

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 16, 2001

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00PM

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 and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

Mayor Tara presented a certificate of appreciation to Dot Perham-Whittier, Executive Assistant to the City Administrator, for the work Dot has done for the Mayor's Office for the past four years.

VOTE (1)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To dispense with the reading of the minutes of the October 2, 2001, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE
CONDITIONAL REZONING AGREEMENT FOR 85 CROWLEY ROAD**

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

VOTE (2)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve final passage for the amendment to the conditional rezoning agreement for 85 Crowley Road, to allow a portion of the property that is currently zoned as Rural Agriculture to be used for a breeding kennel in addition to the existing commercial tree farm, subject to the conditions defined in the rezoning agreement. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL
REZONING OF LAND ADJACENT TO EAST AVENUE, BETWEEN LISBON
STREET AND PLEASANT STREET.**

Mayor Tara opened the public hearing. Steve Morin, representing the PTO at Martel School, stated that they are concerned with the Planning Board recommendation to potentially move the location of the school in the future. He commented on the history of the school in the neighborhood and noted the school was built in the 1930s, well before the current commercial activity was in the area.

Chris Fenderson of 29 Simard Avenue stated that many of the residents that he has spoken with are opposed to this rezoning and he then presented a petition to the Council with signatures from 155 people who are opposed to the rezoning of this property.

No additional members of the public wished to comment at this time, and Mayor Tara closed the hearing. Lincoln Jeffers, Economic Development Specialist, addressed the Council and stated the development of this portion of land on East Avenue has been in the city development plans for many years and is part of the City's Land Use goals.

The developer of the project stated he is meeting with the School Superintendent tomorrow to review the project. He noted that he did not suggest or request the relocation of the school building, nor does he support this idea. This was a suggestion from the Planning Board. He will be speaking with the Superintendent regarding minimizing the noise impact on the neighboring properties, and other site development issues. Councilor Carignan noted this could be a great project for the City - a viable retail commercial center and an excellent school could serve as great partners. He referenced a letter that he drafted to the developer stating that his support of this project is predicated with the understanding that the good intentions and good faith are met.

VOTE (3)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property adjacent to East Avenue, between Lisbon Street and Pleasant Street, from the Office Residential (OR) and Neighborhood Conservation "A" (NCA) Districts to the Community Business (CB) District, subject to a conditional agreement. Passed - Vote 6-0

AMENDMENT TO THE GENERAL ASSISTANCE POLICY

VOTE (4)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the maximum amounts allowed for general assistance and the maximum amounts allowed for food and housing, in the General Assistance Policy, for persons eligible to

receive assistance in accordance with the standards of eligibility, be amended in accordance with HUD guidelines and the current Thrifty Food Plan. Passed - Vote 6-0

**ACQUISITION OF PROPERTIES AT 29 RAILROAD ALLEY AND
44 LINCOLN STREET**

Councilor Bilodeau reported the Land Committee reviewed this project and voted 4-0 to recommend that Council support this request.

VOTE (5)

Motion by Councilor Samson, seconded by Councilor Jean:

To authorize the City Administrator to close on the purchase of 29 Railroad Alley and 44 Lincoln Street, for a combined purchase of \$118,500.00, plus closing costs, with the funds to purchase these properties to come from the Acquisition and Demolition Fund.
Passed - Vote 6-0

**DISPOSITION OF PROPERTY AT 269-271 PARK STREET/
ANDROSCOGGIN MILL BLOCK**

Councilor Bilodeau reported the Land Committee reviewed this project and voted 4-0 to recommend that Council support this request.

VOTE (6)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

Be it Resolved by the City Council that the City Administrator be and hereby is authorized to execute the Real Estate Transfer Agreement, pertaining to the transfer of the property at 269-271 Park Street to The Public Theatre, 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 accomplishment of such transaction.
Passed -Vote 6-0

**ADOPTION OF NEW CITY POLICY REGARDING A
YOUTH ADVISORY COUNCIL**

Recreation Director Maggie Chisholm, Dot Perham-Whittier, Executive Assistant, and Timothy Williams, a student at St. Dominic High School, addressed the Council on their work with the proposed Youth Advisory Council. Councilor Carignan stated that he objects to the parliamentary action to bring this item forward again, and he had a list of amendments to offer for the proposed policy. He stated that he supports the concept of a Youth Council yet is opposed to the selection process and recommends a new procedure that combines appointment and election of members. He noted this program is designed to teach about public service and public participation and to have a group of students that are hand-selected by adults to serve on this committee will not work. Timothy Williams

stated the committee which established the proposed policy reviewed the different methods and have selected this process. They do not want the group to be a Junior City Council, but rather an advisory body to the City Council. Councilor Samson stated this newly drafted policy does reflect a lot of collaboration, yet the amendments that Councilor Carignan are offering are good points, but just a little too late in this process.

Three members of the public addressed the Council. Diane Williams, mother of Timothy, suggested the proposed language is fine. Pentha Burns stated the application process could be used as a means to balance an election by students, and Robert Reed also supported Councilor Carignan's recommendations. Mayor Tara suggested the Council approve the policy as proposed, which includes a directive to the first group to review and study the selection process. Dot Perham-Whittier stated that the intent of this group is to have a cross section of all youth and that students that are not popular would not get elected. Councilors Bernier and Samson suggested that the Council move forward with the proposed policy and make changes later as needed.

VOTE (7)

Motion by Councilor Jean, seconded by Councilor Adams:

To adopt and establish a new City Policy: Policy Number 74 - Youth Advisory Council Policy. Passed - 5-1 (Councilor Carignan opposed)

UPDATE FROM THE LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES

No report was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

ACTIONS NECESSARY TO CONDUCT THE STATE AND CITY ELECTIONS

VOTE (8)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the State and Municipal Election to be held on Tuesday, November 6, 2001:

- A. That the hours for acceptance of registrations in person only, prior to the November 6th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, October 23 through November 5, 2001; and additional hours of 8:00am to 11:00am Saturday, November 3, 2001.

- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8pm, if necessary.

Passed - Vote 6-0

ADOPTION OF BOND RESOLUTION FOR MID MAINE CPL, LLC PROJECT

Finance Director Richard Metivier stated these bonds are at no cost to the City. Councilor Jean commended Mr. Boulay, the developer, for his investment in the City.

VOTE (9)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

That the bond resolution of the Municipal Officers of the City of Lewiston, Maine, authorizing the issuance of \$2,000,000 in revenue obligation securities, series 2001 (Mid Maine CPL LLC project) and authorizing and approving the bond documents, be adopted.
Passed - Vote 6-0

OTHER BUSINESS

Mayor Tara stated that she will be not able to attend the November 13 Council meeting.

Assistant City Administrator Phil Nadeau stated there is a meeting tomorrow in Bethel regarding funding for tourism marketing for western Maine.

Ratification of the sale of a parcel of land owned by the airport:

VOTE (10)

Motion by Councilor Samson, second by Councilor Carignan:

To authorize the City Administrator to execute documents for the sale of 1.03 acres of property at the Auburn-Lewiston Airport to Bruce Tisdale of Mountain Machine works.
Passed - Vote 6-0

VOTE (11)

Motion by Councilor Jean, second by Councilor Bilodeau:

To enter into Executive Session to discuss Labor Negotiations and Real Estate development issues, the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - 6-0

CITY COUNCIL

OCTOBER 16, 2001

Session began at 7:50pm and ended at 9:10pm.

VOTE (12)

Motion by Councilor Bilodeau, second by Councilor Adams:

To adjourn at 9:10 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine