

CITY OF LEWISTON

CITY COUNCIL

AUGUST 20, 2002

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

COUNCIL PRESIDENT RENEE A. BERNIER, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (239-2002)

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

To dispense with the reading of the minutes of the July 9, 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 CONDITIONAL REZONING OF 590 MAIN STREET

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (240-2002)

Motion by Councilor Jean, second by Councilor Philippon:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 590 Main Street, from the Office Residential (OR) District to the Community Business (CB) District, subject to a conditional agreement. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE FOR CONDITIONAL REZONING OF 150 AND 170 SUMMER STREET

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (241-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 150 and 170 Summer Street, from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR CONDITIONAL REZONING OF
29, 31, 35 AND 37 BLAKE STREET**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (242-2002)

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

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 29, 31, 35 and 37 Blake Street, from the Centreville (CV) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE
AMENDMENT FOR PARKING SPACE DIMENSIONS**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

Councilor Rousseau expressed concern regarding the proposed dimensions for the parking garages, and stated he feels they will be too small and too tight for the average vehicle. He stated it will not be worth the extra money that the additional spaces will bring in, if most people do not want to use the parking garage if it is not user-friendly with very tight and difficult parking spaces. Councilor O'Brien expressed concern for elderly drivers and asked if some spaces in the new city garage could be left with the current, larger dimensions and other spaces with the proposed, smaller dimensions. City Planner Jim Lysen stated the proposed measurements are in compliance with current, industry standards for parking garages. He stated there will be mixed parking space sizes, some spaces for compact cars and so forth. He noted that many of the users of the garage will be regular customers who use the garage daily and they will be able to adapt to the sizes and gain a level of comfort over time with the smaller spaces.

VOTE (243-2002)

Motion by Councilor Philippon, second by Councilor Jean:

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 17, "Off-Street Parking and Loading", of the City Zoning and Land Use Code, concerning parking space dimensions for parking structures, receive final passage by a roll call vote. Motion Failed - Vote 2-4 (Councilors Philippon and Jean in favor; Councilors Bernier, O'Brien, Paradis and Rousseau opposed.)

SPECIAL AMUSEMENT PERMIT FOR THE BIRD/TOUCAN LOUNGE

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (244-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To grant a Special Amusement Permit for Dancing & Entertainment to The Bird/Toucan Lounge, 1567 Lisbon Street. Passed - Vote 6-0

**FINAL PUBLIC HEARING ON PROPOSED CHARTER AMENDMENT TO
CREATE ASSOCIATE PLANNING BOARD MEMBERS**

Council President Bernier conducted a public hearing for the purpose of determining if a special municipal election should be held to provide for an amendment to the City Charter regarding the creation of two associate member positions on the Planning Board. Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

The Charter Amendment will appear on the November 5, 2002 ballot.

**STREET RENAMING FOR ENHANCED 911 PUBLIC SAFETY
COMMUNICATIONS**

Councilor Bernier stated that she was contacted by residents who live at Orchard Heights and they were not in favor of having the street name changed. The proposed change is to rename the street Beauchesne Drive. The E911 Street Addressing Committee recommended the change since there are conflicting street names within the City - Orchard Circle, Orchard Street and Orchard Heights. The proposed street name change for Orchard Heights was removed from the list of proposed street name changes. The residents will be contacted again to see if a solution can be developed.

VOTE (245-2002)

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

That the street renaming be conditional upon all City and public safety agencies conducting the necessary work to insure that street signs and applicable maps are updated, and;

That the City work with the Post Office to notify all residences as to when the names will be officially changed, and;

That the following streets be renamed as proposed by the E911 Committee:

<u>Current Street Name</u>	<u>Proposed Street Name</u>
Apple Road (section between Ferry and Lisbon)	Read Street
South Labbe	No name - extend Pauline Street
West Gagne	York Avenue
Rachel Circle	Rachel Boulevard
Ross Street	Barrows Street
Field Road (Mountford Road)	Field Road
505 Pond Road	Shore Road

Passed - Vote 6-0

DISCONTINUANCE OF A PORTION OF ALFRED A. PLOURDE PARKWAY

VOTE (246-2002)

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

That the Order vacating and discontinuing a portion of Alfred A. Plourde Parkway, as shown on the attached map and described in the legal description contained within the Conditional Order discontinuing and relocating a portion of Alfred A. Plourde Parkway, be adopted, subject to the conditions as outlined in the Order. Passed - Vote 6-0

AMENDMENTS TO THE SALARIED EMPLOYEES PAY PLAN

City Administrator Jim Bennett stated the policy and proposals the Council will be voting on tonight are the items that were reviewed and discussed during the recent Council workshop for the salaried employees pay plan issues.

VOTE (247-2002)

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

To accept the June 2002 report entitled "Review and Analysis of Existing Compensation Plan for City of Lewiston Salaried Employees". Passed - Vote 6-0

VOTE (248-2002)

Motion by Councilor Bernier, second by Councilor Paradis:

To amend the City Policy Number 49 (Salaried Employees Pay Plan) as presented. Passed - Vote 6-0

VOTE (249-2002)

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

To issue a Resolution to direct the City Administrator to see that the full Salaried Employees Pay Plan Policy will be followed and implemented, specifically section 1.3 Performance Evaluations, that the Council would like to see the specific plan regarding implementation of the performance evaluations and merit based pay from the City Administrator prior to the budget process, that the City Administrator will review performance issues with all employees impacted by the plan, that the City Administrator will investigate additional compensation for merit based pay, that the Council receives the list of proposed merit pay as listed in section 5, that the \$12,500 be used in future adjustments and merit consideration, and that the City Administrator report to the City Council about proposals for right sizing the organization and how the policy impacts this. Passed - Vote 6-0

VOTE (250-2002)

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

To establish 3% as the COLA adjustment for FY03 for the purpose of non-union employees. Passed - Vote 6-0

VOTE (251-2002)

Motion by Councilor Philippon, second by Councilor Paradis:

To instruct the City Administrator to immediately implement the above changes as soon as possible. Passed - Vote 6-0

FUNDING FOR REBUILDING TOGETHER HOUSING PROGRAM

Councilor Bernier stated she would like to see the funds in the demolition reserve account focus in the census tracts 201, 202 and 204.

VOTE (252-2002)

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

Ordered, that the city contribute \$8,000 to the Rebuilding Together program to be used as start-up funds, said amount to be taken from the insurance proceeds for the fire loss of tax-acquired property at 64 Maple Street; and to establish a Demolition Reserve fund with the remaining funds of approximately \$47,000, said Reserve Account to be used for costs associated with the demolition of tax-acquired properties or for the removal of public safety hazards. Passed - Vote 6-0

TO ESTABLISH NELKE PLACE AS A DEAD-END STREET

Councilor Philippon stated that he has been working on this issue for the past few months. He has met with the residents of Nelke Place and all are in favor of this change. He stated the Public Works, Police and Fire Departments do not have any concerns regarding the changes.

Mr. Raymond Audet of 44 Russell Street stated he lives on the corner of Russell and Nelke Place and he will be greatly inconvenienced by the change. Even though he lives on Russell Street, his garage faces Nelke Place and this is the street that he uses to arrive and leave this house. He also stated that the cul-de-sac change will be located right next to his back yard and he will not be able to enjoy the privacy in his yard anymore. The City Administrator stated that the Public Works Department can meet with Mr. Audet and try to suggest and recommend some solutions that will make this change be less inconvenient for him and his home.

VOTE (253-2002)

Motion by Councilor Philippon, second by Councilor Paradis:

ORDERED, that the 1987 acceptance of Nelke Place be amended to make Nelke Place a dead-end street by closing off the entrance to Nelke Place at Russell Street.
Passed - Vote 5-1 (Councilor Jean opposed.)

At this point, the Council took a recess from 9:05pm to 9:15pm.

DISPOSITION OF PROPERTY AT 108 BIRCH STREET

Business Development Manager Lincoln Jeffers stated this property will be the site of an innovative partnership between the City, CEI and SOCHS and will help to improve the housing stock in downtown.

VOTE (254-2002)

Motion by Councilor Paradis, second by Councilor Philippon:

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 property at 108 Birch Street to Coastal Enterprises Incorporated, 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 the accomplishment of such transaction. Passed - Vote 6-0

TRAFFIC SCHEDULE AMENDMENTS

VOTE (255-2002)

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

To adopt the following amendments to the Traffic Schedule:

Section 51 - Parking Prohibited - Even Numbered - Winter (Tow Away Zone)

<u>Franklin Street</u>	<u>From Campus Avenue to Sabattus Street</u>
<u>Nichols Street</u>	<u>From Campus Avenue to Sabattus Street.</u>

Section 52 - Parking Prohibited - Odd Numbered - Winter (Tow Away Zone)

<u>Bardwell Street</u>	<u>From Campus Avenue to Nichols Street</u>
<u>Wood Street</u>	<u>From Campus Avenue to Sabattus Street.</u>

Note: (Additions are underlined; deletions are ~~struck-out~~.)

Passed - Vote 6-0

APPOINTMENT TO THE BOARD OF APPEALS

VOTE (256-2002)

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

To confirm the Mayor's nomination of Eric Awagain of 10 Oak Street and to appoint Mr. Awagain as an associate member of the Board of Appeals for a five year term, since said term is to fill an existing vacancy, this term shall expire January 3, 2006.

Passed - Vote 6-0

ELECTION OF MMA OFFICERS AND BOARD MEMBERS

VOTE (257-2002)

Motion by Councilor Rousseau, second by Councilor Paradis:

To approve the 2003 Slate of Candidates as proposed for the Maine Municipal Association Officers and Executive Committee members. Passed - Vote 6-0

LEGISLATIVE UPDATE

No report was presented during this meeting.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Bernier stated that she, the School Superintendent and the City Administrator have meet to review the traffic issues on East Avenue near the high school and that the School Board will be reviewing the formal traffic study report.

OTHER BUSINESS

Councilor Bernier inquired about the Balloon Festival's use of the municipal parking garages and parking lots. She stated they allowed non-profit groups to charge people to park in these spaces while attending the Festivals. There were problems during the Festival with different non-profit groups charging different fees, plus charging people who already pay a monthly fee to park in the lots. The City Administrator will review the issue and draft a proposed policy for use by Festivals during next summer.

Roland Amlotte of 389 Randall Road addressed the Council regarding his concerns with their recent action to take his property on Main Street by eminent domain. He asked why he did not receive advanced communication of their July 9 vote, he stated he has never been contacted by the City with concerns about the condition of his property, he stated the City never approached him to offer to purchase the property, he stated that had the City approached him and told him that his property was an eyesore, he would have fixed up his property. Mr. Amlotte asked how the City established the value at \$160,000. He stated that in 1978, he bought the property at 49 Main Street for \$40,000 and in 1982 he purchased the other property for \$52,000 and then took out a loan of \$75,000 to renovate and join the building, which total \$167,000 invested 20 years ago. Mr. Amlotte stated the current assessed value by the City is \$188,000, not even the \$160,000 he was offered.

The City Administrator stated that the Council is happy to answer his questions, yet since Mr. Amlotte has filed a lawsuit against the City and he is currently represented by legal counsel, it would be inappropriate to answer these questions and address these issues without the presence of legal counsel for both Mr. Amlotte and the City.

VOTE (258-2002)

Motion by Councilor Jean, second by Councilor Philippon :

To adjourn at 10:03 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine