

CITY OF LEWISTON

CITY COUNCIL

APRIL 4, 2006

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE LIONEL C. GUAY, JR., 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.

VOTE (81-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To dispense with the reading of the minutes of the March 21, 2006, meeting and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 6-0-1 (Councilor Paradis abstained due to his absence at this meeting.)

FIRST BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2007 BUDGET

Mayor Guay opened up the public hearing to receive citizen input and comment regarding the proposed FY07 budget. The following residents addressed the Council:

Donna Sawyer and Bonnie Marsh, co-chairs of the new combined parochial school, addressed the Council about their concern of the elimination of the school nurse position. They noted the new school will have 650 students between the two buildings. They urged the Council to keep the school nurse position in the budget, noting the nurse administers medications and coordinates the annual hearing, vision and sclerosis screening for all students. In addition, they mentioned that several students are on inhalers, need eppie pens due to allergies, have diabetes and need insulin shots and other general health issues. They felt it was a vital position that needs to be retained.

Anna Foucher, 171 Pettengill Street, introduced herself as a member of the senior citizens group who uses the center on a regular basis and urged the Council to keep the center at the Multi Purpose Center rather than move it to the Armory. She said there is no parking at the Armory when the middle school is in session. She said that it is a very long distance from the on street parking to the building entrance. Ms. Foucher said that it is not fair for the seniors to be losing their home after having been at the MPC since 1973.

Diane Wiggins, 42 Greenwood Lane, said that she has two children who attend Holy Cross School and she spoke in favor of retaining the school nurse position. She reminded the

Council that these children are Lewiston children, whether they attend the public school or a private school.

Kate Benson, resident of Auburn, also noted she has two children in parochial schools and is also concerned with the elimination of the position. She noted as a physical therapist, she assists the school nurse with the sclerosis testing and sees first hand the various medical needs of the students. She reminded the Council that more and more children have identified allergies such as peanut allergies, dairy and other.

Craig Saddlemire, 27 Spruce Street, presented a list of questions for the Council. The questions were regarding the contract with Casella Waste, social service staff cuts over the years, projects defined as urban redevelopment, questions regarding what a transit subsidy is, asking if the funds dedicated for a parking garage could be used for the public bus system, where and how the \$400,000 in CDBG funds for downtown improvement will be used and the low amount of money dedicated to housing rehabilitation. In addition, he also inquired what downtown infrastructure needs to be improved, what is the downtown beautification project and what was the money spent for on the Heritage Initiative. His written list of questions was presented to the Councilors.

Lori Higgins, a Lewiston resident, spoke and said she was also concerned with the elimination of the parochial school nurse position, noting her daughter attends one of the schools. She noted the school nurse who is retiring has done an exemplary job on a modest salary and that educators are unable to fill that gap and deal with the medical and psychological issues of today's students. Ms. Higgins said there is no higher priority than the health of our young people and she knows that citizens are anxious about rising taxes, but she urged the Council to send the message that our children and their health are important. She said it would be a very sad message to send that the City can't afford a nurse for the children.

Madeleine Beaulieu, 212 Central Avenue, addressed the Council about her concerns with moving the Senior Citizens to the Armory. She said that on Monday mornings, there are 40-50 people playing cards at the MPC and this generates 30-40 cars. She feels there will be parking problems at the Armory. Ms. Beaulieu noted there are 50-70 people who attend the monthly AARP meetings at the MPC and parking will be a problem at the Armory for these meetings too. She is concerned that these groups will lose membership when it is important for elderly people to stay involved. She inquired about the City locating another space other than the Armory.

Charles Soule, 170 Bartlett Street, asked specific questions about accounts in the budget. Specifically, he inquired about Page 841, MPC account 45140 and wanted to know what "fixed charges" were included; Page 982 for the Operational Budget for the Bates Mill and wanted to know what the \$880,000 would be spend on; and Page 979 for the Bates Mill Redevelopment Corporation.

With no other citizens expressing an interest in speaking, Mayor Guay closed the hearing at 6:35pm.

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO
THE BUSINESS LICENSING ORDINANCE REGARDING OUTPATIENT
ADDICTION TREATMENT CLINICS**

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

VOTE (82-2006)

Motion by Councilor Jean, second by Councilor Samson:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XIV “Outpatient Addiction Treatment Clinics”, Sections 22-410 through 22-419 receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS TO REDUCE THE CURRENT ONE HUNDRED FOOT BUFFER
AND VEHICULAR ACCESS RESTRICTIONS TO THE PROPERTIES ALONG
380 RIVER ROAD THROUGH 424 RIVER ROAD**

Mayor Guay opened the hearing to receive citizen input and comment. Charles Soule, 170 Bartlett Street, asked for the location of this area. Mayor Guay then closed the hearing.

VOTE (83-2006)

Motion by Councilor Samson, second by Councilor Paradis:

That the proposed amendment to Appendix A, Article XI “District Regulations”, Section 15, “Industrial District”, of the City Zoning and Land Use Code, concerning reducing the one hundred foot buffer and vehicular access restrictions to the properties along 380 River Road through 424 River Road, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 18, 2006 for final passage.
Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR REZONING OF PROPERTIES
LISTED ON LEWISTON TAX MAP NUMBER 207, LOTS 5-13, 15-16 AND 18-19
FROM THE RIVERFRONT DISTRICT TO THE CENTREVILLE DISTRICT**

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

VOTE (84-2006)

Motion by Councilor Mendros, second by Councilor Jean:

That the proposed amendment to re-zone the properties listed on Lewiston Tax Map No. 207 as Lot Numbers 5-13, 15-16 and 18-19, from the Riverfront District to the Centreville District, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 18, 2006 for final passage. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR DEL'S BAR & GRILL,
43 WALNUT STREET**

Mayor Guay opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Samson inquired about the number of calls listed on the police log. The Chief stated that not all of the calls are related to the business and that the address is a reference point, noting a call could have been for a car accident in front of the business, etc.

VOTE (85-2006)

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

To grant a special amusement permit for dancing and entertainment to Del's Bar & Grill, Inc., 43 Walnut Street. Passed - Vote 7-0

**REQUEST FROM L/A ARTS TO FORGIVE THE PLEDGE OF \$295,000
AND IN EXCHANGE TO ACCEPT THE TRANSFER OF PROPERTY AT
84 LISBON STREET**

The City Administrator noted that it is his recommendation that this action be contingent upon the City of Auburn also voting to waive the amount of funds that were pledged to them for the development of Festival Plaza. John Oxman, chair of the L/A Arts Board of Directors, stated that L/A Arts did not have a formal written agreement with Auburn, like they did with Lewiston, so there is nothing for Auburn to vote to rescind. He noted the funding pledge to Auburn never materialized and that L/A Arts has no obligation to Auburn regarding any pending funds. He also outlined the work that L/A Arts did to the building at 84 Lisbon Street, saying the roof was stabilized and the elevator shaft was installed and the elevator was purchased and just needs to be installed.

VOTE (86-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To forgive the pledge of funds from L/A Arts in the amount of \$295,000, as outlined in the Joint Development Agreement, dated April 2002, and to accept the transfer of the building and property at 84 Lisbon Street from L/A Arts to the City of Lewiston by release deed, 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 7-0

**AUTHORIZATION TO BEGIN CONSTRUCTION WORK ON THE SKATE PARK
WITHIN KENNEDY PARK**

Councilor O'Brien expressed concern about paying three million dollars to rehabilitate Kennedy Park when the City can not find a location to accommodate the senior citizens that they find suitable. She felt the Council needs to take care of the senior citizens first before

moving forward with decisions to spend money on Kennedy Park. Councilor Rousseau pointed out the basketball court is in disrepair and needs to be fixed whether or not the Master Plan is implemented. He noted that business can't stop and hold everything hostage until the senior issue is resolved, and that he fully supports the senior citizens as well, but realizes that the construction needs to begin. Councilor O'Brien noted she is working to balance the needs of the youth as well as the seniors. Councilor Mendros said that he concurs with Councilor O'Brien.

VOTE (87-2006)

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

To postpone action on this item until the April 18 Council meeting.

Did Not Pass - Vote 2-5 (Councilors Mendros and O'Brien in support, other opposed)

Deputy City Administrator Phil Nadeau said that construction of the Skate Park needs to begin the spring and the first requirement is to relocate the basketball courts. He outlined the planned work such as the addition of more basketball courts, demolition of the pool house and replacing the wading pool with a splash area. The City Administrator stated that about \$400,000 - \$500,000 will be available July 1 in CDBG funds.

VOTE (88-2006)

Motion by Councilor Jean , second by Councilor Mendros:

To authorize the construction of a skate park within Kennedy Park, as outlined in the Kennedy Park Master Plan. Passed - Vote 7-0

VOTE (89-2006)

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 7:28 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine