

# CITY OF LEWISTON

CITY COUNCIL

JUNE 27, 2000

## SPECIAL MEETING HELD AT THE MULTI-PURPOSE CENTER AT 7:15 P.M.

JOYCE A. BILODEAU, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Samson, Acting City Administrator Phil Nadeau, Student Representative Karen Gagnon, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### **PUBLIC HEARING REGARDING THE SPECIAL AMUSEMENT PERMIT FOR SHAKER'S RESTAURANT & LOUNGE**

Council President Bilodeau opened the Public Hearing at 7:20pm to receive citizen comment on the possible revocation, suspension or amendment of the special amusement permit.

Michael Berube, owner of Shaker's Restaurant, addressed the Council regarding the noise reduction efforts he has been working on. A sound engineer, Troy Bernard, has been hired by Mr. Berube to offer additional suggestions. Mr. Bernard explained what his work as a sound engineer involves and also explained information about decibel levels and sound measurements in general. He outlined several suggested solutions that Mr. Berube can implement as well. Such suggestions include additional layers of wallboard with extra insulation, dense foam insulation on the exterior wall, removal of air conditioning unit, adding cement or expandable foam under drummer's stage and sound-absorbing rubber mats under the speakers. Mr. Bernard also suggested internal policing by the management of Shaker's regarding the noise level of the bands and their equipment. Mr. Berube stated he is willing to implement the suggestions from Mr. Bernard, because the alternative would be to not have any additional bands, which he does not want to see happen, since the bands are a major attraction of the establishment.

John and Ann Crispin and Jane and Ben Hillyard, family members of Ms. Doyon, the abutter, spoke on her behalf. They stated they are happy to work with Mr. Berube and do not want to put him out of business, yet are very frustrated that this issue has been a problem for the past seven months, ever since his business opened. They also requested this issue be resolved in the very near future, due to the health affects this issue is creating for their mother.

Code Enforcement Officer Gil Arsenault and Police Chief Bill Welch spoke regarding the noise ordinance and decibel levels permitted in the City Code. Mr. Berube does have a right to open and operate a business, but not to violate the City Code regarding the noise ordinance.

Council President Bilodeau closed the public hearing at 8:25pm. At this time, Council members asked additional questions of Mr. Berube, Mr. Bernard, family members of Ms. Doyon and city staff.

**VOTE (1)**

Motion by Councilor Carignan, seconded by Councilor Samson:

- 1) To limit the Special Amusement permit for Shaker's Restaurant & Lounge, 875 Lisbon Street, to one monitored live band event, to be held prior to July 18, 2000; Mr. Berube will schedule the live band event so that representatives from Mrs. Doyon, the Police Department and Code Enforcement Department, as well as the sound engineer, can all be in attendance; prior to this live band event, Mr. Berube will implement the suggested solutions offered by his sound engineer, Mr. Bernard, such as additional wall board, rubberized absorption maps, foam insulation, etc., and
- 2) In the interim, the Special Amusement permit with respect to DJ music or Karaoke music will be automatically suspended if the noise level exceeds 60 decibels as defined by the City Code and after one warning to the establishment, as defined in the City Code, and
- 3) To encourage Mr. Berube to communicate with Mrs. Doyon to keep her informed of the changes and improvements that he has made regarding his sound reduction efforts, and
- 4) To continue the Public Hearing to the July 18, 2000 City Council Meeting

Passed - Vote 5-0

At this point, Council President Bilodeau called for a five minute recess.

**PARKING EASEMENT FOR ST. MARY'S REGIONAL MEDICAL CENTER**

Councilor Carignan abstained from this issue due to a conflict of interest.

Michael Grimmer of St. Mary's made a brief presentation to the City Council about the parking easement. The land is located at the rear of the Middle School and will be used for parking for hospital employees. The School Committee has approved this easement.

**VOTE (2)**

Motion by Councilor Samson, second by Councilor Gousse:

To authorize the Acting City Administrator to sign a five-year parking easement, for St. Mary's Regional Medical Center, for a portion of land formerly known as Golder Street.

Vote 3-1-1 Motion failed. (Councilor Bernier opposed and Councilor Carignan abstained.)

**VOTE (3)**

Motion by Councilor Gousse, second by Councilor Samson:

To reconsider the Council's action on the parking easement for St. Mary's Medical Center.  
Passed - Vote 4-0-1 (Councilor Carignan abstained.)

**VOTE (4)**

Motion by Councilor Gousse, second by Councilor Samson:

To authorize the Acting City Administrator to sign a five-year parking easement, for St. Mary's Regional Medical Center, for a portion of land formerly known as Golder Street.

Passed - Vote 4-0-1 (Councilor Carignan abstained.)

**AUTHORIZATION FOR LIBERTY FESTIVAL**

**VOTE (5)**

Motion by Councilor Carignan, second by Councilor Samson:

To authorize the following for the Liberty Festival 2000:

- 1) The closing of two lanes of the Longley Memorial Bridge from 4:00pm - 11:00pm on Tuesday, July 4, 2000
- 2) Live Entertainment in Heritage Park from 4:00pm - 11:00pm on Tuesday, July 4, 2000
- 3) To prohibit peddlers and/or vendors on Main Street, between the Longley Bridge and Canal Street, Lincoln Street between Main Street and Cross Street, and on Mill Street, for the Liberty Festival Celebration from 4:00pm - 11:00pm on Tuesday, July 4, 2000

All of the above approvals are subject to the following conditions:

- 1) Security, satisfactory to the Police Chief, to be provided at the expense of the Liberty Festival Committee.
- 2) Portable toilet facilities to be provided during the event.
- 3) Area to be kept properly cleaned by the Liberty Festival Committee.

Passed - Vote 5-0

**REQUEST BY CHAMBER OF COMMERCE FOR USE OF TABLES**

**VOTE (6)**

Motion by Councilor Samson, second by Councilor Gousse:

To authorize the Chamber of Commerce to use tables from the City Recreation Department for the Moxie Festival in Lisbon, provided that any damage done to the tables would be covered by the Chamber of Commerce. Passed - Vote 7-0

**VOTE (7)**

Motion by Councilor Gousse, second by Councilor Carignan:

To adjourn at 9:30 P.M. Passed - Vote 5-0

A true record, Attest:

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Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine