

CITY OF LEWISTON

CITY COUNCIL

MAY 7, 2002

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

COUNCIL PRESIDENT RENEE BERNIER, PRESIDING.

PRESENT: Councilors Philippon, 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 (125-2002)

Motion by Councilor Jean, seconded by Councilor Samson:

To dispense with the reading of the minutes of the April 11, 16, 18, 22, 23, 25 and 30, 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 AMENDMENT TO CODE REGARDING MAYOR'S DOWNTOWN RENAISSANCE ADVISORY BOARD

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (126-2002)

Motion by Councilor Philippon, second by Councilor Rousseau:

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

PUBLIC HEARING ON THE 2002-2003 FISCAL YEAR COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET AND ADOPTION OF PROGRAM

VOTE (127-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To conduct a public hearing to receive public comments on the proposed CDBG FY 2002-2003 program budget. Passed - Vote 7-0

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

Councilor Paradis suggested moving \$50,000 from the Lewiston Mill Redevelopment Corporation allotment to the Downtown Advisory Board, to be used for items to spruce up the downtown area such as benches, planters, trees, lighting and other upgrades to the area. Councilor Rousseau agreed with the suggestion and mentioned the City has spent four million dollars in the past ten years from the CDBG budget for the Bates Mill project. It was noted that the proposed upgrades for the downtown area are exactly what the CDBG funds should be used for, and this is an ideal community development project. Councilor Rousseau stated that Lisbon Street could be viewed as an entry way into the Bates Mill development area, and therefore should have some improved green space areas. Councilor Samson noted that the DAB upgrades should focus the funds from Chestnut Street to Adams Street.

VOTE (128-2002)

Motion by Councilor Paradis, second by Councilor Samson:

To amend the schedule of funds for the 2002-2003 CDBG budget to transfer \$50,000 from the Lewiston Mill Redevelopment Corporation (LMRC) budget line item to the Downtown Advisory Board (DAB) budget line item, for expenses such as benches, planters and other upgrades needed for the downtown area. Passed - Vote 7-0

VOTE (129-2002)

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

To adopt the following schedule of funds, as amended, for the 2002-2003 CDBG budget as recommended by the Planning Board and the Community Development Block Grant Committee.

PUBLIC SERVICE AGENCIES

Abused Women's Advocacy Project (A.W.A.P.)	\$ 7,312
Advocates for Children/Parent Resource Center	2,285
Advocates for Children/Healthy Families	2,285
AIDS Coalition of Lewiston	0
American Red Cross Disaster Services	3,656
Androscoggin Head Start/Childhood Enrichment	61,238
Androscoggin Home Health/Lewiston Home Care	13,255
Catholic Charities of Maine/Fellowship House	3,656
Catholic Charities of Maine/S.E.A.R.C.H.	4,570
Center for Community Dental Health	0
Child Health Center/Big Brothers/Big Sisters of Androscoggin County	1,371
Child Health Center/Big Brothers/Big Sisters Mentoring Program	1,371
Child Health Center/Kid's Korner	2,399

PUBLIC SERVICE AGENCIES CONT'D

Common Ties Mental Health Coalition	914
Hope Haven Emergency Shelter	3,656
LA Arts	8,226
Lewiston Auburn Transit Committee (LATC) ADA Complementary	0
Literacy Volunteers	1,371
Maine Rural Worker's Coalition	0
MPC After School Program	13,710
MPC Summer Program	0
Norwich House	10,968
Pathways Day Care	13,710
Pathways Workplace	10,054
Pathways Extended Employment	4,570
Salvation Army	0
St. Martin de Porres Residence	6,855
Sand Castle Pre-School	0
Sexual Assault Crisis Center	1,828
Tri-County Mental Health Services	2,742
Trinity Episcopal Church Meals Program	8,226
Y.W.C.A. Intervention	3,656
SUBTOTAL	\$193,884

ECONOMIC DEVELOPMENT

50/50 Commercial Rehab Program	0
Downtown Improvement Program	200,000
LAEGC	75,000
Bates Mill Redevelopment	275,000
Lew/Aub Transit Committee - Fixed Route Bus Replacement	32,000
SUBTOTAL	\$582,000

HOUSING REHAB

Code Enforcement	18,551
Housing Rehabilitation Loan Program	200,000
Rehab Office	56,472
SUBTOTAL	\$275,023

NEIGHBORHOOD IMPROVEMENTS

Acquisition/Demolition	\$ 0
Downtown Advisory Board (DAB)	50,000
Housing Sub-Committee - SOCHS Housing Initiative	0
Neighborhood Improvement Projects	0
LPD-Enhanced Neighborhood Policing (ENP)	8,000
Housing Sub-Committee - Community Center	0
Lewiston Housing Authority - Community Center	0
Public Works - Downtown Street Rehab	0
Public Works - Sidewalk Rehab/Handicap Ramp	0
Public Works - Lisbon St. Walkway/Park St. Esplanade	0
Public Works - Upgrade of Lisbon St Crosswalks	0
Public Works - Bates, Middle & Park St. Sidewalk Imp.	0
Public Works - Canal Street Improvements	0
Sisters of Charity Health System/Lots to Gardens	7,000
SUBTOTAL	\$ 65,000

PARKS AND RECREATION

Teen Drop-In Program	0
Pierce Street Park Upgrade	0
Kennedy Park Upgrade/Basketball court retaining wall	0
SUBTOTAL	\$ 0

ADMINISTRATION & PLANNING

Community Development Office Administration	\$ 221,093
SUBTOTAL	\$ 221,093

TOTAL OF ALL PROGRAMS **\$ 1,337,000**

Passed - Vote 7-0

VOTE (130-2002)

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

To authorize the submission of the program to the Department of Housing and Urban Development. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR REZONING PROPERTIES AT
660-724 MAIN STREET TO THE MAINE CENTRAL RAILROAD**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. City Planner James Lysen noted this amendment will allow an existing business to expand and that no opposition was presented during the Planning Board public hearing.

VOTE (131-2002)

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

That the proposed amendment to re-zone the properties on the west side of Main Street, from 660-724 Main Street, west to the Maine Central Railroad, from the Community Business (CB) District to the Highway Business (HB) District receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of May 21, 2002 for final passage. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE AND SPECIAL AMUSEMENT
PERMIT FOR HIP HOP CONNECTION**

Council President Bernier opened the public hearing. Michael Berube, co-owner of the Hip Hop Connection, stated that this new business will be a room off of The Tunnel, which is an existing business with a liquor license. He will be eliminating smoking in the Tunnel and will be allowing it in the new business. He will have a separate bar in the Hip Hop Connection and therefore needs approval for the liquor license. Council President Bernier then closed the hearing.

VOTE (132-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application and special amusement permit for dancing and entertainment for Hip Hop Connection, Inc., 855 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR
SCHEMENGEES BILLIARDS**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (133-2002)

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

To grant a Special Amusement Permit for Dancing and Entertainment to Schemengees Billiards, 15 Lincoln Street. Passed - Vote 7-0

**PUBLIC HEARING TO APPROVE AN OUTDOOR CONCERT SERIES
ON CITY PROPERTY**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Councilors thanked Richard Willing of L/A Arts for their work in holding the outdoor summer concerts for residents. The City Administrator noted that the first few concerts will be held in the courtyard at Bates Mill, where there are 1100 people employed who can enjoy the concerts during their lunch hours.

VOTE (134-2002)

Motion by Councilor Philippon, second by Councilor Samson:

To authorize the permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the noon-time outdoor summer concert series. Passed - Vote 7-0

**REVISIONS TO PROPERTY TRANSFER AGREEMENT FOR
84 LISBON STREET**

Lincoln Jeffers, Business Development Manager, noted that the capital campaign for renovations to the L/A Arts building is well underway.

VOTE (135-2002)

Motion by Councilor Samson, second by Councilor Philippon:

That the City of Lewiston be and hereby is authorized to release to L/A Arts it's right-of-first-refusal and option as previously reserved to the City in it's deed to L/A Arts in September, 2001, and that the City Administrator be and hereby is authorized to make, execute and deliver to L/A Arts a release deed, approved by the City Attorney, to effectuate the foregoing, upon execution of a bank loan to L/A Arts for renovations to 84 Lisbon Street. Passed - Vote 7-0

APPOINTMENT TO THE DOWNTOWN ADVISORY BOARD

VOTE (136-2002)

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

To confirm the Mayor's appointment of Chad Braswell of 38 Davis Street and Linda Hertell of Auburn, to the Downtown Advisory Board for three year terms each, said terms to begin June 6, 2002 and to expire June 6, 2005. Passed - Vote 7-0

PRESENTATION REGARDING THE BIKE & PEDESTRIAN PATH MULTI-USE TRAIL PROJECT FROM FRANKLIN PASTURE TO RAILROAD PARK

Public Works Director Chris Branch and the City's project consultant made a presentation to Council regarding the design plans for the Bike and Pedestrian Path project. They noted that the Planning Board and a community organization called L/A Trails are in full support of the proposal. Councilor Bernier suggested that a presentation be made to the Railroad Board since part of the path will involve railroad park and the railroad trestle. The City Administrator urged consistency in the style and selection of items such as street lighting and sidewalk design, to ensure continuity between different sections of the City.

ADOPTION OF CITY POLICY REGARDING THE COMMERCIAL LOAN GUIDELINES

Community Development Director James Andrews noted the policies being repealed will not eliminate those programs, but will just delete the separate polices. The Council action requested is housekeeping in nature and is to create one complete policy that will describe the various loan programs available for businesses. Councilor Bernier noted the Council's subcommittee on Housing and the Loan Qualification Committee are in support of these changes.

VOTE (137-2002)

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

To repeal the Downtown Facade Improvement Program Policy (Policy Number 27), the Loan Program Guidelines (Policy Number 40) and the Downtown Elevator Grant Program (Policy Number 75), and to adopt and establish the Commercial Program Guidelines, Policy Number 27. Passed - Vote 7-0

ADOPTION OF CITY POLICY REGARDING THE HOUSING LOAN GUIDELINES

Councilor Bernier noted the Council's subcommittee on Housing and the Loan Qualification Committee are in support of these changes.

VOTE (138-2002)

Motion by Councilor Samson, second by Councilor Jean:

To adopt and establish the Housing Program Guidelines, City Policy Number 40. Passed - Vote 7-0

PROPOSED AMENDMENTS TO THE PERSONNEL POLICIES REGARDING AN ANTI-NEPOTISM POLICY AND AN EMPLOYEE OF THE YEAR PROGRAM

City Administrator James Bennett discussed the proposed policies and noted this will be discussed more in depth during a future Council workshop. He stated the anti-nepotism policy is a standard policy that most places of employment have, especially governmental

agencies. He said it is good personnel practice and a preventative measure for future situations of employment, but will not drastically change the work environment for current employees. The employee of the year program will be used to annually recognize one employee who excels in their position with their positive attitude and motivation.

AWARD CONTRACT FOR FINANCIAL AUDITING SERVICES

It was noted by the Finance Director that this firm has a proven record with the City, in addition to being the lowest bidder.

VOTE (139-2002)

Motion by Councilor Rousseau, second by Councilor Jean :

To act upon the recommendation of the Finance Committee that the three year contract to provide the City with Financial Auditing Services be awarded to Runyon, Kersteen & Ouellette of South Portland, Maine based upon their proposal and a three year contract price of \$140,300. Passed - Vote 7-0

REFERRAL TO PLANNING BOARD REGARDING REZONING REQUEST FOR THE PROPERTIES AT 131-267 CROWLEY ROAD

Deputy Development Director Gil Arsenault stated the Planning Board issued a negative recommendation regarding this rezoning request, and this Council action would refer the matter back to the Planning Board to work with the applicant to seek additional options. He noted that a conditional use permit for this location is not an option due to conflicts with the Comprehensive Plan. Councilor Bernier stated she spoke with the applicant about this issue, and he is aware of the reasons the Planning Board is recommending this not be approved. The City Administrator stated this situation is a classic scenario of public policy - economic development issues versus citizen protection issues.

VOTE (140-2002)

Motion by Councilor Jean, second by Councilor Philippon:

To refer back to the Planning Board the request for rezoning of 131-267 Crowley Road from the Office Service (OS) District to the Rural Agricultural (R) District.
Passed - Vote 5-2 (Councilors Bernier and Rousseau opposed.)

UPDATE ON PROPOSED PLAN FOR TREE PLANTING ALONG A PORTION OF THE RIVER ROAD

City Administrator James Bennett reviewed with Council the proposal submitted by the Public Works Department. The plan submitted is a preliminary plan and Councilor Paradis would like cost estimates for the tree planting to cover a larger section of River Road. Public Works will update the plan and present it at the next Council meeting.

UPDATE FROM THE SCHOOL COMMITTEE

Councilor Samson stated that he was not able to attend the recent School Committee, and therefore does not have an update for this evening.

OTHER BUSINESS

Assistant City Administrator Phil Nadeau reminded Councilors about the Community Input meeting regarding the recent Somali immigration issue. The meeting is May 14 at 6:30pm at the Armory.

VOTE (141-2002)

Motion by Councilor Rousseau, second by Councilor Samson:

To enter into an 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 Pending Litigation with the City Attorney.

Passed - Vote 7-0

VOTE (142-2002)

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

To adjourn at 9:40 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine