

CITY OF LEWISTON

CITY COUNCIL

MARCH 3, 2009

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

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

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

PRESENTATION FROM AUBURN MAYOR JOHN JENKINS

Mayor Jenkins addressed the Council regarding the Auburn City Council's recent vote to disband the Joint Services Commission. He stated he is committed to having the two cities work together, and noted that what happens to one city happens to the other. He outlined the various collaborative efforts that have occurred over the years that are all working great – Airport, Railroad, LAEGC, etc. Mayor Gilbert asked him why they voted to disband if he feels the current collaborative programs are working so well. Mayor Jenkins stated the model was flawed and he felt the commission should have been made up of members of the two Councils and not of citizens who are not the decision makers. He noted the intention was good, but the process was not. Councilor Reed suggested the timing of the Auburn vote to disband was poor and they should have waited for the final report from the joint commission, out of respect for the citizens who served on it. Mayor Gilbert suggested the two Councils should become one and form one metropolitan district.

PUBLIC HEARING FOR THE ESTABLISHMENT OF A TAX INCREMENT FINANCING (TIF) DISTRICT FOR THE GENDRON BUSINESS PARK PHASE II DEVELOPMENT PROJECT

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. City Administrator Bennett said this TIF is not a credit enhancement and that one hundred percent will be retained by the city.

VOTE (43-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To approve the establishment of the Gendron Business Park Phase II Tax Increment Financing and Development District, and to authorize the City Administrator to submit an application, substantially in the form as presented, to the Maine Department of Economic and Community Development, along with other necessary documents in support of this action.

Passed - Vote 7-0

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**PUBLIC HEARING AND APPROVAL OF AN AMENDMENT TO THE LEWISTON
RACEWAY TAX INCREMENT FINANCING AND DEVELOPMENT 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. Lincoln Jeffers, Assistant to the City Administrator for Economic Development, said this is an infrastructure TIF and the debt will be paid September 2009. Mr. Bennett stated that most towns hire attorneys to prepare all of the TIF documents, yet he noted that Lewiston is able to do all of the work in house with current economic development staff.

VOTE (44-2009)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To approve the extension of the Lewiston Raceway Redevelopment Project Tax Increment Financing District and to authorize the City Administrator to submit an amendment application, substantially in the form presented, to the Maine Department of Economic and Community Development, along with other necessary documents in support of this action.

Passed - Vote 6-1 (Councilor Poulin opposed)

**PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENTS TO THE SOLID
WASTE ORDINANCE TO DISSOLVE THE SOLID WASTE COMMITTEE**

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 Reed noted this committee is dysfunctional due to issues that will not change and this committee needs to disband.

VOTE (45-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

That the proposed amendment to the City Code of Ordinances, Chapter 62 "Solid Waste", Article IV. "Solid Waste Committee", Sections 62-70 through 62-80, to delete references to the solid waste committee, receive first passage by a roll call vote and to continue the public hearing to the next regular City Council meeting. Passed - Vote 6-1 (Councilor N. Peters opposed)

SPECIAL AMUSEMENT PERMIT FOR FUEL RESTAURANT, 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. Eric Agren, business owner, was present to answer any questions from the Council.

VOTE (46-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

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

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Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97-99 ASH 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. Randy Collins, business owner, was present to answer questions from the Council. Councilor Reed asked about beer delivery trucks that block Ash Street while unloading. Mr. Collins said this does happen occasionally, but they work as quickly as possible, noting it is a narrow street due to on street parking.

VOTE (47-2009)

Motion by Councilor Reed, seconded by Councilor Dube:

To grant a special amusement permit for live entertainment to The Cage, 97-99 Ash Street.

Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR THE DERBY ATHLETIC ASSOCIATION,
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. Theresa Temple was present representing the club officers.

VOTE (48-2009)

Motion by Councilor N. Peters, seconded by Councilor Reed:

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

**AUTHORIZATION TO PROCEED WITH THE COLLECTION PROCESS
REGARDING UNPAID STORMWATER UTILITY ACCOUNTS**

Councilor Reed said that the City has been too lenient so far and it is time to take action, noting the city cannot afford not to do this. Councilor Dube asked if there was a general reason why some accounts were not being paid – did the people not have the funds to pay or did they not want to pay. The City Administrator stated it was probably a combination of both factors, noting this is shifting the cost from single family homes to non-profits and this is a new impact for them. Councilor Poulin wondered if the rise in delinquent accounts was due to the economy.

VOTE (49-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the City Attorney to pursue legal action regarding the stormwater utility accounts that are more than 180 days past due. Passed - Vote 5-1-1 (Councilor Poulin opposed, Councilor T. Peters abstained)

**APPROVAL FOR THE KORA SHRINE TEMPLE TO PLACE TEMPORARY
DIRECTIONAL SIGNS IN THE PUBLIC RIGHT OF WAY TO PROMOTE THE
CIRCUS SHOWS**

Allen Milburn represented the Kora with this request. Councilor T. Peters suggested they place the signs in the same locations as were outlined in last year's request.

VOTE (50-2009)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To authorize the Kora Shrine Temple to place temporary, directional signs in the public right of ways, on traffic islands, at intersections throughout the City from April 3-21 to promote the upcoming circus shows in the same locations as were approved last year. Passed - Vote 7-0

**DISCUSSION REGARDING POSSIBLE ZONING ISSUES RELATED TO
ELECTROMAGNETIC FIELDS**

Councilor Reed stated the City should create set back rules from these EMP lines for new construction. Councilor Bailey suggested this should also include the gas lines as well. Councilor T. Peters questioned a city regulation which would prevent a homeowner from building up to the property line but not limit an electrical utility from developing up to the line.

**RECOMMENDATION FROM THE PLANNING BOARD REGARDING THE
DISPOSITION OF CITY OWNED PROPERTIES**

VOTE (51-2009)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To accept the recommendation from the Planning Board regarding the disposition of thirteen city owned properties and to put these out to bid according to the City's purchasing policy: 35 Beechwood Avenue, 41 Brooks Avenue, 15 Canal Street, 9 Ceres Avenue, 125 Cotton Road, 82 Crowley Road, 43 Crowley Road, 1 James Avenue, 12 Johnson Street, 5 Mitchell Street, 47 Payne Street, 45 Raiche Street Read and 41 Tarr Avenue. Passed - Vote 7-0

VOTE (52-2009)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To extend the meeting for an additional 30 minutes. Passed - Vote 7-0

**RECEIPT OF DOWNTOWN NEIGHBORHOOD TASK FORCE DRAFT
ACTION PLAN**

The Council received a presentation from Deputy Development Director Mark McComas regarding the DNTF action plan. He noted the committee members worked very hard on this plan and he thanked them for their long hours and great work. It was noted the Council will hold a workshop on the Plan in the near future to hear the specific details and recommendations of the plan. Councilor Bailey thanked the committee for all of their work.

UPDATE FROM THE LEWISTON-AUBURN PUBLIC HEALTH COMMITTEE

Due to the late hour, this item was not addressed and will be placed on the next meeting agenda.

UPDATE ON THE RUSSELL STREET PROJECT

Due to the late hour, this item was not addressed and will be placed on the next meeting agenda.

**DISCUSSION REGARDING A COURSE OF ACTION FOR THE BATES MILL
BUILDING NUMBER FIVE PROPERTY**

Due to the late hour, this item was not addressed and will be placed on the next meeting agenda.

**DISCUSSION REGARDING PROPOSED IDEA FOR AN ANDROSCOGGIN
COUNTY CHARTER**

Auburn City Councilor Ronald Potvin and State Representative Bruce Bickford made a presentation to the Council seeking their support and endorsement of a proposed charter for Androscoggin County. They are planning to go before the Androscoggin County Commissioners to ask for the creation of a Charter Commission. Rep. Bickford stated there is a need for transparency at all levels of government. They noted that they have been speaking with different communities and eleven municipalities in the county support passage of a Charter and that Durham and Livermore Falls did not vote one way or the other on this issue. Mr. Potvin said they are asking the Lewiston Council to sign a petition request to the Commissioners asking them to put a referendum question about to vote asking residents if a County Charter should be created. Councilor T. Peters noted there have been recent problems at the county level, but those seem to be in the past now. He also commented that redistricting will be happening after next year's census. It was decided to let Councilors individually sign the petition if they are interested, but the group as a whole would not act on the request.

REPORTS AND UPDATE

No reports or updates were presented at this time.

OTHER BUSINESS

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Rita Jean suggested the City should apply for economic stimulus money to have the canals inspected for energy and water development programs.

VOTE (53-2009)

Motion by Councilor N. Peters, second by Councilor Bailey:

To adjourn at 10:55 P.M. Passed - Vote 5-2 (Councilors Theriault and Reed opposed)

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine