

**CITY OF LEWISTON**

**CITY COUNCIL**

**JUNE 17, 2003**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM**

RENEE M. BERNIER, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Philippon, O'Brien, Jean, Mason, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.  
Moment of Silence.

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE  
AMENDMENT FOR THE ESTABLISHMENT OF  
THE SOUTHERN GATEWAY DEVELOPMENT DISTRICT**

Councilors Mason and Rousseau announced that they will both be recusing themselves from this item due to a conflict of interest. Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

**VOTE (178-2003)**

Motion by Councilor Philippon, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Land Use Code, Appendix A, Article XVI, "Development Districts", Section 2, "Southern Gateway Development District", receive final passage by a roll call vote.

Passed - Vote 5-0-2 (Councilors Mason and Rousseau abstained.)

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE  
AMENDMENT FOR THE ESTABLISHMENT OF  
THE WESTERN GATEWAY DEVELOPMENT DISTRICT**

Councilor Rousseau announced that he will be recusing himself from this issue due to a conflict of interest. Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing.

**VOTE (179-2003)**

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

That the proposed amendment to the City Code of Ordinances, Land Use Code, Appendix A, Article XVI, "Development Districts", Section 3, "Western Gateway Development District", receive final passage by a roll call vote.

Passed - Vote 6-0-1 (Councilor Rousseau abstained.)

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE LAND USE CODE CONCERNING CHANGES TO THE DEVELOPMENT REVIEW PROCESS TO STREAMLINE THE REVIEW PROCEDURES**

Council President Bernier opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing. City Administrator Bennett said the Planning Board and planning department staff worked together to draft these recommendations. The first passage was approved in February, and the Planning Board asked for final passage to be put on hold until the staff/department restructuring proposal was finalized and plans were implemented. The Planning Board is now asking for final passage, now that the City Planner position has been filled. These proposed amendments will enable the regulatory process to be more effective.

**VOTE (180-2003)**

Motion by Councilor Paradis, seconded by Councilor Jean:

That the proposed amendments to Appendix A, Article XIII “Development Review and Standards”, of the City Zoning and Land Use Code, concerning suggestions to streamline the development review procedures, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE ON AN AMENDMENT TO THE SOLID WASTE ORDINANCE**

Council President Bernier opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing. The City Administrator stated that during the budget deliberations, it was discussed that owner occupied apartment buildings with four units or greater would need to pay for trash removal. The proposed amendment to the Solid Waste ordinance allows for all owner occupied properties to be exempt from paying for trash collection, regardless of size. The targeted implementation date is August 1.

**VOTE (181-2003)**

Motion by Councilor Paradis, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 62 “Solid Waste”, Sections 62-2 through 62-30, receive final passage by a roll call vote, and that said ordinance amendment shall be effective August 1, 2003.  
Passed - Vote 5-2 (Councilors Mason and Rousseau opposed.)

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE STREETS AND SIDEWALKS ORDINANCE TO ESTABLISH PERMITTED USES ON CITY SIDEWALKS**

City Administrator Bennett outlined the recommended changes regarding regulations for tables, chairs, signs and merchandise on the city’s sidewalks. Councilors asked if these

changes will impact mobile food carts or street peddlers; the proposed amendment will not change the current regulations for these units.

Council President Bernier opened the hearing to receive citizen input and comment.

Ricky LaChappelle, 504 Pond Road, addressed the Council. He stated that he owns and operates a pawn shop on Lisbon Street and has been in business for 25 years. Mr. LaChappelle noted that he regularly uses the sidewalk to display merchandise and seasonal items for sale. He said the city has made changes in recent years that negatively impact his business such as the closing of Birch Street, in which he estimates he has lost about ten to twenty thousand dollars in sales as a result of this, in addition he cited the loss of area parking and trash collection. He noted he maintains the sidewalk year round and should be permitted to use it, and he asked the Council to reconsider the proposed changes. He compared the bike rack in front of the Library to the bike rack in front of his store which displays bikes for sale, and stated they are identical items, and if one is allowed, then the other should be allowed as well. Mr. LaChappelle said that last year he invested twelve thousand dollars in repairs and renovations to the front of his building, in an effort to improve the appearance of the storefront. He noted that the city has recently provided large tax incentives to large businesses in town, and he is a small business and is not asking for tax breaks, just for the ability to continue to use the city sidewalk as he has done for the past several years.

Dan Leonas, owner of Twin City Cab which is a neighboring business to the pawn shop, addressed the Council and said that Rick's merchandise on the sidewalk is not hurting anyone in the area that it is in, and it is not as bad as the Council is making it out to be. He is encouraging the Council to allow merchandise to be displayed on the sidewalk and feels this will allow business to grow. He urged the Council to support the small businesses in downtown, especially the ones that are long term businesses, and he noted this is an example of how the city can support these businesses. Mr. Leonas said that he feels these changes are working against the small businesses in town.

Matt Gram, new owner of El Bodaga market, stated that he uses a sidewalk sign every day and it really has enhanced his business to allow him to advertise his daily specials. He would also encourage the Council to establish permits to allow businesses to display merchandise on the sidewalk, and noted that he would like to put fresh fruits and vegetables on the sidewalk in bins in front of his store.

Council President Bernier then closed the hearing. The City Administrator addressed a few of Mr. LaChappelle's concerns. He noted that part of the on-street parking was removed many years ago to expand the sidewalks at the intersections for better pedestrian safety issues. Mr. Bennett said that last year, the new four million dollar parking garage in downtown was constructed about one block behind Mr. LaChappelle's business, so this should aid customer parking, and in addition, the city has announced a substantial investment and upgrade on Lisbon Street which will greatly enhance the sidewalks. Mr. Bennett reminded Mr. LaChappelle that the current ordinance does not permit him to do what he is doing now - the current ordinance allows for the display of merchandise only one

foot beyond the front of the building, and his items extend well beyond the one foot limit. Councilor Paradis stated that the proposed sidewalks upgrades are most welcome improvements in the area, and suggested the City could issue an exception to Mr. LaChappelle until the construction is completed. Councilor Paradis also asked about special permitting for businesses and if this will be problematic from an enforcement stand point. Code Enforcement Officer Gil Arsenault stated he does not believe that enforcement would be a problem if the city established permitting for this topic. Councilor Philippon asked staff to prepare some material on this issue and present it at the next meeting. Councilor Rousseau stated that some people may put out items for sale that may be detrimental to the image of downtown, but other items for sale may enhance the downtown and encourage additional pedestrian traffic and more business, and he said it should be the city's job to encourage shoppers to go into the downtown.

**VOTE (182-2003)**

Motion by Councilor Jean, seconded by Councilor Mason:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article I "General", Article II "Permitted Uses" and Article III "Obstructions", receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING ON A PROPOSED INCREASE IN WATER RATES AND METER INSTALLATION CHARGES**

As required by the Public Utility Commission regulations, for public disclosure purposes, the City Clerk read Title 35-A of the Maine Revised Statutes Annotated, section 6104, subsections 1-11. It was noted that as discussed during the recent budget workshops, the Public Works Director and the City Administrator are recommending an increase in the water rates and meter installation charges. Water & Sewer Superintendent Rick Burnham is recommending that the rates be increased by thirteen percent, effective August 1, 2003. He noted the average residential user will see an increase of approximately \$14.00 per year. This increase will generate approximately \$248,693 in additional revenues annually. Public Works Director Chris Branch stated there is a cost to providing the service - maintaining the pumps, personnel services, debt services, DEP regulations and so forth. Malcolm Horton, CPA, serves as the City's consultant on the water rate changes and working with the PUC on the requirements and regulations. Mr. Horton provided additional background material for the Council regarding this issue.

**VOTE (183-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To open the public hearing to receive citizen input and comment on this issue.  
Passed - Vote 7-0

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

**VOTE (184-2003)**

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

To accept the recommendation of the Public Works Director and City Administrator, and to amend the Water Rates & Meter Installation Charges as follows:

In accordance with Maine Revised Statutes Annotated, Title 35A, Section 6104, the following charges are hereby established, effective August 1, 2003:

For the first 1,200 cu. ft per quarter ~~\$25.44~~ 27.60  
 For the next 9,000 cu. ft per quarter ~~\$1.32~~ 1.46 per 100 cu. ft.  
 For all over 10,200 cu. ft per quarter \$ ~~.82~~ 1.08 per 100 cu. ft.

QUARTERLY MINIMUM CHARGES

5/8" Meter	\$ <del>25.44</del>	<u>27.60</u>
3/4" Meter	<del>37.32</del>	<u>40.74</u>
1" Meter	<del>57.12</del>	<u>62.64</u>
1 1/2" Meter	<del>104.64</del>	<u>115.20</u>
2" Meter	<del>159.00</del>	<u>178.44</u>
3" Meter	<del>257.40</del>	<u>308.04</u>
4" Meter	<del>355.80</del>	<u>437.64</u>
6" Meter	<del>651.00</del>	<u>826.44</u>
8" Meter	<del>1,241.40</del>	<u>1,604.04</u>

SPRINKLERS	\$ <del>65.40</del>	<u>74.00</u> per inch per year
PRIVATE HYDRANTS	\$ <del>532.20</del>	<u>592.00</u> each per year
PUBLIC HYDRANTS	<del>\$347,600.00</del>	<u>382,400.00</u> per year plus cost for each additional hydrant installed after December 31, <del>2001</del> <u>2003</u> .

(NOTE: Additional are underlined, deletions are ~~struck out~~.)

Passed - Vote 7-0

**PUBLIC HEARING ON A PROPOSED INCREASE IN SEWERAGE SYSTEM USE CHARGES**

Water and Sewer Superintendent Rick Burnham stated that as discussed during the recent budget workshops, the Public Works Director and the City Administrator are recommending an increase in the sewerage system use charges. Mr. Burnham said it is recommended that the rates be increased by four percent, effective July 1, 2003. The average residential user will see an increase of approximately \$10.60 per year. This increase will generate approximately \$137,200 in new revenue for the 2004 fiscal year. Councilor O'Brien asked about charges for people using extra water in the summer such as watering their gardens, filling pools and so forth. Mr. Burnham stated that customers can be charged summer usage rates for filling pools and other similar items.

**VOTE (185-2003)**

Motion by Councilor Paradis, seconded by Councilor Philippon:

To open the public hearing to receive citizen input and comment on this issue.

Passed - Vote 7-0

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

**VOTE (186-2003)**

Motion by Councilor Philippon, seconded by Councilor Mason:

To accept the recommendation of the Public Works Director and City Administrator, and to amend the Sewer System Use Charges as follows:

In accordance with the Code of Ordinances of the City of Lewiston, Chapter 74, Section 74-67, the following rates are hereby established effective July 1, 2003:

**SEWERAGE SYSTEM USE CHARGES**

<u>METER SIZE</u>		<u>RATE</u>	
5/8"	\$	<del>20.00</del>	<u>21.00</u>
3/4"		<del>33.00</del>	<u>34.00</u>
1"		<del>59.00</del>	<u>61.00</u>
1 1/2"		<del>132.00</del>	<u>137.00</u>
2"		<del>235.00</del>	<u>244.50</u>
3"		<del>529.00</del>	<u>550.00</u>
4"		<del>940.00</del>	<u>978.00</u>
6"		<del>2,117.00</del>	<u>2,202.00</u>
8"		<del>3,762.50</del>	<u>3,913.00</u>

First 800 cubic feet or part thereof, ~~\$1.41~~ 1.47 per 100 cubic feet.

Over 800 cubic feet at ~~\$2.33~~ 2.42 per 100 cubic feet.

Surcharge for B.O.D. concentration above 250 ppm., ~~14.435~~ 15.012 cents per lb. of B.O.D.

Surcharge for suspended solids concentration above 300 ppm., ~~18.693~~ 19.441 cents per lb. of suspended solids.

Passed - Vote 7-0

At this point, the Council took a recess at 8:45pm and reconvened at 9:00pm.

**PUBLIC HEARING AND ADOPTION OF THE 2004 LEWISTON  
CAPITAL IMPROVEMENT PROGRAM BOND ISSUE**

Council President Bernier opened the public hearing for citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. The City Administrator said that in developing the LCIP, staff looked at large impact projects that will help to move the City forward, such as the Gateway projects and exit strategies for the Bates Mill Complex. He outlined some of the projects that are in the LCIP such as road improvements and stated that in six to nine months, outlying areas of town will see street improvements and noted these streets have been ignored for too long; he also mentioned the cultural learning center at the library, Lincoln Street corridor upgrades and improvements, and other projects. He informed the Council that the city will be receiving three to four million dollars in state and federal funds for road assistance for the coming year. Councilor Rousseau stated he believes the cultural learning center is a good idea, but he would like to see money raised by the private sector, he also stated the city missed an opportunity by not combining libraries with Auburn to create one large, regional library center. Jan Phillips of the Library Board addressed the Council and stated that one million dollars has already been received in a private bequest, that the Friends of the Library are raising an additional twenty thousand dollars and these funds will be combined with the \$1.6 million from public funds.

**VOTE (187-2003)**

Motion by Councilor Philippon, seconded by Councilor Jean:

To adopt the Bond Issue Order to finance the 2004 Capital Improvement Program:

ORDERED, That \$5,905,000 be appropriated for financing the following Capital Improvement Program:

<b>Development:</b>	Acquisition/Demolition Improvements Downtown	\$250,000
	No Name Pond Watershed Mgmt. Fund	25,000
<b>Library:</b>	Cultural Learning Center	1,600,000
<b>Parks &amp; Recreation:</b>	Recreation Facilities - Railroad Park	75,000
<b>Public Works:</b>	P/W Building. Environmental Improvement	250,000
	Gully Brook Drainage area	750,000
	Lincoln St.: Main to Cedar Rehabilitation	165,000
	Cedar St.: Lincoln to Bridge Resurface	30,000
	General Street Rehabilitation & Resurface	1,000,000
	Lincoln St.: Sidewalk Enhancements	400,000

	Park St. Area Improvements	10,000
	National Pollution Discharge Elimination	<u>75,000</u>
	<b>SUB-TOTAL</b>	<b>4,630,000</b>
<b>Sewer</b>	Gully Brook Drainage area	<u>750,000</u>
	<b>SUB-TOTAL</b>	<b>750,000</b>
<b>Water</b>	Main St. & Central Ave. Pump Station Improve.	25,000
	Large & Small Main Replacement	<u>500,000</u>
	<b>SUB-TOTAL</b>	<b>525,000</b>
	<b>TOTAL</b>	<b>\$5,905,000</b>

FURTHER ORDERED, That to meet this appropriation, \$5,905,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$5,905,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

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;

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

**TRANSFER OF BOND ISSUE FUNDS FOR THE SOUTH LEWISTON  
STORAGE TANK PROJECT AND THE CLEAN & LINE LARGE  
WATER MAIN PROJECT ACCOUNTS**

Councilor Paradis inquired if a site was located as of yet. Water & Sewer Superintendent Rick Burnham stated that a site study is currently under review.

**VOTE (188-2003)**

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

ORDERED, That upon recommendation of the City Administrator and Finance Director, the City Council hereby approves a transfer of funds from the FY 2003 bond issue for the

Webber Avenue Storage Tank in the amount of \$750,000 into the South Lewiston Storage Tank Project for \$250,000 and into the Clean & Line Large Water Main Project in the amount of \$500,000. Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION FOR THE  
BLUE GOOSE BAR & GRILL, INC., 69 SABATTUS STREET**

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

**VOTE (189-2003)**

Motion by Councilor Paradis, seconded by Councilor Mason:

To authorize the City Clerk's Office to approve the liquor license application for the Blue Goose Bar & Grill, Inc., 69 Sabattus Street. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR ACME SOCIAL CLUB**

Councilor Mason announced that he will be recusing himself from this item due to a conflict of interest. Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (190-2003)**

Motion by Councilor Philippon, seconded by Councilor Jean:

To grant a Special Amusement Permit for Dancing and Entertainment to the Acme Social Club, 255 Park Street. Passed - Vote 6-0-1 (Councilor Mason abstained.)

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
327 LISBON STREET**

The City Administrator stated this item will be the same process that the Council used last month when needing to determine if a building should be condemned. He reminded the Council that they need to conduct a hearing to receive input to determine if the property is unsafe, unstable, unsuitable, a fire hazard, a hazard to health and safety and otherwise be a danger to life or property. For the record, the City Attorney noted that the property at 327 Lisbon Street is owned by the South End Social Club and that notices of this hearing were served to the corporate officers of the organization - Dolores Gaboury and Ruth Gamache, of 79 Summit Avenue, Lewiston.

Building Inspector Gary Campbell said that the common denominator for the buildings at 327 Lisbon Street and 359 Lisbon Street, that are being brought forward for condemnation, is that all or portions of these buildings have been vacated and abandoned with regard to any use or occupancy by their owners. As a result, no income is generated for routine

maintenance, and the buildings are left to deteriorate. Mr. Campbell presented the following as his testimony for this issue:

The property at 327 Lisbon Street is a 25' x 100' lot which contains a 23' x 60', three-story, wood-framed structure which was constructed in 1896. The first floor is occupied by the South End Social Club. The second and third floors of this building, which contained dwelling units, are unsuitable for habitation.

1. There is evidence of long term moisture exposure to the ceilings, walls and floors on the second and third floors; however, the only evidence of a current roof leak is on the third floor where plastic sheeting channels water into a barrel.
2. There are substantial pigeon droppings, live pigeons, and dead carcasses throughout the upper stories.
3. Mildew from the moisture and dust from dried pigeon feces create potential respiratory health issues.
4. There is evidence of structural issues throughout the building: some as the result of the moisture infiltration and others which are the result of improper design of the support beams and floor joists when the building was constructed.
5. The rear porches which comprise the second means of egress from the upper stories are structurally unsound.
6. The mechanical systems ( plumbing and electrical) on the upper stories are damaged due to long term lack of maintenance, obsolescence, and exposure to the elements.

The interior of the upper stories must be gutted in order to renovate the building.

The upper stories of 327 Lisbon Street and the entire building at 359 Lisbon Street are unfit for human occupation and/or habitation, and its condition continues to deteriorate. In my opinion, both buildings constitute a hazard to health and safety because, among other things, the owners have failed to provide routine maintenance, which has caused both to become dilapidated and unsanitary. Most mechanical systems are functionally obsolete. In my opinion, the cost of rehabilitating these buildings will exceed a level that would permit an owner to achieve an acceptable return on his investment.

Councilor Rousseau asked if this building is on the historical registry, and Mr. Campbell stated it is not. Mr. Campbell reviewed many photographs of the property with the Council and indicated structural problems with support beams, identified sanitary issues regarding pigeon feces which cover the second and third floors, in many place the pigeon droppings are several inches thick. He also noted the rear porches are unsafe and sagging, the electrical system has been exposed to moisture and needs to be replaced. Mr. Campbell stated there is no evidence of routine maintenance for this building. He said that the second and third floors are the most severe, he does not feel they will collapse structurally between now and November 1, but that something needs to be done to correct the unsafe situation. Councilor Bernier asked if there is any liability if the second and third floors collapse onto the business in the first floor. It was noted the building is not at risk of immediate danger and collapse, but something needs to be done within the next few months. The City Attorney stated that the Order provides a deadline of November 1, 2003 for the problems to be corrected or for the building to be demolished.

Fire Department Inspector Paul Ouellette stated the he has inspected the property and that there are fire and safety issues with the building. He noted the structural wood is rotting and if there was a major fire, he feels the building would collapse prematurely, creating a danger to the firefighters. Councilor Rousseau asked about abutting properties. Code Enforcement Officer Gil Arsenault said that there are wooden structures on either side of this building and that one of the properties is a boarding home.

Mr. Arsenault reported that on May 8, 2003, he sent a notice of violation to the officers of the South End Social Club, directing them to repair the problems or to have the building demolished by November 1, 2003. He noted they said they are not in the position to rehabilitate the building, and in his opinion, the property is not suitable for rehabilitation. He said that the City has been in discussions with the owners since October 24, 2002 about the need to repair the building or to move out and find a new location for the Club. He said the City has been trying to work with the owners to find a new location for their organization, but has been unsuccessful to date. Councilor Bernier expressed concern regarding the condition of the building and the safety of firefighters if a fire was to happen in this building.

At this point, Council President Bernier opened the public hearing. Dolores Gaboury and Ruth Gamache, of 79 Summit Avenue, officers of the South End Social Club, which owns the building, addressed the Council at this time. They reported on their progress for repairs and renovations to the first floor, to make the first floor suitable for their club, stating in the past four years, they have redone the bathroom, replaced the floors and painted on the first floor. The second and third floors are closed and locked and are not accessible to anyone. They stated they feel it is hopeless to attempt to repair the second and third floors and feel the two floors are beyond repair. They are asking the Council to honor the November 1 deadline to allow them time to find a new location for their club. Ms. Gamache and Ms. Gaboury stated that it is their goal to remain in the downtown area, where most of their members live, and they have been looking since last fall for a new site. They said the club has been at this location for the past forty years, and said the club was incorporated in 1957.

Council President Bernier then closed the public hearing. Councilor Bernier asked about the costs for the building demolition and who would cover these expenses. The City Administrator stated that the Club would need to pay to demolish the building and then they could sell the land. If they failed to do this before November 1, 2003, then the City would remove the building and place a lien on the property for the costs of the demolition and related legal fees, if the lien remains unpaid for 18 months, then the city has to foreclose on the property and will own the land. There was some discussion from the Councilors about extending the November 1 deadline, yet Councilor Paradis stated that he would have a hard time justifying extending the timeframe, since the owners were notified last October, and they have been provided with a one year advanced notice. Mr. Bennett also noted that if the time is extended an additional sixty days, then it would be January and snow removal issues might increase the cost. The City Attorney said the November 1 date was determined by both the city staff and the property owners as a workable date, and balanced the need to address the safety issues yet allow time for the club to relocate.

**VOTE (191-2003)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To accept the Findings of Fact regarding the building at 327 Lisbon Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order. Passed - Vote 7-0

Councilor Philippon excused himself from the meeting at this time.

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
359 LISBON STREET**

The City Administrator reported to Council that there has been a recent attempt by the current owner and a potential buyer of the building to purchase and repair the property, and that this is still being negotiated. He recommended that the Council conduct the hearing tonight, and continue the hearing to the next meeting, to allow time for the buyer and seller to finish the negotiations and implement their plans. Mr. Bennett stated that in order to hold off on the condemnation, if the findings of fact determine that the building meets the dangerous building standards, then the city would want to see concrete evidence of the financial capacity of the buyer to repair the property and to see a solid rehabilitation plan, perhaps from an architect or engineer, regarding the repairs and if the building will be structurally sound after the renovations are done. The City Attorney noted it is an unoccupied building and the buyer would need to present a plan of action.

Building Inspector Gary Campbell offered the following information for his testimony regarding the condition of the building, as a result of his inspection: The 4800 square foot, irregularly shaped property has 60 feet of frontage on Lisbon Street and contains a three-story, brick structure which was constructed in 1873. The ground floor had been occupied as commercial space, and the upper stories contained dwelling units. As best as can be determined from our files, due to a myriad of property maintenance code violations, a previous owner voluntarily closed the building in 1996.

1. The building has structural damage due to long-term exposure to the elements from a leaking roof, and, as a result, the floor structure in certain areas is structurally unsound, and a small section of the floor sheathing on the ground level has caved in.
2. The layout of apartments on the upper stories does not comply with current egress requirements of apartment buildings.
3. The interior of the building on the second and third floor is covered with pigeon droppings and pigeon carcasses, as well as live pigeons, which constitutes a respiratory health hazard. Pigeons can access the interior of the building through numerous broken windows and openings in the partially collapsed wall at the rear of the building.
4. A significant amount of brickwork on the exterior of the building has become loose and fallen from the rear of the building.

5. The floors are covered with trash, debris, and plaster that have fallen from the walls and ceilings.
6. The entire electrical system must be replaced due to long-term exposure to moisture.

In my opinion the interior of the building has been allowed to deteriorate to the extent that the building will have to be gutted in order to renovate and repair the structure.

Mr. Campbell reviewed many photographs of the property with the Council, and outlined concerns regarding water infiltration on the floors and walls, and he noted the floors are very weak, have a spongy feel and appear to be structurally unsafe for an adult to walk on. In addition, the floors and room contents are covered with several inches of pigeon feces.

### **VOTE (192-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To open the public hearing to receive citizen input and comment. Passed - Vote 6-0

Council President Bernier then opened the public hearing. Richard Trafton, an attorney representing the property owners, addressed the Council at this time. He stated the Sultan Corporation, the property owners, sold the property today to Klister LLC. Mr. Trafton reported that the Sultan Corporation owned the property since February 1997 and transferred it to Klister LLC, a sub-corporation of Sultan. Councilor O'Brien asked about the history of building maintenance for the past five years. Mr. Trafton stated that the building was rented out to occupants up until two years ago, and the building has been vacant for the past two years. He stated that portions of the building are open and that pigeons have occupied much of the building since. Councilor Bernier asked the City Attorney for clarification regarding current liability of the property, and he stated that the new owner, Klister LLC is currently liable. The City Administrator stated that the transferring of properties between different entities owned by the same parent organization has been done in the past, perhaps in part to escape service issues, but it is a standard business practice and the transaction is done with a simple purchase and sale agreement. He urged the Council not to become sidetracked by the change in ownership, but to focus on the condition of the building itself.

Mr. Trafton noted that the building has problems but potential new buyers are interested in renovating the property for retail purposes and were attracted to the historic and economic value of the property. He stated his client will be securing the building regarding the structural issues and public safety issues, and noted the facade will be removed and the issue of the falling bricks will be taken care of. He said the ultimate goal is to fix the property and put it back on the tax rolls. Councilor Bernier asked about the possibility of having the junk in the front picture windows, such as the old mattresses, removed, and noted they are an eye sore in the downtown and that she finds this unacceptable, and suggested that a good faith effort would be to remove all of the junk that is visible from the windows. Council President Bernier then closed the hearing.

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

To accept the Findings of Fact regarding the building at 359 Lisbon Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order.

During the discussion for this motion, it was determined that additional information would be needed regarding the plans for the potential buyer, and it was decided to continue the hearing, as recommended earlier by the Administrator.

**VOTE (193-2003)**

Motion by Councilor Rousseau, seconded by Councilor Jean:

To table this item at this time and to continue the hearing to the Council meeting of July 15, 2003. Passed - Vote 6-0

At this point, the Council took a recess at 10:40pm and reconvened at 10:50pm.

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL**

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

**VOTE (194-2003)**

Motion by Councilor Mason, seconded by Councilor Jean:

To conduct a public hearing on an application from the Liberty Festival for outdoor musical concerts be held at Courthouse Plaza on July 3 and at Veteran's Memorial Park on July 4, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Liberty Festival for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances, and to permit the Liberty Festival the ability to control all vendors in Courthouse Plaza and Veteran's Memorial Park during the time of their scheduled events. Passed - Vote 6-0

**REQUEST FROM L/A ARTS TO RESTRICT THE VENDORS IN THE COURTHOUSE PLAZA DURING SUMMER CONCERT SERIES EVENTS**

**VOTE (195-2003)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To establish a temporary special event zone allowing L/A Arts to oversee and control the food and product vendors during their outdoor summer concert series to be held in Courthouse Plaza,

said zone shall be in effect from 11:00am until 1:30pm on the day of the concerts, and to set the boundaries of the temporary special event zone to encompass the entire footprint of Courthouse Plaza and including the full width of the sidewalks on Lisbon Street and Park Street that directly abut the Plaza, and to require all vendors to abide by City rules and regulations.

Passed - Vote 6-0

**REQUEST FROM GREAT FALLS BALLOON FESTIVAL TO LIMIT  
CRAFT VENDOR FEES FOR THE 2003 FESTIVAL**

**VOTE (196-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To set the City business license fee for craft vendors/peddlers for the 2003 Great Falls Balloon Festival at the 2002 fee schedule rate of \$20 per applicant, plus the state police background fee of \$15. Passed - Vote 6-0

**UPDATE OF CITY POLICY REGARDING THE SOLID WASTE  
DISPOSAL PROGRAM**

Public Works Assistant Director Dave Jones stated that the adoption of the Solid Waste ordinance earlier in the meeting incorporated the policy into the ordinance, and the new policy will contain the fee schedule only. Councilor Rousseau asked about the change in policy regarding the collection of trash from some of the non-profit organizations and noted the new fee schedule does not show that they are exempt from tipping fees. It was recommended that the Council approve the policy amendments as presented, and this issue will be reviewed and brought forward for the next Council meeting in July.

**VOTE (197-2003)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To repeal the current Solid Waste Disposal Policy, Policy Manual Number 52, and to adopt and establish a new Solid Waste Fee Schedule Policy, Policy Number 52. Passed - Vote 6-0

**ADOPTION OF THE CITY POLICY REGARDING TAX ACQUIRED PROPERTY**

It was noted this proposed policy was reviewed during last week's workshop.

**VOTE (198-2003)**

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

To adopt and establish the Tax Acquired Property Policy, City Policy Manual Number 76, as recommended by the City Administrator and the Finance Director. Passed - Vote 6-0

**MDOT AGREEMENT FOR OPERATION AND MAINTENANCE OF  
THE TRAFFIC SIGNAL AT THE INTERSECTION OF  
SABATTUS STREET AND POND ROAD**

**VOTE (199-2003)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the City Administrator to enter into a Municipal/State Project Agreement with the Maine Department of Transportation regarding the operation and maintenance of a traffic signal at the intersection of Sabattus Street and Pond Road. Passed - Vote 6-0

**ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF JULY**

Councilor Paradis inquired about holding two meetings in July, especially in light of this meeting being a very long night. Councilor Mason concurred. The other Councilors stated that due to vacation schedules and other summer events, it might be best to only meet once in July, rather than twice.

**VOTE (200-2003)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To suspend Section 1,(a) of the Rules Governing the City Council, and to hold only one regular meeting during the month of July, said meeting to be held on Tuesday, July 15<sup>th</sup>, and to suspend Section 14, (a) of the Rules Governing the City Council and to cancel the July workshop. Passed - Vote 5-1 (Councilor Mason opposed.)

**UPDATE FROM LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES**

No report was presented at this time.

**REPORT FROM THE SCHOOL COMMITTEE**

No report was presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (201-2003)**

Motion by Councilor Mason, second by Councilor Jean:

To adjourn at 11:15 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine