

**CITY OF LEWISTON**

**CITY COUNCIL**

**MARCH 16, 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, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.  
Moment of Silence.

**PRESENTATION OF MAYORAL PROCLAMATION RECOGNIZING LEWISTON  
AUTHOR MARK GRIFFIN**

Mayor Gilbert presented a proclamation to Lewiston author Mark Griffin recognizing the publication of his first book, a 306 page book about the life of Oscar-winning film director Vincente Minnelli. It was noted Mr. Griffin has spent the last three and one half years researching and writing this publication.

**VOTE (97-2010)**

Motion by Councilor Morgan, seconded by Councilor Butler:

To dispense with the reading of the minutes of the meeting of March 2, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

Charles Soule of 135 Bartlett Street stated he was concerned about the drug trade in the downtown and the lack of police department involvement with the growing drug trade.

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE DERBY  
ATHLETIC CLUB, 40 WALNUT STREET**

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

**VOTE (98-2010)**

Motion by Councilor Cayer, seconded by Councilor Morgan:

To grant a special amusement permit for live entertainment to the Derby Athletic Club, 40 Walnut Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR FUEL, INC.,**

**49 LISBON STREET**

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

**VOTE (99-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

To grant a special amusement permit for live entertainment to Fuel, Inc., 49 Lisbon Street.

Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR DAVINCI'S, 150 MILL STREET**

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

**VOTE (100-2010)**

Motion by Councilor Jean, seconded by Councilor Poulin:

To grant a special amusement permit for live entertainment to Davinci's, 150 Mill Street.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING SIGNIFICANT BUILDINGS AND DISTRICTS**

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

**VOTE (101-2010)**

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendments to Appendix A, Article XV "Significant Buildings and Districts", Sections 1 and 6-10, of the City Zoning and Land Use Code, concerning the historic buildings and structures, receive final passage by a roll call vote.

Passed - Vote 6-1 (Councilor Jean opposed)

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE ANIMALS ORDINANCE PERTAINING TO THE CREATION OF AN ANIMAL IMPOUNDMENT FEE**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Jean expressed concern with the allowance for a financial hardship waiver of the fee, stating if a pet owner can afford their animal, they need to be responsible enough to control their dog and pay for the impoundment fee if they allowed the animal to run at large.

**VOTE (102-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

To amend the proposed ordinance to remove the reference to financial hardship.  
Did Not Pass - Vote 2-5 (Councilors Jean and Morgan in favor; others opposed)

**VOTE (103-2010)**

Motion by Councilor Jean, seconded by Councilor Butler:

That the proposed amendment to the City Code of Ordinances, Chapter 14 “Animals”, Article IV “Impoundment, Redemption and Disposition of Animals”, 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 6-1 (Councilor Poulin opposed)

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A JOINT VENTURE AGREEMENT WITH ST. MARY’S HEALTH SYSTEMS, INC. REGARDING A PROJECT AT 95-97 CAMPUS AVENUE AND IMPROVEMENTS TO CAMPUS AVENUE**

**VOTE (104-2010)**

Motion by Councilor Butler, seconded by Councilor Morgan:

To adopt the Order Authorizing the City Administrator to Execute a Joint Venture Agreement with St. Mary’s Health System, Inc. regarding a project at 95-97 Campus Avenue and Improvements to Campus Avenue:

Whereas, St Mary’s Health System is constructing a new building at 95-97 Campus Ave; and

Whereas, the project proposes to use part of the City’s right-of-way to:

- provide greenspace to meet stormwater requirements of the project,
- provide traffic calming and street improvements to address persistent pedestrian issues at crosswalks,
- provide an additional bus stop on the south side of Campus Ave, and
- will result in the loss of some on-street parking, which was more than offset by the recent development of more than 100 off-street spaces; and

Whereas, the City’s Planning Board conditionally approved the project subject to meeting the stormwater requirements mentioned above; and

Whereas, the City was scheduled to separate the sewer and stormwater collection systems along Campus Ave from in front of the hospital to the Sabattus St intersection during the summer of 2010; and

Whereas, St. Mary’s agreed to separate the sewer and stormwater collection systems simultaneous to their performance of work in Campus Ave for \$149,000 (a savings to the City);

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City

Administrator is authorized to execute a Joint Venture Agreement with St. Mary's Health System, Inc. regarding a project at 95-97 Campus Ave and improvements to Campus Ave.

Passed - Vote 7-0

**ADOPTION OF RESOLVE APPROVING THE PLACEMENT OF SIGNS ON CITY PROPERTY FOR THE KORA CIRCUS**

**VOTE (105-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

To adopt the Resolve Approving the Placement of Signs on city property for the Kora Circus:

Be it Resolved By the City Council of the City of Lewiston that the Kora Shrine Circus Committee is hereby authorized to place approximately seventy five (75) signs in approximately thirty (30) various locations throughout the City for its 2010 circus to be held in April. Such signs may be placed up to 14 days prior to April 16, 2010 at the locations listed on the attached memorandum from the Circus Chairman and must be removed upon completion of the event.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Mayor Gilbert noted that he received his 2010 Census form in the mail today and he urged others to look for their copy to fill out and return. He encouraged those who need assistance with filling out the form to contact City Hall.

**OTHER BUSINESS**

The City Administrator reminded the Council that the joint workshop on Thursday with the School Department has been canceled.

**EXECUTIVE SESSION**

**VOTE (106-2010)**

Motion by Councilor Poulin, 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 7-0

Session began at 7:50pm and ended at 9:28pm.

**VOTE (107-2010)**

**CITY COUNCIL**

**MARCH 16, 2010**

Motion by Councilor Butler, second by Councilor O'Connell:

To adjourn at 9:30P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine