

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 4, 2007

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

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

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

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Ashley Morgan stated the LYAC members recently completed an orientation session welcoming the new members and their main projects for the year will be the You Booze, You Lose campaign and the creative arts program. They are also continuing to raise funds for the electronic message board in front of the high school, they need an additional \$5,000. They are working on a YADA project, which she said stands for youth, action, dialog association.

Mayor Gilbert thanked Ashley for all of the great work that the LYAC has done and noted this is a main reason why the city was selected as an All America City.

Councilors asked to have items 6 and 7 removed from the Consent Agenda and acted upon separately.

APPOINTMENTS TO THE ANDROSCOGGIN COUNTY BUDGET COMMITTEE

VOTE (245-2007)

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

To approve the slate of Androscoggin County Budget Committee members for District 3 as presented on the county ballot, said candidates are City Administrator James A. Bennett, Peter Grenier of 424 Pond Road and Michael Marcotte of 12 O'Connell Street. Passed - Vote 6-0

STREET ACCEPTANCE OF AN EXTENSION OF JILL STREET

VOTE (246-2007)

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

Ordered, that an extension of Jill Street, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as public street or public way for the use of the City of Lewiston. Passed - Vote 6-0

STREET ACCEPTANCE OF BRACKETT STREET

VOTE (247-2007)

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

Ordered, that Brackett Street, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as public street or public way for the use of the City of Lewiston. Passed - Vote 6-0

STREET ACCEPTANCE OF AN EXTENSION OF HILLCREST AVENUE

VOTE (248-2007)

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

Ordered, that an extension of Hillcrest Avenue, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as public street or public way for the use of the City of Lewiston.
Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (249-2007)

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

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 \$2,606.00, or any portion thereof, in the case of the State of Maine vs. Tara Christian, CR-07-517 Court Records and transfer of \$2,606.00, or any portion thereof, in the case of the State of Maine vs. Brian Strout, CR-07-518 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 6-0

WITHDRAWAL AND DISMISSAL OF ITEM WITHOUT PREJUDICE - ACQUISITION OF PROPERTY AT 69 KNOX STREET AND DISPOSITION OF PROPERTY AT 245 PARK STREET

Councilor Rousseau recused himself from this item due to a conflict of interest. The Council was originally planning to withdraw and dismiss, without prejudice, the pending motion that was postponed from the August 14, 2007 Council meeting to this Council meeting regarding the purchase of the property at 69 Knox Street and the disposition of property at 245 Park Street. However, the Mayor noted that he has had discussion with the chairperson of the Downtown Neighborhood Task Force who stated they prefer the 69 Knox Street location and noted that a pocket park in this area will be safer with less traffic.

VOTE (250-2007)

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

To authorize the City Administrator to purchase property at 69 Knox Street for the creation of a pocket park and to dispose of the city owned property at 245 Park Street, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 4-1 (Councilor Jean opposed)

**APPROVAL OF NOVEMBER BALLOT QUESTION LANGUAGE REGARDING
AMENDMENT TO THE ELECTIONS ORDINANCE**

Councilor Mendros expressed concerns about the language of the proposed changes, stating he believes this is taking the rights away of citizens to petition their government on budgetary matters, noting the State of Maine does not have such limitations. Councilor Samson noted the budget process is open for any citizens to attend any and all budget workshops and meetings, and they can speak with their elected officials at anytime about budget concerns. Members of the public spoke and expressed concerns about having their rights to petition be limited regarding the topic matter.

Councilor Rousseau excused himself from the meeting during the discussion on this matter due to illness and retired for the evening.

VOTE (251-2007)

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

To approve the wording of the November 6, 2007 municipal referendum question regarding amendments to the Elections Ordinance as outlined below:

Shall the City Code of Ordinances, Chapter 32, Elections, be amended to allow citizen initiative and referendum petitions to be circulated outside of City Hall, to change the required number of signatures from one thousand to fifteen percent of the number of votes cast in the last election for Governor, to allow petitions on matters that the City Council can regulate regarding health, safety and welfare of the public; to prohibit petitions regarding budgetary or personnel matters; and to allow the City Council to call for a special election to vote on matters they wish to send to the public?

Did Not Pass - Vote 3 - 2 (Councilors Mendros and Jean opposed) (Note - the City Charter requires all matters before the Council to receive a minimum of four affirmative votes in order to pass.)

VOTE (252-2007)

Motion by Councilor Mendros, second by Councilor Jean:

To break down the referendum question into five separate questions on the ballot.
Did Not Pass - Vote 2-3 (Councilors Mendros and Jean in favor)

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCES REGARDING
GRAFFITI VIOLATIONS**

Councilor Mendros stated he feels the fines are too high and suggested a \$100 fine instead of \$500. Mayor Gilbert opened the public hearing to receive citizen input and comment. David Vincent pointed out that fines on the state level for violent acts are lower than what is required for fines under this ordinance, and suggested the fines should be proportional. Mayor Gilbert then closed the hearing. The Council reviewed and discussed the proposed amendments as recommended by the Downtown Neighborhood Task Force members.

VOTE (253-2007)

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

To lower the fine for the first offense from \$500 to \$250. Passed - Vote 5-0

VOTE (254-2007)

Motion by Councilor Paradis, second by Councilor Mendros:

To insert the language "and under reasonable suspicion" into Section 50-203 as follows:
"Possession of graffiti implements in the following situations and under reasonable suspicion..."
Passed - Vote 5-0

VOTE (255-2007)

Motion by Councilor Paradis, second by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article VII. "Graffiti Violations", Section 50-200 through 50-220, to create a new article regarding graffiti violations, receive final passage by a roll call vote, as amended. Passed - Vote 5-0

**PUBLIC HEARING FOR THE ESTABLISHMENT OF A TAX INCREMENT
FINANCING (TIF) DISTRICT AND APPROVAL OF A DEVELOPMENT ASSISTANCE
AGREEMENT FOR THE BIRCH HILL ELDERLY HOUSING ASSOCIATES
AFFORDABLE HOUSING PROJECT**

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. Assistant to the City Administrator Lincoln Jeffers introduced the representatives of CEI who is the lead partner regarding the housing project.

VOTE (256-2007)

Motion by Councilor Jean, second by Councilor Samson:

To authorize the City Administrator to execute the attached Agreement for Development Assistance and Tax Increment Financing between the Birch Hill Elderly Housing Associates, LP

and the City of Lewiston, substantially in the form as presented, and to sign any related documents which are deemed necessary for the project, to establish the Birch Hill Elderly Housing Associates Tax Increment Financing District and to authorize the City staff to prepare and submit a tax increment financing application to the Maine State Housing Authority.

Passed - Vote 5-0

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

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 (257-2007)

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

That the current Moratorium Ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, which expired on September 2, 2007, be extended for 180 days, retroactive to September 2, 2007, said Ordinance extension to receive first passage by a roll call vote.

Passed - Vote 5-0

VOTE (258-2007)

Motion by Councilor O'Brien, second 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 5-0

VOTE (259-2007)

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

That the current Moratorium Ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, which expired on September 2, 2007, be extended for 180 days, retroactive to September 2, 2007, said Ordinance extension to receive final passage by a roll call vote.

Passed - Vote 5-0

AMENDMENT OF POLICY MANUAL NUMBER 6 - RULES GOVERNING THE CITY COUNCIL

VOTE (260-2007)

Motion by Councilor Mendros, second by Councilor Jean:

To change the language to be by a two-thirds vote of the Council, instead of a majority vote and to strike the language at the end "if called by a majority of the Council."

Passed - Vote 4-1 (Councilor O'Brien opposed)

VOTE (261-2007)

Motion by Councilor Samson, second by Councilor Jean:

To amend the Rules Governing the City Council to establish an ending time for Council meetings to be 10:00pm, unless extended by a two-thirds vote of the Council.

Passed - Vote 4-1 (Councilor O'Brien opposed)

**RELOCATION AND SETTLEMENT AGREEMENT WITH DAVID AND KATHY
LEBEL, D/B/A SCHEMENEGEE'S, 15 LINCOLN STREET**

VOTE (262-2007)

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

To authorize the City Administrator to enter into a Settlement Agreement with David and Kathy Lebel, d/b/a Schemengee's, in substantially the form as presented, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 5-0

REPORTS AND UPDATES

The City Administrator stated that the phones in all offices will be changing over to a new phone system with new numbers which will result in substantially lower operating costs. This change will be taking place over the next few weeks.

OTHER BUSINESS

Joseph Roy of 9 Venise Avenue suggested the City undertake a beautification program in town. The Mayor noted this is currently underway. John Lablond of 28 Reservoir Avenue requested the name of the airport be renamed the Samantha Smith Airport and stated he is coordinating the Samantha Smith Center for Nuclear Studies and Peace.

VOTE (263-2007)

Motion by Councilor Samson, second by Councilor Mendros:

To adjourn at 10:45 P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine