

# CITY OF LEWISTON

CITY COUNCIL

JUNE 15, 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 Representative Karen Gagnon and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### NEW CITY SLOGAN

Mayor Tara announced that Jessie McNally, a student at Montello School, is the winner of the city slogan contest. Her entry was "Lewiston: Setting the Pace". Mayor Tara thanked Jessie for contributing to the contest and said the new slogan will be used in many ways by the City.

### HIGH SCHOOL TENNIS TEAM RESOLUTION

#### VOTE (1)

Motion by Councilor Bilodeau, seconded by Councilor Kelly:

To approve a Resolution recognizing and congratulating the Lewiston High School State Class "A" Girls Tennis Team on their state championship and their accomplishment as the only undefeated Class "A" team in the western conference.

Passed - Vote 7-0

Mayor Tara left at this time and Council President Frank Kelly presided.

#### VOTE (2)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To dispense with the reading of the minutes of the June 1, 1999, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

#### VOTE (3)

Motion by Councilor Albert, seconded by Councilor Carignan,

To add item #11, approval of recycling processing fees, to the consent agenda. Passed - Vote 7-0

**VOTE (4)**

Motion by Councilor Carignan, seconded by Councilor Bilodeau,

To add to the agenda the Liberty Festival Celebration approval and to place it on consent. Passed - Vote 7-0

**AUBURN-LEWISTON AIRPORT & THE L/A AIRSHOW EVENT**

Airport Manager Carol Niewola provided a presentation to the Council highlighting the benefits and future plans of the Auburn-Lewiston Airport facility. Ms. Niewola also provided details about the Airshow to be held in conjunction with the Liberty Festival on July 3.

**CABLE TELEVISION FRANCHISE FEE**

Assistant City Administrator Phil Nadeau stated the additional revenue will be directed to the community access television station.

**VOTE (5)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve an increase to the cable television franchise fee, as provided for in the cable television agreement, from 1.5% to a minimum increase of 2.5%. Passed - Vote 7-0

**BATES MILL RECORDS PRESERVATION PROJECT UPDATE**

Rick Speer, City Librarian, updated the Council on the status of the Bates Mill records. Most of these records are from the 1800s and are being housed temporarily at a fire station building until a permanent storage location can be determined. Mr. Speer is seeking to hire an archival consultant to advise the City on the preservation of these records.

**PROPOSED AMENDMENTS TO FY2000 BUDGET APPROPRIATION**

The City Administrator and the Finance Director briefly

outlined each additional project for the expenditures as well as addressed the additional revenues. Development Director Greg Mitchell discussed the need for the Economic Development Specialist position. There was a great deal of discussion regarding the exact duties and responsibilities of this position and whether or not this position would be duplicating efforts of the local Economic Development Corporation.

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To approve the proposed amendments to the Fiscal Year 2000 budget appropriation, which was adopted by the City Council at the May 18, 1999 meeting, as outlined below:

Revenue Amendments:

School Revenues	
Increase in General Purpose Aid	428,537
City Revenues	
Highway Block Grant	90,000
Total Increase in Revenues	518,537

Budget Appropriation Amendments:

School	
Increase in School Supplies & Services	101,768
City	
Fund Economic Development Specialist	36,000
Add to Road Resurfacing	30,000
Add to Crack Sealing	5,000
Fund Franco-American Festival	3,000
Fund Oil Tank Removals	35,000
Fund Recreation Summer Camp FY 2000	4,000
Fund Preservation of Mill Records	3,000
Total Increase to Expenditures	217,768

Decrease in Taxation:

Additional Revenues	518,537
Additional Expenditures	<u>217,768</u>
Net Decrease in Taxation	300,769

At this time, Council President Kelly inquired if members of the public wished to comment. Ms. Monica Lee, from the local cheerleading association, addressed the Council and requested \$2,000 for the program. There was discussion from Councilors about the timing of this request since the budget

process has been completed.

**VOTE (6)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To amend the proposed budget adjustments and to add an additional \$2,000.00 to the city budget for the cheerleading association.

Passed - Vote 5-2 Councilors Lynch & Carignan opposed.

**VOTE (7)**

On original motion as amended: To approve the proposed amendments to the Fiscal Year 2000 budget appropriation, which was adopted by the City Council at the May 18, 1999 City Council meeting. Passed - Vote 7-0

**WAIVER OF SECTION 6.06(F) OF THE CITY CHARTER (GNP-IPD)**

**VOTE (8)**

Motion by Councilor Samson, seconded by Councilor Carignan:

That the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator (GNP-IPD), and hereby waives the provisions of Section 6.06 (f) of the City Charter.

Passed - Vote 7-0

**APPROVAL OF FY2000 TAX RESOLVE**

**VOTE (9)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

That the Tax Resolve instructing the Chief Assessor to raise \$35,588,345.00 to finance the 2000 Fiscal Year budget, has first passage at this time by a yea or nay vote.

Passed - Vote 7-0

**VOTE (10)**

Motion by Councilor Bilodeau, seconded by Councilor Lynch:

To suspend the Rules of the City Council to allow for final passage at this time. Passed -Vote 7-0

**VOTE (11)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the Tax Resolve instructing the Chief Assessor to raise \$35,588,345.00 to finance the 2000 Fiscal Year budget, has final passage at this time by a yea or nay vote.  
Passed - Vote 7-0

**PUBLIC HEARING ON AN ORDINANCE AMENDMENT PERTAINING TO  
FIRE PREVENTION AND PROTECTION**

Councilor Lynch reported the Ordinance Committee met prior to the meeting and voted unanimously to recommend approval of this amendment. These changes allow the City Code to be consistent with the state requirements.

The ordinance amendment pertaining to fire prevention and protection received first reading at this time.

**VOTE (12)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

That the adoption of the 1997 Life Safety Code, with exceptions to the sections regarding unvented space heaters, receive first passage at this time by a yea and nay vote.  
Passed - Vote 7-0

**VOTE (13)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To suspend the Rules of the City Council to allow for final passage at this time. Passed -Vote 7-0

The ordinance amendment pertaining to fire prevention and protection received its second reading at this time.

**VOTE (14)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

That the adoption of the 1997 Life Safety Code, with exceptions to the sections regarding unvented space heaters, receive final passage at this time by a yea and nay vote.  
Passed - Vote 7-0

**ENDORSEMENT OF CITY PROPOSAL & SUPPORT OF THE ESTABLISHMENT  
OF A NEW STATE DISTRICT COURT ON LISBON STREET**

A motion was made by Councilor Samson and seconded by Councilor Bilodeau to vote to endorse the City Proposal as presented by Development Director Greg Mitchell.

At this time, Councilor Carignan proposed the following amendments for consideration:

**VOTE (15)**

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To be inserted after the first sentence in the section defining Year 1 - Property Acquisition - 68 Lisbon Street:

1) The City is willing to work with the state to provide interim parking and green space in the development at the outset and to be included to the third and final phase of the project.

To be inserted after the third sentence in the section defining Year 1 - Property Acquisition - 71-85 Lisbon Street:

2) The City will work with the Court to decide ways in which space in the old Music Hall or any portion thereof which the District Court does not need in direct operation, can be developed and used in a manner consistent with any court functions. The Court shall have the rights of approval over development.

To be inserted at the end of the first sentence in the section defining Year 2 - Property Acquisition:

3) And provide green space in all phases of development  
Failed 3-4 Yeas (Councilors Carignan, Albert and Bilodeau)  
Nays (Councilors Lynch, Kelly, Samson and Putnam)

**VOTE (16)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To endorse the City Proposal as originally presented.  
Passed- Vote 7-0

**PROPERTY ACQUISITION**

**VOTE (17)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To authorize the acquisition of 68 Lisbon Street for \$75,000.00 and 72-76 Lisbon Street for \$175,000.00 to be funded from a future bond issue. Passed - Vote 7-0

**VOTE (18)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To authorize acquisition of 71-85 Lisbon Street and 28-52 Canal Street for \$350,000.00 to be funded from a future bond issue contingent upon the State deciding to locate a new District Court in the former Music Hall. Passed - Vote 7-0

**VOTE (19)**

Motion by Councilor Lynch, seconded by Councilor Albert:

To postpone until the July 13<sup>th</sup> meeting, the ratification of the Collective Bargaining Agreement between the City of Lewiston and the Local 785 of the International Association of Fire Fighters(IAFF). Passed - Vote 7-0

**DOWNTOWN MASTER PLAN FEASIBILITY STUDY AMENDMENT**

**VOTE (20)**

Motion by Councilor Samson, seconded by Councilor Albert:

To accept the recommendation of the Finance Committee and the Purchasing Agent to authorize an amendment to the contract with RKG Associates Inc. on a Downtown Master Plan to provide for a Feasibility Study on a downtown Hotel/Complex at a fee of \$8,750.00 and to authorize this item as a City expense. Passed - Vote 7-0

**SOLID WASTE POLICY AMENDMENTS**

**VOTE (21)**

Motion by Councilor Samson, seconded by Councilor Albert:

To approve the proposed amendments to the Solid Waste Policy as outlined in the Policy presented to Council. Passed - Vote 7-0

**RECYCLING PROCESSING FEES**

**VOTE (22)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To set the processing fee, charged to area towns utilizing the City's Recycling Facility, at \$22.50 per ton. Passed - Vote 7-0

**LOCAL PROJECT AGREEMENT WITH MDOT FOR MITCHELL STREET**

**VOTE (23)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To authorize the City Administrator to enter into an Agreement with the State for the reconstruction of a portion of Mitchell Street as a locally administered project.

Passed - Vote 7-0

**FACILITY USE POLICY AMENDMENTS**

Assistant City Administrator Phil Nadeau and Recreation Director Maggie Chisholm presented to the Council the policy amendments that were approved by the Facilities Use Committee. These amendments would ban the sale of firearms within a city-owned building, would limit sale of merchandise from out-of-town businesses in competition with Lewiston businesses, reinforce the no smoking areas, allow the city to bill organizations for excessive electrical usage and increase the fees charged for table and chair rentals.

The Councilors discussed at length the suggested amendments regarding banning the sale of firearms and sale of merchandise from out-of-town businesses.

A motion was made by Councilor Samson and seconded by Councilor Bilodeau to approve amendments to the Facility Use Policy as outlined in the policy presented to Council.

**VOTE (24)**

Motion by Councilor Lynch, seconded by Councilor Samson:

To amend the proposal by striking section G1 (the display, trading or sale of firearms) and G2 (sale of merchandise by out-of-town business) from the suggested additions to the Policy. Passed - Vote 6-1 Councilor Carignan opposed.

**VOTE (25)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve the original motion as amended.

Passed - Vote 7-0

**AUTHORIZATION FOR APPOINTMENT OF ACTING CITY ADMINISTRATOR**

**VOTE (26)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To approve the City Administrator's recommendation to allow Assistant City Administrator Phil Nadeau to serve as Acting City Administrator when necessary. Passed - Vote 7-0

**APPROVAL OF AID TO PRIVATE AND PAROCHIAL SCHOOLS**

**VOTE (27)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To accept the recommendation of the Finance Director, and to establish the following policy on aid to private and parochial schools for textbooks and testing services for Fiscal Year 2000; \$29.10 per student in the elementary level and \$16.14 per student at the secondary level for textbooks; and \$2.38 per student in the elementary level and \$4.61 per student at the secondary level testing services. Passed - Vote 7-0

**REQUEST TO USE KENNEDY PARK**

**VOTE (28)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To authorize the Friends of the Light Ministries to use Kennedy Park from June 22 - August 24 (except July 13), and from July 20, 21 and 22, 1999, for a evening ministry services and Revival meeting, respectively, subject to the following conditions:

1. Area to be kept properly cleaned by the Friends of Light Ministries.
2. Security, satisfactory to the Police Chief, to be provided at the expense of the Friends of Light Ministries.

Passed - Vote 7-0

**VOTE (29)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To authorize the Deliverance Center to use Kennedy Park from August 12-23,1999, for a Tent Revival Crusade, subject to the following conditions:

1. Area to be kept properly cleaned by the Deliverance Center.
2. Security, satisfactory to the Police Chief, to be provided at the expense of the Deliverance Center.

Passed - Vote 7-0

**LEGISLATIVE UPDATE**

Assistant City Administrator Phil Nadeau updated the Council on the additional school funding and said the city will be working with the school superintendent in future legislative sessions to increase the school funding amount to bring it in line with the state requirement. In addition, the city will benefit from the new gas tax initiative in the form of additional highway funds. The state legislature has adjourned for the summer.

**REPORT FROM THE SCHOOL COMMITTEE**

Councilor Albert reported the School Committee recently received a report on school violence in Lewiston and he is happy to report there was a four percent drop in school violence incidents in Lewiston this past year, the lowest amount in five years.

**FISCAL YEAR 2000 BOND ISSUE PROJECTS**

**VOTE (30)**

Motion by Councilor Samson, seconded by Councilor Bilodeau:

ORDERED, That the City Council grant preliminary authorization for the following bond issue projects to proceed immediately in order to meet the summer 1999 construction schedules:

<u>PROJECT</u>	<u>AMOUNT</u>
<u>SCHOOL</u>	
McMahon School - Replace old playground equipment	\$ 97,000
McMahon School - Removal of asbestos floor tile	65,000
McMahon School - Re-pave roads and parking areas	160,000
<u>DOWNTOWN DEVELOPMENT</u>	
Demolition (Bates/Oak/Blake)	50,000
Demolition/Parking/Landscape (68-76 Lisbon Street)	125,000
<u>PUBLIC WORKS</u>	
Combined Sewer Overflow Separation	950,000
Street Rehabilitation	460,000
Pine Street Angle Parking & Sidewalk Improvements	85,000
Recycling Program	36,000
Recycling Roll Off Truck	125,000
Small Water Main Replacement	100,000

FURTHER ORDERED, To authorize the expenditure of these monies at this time and to authorize the City Administrator and Finance Director to proceed as necessary with the projects as outlined.

FURTHER ORDERED, That the entire bonding package for fiscal year 2000 be presented to the City Council at the August 17,

1999 meeting for public hearing and final approval.  
Passed - Vote 7-0

**LIBERTY FESTIVAL CELEBRATION**

**VOTE (31)**

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To authorize the closing of two lanes of the Longley Memorial Bridge, live entertainment in Heritage Park, and 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 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 7-0

**VOTE (32)**

Motion by Councilor Bilodeau, second by Councilor Putnam:

To adjourn at 10:40 P.M. Passed - Vote 7-0

A true record, Attest:

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Kathleen M. Montejo  
City Clerk  
Lewiston, Maine