

CITY OF LEWISTON

CITY COUNCIL

MARCH 2, 1999

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Kelly, Carignan, Albert, Bilodeau, Putnam, City Administrator Robert J. Mulready, Student Representatives Karen Gagnon & Johanna Mathieu and City Clerk Kathleen Montejo

ABSENT: Councilors Lynch and Samson.

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (1)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To dispense with the reading of the minutes of the February 16, 1999, meeting and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 4-0-1 Councilor Putnam abstained.

PUBLIC HEARING ON AN ORDINANCE AMENDMENT PERTAINING TO WINTER NIGHTTIME PARKING

The ordinance amendment pertaining to winter nighttime parking having had its first reading at the meeting of February 16th, received its second reading at this time.

VOTE (2)

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

That the ordinance amendment pertaining to the winter nighttime parking ban receive final passage by a ye or nay vote. Passed - Vote 5-0

HUMAN RESOURCES CODE AMENDMENT

A motion was made by Councilor Bilodeau, and seconded by Councilor Albert to place the item on the floor for discussion and consideration.

Councilor Putnam noted the Ordinance Committee was unable to

meet this evening to review the proposed amendments. It was suggested this item be continued to the next meeting to allow the Ordinance Committee a chance to meet and review the suggested changes.

VOTE (3)

Motion by Councilor Kelly, seconded by Councilor Bilodeau:

To continue, until the March 16th council meeting, the public hearing and first passage on an amendment pertaining to the name change to "human resources". Passed - Vote 5-0

POLICY MANUAL AMENDMENTS

VOTE (4)

Motion by Councilor Kelly, seconded by Councilor Bilodeau:

To table, to a future council meeting, the Policy Manual amendments for the name change from "personnel" to "human resources". Passed - Vote 5-0

PUBLIC HEARING ON THE FY2000 CAPITAL IMPROVEMENT PROGRAM

Finance Director Dick Metivier presented the LCIP to the Council and reviewed the requests from each department. He reminded the Council this is a planning document required by the City Charter each year for planning and projection purposes to schedule large projects. Councilor Bilodeau inquired about the status of the Police Department grant for laptop computers in cruisers allowing patrol officers to access information quickly. Councilor Kelly asked about the street maintenance and re-surfacing schedules. Councilor Bilodeau also inquired about work for the combined sewer overflows (CSOs). Student Members Gagnon and Mathieu asked about the possibility of paving the high school parking lot.

VOTE (5)

Motion by Councilor Bilodeau, seconded by Councilor Albert:

That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby adopts the 2000 Capital Improvement Program, as prepared by the City Administrator. Passed - Vote 5-0

**PUBLIC HEARING ON THE REALLOCATION OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

Maggie Chisholm, Recreation Director, updated the Council on the work of the Teen Drop-In Center. The program serves about 15-35 kids at any one time. Ms. Chisholm has seen a turnaround in many of the kids who participate in the program, the kids are making great improvements as a result of the impact of this program. The requested transfer of funds will provide for four staff program supervisors and allow the program to operate until mid-June. Many Councilors complimented the work of the program. The Mayor inquired about increasing the program for additional hours of operation, beyond the current request for increased hours.

VOTE (6)

Motion by Councilor Bilodeau, seconded by Councilor Kelly:

ORDERED, That upon recommendation of the Community Development Director and Finance Director, this City Council hereby approves a transfer of \$1,503.76 from the Kennedy Park Pool account, #51520-5131002, to the Teen Drop-In Program account, #51554-4011000 and \$8,419.00 from the CDBG Administration Contingency account, #51552-5199000, to the Teen Drop-In Program account #51554-4011000.
Passed - Vote 5-0

HEARING ON AN APPEAL FOR A DENIAL OF A TAXI DRIVER'S LICENSE

Mr. Kenneth Parker requested a hearing before the City Council to ask the Council to consider his request to overturn the denial of his taxi driver's license and to re-issue his license. The Police Chief reviewed with the Council the court findings regarding Mr. Parker's case and explained the City Code requires the denial of a taxi application if the applicant is convicted of a crime. The Chief noted that Mr. Parker's involvement was while he was operating a vehicle. Mr. Parker stated he was not fully aware of the crime at the time it was taking place. He noted that people make mistakes and this was one mistake he made, and wonders why he needs to be punished by losing his taxi operator's license.

June Fuller, a former co-worker of Mr. Parker's, addressed the Council on behalf of Mr. Parker. She stated he is a good employee who never received complaints from his customers.

VOTE (7)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To accept the staff's finding, but to hold the application in

abeyance to take effect if the applicant is convicted of any criminal wrong doing in the future. Failed - Vote 2-3. Councilors Kelly, Albert and Putnam opposed.

Councilor Carignan stressed his support for the staff's decision and recognizes that Mr. Parker's actions were wrong. He stated he is attempting to find a middle ground to allow Mr. Parker to still work, while not forgetting his actions were wrong. Councilor Kelly reminded the Council about the need to protect the public safety and to recognize that the City Code has been established to address issues of this nature. Councilor Bilodeau concurred.

VOTE (8)

Motion by Councilor Putnam, seconded by Councilor Kelly:

That the City Council uphold the decision of the Police Department and City Clerk regarding the denial of Mr. Kenneth Parker's taxi driver application due to the following findings of fact:

- 1) Section 88-48 of the Code of Ordinances defines five reasons for a standard of denial of a taxi driver's application. One reason is any applicant who has been given a disqualifying criminal conviction.
- 2) Section 82-1 of the Code of Ordinances defines a disqualifying criminal conviction as any conviction for any criminal offense which is punishable by imprisonment for any period of time, whether or not the sentence was imposed.
- 3) A Class E crime is punishable by up to six months imprisonment.
- 4) Mr. Kenneth Parker plead guilty to a Class E Theft charge and therefore was convicted of such charge by the District Court.

Passed - Vote 4-1 Councilor Carignan opposed.

JOINT LEWISTON-AUBURN TAX INCREMENT FINANCING (TIF) POLICY

Councilors complimented the city staff on their hard work with this policy, has been in the works for many months.

VOTE (9)

Motion by Councilor Bilodeau, seconded by Councilor Albert:

To adopt the Joint Lewiston-Auburn TIF Policy by a yea or nay vote. Passed - Vote 5-0

JOINT LEWISTON-AUBURN ECONOMIC DEVELOPMENT PROTOCOL AMENDMENT

VOTE (10)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To adopt the following amendment to the Joint Economic Development Protocol by a ye or nay vote.

Tax Increment Finance Districts

When the Cities are considering establishing a TIF for a prospective development, exceptions from the Joint TIF Policy may be agreed to if it is determined that it is in the best interest of either community to support business retention or attraction. If either City Council wishes to deviate from the Joint TIF Policy, it agrees to follow the Joint L/A Economic Development Protocol and agrees to work collaboratively on the presentation of the final community TIF proposal to prospective business.

Passed - Vote 5-0

INDUCEMENT RESOLUTION FOR THE DIAMOND TURNPIKE ASSOCIATES PROJECT

Finance Director Dick Metivier explained the purpose of the resolution. The City would serve as the issuer of the securities and receives no liability exposure. No City money is used for the project, all funds are paid by revenues of the Diamond Phoenix project.

VOTE (11)

Motion by Councilor Albert, seconded by Councilor Bilodeau:

That the City Council adopt the Inducement Resolution with respect to the Diamond Turnpike Associates Project and authorizes the Finance Director to prepare and submit an application to the Finance Authority of Maine seeking approval for the issuance of Revenue Obligation Securities.

Passed - Vote 5-0

NO NAME POND SEPTIC SYSTEM REPLACEMENT PROJECT

VOTE (12)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve the following proposed policy for the No Name Pond

Road Replacement Project.

The following criteria will be used by City of Lewiston to determine how funds will be distributed under the grant from the DEP Small Community Grant Program:

1. The property of the applicant is located in the "Village Area" off No Name Pond Road (Lake, Center, and Roadway Avenues);
2. The property is a single-family, year-round dwelling unit;
3. Satisfactory evidence of a malfunctioning septic system on the property has been submitted to the City of Lewiston's Plumbing Inspector;
4. The applicant fits into the annual income criteria established by the Small Community Grant Program;
5. The potential of the malfunctioning system to have the greatest impact on the water quality of the pond, based on a determination from the Plumbing Inspector;
6. The ability of the applicant to provide the required matching funds; and
7. That no variance from State Subsurface Sewerage Disposal Rules will be allowed on any of the replacement systems.

Passed- Vote 5-0

**RESOLUTION SUPPORTING A POSTAL PROCESSING SITE
WITHIN THE TWIN CITIES**

VOTE (13)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To adopt the Resolution in support of locating a postal processing site within the Twin Cities. Passed - Vote 5-0

VOTE (14)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To authorize the Public Works Director to apply to the Maine Forest Service for a grant in the amount of \$187,500 for tree damage, and to administer the funds if successful.

Passed - Vote 5-0

VOTE (15)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To authorize the Public Works Director to apply to Oakhurst Dairy and the Maine Forest Service for a grant in the amount of \$10,000 - \$10,500 for new trees, and to administer the funds if successful. Passed - Vote 5-0

VOTE (16)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To grant a Special Amusement Permit for Dancing and Entertainment to Centreville Social Club, Inc., 413 Lisbon Street.
Passed - Vote 5-0

LEGISLATIVE UPDATE

The City Clerk updated the Council on the recent activity of the MMA Legislative Policy Committee. Items of interest to Lewiston that LPC is currently reviewing include several issues - homestead exemption, transportation funding for urban areas and the tax-exempt status of hospitals. Councilor Albert updated the Council on pending legislation the school is tracking. Mayor Tara informed the Council about the Start ME (Maine) Right legislation regarding early childhood development and education, and quality child care programs. An informational session regarding the Start ME Right project will be presented at the next Council meeting.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Albert stated the final school budget review session will be held on March 22. He noted that some members of the Council and School Committee met with the Lewiston State Delegation regarding a joint resolution about school funding. Councilor Albert reported it was a beneficial meeting.

OTHER BUSINESS

Steve Miller, owner of Governor's Restaurant, inquired about the process to have signs added on the turnpike advising travelers to stop in Lewiston for services - gas, food, etc. The Council is in support of the idea for additional signage and has been working with the state in the past to have this addressed. The City Administrator will follow up with Mr. Miller.

VOTE (17)

Motion by Councilor Kelly, second by Councilor Bilodeau:

To adjourn at 9:30 P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo
City Clerk

CITY COUNCIL

MARCH 2, 1999

Lewiston, Maine