

CITY OF LEWISTON

CITY COUNCIL

JANUARY 5, 2010

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

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, Acting City Administrator Phil Nadeau, and City Clerk Kathleen Montejo. Also present was incoming City Administrator Ed Barrett.

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (1-2010)

Motion by Councilor Morgan, seconded by Councilor O'Connell:

To dispense with the reading of the minutes of the meeting of December 15, 2009 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0-1 (Councilor Bernier abstained)

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

ADOPTION OF THE RULES TO GOVERN THE CITY COUNCIL

Councilor Butler noted that he has some amendments to the Rules regarding the Council's role in the school budget adoption process and he will present these at the next meeting.

VOTE (2-2010)

Motion by Councilor Bernier, seconded by Councilor Butler:

To remove the reference to the 10:00pm ending time for all Council meetings. Passed - Vote 4-3 (Councilors Butler, Bernier, Cayer and Morgan in favor; Councilors Poulin, Jean and O'Connell opposed)

VOTE (3-2010)

Motion by Councilor Poulin, seconded by Councilor Cayer:

To add the following statement at the end of the sentence in Section 10: "and that all information regarding the initial request and the final opinion be shared with the full City Council by either the Mayor, Council President or City Attorney." Passed - Vote 7-0

VOTE (4-2010)

Motion by Councilor Bernier, seconded by Councilor Butler:

To change the language in Section 12 to state that the Mayor and Council President shall serve as the representatives to this committee. Passed - Vote 7-0

VOTE (5-2010)

Motion by Councilor Jean, seconded by Councilor O'Connell:

To adopt the Rules to Govern the City Council for the period of January 5, 2010 to January 10, 2012, as amended. Passed - Vote 7-0

**PUBLIC HEARING FOR RENEWAL OF SPECIAL AMUSEMENT PERMIT FOR
WILLY BEANS COFFEE, INC., 70 LINCOLN STREET**

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

VOTE (6-2010)

Motion by Councilor Poulin, seconded by Councilor Jean:

To grant a special amusement permit for live entertainment to Willy Beans Coffee, Inc., 70 Lincoln Street. Passed - Vote 7-0

**PUBLIC HEARING FOR THE RENEWAL OF THE SPECIAL AMUSEMENT PERMIT
FOR THE FRATERNAL ORDER OF EAGLES, 1327 SABATTUS STREET**

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

VOTE (7-2010)

Motion by Councilor Cayer, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING FOR THE RENEWAL OF THE SPECIAL AMUSEMENT PERMIT
FOR THE LEWISTON ELKS LODGE, 1675 LISBON STREET**

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

VOTE (8-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to the Lewiston Elks Lodge, 1675 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING AND ACCEPTANCE OF THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM CITIZENS PARTICIPATION PLAN FOR FY2010**

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

VOTE (9-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

To approve the Citizens Participation Plan for the FY2010 Community Development Program, City Policy Manual Number 13, as recommended by the Economic and Community Development Department. Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO
APPROVE AND SIGN ALL APPLICATIONS TO OPERATE BEANO, BINGO AND
OTHER GAMES OF CHANCE**

VOTE (10-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the Municipal Officers, during the period January 5, 2010 through January 10, 2012.

Passed - Vote 7-0

**AUTHORZIATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO
APPROVE AND SIGN ALL PERMITS FOR CIRCUSES AND CARNIVALS**

VOTE (11-2010)

Motion by Councilor Cayer, seconded by Councilor Butler:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period January 5, 2010 through January 10, 2012. Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO
SIGN ALL LIQUOR LICENSE APPLICATIONS**

VOTE (12-2010)

Motion by Councilor Poulin, seconded by Councilor Jean:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers, during the period January

5, 2010 through January 10, 2012. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL APPLICATIONS FOR UTILITY POLE PERMITS

VOTE (13-2010)

Motion by Councilor Cayer, seconded by Councilor Morgan:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period January 5, 2010 through January 10, 2012. Passed - Vote 7-0

AUTHORIZATION FOR CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL LICENSES FOR CLOSE OUT SALE PERMITS

VOTE (14-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period January 5, 2010 through January 10, 2012. Passed - Vote 7-0

AUTHORIZATION FOR THE FINANCE DIRECTOR, TAX COLLECTOR AND DEPUTY TREASURER TO ACT ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (15-2010)

Motion by Councilor Poulin, seconded by Councilor Cayer:

ORDERED, That the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706; to apply all tax payments to the oldest outstanding tax obligation pursuant to MRSA Title 36, section 906, during the period January 5, 2010 through January 10, 2012. Passed - Vote 7-0

AUTHORIZATION FOR CITY ADMINISTRATION TO APPROVE OR DENY ALL REQUESTS TO HANG BANNERS ON MUNICIPAL PROPERTY

VOTE (16-2010)

Motion by Councilor Jean, seconded by Councilor Butler:

ORDERED, That the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to hang banners on city property, on behalf of the Municipal Officers, during the period of January 5, 2010 through January 10, 2012. Passed - Vote 6-1 (Councilor Bernier opposed)

**AUTHORIZATION FOR DEPUTY CITY ADMINISTRATOR AND/OR FINANCE
DIRECTOR TO HAVE SIGNATORY AUTHORITY FOR THE CITY
ADMINISTRATOR WHEN THE ADMINISTRATOR IS UNAVAILABLE**

VOTE (17-2010)

Motion by Councilor Poulin, seconded by Councilor Cayer:

ORDERED, That the City Council hereby authorizes the Deputy City Administrator, or in the absence of the Deputy City Administrator, the Finance Director, to have signatory authority for the City Administrator, when the Administrator is unavailable, during the period of January 5, 2010 through January 10, 2012. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (18-2010)

Motion by Councilor Cayer, seconded by Councilor Butler:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$2,045.00, or any portion thereof, in the case of the State of Maine vs. Jerome Pitts, CR-09-4506 Court Records and the transfer of \$500.00, or any portion thereof, in the case of the State of Maine vs. Kevin Roberts, CR-09-4303 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 7-0

**AUTHORIZATION TO TRANSFER FUNDS WITHIN COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM ACCOUNTS FOR A SOCIAL SERVICES
EMPLOYEE POSITION**

VOTE (19-2010)

Motion by Councilor Jean, seconded by Councilor Butler:

To authorize the replacement of the current part-time caseworker position in the Social Services Department with a full-time position and to authorize the Acting City Administrator to hire for this position immediately. Passed - Vote 6-1 (Councilor Cayer opposed)

VOTE (20-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To authorize the transfer of the balance of the CDBG Contingency account to CDBG Administration for the purposes of funding one half of the full time employee for a Social Services case worker position for the remainder of Fiscal Year 2010. Passed - Vote 7-0
At this point, the Council took a five minute recess.

**APPOINTMENT OF CITY COUNCIL REPRESENTATIVES TO VARIOUS
BOARDS AND COMMITTEES**

VOTE (21-2010)

Motion by Councilor Morgan, seconded by Councilor Jean:

To appoint the following City Councilors to serve as the City Council's representative to the following boards and committees for two year terms to coincide with the Council term which shall expire January 10, 2012:

Airport Board of Directors - Councilor Morgan
Androscoggin Valley Council Of Governments – Councilors Cayer and Butler
Community Development Block Grant - Councilor O'Connell
Energy Saving Committee – Councilor Cayer
Finance Committee - Councilors Poulin and Jean
Housing Committee of the Council – Councilors Butler and O'Connell
Joint Committee of the Auburn & Lewiston Councils - Mayor and Council President
Lewiston Auburn Economic Growth Council - Councilor Morgan
Lake Auburn Watershed Protection Commission – Councilor Jean
Lewiston Auburn Transit Committee - Councilor O'Connell
Loan Qualification Review Committee - Councilor O'Connell
Maine Municipal Association Legislative Policy Committee - Mayor Gilbert
911 Committee - Councilor Cayer
Taxi Appeals Board – Councilors Bernier and Butler
Lewiston Youth Advisory Councilor - Butler

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Mayor Gilbert thanked the City Clerk's Office staff and the staff at the Franco-American Heritage Center for an outstanding Inaugural Ceremony event held last evening. Councilor Morgan inquired about the City's past practice of presenting gifts of recognition to outgoing Councilors and asked to have this item placed on the next meeting agenda. Councilor Morgan also asked about the recommendation from the City Attorney to authorize the City Administrator to be absent from future Council meetings and asked to have this placed on the next agenda as well.

VOTE (22-2010)

Motion by Councilor Morgan, second by Councilor Cayer:

To adjourn at 9:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine