

CITY OF LEWISTON

CITY COUNCIL

JANUARY 3, 2017

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Beam. Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.

Pledge of Allegiance to the Flag.

Moment of Silence.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE FRATERNAL ORDER OF EAGLES, 1327 SABATTUS STREET

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (1-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To grant a Special Amusement Permit for live entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS OR RETAIL SOCIAL CLUBS IN THE CITY OF LEWISTON UNTIL THE MAINE STATE LICENSING AUTHORITY HAS ADOPTED FINAL RULES FOR THE PROPER LICENSING, REGULATION AND CONTROL OF SUCH FACILITIES

The City Administrator noted that many towns are adopting marijuana moratoriums until the state can develop the regulations to govern this issue. Mayor Macdonald opened the public hearing to receive citizen input and comment. David Sirois of 942 Main Street said he would like to see the local prohibition remove when the State rules are approved. He is concerned that businesses will go to other towns and Lewiston will lose out on commercial operations which translate into local taxes. Luke Jensen of 45 Sylvan Avenue said this local moratorium is unnecessary because the State has nine months to create the regulations. If the State does not meet that deadline, then towns can act locally. He said this action is anti-business and Lewiston

should be getting the tax revenue here and not pushing it off to other towns. He said this industry is a tourist opportunity and a business opportunity. The Mayor then closed the hearing.

VOTE (2-2017)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

That the proposed amendment to the City Code of Ordinances, Chapter 22, “Businesses”, Article XVI “Recreational Marijuana”, Sections 22-440 through 22-442, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING OF
THE PROPERTY AT 209 WEBSTER STREET FROM THE NEIGHBORHOOD
CONSERVATION “A” (NCA) DISTRICT TO THE OFFICE
RESIDENTIAL (OR) DISTRICT**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Diane Derocher presented a petition with 30 names on it from area residents who are opposing this zoning change. She said the construction of a senior housing facility on this site would disturb the wetlands and wildlife on this property. She was concerned with increased traffic as a result of this development and noted many students in the neighborhood walk to Farwell School and the High School and the increased traffic will be dangerous. She was also concerned with bright security lighting at the facility which would shine into the yards of the abutting properties and therefore lower the value of area homes. Kent Lawrence of 29 Moody Street said it does not make sense to put a commercial business in a residential area and the abutters nor city have not seen any disclosure of the building design or layout. He was also concerned with the increased traffic flow and noted the entrance and exit will be difficult on a busy road. He also said the land to be developed is a swampy area. Kim Visbaras, attorney for the applicant, said the recently completed Lewiston Comprehensive Plan called for additional senior housing and infill development within the city limits. He said the applicant knows the neighborhood having family that grew up there. The housing facility will be independent housing for seniors and not a nursing home. It will be new construction of an over-55 community with private pay. Bridgette Whitten of 6 Boston Avenue said the proposed three story building would need a 45 foot fence or she will not have any privacy into her backyard. Stephanie Dunlap of 157 East Avenue also commented about her concern of loss of privacy in her property. Don Holt of 25-26 Moody St said this facility will damage his property value. Maureen Aube of Auburn spoke in favor of the zoning change noting additional senior housing is encouraged in the Comp Plan and there are very limited senior housing options in town. The Mayor then closed the hearing.

VOTE (3-2017)

Motion by Councilor Golden, seconded by Councilor Cloutier:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 209 Webster Street from the Neighborhood Conservation “A” (NCA) District to the Office Residential (OR) District, subject to a conditional agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.

Did Not Pass - Vote 3-4 (Councilors Golden, Cloutier and Lysen in favor)

ANNUAL APPOINTMENTS TO THE VARIOUS CITY BOARDS AND COMMITTEES

Mayor Macdonald announced the following appointments he has made to city boards and committees:

Board of Appeals:

Patricia Gagne – full member - five year term – term to expire Jan 4, 2022

Paula Masselli – full member - five year term – term to expire Jan 4, 2022

Board of Assessment Review:

Steve Costello - three year term - term to expire Jan 7, 2020

Finance Committee:

Matthew Shaw – three year term – term to expire Jan 7, 2020

L/A Community Forestry Board:

John T. Butler – three year term – term to expire Jan. 7, 2020

Zam Zam Mohamud – three year term – term to expire Jan. 7, 2020

Historical Preservation Review Board:

Douglas Hodgkin – full member - three year term – term to expire Jan 7, 2020

Rick Morris – full member - three year term – term to expire Jan 7, 2020

Planning Board:

John T. Butler – full member - five year term – term to expire Jan 4, 2022

Pauline Gudas – full member - five year term – term to expire Jan 4, 2022

VOTE (4-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the Mayor’s nominations and to appoint the following people to the following city boards and committees:

911 Committee:

Heather Hunter, Finance Director – 2 year term – term to expire Jan 8, 2019

Library Board of Trustees:

Elizabeth Clifford – three year term – term to expire Jan 7, 2020

John Painter – three year term – term to expire Jan 7, 2020

Darby Ray – three year term – term to expire Jan 7, 2020

Passed - Vote 6-0 (The Mayor abstained)

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier stated their next meeting will be January 9 and they have not met recently due to the holiday vacation.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (5-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

Passed - Vote 7-0 Executive Session began at 8:25pm and ended at 9:04pm.

VOTE (6-2017)

Motion by Councilor Lysen, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (A) to discuss a personnel matter. Passed - Vote 7-0

Executive Session began at 9:04pm and ended at 9:37pm.

VOTE (7-2017)

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To adjourn at 9:37P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine