

**CITY OF LEWISTON**

**CITY COUNCIL**

**MARCH 6, 2007**

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

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

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

Pledge of Allegiance to the Flag.  
Moment of Silence.

Councilor Jean welcomed Mayor Gilbert and congratulated him on the recent election. Mayor Gilbert thanked Councilor Jean and others and stated he looks forward to working with the Council as Mayor and plans to dedicate his time and energy to the new position.

**PUBLIC HEARING AND FIRST & FINAL PASSAGE FOR A MORATORIUM  
ORDINANCE REGARDING NEW LIQUOR LICENSES IN THE  
OAK PARK NEIGHBORHOOD**

Mayor Gilbert opened the public hearing to receive input and comments from citizens. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Paradis expressed concerns with a moratorium if any new restaurants are interested in opening in the area during the time of the moratorium. It was noted there aren't any pending applications for restaurants in this area.

**VOTE (60-2007)**

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, to be effective March 1, 2007, receive first passage by a roll call vote.  
Passed - Vote 7-0

**VOTE (61-2007)**

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

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

**VOTE (62-2007)**

Motion by Councilor Jean, seconded by Councilor Mendros:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, to be effective March 1, 2007, receive final passage by a roll call vote.  
Passed - Vote 7-0

**PUBLIC HEARING REGARDING THE RENEWAL OF THE LIQUOR LICENSE FOR  
THE BLUE ELEPHANT LOUNGE, 37 PARK STREET**

City Administrator Bennett reviewed the procedural role of the Council for this hearing, noting they are acting as the licensing authority/hearing board for this license and he reviewed the state statutes regarding reasons for denial. Chief Welch stated he is recommending denial of the liquor license due to concerns with numerous disturbance calls, the high number of arrests at this business since August, noting 80 calls for service, issues and law enforcement. The Chief stated he believes the business owners are trying to do a good job, but are inexperienced at operating a club, noting organized motorcycle gangs are permitted to wear their colors, reports of allowing alcohol consumption outside and so forth. He noted that some steps have been taken, but not enough.

Ron Marcoux of Oak Park addressed the Council and stated he is speaking on behalf of residents of Oak Park who have concerns with this business every Thursday, Friday and Saturday night. He noted there is noise from 1am - 2am each of these nights, often waking up residents. He also expressed concerns with vandalism in the parking garages, on going fights among patrons and other issues. He noted the problems are getting progressively worse. Two other Oak Park residents spoke regarding lack of sleep due to noise at night.

Tim Smith, owner of Taylor Made Security, stated he was hired October 31, 2006 by The Blue Elephant to handle security. He noted his crew is very proactive and check identification on all patrons. He said it would be a violation of civil rights to ban motorcycle gang colors, but if the Chief is recommending this, they will enforce. He noted his company provides security for many clubs in Portland and out of state. Mr. Smith said his crews work closely with law enforcement to prevent problems and look for trouble before it starts. He admitted the business owners are inexperienced but are working with the security crew on crowd management and other issues in the club.

Club owner Anjantha Weerakkody addressed the Council and stated he has meet with the Chief of Police and the Planning Board and has worked to implement all of their suggestions. He said the club is currently open Tuesday, Thursday - Saturday, but they would be willing to shut down on Tuesday nights if this would help. He also suggested hiring an off duty police officer for outside of the club. Mr. Weerakkody noted he has been told this area of town has been a problem area for bars for the past thirty years, and he stated he is working to make changes but can not be expected to fix thirty years worth of problems in the one year he has been open. He also stated he would be happy to meet with residents of Oak Park to hear their concerns and work to find solutions.

Robert Lambert of Summit Avenue noted he operated a bar in downtown Lewiston for 42 years and he knows it is impossible to control 25-30 people who have been drinking when the bars close at 1am. He noted that the location of the business is the problem, not the owners. He urged the Council to look at the entire picture.

Steven Sobel, owner of 37 Park Street, spoke and urged the Council to consider approving the license, even for a short probationary period of time. He noted he has invested almost \$50,000

into this building to renovate and bring it up to code. Mr. Sobel said he is willing to work with the business owner and the city to make this business work.

**VOTE (63-2007)**

Motion by Councilor Rousseau, seconded by Councilor Samson:

To approve the Order of Referral to the State of Maine for Denial of the Liquor License for The Blue Elephant Lounge, 37 Park Street:

The City Council of the City of Lewiston (the "City") finds as follows:

1. Aja Stevens-Bell and Anjantha Weerakkody, dba: The Blue Elephant Lounge (the "Business"), 37 Park Street, Lewiston, Maine 04240 have held, for the past year, a special amusement permit issued by the City as well as a liquor license issued by the State of Maine.
2. Between March 1, 2006 and March 1, 2007, the Lewiston Police Department responded to this Business for 80 incidents, ranging from disturbances and fights inside and outside of the business, loud and unreasonable noise, and criminal trespassing to criminal gang fights and gun shots being fired.
3. During the same time period, 48 complaints of noise, disorderly conduct and other activities have made it difficult for the neighbors to enjoy the use of their properties as it was intended.
4. These incidents have resulted in 32 people being arrested for various crimes to include assault and criminal trespass, however, the majority of arrests have been for disorderly conduct in front of this business establishment.
5. The Lewiston Police Department has been working with the management of this business as well as patrons and neighbors for several months to decrease the issues at this Business, however, with negative results.
6. That the Business and all interested persons have been duly and lawfully notified of the public hearing to be held on March 6, 2007 before the City Council on the matter of the renewal of the Business's liquor license.
7. At the public hearing, Police Chief William Welch testified that the establishment had not done enough in the way of proactive steps to reduce the demand for law enforcement officers at that location.
8. Chief Welch further testified that often the remaining parts of the community are deprived of law enforcement services for extended time because of the commitment to this location.
9. On February 14, 2007, an incident at the location not only required all available personnel from the Lewiston Police Department, but also assistance from neighboring communities. That incident could have been prevented if the Business had been managed in a different manner, specifically by not allowing motorcycle club 'colors' to be worn into the Business.

10. Chief Welch recommended that the City Council not renew the liquor license and the special amusement permit.
11. At the public hearing, testimony was received by residents of Oak Park stating that there have been repeated incidents of noise issues, disorderly conduct, public drinking, and vandalism to vehicles in the parking lots all in the area of the Blue Elephant Lounge and the residents of Oak Park believe these actions were taken by patrons of the business.
12. The City Council, in their role as the licensing authority, determined at the conclusion of the public hearing that;
  - a. The Business was being operated in a manner that adversely impacted the neighbors in the immediate area in such a way that they could not reasonably use the property in the manner that it was intended; and
  - b. The Business was being operated in a manner that put excessive demands on law enforcement, jeopardizing the protection for the remaining parts of the community; and
  - c. The management of the facility had not used all available resources and techniques to reduce and/or eliminate the adverse impacts on the community.
  - d. There have been repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises.
13. Upon the completion of the public hearing in this matter, in conformity with all state and local law, the City Council has decided to refer to the State of Maine Bureau of Liquor Enforcement, the City Council's findings of the above complaints as they relate to the business, along with a request that the State not renew the Business's Liquor License.
14. The City Council hereby authorizes the appropriate City officials to take all steps necessary to put into effect this order.

Passed - Vote 7-0

**PUBLIC HEARING REGARDING THE RENEWAL OF THE SPECIAL  
AMUSEMENT PERMIT FOR THE BLUE ELEPHANT LOUNGE, 37 PARK STREET**

It was noted by Council that the same issues raised for the liquor license application are also applicable to the special amusement permit.

**VOTE (64-2007)**

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To approve the Order of Denial for the Special Amusement Permit for The Blue Elephant Lounge, 37 Park Street:

The City Council of the City of Lewiston (the "City") finds as follows:

1. Aja Stevens-Bell and Anjantha Weerakkody, dba: The Blue Elephant Lounge (the "Business"), 37 Park Street, Lewiston, Maine 04240 have held, in the past year, a special amusement permit issued by the City as well as a liquor license issued by the State of Maine.
2. Between March 1, 2006 and March 1, 2007, the Lewiston Police Department responded to this Business for 80 incidents ranging from disturbances and fights inside and outside of the business, loud and unreasonable noise, and criminal trespassing to criminal gang fights and gun shots being fired.
3. During the same time period, 48 complaints of noise, disorderly conduct and other activities have made it difficult for the neighbors to enjoy the use of their properties as it was intended.
4. These incidents have resulted in 32 people being arrested for various crimes to include assault and criminal trespass, however, the majority of the arrests were for disorderly conduct in front of this business.
5. The Lewiston Police has been working with management of this business as well as patrons and neighbors for several months to decrease the issues at this Business, however, with negative results.
6. That the Business and all interested persons have been duly and lawfully notified of the public hearing to be held on March 6, 2007 before the City Council on the matter of the renewal of the Business's special amusement permit.
7. At the public hearing, Police Chief William Welch testified that the establishment had not done enough in the way of proactive steps to reduce the demand for law enforcement offices at that location.
8. Chief Welch further testified that often the remaining parts of the community are deprived of law enforcement services for extended time because of the commitment to this location.
9. On February 14, 2007, an incident at the location not only required all available personnel from the Lewiston Police Department, but also assistance from neighboring communities. That incident could have been prevented if the Business had been managed in a different manner, specifically by not allowing motorcycle club 'colors' to be worn into the Business.
10. Chief Welch recommended that the City Council not renew the special amusement permit.
11. At the public hearing, testimony was received by residents of Oak Park stating that there have been repeated incidents of noise issues, disorderly conduct, public drinking, and vandalism to vehicles in the parking lots all in the area of the Blue Elephant Lounge and the residents of Oak Park believe these actions were taken by patrons of the business.
12. The City Council, in their role as the licensing authority, determined at the conclusion of the public hearing that;

- a. The Business was being operated in a manner that adversely impacted the neighbors in the immediate area in such a way that they could not reasonably use the property in the manner that it was intended; and
  - b. The Business was being operated in a manner that put excessive demands on law enforcement, jeopardizing the protection for the remaining parts of the community; and
  - c. The management of the facility had not used all available resources and techniques to reduce and/or eliminate the adverse impacts on the community.
13. Hence, therefore, the Lewiston City Council finds that they shall not renew the special amusement permit for Aja Stevens-Bell and Anjantha Weerakkody, dba: The Blue Elephant Lounge.
14. The City Council hereby authorizes the appropriate City officials to take all steps necessary to put into effect this order.

Passed - Vote 7-0

**PUBLIC HEARING REGARDING NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR DOUBLE DEUCE, 855 LISBON STREET**

Gerard Poisson, resident of Greene, introduced himself as the applicant and stated the business will be a restaurant and lounge with entertainment. He plans to be open Tuesday - Saturday and will be on site himself. Robert Lambert of Summit Avenue spoke regarding this location, near his house. He said the previous business had cars leaving late at night, tires squealing, loud motorcycles and 25-30 intoxicated people leaving the bar every night at 1am. Melissa Caron of 58 Summit Avenue noted there is a noise problem with the current teen club at this location and at 9:30pm the pounding of the bass. She noted the teen club owner is the applicant for this new business.

**VOTE (65-2007)**

Motion by Councilor Paradis, seconded by Councilor Mendros:

To incorporate the conditions set by the Board of Appeals regarding the liquor license and special amusement permit for this business. Passed - Vote 6-1 (Councilor Samson opposed.)

**VOTE (66-2007)**

Motion by Councilor Samson, seconded by Councilor Paradis:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Double Deuce, 855 Lisbon Street.

Passed - Vote 6-1 (Councilor Samson opposed)

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR THE CARLTON CLUB**

Mayor Gilbert opened the public hearing to receive input and comments from citizens. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

**VOTE (67-2007)**

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

To grant a special amusement permit for dancing and entertainment to The Carlton Club, Inc., 25 Sabattus Street. Passed - Vote 7-0

At this time, the Council took a five minute recess.

**ADOPTION OF NEW CITY POLICY REGARDING THE DOWNTOWN  
REBUILDING ASSISTANCE PROGRAM**

Councilor Paradis noted a typographical error in the boundary description, noting the zone should be Adams Street to Main Street, not Maple Street to Main Street. It was noted the description will be changed. Lincoln Jeffers, Assistant to the City Administrator, provided an explanation of the new program.

**VOTE (68-2007)**

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

To adopt and establish a new City Policy: Policy Number 80 - Policy for the Downtown Rebuilding Assistance Program. Passed - Vote 6-1 (Councilor Bernier opposed)

**SALE OF THE 1984 PIERRE-THIBEAULT 100' LADDER APPARATUS**

**VOTE (69-2007)**

Motion by Councilor Samson, seconded by Councilor Rousseau:

To authorize the sale of the 1984 Pierre-Thibeault 100' ladder truck and to authorize the Fire Department to advertise the unit nationally; the recommendation of the award will be made to the Finance Committee. Passed - Vote 7-0

**TO RENAME RAILROAD PARK IN MEMORY OF TWO FALLEN LEWISTON  
POLICE OFFICERS PAUL SIMARD AND DAVID PAYNE**

Chief Welch made a brief presentation to Council seeking permission to rename a city park as a tribute to two Lewiston police officers who died in the line of duty. The Chief stated a dedication ceremony will be held in May during Police Officers Memorial Week and the families will be invited to attend. The Mayor, Councilor Samson and Councilor Rousseau shared remembrances of these officers and all noted this is a fitting tribute of recognition.

**VOTE (70-2007)**

Motion by Councilor Samson, seconded by Councilor Jean:

To rename the Railroad Park in memory of two fallen Lewiston Police Officers Paul Simard and David Payne, as the Simard-Payne Police Memorial Park. Passed - Vote 7-0

**ORDER TO ESTABLISH THE BATES MILL BUILDING NUMBER FIVE  
TASK FORCE**

Councilor Paradis expressed concern that fifteen members on a committee is too many people and the committee might have a difficult time having everyone attend. He also suggested the addition of a representative from LAEGC. A suggestion was made to lower the number of members required in Section 3 from nine to seven. Council set the deadline for the filing of application forms from citizens interested in serving on this task force to be Friday, April 6 at 4:30pm.

**VOTE (71-2007)**

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

To amend Section 3 to read "at least seven members" instead of nine members.  
Passed - Vote 6-1 (Councilor Mendros opposed)

**VOTE (72-2007)**

Motion by Councilor Paradis, seconded by Councilor Jean:

Be It Ordered by the City Council to create and establish the Bates Mill Building Number Five Task Force and to approve the proposed organizational structure and duties and responsibilities of the Task Force, as amended. Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (73-2007)**

Motion by Councilor Jean, seconded by Councilor Mendros:

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 seventeen (17%) percent of \$6,650, less administrative fee or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Scott Burns, CE-06-0008, 07-DEA-478743; the transfer of sixteen (16%) percent of proceeds from the sale of 2002 GMC Sierra 2500 PU truck less administrative fees or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Jeremy Mercier, CE-06-0008, 07-DEA-478756; and the transfer of sixteen (16%) percent of \$23,573, less administrative fee or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Kenneth Durgin & Gayle Guerard, CE-07-0008, 07-DEA-478863. 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

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

Robert Soucy, a retired Lewiston captain of detectives addressed the Council regarding the recent car accident in the Lincoln Street Canal when a local woman lost her life. Mr. Soucy stated in 1992, the City removed the guardrails along this section of the canal and replaced it with ornamental iron fencing. He urged the Council to review this matter and consider replacing the guardrail for safety purposes.

**VOTE (74-2007)**

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

To adjourn at 10:20 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine