

CITY OF LEWISTON

CITY COUNCIL

APRIL 20, 1999

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Lynch, Kelly, Carignan, Albert, Samson, Bilodeau, Putnam, City Administrator Robert J. Mulready, Student Representatives Karen Gagnon & Johanna Mathieu and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

APPOINTMENTS TO BOARDS AND COMMITTEES

VOTE (1)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To confirm the Mayor's appointment of Edouard Plourde, 25 Coburn Street, to complete the unexpired term of Kenneth Wolf on the Lewiston-Auburn Airport Committee, said term to expire 1/4/2000. Passed - Vote 7-0

VOTE (2)

Motion by Councilor Putnam, seconded by Councilor Samson:

To dispense with the reading of the minutes of the April 6, 1999, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

FY2000 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Community Development Director Jim Andrews and Planning Board member Harry Milliken reviewed the procedures used to determine the different budget amounts to recommend to Council. The committee reviews the number of Lewiston residents served by the program, the threat to the program if funding is not received, the quality and completeness of the application, and so forth. Mr. Andrews noted the total money estimated to be received from HUD this year is lower than last year's amount.

Mayor Tara opened the Public Hearing to receive public

comments regarding the CDBG budget. Members of the public spoke in support of several agencies, specially representatives from Androscoggin Home Health, Abused Women's Advocacy Project and the Lewiston Police Canine Unit spoke in request of funding support. Mayor Tara closed the public hearing at 8pm.

Councilors Kelly, Samson and Putnam discussed the great work of the Androscoggin Home Health Agency and the need they fill in the community regarding the meals for the elderly.

Motion by Councilor Kelly, second by Councilor Samson to reinstate the full funding request for the Androscoggin Home Health Agency.

After a great deal of discussion regarding the procedural aspects of this meeting, it was determined that Councilors should make their recommendations to the City Administrator regarding various funding requests of the agencies, and the Administrator will present the recommendations at the May 4 Council meeting. Several Councilors noted the staff has spent a great deal of time reviewing the agency requests and are much more familiar with the details of each agency budget. The Council has not completely and thoroughly reviewed each agency's operation.

VOTE (3)

Motion by Councilor Lynch, seconded by Councilor Kelly:

To table the motion until the next regular meeting.

Passed - Vote 4-3

Councilors Albert, Bilodeau & Putnam opposed.

PUBLIC HEARING PERTAINING TO THE CODE AMENDMENT REGARDING THE PLANNING BOARD'S JURISDICTION

The ordinance amendment pertaining to Planning Board Jurisdiction had its first reading at the meeting of April 6th, received its second reading at this time.

VOTE (4)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To approve final passage, by a roll call, of the Proposed Amendments to the Zoning and Land Use Code Concerning the Planning Board's Jurisdiction over Municipal Projects, District Regulations and Performance Standards.

Passed - Vote 7-0

**PUBLIC HEARING PERTAINING TO THE CONDITIONAL REZONING
OF 138-144 HOWE STREET**

The amendment pertaining to the conditional rezoning of 138-144 Howe Street received its first reading at this time. Councilor Samson inquired from Dr. Chicoine about the possibility of operating a bar at this location, since it would now be a permitted use. Councilor Samson expressed concern about this due to the proximity of the daycare center nearby. Dr. Chicoine stated he has no intention of operating a bar nor did he request that this be a potential use.

VOTE (5)

Motion by Councilor Albert, seconded by Councilor Kelly:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone 138-144 Howe Street from Institutional Office (OI) District to Highway Business (HB) District subject to a conditional agreement. Passed - Vote 7-0

VOTE (6)

Motion by Councilor Lynch, seconded by Councilor Albert:

That section 7(c) of the Rules Governing the City Council be suspended to allow for a second reading at this time. Passed 7-0

The amendment pertaining to the conditional rezoning of 138-144 Howe Street received its second reading at this time.

VOTE (7)

Motion by Councilor Kelly, seconded by Councilor Carignan:

That the amendment to the Zoning and Land Use Code and Map to conditionally rezone 138-144 Howe Street from Institutional Office (IO) District to Highway Business (HB) District subject to a conditional agreement receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING ON PROPOSED BOND ISSUE FOR REFUNDING BONDS

Finance Director Dick Metivier reviewed the current bonds with the Council and noted the refinancing of these bonds

will save approximately \$100,000 on the interest costs over the next several years.

VOTE (8)

Motion by Councilor Samson, seconded by Councilor Carignan:

ORDERED, That the Mayor and Finance Director are authorized to issue refunding bonds in a principal amount not to exceed \$3,000,000 in order to refund all or part of the principal of and interest on the Public Improvement Bonds of the City dated February 15, 1992, December 1, 1992 and December 15, 1994 and to pay any redemption premium thereon and costs of issuance;

FURTHER ORDERED, That the City Council instruct the Mayor and Finance Director to advertise for bids the Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same;

FURTHER ORDERED, That the bonds shall be signed by the Mayor and City Treasurer;

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 Mayor and Finance Director;

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

Passed - Vote 7-0

DEVELOPMENT ASSISTANCE AGREEMENT

The City Administrator stated this project could bring 100 new jobs to the area.

VOTE (9)

Motion by Councilor Samson, seconded by Councilor Lynch:

To authorize the City Administrator to enter into a Development Assistance Agreement to provide additional municipal support in the form of a \$200,000 loan to be funded by a future City bond issue and the demolition and disposal of three residential properties. Passed - Vote 7-0

REAL ESTATE OPTION FOR 72-76 LISBON STREET PROPERTY

Councilor Bilodeau stated the Downtown Renaissance Task Force is in support of this project. She also noted the task force is encouraging increased green space in the downtown area.

VOTE (10)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To authorize the City Administrator to exercise a real estate option, in the amount of \$175,000, for the purchase of 72-76 Lisbon Street to support attracting the new District Court to Downtown Lewiston, and for said project to be funded from a future bond issue. Passed - Vote 7-0

CROWLEY ROAD BRIDGE

VOTE (11)

Motion by Councilor Lynch, seconded by Councilor Carignan:

To authorize the City Administrator to enter into an Agreement with the State regarding the approach road to the Crowley Road Bridge, of which the City's Cost will be \$9,860. Passed - Vote 7-0

CROWLEY-GROVE INTERCHANGE PROJECT

Public Works Director Chris Branch updated the Council on the status of the proposed interchange. Mr. Branch stated he believes the state's study will be done by the year 2000 and the state could appropriate funding for another exit in the budget once the study is complete. There was discussion about a possible Grove Street option. Councilor Kelly noted this project idea has been going on for over 2 years now and wondered about the possibility of accelerating it.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (12)

Motion by Councilor Lynch, seconded by Councilor Carignan:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824 (3) and Section 5826 (6) the City Council hereby acknowledges and approves of the transfer of \$3,114.00 in the case of State of Maine vs. Peter Bragg Docket No. CR 98-366. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 0291-65752 at Peoples Heritage Bank. Passed - Vote 7-0

CITY'S STRATEGIC PLANNING PROCESS

The City Administrator submitted a report to the Council. Mr. Mulready mentioned a master committee of 35-50 people is currently being formed and they are hoping to have a work plan by June. Gerry Berube, Acting Assistant City Administrator is coordinating this effort. Mr. Mulready stated the need to identify benchmarking practices as a means to measure performance standards.

REQUEST TO USE HERITAGE PARK

VOTE (13)

Motion by Councilor Lynch, second by Councilor Carignan:

To authorize the Blaine House Service Corps to use Heritage Park on Saturday, June 5, 1999, for approximately 12:00 p.m. to 11:00 p.m. for the SafeNight USA celebration, subject to the following conditions:

1. Area to be kept properly cleaned by the Blaine House Service Corps committee.
2. Security, satisfactory to the Police Chief, to be provided at the expense of the Blaine House Service Corps committee.

Passed - Vote 7-0

LEGISLATIVE UPDATE

City Clerk Kathy Montejo updated the Council on the recent MMA Legislative Policy committee meeting. MMA believes the additional funding from the Governor's Part II budget might be an issue of GPA vs. Highway funds. The proposed one-half cent sales tax dedicated to GPA is a new proposal they are monitoring. Other issues of municipal impact include local option sales tax for meals and lodging, proposed amendments to the right-to-know law and proposals to change excise tax calculation methods. At this point, many bills will be held over until the next session due to the time frame remaining in the session. The City Department Heads continue to monitor the numerous bills that are being brought forward for review and consideration.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Albert announced the School budget presentations are completed and the overall budget increase is 4.86% if approved in full by the Council. He complimented the Administrator and Superintendent for working together during this budget session to maintain open communication. Councilor Albert also thanked both student representatives

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for attending the meeting tonight, especially since this is school vacation week.

VOTE (14)

Motion by Councilor Kelly, second by Councilor Carignan:

To adjourn at 9:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo
City Clerk
Lewiston, Maine