

CITY OF LEWISTON

CITY COUNCIL

AUGUST 10, 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 Bernier, Poulin, Jean, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilors Butler and O'Connell.

Pledge of Allegiance to the Flag.
Moment of Silence.

**PRESENTATION OF A MAINE STATE FLAG THAT FLEW IN THE 619TH
TRANSPORTATION COMPANY'S MOTOR POOL IN IRAQ**

Captain White and Sergeant Morin of the 619th unit presented the flag to the Mayor in recognition of the patriotism and support shown to the company by the City of Lewiston and its citizens while they were serving in Iraq. The Mayor thanked the gentlemen for the flag and stated the residents are proud to support the work of our local troops working overseas.

**PRESENTATION TO THE CITY OF A PICTURE OF THE WATER FALL
NEAR THE LIBBY MILL**

The President of Mechanics Savings Bank presented to the City a painting of the water fall by local artist Lois Strickland. The artist commented on her work and the recent fire at the Mill. The Mayor thanked them both for the work of art and said it would be displayed proudly at City Hall.

VOTE (220-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

To dispense with the reading of the minutes of the meeting of July 13, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0

PUBLIC COMMENT PERIOD

Joey Jose Lopez of 40 Strawberry Avenue introduced himself to the Council and said he is starting a local chapter of the League of Latin American Citizens, noting there are 2000 chapters across the county. He said he recently moved to Lewiston from Texas and is serving as the state director for the program.

**RESOLVE – APPOINTMENTS TO THE MAINE MUNICIPAL ASSOCIATION'S
LEGISLATIVE POLICY COMMITTEE**

VOTE (221-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the Resolve appointing City Administrator Edward A. Barrett as a full member of the Maine Municipal Association's Legislative Policy Committee and to appoint the Deputy City Administrator and the City Clerk as alternate members from Lewiston:

Be It Resolved by the City Council of the City of Lewiston that City Administrator Edward A. Barrett is hereby appointed to the Maine Municipal Association's Legislative Policy Committee.

Be It Further Resolved, that in the event that Mayor Gilbert or City Administrator Barrett are unable to be present at a meeting of the Legislative Policy Committee, Deputy City Administrator Phil Nadeau and City Clerk Kathy Montejo shall be designated as alternates and authorized to act on behalf of the City.

Passed - Vote 5-0

RESOLVE – APPOINTING THE CITY ADMINISTRATOR TO THE ANDROSCOGGIN VALLEY COUNCIL OF GOVERNMENTS GENERAL ASSEMBLY AND EXECUTIVE COMMITTEE

VOTE (222-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the Resolve to appoint the City Administrator to the Androscoggin Valley Council of Governments General Assembly and Executive Committee:

Be It Resolved by the City Council of the City of Lewiston that City Administrator Edward A. Barrett is hereby appointed to the Androscoggin Valley Council of Governments General Assembly and Executive Committee to fill the position previously held by Dick Metivier.

Passed - Vote 5-0

AMENDMENT TO THE PARK USE POLICY TO PROHIBIT ANY COMMERCIAL ACTIVITY IN VETERAN'S MEMORIAL PARK

VOTE (223-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the proposed amendments to the Park Use Policy, Policy Manual Number 77, as recommended by the City Council. Passed - Vote 5-0

RESOLVE – ACCEPTANCE OF A GRANT FROM THE MAINE FOREST SERVICE PROJECT CANOPY PROGRAM IN THE AMOUNT OF \$3,500

VOTE (224-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the Resolve accepting a grant from the Maine Forest Service Project Canopy Program in the amount of \$3,500:

Be It Resolved by the City Council of the City of Lewiston that a Project Canopy Program Grant from the Maine Forest Service in the amount of \$3,500 is hereby accepted for the purpose of evaluating certain City-owned wooded lots and establishing a Timber Management Program for them.

Passed - Vote 5-0

REQUEST FOR USE OF CITY SERVICES FOR THE EIGHTEEN ANNUAL GREAT FALLS BALLOON FESTIVAL AND REQUEST FROM THE FESTIVAL ORGANIZERS FOR A WAIVER OF THE CHARITABLE ORGANIZATIONS SUPPORT POLICY

Councilor Poulin inquired about the parking by donation policy in the city garages during the festival. Deputy City Administrator Phi Nadeau confirmed the parking is still by donation and the festival gets 50% of the revenue.

VOTE (225-2010)

Motion by Councilor Poulin, seconded by Councilor Cayer:

To approve the request for the use of city services for the Great Falls Balloon Festival, as outlined below:

REQUEST FOR USE OF CITY SERVICES
AUTHORIZATION FOR GREAT FALLS BALLOON FESTIVAL EVENT:

August 20, 21 and 22, 2010

ROAD CLOSURES AND POSTINGS:

Friday, August 20, 5:00pm - Sunday, August 22 8:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 20, 12:00pm - Sunday, August 22, 8:00pm

Posted closure of Beech Street and Oxford Street from Cross Street to Chestnut Street to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 22, 11:00am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

Saturday, August 21, 10:30am - 12:30pm

Posted closure of Longley Bridge from Auburn into Lewiston, lower Main Street, Lincoln Street from Main Street to Oxford Street, and all of Oxford Street for the 4th Annual Balloon Festival parade. NOTE: Parade path will start on Spring Street in Auburn, onto Court Street, across the

Longley Bridge turning onto Lincoln Street, ending at the intersection of Cedar Street and Lincoln Street.

ESTABLISHMENT OF FESTIVAL ZONE:

Friday, August 20, 12:00pm - Sunday, August 22, 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors, as well as other non-approved activities, on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

APPROVAL TO USE CITY PROPERTY:

Thursday, August 19, 12 noon - Monday, August 23, 12 noon

Authorization to use the former Libby Mill parking lot and Railroad River Park, subject to availability and completion and submission of applications to the Lewiston Recreation Department, and to control the use, access and security in these areas, subject to the discretion of the Chief of Police or his designees.

Tuesday, August 17, 8:00am - Monday, August 23, 7:00pm

Carnival to be located in the area formerly known as Railroad North. Carnival will set up on Tuesday, operate Thursday night through Sunday night, and breakdown and depart on Monday.

SECURITY:

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas.

TRASH REMOVAL:

Authorization for Public Works to supply two 50 yard dumpsters at Railroad Park and waive the applicable tipping fees.

LICENSES:

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. Licensing fees for use of the parks, for the outdoor entertainment permits, parade permit and sound amplification permits, all obtained in the name of the Great Falls Balloon Festival, shall all be waived by the City.

USE OF PUBLIC WORKS PERSONNEL:

Authorization for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance prior to and during the festival, subject to the discretion of the Lewiston Public Works Director.

PARKING

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage, the Canal Street parking garage, parking lot on the corner of Lincoln and Chestnut Streets, the Lincoln Street parking lot near Yvon's car wash, and the parking lot at the corner of Lincoln and Cedar Streets for festival and volunteer parking, as per the requirements and procedures outlined in the City's Facilities Use Policy and submission of appropriate forms to City Administration.

And to approve a waiver of the City's Charitable Organization Support Policy and to allow the Festival organizers to borrow 330 chairs and 55 eight foot tables from the City.

Passed - Vote 4-1 (Councilor Jean)

PUBLIC HEARING ON AN INCORPORATED CIVIC ORGANIZATION LIQUOR LICENSE FOR THE HOLY TRINITY GREEK ORTHODOX CHURCH

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 (226-2010)

Motion by Councilor Poulin, seconded by Councilor Morgan:

To authorize the City Clerk's Office to approve an application for an Incorporated Civic Organization Liquor License for the Holy Trinity Greek Orthodox Church, 155 Hogan Road.

Passed - Vote 5-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE FOR HACIENDA DEL PATRON MEX GRILL & BAR

Mayor Gilbert opened the public hearing to receive citizen input and comment. Mr. Lopez of 40 Strawberry Avenue spoke in support of this license, stating he has recently met with the owners of the business and feels it will be a great addition to the area. Mayor Gilbert then closed the hearing.

VOTE (227-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

To authorize the City Clerk's Office to approve a new liquor license application for Hacienda Del Patron Mex Grill & Bar, 838 Lisbon Street. Passed - Vote 5-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ANDROSCOGGIN BANK COLISEE

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 (228-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to the Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 5-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SPARETIME RECREATION

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 (229-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 5-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SHE DOESN'T LIKE GUTHRIES

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 (230-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

To grant a Special Amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 5-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE FIRE PREVENTION AND PROTECTION ORDINANCE

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 (231-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 38 "Fire Prevention and Protection", Article II, "Fire Prevention Code", Section 38-26 "Codes Adopted", receive final passage by a roll call vote. Passed - Vote 5-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE CONDITIONAL REZONING AGREEMENT FOR THE PROPERTY AT

16 WELLMAN 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 (232-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To approve final passage for the amendment to the conditional rezoning agreement for 16 Wellman Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement. Passed - Vote 5-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING THE RE-ESTABLISHMENT OF NONCONFORMING USES IN
HISTORIC STRUCTURES IN THE CENTREVILLE DISTRICT**

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 (233-2010)

Motion by Councilor Cayer, seconded by Councilor Poulin:

That the proposed amendment to Appendix A, Article VI “Nonconformance”, Section 4, “Nonconforming uses”, and Article XI “District Regulations”, Section 13 (Centreville district) of the City Zoning and Land Use Code, 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 FOR THE ESTABLISHMENT OF A TAX INCREMENT
FINANCING (TIF) DISTRICT AND APPROVAL OF A DEVELOPMENT ASSISTANCE
AGREEMENT FOR THE LOFTS AT BATES MILL AFFORDABLE
HOUSING PROJECT**

Lincoln Jeffers and Mark McComas provided background to the Council regarding this item. The project developer, Mr. Szanton, also addressed the Council and made a presentation on this project. Mayor Gilbert opened the public hearing to receive citizen input and comment. Jules Patry, owner of Davinci’s Restaurant, spoke in support of this project and the idea of mixed use for the mill property. He stated he has toured the other housing project in Portland and found it to be in excellent shape. Pauline Gudas of Raymond Avenue suggested the Council take a step back to look at the project as a whole and its impact on the city. She noted that one bedroom market rate units would not be convenient to today’s professionals who like to have an office in their home. She also asked if the city even needed more low income housing and questioned where the children would play. Robert MacDonald of 6 Jolin Avenue also spoke out against the project, suggesting the city help the current landlords first with their vacancy rates, before adding more low income units in the mix. He offered concerns for the school system with more low income residents. Mayor Gilbert then closed the hearing.

VOTE (234-2010)

Motion by Councilor Bernier, seconded by Councilor Poulin:

To continue the public hearing on this item until the next regular City Council meeting.

Passed - Vote 5-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO COMMIT HOME FUNDS
TOWARDS THE DEVELOPMENT OF THE LOFTS AT BATES MILL MIXED
INCOME HOUSING PROJECT**

It was noted this item is connected to the previous agenda item and it was suggested that it also be continued.

VOTE (235-2010)

Motion by Councilor Bernier, seconded by Councilor Cayer:

To continue this item to the next regular City Council meeting.

Passed - Vote 4-1 (Councilor Jean opposed)

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A
DEVELOPMENT AGREEMENT WITH JULES PATRY FOR THE REDEVELOPMENT
OF 84 LISBON STREET**

VOTE (236-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

To approve the Order authorizing the City Administrator to enter into a Development Agreement with Jules Patry for the redevelopment of 84 Lisbon Street:

Whereas, the City of Lewiston recently sold the property at 84 Lisbon Street to Mr. Patry in order to return the building to productive use; and

Whereas, due to the high cost associated with such a project, previous privately-funded efforts to do so have been unsuccessful; and

Whereas, Federal funding through the Neighborhood Stabilization Program, an effort of the Federal Government to respond to the housing and foreclosure crisis, can be used to restore vacant, abandoned structures; and

Whereas, the proposed development meets the City's goals of establishing higher quality, unique housing options in the downtown core; and

Whereas, Mr. Patry has pledged to provide no less than 50% of the estimated development cost of the project using privately financed and personal sources;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement with Jules Patry for the

redevelopment of 84 Lisbon Street reflecting Mr. Patry's proposed project and consistent with the terms and conditions of the NSP program.

Passed - Vote 5-0

AMENDMENTS TO THE TRAFFIC SCHEDULE TO ESTABLISH A PORTION OF HORTON STREET AS A ONE WAY STREET

Public Works Director David Jones said this is a traffic calming effort in this area and he noted that Councilor O'Connell is in support of the project.

VOTE (237-2010)

Motion by Councilor Bernier, seconded by Councilor Jean:

To adopt the proposed amendment to the Traffic Schedule to establish a portion of Horton Street, from Birch Street to Pine Street, as a one way street and a single lane street.

Did Not Pass - Vote 3-2 (Councilors Poulin and Cayer opposed)

At this point, the Council took a ten minute recess.

ORDER AUTHORIZING CHANGE ORDER #5 TO THE CONTRACT WITH LEDGEWOOD CONSTRUCTION ON THE LINCOLN STREET PARKING GARAGE

VOTE (238-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the Order authorizing Change Order #5 to the contract with Ledgewood Construction on the Lincoln Street parking garage in the amount of \$6,798 to furnish and install two (2) floor drains and two (2) floor crickets and to revise the rain leader stand as proposed in the Change Order:

WHEREAS, The Finance Committee at its meeting of July 26, 2010 considered the recommendation from the Purchasing Agent to authorize Change Order #5 to the contract with Ledgewood Construction on the Lincoln Street Parking Garage; and

WHEREAS, Action on Change Order #5 by the Finance Committee, by a vote of 3-2 with Councilor Jean and Mr. Paradis opposed, tabled action on Change Order #5 instructing City staff to forward Change Order #5 to the City Council for its input and/or action; and

WHEREAS, Not placing the drains as proposed would likely cause winter maintenance and safety concerns; and

WHEREAS, The cost of adding these drains after the concrete is in place will increase the installation costs significantly;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that Change Order #5 to the contract with Ledgewood Construction on the Lincoln Street Parking Garage is hereby authorized in the amount of \$6,798 to allow for the installation of two (2) floor drains and related

work.

Passed - Vote 4-1 (Councilor Poulin opposed)

APPOINTMENT TO THE ANDROSCOGGIN COUNTY BUDGET COMMITTEE

VOTE (239-2010)

Motion by Councilor Cayer, seconded by Councilor Morgan:

To nominate Renee Bernier from the list of candidates to serve as one of the three District 3 representatives to the Androscoggin County Budget Committee. Passed - Vote 5-0

VOTE (240-2010)

Motion by Councilor Poulin, seconded by Councilor Morgan:

To nominate Michael Marcotte from the list of candidates to serve as one of the three District 3 representatives to the Androscoggin County Budget Committee. Passed - Vote 5-0

VOTE (241-2010)

Motion by Councilor Bernier, seconded by Councilor Morgan:

To nominate Helen Poulin from the list of candidates to serve as one of the three District 3 representatives to the Androscoggin County Budget Committee. Passed - Vote 5-0

ORDER AUTHORIZING THE CITY CLERK TO CAST THE CITY'S BALLOT FOR THE MAINE MUNICIPAL ASSOCIATION'S EXECUTIVE COMMITTEE AND VICE-PRESIDENT

VOTE (242-2010)

Motion by Councilor Bernier, seconded by Councilor Cayer:

To support Sophia Wilson of Brownville to serve as the MMA Vice President.
Passed - Vote 5-0

VOTE (243-2010)

Motion by Councilor Bernier, seconded by Councilor Poulin:

To approve the Order authorizing the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice-President:

Be it Ordered By the City Council of the City of Lewiston that the City Clerk is hereby authorized to cast the City of Lewiston ballot for the election of the Maine Municipal Association's Executive Committee and Vice-President in accordance with the direction of a majority of the City's voting Municipal Officers.

Passed - Vote 5-0

**DISCUSSION OF IN-LAW APARTMENT STANDARDS AND CONSIDERATION OF
INITIATING A REQUEST FOR AMENDMENTS TO THE LAND USE CODE
REGARDING THESE STANDARDS**

VOTE (244-2010)

Motion by Councilor Jean, seconded by Councilor Bernier:

To initiate an amendment to the Land Use Code to amend Article XII, Section 11 (4) (a) (In Law Apartment Standards) to eliminate the prohibition against separate side entrances and to direct city staff to prepare the material to be presented for the Planning Board's consideration.

Passed - Vote 5-0

EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS

VOTE (245-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit. Passed - Vote 5-0

**RATIFICATION OF EXTENSION AGREEMENT OF THE COLLECTIVE
BARGAINING AGREEMENT WITH THE AMERICAN FEDERAL OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES (AFSCME COUNCIL #93) LOCAL 1458-00,
ON BEHALF OF THE LEWISTON PUBLIC WORKS UNIT**

VOTE (246-2010)

Motion by Councilor Jean, seconded by Councilor Bernier:

To ratify the Extension Agreement of the Collective Bargaining Agreement between the City of Lewiston and the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit, said agreement being for the period of July 1, 2010 to June 30, 2011, and to authorize the Mayor and the City Administrator to sign the agreements on behalf of the City of Lewiston.

Passed - Vote 5-0

REPORTS AND UPDATES

The City Administrator reviewed the upcoming meeting schedule as follows:

August 17 – special City Council meeting

August 24 – Council workshop

September 14 – tentative joint workshop with the Planning Board

OTHER BUSINESS

No other business was presented at this time.

VOTE (247-2010)

Motion by Councilor Jean, second by Councilor Bernier:

To adjourn at 10:05P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine