

# CITY OF LEWISTON

**CITY COUNCIL**

**JUNE 18, 2002**

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

COUNCIL PRESIDENT RENEE BERNIER, PRESIDING.

PRESENT: Councilors Philippon, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

Council President Bernier presented a Proclamation to Donald W. Harward, President of Bates College, honoring his strong devotion to the community and recognizing his retirement at the end of this month.

### **VOTE (188-2002)**

Motion by Councilor Philippon, second by Councilor Rousseau:

To dispense with the reading of the minutes of the May 28, 2002 meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

### **PUBLIC HEARING AND FINAL PASSAGE FOR REZONING PROPERTIES FROM ALFRED A. PLOURDE PARKWAY TO APPLE ROAD**

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

### **VOTE (189-2002)**

Motion by Councilor Philippon, second by Councilor Rousseau:

That the proposed amendment to re-zone the properties from the Maine Turnpike south to and including the Central Maine Power right-of-way; from the Alfred A. Plourde Parkway east to the centerline of Apple Road; and including a portion of 135 Apple Road, from the Industrial (I) District to the Urban Enterprise (UE) District, receive final passage by a roll call vote. Passed - Vote 6-0

### **PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 199 CROWLEY ROAD**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the public hearing. City Planner Jim Lysen stated this conditional rezoning agreement is a result of a resolution received by the Planning Board and the applicant regarding the allowed uses on his property.

**VOTE (190-2002)**

Motion by Councilor Rousseau, second by Councilor Samson:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 199 Crowley Road, from the Office Service (OS) District to the Urban Enterprise (UE) District, subject to a conditional agreement, and that the public hearing on said ordinance be continued to the meeting of July 9, 2002 for final passage. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE FOR PROPOSED INCREASE IN LICENSING FEES**

Motion by Councilor Jean, second by Councilor Philippon:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article II “Licenses”, Section 22-46 “Schedule of Fees” receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 20, 2002 for final passage.

Council President Bernier opened the public hearing.

Vincent DePaulo of the Treasure Chest III adult book store spoke against the high increase in fees for the adult amusement devices. He noted he currently pays \$600 per year and the proposed increase will have him paying \$3000 per year. He stated it is against federal law to set license fees too high to license a business out-of-business and force it to close due to high license fees.

Michael Miller, owner of the Blue Goose, stated the proposed increase for Class A Lounge licenses from \$1500 to \$1800 per year is an outrageous fee, an increase of 20 percent. He noted that other businesses that are similar, but sell more food than alcohol, such as Margarita’s pays only \$300 per year in license fees, compared to his \$1500. He stated his business is physically much smaller than Margarita’s Restaurant, yet he pays much more per year.

Ken Daigle, owner of Little Joe’s, addressed the Council with similar concerns that Mr. Miller has about the high fees for bars as opposed to restaurant licenses. He noted his business is quiet and does not cause a problem. He stated the police have needed to response to his business only five times in the past five years. Mr. Daigle said his liability insurance has increased dramatically since September 11, and the City should be supportive and understanding for small, local business owners.

Brenda Lavoie, owner of The Bird/Toucan Lounge, stated the fees are much too high and she is paying a lot in fees and not receiving much in city services in exchange for the high fees.

Council President Bernier then closed the public hearing. Councilor Bernier asked why the City is looking to increase the fees for business licensing and the City Administrator noted that a category in the budget that the Council just adopted included a section for additional revenues from city licenses and permits, rather than increasing residential property taxes. The Administrator stated there are two ways to determine licensing fees - the cost of administrating services needed for the license such as inspections, background investigations and so forth, and the other factor is what similar communities are charging for the same license to compare if the Lewiston tax payers are paying more in taxes than is normally paid by a fee service in other towns. The Administrator noted it is a policy decision for the Council.

**VOTE (191-2002)**

Motion by Councilor Samson, second by Councilor Jean:

To table this issue until additional information is obtained and available to the Council.

Motion did not pass. Vote - 3-3 (Councilors Jean, Bernier and Samson in favor; Councilors Philippon, Paradis and Rousseau opposed.)

Councilor Paradis suggested the item be discussed more in detail at a future workshop.

**VOTE (192-2002)**

Motion by Councilor Bernier, second by Councilor Paradis:

To table this issue and bring it forth at the next Council workshop on June 25 for additional review and discussion. Passed - Vote 5-1 (Councilor Philippon opposed.)

**DISCUSSION OF A REQUEST TO CONSIDER THE CLOSURE OF  
NELKE PLACE**

Councilor Philippon has requested that the City close off Nelke Place, at the intersection with Russell Street, making it a dead-end street. Councilor Philippon has met with the residents of Nelke Place and they are unanimous in their request regarding the closure of this street. The residents are concerned that after the completion of the Russell Street overpass, this intersection (the only one on Russell St between College St and Main St) will become more hazardous due to the increased traffic and speed of vehicles. Councilor Philippon and the residents have noted this is a short, quiet, residential street that is not designed to accommodate thru traffic. This issue will be brought before Council during a future Council meeting for final action.

**DISCUSSION OF A REQUEST TO ADJUST THE HOURS OF OPERATION AT  
THE SOLID WASTE FACILITY**

The Department of Public Works is recommending a change in the hours of operation at the Solid Waste Facility. The current hours are Monday - Friday, 7:00am to 4:00pm and Saturdays from 8:00am to 12noon. The recommendation is to close one hour earlier, at

3:00pm, during the weekday hours. The Saturday hours will remain the same. An average of eight customers per day use the Facility between the hours of 3:00pm and 4:00pm, compared to over 100 customers during an entire day. A change in the operating hours will have minimal impact on the customers, will allow for a reduction in overtime expenses, and enhanced coverage for improved regulatory compliance. The change in operating hours is not an issue that requires Council approval, yet the Administrator requested this item be placed on the agenda as a discussion item in order to allow for Council input, prior to the change taking place.

**CHANGE OF DATE FOR THE JULY COUNCIL MEETING**

**VOTE (193-2002)**

Motion by Councilor Rousseau, second by Councilor Paradis:

To set the July Council meeting date as Tuesday, July 9, rather than July 16.

Passed - Vote 6-0

**REPORT FROM THE SCHOOL COMMITTEE**

No report was presented at this time.

**OTHER BUSINESS**

Public Works Director Chris Branch reported that the first set of new street lights on Lisbon Street were installed today.

**VOTE (194-2002)**

Motion by Councilor Jean, second by Councilor Rousseau:

To adjourn at 8:15 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine