

# CITY OF LEWISTON

**CITY COUNCIL**

**APRIL 6, 1999**

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Lynch, Kelly, Carignan, Albert, Samson, Bilodeau, Putnam, City Administrator Robert J. Mulready, Student Representative Karen Gagnon and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### **APPOINTMENTS TO BOARDS AND COMMITTEES**

#### **VOTE (1)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

To confirm the City Administrator's appointment of Conrad Robitaille, 30 Mark Street, and Gerald Martel, 16 Morningside Street, to three year terms on the Board of Assessment Review, said terms to expire 12/17/2001. Passed - Vote 7-0

#### **VOTE (2)**

Motion by Councilor Carignan, seconded by Councilor Putnam:

To dispense with the reading of the minutes of the March 16, & 31, 1999, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### **START ME RIGHT LEGISLATION**

This issue was tabled at the previous meeting to be addressed at this meeting. Original motion by Councilor Bilodeau, second by Councilor Carignan to adopt a Resolution in support of the Start ME Right legislation carried forward from previous meeting.

Speaker of the House Rowe, Senator Longley, Rep. Mailhot and others addressed the Council on the importance of this legislative package. Several Councilors stated support for the program's objectives, yet also stressed the need for increased state funding for GPA.

#### **VOTE (3)**

Motion by Councilor Carignan, seconded by Councilor Albert:

To amend the resolution in support of the Start ME Right Legislation. The following passages were suggested as additions to the Resolution:

"Whereas, child development occurs on a continuum from birth through adulthood, and  
Whereas, support for effective development links early childhood years with K-12 years; and  
Whereas the City of Lewiston recognizes that access to affordable, available and quality child care as well as full funding for K-12 are vital components to the economic development of any community.  
The City Council hereby reaffirms its already stated support for full funding for GPA."

Amendment Passed - Vote 5-2.  
Councilors Lynch & Putnam opposed.

**VOTE (4)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To adopt the resolution in support of the Start ME Right Legislation, as amended. Passed - Vote 4-3  
Councilors Lynch, Bilodeau and Putnam.

**PUBLIC HEARING PERTAINING TO THE MODIFICATION OF  
SPACE AND BULK STANDARDS CODE AMENDMENT**

The ordinance amendment pertaining to modification of bulk and space standards had its first reading at the meeting of March 16<sup>th</sup>, received its second reading at this time.

**VOTE (5)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the ordinance amendment pertaining to modification of bulk and space standards receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING PERTAINING TO THE CODE AMENDMENT REGARDING  
THE PLANNING BOARD'S JURISDICTION**

The ordinance amendment pertaining to Planning Board Jurisdiction received its first reading at this time.

**VOTE (6)**

Motion by Councilor Putnam, seconded by Councilor Bilodeau:

To approve first passage, by a roll call vote, of the Proposed Amendments to the Zoning and Land Use Code concerning the Planning Board's Jurisdiction over Municipal Projects, District Regulations and Performance Standards and that the public hearing on said ordinance be continued to the meeting of April 20, 1999 for final passage.  
Passed - Vote 7-0

**PUBLIC HEARING ON ESTABLISHING A TAX INCREMENT  
FINANCING DISTRICT FOR DIAMOND PHOENIX**

**VOTE (7)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

To continue the public hearing on establishing a tax increment financing district for Diamond Phoenix and the Lewiston Development Corporation to the May 4, 1999 City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING ON A \$230,000 BOND ISSUE  
FOR THE CITY GRAVEL PIT PROJECT**

**VOTE (8)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

ORDERED, That \$230,000 be appropriated for financing the acquisition of land for use as a City Gravel Pit;

FURTHER ORDERED, That to meet this appropriation, \$230,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Mayor and Finance Director to advertise for bids for \$230,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Mayor and Finance Director are authorized to award the loan to the Maine Municipal Bond Bank;

FURTHER ORDERED, That the bonds shall be signed by the Mayor and City Treasurer;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Mayor and Finance Director;

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Mayor and Finance Director.

Passed - Vote 7-0

**FUNDING RECOMMENDATIONS FOR 2000 FISCAL YEAR  
COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET**

**VOTE (9)**

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To receive the recommendation of the Planning Board for the allocation of the Community Development Block Grant funds for the City's 25<sup>th</sup> year (1999-2000), and further that the schedule be published for public hearings at the regular meeting of April 20, 1999 and May 4, 1999, if necessary.

Passed - Vote 7-0

**POLICY MANUAL AMENDMENTS FOR PERSONNEL/HUMAN RESOURCES  
DEPARTMENT NAME CHANGE**

**VOTE (10)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the Policy Manual amendments for the department name change from "personnel" to "human resources" be approved.

Passed - Vote 7-0

**POLICY MANUAL AMENDMENTS FOR GENERAL ASSISTANCE POLICY**

**VOTE (11)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the Policy Manual amendments regarding the burial and cremation costs of the General Assistance Policy be approved.

Passed - Vote 7-0

**AWARD CONTRACT FOR FINANCIAL AUDIT SERVICES**

**VOTE (12)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the three (3) year contract for Financial Audit Services be awarded to Runyon, Kersteen and Ouellette, of South Portland, Maine, for a fee of \$124,400.00. Passed - Vote 7-0

**TRANSFER TO THE MAYOR'S OFFICE BUDGET**

This issue was tabled at the previous meeting to be addressed at this meeting. Original motion was made by Councilor Bilodeau and seconded by Councilor Albert that upon recommendation of the City Administrator and Finance Director, the City Council hereby approves a transfer of \$2,500.00 from the Pensions and Retirement account #49310-4044004, Deferred Compensation to the Mayor's account #41210-4022000 telephone carried forward from previous meeting.

**VOTE (13)**

Motion by Councilor Putnam, second by Councilor Kelly:

To amend the motion by changing the amount to be transferred to \$1,725.00 rather than \$2,500.00 Passed - Vote 6-1  
Councilor Lynch opposed.

**VOTE (14)**

Motion by Councilor Bilodeau, second by Councilor Albert:

ORDERED, That upon recommendation of the City Administrator and Finance Director, the City Council hereby approves a transfer of \$1,725.00 from the Pensions and Retirement account #49310-4044004, Deferred Compensation to the Mayor's account #41210-402200 telephone. Passed - Vote 6-1  
Councilor Lynch opposed.

**WARRANT FOR PROSECUTING UNLICENSED DOG OWNERS/KEEPERS**

**VOTE (15)**

Motion by Councilor Lynch, second by Councilor Kelly:

To accept and sign the warrant for prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 7-0

**LEGISLATIVE UPDATE**

MMA Legislative Policy Committee has been reviewing the issues of homestead exemption, tax-exempt status for hospitals and increasing the transportation funding for urban communities. Other issues include the taxation of cellular phone towers, local option sales tax and excise tax changes.

**REPORT FROM THE SCHOOL COMMITTEE**

Councilor Albert updated the Council on the public presentations for the school budget. He reported the meetings have been well attended and have gone well.

**VOTE (16)**

Motion by Councilor Lynch, second by Councilor Kelly:

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

**VOTE (17)**

Motion by Councilor Lynch, second by Councilor Kelly:

To grant a Special Amusement Permit for Dancing and Entertainment to the Carlton Club, 25 Sabattus Street.  
Passed - Vote 7-0

**VOTE (18)**

Motion by Councilor Lynch, second by Councilor Kelly:

To authorize the Auburn-Lewiston March for Jesus to use Heritage Park on Saturday, May 15, 1999, from approximately 12:30 p.m. to 2:00 p.m. for prayer assembly subject to the following conditions:

1. Area to be kept properly cleaned by March for Jesus committee.
2. Security, satisfactory to the Police Chief, to be provided at the expense of the March for Jesus committee.

Passed - Vote 7-0

**VOTE (19)**

Motion by Councilor Putnam, second by Councilor Kelly:

To adjourn at 9:10 P.M. Passed - Vote 7-0

A true record, Attest:

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Kathleen M. Montejo  
City Clerk  
Lewiston, Maine