise. Cheryl Golek, the new owner, stated that she is not proposing to do any thing different in this location that has not already been done, except to have less billiard tables. Councilor Jean stated this is in his ward, and he has not received any complaints from neighbors and this is an existing business that Ms. Golek is taking over. Ms. Golek stated she will be having the same hours as the previous business, and noted that Hannaford Brothers is across the street, which creates vehicle noise, lights, etc.

**VOTE (120-2002)**

Motion by Councilor Samson, second by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license and special amusement permit for dancing and entertainment for CJ's Sport Pub, 703 Sabattus Street.  
Passed - Vote 7-0

Mayor Raymond opened the public hearing for the next special amusement permit applicant. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Councilor Samson inquired about the high number of police calls to this address. Delores LeBlanc, manager of the bar, stated that the bar is located in a rough neighborhood and there are a lot of police calls to the neighborhood. She stated the bar allows area residents to use their phone to call police in an emergency.

**VOTE (121-2002)**

Motion by Councilor Rousseau, second by Councilor Jean:

To grant a Special Amusement Permit for Dancing and Entertainment to Del's Bar & Grill, Inc., 43 Walnut Street. Passed - Vote 7-0

**DISPOSITION OF CITY-OWNED PROPERTY IN THE MAPLE, KNOX AND BATES STREETS AREA**

Community Development Director James Andrews made a presentation to Council regarding the housing project that will be developed in partnership with Community Concepts. The project will consist of 16 townhouse style units, fully taxable and will be a mixture of rental properties and home ownership properties.

**VOTE (122-2002)**

Motion by Councilor Samson, second by Councilor Jean:

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 properties at 56, 57, 60, 63 and 64 Maple Street and 77 Knox Street to Community Concepts, 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 accomplishment of such transaction. Passed - Vote 7-0

**ORDER FOR SPECIAL MUNICIPAL ELECTION ON JUNE 11, 2002**

**VOTE (123-2002)**

Motion by Councilor Samson, second by Councilor Philippon:

Be It Ordered by the City Council that a Special Municipal Election for Ward Three shall be held on Tuesday, June 11, 2002 for one School Committee member. Passed - Vote 7-0

**PRESENTATION ON THE RECENT MIGRATION OF SOMALI IMMIGRANTS INTO LEWISTON**

City Administrator James Bennett made a brief presentation to the Council regarding the recent migration of Somali immigrants to Lewiston. He stated that Assistant City Administrator Phil Nadeau is the contact person for the City regarding all immigrant issues. Mr. Bennett outlined three key items during his presentation. First, he stated the

community needs to be part of the process to create the best opportunity for the new residents to be economically independent as soon as possible. Secondly, he noted that the City's response regarding addressing the issues and needs of our new residents is no different than what the response and services would be for any new residents to Lewiston, who were eligible for services and assistance. Finally, the City will see an impact in the municipal budget. There is no way to increase the delivery of services that are needed, and keep the cost the same or less than last year. The General Assistance budget has grown, but the City is actively working to lower the amount of temporary financial assistance needed by new residents. Mr. Bennett noted the school demands are high in both the English as a Second Language program and Adult Education programs. He noted the City established a program last summer for translation services for customers and this is working well. Lewiston city officials have not had a chance to discuss this impact with Auburn or other area towns, but this is a next step.

Mayor Raymond opened the floor for public comment. Julie Tosko representing Mainers for Immigration Reform spoke to the Council and suggested the need to work with the State to make immigrant services more difficult to receive, to try to limit the number of immigrants to Maine.

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

No report was offered at this time.

**UPDATE FROM THE SCHOOL COMMITTEE**

No report was offered at this time.

**OTHER BUSINESS**

Councilor Paradis offered a motion to have the City start planting trees along the River Road area of the Walmart development to protect the neighbors. The Administrator stated the City will explore the costs and have the information available for the next Council meeting. Councilor Paradis withdrew his motion.

State Representative William Cote presented a US flag to the City, this flag flew over the State House on April 5, 2002.

**VOTE (124-2002)**

Motion by Councilor Jean, second by Councilor Paradis:

To adjourn at 9:17 P.M. Passed - Vote 7-0

A true record, Attest:

---

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine