

CITY OF LEWISTON

CITY COUNCIL

AUGUST 12, 2008

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.

VOTE (206-2008)

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

To dispense with the reading of the minutes of the meetings of June 3, 17 and 24, 2008 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (207-2008)

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

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:

- 1) the transfer of 6.67% of proceeds from the sale of a Custom Built Blue Motorcycle, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Debra Smith, CE-07-0019, Exhibit N40, 08-DEA-501850;
- 2) the transfer of 6.67% of proceeds from the sale of a Custom Built Red Motorcycle, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Debra Smith, CE-07-0019, Exhibit N41, 08-DEA-501863;
- 3) the transfer of 6.67% of proceeds from the sale of a Custom Built Gray Motorcycle, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Debra Smith, CE-07-0019, Exhibit N42, 08-DEA-501866;
- 4) the transfer of 14% of \$9,192, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Eric Lynch, CE-08-0030, Exhibit N-1, 08-DEA-502918;
- 5) the transfer of 16% of \$9,000, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Clifford Dow, CE-08-0029, Exhibit N-5, 08-DEA-501987;

6) the transfer of 16% of \$2,223, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Jayson Nelson, CE-08-0029, Exhibit N-12, 08-DEA-502796.

7) the transfer of \$563 or any portion thereof, in the case of the State of Maine vs. Domino-Marie Collins-Ross, CR-08-571.

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 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD STOP SIGNS
AT LABBE AVENUE**

VOTE (208-2008)

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

To approve amendments to the Traffic Schedule to add stop signs at Clearwater Avenue, Constance Avenue and Reservoir Avenue, at the intersections with Labbe Avenue.

Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING
REGULATIONS ON A PORTION OF LISBON STREET**

VOTE (209-2008)

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

To adopt the proposed amendments to the Traffic Schedule to regulate parking on a portion of Lisbon Street to designate one parking space as parking prohibited and to add a loading zone designation for two spaces. Passed - Vote 7-0

**ADOPTION OF A NEW CITY POLICY FOR CITY DEPARTMENT MISCELLANEOUS
FEES AND PENALTIES**

VOTE (210-2008)

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

To adopt and establish a new City Policy, Policy Number 81 - City Department Miscellaneous Fees and Penalties. Passed - Vote 6-1 (Councilor Poulin opposed)

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO THE SOLID
WASTE ORDINANCE REGARDING THE ELIMINATION OF SOLID WASTE
COLLECTION FOR CHURCHES AND PRIVATE SCHOOLS**

Mayor Gilbert opened up 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 (211-2008)

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

That the proposed amendments to the City Code of Ordinances, Chapter 62 “Solid Waste”, Section 62-13 “Municipal collection of solid waste and recyclable materials” , receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING STORMWATER MANAGEMENT

Mayor Gilbert opened up 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 (212-2008)

Motion by Councilor Theriault, seconded by Councilor Bailey:

That the proposed amendment to Appendix A, Article XI “District Regulations”, and Article XIII “Development Review and Standards”, of the City Zoning and Land Use Code, concerning stormwater management, 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 7-0

SPECIAL AMUSEMENT PERMIT FOR SHE DOESN'T LIKE GUTHRIES, 115 MIDDLE STREET

Mayor Gilbert opened up 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 Letourneau, owner of the restaurant, was present to answer any questions. Councilor Reed inquired about their proximity to Oak Park, and Mr. Letourneau noted they are on the other side of the building and many of their patrons are from Oak Park. Councilor Dube expressed concerns that she was in an establishment in Auburn and several intoxicated people left there and said they were heading to Guthries and she wondered if this is serving as a late night hang out for people when they leave other clubs. Mr. Letourneau said they only serve beer and wine, close usually at 11pm and the music they offer is blues, bluegrass and jazz, so they are not considered a night club. The Mayor commended the business and said they are a good, clean business that the city wants to have in the downtown. Chief Welch said the Police Department has no concerns with the renewal of this permit.

VOTE (213-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To grant a special amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR SPARETIME RECREATION,
24 MOLLISON WAY**

Mayor Gilbert opened up 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. No representatives from Sparetime were present.

VOTE (214-2008)

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

To grant a special amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 7-0

**APPROVAL OF A LEASE AGREEMENT BETWEEN THE LEWISTON AND AUBURN
RAILROAD COMPANY AND THE CITY OF LEWISTON REGARDING THE GRAND
TRUNK DEPOT PARKING LOT**

Assistant to the City Administrator Lincoln Jeffers and Deputy Director of Economic and Community Development Mark McComas made a presentation to the Council. Councilor Poulin inquired about the overall strategy to acquire parking in the downtown. Mr. Jeffers said the city is working to identify a site in the downtown to build a large parking garage structure over the next year. Councilor T. Peters questioned why the city would lease space for 46 parking spaces and pay \$150,000 to prepare the lot if we don't own and control the land. He suggested looking into purchasing the land outright rather than leasing it, since the city has to make an investment to upgrade the property, there is a risk to do this on leased land. Mr. Bennett reviewed the relationship between the City and the Railroad Board, noting it has been a joint economic development relationship over the years and noted the Council appoints 75% of the board members. He said the Railroad Board would only terminate the lease if it is in the best interest of the city to use the land for other purposes. Mr. Jeffers also noted the Board gave the land for the Simard-Payne Park as well as the land for the current CSO project. He also reviewed the parking commitments made for the Bates Mill redevelopment work. Councilor Poulin asked why the city would create several small parking lots in the downtown rather than one large garage. Councilor Reed said he felt the city is just deferring the inevitable costs for a garage by putting up these small lots as a temporary fix.

VOTE (215-2008)

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

To continue this item to the September 2 Council meeting. Passed - Vote 5-2 (Councilors Reed and Poulin opposed)

**APPROPRIATION OF FUNDS FOR FEASIBILITY STUDY FOR PASSENGER
SERVICE AT THE AUBURN/LEWISTON AIRPORT**

Councilor Reed noted this amount includes the work for all three phases and the money will only be spent on one phase at a time. Ed Plourde, Lewiston resident and chairperson of the Airport

Board, explained the project and said this study will finally answer the long standing question in the community about passenger air service at the airport. Councilor Reed said this work is contingent upon Auburn appropriating funds as well, which is scheduled for next week. Councilor N. Peters commended the Board for their work and for bringing this forward, saying the cities will see great payback if this will work.

VOTE (216-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

Be It Ordered that the City Council appropriate up to \$10,000 to the Auburn/Lewiston Airport Board of Directors for the feasibility study and survey regarding passenger air service, and to authorize the transfer of up to \$10,000 from the Contingency account 49810-4049000 to the Airport account 48110-4028800. Passed - Vote 6-0-1 (Councilor Dube abstained)

ESTABLISHMENT OF CRITERIA FOR USE OF THE INTEREST IN THE FARRAR FUND

Councilor T. Peters inquired about the annual interest earned for this account and the Finance Director stated it is about \$2,500 a year. Councilor Peters expressed concern that the original proposal by staff would recommend spending no more than \$5,000 per year from the account, which is double the interest earned. He suggested keeping the principal amount and only spending the interest earned each year. Councilor Dube suggested there should be a limit per applicant so that all of the money for one year does not go to one person.

VOTE (217-2008)

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

To establish and approve the following set of criteria for use of the interest generated from the Farrar Fund:

1. Funds can be used for a charitable needy purpose, as determined by the Social Services Director, for cost to provide basic necessary services that are not covered by other general assistance programs.
2. The services are to be provided to individuals whose income is no greater than 185% of the federal poverty level.
3. In order to maintain an adequate balance in the fund, an expenditure limit of no more than the interest earned in the previous year can be spent without City Council approval.

Passed - Vote 7-0

DISCUSSION REGARDING FORMATTING IDEAS FOR NEXT YEAR'S MUNICIPAL BUDGET

Council Poulin said that he requested this item to begin a discussion about the budget format for next year's budget, saying he would like to see a budget done based upon the expenditures of

each department by each function performed. He said for example, he would like to see a line item in the Public Works budget for street sweeping and have all labor, equipment and so forth related to that function, budgeted in this line item. Mr. Bennett explained the current performance based budgeting program the city is participating in with about ten other New England states, noting it is a three year program to get up and running to create this performance based model for each department. The towns participating in the program will establish and create benchmarking standards for this type of budgeting for all municipalities to follow.

Councilor Reed said that he does not want to see city staff reinvent the wheel, saying he liked the budget format this year and felt it worked very well and provided Council with a great deal of detail and information for every account. Councilor T. Peters suggested that Councilor Poulin and Mr. Bennett meet to review Councilor Poulin's thoughts and requests for the budget format. Councilor N. Peters also suggested looking to see what services can be privatized. The Mayor inquired about a list of projects the Public Works Department is currently working on and wondered if they are sacrificing necessary maintenance projects due to the employee cuts over the past few years. Councilor Theriault suggested the crews might be behind in work due to the length of the spring clean up program, noting they lost two months of work and wondered if this is the best use of the crew, and suggested the Council revisit the spring clean up program.

REPORTS AND UPDATE

No reports and updates were made at this time.

OTHER BUSINESS

Councilor Dube reported the first Energy Savings Committee was held and recommendations will be forwarded to Council as they are generated by the Committee. Mr. Bennett said the City has hired a new MIS Director, Tim Earle of Auburn, who started work recently. He also said by the end of the week the resumes will be reviewed for the new Energy Management Director position and interviews will be coordinated. Councilor Dube said that she received a complaint from a resident who received poor customer service at City Hall while inquiring about his tax bill. She urged residents to contact their Councilors if they receive poor service from employees. Mr. Bennett suggested residents report problems to the City Administrator's Office immediately so it can be dealt with as soon as they occur.

Councilor Theriault encouraged residents who may have concerns with heating their homes this winter to contact City Hall with problems. The Mayor noted the first recipient of the VIBE (Volunteers Inspire by Example) Award is Lou Jordan for her work with the Franco American Heritage Center and Festival Franco Fun. Bob Soucy said the state is supposed to do work on the guardrail for Canal Street and they have not done it, and he suggested the City contact them to get the work done before winter. Councilor Reed said the state has been doing the work for the past two weeks and it is almost done. Mike Ouellette of 149 Lisbon Street suggested moving spring clean up to the fall, noting that items are still frozen in the ground in April and cannot be moved to the curb.

CITY COUNCIL

AUGUST 12, 2008

VOTE (218-2008)

Motion by Councilor Theriault, second by Councilor Reed:

To adjourn at 9:03 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine