

**CITY OF LEWISTON**

**CITY COUNCIL**

**MAY 15, 2007**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 5:30 P.M.**

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

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

Pledge of Allegiance to the Flag.

Moment of Silence. Mayor Gilbert noted this is Police Officers Memorial Week, and he asked folks to keep in mind the fallen officers during the Moment of Silence.

Marc Gosselin, manager of ticket sales and special events for the Maineiacs Hockey Team brought the President's Cup Trophy by for everyone to see. He noted this is the first time a team from the US won the President's Cup.

**AMENDMENTS TO THE TRAFFIC SCHEDULE REGARDING PARKING  
PROHIBITED ON A PORTION OF CHESTNUT STREET AND THE CREATION OF  
ONE HOUR PARKING SPACES IN THE CHESTNUT STREET PARKING LOT**

**VOTE (127-2007)**

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

To approve the proposed amendments to the Traffic Schedule to prohibit parking on the even numbered side, north side of Chestnut Street from Lincoln Street to Oxford Street and to make this a fire lane zone, as outlined on the attached vote sheet and to approve designated one hour parking spaces in the Chestnut Street Parking Lot, as outlined on the attached vote sheet.  
Passed - Vote 5-0 (Councilor Rousseau was out of the room during this vote.)

**AMENDMENTS TO THE PARKING FEES POLICY REGARDING THE  
CHESTNUT STREET PARKING LOT**

**VOTE (128-2007)**

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

To approve the proposed amendment to the Parking Fees Policy, Policy Manual Number 42, as recommended by the Chief of Police, to designate some spaces in the Chestnut Street parking lot as one hour public parking spaces. Passed - Vote 5-0 (Councilor Rousseau was out of the room during this vote.)

**PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENTS TO THE CITY CODE  
FOR VEHICLES FOR HIRE**

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 (129-2007)**

Motion by Councilor Mendros, seconded by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Section 82-27, Markings and Section 82-48, Standards for Denial, receive final passage by a roll call vote. Passed - Vote 5-0 (Councilor Rousseau was out of the room during this vote.)

Councilor Rousseau arrived at this time.

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO  
THE STREETS AND SIDEWALKS ORDINANCE REGARDING  
PARADES AND PUBLIC ASSEMBLY**

Due to a lack of a second Councilor to move the motion forward, no action could be taken on this matter and the Mayor moved on to the next item on the agenda.

**PUBLIC HEARING AND FIRST & FINAL PASSAGE ON AN EXTENSION OF THE  
MORATORIUM ORDINANCE REGARDING NEW LIQUOR LICENSES IN THE  
OAK PARK NEIGHBORHOOD**

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

That the current Moratorium Ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, set to expire on June 4, 2007, be extended for an additional 90 days, said Ordinance extension to receive first passage by a roll call vote.

Mayor Gilbert opened the public hearing to receive citizen input and comment. Randy Letourneau of Lewiston addressed the Council and noted he and Heather Morin are planning to open a restaurant at 115 Middle Street and are hoping for a June opening date. He stated it will be a deli/coffee house that will feature Maine made beers and local musicians such as folk guitar players and so forth. Mr. Letourneau stated there will be no dancing or loud music. Councilor O'Brien inquired if they are familiar with the history of nightclubs in this area, and the related problems. Mr. Letourneau noted they are aware of these problems and stated their restaurant will be a quiet coffee house, not a nightclub. Mayor Gilbert then closed the hearing. Councilor Mendros noted this is the type of business the City would like to have located downtown in this area and he believes it is an ideal location and style of business. Councilors suggested that city staff reconstruct the boundary lines of the moratorium to allow this business to proceed with their plans.

**VOTE (130-2007)**

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

To continue this item to the next regular Council meeting. Passed - Vote 4-2 (Councilors Jean and Mendros opposed.)

**PUBLIC HEARING ON A \$9,750,000 BOND ISSUE FOR REFUNDING BONDS FROM THE CITY'S PUBLIC IMPROVEMENT BONDS DATE JUNE 1, 2004**

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 (131-2007)**

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

To conduct a Public Hearing to receive citizen input and to approve the attached Bond Order to finance the refunding bonds through a bond issue in the amount of \$9,750,000:

ORDERED, That the Finance Director is authorized to issue refunding bonds in a principal amount not to exceed \$9,750,000 in order to refund all or part of the principal of and interest on the City's Public Improvement Bonds dated June 1, 2004, and to pay any redemption premiums thereon and the costs of issuance;

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for the bonds or negotiate the sale of the bonds with any qualified purchaser; to award the loan; and to employ Edwards, Angell, Palmer & Dodge LLP to furnish the legal opinion for the same;

FURTHER ORDERED, That the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

FURTHER ORDERED, That bonds hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 5-0 (Councilor O'Brien was absent from the Chambers during this vote.)

**PUBLIC HEARING ON LIQUOR LICENSE APPLICATION FOR GOVERNOR'S RESTAURANT, 1185 LISBON STREET**

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 (132-2007)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To authorize the City Clerk's Office to approve a liquor license application for Governor's Restaurant, 1185 Lisbon Street. Passed - Vote 5-0 (Councilor O'Brien was absent from the Chambers during this vote.)

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT FOR THE ANDROSCOGGIN BANK COLISEE, 190 BIRCH STREET**

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 (133-2007)**

Motion by Councilor Jean, seconded by Councilor Samson:

To grant a Special Amusement Permit for Dancing & Entertainment to the Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 6-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR THE BLUE ELEPHANT LOUNGE, 347-351 LISBON STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Business owner Gary Jackson addressed the Council and stated he is aware of the problems in the past with this business which operated under the previous owner. He said the former owner is moving out of town, but will still be financing eighty percent of the business. Mr. Jackson stated the new business will have more security, will not allow colors and will have a dress code. He stated the new location should help as well. Mr. Jackson said he has managed a bar in Portland and also served as a promoter and DJ. Councilors discussed the idea of issuing a special amusement permit for a three month period, but also noted the Chief of Police can suspend the permit at any time for problems. Mayor Gilbert then closed the hearing.

**VOTE (134-2007)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for The Blue Elephant Lounge, 347-351 Lisbon Street. Passed - Vote 6-0

**APPOINTMENT OF A CITY COUNCILOR TO THE BOARD OF DIRECTORS OF THE LEWISTON URBAN CIVIC CENTER ENTERPRISES, LLC**

**VOTE (135-2007)**

Motion by Councilor Rousseau, seconded by Councilor Samson:

To appoint Councilor Mendros to serve as the Council's representative to the Board of Directors of the Lewiston Urban Civic Center Enterprises, LLC. Passed - Vote 4-3 (Councilors Jean, Rousseau and Mendros voted in favor; Councilors Bernier, O'Brien and Samson voted against; Mayor Gilbert voted in the affirmative to break the tie.)

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

**AMENDMENT TO THE ORDER ESTABLISHING THE DOWNTOWN  
NEIGHBORHOOD TASK FORCE REGARDING THE NUMBER OF MEMBERS  
ON THE TASK FORCE**

**VOTE (136-2007)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To reconsider the item from the May 1 Council meeting regarding the issue of membership eligibility which requires "registered voters" of Lewiston to serve on the Downtown Neighborhood Task Force, as opposed to "residents" of Lewiston.

Mayor Gilbert opened the floor for input and discussion. Craig Saddlemire spoke on behalf of the Visible Community and supported the change from registered voter to residents in order to include a larger cross section of folks to serve on the committee. Dot Treadwell said she has been involved with twenty three different non-profit organizations over the years, and she also supports the change to allow the new immigrants to serve on the task force to get involved with the community. She has heard city officials state over the years that new immigrants need to get more involved to learn about the community, and feels it is hypocritical to limit the membership to registered voters. Alyson Stone of 117 Horton Street and executive director of Empower Lewiston asked the Council for consistent implementation of committee make up as with other committees which would uphold integrity of process. She noted the group is looking forward to working together. Elizabeth O'Brien of Howe Street stated residents should care enough to be registered voters in order to get involved.

Mayor Gilbert stated he wanted to appoint Ismail Ahmed to the task force, someone who is very dedicated to service. He noted Mr. Ahmed has his bachelor's degree and is an educated man who works for Catholic Charities. He has resided in the United States for six years and is working on his citizenship. Mayor Gilbert stated he felt it was important to have a Somali resident serve on the task force as a representative of the neighborhood.

Passed - Vote 4-3 (Councilors Jean, Samson and Mendros in favor, Councilors Bernier and O'Brien opposed, and Councilor Rousseau abstained. Mayor Gilbert stated Councilor Rousseau's abstention would be counted as a negative vote, thereby creating a tie. Therefore, Mayor Gilbert cast a vote in the affirmative and the vote was 4-3).

At this point, Councilor Rousseau excused himself from the Chambers.

Since the motion to Reconsider passed, the motion immediately before the Council for action is:

To amend the Order which created the Downtown Neighborhood Task Force to change the membership requirement from “registered voter” to “resident” of Lewiston.

**VOTE (137-2007)**

Motion by Councilor Mendros, seconded by Councilor Jean:

To amend the motion to include the phrase “and to increase the number of members on the Downtown Neighborhood Task Force from nine members to eleven members.”

Did Not Pass - Vote 3-2 (Councilors Jean, Samson and Mendros in favor, and Councilors Bernier and O’Brien opposed) (Note - Per the City Charter, all actions of the Council shall require four affirmative votes in order to pass.)

Vote on original motion (not amended):

**VOTE (138-2007)**

To amend the Order which created the Downtown Neighborhood Task Force to change the membership requirement from “registered voter” to “resident” of Lewiston.

Did Not Pass - Vote 3-2 (Councilors Jean, Samson and Mendros in favor, and Councilors Bernier and O’Brien opposed) (Note - Per the City Charter, all actions of the Council shall require four affirmative votes in order to pass.)

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**PUBLIC HEARING ON A PROPOSED INCREASE IN WATER RATES AND METER INSTALLATION CHARGES**

As required by the Public Utility Commission, the City Clerk read aloud MRSA 35-A, Section 6104, subsections 1-11. Finance Director Richard Metivier, Public Services Director David Jones, and Deputy Public Services Director Kevin Gagne made a presentation to the Council regarding the new rates. Councilor Mendros inquired about the impact on the school budget. He also asked what Auburn is doing differently to not have a rate increase. Mr. Jones stated there is more water infrastructure in Lewiston that needs updating and improvements and he noted that

Auburn does have a rate increase coming up soon. Mayor Gilbert opened the hearing to receive citizen input and comment. Robert Foss of Country Lane Estates inquired about the commercial rate that Country Lane Estates is charged, rather than residential rates. He stated it is discriminating against mobile home owners to charge them a commercial rate. It was noted the PUC regulations require this, but the staff will look into this again with PUC. Mr. Foss also commented on the frequent "bleeding" of the system and felt it was a waste of water and money.

Gary Cadman of 20 Jeannette Avenue inquired about the charge for public authority. Mr. Gagne noted this pertains to the court house and government buildings. He noted he did not use 1100 cubic feet of water, but will be charged for 1200 cf whether it was used or not. He stated he understands that new storage tanks are needed and pipes need to be cleaned, he asked however if the water budget could be cut back in other places. Mr. Cadman also inquired about summer residences and if the water could be turned off. Mr. Gagne stated the Department could remove seasonal water meters and encouraged Mr. Cadman to follow up with him.

Charles Fournier of 14 Wilson Street commended the Council for encouraging citizens to conserve water and noted that most do conserve water. He suggested a lower rate for water users who use less than 1200 cf.

Mayor Gilbert then closed the hearing at 8:35pm.

**VOTE (139-2007)**

Motion by Councilor Jean, seconded by Councilor Samson:

To accept the recommendation of the Public Services Director and the City Administrator, and to amend the Water Rates & Meter Installation Charges as follows:

In accordance with Maine Revised Statutes Annotated, Title 35A, Section 6104, the following charges are hereby established, effective July 2, 2007:

For the first 1,200 cu. ft per quarter ~~\$30.06~~ 33.60  
For the next 9,000 cu. ft per quarter ~~\$ 4.70~~ 2.17 per 100 cu. ft.  
For all over 10,200 cu. ft per quarter ~~\$ 4.36~~ 1.85 per 100 cu. ft.

QUARTERLY MINIMUM CHARGES

5/8" Meter	\$ <del>30.06</del>	<u>33.60</u>
3/4" Meter	<del>45.90</del>	<u>53.13</u>
1" Meter	<del>71.40</del>	<u>85.68</u>
1 1/2" Meter	<del>132.60</del>	<u>163.80</u>
2" Meter	<del>208.08</del>	<u>262.20</u>
3" Meter	<del>371.28</del>	<u>484.20</u>
4" Meter	<del>534.48</del>	<u>706.20</u>

6" Meter	<del>1,024.08</del>	<u>1,372.20</u>
8" Meter	<del>2,003.28</del>	<u>2,704.20</u>
SPRINKLERS	\$ <del>85.00</del>	<u>104.00</u> per inch per year
PRIVATE HYDRANTS	\$ <del>680.00</del>	<u>832.00</u> each per year
PUBLIC HYDRANTS	<del>\$425,600.00</del>	<u>493,300.00</u> per year plus cost for each additional hydrant installed after December 31, <del>2005</del> <u>2007</u> .

The following meter installation charges are hereby established:

METER INSTALLATION CHARGES

5/8"	\$ <del>120.00</del>	<u>150.00</u>
3/4"	\$ <del>150.00</del>	<u>210.00</u>
1"	\$ <del>180.00</del>	<u>260.00</u>
1 1/2"	\$ <del>360.00</del>	<u>590.00</u>
2"	\$ <del>780.00</del>	<u>800.00</u>
3"	<del>\$1,015.00</del>	<u>1,290.00</u>
4" and Larger	Cost of meter plus installation charge and appropriate overhead	

Passed - Vote 5-1 (Councilor Mendros was opposed.)

**EXECUTIVE SESSION**

**VOTE (140-2007)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To enter into an executive session, pursuant to MRSA Title 1, section 405(6), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Executive Session began at 8:40pm and ended at 9:15pm.

**CITY COUNCIL**

**MAY 15, 2007**

**VOTE (141-2007)**

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 9:16 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine