

**CITY OF LEWISTON**

**CITY COUNCIL**

**JANUARY 19, 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, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward A. Barrett and City Clerk Kathleen Montejo. Absent/Excused: Councilor Bernier

Pledge of Allegiance to the Flag.  
Moment of Silence.

Councilor Morgan asked that the Moment of Silence be done in memory of all of the victims of the Haitian earthquake.

**EXECUTIVE SESSION**

**VOTE (23-2010)**

Motion by Councilor Butler, seconded by Councilor Jean:

To enter into executive session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed – Vote 6-0

Session began at 6:15pm and ended at 6:55pm

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

Due to the snow storm, the update will be presented at the next regular Council meeting.

**VOTE (24-2010)**

Motion by Councilor Morgan, seconded by Councilor Jean:

To dispense with the reading of the minutes of the meeting of January 5, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

**PUBLIC COMMENT PERIOD**

No members of the public addressed the Council at this time.

**AUTHORIZATION FOR THE MAYOR AND/OR CITY COUNCIL PRESIDENT TO**

**EXCUSE THE CITY ADMINISTRATOR FROM ATTENDANCE AT CITY COUNCIL MEETINGS DUE TO ILLNESS OR OTHER CIRCUMSTANCES**

**VOTE (25-2010)**

Motion by Councilor Poulin, seconded by Councilor Jean:

ORDERED, That the City Council hereby authorizes the Mayor and/or City Council President, to act on its behalf , to excuse the City Administrator from City Council meetings on the grounds of illness or other circumstances, during the period January 5, 2010 through January 10, 2012.

Passed - Vote 6-0

**AMENDMENTS TO THE POLICY MANUAL FOR THE RULES TO GOVERN THE CITY COUNCIL REGARDING CLARIFICATION OF THE SCHOOL BUDGET PROCESS**

**VOTE (26-2010)**

Motion by Councilor Poulin, seconded by Councilor Jean:

To amend Section 8 of the Policy Manual, Policy Number Six “Rules to Govern the City Council” in order to clarify the City Council’s role in the school budget adoption process.

Passed - Vote 6-0

**AMENDMENTS TO THE POLICY MANUAL REGARDING THE LEWISTON YOUTH ADVISORY COUNCIL**

**VOTE (27-2010)**

Motion by Councilor Butler, seconded by Councilor Morgan:

To approve the proposed amendments to the Lewiston Youth Advisory Council Policy, Policy Manual Number 74, as requested by the Lewiston Youth Advisory Council and their advisors, as presented and to also incorporate the amendments discussed during the workshop to have the student representative sit next to the Council’s representative to LYAC rather than next to the Mayor and to change the word “will” to “may” regarding the 9pm timeframe for the student’s participation in the meeting. Passed – Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR THE SOUTH END SOCIAL CLUB, 315 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 (28-2010)**

Motion by Councilor Cayer, seconded by Councilor Morgan:

To grant a special amusement permit for live entertainment to the South End Social Club, 315 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE**

**BUSINESS LICENSING ORDINANCE PERTAINING TO PAWNBROKERS AND SECOND HAND DEALERS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Rick LaChappelle, owner of the Lewiston Pawn Shop, addressed the Council and thanked the Police Department and City Clerk's Office for responding to the concerns of the local business owners. Mr. LaChappelle suggested the removal of the phrase "or sold" in Section 22-193, noting it is basically a redundant statement that could be misinterpreted by some people. Councilors agreed to incorporate his requested changes. Gilbert then closed the hearing.

**VOTE (29-2010)**

Motion by Councilor Jean, seconded by Councilor Cayer:

That the proposed amendments to the City Code of Ordinances, Chapter 22 "Businesses", Article VII "Junk Collectors, Pawnbrokers and Secondhand Dealers", as amended, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING LODGING HOUSES AS PERMITTED USES IN THE NEIGHBORHOOD CONSERVATION "B" ZONING DISTRICT**

Councilor Morgan stated he would recuse himself from this issue since the applicant is his client. Mayor Gilbert opened the public hearing to receive citizen input and comment. Mr. Morgan and Paul Rancourt addressed the Council and provided background information regarding this request. Councilor Jean inquired about the format of a lodging house set up. City Planner David Hediger provided information about the zoning district and multi-family housing. Rick LaChappelle spoke in favor of the requested amendment, noting Mr. Rancourt's business operates several lodging homes currently and these are all clean and well respected properties. Mayor Gilbert then closed the hearing.

**VOTE (30-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

That the proposed amendment to Appendix A, Article XI "District Standards", Section 7 "Neighborhood Conservation 'B' district" of the City Zoning and Land Use Code, concerning lodging houses, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular meeting for final passage. Passed - Vote 5-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING OFF-STREET PARKING FOR LODGING HOUSES**

Councilor Morgan stated he would recuse himself from this issue since the applicant is his client. Mr. Morgan and Mr. Rancourt were available to answer Council questions. Councilor Poulin stated he feels these changes are too restrictive, noting that most people in the downtown area own at least one car, and there is a significant parking problem in the downtown area already.

Mayor Gilbert then closed the hearing.

**VOTE (31-2010)**

Motion by Councilor Jean, seconded by Councilor Cayer:

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 lodging houses, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 4-1 (Councilor Poulin opposed)

**PRESENTATION OF THE FY2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

**VOTE (32-2010)**

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

To receive and place on file the Fiscal Year 2009 Comprehensive Annual Financial Report.

Passed - Vote 6-0

**UPDATE ON GIFTS FOR RECOGNITION OF FORMER CITY COUNCILORS**

The City Administrator presented costs for the various gift options that the Council suggested at a previous workshop. Mr. Barrett reviewed the costs involved for a wooden chair engraved with the city seal, individual plaques and a perpetual plaque which would remain at City Hall listing the names of previous Councilors. Councilor Jean advocated for the purchase of the chairs, Councilor Butler suggested a plaque at City Hall for citizens to see and Councilor Cayer offered to donate his first month Council stipend to offset the cost of the chair for his predecessor. Mayor Gilbert noted the City should pay for the gifts and not individual Councilors, and he stated he supports the individual and perpetual plaques as gifts. Councilor Poulin said he agrees with not purchasing chairs, noting the previous Council had a track record of fiscal responsibility and he liked the suggestion of the perpetual plaque. Councilor Morgan echoed Councilor Cayer’s comments, saying he would also be willing to contribute his stipend for the cost. He suggested purchasing the chairs for the previous Council to maintain the short tradition that was started a few years ago and to do plaques from this point forward. Mayor Gilbert noted that the cost of the chairs was not budgeted for in the current budget.

**VOTE (33-2010)**

Motion by Councilor Butler, seconded by Councilor Poulin:

To direct the City Administrator to order a 13 inch by 20 inch perpetual plaque at a cost of approximately \$250 that will be displayed in City Hall and contain the names of previous City Councilors. Passed - Vote 4-2 (Councilors Jean and Cayer opposed)

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

Councilor Jean noted the many professional musical concerts that were held this weekend at Bates College and the Franco American Heritage Center and he stated it was disappointing to see such a low attendance from Lewiston residents for these world class events held right here in Lewiston, and suggested that residents participate in these events being held locally.

**VOTE (34-2010)**

Motion by Councilor Morgan, seconded by Councilor Jean:

To enter back into executive session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Session began at 8:55pm and ended at 9:25pm.

**VOTE (35-2010)**

Motion by Councilor Jean, second by Councilor Morgan:

To adjourn at 9:28 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine