

CITY OF LEWISTON

CITY COUNCIL

JANUARY 6 , 2004

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (5-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

To dispense with the reading of the minutes of the November 18 and December 2, 9, 16, and 30, 2003, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 5-0-2 (Councilors Mendros and Connors abstained.)

ADOPTION OF RULES GOVERNING THE CITY COUNCIL

Motion by Councilor Jean, seconded by Councilor Paradis:

To adopt the Rules to Govern the City Council for the period of January 6, 2004 to January 10, 2006 as presented.

Councilor Connors questioned if Section 1a and Section 3c conflicted each other regarding executive sessions. There was discussion by Councilor Paradis regarding the elimination of a second public hearing on Land Use Code amendments that have already been through at least one public hearing with the Planning Board. He said that he is in support of streamlining the regulatory process for development projects, but feels that the second public hearing before Council is needed. Councilor Paradis felt that by eliminating the second Council public hearing, the public's opportunity for input is limited. The City Administrator stated that this proposed change should not compromise the public process, since this change only impacts items that will be heard before the Planning Board in a public hearing. Councilor Rousseau said he concurred with Councilor Paradis and feels the two public hearings provide a "check and balance".

VOTE (6-2004)

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To amend the Rules as presented by deleting all new references in section 7, Action on Ordinance, regarding the elimination of a second Council public hearing for any items that have already had at least one Planning Board public hearing.

Passed - Vote 4-3 (Councilors Bernier, O'Brien and Connors opposed)

VOTE (7-2004)

Vote on original motion, as amended:

To adopt the Rules to Govern the City Council for the period of January 6, 2004 to January 10, 2006, and to use the same version of the Rules that were used by the 2002-2004 City Council. Passed - Vote 5-2 (Councilors Bernier and O'Brien opposed)

PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENT TO THE LIBRARY ORDINANCE

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (8-2004)

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

That the proposed amendment to the City Code of Ordinances, Chapter 48 "Library", Article II "Board of Trustees", Section 48-21 (a), receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of January 20, 2004 for final passage. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING FRONTAGE

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (9-2004)

Motion by Councilor Connors, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing of said ordinance be continued to the meeting of January 20, 2004 for final passage. Passed - Vote 7-0

PUBLIC HEARING FOR LIQUOR LICENSE FOR CAMPUS CUISINE

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (10-2004)

Motion by Councilor Jean, seconded by Councilor Paradis :

To authorize the City Clerk's Office to approve the liquor license application for Campus Cuisine, 100 Campus Avenue. Passed - Vote 7-0

ADOPTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CITIZENS PARTICIPATION PLAN FOR FY2005

VOTE (11-2004)

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

To approve the Citizens Participation Plan for the FY2005 Community Development Program, City Policy Manual Number 12, as recommended by the Economic and Community Development Department. Passed - Vote 7-0

AUTHORIZATION FOR REQUESTS TO HANG BANNERS ON CITY PROPERTY

VOTE (12-2004)

Motion by Councilor Jean, seconded by Councilor Mendros:

ORDERED, That the City Council hereby authorizes the City Administrator or an Assistant City Administrator to review and approve or deny all requests to hang banners on city property, on behalf of the Municipal Officers, during the period of January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION TO APPROVE GAMES OF CHANCE

VOTE (13-2004)

Motion by Councilor Jean , seconded by Councilor Rousseau:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the Municipal Officers, during the period January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION TO APPROVE CARNIVAL AND CIRCUS PERMITS

VOTE (14-2004)

Motion by Councilor Jean, seconded by Councilor Rousseau:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION TO APPROVE LIQUOR LICENSE RENEWAL PERMITS

Councilor Paradis suggested that this item could be revisited in one year, citing a number of issues in the past few months with establishments with liquor licenses.

VOTE (15-2004)

Motion by Councilor Jean , seconded by Councilor Connors:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers, during the period January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION TO APPROVE UTILITY POLE PERMITS

VOTE (16-2004)

Motion by Councilor Jean, seconded by Councilor Rousseau:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION TO APPROVE CLOSE OUT SALE PERMITS

VOTE (17-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION FOR FINANCE DIRECTOR TO ACT ON BEHALF OF MUNICIPAL OFFICERS

VOTE (18-2004)

Motion by Councilor Connors, seconded by Councilor Jean:

ORDERED, That the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706, during the period January 6, 2004 through January 10, 2006. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (19-2004)

Motion by Councilor Jean , seconded by Councilor Paradis:

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 thirty percent (30%) of the proceeds from the sale of a 1999 Acura 2.3 CL, or any portion thereof,

in the case of the State of Maine vs. Jose Duran, CE-03-0041 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

REVIEW AND DISCUSSION OF COUNCIL APPOINTMENTS FOR COMMITTEES

Councilors reviewed the listing of committee positions available. City Administrator Bennett suggested that Councilors submit their list of committee preferences to either the City Clerk or the Mayor. Assistant City Administrator Phil Nadeau stated that the Councilors for the Taxi Appeals Board do need to be appointed this evening due to a pending appeal.

VOTE (20-2004)

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

To appoint Councilors Mendros and Paradis to serve as the Council representatives to the Taxi Appeals Board. Passed - Vote 5-0-2 (Councilors Mendros and Paradis abstained.)

REPORTS AND UPDATES

No reports were presented at this time.

OTHER BUSINESS

No other business was brought forth at this time.

EXECUTIVE SESSION

VOTE (21-2004)

Motion by Councilor Connors, seconded by Councilor Jean:

To enter into an Executive Session to discuss a Legal Matter with the City Attorney. Passed - Vote 6-0-1 (Councilor Mendros abstained.)

Executive Session began at 8:05pm and ended at 9:29pm

VOTE (22-2004)

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
City Clerk
Lewiston, Maine