

CITY OF LEWISTON

CITY COUNCIL

MARCH 4, 2008

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

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

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo. Councilor Dube arrived at 7:55pm.

Pledge of Allegiance to the Flag.
Moment of Silence.

APPROVAL OF THE PREVIOUS MEETING MINUTES

Councilor T. Peters had three corrections to the February 19 minutes which will be incorporated into the minutes.

VOTE (70-2008)

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

To dispense with the reading of the minutes of the meetings of January 29 and February 19, 2008 and to accept and place them on file as, as amended. Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (71-2008)

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

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 \$1,761.00, or any portion thereof, in the case of the State of Maine vs. Matthew Knowlton, CR-08-137 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 6-0

CANCELLATION OF MARCH 18 CITY COUNCIL MEETING

VOTE (72-2008)

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

To suspend Section 1,(a) of the Rules Governing the City Council, and to cancel the second March City Council meeting, scheduled for March 18. Passed - Vote 6-0

**LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR MEXICO TIPICO,
838 LISBON STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Adam Gonzales, an attorney for the restaurant owners, introduced himself and stated the owners are looking forward to operating their business in Lewiston and noted they already operate a similar restaurant in Portland. At this time, Mayor Gilbert closed the hearing.

VOTE (73-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Mexico Tipico, 838 Lisbon Street. Passed - Vote 6-0

SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97-99 ASH STREET

Mayor Gilbert opened the public hearing to receive citizen input and comment. Randy Collins, owner of The Cage, apologized for missing the last two Council meetings when his license renewal was on the agenda. Councilor Reed inquired about the timing of the beer truck deliveries, noting he has heard from residents that travel on Ash Street is difficult when the truck is there. Mr. Collins noted he has asked the company to deliver earlier in the morning so as not to block traffic, but he is at the mercy of their delivery schedule. He noted they work as fast as they can to get the delivery unloaded so the truck can clear the road. Councilor Theriault inquired about the police log for the business and asked if in the future items that do not pertain to the business could be crossed out. At this time, Mayor Gilbert closed the hearing.

VOTE (74-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To grant a special amusement permit for live entertainment for The Cage, 97-99 Ash Street. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR BARNIE'S BAR & GRILL,
1065 SABATTUS STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. John Cumby of 54 Acadia Avenue in Lewiston introduced himself as one of the owners. Councilor N. Peters asked if the business still had a deck outside and asked about the noise for the neighborhood. Mr. Cumby said they do use the deck in the summer and they work to keep the noise down, noting there are not any references to problems in the police log. Councilor Reed inquired about the reference in the log to "liquor checks". Inspector Chick of the Police Department explained these are courtesy checks by the officers when they have time, they stop in to see if everything is OK. Councilor N. Peters stated more checks should be done on downtown bars and a better effort should be made in this area. At this time, Mayor Gilbert closed the hearing.

VOTE (75-2008)

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

To grant a special amusement permit for live entertainment to Bernie's Bar & Grill, 1065 Sabattus Street. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR THE DERBY ATHLETIC ASSOCIATION,
40 WALNUT STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Terry Tremble, manager of the club, introduced herself and said she was available for questions. There being no questions at this time, Mayor Gilbert closed the hearing.

VOTE (76-2008)

Motion by Councilor Bailey, seconded by Councilor Theriault:

To grant a special amusement permit for live entertainment to the Derby Athletic Association, 40 Walnut Street. Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMIT FOR THE CARLTON CLUB,
25 SABATTUS STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Steve Bernard, manager of the club, introduced himself and said he was available for questions. There being no questions at this time, Mayor Gilbert closed the hearing.

VOTE (77-2008)

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

To grant a special amusement permit for live entertainment to the Carlton Club, 25 Sabattus Street. Passed - Vote 6-0

**TRAFFIC SCHEDULE AMENDMENT TO ADD A LOADING ZONE ON
COMMERCIAL STREET**

Councilor T. Peters inquired about the cost to make this change. Mr. Bennett stated the city pays for the signs, and the cost of the signs plus the labor for installation is approximately \$250. Councilor T. Peter also inquired if any residents of the apartment building who park in this area will be displaced. Inspector Chick stated no residents will be negatively impacted by this change.

VOTE (78-2008)

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

To approve an amendment to the Traffic Schedule for Commercial Street to add a loading zone:

Section 3 - Loading Zones

COMMERCIAL STREET

Even numbered side, north side, beginning at a point 215' from the northwest corner of Commercial St and Read St and extending northwesterly a distance of 40' Monday - Friday 9:00am - 2:00pm.

Passed - Vote 6-0

TRAFFIC SCHEDULE AMENDMENT REGARDING REGULATION OF PARKING TIMES FOR A PORTION OF BRIDGE STREET AND SPRING STREET

Councilor T. Peters stated he had the same questions as for the previous item - cost of signs and residents negatively impacted. It was noted the answers to both are the same - the cost is approximately \$250 and no residents will be impacted in a negative manner as a result of this amendment.

VOTE (79-2008)

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

To adopt the proposed amendments to the Traffic Schedule regarding the regulation of parking times for a portion of Bridge Street and Spring Street:

Section 24 - Parking Time Regulated, 30 minutes, 9:00am - 6:00pm

BRIDGE STREET

Northerly side beginning at the northwesterly corner of Spring St and Bridge St and extending northerly on Spring St a distance of 50' 105'.

SPRING STREET

Westerly side beginning at the northwesterly corner of Spring St and Bridge St and extending northerly on Spring St a distance of 105'.

Passed - Vote 6-0

PRESENTATION FROM THE BATES MILL #5 TASK FORCE REGARDING THEIR FINAL COMMITTEE REPORT

Bates Mill Task Force co-chairpersons Michael Carey and Jonathan LaBonte presented a 30 minute powerpoint presentation regarding the committee's final report. They thanked the members of the Task Force for their dedicated work: Eric Agren, Dick Albert, Elmer Berry, Daniel Cote, Rachel Desgrosseilliers, Lucien Gosselin, Bob Hayes, Luke Lazure, John Milo, Tom Platz, Paul Robinson, Peter Traill and Jennifer Williams.

Their presentation included re-use ideas the committee considered, such as a casino, sports/entertainment complex, museum or other cultural use, retail, charter arts school, hotel, parking garage, office, residential, youth center and so forth. They noted that redevelopment should be an economic driver for job creation, increased visitor and business trips, and spin off for area development. They reviewed the challenges of the site as well as the benefits, such as high visibility, high traffic count as a central location, etc.

Mr. Carey and Mr. LaBonte then reviewed the structural condition of Mill building number 5, noting the various engineering reports that have been prepared over the years. They reviewed some of the reuse options, such as demolishing the building for a clean site, converting the building into a convention center and inviting the private sector to offer RFPs for recommendations. They then discussed the benefits and challenges of each option.

Councilor Dube arrived at 7:55pm.

Councilors then asked several questions of Mr. Carey and Mr. LaBonte. Some of the questions pertained to parking space commitments for the current Bates Mill complex, if the Task Force considered any options that could be done in conjunction with Auburn, the financial costs and risks of a convention center, the costs and risks of demolishing the building and having a clear site to offer, if the committee met with meeting planners to get their input, the need for another parking garage to support the area, and the structural integrity of the building. Councilor Theriault spoke about the condition of the building, stating he had many questions and concerns about the structural condition and stability of the mill building, noting it was constructed in the 1800s and has not had many upgrades. He asked if a set of building plans might be accessible and Mr. Bennett stated the Mill's records are in archives at the Library, and he would check on this.

Seven members of the public addressed the Council regarding this issue. Bonnie Lousberry of Auburn stated she is concerned about the financial aspects of the property, noting it could be a New England wide showpiece but has not been marketed at all for potential reuse. She urged the Council not to tear down the building until additional work is done on the national level to market the property, noting the building is an asset. Noel Smith of Auburn is an architect and he echoed the comments about the need for additional marketing of the property. He stated he does not feel there is the infrastructure in Lewiston to support a convention center. Bill Hamilton of Auburn noted the need for additional marketing, stating the property has a lot more to offer than empty space. He acknowledged the structural aspects of the building are a challenge and the building is not energy efficient, but this could be addressed.

Elliot Epstein of Auburn commented on the historical significance of the building, noting it is a nationally important structure and is architecturally important. He noted community leaders need to be stewards of history and need to protect assets such as this. He commented on other downtowns across the country that have redeveloped their historic areas that are now thriving. Dan Marino of Auburn, also an architect stated that Bates Mill is an icon and is an image of industry that needs to be preserved. He noted that Faneuil Hall in Boston has been restored and is a retail and tourist destination. Bruce Damon of Buttonwood Lane stated the building is an eyesore and the city taxpayers have been supporting the building for too long, with no return on

investment. He referred to the building as an obsolete albatross that the city has sunk money into for about 15 years. He noted the building has outlived it's life and stated the time had come to demolish the building and have a clean site to offer developers.

Rachel Desgrossiellers, a Task Force member, and director of Museum L/A shared information on the historical significance of the property and noted it could be reused for multiple uses.

At this point, the Council thanked the Task Force members for their hard work and dedication to this project.

VOTE (80-2008)

Motion by Councilor Poulin, seconded by Councilor Theriault:

To continue beyond the 10pm ending time and to continue the meeting for an additional 30 minutes. Passed - Vote 5-2 (Councilors Bailey and Dube opposed.)

AMENDMENTS TO THE FACILITIES USE POLICY REGARDING THE BAN OF TOBACCO PRODUCTS AT THE MULTI-PURPOSE CENTER

Councilor Bailey asked who will enforce this new regulation, noting the current policy is not to permit smoking within 25 feet from the entrance to the building and this is not being enforced currently. It was noted signs will be posted and the building staff will enforce this.

VOTE (81-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, as recommended by the City Administrator and the Director of Recreation.

Passed - Vote 6-1 (Councilor N. Peters opposed)

INITIATE REQUEST TO PLANNING BOARD TO REVIEW AND STUDY THE ISSUES OF PARKING REQUIREMENTS AROUND BATES COLLEGE

Mr. Bennett stated that within the past few months, the Council asked if the current parking requirements at Bates College are consistent with the parking requirements associated with changes on campus, such as new buildings and so forth. Councilor Theriault noted that he brought this up in the past, noting that cars seem to park all over the place and wondered if it was time for the Planning Board to review the situation and regulations to see if it is consistent to handle the volume of vehicles on campus. Bob Bremm, director of the campus physical plant, stated the Bates College Master Plan has been updated and changed, and since this is a new City Council, he would be happy to schedule a workshop with them to review the College's present and future plans. It was noted this workshop should also be held with the Planning Board and will be schedule in the future, perhaps after the budget workshops.

VOTE (82-2008)

Motion by Councilor Reed, seconded by Councilor Dube:

To postpone this item until a workshop can be held with the Planning Board regarding the Bates College Master Plan. Passed - Vote 7-0

REPORTS AND UPDATE

Councilor Poulin stated he did bring Councilor Theriault's inquiry to the School Committee regarding the issue of geo-thermal heat in the new school buildings. Councilor Poulin said the Committee had reviewed it and it was not going to be as cost effective as traditional systems. He also noted he is talking with the School Committee about consolidating the IT Departments of the city and school, and the School Committee was very interested in looking into this issue. He also noted a joint workshop is coming up soon with the School Committee and City Council and he said he will develop plans for ideas regarding this issue.

Councilor T. Peters stated from the discussions earlier regarding the Bates Mill, he was concerned that some citizens felt the Council was only going to consider one option for the Mill property, and he wanted to clarify that the Council will study all possible options for the property.

City Administrator Bennett reported that both cities are live with their telephone connections and with a four digit call, can reach staff in both cities. He noted this new system was done with a savings of \$70,000. He also stated the city maintenance staff has checked the roofs of city buildings and there are no concerns regarding the snow load. He also announced that there was a partial roof collapse at the Walmart Distribution Center at approximately 8:30pm this evening, saying that a 50 foot by 100 foot section over the freezers caved in, but thankfully there were no injuries.

OTHER BUSINESS**VOTE (83-2008)**

Motion by Councilor Theriault, second by Councilor T. Peters:

According to the Council Order of March 6, 2007, specifically Number 4 on such order, states "The Task Force shall cease to exist upon the issuance of the final report to the Lewiston City Council and the acceptance of the report by the Council. The report shall be issued no later than February 1, 2008."

The Lewiston City Council hereby acknowledges receiving the Final Report of Bates Mill #5 and thanks the Task Force for their work in compiling this information and at this time, also acknowledges the termination of the Bates Mill #5 Task force under the Number 4 directive of the above stated Order.

The Council also requests at this time copies of all minutes of this Task Force taken during its existence and prepared by the Assistant to the City Administrator as listed in Number 13 of the above Order.

The Council also requests a financial spreadsheet of all costs incurred by this Task Force and the source of funding as outlined in Number 14 of the above Order.

Passed - Vote 7-0

EXECUTIVE SESSION

VOTE (84-2008)

Motion by Councilor T. Peters, second by Councilor Theriault:

Due to the late hour, to postpone the executive session regarding the sale/lease of the Androscoggin Bank Colisee until 6pm on Tuesday, March 25. Passed - Vote 7-0

VOTE (85-2008)

Motion by Councilor Theriault, second by Councilor Reed:

To adjourn at 10:25 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine