

CITY OF LEWISTON

CITY COUNCIL

JUNE 17, 2008

**EXECUTIVE SESSION HELD IN THE
ADMINISTRATIVE CONFERENCE ROOM AT 6:00 P.M.**

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

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

The City Council meeting was called to order by Mayor Gilbert at 6:10 pm in a public session.

VOTE (168-2008)

Motion by Councilor Poulin, seconded by Councilor Bailey:

To enter into an executive session to review an application submitted under M.R.S.A., Title 36, section (2). Passed - Vote 5-0

Executive Session began at 6:12 pm and ended at 6:55 pm.

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

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

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

Pledge of Allegiance to the Flag.

Moment of Silence.

FINAL PASSAGE OF THE FISCAL YEAR 2009 TAX RESOLVE

VOTE (169-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

That the Tax Resolve instructing the Chief Assessor to raise \$44,356,099.00 to finance the Fiscal Year 2009 budget have final passage by a roll call vote:

RESOLVED, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2008, the sum of Forty-Four Million Three Hundred Fifty-Six Thousand Ninety-nine Dollars (\$44,356,099) for

the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

Appropriation Resolve		\$89,805,301
LESS:		
Estimated Revenues	\$44,284,202	
Prior Years' Surplus	1,165,000	
Total Adjustments		\$45,449,202
Net Appropriation		\$44,356,099
TAX LEVY:		\$44,356,099

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2008 and March 15, 2009, at the rate of 11.0%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 7.0%.

Passed - Vote 5-0

PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENTS TO SEVERAL ORDINANCES TO REMOVE ALL REFERENCES TO FEE AMOUNTS FROM THE ORDINANCES

City Administrator Bennett explained the background for this item, noting that it is a housekeeping matter to move the fees out of the ordinances and into the Policy Manual. Councilor Poulin said he is opposed to the change, noting in the future when amendments are made to the fees, it will not require a legal ad, public hearing, or two readings, and he feels that there will be less public input on the fee amounts. He also expressed concern with moving the penalty amounts out of the ordinances, saying these are a different category then just standard fees.

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 (170-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

That the proposed amendments to the City Code of Ordinances, Chapter 1, "General Provisions", Chapter 10, "Amusements and Entertainments", Chapter 14, "Animals", Chapter 22, "Businesses", Chapter 38, "Fire Prevention and Protection", Chapter 46, "General Assistance", Chapter 50, "Offenses and Miscellaneous Provisions", Chapter 62, "Solid Waste" and Chapter 70, "Traffic & Vehicles", to remove the fee amounts from the City Code and move them into the

Policy Manual, receive first passage by a roll call vote and that the public hearing be continued to the next regular City Council meeting for final passage.

Passed - Vote 4-1 (Councilor Poulin opposed)

AMENDMENTS TO THE CITY POLICY MANUAL REGARDING ADJUSTMENTS TO VARIOUS FEES FOR LICENSES, PERMITS, VIOLATIONS AND SERVICES

Councilor Reed suggested that the Council could approve the amendments to the fee schedule with the exception of the fees that are defined in the ordinance. He said that he is concerned with the overlap in the timing, noting that the ordinance change will not go into effect for thirty days but the Policy Manual amendments take effect immediately. Councilor Poulin said that he has a hard time supporting the fee increases, since not all of the increases are at 5.1% as the Council was told, but some are at 8% or 16%. The Finance Director said that some are higher than the 5.1% due to rounding to the next increment and some fee amounts are higher, such as the landfill punch pass, but these were discussed as part of the budget workshops.

VOTE (171-2008)

Motion by Councilor Poulin, seconded by Councilor Theriault:

To postpone action on this item until the July 15, 2008 Council meeting. Passed - Vote 5-0

REQUEST FOR ABATEMENT OF PROPERTY TAXES FOR APPLICATION SUBMITTED UNDER TITLE 36, SECTION 841(2)

No action was taken on this item at this time.

REQUEST FOR A WAIVER OF THE PARK ORDINANCE TO ALLOW COMMERCIAL ACTIVITY IN KENNEDY PARK WHICH SHALL BE A ONE DAY FUNDRAISING EVENT TO BENEFIT THE PARK'S PLAYGROUND EQUIPMENT FUND

Randy Wade, a project team manager from Walmart, explained that the store associates have offered to conduct a yard sale in Kennedy Park as a fundraiser for the replacement of the playground equipment. Items sold will be surplus and clearance inventory from the store. Deputy City Administrator Phil Nadeau said the store associates will handle the set up and clean up and there will not be any security issues that the City will need to address.

VOTE (172-2008)

Motion by Councilor Reed, seconded by Councilor Bailey:

To grant a waiver of the City's Park Ordinance to allow a one day yard sale and food sale in Kennedy Park to serve as a fundraiser for the Park's playground equipment fund, said event to be held on a Saturday during the summer, and to waive all related permit and licensing fees associated with the event. Passed - Vote 5-0

**REQUEST FOR A WAIVER OF THE PARK ORDINANCE TO ALLOW
COMMERCIAL ACTIVITY IN KENNEDY PARK WHICH SHALL BE A ONE OR
TWO DAY BASKETBALL TOURNAMENT FUNDRAISING EVENT**

Ramone Jones, representing Concerts4Charity.org, said the group is planning to host a three on three basketball tournament fundraiser in Kennedy Park. For the past seven years, the event has been held in Portland and last year it was held in Bangor, and they would like to expand to Lewiston this year. Councilor Theriault asked how much of the funds raised go to local non profits. Mr. Jones said they raise funds based upon the team entry fees, which could range from a couple of hundred dollars to a few thousand dollars, pending on the amount of teams. He said they are open to suggestions for local charities to receive the funds. Councilor Reed said this is a great community event and he has attended the event in Portland over the years and would strongly encourage support of this event. Councilor Dube inquired about security, trash removal, and so forth. Deputy City Administrator Phil Nadeau said they are still working on these details at this point, but the organizers will be taking care of most of these items and costs to the City will be minimal.

VOTE (173-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To grant a waiver of the City's Park Ordinance to allow a one or two day basketball tournament fundraiser with food and product sale, called the Three on Three Charity Jam, coordinated by Concerts4Charity.org, in Kennedy Park on Saturday, August 9, conditionally that the event coordinators receive all necessary permits and that all costs associated with the event such as security, hygiene, permitting, trash and so forth, are addressed to the satisfaction of the City Administrator. Passed - Vote 5-0

**REQUEST FOR FINANCIAL SUPPORT FROM THE AFRICAN IMMIGRANTS
ASSOCIATION FOR THE SOMALI INDEPENDENCE DAY CELEBRATION**

Said Mohamud of the African Immigrant Association and Cara Gomont of the Center for the Prevention of Hate Violence, addressed the Council and explained the upcoming Independence Day celebration festival event that will take place at the Multi-Purpose Center. They noted the event is an opportunity for Somali residents and other residents to get together to learn about Somali culture and customs. This event has been held for the past five or so years, the past two years at MPC. They are seeking a donation from the city to cover the costs of the police department overtime and the overtime for the staff at MPC. Councilor Dube noted the City donated \$700 for last year's event and she inquired about the additional \$800 needed for this year. Councilor Theriault said that any group that uses the facility and requires overtime from the staff should pay those costs, noting the city needs to earn a return on the investment in the facility. Councilor Reed noted the building is already there and people should be able to use it, noting the Council recently authorized \$5,000 for the Liberty Festival and \$14,000 for the Balloon Festival. Recreation Director Maggie Chisholm said that the overtime costs for the MPC staff last year was \$345.

Motion by Councilor Reed, seconded by Councilor Dube:

To appropriate up to \$1500 from the contingency fund to support the Somali Independence Day celebration to go toward the costs of the police department overtime and the Multi-Purpose Center overtime costs, and to waive any related permit fees.

VOTE (174-2008)

Motion by Councilor Bailey, seconded by Councilor Poulin:

To change the amount from up to \$1500 to up to \$800. Did Not Pass - Vote 3-2 (Councilors Bailey, Dube and Reed in favor; Councilors Poulin and Theriault opposed)

Vote on motion as originally presented:

VOTE (175-2008)

Motion by Councilor Reed, seconded by Councilor Dube:

To appropriate up to \$1500 from the contingency fund to support the Somali Independence Day celebration to go toward the costs of the police department overtime and the Multi-Purpose Center overtime costs, and to waive any related permit fees. Passed - Vote 4-1 (Councilor Theriault opposed)

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

PRESENTATION REGARDING STORMWATER AND URBAN IMPAIRED STREAMS

Public Services Director Dave Jones and Jan Patterson, an engineer with the City, made a powerpoint presentation to the Council regarding the stormwater management program and urban impaired streams, specifically Hart Brook and Jepson Brook. They are working with Maine DEP regarding classification of these waters. Mr. Jones said the Notice of Intention to Comply will be filed next week and there are two upcoming stakeholders meetings at the end of this month.

DISCUSSION REGARDING POLLING PLACE LOCATIONS WITHIN THE CITY

Council briefly discussed the pros and cons of changing polling places within the City and decided to set the public hearing for the next meeting.

VOTE (176-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To set a public hearing for the July 15, 2008 City Council meeting regarding the changing of some polling place locations within the City. Passed - Vote 5-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (177-2008)

Motion by Councilor Theriault, second by Councilor Dube:

To adjourn at 9:35P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine