

CITY OF LEWISTON

CITY COUNCIL

JULY 30, 2002

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

COUNCIL PRESIDENT RENEE A. BERNIER, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (221-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To dispense with the reading of the minutes of the June 4 and 18, 2002 meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

PRESENTATION BY REBUILDING AMERICA ORGANIZATION

A representative from the Rebuilding America organization made a brief presentation to Council to introduce their organization and showed a videotape about their program. The organizational just opened a chapter in Lewiston, the second chapter in Maine. The organization works to rehabilitate and repair old houses for elderly and low-income property owners. Councilor Bernier reminded Councilors of the August 6 breakfast meeting for Rebuilding America and stated the national president of the organization will be the keynote speaker.

PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENT TO THE BUSINESS LICENSING ORDINANCE

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

VOTE (222-2002)

Motion by Councilor Jean, second by Councilor Philippon:

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article II "Licenses", Section 22-46 "Schedule of Fees" receive final passage by a roll call vote. Passed - Vote 6-0

AMENDMENTS TO CITY LICENSING POLICY

VOTE (223-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To approve the proposed amendments to the City Licensing Policy, Policy Manual Number 7, as recommended by the City Clerk, to incorporate the business licensing fee schedule, said amendment to be effective August 29, 2002. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR CONDITIONAL REZONING OF
590 MAIN STREET**

City Planner Jim Lysen made a presentation to Council. A resident has purchased the property at 590 Main Street, the former Fleet Bank building, and would like to open a Dunkin Donuts on this property. There was a discussion about traffic congestion on Main Street, and the need for a traffic light at this intersection.

Council President Bernier opened the public hearing to receive citizen comment.

Norm Boulay, owner of the property, stated that the Dunkin Donuts will not increase the traffic on the street, because he noted the traffic is already there. He hired a traffic engineer to conduct a survey which found that 32,000 cars per day travel on the road. He stated that a traffic light at the intersection would help to slow down the traffic and this would increase safety.

A resident who lives and works on the block of Main Street where Dunkin Donuts will be opening, addressed the Council and stated he welcomes Dunkin Donuts to the area, and stressed the need for the City to study the traffic in the area, he noted concerns with motorcycles and eighteen wheeler trucks making a lot of noise.

Council President Bernier then closed the hearing.

Councilors thanked Mr. Boulay for his willingness to invest in the City regarding his new business and also noted the need to study the traffic on Main Street.

VOTE (224-2002)

Motion by Councilor Jean, second by Councilor Paradis:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 590 Main Street, from the Office Residential (OR) District to the Community Business (CB) District, subject to a conditional agreement, and that the public hearing on said amendment be continued to the meeting of August 20, 2002 for final passage. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR CONDITIONAL REZONING OF
150 AND 170 SUMMER STREET**

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

VOTE (225-2002)

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

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 150 and 170 Summer Street, from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District, subject to a conditional agreement, and that the public hearing on said amendment be continued to the meeting of August 20, 2002 for final passage. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR 29, 31, 35 AND
37 BLAKE STREET**

City Planner Jim Lysen stated this expansion will make the situation better for the business owner and the amendment will make the properties conforming for these uses. Council President Bernier opened the public hearing to receive citizen comment. Resident Dan Dumont is the applicant and he stated this change will allow him to expand his business and he wants to clean up the area, will add fencing and make it more presentable. Council President Bernier then closed the hearing.

VOTE (226-2002)

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

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the properties at 29, 31, 35 and 37 Blake Street, from the Centreville (CV) District to the Urban Enterprise (UE) District, subject to a conditional agreement, and that the public hearing on said amendment be continued to the meeting of August 20, 2002 for final passage. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS REGARDING PARKING SPACE DIMENSIONS**

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

Councilor Rousseau stated that he does not feel these new dimensions will work for vehicles, they are too short to accommodate many vehicles. By decreasing the size of a parking space from nine feet to eight and one-half feet, will create a problem for many

users of the parking garage, and will make the garage not user-friendly and will discourage people from using it. City Planner Jim Lysen stated the proposed dimensions conform to industry standards.

VOTE (227-2002)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 17, "Off-Street Parking and Loading", of the City Zoning and Land Use Code, concerning parking space dimensions for parking structures, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 20, 2002 for final passage. Passed - Vote 5-1 (Councilor Rousseau opposed.)

ACQUISITION OF PROPERTIES AT 137 AND 143 MAIN STREET

VOTE (228-2002)

Motion by Councilor Philippon, second by Councilor Jean:

To authorize the City Administrator to close on the purchase of 137 Main Street and 143 Main Street, for a combined purchase price of \$103,000.00, plus closing costs, with the funds to purchase these properties to come from the LMRC Acquisition and Demolition Fund. Passed - Vote 6-0

CONSIDERATION FOR A SPECIAL ELECTION FOR HOUSE DISTRICT 87

The Council was asked to consider their option to request a Special State Election for the vacancy in the office of Representative to the Legislature, District 87. Representative William Cote resigned his seat on July 22. After discussion, the Council decided not to request a special election to fill the seat, since the Legislature is not currently in session and since the regular election will be held in November.

VOTE (229-2002)

Motion by Councilor Philippon, second by Councilor Paradis:

To not request a Special State Election for the vacancy in the office of Representative to the Legislature, District 87. Passed - Vote 6-0

ORDER TO HOLD SPECIAL MUNICIPAL ELECTION FOR WARD FIVE

VOTE (230-2002)

Motion by Councilor Paradis, second by Councilor Philippon:

Be It Ordered by the City Council that a Special Municipal Election for Ward Five shall be held on Tuesday, September 10, 2002 for one City Council member and one School Committee member. Passed - Vote 6-0

**TO ESTABLISH A PUBLIC HEARING DATE FOR PROPOSED
CHARTER AMENDMENT**

Councilor Paradis provided the Council with background on this issue, including the problems that the Planning Board is having with a quorum and the need for some members to recuse themselves from several issues. It was noted the City did a similar process to add additional members to the Board of Appeals a few years ago.

VOTE (231-2002)

Motion by Councilor Paradis, second by Councilor Philippon:

Ordered, that a public hearing be held on Tuesday, August 6, 2002, 7:00pm for the purpose of determining if a special municipal election should be held to provide for an amendment to the City Charter regarding the creation of two associate member positions on the Planning Board. Passed - Vote 6-0

REPORT FROM THE SCHOOL COMMITTEE

Councilor Bernier reminded the Councilors of the joint meeting with the School Committee on September 16 and the joint team building workshop on September 21.

OTHER BUSINESS

Councilor Bernier reminded the Councilors about serving dinner at the bean supper during Festival de Joie on Saturday night. She also announced a joint effort with CEI and Lewiston Regional Technical Center to build a house on Birch Street for a low income family.

Council took a brief recess from 9:28pm - 9:35pm.

EXECUTIVE SESSIONS

VOTE (232-2002)

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

To enter into an executive session to discuss Labor Negotiations regarding the Fire Union contract. Passed - Vote 6-0 Session began at 9:35pm and ended at 10:30pm.

VOTE (233-2002)

Motion by Councilor Bernier, second by Councilor Rousseau:

To enter into an executive session to discuss Labor Negotiations regarding the new Management Union. Passed - Vote 6-0

Session began at 10:30pm and ended at 10:35pm.

VOTE (234-2002)

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

To enter into an executive session to discuss Economic Development, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Session started at 10:36pm and ended at 10:57pm.

VOTE (235-2002)

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

To adjourn at 10:58 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine