

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 6, 2007

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:30 P.M.

COUNCIL PRESIDENT RENEE M. BERNIER, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION FROM ANDROSCOGGIN COUNTY SHERIFF

Sheriff Desjardins, along with Chief Deputy Eric Samson, met with the Council to review and outline the goals for the Sheriff's Department during Sheriff Desjardins' term in office. Sheriff Desjardins stressed the importance of working together and hopes that Lewiston, Auburn and the County can partner together on future projects and programs for cost savings as well as increased efficiencies in service delivery needs.

VOTE (29-2007)

Motion by Councilor Samson, seconded by Councilor O'Brien:

To dispense with the reading of the minutes of the January 23, 2007, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

ANNUAL WARRANT FOR PROSECUTING UNLICENSED DOG OWNERS

VOTE (30-2007)

Motion by Councilor Samson, second by Councilor Jean:

To issue and sign the warrant for the prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 7-0

BIENNIAL APPOINTMENT OF REGISTRAR OF VOTERS

VOTE (31-2007)

Motion by Councilor Samson, second by Councilor Jean:

To appoint City Clerk Kathleen M. Montejo as the Registrar of Voters for a two-year term of January 1, 2007 to December 31, 2008. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (32-2007)

Motion by Councilor Samson, second by Councilor Jean:

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 \$1,114.00, or any portion thereof, in the case of the State of Maine vs. Stephen Braithwaite, CR-06-1320 Court Records; the transfer of \$1,044.00, or any portion thereof, in the case of the State of Maine vs. Michael Shepard, CR-06-1321 Court Records, and the transfer of \$765.00, or any portion thereof, in the case of the State of Maine vs. Yolanda K. Anyanwu, CR-06-1390 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 7-0

RESOLUTION TO RENEW THE HOME INVESTMENT PARTNERSHIP AGREEMENT TO FORM A CONSORTIUM WITH THE CITY OF AUBURN

VOTE (33-2007)

Motion by Councilor Samson, seconded by Councilor Jean:

To adopt the Resolution to renew the Home Investment Partnership Agreement with the City of Auburn and to authorize the City Administrator to execute the Mutual Consortium Agreement:

WHEREAS, Lewiston has some of the oldest inner-city housing stock in the Northeast; and

WHEREAS, Lewiston currently has a dilapidated and decaying housing stock; and

WHEREAS, Lewiston's inner-city is characterized by a high degree of absentee landlords; and

WHEREAS, The City of Lewiston is making a major commitment to creating owner occupied, mixed income housing throughout the City of Lewiston; and

WHEREAS, The City of Lewiston's situation is not unique, but is shared with municipalities of varying size across the state; and

WHEREAS, These municipalities, including Lewiston, will need resource assistance in investing in the improvement of it's housing stock,

NOW, THEREFORE, Be It Resolved by the City Council of the City of Lewiston, that the City Council authorizes the City Administrator to sign the Mutual Cooperation Agreement to form a Consortium between the City of Lewiston and the City of Auburn under the HOME Investment Partnership Program.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING FRONTAGE, RIGHT OF WAY PROVISIONS AND THE CREATION
OF BACK LOTS FOR SINGLE FAMILY DWELLINGS**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (34-2007)

Motion by Councilor Jean, second by Councilor Mendros:

That the proposed amendment to Appendix A, Article II “Definitions”, Section 2, “Definitions”, Article XII “Performance Standards”, Section 10 “Frontage Right-Of-Way Provisions” and Article XIII. “Development Review and Standards”, Section 2 “Applicability” of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

At this time, Council President Bernier took agenda item number 8 out of order to be addressed at this time.

**ADOPTION OF NEW CITY POLICY REGARDING THE DESIGN AND
CONSTRUCTION OF STREETS AND SIDEWALKS**

Motion by Councilor O’Brien, second by Councilor Jean:

To adopt and establish a new City Policy: Policy Manual 79 - Policy for the Design and Construction of Streets and Sidewalks.

City Administrator James Bennett expressed concerns with the recommendations in the Policy as approved by the Planning Board which allows private roads to be constructed to lower standards and requirements than city maintained roads. He noted that it is very common for private roads to be built and then over time for the residents of these private roads to request the City take ownership and maintenance of the roads, at a great cost to the tax payers. He noted the City then spends a great deal of money to fix problems that were not addressed by the developer, such as drainage issues, deterioration and other related issues. City Planner David Hediger noted the Planning Board did discuss this issue at length and felt a compromise was to allow for the private road standards to apply to new subdivisions with less than ten houses, thereby allowing for less traffic flow. Councilor O’Brien noted the issues arise when the original homes are sold and the new purchasers may not fully understand their responsibilities for road maintenance, snow plowing and so forth. She said the city needs proper codes to guard against this.

Tom Peters, chairperson of the Planning Board, addressed the Council and mentioned they had the same type of discussions regarding private roads, but wanted to recognize there is not a lot of developable land remaining in the city and there is a need for moderate income properties that small tracks of land could accommodate. The Policy allows for lesser standards for private roads if there are ten houses or less on the road, which would mean less usage of the roadway.

VOTE (35-2007)

Motion by Councilor Paradis, second by Councilor Jean:

To direct staff to make changes to the Policy regarding private road standards as discussed tonight by the Council. Passed - Vote 7-0

VOTE (36-2007)

Motion by Councilor Samson, second by Councilor Mendros:

To postpone action on this item to the next regular Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE STREETS AND SIDEWALKS ORDINANCE AND THE LAND USE CODE CONCERNING STREET DESIGN AND CONSTRUCTION STANDARDS

Councilors noted in light of the continuation of the previous item that is connected to this item, it would be best to postpone action on this agenda item as well.

VOTE (37-2007)

Motion by Councilor Samson, second by Councilor Mendros:

To continue the public hearing to the next regular meeting and to postpone action on this item to the next regular Council meeting. Passed - Vote 7-0

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

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

VOTE (38-2007)

Motion by Councilor O'Brien, second by Councilor Jean:

To grant a Special Amusement Permit for dancing and entertainment to The Cage, 97-99 Ash Street. Passed - Vote 7-0

REQUEST FROM THE FRANCO-AMERICAN HERITAGE CENTER FOR FUNDS FOR COMPLETION OF INSTALLATION OF THREE HANDICAPPED PARKING SPACES AND MOVING OF A UTILITY POLE

Councilor Rousseau recused himself from this item. Rita Dube of the Franco-American Heritage Center requested \$1150 from the city to complete the project for the installation of three handicapped parking spaces by the Center, as well as funds to cover the cost of moving a utility

pole in the way of the new spaces. The Center received \$7800 from the city in October 2006 for the project and the final cost was higher than estimated. Councilor Bernier said that she has received phone calls from other non profit organizations in town asking if their projects ran over budget, could they request additional funds from the city to cover the difference. Councilor Paradis inquired why this request was presented to the Council, noting they already allotted funds last fall and it would be "opening a can of worms" to revisit additional funds for this project, and other non profit groups will want to submit similar requests. City Administrator James Bennett reminded the Council the item in the fall was to have the Council appropriate funds to cover the cost of the project, yet the Council wanted to set a dollar limit of \$7800.

Charles Soule of 170 Bartlett Street said that he supports the work of the Center, but the City needs to draw the line and can not support all organizations in town that have financial concerns.

Mrs. Dube noted the original estimate was outdated and the cost of the contractor's labor and materials had increased. She noted the Center has been very active with fundraising efforts from all potential revenue sources ever since it was established, noting major unplanned expenses such as roof repairs. Mrs. Dube mentioned the Center has plans for future projects such as illuminating the steeple, similar to the lighting of the Basilica. Councilor O'Brien reminded the Council that the Center has enhanced the status of arts and culture in Lewiston. Councilor Mendros stated he was a strong proponent of allocating the original funds in the fall, but does not want to set a precedence for organizations that if their projects go over budget, they can come of the City to "bail them out" of the problem.

Tom Peters of 937 Main Street suggested contacting CMP to see if they might be able to relocate the pole at no cost, if it is in the way of the new parking spaces. Phyllis Rand of 198 Central Avenue addressed the Council and said she is aware of another non profit organization in the downtown area that also had to recently address roof repairs. She noted the group organized fundraising efforts to pay for the costs and that it never occurred to them to ask the City for financial assistance. She urged the Council to consider establishing criteria for approving funding requests in the future and she is concerned they might be setting a precedence and expectation if these funds are approved.

Councilor Jean noted there are different degrees of not profit organizations, noting that the Center helps the entire community, not just one sector. He stated they are bringing in cultural programming where there has not been any in the past. He noted that Bates College used to hold cultural programs for the community at the Olin Center, but do not do this anymore. Councilor Jean pointed out the Center held a concert last week featuring the Midcoast Orchestra and it was free admission to anyone 21 years of age and under. Councilor Samson said he has attended numerous functions at the Center in the past and there is always large turnout of patrons enjoying the performances.

VOTE (39-2007)

Motion by Councilor Samson, second by Councilor Jean:

To allocate funds to the Franco-American Heritage Center in the amount of \$1,912.50 for the completion of the installation of three handicapped parking spaces and the relocation of a utility

pole. Did Not Pass - Vote 3-3 (Councilors O'Brien, Jean and Samson in favor and Councilors Bernier, Paradis and Mendros opposed).

VOTE (40-2007)

Motion by Councilor O'Brien, second by Councilor Samson:

To allocate funds to the Franco-American Heritage Center in the amount of \$1,150 for the completion of the installation of three handicapped parking spaces. Did Not Pass - Vote 3-3 (Councilors O'Brien, Jean and Samson in favor and Councilors Bernier, Paradis and Mendros opposed).

APPROVAL OF ANIMAL CONTROL SERVICES AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE CITY OF AUBURN

Deputy Police Chief Michael Bussiere addressed the Council and stated the Auburn Police Chief contacted Lewiston with the request to explore options for sharing an Animal Control Officer position. Deputy Chief Bussiere said the two cities have been sharing one ACO position on a trial basis for the past five months and it has worked fine regarding response time to calls and other issues. It was noted the two cities would each pay one half of the salary and benefits, and worker's compensation would be handled based upon in which community any future injuries occur.

VOTE (41-2007)

Motion by Councilor Samson, second by Councilor Mendros:

To approve the Animal Control Officer Services Agreement between the City of Lewiston and the City of Auburn. Passed - Vote 7-0

REPORTS AND UPDATES

Deputy City Administrator Phil Nadeau stated beginning this Friday and continuing during the Legislative Session, the local delegation will be receiving updates from the City regarding our position on various municipal related bills. Councilors will also be receiving information on the City's positions on bills and they should contact Mr. Nadeau regarding any questions or different positions on the L.D.s. Councilor Rousseau mentioned the L.D.s related to excise tax that the City should be tracking and Councilor Mendros stated the school is also following several bills as well.

City Administrator Bennett reminded the Council of upcoming meetings and workshop dates. Councilor Paradis mentioned that Councilor Mendros has already noted he will be recusing himself from discussions related to the pending lawsuit against the Council regarding the stormwater petition, and he inquired if Councilor Jean will be abstaining as well.

OTHER BUSINESS

Larry Morrissette of Auburn addressed the Council and read a prepared statement regarding the US Constitution, world peace and Bill of Rights. He also spoke against the ADAPT program in Auburn and suggested that Auburn reconsider what they are doing.

Tina Lawrence of 353 Lisbon Street expressed concerns regarding noise from The Vault, a bar that is below her apartment unit. She noted damage that has occurred in her apartment due to the vibrations from the equipment. Ms. Lawrence will be meeting with the Police Chief to discuss her concerns.

VOTE (42-2007)

Motion by Councilor Jean, second by Councilor O'Brien:

To adjourn at 9:30 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine