

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 2, 2003

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

THE HONORABLE LAURIER T. RAYMOND, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (329-2003)

Motion by Councilor Jean, seconded by Councilor Mason:

To dispense with the reading of the minutes of the October 21, November 13 and 25, 2003, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 6-0

At this time, Councilor O'Brien asked to have the Festival de Joie item removed from the Consent Agenda and considered as a regular agenda item. No one objected and it was removed from the Consent Agenda.

GRANT APPLICATION FOR SAFE DRINKING WATER PROGRAM

VOTE (330-2003)

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the Public Services Director to submit a grant application to the Maine Department of Human Services Drinking Water Program and, if said grant is awarded to the City, to accept the grant award from the Maine Department of Human Services Drinking Water Program, and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 6-0

REQUEST FROM FESTIVAL DE JOIE COMMITTEE

Motion by Councilor Jean , second by Councilor Paradis:

To approve the request from the Festival de Joie Committee for the use of city services for the Festival to be held July 30, 31 and August 1, 2004 at the Railroad Park, Oxford Street, including a downtown prelude on July 27, 28 and 29, 2004, and to pledge to include \$5,000.00 in the upcoming 2004-2005 fiscal year budget in support of the Prelude.

Councilor O'Brien inquired about the financial status of the Festival and wondered if the request for financial support from the City was necessary. Additional information will be requested from the Festival for the next Council meeting. It was noted that organizers of any events that are requesting financial assistance from the City should include a justification for their request with their written request for support.

VOTE (331-2003)

Motion by Councilor Mason, second by Councilor Jean:

To postpone this item to the next Council meeting, pending receipt of financial information regarding the Festival de Joie events. Passed - Vote 6-0

Councilor Philippon arrived at this time.

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS REGARDING
FITNESS AND RECREATIONAL SPORTS CENTERS**

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

VOTE (332-2003)

Motion by Councilor Jean, second by Councilor Philippon:

That the proposed amendments to Appendix A, Article XI "District Regulations", Section 15, "Industrial District", subsection c "Permitted Uses", of the City Zoning and Land Use Code, concerning the addition of fitness and recreational sports centers, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO ALLOW
SEPARATE CONVEYANCE OF RESIDENTIAL STRUCTURES**

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

VOTE (333-2003)

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

That the proposed amendments to Appendix A, Article V "Administration and Enforcement", Section 3, "General Provisions", and Article XIII. "Development Review and Standards", Section 3 "Procedure", of the City Zoning and Land Use Code, concerning the authorization to allow the separate conveyance of attached principal residential structures, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS REGARDING
CHILD CARE FACILITIES**

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

VOTE (334-2003)

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

That the proposed amendments to Appendix A, Article II "Definitions", Section 2, "Definitions"; Article XI "District Regulations", Section 6, "Neighborhood Conservation "A" district", subsections c and d, "Permitted Uses" and "Conditional Uses"; and Article XII "Performance Standards", Section 20 "Child care facility standards" of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO REPEAL THE RURAL
ACCESS STANDARDS**

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

VOTE (335-2003)

Motion by Councilor Jean, second by Councilor Mason:

That the proposed amendments to Appendix A, Article XII "Performance Standards", Section 15, "Rural access standards", of the City Zoning and Land Use Code, concerning the repeal of this section, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR REZONING PROPERTIES AT
28 MIDDLE STREET AND 8 GRANITE STREET**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Councilor Bernier noted that the Council has been requested to approve numerous rezoning requests for individual properties in the past year, and wondered if a review of the current citywide zoning is needed. City Administrator Bennett stated that he attended the Planning Board meeting last night, and the Board was discussing that within the next six months, they hope to complete a comprehensive review of the overall city zoning districts.

VOTE (336-2003)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to re-zone the properties at 28 Middle Street and 8 Granite Street from the Centreville (CV) 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 December 16, 2003 for final passage. Passed - Vote 7-0

GRANTING OF SPECIAL AMUSEMENT PERMITS

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

VOTE (337-2003)

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

To grant a Special Amusement permit for Dancing and Entertainment to Sportsman's Athletic Club, Inc., 2 Bates Street. Passed - Vote 7-0

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

VOTE (338-2003)

Motion by Councilor Jean, second by Councilor Mason:

To grant a Special Amusement permit for Dancing and Entertainment to The Ramada, 490 Pleasant Street. Passed - Vote 7-0

OUTDOOR ENTERTAINMENT PERMIT FOR THE TREE LIGHTING CEREMONY

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

VOTE (339-2003)

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

To conduct a public hearing on an application for an outdoor music concert to be held at Courthouse Plaza on December 5, 2003 at 6:00pm, 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 Lewiston Holiday Tree Lighting Committee for an outdoor music concert, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

ACQUISITION OF PROPERTY AT 327 LISBON STREET

The City Administrator reminded the Council that this property was declared as a dangerous building by the Council several months ago and the property owners were issued a condemnation order for the building. The building has been abandoned by the current legal owners. As part of the Order, the owners needed to repair the building for structural safety, or cause the City to demolish the building. Mr. Bennett mentioned that this property does not have a common wall, so it will not be as complex as other properties the City has had to remove.

VOTE (340-2003)

Motion by Councilor Paradis, second by Councilor Jean:

To authorize the City Administrator to purchase the property at 327 Lisbon Street, for the purchase price of \$1.00, with the funds to purchase this parcel to be allocated from the Property Acquisition and Demolition account, to approve the acquisition of the property as defined in the Purchase and Sale Agreement, 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 the accomplishment of such transaction.

Passed - Vote 7-0

STREET ACCEPTANCE FOR DARCY DRIVE

VOTE (341-2003)

Motion by Councilor Jean, second by Councilor Mason:

ORDERED, That Darcy Drive, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston. Passed - Vote 7-0

STREET ACCEPTANCE FOR A PORTION OF JUDITH STREET

VOTE (342-2003)

Motion by Councilor Jean, second by Councilor Philippon:

ORDERED, That a portion of Judith Street, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston.

Passed - Vote 7-0

STREET ACCEPTANCE FOR A PORTION OF JEAN STREET

VOTE (343-2003)

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

ORDERED, That a portion of Jean Street, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston.

Passed - Vote 7-0

STREET ACCEPTANCE OF WOODHAVEN DRIVE

It was noted that the proposed street name for this road was changed from Brookside Drive to Woodhaven Drive. This was a last minute change by the developer since there was already a Brookside Street in Lewiston.

VOTE (344-2003)

Motion by Councilor Mason, second by Councilor Jean:

ORDERED, That Woodhaven Drive, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston. Passed - Vote 7-0

STREET ACCEPTANCE OF HIDDEN VALLEY DRIVE

VOTE (345-2003)

Motion by Councilor Paradis, second by Councilor Jean:

ORDERED, That Hidden Valley Drive, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston. Passed - Vote 7-0

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

Councilor Bernier encouraged citizens to support the fundraising “kettle drives” from the Salvation Army. She noted the Salvation Army supports the citizens of the community by serving free lunches in Kennedy Park during the winter and also bring their emergency services vehicle to every fire in town, supporting the firefighters and the fire victims with any assistance that is needed.

The City Administrator reminded everyone about the Second Annual Municipal Family Meeting which will be held tomorrow night at Montello School. Mr. Bennett stated the City received a legal opinion today from the City Attorney stating that the recently submitted Bates Mill petition has some flaws, and he wanted to make the public aware of this. Also, there will be a joint School Committee - City Council session on Thursday night for the newly elected members of each board.

Paul Grandmaison, 20 Perley Street, addressed the Council regarding his concerns with the traffic on Sabattus Street, specifically by the Holy Family Church, noting the hill creates a blind spot for drivers.

EXECUTIVE SESSION

VOTE (346-2003)

Motion by Councilor Mason, second by Councilor O’Brien:

To enter into an executive session to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

The executive session began at 7:55pm and ended at 8:30pm.

VOTE (347-2003)

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

To adjourn at 8:31 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine