

# CITY OF LEWISTON

CITY COUNCIL

JULY 17, 2001

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Bernier, Carignan, Jean, Samson, Bilodeau, Adams, City Administrator Bogdan Vitas, Jr., Assistant City Administrator Phil Nadeau, City Clerk Kathleen Montejo and Student Representatives Karen Gagnon and Marc Moreau.

Pledge of Allegiance to the Flag.

Moment of Silence. Mayor Tara asked the group to please remember the two 2001 graduates of Lewiston High School who were recently killed in separate automobile accidents, Derek Mercier and Lesley Martin.

Mayor Tara announced the appointment of Kristine Kimball, 17 Mountain Avenue, to the five year term on the Planning Board, said term to expire January 4, 2005.

### **Presentation from Maine Association of Planners for the 2001 Outstanding Achievement in Planning Award for the Downtown Master Plan**

A representative from the Maine Association of Planners made a presentation to the Mayor, Council and Planning Director James Lysen recognizing the recent announcement that the City received the 2001 Outstanding Achievement Award for Excellence in Planning for the Downtown Master Plan project. The Mayor and Councilors complimented Mr. Lysen, city staff, and members of the Downtown Advisory Board for their excellent work. It was noted the City received this award in the past as well.

### **Presentation from the Androscoggin Valley Council of Governments for the 2001 Recognition Award for Achievement in Planning for the Downtown Master Plan**

Bob Thompson, executive director of AVCOG, made a presentation to the Mayor and Council and Planning Director James Lysen recognizing the recent award the City received from AVCOG, for the 2001 Achievement in Planning award, which was also received for the Downtown Master Plan project. The Mayor and Councilors praised the work that was done by Mr. Lysen, staff and the Downtown Advisory Board and commented to the excellent work that was done on the Plan.

### **Presentation from Adolph Holmes of Great Falls Community TV**

Adolph Holmes, director of Great Falls TV, made a brief presentation to the Council regarding their upcoming project which will be to televise all future City Council meetings, beginning in September. The meetings will be shown live.

Mayor Tara noted that Councilor Gousse is unable to attend the meeting due to a scheduling conflict.

**VOTE (1)**

Motion by Councilor Carignan, seconded by Councilor Jean:

To dispense with the reading of the minutes of the June 19, 2001, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

There was a request to address agenda item one, the No Name Pond Watershed Management Plan, at 7pm since the notice mailed to the abutters stated the meeting would begin at 7pm.

**REQUEST TO USE KENNEDY PARK**

This item was postponed from the previous meeting since a representative from Sam I Am Productions was not present to answer Councilors questions. The company would like to hold a hip-hop concert in the Park in August. The performance will be from 6pm - 9pm and they are expecting to have 100 people attend. Councilor Bernier recommended that police officers from the City provide security, to the satisfaction of the Police Chief, and that the event sponsors pay for the additional officers. The Public Works Director had recommended a deposit from the company in case there was damage to the Park. Since this is a local company, the Council did not want to require a deposit.

**VOTE (2)**

Motion by Councilor Carignan, seconded by Councilor Bernier:

To authorize Sam I Am Productions to use Kennedy Park on Saturday, August 18, 2001, from 5:00pm to 11:00pm, for a Hip-Hop Musical Performance, subject to the following conditions:

1. Area to be kept properly cleaned by Sam I Am Productions.
2. Security, satisfactory to the Police Chief, to be provided at the expense of Sam I Am Productions.
3. Advanced approval of the Public Works Department regarding any use of electrical power.
4. Appropriate insurance, and fire safety certificates (if having a tent), are provided to the City at least seven (7) days in advance of said event.
5. Compliance with all City ordinances, rules, policies, procedures and regulations.

Passed - Vote 6-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR REZONING OF PROPERTY AT 45 ORANGE STREET**

Mayor Tara opened the public hearing to receive citizen comment. No residents spoke regarding this issue, and Mayor Tara closed the hearing. Councilor Samson stated he has spoken to the neighbors and they do not have any objections to this change.

**VOTE (3)**

Motion by Councilor Bilodeau, seconded by Councilor Bernier:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to re-zone the property at 45 Orange Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District. Passed 6-0

**VOTE (4)**

Motion by Councilor Samson, seconded by Councilor Jean:

To suspend the Rules Governing the City Council to allow for final passage at this time. Passed - 6-0

**VOTE (5)**

Motion by Councilor Bilodeau, seconded by Councilor Bernier:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to re-zone the property at 45 Orange Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR REZONING OF  
47 AND 49 AVON STREET**

Mayor Tara opened the public hearing to receive citizen comment. No residents spoke regarding this issue, and Mayor Tara closed the hearing. Councilor Bernier inquired about the last time these properties were rezoning. Planning Director Jim Lysen stated it was in 1988.

**VOTE (6)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 47 and 49 Avon Street from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 6-0

**VOTE (7)**

Motion by Councilor Jean, seconded by Councilor Samson:

To suspend the Rules Governing the City Council to allow for final passage at this time. Passed - Vote 6-0

**VOTE (8)**

Motion by Councilor Bilodeau, seconded by Councilor Adams:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 47 and 49 Avon Street from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR REZONING AT  
280 AND 298 PARK STREET AND 97, 101 AND 115 KNOX STREET**

Mayor Tara opened the public hearing to receive citizen comment. No residents spoke regarding this issue, and Mayor Tara closed the hearing. Planning Director Jim Lysen stated these properties were last rezoning in 1999, during the recent new downtown rezoning. Mr. Lysen said the new zoning designations were made in response to market demands and neighborhood needs, and the goal is to achieve a balance. These properties will be mixed use (residential, commercial, etc.) in the future.

**VOTE (9)**

Motion by Councilor Carignan, seconded by Councilor Adams:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 280 and 298 Park Street and 97, 101 and 115 Knox Street from the Downtown Residential (DR) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 6-0

**VOTE (10)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To suspend the Rules Governing the City Council to allow for final passage at this time. Passed - Vote 6-0

**VOTE (11)**

Motion by Councilor Carignan, seconded by Councilor Adams:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 280 and 298 Park Street and 97, 101 and 115 Knox Street from the Downtown Residential (DR) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE OF THE NO NAME POND  
WATERSHED MANAGEMENT PLAN**

Planning Director Jim Lysen reminded the audience that tonight's Council action will not ban swimming or boating at the Pond. The Management Plan is a policy document only. The City and abutters recognize that public access to the Pond is a priority, as well as protecting the water quality of the Pond. The Management Plan does not change any current setbacks or other zoning issues. Councilor Adams noted the Management Plan is just that, a plan, and not a statute or law, it is only a beginning guide and policy. Councilor Carignan congratulated the people involved in the development of the Plan - Councilor Bernier, Jim Lysen, planning staff members and residents of the Pond area. It was also noted that former Ward Two Councilor Frank Kelly was a great steward of the Pond. Councilor Carignan mentioned this project was a great example of the City and residents working together to establish policy framework for an issue that impacts the community.

**VOTE (12)**

Motion by Councilor Bernier, seconded by Councilor Jean:

That the adoption of the No Name Pond Watershed Management Plan and incorporation of the No Name Pond Watershed Management Plan as a component of the City's Comprehensive Plan receive final passage by a roll call vote. Passed - Vote 6-0

**BOND ISSUE FOR MONTELLO ELEMENTARY SCHOOL**

**VOTE (13)**

Motion by Councilor Samson, seconded by Councilor Carignan:

Ordered, That \$820,000 be appropriated to finance renovations to the Montello School;

Further Ordered, That to meet this appropriation, \$820,000 shall be raised by the issue of Qualified Zone Academy School Bonds;

Further Ordered, That the City Council instruct the Finance Director to negotiate the sale of the Bonds with Peoples Heritage Bank, N.A. or any other qualified purchaser; to award the loan; and to employ 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.

Passed - Vote 6-0

**SPECIAL AMUSEMENT PERMITS**

**VOTE (14)**

Motion by Councilor Carignan, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Dancing and Entertainment to the Festival do Joie Committee for the annual Festival to be held at Railroad Park on August 3, 4 & 5, 2001. Passed - Vote 5-0-1

**VOTE (15)**

Motion by Councilor Bilodeau, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Dancing and Entertainment to The Bird/Toucan Lounge, 1243 Lisbon Street. Passed - Vote 6-0

**TAX RATE FOR THE FISCAL YEAR 2002**

Chief Assessor Joseph Grube and Finance Director Richard Metivier made a presentation to the Council regarding the tax rate. Mr. Grube stated there is one billion, three hundred forty three million dollars worth of assessed valuation in the City. He is recommending a tax rate of \$28.55, which is a 3.26% increase from last year. This reflects a .90 cent addition to the mil rate. There was \$18.4 million dollars in new assessed value, due to recent development efforts.

The Mayor and Council stated they were pleased with the final tax rate, which is lower than the projected amount. They stated they are disappointed though that the budget cuts had to run so deep, including staff layoffs, in anticipation of a higher tax rate. Mr. Vitas explained that it is a timing issue and that timing is set by the state, regarding revenue sharing estimates and so forth.

**VOTE (16)**

Motion by Councilor Samson, seconded by Councilor Carignan:

To accept the recommendation fo the Chief Assessor and to set the tax rate for the Fiscal Year 2002 at \$28.55 mils per thousand. Passed - Vote 5-1-0 (Councilor Jean opposed).

**MDOT PROJECT AGREEMENT FOR MAIN STREET OVERPASS BRIDGE**

Resident Kristine Kimball of 17 Mountain Avenue expressed concern regarding this issue due to the potential increase in traffic. She is concerned with the safety of children walking to school, decreased property values, increased traffic noise and pollution and a loss of enjoyment of the neighborhood. She noted it would be impossible to be a pedestrian in the neighborhood. Public Works Director Chris Branch stated that the City is working on traffic calming issues with DOT for this project. Councilor Carignan stated he agrees with

Ms. Kimball on these concerns, yet he noted it is already the city policy to construct this project, and this issue tonight for a vote is to authorize the Administrator to sign the paperwork to allow DOT to begin. Public meetings have been held regarding this project.

**VOTE (17)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To authorize the City Administrator to enter into a Municipal/State Project Agreement with the Maine Department of Transportation for construction and maintenance for the overpass bridges at Main Street and Maine Central Railroad Tracks. Passed - Vote 6-0

**SCHOOL BOARD VACANCY**

Mayor Tara stated that she is still reviewing applications from candidates and will be prepared to present a nominee for consideration at the August Council meeting.

**POLICY MANUAL AMENDMENTS - SICK LEAVE AND  
CATASTROPHIC LEAVE**

**VOTE (18)**

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve the amendment to the Personnel Policies as recommended by the Personnel Board regarding Sick Leave. Passed - Vote 6-0

Mayor Tara and Councilors stated they strongly support this policy and do not want city employees to feel their jobs are in jeopardy if they need time off to deal with a major family crisis or illness.

**VOTE (19)**

Motion by Councilor Jean, seconded by Councilor Bilodeau:

To approve the amendment to the Catastrophic Leave Policy as recommended by the Personnel Board. Passed - Vote 6-0

**RESOLUTION FOR HOME INVESTMENT PARTNERSHIP PROGRAM**

**VOTE (20)**

Motion by Councilor Carignan, seconded by Councilor Adams:

To approve the Resolution for the HOME Investment Partnership Program Consortium:

Whereas, Lewiston has some of the oldest inner-city housing stock in the Northeast; and

Whereas, Lewiston currently has a depressed rental market with dilapidated and decaying housing stock; and

Whereas, Lewiston's inner-city is characterized by a high degree of absentee landlords; and

Whereas, The City of Lewiston is making a major commitment to creating owner occupied, mixed housing in its inner city; and

Whereas, The City of Lewiston's situation is not unique, but is shared with municipalities of varying size across the state; and

Whereas, These municipalities, including Lewiston, will need resource assistance in investing in the improvement of inner-city housing,

NOW, THEREFORE, Be It Resolved by the City Council of the City of Lewiston, that the City Council authorizes the City Administrator to sign the Mutual Cooperation Agreement to form a Consortium between the City of Lewiston and the City of Auburn under the HOME Investment Partnership Program.

Passed - Vote 6-0

**RESOLUTION FOR NEIGHBORHOOD ASSOCIATIONS**

**VOTE (21)**

Motion by Councilor Samson, seconded by Councilor Carignan:

To approve the Resolution recognizing and encouraging Neighborhood Associations:

Whereas, The encouragement of neighborhood organizations is an ongoing policy of the Lewiston City Council; and

Whereas, Neighborhood associations contribute to the vitality of community life; and

Whereas, Neighborhood organizations are effective vehicles for mobilizing citizens to act in partnership with other agencies, including government, to improve the civic environment; and

Whereas, Neighborhood associations promote community spirit, pride in place and good citizenship; and

Whereas, Neighborhood associations contribute to the cleanliness and appearance of their neighborhoods; and

Whereas, Neighborhood associations are powerful structures for improving the public and social capital of the City, and make the City a more livable place,

NOW, THEREFORE, Be It Resolved by the City Council of the City of Lewiston, that the

City Council formally recognizes and encourages the work of neighborhood associations, and

BE IT FURTHER RESOLVED, That the Lewiston City Council applauds the work of the Downtown Neighborhood Association and the work of the Midtown Neighborhood Association for their promotion of civic virtue, and

BE IT FURTHER RESOLVED, That the Lewiston City Council expresses its profound appreciation for the work of Dorothy Treadwell and Robert Stone and their supporters for their leadership with the Downtown Neighborhood Association and the Midtown Neighborhood Association.

Passed - 6-0

**TRAFFIC SCHEDULE AMENDMENTS**

Councilor Bilodeau expressed concern regarding this issue and felt that rising the parking rates for downtown employees is not fair and that many downtown employees park on Canal Street because they don't want to pay the \$45 per month parking fee in the garage, or they can not afford to pay that much for parking. She noted this is the last area in the downtown for parking that is not fee-based. Finance Director Dick Metivier stated that the policy amendment was a recommendation from the Downtown Parking Study done by LACTS, that it is a fairness issue and that cars are parked there all day and the owners are working all day downtown, so people who arrive early were getting free parking, plus he noted the City has a general policy that people pay for parking, and that parking is very costly for the city to administer.

**VOTE (22)**

Motion by Councilor Samson, seconded by Councilor Carignan:

To adopt the amendment to the Traffic Schedule to create Section 49 - Parking Meters - Time Limitations - Four Hours as follows:

CANAL STREET     10 parking spaces, odd numbered side, southerly side between Ash St. and Pine St.

10 parking spaces, odd numbered side, southerly side between Pine and Chestnut St.

18 parking spaces, odd numbered side, southerly side between Chestnut St. and Cedar St.

6 parking spaces, even numbered side, northerly side from the northeasterly corner of Canal St. and Pine St.

Passed - 5-1 (Councilor Bilodeau opposed.)

**VOTE (23)**

Motion by Councilor Carignan, seconded by Councilor Adams:

To adopt the amendment to Section 38 - Stop Signs of the Traffic Schedule as follows:

BIRCH STREET     ~~1 sign at Lisbon St.~~  
                         ~~2 signs at Park St.~~  
                         1 sign at NE corner of Park St.

PARK STREET     ~~2 signs at Birch St.~~

Passed - 6-0

**COUNCIL WORKSHOP PROCEDURES**

The City Administrator reviewed with Council the recommended changes to the workshop procedures. It is suggested that workshops begin at 3pm and end no later than 6pm. These will be held on the second Tuesday of each month. The format will be informal and will be discussion based, rather than formal presentations. The recommendations will be written up as an amendment to the Policy Manual and presented for approval at the August meeting.

**TEMPORARY STREET CLOSURE OF A PORTION OF BARTLETT STREET**

**VOTE (24)**

Motion by Councilor Carignan, seconded by Councilor Adams:

To authorize the closure of a portion of Bartlett Street, between Ash Street and College Street, beginning on August 6, 2001 until August 10, 2001, for the maintenance work related to the waterproofing of Saints Peter & Paul Church. Passed - 6-0

**RENAMING OF CITY PROPERTIES**

The Mayor and Council thanked Joseph Paradis for his diligent work in collecting over 1000 signatures recommending the City name a park in honor of local veterans.

**VOTE (25)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To name the property located across the street from the new Courthouse building on Lisbon Street as "Courthouse Plaza". Passed - 6-0

**VOTE (26)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To rename Heritage Park as “Veterans’ Memorial Park”. Passed - 6-0

**MAINE SERVICE CENTERS COALITION RESOLUTION AND APPOINTMENTS**

**VOTE (27)**

Motion by Councilor Jean, seconded by Councilor Carignan:

To approve the Resolution to join the Maine Service Centers Coalition. Passed - 6-0

**VOTE (28)**

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To appoint Phil Nadeau, Assistant City Administrator, as the City’s representative to the Maine Service Centers Coalition and to appoint Bob Vitas, City Administrator, as the City’s alternate representative. Passed - 6-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (29)**

Motion by Councilor Carignan, seconded by Councilor Adams:

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 \$1,557.00, or any portion thereof, in the case of State of Maine vs. Peter Bragg, Criminal Action, Court Records 98-3199A. 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

**UPDATE FROM MMA LPC REPRESENTATIVES**

No report was presented at this time since the Legislature is not in session for the summer.

**REPORT FROM SCHOOL COMMITTEE**

No report was presented at this time since school is not in session due to summer vacation.

**OTHER BUSINESS**

Mayor Tara stated that on August 14 there will be the dedication ceremony for the Housing Initiative Coalition project, a project done in collaboration with St. Mary’s Hospital, the City and Lewiston Housing Authority. Congressman Baldacci will be present and she urged all Councilors to attend.

Student Representative Karen Gagnon stated she has one month left in her position and she plans to spend her time working with city administration on the establishment of a youth council.

Councilor Jean stated he will not be available to attend the August 14 Council meeting.

**EXECUTIVE SESSION HELD IN THE  
EXECUTIVE CONFERENCE ROOM AT 9:10 P.M.**

**VOTE (30)**

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To enter into executive session to discuss economic development issues of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

**VOTE (31)**

Motion by Councilor Bernier, second by Councilor Carignan:

To adjourn at 10:15 P.M. Passed - Vote 6-0

A true record, Attest:

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Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine