

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
AUGUST 16, 2011**

6:00 p.m. Executive Session - To discuss labor union negotiations regarding the city's six employee unions.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.

Moment of Silence.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 3.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Authorization to accept transfer of forfeiture funds.
- * 2. Amendment to the Traffic Schedule regarding parking prohibited on a portion of Campus Avenue.

REGULAR BUSINESS:

- 3. Public Hearing on a new application for a Liquor License and a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sparetime Recreation, 24 Mollison Way.
- 5. Public Hearing for approval of a Special Amusement Permit and Outdoor Entertainment Permit for a music concert for the Holy Trinity Greek Orthodox Church Greek Festival.
- 6. Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Property Maintenance Code.
- 7. Public Hearing and Final Passage regarding an amendment to the Streets and Sidewalks Ordinance regarding the use of tables and chairs on city sidewalks.
- 8. Public Hearing for approval of an Outdoor Entertainment Permit for the Nineteenth Annual Great Falls Balloon Festival.
- 9. Request for use of city services for the Annual Great Falls Balloon Festival.
- 10. Order - Authorizing the City Administrator to Execute a First Amendment to the Lease with Lewiston CellTelCo Partnership for Use of the Lewiston Armory for Cell Antennas and Associated Equipment.
- 11. Order - Authorizing the City Administrator to Execute an Option Agreement with Parallax Partners, Inc. for property located at 15 and 29 Lincoln Street.

12. Order - Authorizing the City Administrator to Execute a Side Letter of Agreement with AFSCME-Professional Technical Unit regarding Safety Services Provided to School Department.
13. Resolve - Establishing a Charter Review Committee.
14. Reports and Updates.
15. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

SUBJECT:

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETSKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation.

The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. 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' account.



MEMO



Date: August 9, 2011
To: Kelly Mercier, Deputy City Clerk
From: Michael Bussiere, Chief of Police
Re: Forfeiture funds

The following investigations are pending in federal court and upon a favorable final disposition, the funds in the cases listed below will be released to the Lewiston Police Department. Please make the necessary notifications to the City Council that would allow them to address the issue and consent to the acceptance of these funds. Please credit these funds to the Federal Drug Forfeiture Account, number 590-3514050.

<u>Name</u>	<u>Docket #</u>	<u>Asset ID#</u>	<u>Asset</u>
Federal Express Ramp Facility	CE-11-0044 Exhibit N-1	11-DEA-550211	20% less administrative fees of \$11,613
Jimmy Tran	CE-11-0041 Exhibit N-2	11-DEA-550118	20% less administrative fees of \$5,791 6.66% less administrative fees from the sale of 2004 Coachman M-289QB Freedom Motorhome
Gerald Rich Jr	CE-11-0045 Exhibit N-1	11-DEA-550645	15% less administrative fees from sale of 2007 Honda Civic SI Sedan
Sokkha Va	CE-11-0019 Exhibit N-21	11-DEA-550419	15% less administrative fees of \$12,271
Rashema Murphy & Sokkha Va	CE-11-0019 Exhibit N-31	11-DEA-550414	15% less administrative fees of \$3,480
Rashema Murphy & Sokkha Va	CE-11-0019 Exhibit N-32	11-DEA-550415	15% less administrative fees from sale of 2009 Kawasaki Ninja Motorcycle
Sokkha Va	CE-11-0019 Exhibit N-33	11-DEA-550417	

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Amendment to the Traffic Schedule regarding parking prohibited on a portion of Campus Avenue.

INFORMATION:

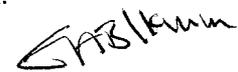
This request is submitted by the Police Department at the request of Bates College. The College has requested a handicapped accessible crosswalk and curb landing entering the college campus at the intersection of Campus Avenue and Bardwell Street, in order to accommodate a member of the faculty who utilizes a wheelchair. The Police Department supports this request.

The cost of the project will be paid for by Bates College.

Please see the attached memorandum and map for additional information. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendment to the Traffic Schedule for a portion of Campus Avenue which would prohibit parking beginning at the northwest corner of Campus Avenue and Bardwell Street, extending approximately sixty feet (three vehicle spaces).



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: August 1, 2011

TO: Kathy Montejo, Lewiston City Clerk

FROM: Sgt. David Chick, Inspector of Police

Subject: Traffic Schedule Amendment – Chapter 70 Section 140
Parking Prohibited – All Times – Specified Places Intersections ~~Tow Away Zone~~

(First and as noted in the above “subject” line, the language of this section of the Traffic Schedule will be brought into accordance with actual ordinance wording of “**Specified Places;**” further, there is no automatic mandate which requires towing: *Ordinance language attached*). Bates College has requested a handicap accessible crosswalk and curb landing entering the college campus at the Campus/Bardwell intersection in order to accommodate a member of faculty requiring wheelchair for mobility. The crosswalk location is associated with an improved entrance to the college campus central walkway.

Accordingly the following amendment to the Traffic Schedule is forwarded to the Council for consideration.

Section 50 - Parking Prohibited
All Times – Specified Places Intersections

CAMPUS AVENUE Beginning at the logical northwest corner of Campus Ave and Bardwell St and extending approximately 30’ in either direction from that point; easterly and westerly on Campus Ave, for a distance of 60’ (equivalent to 3 vehicle spaces).

NOTE: (Additions are underlined; deletions are ~~struck out~~).

If this amendment is approved it will require sign posting/marketing designating the described area as “No Parking”.

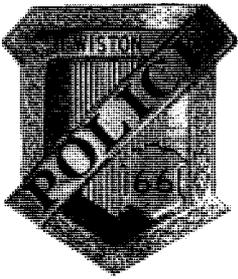
David Chick
Inspector of Police

cc: Michael Bussiere, Chief of Police
Ed Barrett – City Administrator
David Jones – Public Works Director



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www.lewistonpd.org





POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



This proposed amendment was reviewed by traffic review panel, with only feedback concerning “shared” cost for any curb modifications relating to the actual installation of a crosswalk. The cost of the project will be paid for by Bates College.

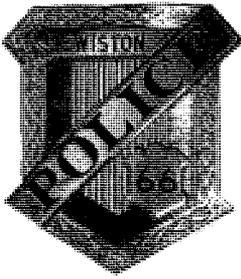
**Traffic Review Panel: Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;
Kathy Montejo – City Clerk; Megan Bates – Public Works; Bruce McKay – Fire**



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



TRAFFIC AND VEHICLES

Lewiston Code Chapter 70

Sec. 70-140. Parking prohibited in specified places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway or alleyway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 25 feet of the near corner of the curbs at an intersection, except where otherwise designated.
- (7) Within 15 feet upon the approach to any stop sign located at the side of a roadway.
- (8) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted.
- (9) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (10) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street.
- (11) Upon any bridge.
- (12) At any place where official signs or curb painting so prohibit.
- (13) On or within 25 feet of any railroad tracks.

(Code 1982, § 26-104)



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LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on a new application for a Liquor License and a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

INFORMATION:

We have received a new application for a Liquor License and a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Derby Athletic Association, 37 Park Street.

**Department of Public Safety
Division**



Liquor Licensing & Inspection

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL-OPTIONAL FOOD (Class I-A)

HOTEL (Class I,II,III,IV)

CLASS A LOUNGE (Class X)

CLUB-ON PREMISE CATERING (Class I)

CLUB (Class V)

GOLF CLUB (Class I,II,III,IV)

TAVERN (Class IV)

OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:			DERBY Athletic ASSOCIATION		
DOB:			37 PARK ST.		
DOB:			Location (Street Address)		
Address			LEWISTON, ME, 04240		
			City/Town State Zip Code		
			Mailing Address		
City/Town State Zip Code			City/Town State Zip Code		
Telephone Number		Fax Number	Business Telephone Number		Fax Number
			207-782-9285		
Federal I.D. #			Seller Certificate #		
			01-0247347		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO

7. If manager is to be employed, give name: Terry Temple

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 32 Walnut St, Lewiston, Me. 04240

10. Is/are applicants(s) citizens of the United States? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
THERESA TEMPLE	10-2-47	LISBON FALLS
PAULEROY	3-31-57	LEWISTON, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

92 WALNUT ST. LEWISTON
183 OAK ST, LEWISTON, ME

LEWIS
T. ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)
87 PARK ST, LEWISTON, MAINE 04240

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1000 ft Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Lewiston, Town/City, State on August 2, 20 11 Date

Please sign in blue ink

Theresa Temple
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: DERBY Athletic Assoc.
Business D/B/A Name: _____
2. Date of Incorporation: MARCH 27, 1938
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Donnie Leveque	9 Ann St. Kennebunk	3-4-52	—	Director
PAUL ROY	183 Oak St. Lewiston	5-15-55	—	President
Cindy Goskant	105 Blake St. Freeport	10-6-58	—	Director
Bicky Gaudette	104 Blake St. Freeport	1-4-50	—	Director
Boyet Plowde	40 Walnut St. Freeport	12-1-56	—	V. Pres
Terry Temple	32 Walnut St. Freeport	10-2-47	—	Sec/Treas

6. What is the amount of authorized stock? 0 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

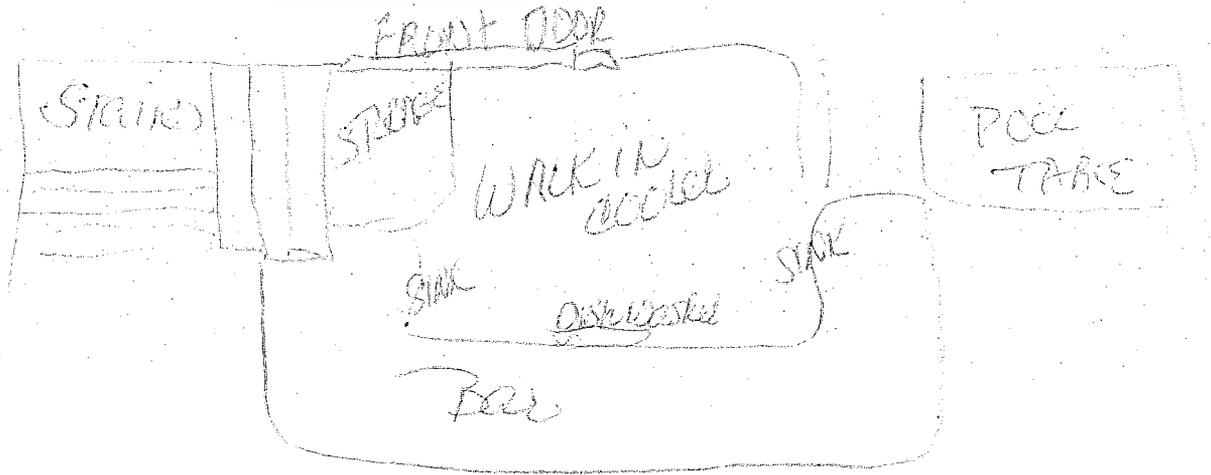
Dated at: _____ On: _____
City/Town Date

Terry Temple
Signature of Duly Authorized Officer

Date: 7-26-2011

TERRY TEMPLE
Print Name of Duly Authorized Officer

PREMISE DIAGRAM



CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 8/2/11 Expiration Date: _____ License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing
- Class B - lounges/bars with entertainment, which does not have dancing
- Class C - either restaurants or lounges/bars with entertainment, including dancing
- Class D - function halls with entertainment, including dancing
- Class E - dance hall or nightclub that admits persons under the age of 21
- Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: DERBY ATHLETIC ASSOC. Business Phone: 207-782-9282

Location Address: 37 PARK ST, LEWISTON, ME

(If new business, what was formerly in this location: _____)

Mailing Address: same

Contact Person: Terry Temple Home Phone: 207-882-5122

Owner of Business: NA Date of Birth: _____

Address of Owner: _____

Manager of Establishment: Terry Temple Date of Birth: 10-2-47

Owner of Premises (landlord): JUSTIN FLANNERY

Address of Premises Owner: P.O. BOX 748, GORHAM, ME 04038

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: DERBY Athletic Assoc

Corporation Mailing Address: 40 Walnut St, Lewiston Me

Contact Person: Terry Temple Phone: 207-782-9285

Do you permit dancing on premises? ___ Yes ___ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? _____

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Terry Temple Title: Sec. Date: 08-02-2011

Printed Name: TERRY TEMPLE

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

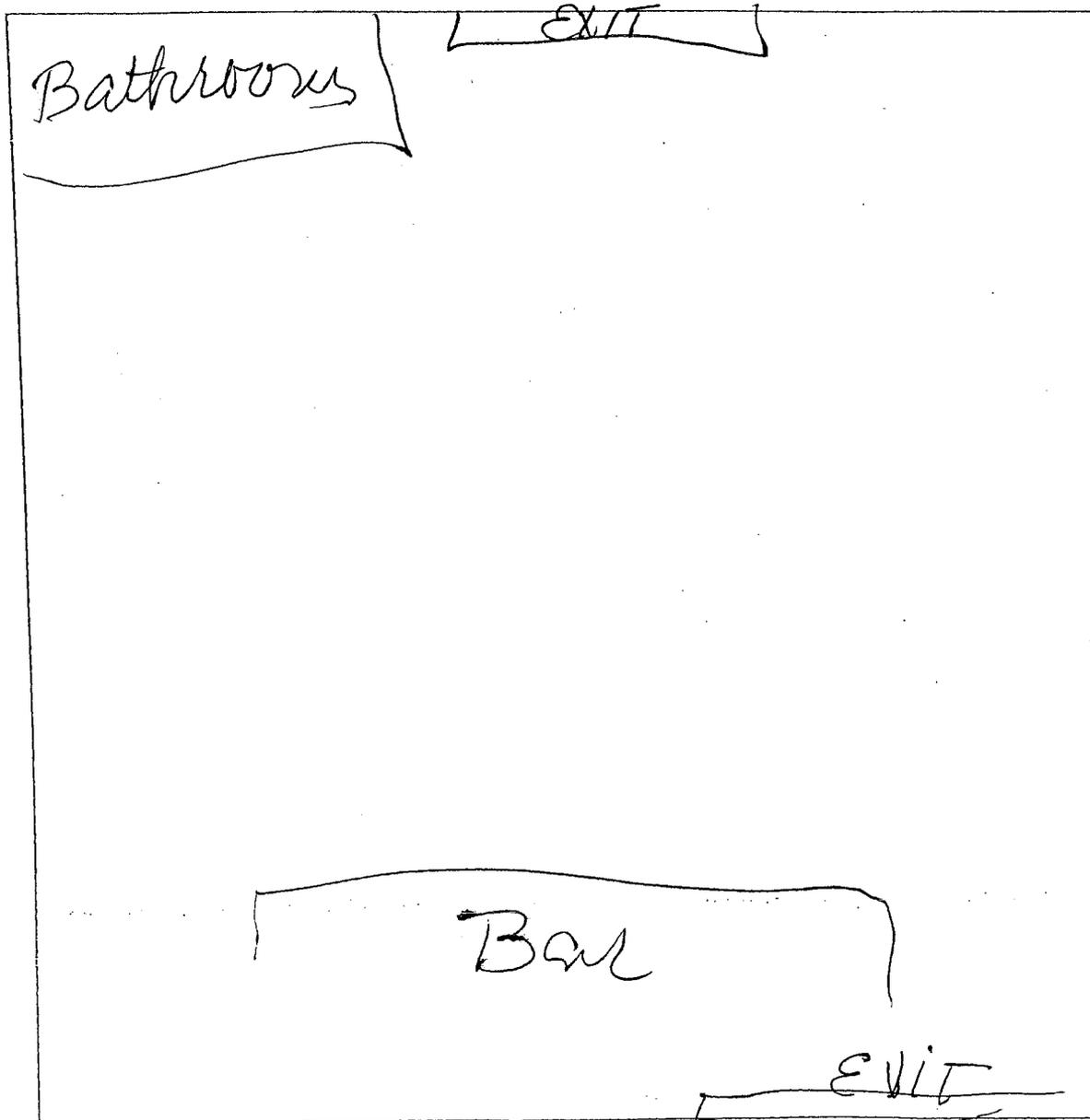
Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

SPECIAL AMUSEMENT PERMIT
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.



CITY OF LEWISTON, MAINE

Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: DERBY Athletic Assoc.
2. Date of incorporation: MARCH 27, 1938
3. State in which you are incorporated: MAINE
4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS . PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
Paul Roy	138 Oak St, Lew.	5-15-55	-	Pres.
Roger Plouffe	70 Walnut St, Lew	12-1-56	-	V. Pres
Cerry Temple	39 Walnut St, Lew	10-2-47	-	Sec/Treas
Cindy Goslant	105 Blake St, Lew.	10-6-58	-	Director
Ricky Landette	104 Blake St, Lew	1-4-50	-	Director
Cornie Berneque	9 Ann St, Lew	3-4-52	-	Director
Terri Fontaine	106 Summer St, Lew	9-16-56	-	Director

6. What is the amount of authorized stock? 0 Outstanding stock? 0

7. Is any principal officer of the corporation a law enforcement official?

NO

Dated at Lewiston ~~08-08-2011~~ Maine on August 2, 2011
City or Town Date

Terry Temple
 SIGNATURE OF DULY AUTHORIZED OFFICER



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Mark S. Cornelio, Support Services *MJC*

DT: August 8, 2011

RE: Liquor License/Special Amusement Permit – **Derby Athletic Association**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Derby Athletic Association
37 Park Street



Derby Athletic Association, 37 Park Street Formerly 40 Walnut Street

Apt #	Year MM DD Time	Reason	Action	Call #	Vicinity
	2011 08 01 2306	POL-DISTURBANCE - DISORDERLY	Restored to Peace	11-65815	N
	2011 06 18 0032	POL-DISTURBANCE - DISORDERLY	Arrest(s) Made	11-51408	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	2010 10 24 0047	POL-DISTURBANCE - DISORDERLY	Restored to Peace	10-83248	N
	2010 09 12 1647	POL - BAR / LIQUOR CHECK	Cleared	10-71794	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	2010 08 13 2336	POL-FIGHT-DISTURBANCE	Report Taken	10-62857	N
	2010 08 13 2009	POL - BAR / LIQUOR CHECK	Cleared	10-62773	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	2010 08 07 1057	POL - BAR / LIQUOR CHECK	Cleared	10-60834	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	2010 06 18 1333	POL - BAR / LIQUOR CHECK	Cleared	10-46324	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

CITY OF LEWISTON
PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, August 16, 2011, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Derby Athletic Association
37 Park Street
Derby Athletic Association, owners

The City of Lewiston is an EOE. For more information, please visit our website @ www.ci.lewiston.me.us and click on the Non-Discrimination Policy.

Kathleen Montejo, MMC
City Clerk
Lewiston, Maine

PUBLISH ON: August 10, 11 & 12, 2011

Please bill the City Clerk's Dept. account. Thank you.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sparetime Recreation, 24 Mollison Way.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Sparetime Recreation, 24 Mollison Way.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EASTKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Sparetime Recreation, 24 Mollison Way.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

RECEIVED JUL 12 2011

Date of Application: 07-13-11 Expiration Date: 08-10-11 License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing
 Class B - lounges/bars with entertainment, which does not have dancing
 Class C - either restaurants or lounges/bars with entertainment, including dancing
 Class D - function halls with entertainment, including dancing
 Class E - dance hall or nightclub that admits persons under the age of 21
 Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: ENCORE BOWLING, INC. SPARETIME RECREATION Business Phone: 786-2695

Location Address: 24 MOLLISON WAY, LEWISTON, ME 04240

(If new business, what was formerly in this location: _____)

Mailing Address: P.O. BOX 426, HALLOWELL, ME 04347

Contact Person: ANDY COULTURE Home Phone: 242-8161

Owner of Business: _____ Date of Birth: _____

Address of Owner: _____

Manager of Establishment: BILL BOARDMAN Date of Birth: 7/18/64

Owner of Premises (landlord): LEWISTON PROPERTIES, LLC

Address of Premises Owner: 76 MERRIMACK ST, STE 19, HAVERHILL, MA 01830

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: ENCORE BOLDLICK, INC.

Corporation Mailing Address: P.O. BOX 426, HALLOWELL, ME 04340

Contact Person: ANDY COULTURE Phone: 242-8161

Do you permit dancing on premises? ___ Yes No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/2 MILE

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Andrew W. Coulture Title: OWNER Date 07-13-11

Printed Name: ANDREW W. COULTURE

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

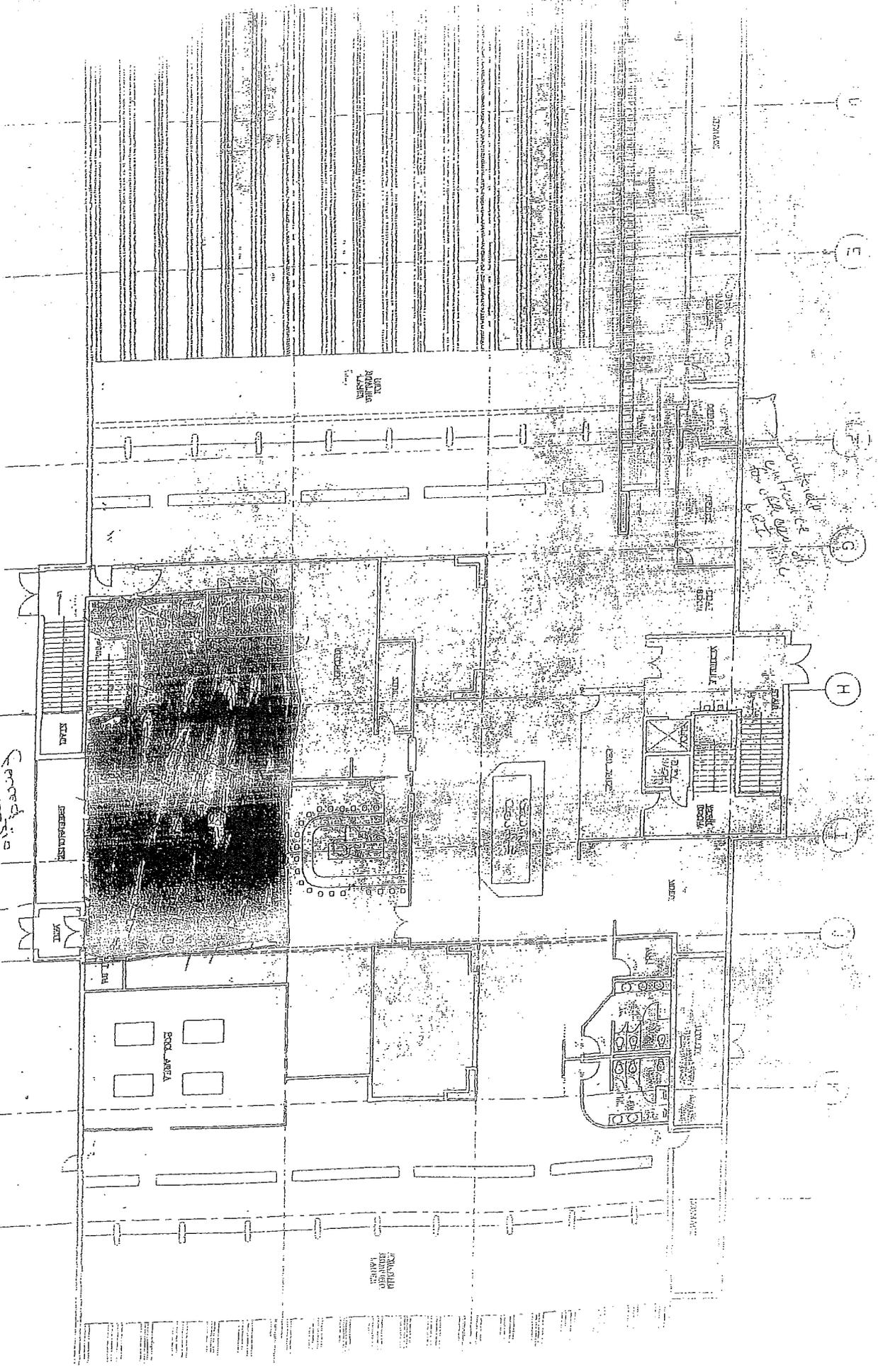
Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

Handwritten note: Corridor
to
Basement



CITY OF LEWISTON, MAINE
Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

1. Exact corporate name: ENCORE BOWLING, INC.
2. Date of incorporation: 10/83
3. State in which you are incorporated: MAINE
4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS . . . PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
ANDREW W. COULTURE	P.O. BOX 237, WHITEFIELD, ME 777 GARDNER RD, DRESDEN, ME	3/26/48	100%	OWNER/ PRESIDENT

6. What is the amount of authorized stock? 1000 Outstanding stock? 1000
7. Is any principal officer of the corporation a law enforcement official?
NO

Dated at HALLOWELL on 07.13.11
City or Town Date


SIGNATURE OF DULY AUTHORIZED OFFICER
ANDREW W. COULTURE, OWNER/PRESIDENT



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Mark S. Cornelio, Support Services *MSC*

DT: May 9, 2011

RE: Liquor License/Special Amusement Permit – **Sparetime Recreation**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Sparetime Recreation
729 Main Street



LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing for approval of a Special Amusement Permit and Outdoor Entertainment Permit for a music concert for the Holy Trinity Greek Orthodox Church Greek Festival.

INFORMATION:

For the past several years, the Holy Trinity Greek Orthodox Church on Hogan Road has held a Greek Festival to highlight and showcase the music, dance, culture and foods of Greece. The Festival coordinators hold a liquor license and since live entertainment is going to be held on the property, a special amusements (entertainment) permit is required.

This is an annual item for requested approval.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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A) To authorize the City Clerk to issue a Special Amusement permit for live entertainment to the Holy Trinity Greek Orthodox Church for their Greek Festival.

B) To conduct a public hearing on an application from the Holy Trinity Greek Orthodox Church for an outdoor music concert to be held at the church, in conjunction with the Greek Festival, on September 8, 9 and 10, 2011, 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 church for the outdoor concert, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CITY OF LEWISTON

Event Application

Applications must be submitted at least 7 days prior to the event.

*Application must be turned in 30 days prior to the event

Application Date 8/1/10

FESTIVAL INFORMATION

Name of Organization: Holy Trinity Greek Orthodox Church

Contact Person for Event: Peter Robinson

Title of Contact Person: Treasurer

Contact Name and Phone number during the Event: Peter Robinson ^{703-795-2914 cell} 207-783-6795 church

Mailing Address: PO Box 1344 Lewiston, ME 04243

Telephone: 783-6795

Cell Phone: 703-795-2914

Email Address: robinsonpd@earthlink.net

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: E21228

EVENT INFORMATION

Name of Event: Greek Festival

Location of Event: 155 Hogan Road, Lewiston

Date of Event: September 8, 9, 10

Rain Date: —

Time of Event: Start Time: 10 AM Ending Time: 10 PM

Estimated Attendance: Open to public

Does the Sponsoring Organization own the property? Yes
If not, please attach a letter from the property owner authorizing this event.

Does the Applicant have insurance for this event? Yes No

Please check off all events that will occur

- Alcoholic Beverages will be served
 - Carnival*
 - Music Festival/Concert*
 - Parking Accommodations are needed
 - Sound Amplification
 - Run/Walk/Cycle (if checked, please provide a map and description of the route.)
 - Food- (if checked, please provide an attached sheet with the following information: Name of organization, contact, address, phone, and food items that will be sold or given away)
 - Non-Food Items (if checked, please provide an attached sheet with the following information: Name of individual, date of birth, address, phone, and items that will be sold or given away)
- Burn Permit
 - Fireworks
 - Parade
 - Road/Intersection Closure

Please provide any maps or diagrams relating to this event.

SANITARY FACILITIES Per the City Ordinance, the following items listed are required to be provided and available at the event.

Please state if the following items will be available at your event, the number of items available and the proximity of the item to your event:

<u>Sanitary Requirement</u>	<u>Amount at Event</u>	<u>Location</u>
TOILETS	2	
WASTE DISPOSAL	10	
HAND WASHING FACILITIES	3	
PORTABLE WATER		
FIRST AID FACILITIES		

DESCRIPTION OF EVENT

"Lowiston Auburn Greed Festival"

Annual 2 1/2 day event, features primarily Greed food + pastry, music.



 Signature of Applicant

8/1/11

 Date Submitted

Please note that you will be contacted by City Staff if you require additional permitting.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Property Maintenance Code.

INFORMATION:

The City's Planning and Code Enforcement Department is recommending the repeal of the City's currently adopted Property Maintenance Code. Currently, the City has adopted the BOCA National Property Maintenance Code, 1990 edition as the local code. City staff is recommending to replace this with an amended version of the International Property Maintenance Code, 2009 edition.

Nationally, the International PMC is the replacement for the BOCA PMC.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To repeal Sections 18-51 and 18-52 of the current City Code, and that the proposed amendment to the City Code of Ordinances, Chapter 18 "Buildings and Building Regulations", Article III, "Property Maintenance Code", Section 18-51 "Adoption of International Property Maintenance Code" and Section 18-52 "Amendments to the International Property Maintenance Code", receive final passage by a roll call vote.

MEMORANDUM

TO: Mayor Laurent F. Gilbert
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Adoption of International Property Maintenance Code, 2009 Edition

DT: July 13, 2011

Currently, the City enforces an amended version of the BOCA National Property Maintenance Code, 1990 Edition. Staff proposes the adoption of an amended version of the International Property Maintenance Code, 2009 Edition. The reasons for the repeal of the BOCA National Property Maintenance Code and the adoption of an amended version of the International Property Maintenance Code are as follows:

The 1990 BOCA code is no longer available in print and Building Officials & Code Administrators International, Inc. (BOCA) along with the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International, Inc. (SBCCI) created the International Code Council (ICC) and they develop codes without regional limitations; the International Codes. Therefore, the International Property Maintenance Code is the replacement for the BOCA National Property Maintenance Code.

The International Property Maintenance Code, 2009 Edition (IPMC) is very similar to the BOCA Code that was adopted by the City in 1992. The IPMC is a more concise code; however, with one exception it should not result in new mandates for property owners.

As proposed the IPMC will regulate weed growth in the Riverfront District, Neighborhood Conservation "B" District, Downtown Residential District, and Centreville District. Any weeds or plant growth in excess of 12" are prohibited. This provision would not regulate cultivated plants in excess of 12".

Should staff find in working with the amended version of the IPMC that additional amendments are necessary we will take the necessary steps to ensure that this Code meets the needs of the City.

I will be in attendance at your July 19th public hearing on this matter to answer any questions you may have.

Thank you.

CHAPTER 18, ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 18.51. Adoption of International Property Maintenance Code.

An ordinance of the City of Lewiston adopting the 2009 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Lewiston; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. 92-8 § 15-2, 5-7-92; Ord. No. 92-22, §15-2, 10-1-92 of the City of Lewiston.

The City Council of the City of Lewiston does ordain as follows:

Section 1. That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Lewiston, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Lewiston, in the State of Maine for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City of Lewiston are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

CHAPTER 1 SCOPE AND ADMINISTRATION

PM-100.1 Title: These regulations shall be known as the International Property Maintenance Code of the City of Lewiston, hereinafter referred to as "this code."

PM-102.3 Application of other codes: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Code of Ordinances of the City of Lewiston and any other applicable laws, rules or regulations ~~International Building Code, International Fuel Gas Code, International~~

~~Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.~~

102.6 Historic buildings are hereby deleted.

SECTION 103 DEPARTMENT OF PLANNING AND CODE ENFORCEMENT PROPERTY MAINTENANCE INSPECTION

103.1 General. ~~The Director of Planning and Code Enforcement department of property maintenance inspection is hereby created and the executive official in charge thereof and his designees shall be known as the *code official*.~~

103.2 Appointment is hereby deleted.

103.3 Deputies is hereby deleted.

103.4 Liability. ~~The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against the code official ~~any officer or any subordinate employee~~ because of an act performed by that official ~~officer~~ or subordinate ~~employee~~ in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

103.5 Fees is hereby deleted.

104.3 Right of entry. ~~In order to safeguard the safety, health and welfare of the public, the *code official* is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.~~

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a ~~misdemeanor~~

~~or~~ civil infraction ~~as determined by the local municipality,~~ and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the *code enforcement official* ~~authority having jurisdiction~~ on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by the Code of Ordinances of the City of Lewiston or state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the *code official* ~~legal officer of the jurisdiction~~ from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to issue citations in accordance with Chapter 50, Article II and/or to take any other legal action available by the Code of Ordinances of the City of Lewiston or by State law and to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and ~~or~~ first-class mail addressed to the last known address; or
3. If the notice is returned showing that the first class letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* may ~~shall~~ order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal

procedure herein described has been instituted; and ~~may~~ shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

109.4 Emergency repairs. For the purposes of this section, the *code official* ~~may~~ shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction ~~may~~ shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* ~~may~~ shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials ~~at the highest price obtainable~~. The net proceeds of such sale, after deducting the expenses of such demolition, legal fees and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within ~~10~~ 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Application for appeal is hereby deleted.

111.2.1 Alternate members is hereby deleted.

111.2.2 Chairman is hereby deleted.

111.2.3 Disqualification of member is hereby deleted.

111.2.4 Secretary is hereby deleted.

111.2.5 Compensation of members is hereby deleted.

111.3 Notice of meeting is hereby deleted.

111.4 Open hearing is hereby deleted.

111.4.1 Procedure is hereby deleted.

111.5 Postponed hearing is hereby deleted.

111.6 Board decision is hereby deleted.

111.6.1 Records and copies is hereby deleted.

111.6.2 Administration is hereby deleted.

111.7 Court review is hereby deleted.

111.8 Stay of enforcement is hereby deleted.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 1,000.00 ~~[AMOUNT]~~ dollars for each day that work activity occurs ~~or more than [AMOUNT]~~ dollars.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Maine Uniform Building Code, the Code of Ordinances of the City of Lewiston, and any other duly adopted codes, ~~in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code~~ or NFPA-70, such terms shall have the meanings ascribed to them as stated in those codes.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unregistered, uninsured, unlicensed, uninspected, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

CHAPTER 3 GENERAL REQUIREMENTS

302.4 Weeds. ~~302.4Weeds.~~ All *premises* and *exterior property* located in the riverfront district, neighborhood conservation "B" district, downtown residential district and in the centreville district shall be maintained free from weeds or plant growth in excess of 12" (~~jurisdiction to insert height in inches~~). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens, and areas within 25', horizontal distance, of the normal high water mark of the Androscoggin River. ~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

302.8 Motor vehicles. Except as provided for in other regulations, not more than one ~~no~~ inoperative, or unregistered, or uninsured or uninspected ~~unlicensed~~ motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

303.2 Enclosures. Private swimming pools, hot tubs and spas, designed for a water depth of 36 inches (900 mm) or more ~~containing water more than 24 inches (610 mm) in depth~~ shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

304.14 Insect screens. ~~During the period from [DATE] to [DATE],~~ Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-

closing device in good working condition. **Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply ~~one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leak proof, covered, outside garbage container.~~

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units* ~~including , a multiple *occupancy*, a *rooming houses* a nonresidential structure~~ shall be responsible for *pest elimination* in the public or shared areas of the structure, ~~the and exterior property as well as the individual dwelling units, or rooming units. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.~~

309.5 Occupant. ~~The *occupant* of any structure shall be responsible for the continued rodent and pest free condition of the structure.~~

Exception: ~~Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for *pest elimination*.~~

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each ~~six~~ four *rooming units*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Maine State Internal ~~International~~ *Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Maine State Internal ~~International~~ *Plumbing Code*.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of ~~66~~ 68°F (19 ~~20~~°C) in all habitable rooms, *bathrooms* and *toilet rooms* ~~based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*.~~ Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

~~**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 15 [DATE] to May 15 [DATE] to maintain a temperature of not less than ~~66~~ **68°F (19** ~~20°C)~~ in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

~~1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.~~

~~2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.~~

~~**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.~~

Exceptions:

- ~~1. Processing, storage and operation areas that require cooling or special temperature conditions.~~
- ~~2. Areas in which persons are primarily engaged in vigorous physical activities.~~

CHAPTER 7 FIRE SAFETY REQUIREMENTS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 30-26(a) of the Code of Ordinances of the City of Lewiston ~~*International Fire Code*~~.

702.2 Aisles. The required width of aisles in accordance with the applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 30-26(a) of the Code of Ordinances of the City of Lewiston ~~*International Fire Code*~~ shall be unobstructed.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the applicable National Fire Protection

Association Codes as per Chapter 38, Article II, Section 30-26(a) of the Code Ordinances of the City of Lewiston *International Fire Code.*

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with applicable National Fire Protection Association Codes as per Chapter 38, Article II, Section 30-26(a) of the Code Ordinances of the City of Lewiston NFPA-25.

704.2 Smoke alarms and carbon monoxide detectors. Single- or multiple-station smoke alarms shall be installed and maintained in accordance with Chapter 38, Section 38-26 (c) of the Code of Ordinances of the City of Lewiston. Carbon monoxide detectors shall be installed and maintained in accordance with Title 25 M.R.S.A. § 2468, in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

- ~~1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms.*~~
- ~~2. In each room used for sleeping purposes.~~
- ~~3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple station smoke alarms shall be installed in other groups in accordance with the *International Fire Code.*~~

Section 3. That Ordinance No. 92-8 § 15-2, 5-7-92; Ord. No. 92-22, §15-2, 10-1-92 of the City of Lewiston entitled Chapter 18, Article III. Property Maintenance Code is hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty days from and after the date of its final passage and adoption.

LEGAL AD

**PUBLIC HEARING NOTICE
CITY OF LEWISTON
PROPOSED ORDINANCE AMENDMENT**

A public hearing on the following ordinance amendment, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, July 19, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

BUILDING & BUILDING REGULATIONS ORDINANCE

This amendment would repeal the BOCA National Property Maintenance Code, 1990 edition for use as the City's property maintenance code and replace it with an amended version of the International Property Maintenance Code, 2009 edition.

The City of Lewiston is an EOE. For more information, please visit our website at www.ci.lewiston.me.us and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC
City Clerk

LEGAL AD - SUN JOURNAL - Thursday, July 14, 2011

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Streets and Sidewalks Ordinance regarding the use of tables and chairs on city sidewalks.

INFORMATION:

Eric Agren attended a recent City Council meeting and requested an amendment to the City Code to allow him to place barriers around the tables and chairs on the city sidewalks in front of his two restaurants. Mr. Agren has barriers with the restaurant names and logos, but under the current ordinance, these are not permitted.

Staff has prepared the language for an amendment to the Code to allow for sidewalk cafes and related equipment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/19MM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article II "Tables, chairs and benches on sidewalks or public ways", receive final passage by a roll call vote.

**AN ORDINANCE PERTAINING TO TABLES, CHAIRS AND BENCHES
ON SIDEWALKS OR PUBLIC WAYS**

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 66 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 66

STREETS AND SIDEWALKS

ARTICLE II. PERMITTED USES

Sec. 66-36. Tables, chairs and benches on sidewalks or public ways.

(A). Any business holding a valid city food service establishment business license issued by the City of Lewiston is permitted to place tables, chairs, and benches on or above any city sidewalk or public way (not used for vehicular traffic) and must comply with the following conditions: ~~All tables, chairs, and benches used for sitting or supporting by and for individuals, objects, food, beverages and any device must:~~

- (1) Be situated in front of the physical boundaries of the authorized business so as not to exceed the physical dimensions of the facility's exterior as it is situated within the structure or building unless specifically authorized to do so by the city;
- (2) ~~All~~ ~~Be~~ consistent and compatible ~~identical~~ in style and color, be easily cleanable, made of metal or wood which may be painted, stained or covered with a plastic coating, and be of sufficient weight so as not to be moved by wind gusts of 40 miles per hour ~~moved by reasonable meteorological conditions~~;
- (3) Only be placed during operational hours and removed at the end of operational hours each day;
- (4) Be temporarily removed in any instance where the objects or devices: ~~r~~ ~~Restrict~~ or prevent the city from conducting normal or emergency sidewalk maintenance operations or under any condition in which there is a request for temporary removal from the police department, ~~or fire department,~~ or public works department relating to maintenance or public safety activity; or removed ~~per request or special order from the city administrator~~ or city council to temporarily remove items in conjunction with special events;
- (5) Provide adequate trash receptacles;
- (6) ~~Ensure~~ that there is no less than ~~five~~ six feet of passable area, clear of any obstructions, for pedestrians;

(7) Comply with all applicable provisions of the City Code;

(8) Any damage to public property, including but not limited to grease stain, shall be repaired by the public works department at the expense of the business at issue.

(9) The police department, fire department, or public works department may on an annual basis prohibit any business from placing tables, chairs, and benches on sidewalks or public ways in situations whereby such activity results in adverse impacts to adjoining businesses, pedestrians or motorists.

(B) Any business located in the Centreville District holding a valid city food service establishment business license issued by the City of Lewiston is permitted to place tables, chairs, benches, and barriers not to exceed 42" in height on or above any city sidewalk or public way (not used for vehicular traffic) and must comply with above items (1), (2), (4), (5), (6), (7), (8), (9) and the following conditions:

(1) Notwithstanding item (3) above, tables chairs, benches, and barriers may be located on sidewalks continuously from May 15 to October 15;

(2) Notwithstanding Appendix A, Article XII, Section 16 of the Code of Ordinances of the City of Lewiston, the business name may be placed one or more times on barriers without a sign permit; however, no other advertising is permitted.

(3) Payment and receipt of an annual permit issued by the public works department.

NOTE: Additions are underlined; and deletions are ~~struck-out~~.

LEGAL AD

**PUBLIC HEARING NOTICE
CITY OF LEWISTON
PROPOSED ORDINANCE AMENDMENT**

A public hearing on the following ordinance amendment, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, July 19, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

STREETS & SIDEWALKS ORDINANCE

This amendment would authorize the placement of barriers for businesses holding a food service license who have tables and chairs outside on the city sidewalk.

The City of Lewiston is an EOE. For more information, please visit our website at www.ci.lewiston.me.us and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC
City Clerk

LEGAL AD - SUN JOURNAL - Thursday, July 14, 2011

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2010

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Nineteenth Annual Great Falls Balloon Festival .

INFORMATION:

The Great Falls Balloon Festival, Inc., an independent non-profit organization, is planning to hold its nineteenth annual festival on August 19, 20, and 21, 2011.

The focus of the festival is to provide a family oriented celebration, promote community pride, and provide an attraction for summer tourists and regional visitors to the Lewiston-Auburn area.

The Festival organizers are planning to hold outdoor music concerts as part of the Festival and are seeking permission for an Outdoor Entertainment permit.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 19 - 21, 2011, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

FY12

Aug 19-20-21

CITY OF LEWISTON

Event Application

Applications must be submitted at least 7 days prior to the event.

Application Date: 3/1/11

FESTIVAL INFORMATION

Name of Organization: Great Falls Balloon Festival

Contact Person for Event: Mell Hamlyn

Title of Contact Person: Treasurer

Contact Name and Phone number during the Event: Mell Hamlyn 240 5931

Mailing Address: PO Box 304 Auburn, ME 04212

Telephone: 207 240 5931

Cell Phone: 207 240 5931

Email Address: Hamlyn3@aol.com

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 01 0480485

EVENT INFORMATION

Name of Event: Great Falls Balloon Festival

Location of Event: Simard Payne Police Memorial Park

Date of Event: August 19, 20, 21, 2011

Rain Date: None

Time of Event: Start Time: 6 am Ending Time: 10 pm

Estimated Attendance: 100,000

Does the Sponsoring Organization own the property? NO
If not, please attach a letter from the property owner authorizing this event.

Does the Applicant have insurance for this event? Yes No

LEWISTON CITY COUNCIL
MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Request for use of city services for the Annual Great Falls Balloon Festival.

INFORMATION:

The Great Falls Balloon Festival, Inc., an independent non-profit organization, is planning to hold its nineteenth annual festival on August 19, 20 and 21, 2011.

The festival committee is requesting assistance from the cities of Lewiston and Auburn regarding festival logistics. The Police Department, Fire Department, Recreation Department, City Clerk's Department, Code Division and Public Works Department representatives are currently working with festival organizers regarding event coordination. Deputy City Administrator Phil Nadeau is the City's liaison to festivals and community events.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EATB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the request for the use of city services for the Great Falls Balloon Festival, as outlined on the attached sheet.

LEWISTON CITY COUNCIL ORDER:

REQUEST FOR USE OF CITY SERVICES

AUTHORIZATION FOR GREAT FALLS BALLOON FESTIVAL EVENT:

August 19, 20 and 21, 2011

ROAD CLOSURES AND POSTINGS:

Friday, August 19, 5:00pm - Sunday, August 21, 9:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 19, 12:00pm - Sunday, August 21, 9:00pm

Posted closure of Beech Street and Oxford Street from Cross Street to Chestnut Street to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 21, 11:00am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

Saturday, August 20, 10:30am - 12:30pm

Posted closure of Longley Bridge from Auburn into Lewiston, lower Main Street, Lincoln Street from Main Street to Oxford Street, and all of Oxford Street for the 5th Annual Balloon Festival parade. NOTE: Parade path will start on Spring Street in Auburn, onto Court Street, across the Longley Bridge turning onto Lincoln Street, then onto Oxford Street, ending at the intersection of Cedar Street and Oxford Street.

ESTABLISHMENT OF FESTIVAL ZONE:

Friday, August 19, 12:00pm - Sunday, August 21, 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors, as well as other non-approved activities, on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

APPROVAL TO USE CITY PROPERTY:

Tuesday, August 16, 8:00am - Monday, August 22, 7:00pm

Carnival to be located in the area formerly known as Railroad North. Carnival will arrive on Tuesday, set up on Wednesday and Thursday, open on Friday afternoon and run through Sunday night, and breakdown and depart on Monday.

SECURITY:

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas.

TRASH REMOVAL:

Authorization for Public Works to supply two 50-yard dumpsters at or in close proximity to Simard-Payne Police Memorial Park and waive the applicable tipping fees.

LICENSES:

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. Licensing fees for use of the parks, for the outdoor entertainment permits, parade permit and sound amplification permits, all obtained in the name of the Great Falls Balloon Festival, shall all be waived by the City.

USE OF PUBLIC WORKS PERSONNEL:

Authorization for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance prior to and during the festival, subject to the discretion of the Lewiston Public Works Director.

PARKING

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage, the Lincoln Street parking garage, parking lot on the corner of Lincoln and Chestnut Streets, the Lincoln Street parking lot near Yvon’s car wash, and the parking lot at the corner of Lincoln and Cedar Streets for festival and volunteer parking, as per the requirements and procedures outlined in the City’s Facilities Use Policy and submission of appropriate forms to City Administration.

VOTE NUMBER (- 2011)

APPROVED: Vote 0-0 August 16, 2011

Attest: _____

Kathleen M. Montejo, City Clerk

FESTIVAL APPROVALS REQUIRED FROM CITY OF LEWISTON

By

GREAT FALLS BALLOON FESTIVAL, INC.

AUGUST 19-21, 2011

August 5, 2011

Lewiston City Council
City of Lewiston
37 Pine Street
Lewiston, ME 04240

Re: Great Falls Balloon Festival

Dear Councilors,

- The Board of Directors for the Great Falls Balloon Festival respectfully submits the schedule of the Great Falls Balloon Festival and requests the following:
- Friday, August 19, 5:00 p.m. - Sunday, August 21, 9:00 p.m.
Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.
- Friday, August 19, 12:00 p.m. - Sunday, August 21, 9:00 p.m.
Posted closure of Beech Street and Oxford Street from Cross Street to Chestnut Street to facilitate safe pedestrian movement and access for festival logistical vehicles.
- Sunday, August 21, 11:00 a.m. - 12:30 p.m.
Posted closure of Canal Street from Main to Chestnut Streets for canal rubber duck race.
Posted closure of one Northbound lane of the Canal Bridge on Main Street for rubber duck race logistical setup.
- Saturday, August 20, 10:30 am. – 12:30 pm.
Posted closure of Longley Bridge from Auburn into Lewiston, lower Main Street, Lincoln Street (Main to Oxford), and all of Oxford Street for 5th Annual Balloon Festival parade. Parade path will start on Spring Street in Auburn, onto Court Street, across Longley Bridge turning onto Lincoln Street, then onto Oxford Street, ending at the intersection of Cedar and Oxford. We respectfully request that any licensing fees be waived.
- Tuesday, August 16, 8:00 a.m. - Monday, August 22, 7:00 p.m.
Carnival will be located in the area formerly known as Railroad North. Carnival will arrive on Tuesday, open on Friday afternoon and run through Sunday night. Carnival will break down and depart on Monday. We respectfully request that any licensing fees be waived.

Other Requirements

- Friday, August 19, 12:00 p.m. - Sunday, August 21, 6:00 p.m.
 1. Permission for the police to ticket and tow away vehicles not in conformance with posted parking bans.
 2. Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors, as well as other non approved activities on Main Street Between Middle Street and the Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main Street to Cedar Street, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

- Permission for the Great Falls Balloon Festival to use Simard Payne Police Memorial Park from noon Thursday, August 18 to 12:00 p.m. Monday, August 22 for Festival activities, and to control use, access and security in the area.

Liability Insurance

The Great Falls Balloon Festival, Inc. has secured a \$1,000,000 general liability policy. An additional insured certificate will be presented to the city prior to the festival.

Security

The Lewiston Police Department will be responsible for traffic control, security, and crowd control in Lewiston activity areas. A briefing will be held with police department liaison to organize staffing and manpower requirements.

Emergency Medical Services

The Great Falls Balloon Festival, Inc. will arrange first aid services in Railroad River Park.

Trash Removal

The Great Falls Balloon Festival, Inc. will work with Mike Paradis of the Public Works to supply 2 - 50 yard dumpster at or in close proximity to Railroad Park to handle trash. The City of Lewiston has picked up the tipping fees for the past seven years and we are again requesting this assistance. Volunteers will be used to collect and bag trash. Volunteers will help to keep festival areas clean on an ongoing basis and clean up after the festival.

Sanitary Facilities

A total of at least fifteen to twenty-five portable toilets (18-25 regular, 2 handicapped) will be located in festival activity areas in Lewiston. A contract has been executed with a private company to supply and service the units. In addition, extra units may be added if it is deemed necessary.

Sanitary Compliance for Food Booths

Thirty to Forty (30-40) non-profit organizations will vend food from either booths or from under the large tent, and have been briefed on requirements. The food handlers shall be provided a three-bay sink with hot and cold running water, and it shall drain into the municipal sewer. A separate portable toilet will be provided for the use of the food handlers. Workers shall be provided a separate hand-washing unit. Disposal of effluent from the toilet and gray water from employee hand-washing unit shall be removed from the contract site. Great Falls Balloon Festival, Inc. has entered into a contract with a private company to remove cooking grease following the festival.

Safety Compliance for Food Booths

Representatives from each Non-profit organization will be required to attend a fire safety and extinguisher-handling course on the proper methods for extinguishing ordinary and grease fires.

Licenses

The Festival will supply license information for food booths to the City Clerk and Health Inspector. The Festival is also submitting applications for Park use (to the Parks and Recreation Department), an Outdoor Entertainment license and a Sound Amplification permit. We respectfully request the waiver of fees by the City Council.

Parking

Use of the Bates Mill parking lots, the Chestnut Street Parking garage, the Lincoln Street Parking garage, lot on the corner of Lincoln & Chestnut, Lincoln street lot near Yvon's car wash and a parking lot on the corner of Lincoln & Cedar for festival and volunteer parking.

There will be a bus stop area at Lincoln and Beech Streets. Designated handicapped parking spots will be along Lincoln Street near the Festival entrance.

All parking areas will meet requirements set forth by the city council in response to the parking survey issued by Phil Nadeau titled "Utilization of City Parking Areas by Non-Profits as Fundraising Activities", and meetings will be held with Alan Turgeon and Mike Paradis to confirm usage.

Use of Public Works Personnel

Permission for public works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance prior and during the festival.

Highlights or specialty items for 2011 Festival (included in the above request)

1. Our main food line-up will be manufactured tents. These tents are made from flame retardant materials, approved by the Lewiston Fire Department Fire Inspector . These tents will reduce food booth set-up significantly, perhaps as much as a day.
2. We would like to have 2 -50 yard dumpsters for trash removal on site all weekend. Also, we would like to have the dumpsters emptied on Saturday morning and Sunday morning.
3. Again this year, we are requesting a lane closure of the southern right hand lane heading north on the Longely Memorial Bridge to Main Street from Auburn. In the past, we have requested the northern lane closed.

We greatly appreciate Lewiston's cooperation in the past and look forward to its participation again this year.

Sincerely,

Mell Hamlyn

Mell Hamlyn
Great Falls Balloon Festival

LEWISTON CITY COUNCIL
MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order - Authorizing the City Administrator to Execute a First Amendment to the Lease with Lewiston CellTelCo Partnership for Use of the Lewiston Armory for Cell Antennas and Associated Equipment.

INFORMATION:

Currently, the City has a lease agreement, that has been in existence for about 5 years, with Lewiston CellTelCo Partnership to allow U.S. Cellular to install antennas on the Lewiston Armory building. At the time, it was expected that six antennas would be installed, yet only five were installed originally in 2006. The Company is now requesting permission to install the sixth antenna at this time.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATSK/mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to Execute a First Amendment to the Lease with Lewiston CellTelCo Partnership for Use of the Lewiston Armory for Cell Antennas and Associated Equipment.



City of Lewiston Maine
City Council Order
August 16, 2011



Order, Authorizing the City Administrator to Execute a First Amendment to Lease with Lewiston CellTelCo Partnership for Use of the Lewiston Armory for Cell Antennas and Associated Equipment.

Whereas, the City entered into a lease agreement with Lewiston CellTelCo Partnership in 2006 to allow U.S. Cellular to allow for installation of antennas on the Lewiston Armory; and

Whereas, while the installation of six antennas was expected at that time, only five were installed and lessee is seeking permission to install one additional and reconfigure the five existing ones; and

Whereas, as a part of this installation, additional support equipment will be located within a 10 by 15 foot areas adjacent to the Armory and currently included in the lease; and

Whereas, these are minor adjustments to the existing lease;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

The City Administrator is authorized to Execute a First Amendment to Lease with Lewiston CellTelCo Partnership for Use of the Lewiston Armory for Cell Antennas and Associated Equipment.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: First Amendment to Lease with Lewiston CellTelCo Partnership for use of the
Lewiston Armory for cell antennas and associated equipment

In 2006, the City entered into a lease to allow U.S. Cellular to install cell antennas on the Lewiston Armory. The lease was for an initial 5 years with three 5 year renewals at the option of the lessee. The initial rent was \$19,500 per year adjusted annually based on the Consumer Price Index. Based on the original lease, U.S. Cellular intended to install 6 antennas. Only 5 have been installed to date. The amendment would allow for reconfiguring the existing five antennas and adding one additional for a total of six as originally intended.

The lease also provides for a 10 foot by 15 foot ground lease for the installation of support equipment for the antennas. The amendment would allow for the installation within this area of the additional equipment required to support the additional and reconfigured antennas.

These are minor changes, some of which appear to have been anticipated in the original lease. This amendment would constitute City approval for these modifications. I recommend your approval.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order - Authorizing the City Administrator to Execute an Option Agreement with Parallax Partners, Inc. for property located at 15 and 29 Lincoln Street.

INFORMATION:

City staff has been in discussions with Parallax Partners, Inc. regarding a possible development project on Lincoln Street for some time. Parallax is now at the point where it is interested in pursuing studies to determine the feasibility of such a project, including undertaking a full feasibility study. In order to proceed with these efforts and expenditures, Parallax has requested that the City enter into an option agreement with them for the sale of 15 and 29 Lincoln Street. Eventual transfer of the property would be subject to the negotiation of a Joint Development Agreement with terms and conditions acceptable to the City Council. Staff is discussing the final terms and conditions of the proposed option and we hope to have it to you in advance of Tuesday's meeting.

The Planning Board has indicated its support for the potential eventual sale of this property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action, should an acceptable option agreement be negotiated.

EAB/EMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute an Option Agreement with Parallax Partners, Inc. for property located at 15 and 29 Lincoln Street.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: City Clerk's Office
City Council Members

From: David Hediger

Date: August 10, 2011

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on August 8, 2011 regarding the proposed disposition of city owned land:

The following motion was made:

MOTION: by **Denis Fortier** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the disposition of said real estate as discussed during the Planning Board's executive session held on August 8, 2011. Second by **Eric Potvin**.

VOTED: 6-0 (Passed)

Article VII, Section 4(h) of the Zoning and Land Use Code requires that the board review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure and disposition of all public ways, lands, buildings and other municipal facilities.

c: Ed Barrett, City Administrator
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at www.ci.lewiston.me.us and click on the Non-Discrimination Policy.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Order - Authorizing the City Administrator to Execute a Side Letter of Agreement with AFSCME-Professional Technical Unit regarding Safety Services Provided to School Department.

INFORMATION:

The City Council is requested to ratify a side letter of agreement with AFSCME Council 93 representing the Lewiston Professional Technical Unit. This agreement is regarding the position of the City's Safety Coordinator and his work with the School Department in the areas of workers compensation, safety and other related matters. A few months ago, the Council authorized a Memorandum of Understanding between the School Department and the City regarding these safety services. This agenda item is regarding the employee union's approval of the program.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute a Side Letter of Agreement with AFSCME-Professional Technical Unit for Safety Services provided to the School Department.



**City of Lewiston Maine
City Council Resolve
August 16, 2011**



Order, Authorizing the City Administrator to Execute a Side Letter of Agreement with AFSCME-Professional Technical Unit – Safety Services Provided to School Department.

Whereas, the City Council and School Department have agreed to a Memorandum of Understanding which will utilize the City's Safety Coordinator's services to support and assess the workers compensation, safety, and other related matters associated with School Department operations; and

Whereas, the AFSCME-Professional Technical Unit leadership has agreed to permit the City Council to act on this Side Letter of Agreement to implement this Memorandum of Agreement;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that

The City Administrator is authorized to execute with the AFSCME-Professional Technical Unit a Side Letter of Agreement relating to City Safety Coordinator Donald Mailhot in a form substantially as is attached hereto as well as any other amendments which do not substantially alter the conditions or terms expressed in the Side Letter and which are necessary to implement the Memorandum of Agreement with the School Department.



Executive Department
Phil Nadeau
Deputy City Administrator
Director, Human Resources Department



SIDE LETTER OF AGREEMENT

The City of Lewiston and AFSCME, Lewiston Professional Technical Unit, hereby agree to permit its member, Donald Mailhot, to participate in the Human Resources Pilot Project Memorandum of Understanding (MOU) approved by the Lewiston City Council on July 19, 2011. The Side Letter of Agreement, the MOU or any amendments which do not substantially change the terms of the agreement, shall be void if not approved by the Maine Commissioner of Education.

The MOU states that Mr. Mailhot "shall provide (Safety Manager) services to both the City and the School as provided in this Agreement and as further agreed to by the Superintendent, the City Administrator and the Directors of Human Resources." The types of services he currently provides will be available to the School Department but he will also be working to assess and analyze all aspects of risk management and how his services could best serve the School Department in the future.

The term of this Side Letter of Agreement shall run concurrently with the MOU and shall cover the period from July 1, 2011 to July 1, 2012 or may end sooner by mutual agreement between the School Department and the City of Lewiston.

Mr. Mailhot shall remain in the employ and under the supervision of the City of Lewiston and its Human Resources Department.

The School Department shall pay Mr. Mailhot a stipend of \$9,404 and shall be paid monthly for the services he will provide to the School Department for the duration of the MOU. Mr. Mailhot will be paid the entire stipend and the duration of the MOU shall not impact any portion of the stipend payment.

As part of the compensation for the additional duties assigned and/or designated as part of this Side Letter of Agreement, Mr. Mailhot's vacation time shall be increased from the current 1.25 days a month to 2 days a month retroactive to July 1, 2011 through June 30, 2012 regardless of the period of time the MOU is in effect. This provision, if approved by the union, must be ratified by the City Council prior to taking effect.

This sidebar agreement shall not be precedent setting and shall be applicable to this MOY only.

Date

Signed (Union Representative)

Date

Ed Barrett, City Administrator

LEWISTON CITY COUNCIL

MEETING OF AUGUST 16, 2011

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve - Establishing a Charter Review Committee.

INFORMATION: During the last calendar year, the City Council, at the suggestion of the Mayor, considered establishing a Charter Review Committee. It was not pursued at that time due to the press of business. The Mayor has again requested that such a Committee be established. The Charter has not been comprehensively reviewed since it was initially adopted in 1980. From time to time, issues have been identified where the Charter is either outdated or lacks clarity. For example, changes in state law governing adopting the school budget do not harmonize well with the budget language of our charter; the provision designating the Finance Committee as the City's Pension Board is no longer applicable; the requirement to advertise a public hearing on bond issuance between 7 and 15 days prior to final Council action is problematic as we found when a bond order was tabled, requiring readvertising at additional cost; the provision requiring candidates for city office to resign from appointed boards or commissions should be clarified. There are numerous other issues that have arisen from time to time and which should be reviewed. Also see attached a Legal Note from Maine Municipal discussion the difference between amending and revising the charter, given that the Committee's charge includes both recommending amendments and considering whether full charter revision should be considered.

As proposed, the Committee would be composed of 7 members selected by the Mayor from among those nominated by the Council, with each Councilor nominating two possible members. The Mayor would designate one of the members as Chair. It would present recommendations to the Council by January 31, 2012.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Resolve establishing a Charter Review Committee.



**City of Lewiston Maine
City Council Resolve
August 16, 2011**



Resolve, Establishing Charter Review Committee

Whereas, the current Charter of the City of Lewiston was adopted in 1980; and

Whereas, while the Charter has periodically been amended, it has not been comprehensively reviewed since its initial adoption; and

Whereas, it is, therefore, timely to undertake a comprehensive review of the Charter in order to identify amendments and revisions designed to improve the functioning of Lewiston City Government; and

Whereas, the most appropriate vehicle for undertaking such a review is to appoint a committee of citizens with extensive knowledge of the community and of City government; and

Whereas, such Committee is to be tasked with reviewing the current Charter and recommending amendments for consideration by the City Council; and

Whereas, such Committee may also consider whether a complete Charter revision is necessary, such revision to be undertaken by an elected Charter Commission;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

There is hereby established a Charter Review Committee.

1. Purpose. The Committee shall undertake a comprehensive review of the Charter of the City of Lewiston and shall
 - a. Recommend to the City Council amendments to the Charter designed to improve the operations of City government;
 - b. Recommend to the City Council whether a Charter Commission should be elected to undertake more substantive revisions to the Charter that might alter the basic structure or form of City government.
2. Composition. The Committee shall be composed of seven members who shall be residents of the City of Lewiston and who have a background in or understanding of City government and its operations.

- a. Prior to August 31, 2011, each Councilor shall nominate two candidates for appointment to the Committee.
- b. The Mayor shall select one of the two candidates nominated by each Councilor for appointment to the Committee.
- c. In the event that a Councilor does not make nominations by August 31, 2011, the Mayor shall make an appointment.
- d. In the case of a vacancy on the Committee, a replacement shall be appointed in the same manner as was the initial member.
- e. The Mayor shall designate one of its members to serve as Chair.

3. Term

The Committee shall submit a report to the City Council on or before November 15, 2011 and shall officially dissolve on January 1, 2012.

4. Staff Support

The City Administrator's Office shall provide logistical support to the Committee and may utilize the services of the City Attorney as deemed necessary by the Administrator. In addition, other members of the City Management Team shall cooperate with the Committee as required.

5. Meetings and Reports

The Committee shall meet as necessary at a time convenient to its members. Minutes of these meetings shall be kept and provided to the City Council and shall be posted on the City Web site.

6. Public Hearing/Comments

The Committee shall solicit public comments on possible charter changes through whatever mechanisms the Committee shall see fit to select. It shall, however, hold at least one public hearing after completing the majority of its work but prior to finalizing its report to the City Council.

from Legal Notes Archive Collection

Charter Revision or Charter Amendment?
(from *Maine Townsman*, "Legal Notes," May 1982)
by William Livengood, MMA's Director of Legal Services

Please Note: Despite this article's original publication date, it remains a valid resource on the relevant subject matter. Recent cases and statutory changes are footnoted to reflect current law. (9/03)

Question: What is the difference between a charter revision and a charter amendment?

Answer: The provisions of Title 30 MRSA Sections 1911-1920 (Home Rule)[Now found at 30-A M.R.S.A. § 2101-2109.], provide two separate and distinct procedures for change of a municipal charter. Section 1912[Now Section 2102.] relating to "charter revisions" requires the establishment of a charter commission, while Section 1914[Now Section 2104.] relating to "charter amendments" does not. Unfortunately, no distinction is made in the statute itself between these two concepts, nor are there any reported Maine cases which define these two terms. For these reasons, one must resort to the generally accepted meanings of these two terms and presumed legislative intent in order to determine which procedure is applicable to any given situation.

Obviously, both "revision" and amendment" connote change; any distinction between the two must be based upon the degree of change contemplated. In the case of *Kelly v. Laing*, 242 N. W. 891 259 Mich 212, the Supreme Court of Michigan made the following comparison of the two terms:

"Revision" and "amendment" have the common characteristics of working changes in the charter, and are sometimes used in exactly the same sense but there is an essential difference between them.

"Revision" implies a reexamination of the whole law and a redraft without obligation to maintain the form, scheme, or structure of the old. As applied to fundamental law, such as a constitution or charter, it suggests a convention to examine the whole subject and to prepare and submit a new instrument whether the desired changes from the old are few or many. Amendment implies continuance of the general plan and purpose of the law, with corrections to better accomplish its purpose. Basically, revision suggests fundamental change, while amendment is a correction of detail.

Although there is some authority which indicates that a change in a city's form of government may be accomplished by a process of "amendment," the cases which so hold seem to involve statutes which only distinguish between amendment and totally new charters. *State v. Orange* [Tex. x. Civ. App.] 300 SW 2d 705, *People v. Perkins* 137 P. 55. However, as in Maine law,

where the statute authorizing the changes distinguishes between "charter amendment" and "charter revision," it has been held that "(a) change in the form of government of a home rule city may be made only by revision of the city charter not by its amendment." *City of Midland v Arbury* 38 Mich App. 771, 197 N.W. 2d 134.

City of Midland v. Arbury involved a situation in which the change sought consisted of the addition of the appointed city manager to the list of officers subject to removal by popular vote. When reviewing the vote which accepted this change as an "amendment" the court reasoned that:

. . . if the proposed change only amends, alters, or improves within the lines of the original charter, it is an amendment and the passage by the city electorate was valid. But, if the proposed change totally disrupts, cancels, abrogates, or makes inoperable the original charter, it is a revision and the amendment procedure and vote is subject to reversal.

Because the effect of the proposed "amendment" in the Arbury case was to change the fundamental professional administrator concept of the Commissioner-City Manager form of government, the court held that "revision" procedures should have been followed, and declared the vote void.

In summary, it would seem that any major change in governmental form and scheme would probably be interpreted as a charter revision and should be achieved through the more thorough process of deliberation afforded by establishment of a charter commission under 30 MRSA § 1912[30-A M.R.S.A. § 2102].

Since the process chosen (revision or amendment) may effect the legality of a charter change, the 110th Legislature recently enacted P.L. 1982 c. 687 to provide that persons petitioning for a charter "amendment" under 30 MRSA § 1914[30-A M.R.S.A. § 2104], may include language in the petition which requires that the petition be treated as a request for a charter commission if the municipal officers. . . "determine, with the advice of an attorney, that the proposed amendment would constitute a revision of the charter." The intent of this statute is to avoid the frustration which petitioners might experience if their requested change proves to be more fundamental than they had envisioned.

The opinions printed above are written with the intent to provide general guidance as to the treatment of issues or problems similar to those stated in the opinion. The reader is cautioned not to rely on the information contained therein as the sole basis for handling individual affairs but he/she should obtain further counsel and information in solving his/her own specific problems.