

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 18, 2005

**EXECUTIVE SESSION HELD IN THE
EXECUTIVE CONFERENCE ROOM AT 6:15 P.M.**

THE HONORABLE LIONEL C. GUAY, MAYOR, PRESIDING.

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

The City Council meeting was called to order by Mayor Guay at 6:22 pm in a public session.

VOTE (317-2005)

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

To enter into executive session to review an application submitted under M.R.S.A., Title 36, section 841(2). Passed - Vote 5-0

Executive Session began at 6:23 pm and ended at 6:45 pm.

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.

**MONTHLY PRESENTATION FROM THE LEWISTON YOUTH
ADVISORY COUNCIL**

Sarah Peters, LYAC president, updated the Council regarding the work that the youth council is doing regarding the All American Cities award application submission. She said the group is also working with city staff at the new Cultural Center at the Library to target teen interests.

VOTE (318-2005)

Motion by Councilor Jean, seconded by Councilor Mendros:

To dispense with the reading of the minutes of the October 4, 2005, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**REQUEST FOR ABATEMENT OF PROPERTY TAXES FOR APPLICATION
SUBMITTED UNDER TITLE 36, SECTION 841(2)**

VOTE (319-2005)

Motion by Councilor Jean, second by Councilor Rousseau:

To abate property taxes for Case Number 2005-02 in compliance with Title 36, Section 841(2) in the amount of \$607.49, less the amount to be received from the State of Maine Circuit Breaker Program. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE
STREETS AND SIDEWALKS ORDINANCE REGARDING TRAFFIC IMPACT
FEES FOR OUTER LISBON STREET**

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

VOTE (320-2005)

Motion by Councilor Jean, second by Councilor Connors:

To incorporate into the ordinance the amendments to Section 66-170 Credits and Section 66-171 Severability. Passed - Vote 7-0

VOTE (321-2005)

Motion by Councilor Jean, second by Councilor Connors:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article VI "Outer Lisbon Street Traffic Impact Fee", receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Mendros opposed.)

**PUBLIC HEARING ON AN APPLICATION FROM DANA'S GARAGE, 193
CROWLEY ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

City Administrator James Bennett reported that city staff from the Code Enforcement Department and the Fire Department inspected the property today and that significant progress has been made by Mr. Jalbert in cleaning up his property. Mr. Bennett noted the property however is still not in compliance with regulations, but progress is being made. Land Use Inspector Eric Cousens reported that Mr. Jalbert needs to finish widening the roadway and needs to finish removing cars and tires. So far, Mr. Jalbert has removed over 2,000 tires, but there are about 3,000 tires still present. DEP regulations only allow 1,000 tires on the property. Mr. Jalbert also needs to move or rearrange the junk cars on the property so the fire department can access the area in case of a fire. Mr. Cousens reported that this junkyard is not in compliance at this time.

Mr. Jalbert addressed the Council and said that he has a vendor coming within the next few weeks to pick up 2,000 more tires. He also noted that the constant rain over the past several weeks has created a problem for him trying to finish the access road, remove the debris, etc. He requested an extension of two months to allow him to work to come into compliance. Councilor O'Brien expressed concerns about environmental issues and said she does not want any tires or vehicles near the brook.

VOTE (322-2005)

Motion by Councilor Paradis, second by Councilor Jean:

To continue the hearing to the December 20, 2005 Council meeting. Passed - Vote 5-2 (Councilors Mendros and Connors opposed.)

PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL RE-ZONING OF THE PROPERTY AT 193 CROWLEY ROAD FROM THE OFFICE SERVICE DISTRICT TO THE URBAN ENTERPRISE DISTRICT TO ALLOW THE SALE OF USED AUTOMOBILES AND AN AUTOMOBILE GARAGE

Councilor Paradis stated that in light of the vote to continue the public hearing on the junk yard permit, this item should also be continued to December as well. City Planner David Hediger stated that he has met with Mr. Jalbert about the conditional rezoning request and Mr. Jalbert would like to withdraw his request to sell used automobiles at this site. It was noted this will be discussed in December.

VOTE (323-2005)

Motion by Councilor Paradis, second by Councilor Bernier:

To continue the hearing to the December 20, 2005 Council meeting. Passed - Vote 4-3 (Councilors Mendros, Jean and Connors opposed.)

PUBLIC HEARING AND FIRST PASSAGE FOR RE-ZONING OF PROPERTIES NEAR EXIT 80 OF THE MAINE TURNPIKE AND ALFRED A. PLOURDE PARKWAY TO ALLOW RETAIL AND SERVICE USES, IN ADDITION TO INDUSTRIAL USES

Assistant City Administrator Greg Mitchell made a presentation on this item. Mayor Guay then opened the public hearing. Charles Soule, 170 Bartlett Street, asked if this proposal meets with the City's Comprehensive Plan and also asked the last time the City's Comprehensive Plan was updated. Mayor Guay then closed the hearing.

VOTE (324-2005)

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

That the proposed amendment to re-zone the properties located within the following defined boundary - beginning at the southerly intersection of the Maine Turnpike/Exit 80 and Alfred

A. Plourde Parkway, then south along Alfred A. Plourde Parkway to the intersection of Goddard Road, then west along Goddard Road to the Maine Turnpike bridge, then north along the Maine Turnpike to the point of beginning - from the Industrial (I) District to the Urban Enterprise (UE) District, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of November 1, 2005 for final passage. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR MARCO'S, 12 MOLLISON WAY

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

VOTE (325-2005)

Motion by Councilor Connors, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application for Marco's, 12 Mollison Way. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR ESPO'S TRATTORIA, 134 MAIN STREET

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

VOTE (326-2005)

Motion by Councilor Mendros, second by Councilor Connors:

To authorize the City Clerk's Office to approve a new liquor license application for Espo's Trattoria, 134 Main Street. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR THE NEW CHINA SUPER BUFFET, 40 EAST AVENUE

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

VOTE (327-2005)

Motion by Councilor Connors, second by Councilor Mendros:

To authorize the City Clerk's Office to approve a new liquor license application for the New China Super Buffet, 40 East Avenue. Passed - Vote 7-0

**SELECTION OF THE COUNCIL'S REPRESENTATIVE ON THE INTERVIEW
COMMITTEE FOR THE FIRE CHIEF POSITION**

VOTE (328-2005)

Motion by Councilor Bernier, second by Councilor Connors:

To nominate and appoint Councilor O'Brien to serve as the Council's representative on the interview committee for the Fire Chief position. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (329-2005)

Motion by Councilor Connors, second by Councilor Jean:

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 \$652.08 or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Frank Cicero, CE-04-0016, 05-DEA-456583. 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

No other business was presented at this time.

VOTE (330-2005)

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

To adjourn at 7:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine