

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 14, 1999

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Lynch, Kelly, Carignan, Albert, Samson, Bilodeau, Putnam, City Administrator Robert J. Mulready, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

Mayor Tara presented plaques to the outgoing City Councilors, which are Councilor Lynch, Ward One; Councilor Kelly, Ward Two; Councilor Albert, Ward Four and Councilor Putnam, Ward Seven. She thanked the Councilors for their hard work and dedication to the City during their terms in office. The outgoing Councilors thanked the voters for the opportunity to serve, thanked their fellow Councilors and city staff.

LEWISTON HIGH SCHOOL MARCHING BAND RESOLUTION

VOTE (1)

Motion by Councilor Kelly, seconded by Councilor Carignan:

WHEREAS, The Lewiston High School Marching Band recently participated in the 1999 Maine Band Directors Association State Competition held at the University of Maine, Orono campus, and

WHEREAS, the performance given by the 75 member band, which included the color guard, was exemplary in technical proficiency, and

WHEREAS, members of the Marching Band needed to memorize the seven and one-half minutes of music because performers are not able to read the sheet music while performing the intricate drill routine, and

WHEREAS, the Lewiston High School Marching Band is under the direction of Ray Libby, Lewiston High School Music Department Director, along with Jeff Orwig as the drill instructor, Pauline Moreau as assistant drill instructor, Laurie Cote as color guard instructor, Cindy Deschenes as assistant color guard instructor, Wayne Strout as percussion instructor and Rick Deschenes as assistant percussion instructor, and

WHEREAS, the band members and color guard members demonstrated great dedication, teamwork, enthusiasm, energy and "Blue Devil" spirit, and

WHEREAS, the success of the Marching Band would not have been accomplished without the support and dedication of parents, volunteers and the hard work of the Band Boosters Club, and

WHEREAS, on October 30, 1999, the Lewiston High School Marching Band and Color Guard claimed the State Championship for Division II and brought home the gold state championship medals,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISTON, THAT The City of Lewiston hereby recognizes and congratulates the Lewiston High School Marching Band on their 1999 State Championship designation and encourages the Marching Band to continue to their strive for excellence.

Passed - Vote - 7-0

Mayor Tara presented representatives of the Lewiston High School Marching Band with the Resolution commending their recent designation as State Champions.

VOTE (2)

Motion by Councilor Carignan, seconded by Councilor Samson:

To dispense with the reading of the minutes of the November 9, 1999, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

VOTE (3)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To address item ten after item seven, and to address item seven after item three. Passed - Vote 7-0

ORDINANCE PERTAINING TO AUTHORITY TO NAME STREETS

Councilor Lynch reported the Ordinance Committee met prior to the Council meeting and voted unanimously to support this amendment. This provision is common in municipal ordinances around the state.

VOTE (4)

Motion by Councilor Samson, seconded by Councilor Putnam:

That the proposed amendments to Chapter 66, Sections 66-1 and 66-2 of the City Code to grant the city the authority to name private ways receive first passage by a yea or nay vote.
Passed - Vote - 7-0

VOTE (5)

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

To waive the Rules Governing City Council Procedure and to hold final passage at this time. Passed - Vote 7-0

VOTE (6)

Motion by Councilor Bilodeau, seconded by Councilor Putnam:

That the proposed amendments to Chapter 66, Sections 66-1 and 66-2 of the City Code to grant the city the authority to name private ways receive final passage by a yea or nay vote.
Passed - Vote 7-0

STREET RENAMING FOR ENHANCED 911 PUBLIC SAFETY

Robert Foss, owner of the Country Lane Estates, requested the Council not change any of the street names in the trailer park. He feels the change from Meadow Drive to North Meadow Drive is not necessary and does not believe there is confusion between Meadow Drive and Meadow Lane. Ed Carpenter and Linda Kroft of Meadow Lane both spoke about confusions they have encountered regarding the street names and suggested the Council support the recommendation of the E911 Committee to change Meadow Drive to North Meadow Drive. Gloria Pettengill of Grove Avenue asked to have the street name remain and not be changed. It was noted for safety reasons it must change. She suggested the name of Gloria Avenue. No other members of the public spoke for or against this issue.

VOTE (7)

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

To change the name of Meadow Drive to North Meadow Drive; to change the name of Grove Avenue to Gloria Avenue and to change the name of Pleasant Street, near turnpike to South Pleasant Road. Passed - Vote 5-2 (Councilors Albert and Samson opposed)

VOTE (8)

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the street renaming be conditional upon all City and

public safety agencies conducting the necessary work to insure that street signs and applicable maps are updated, and;

That the City work with the Post Office to notify all residences as to when the names will be officially changed, and;

That the following streets be renamed as proposed by the E911 Committee:

<u>Current Street Name</u>	<u>Proposed Street Names</u>
Country Lane Estates (1211 Sabattus Street)	Ledgemere Lane Harvest Lane Circle Drive Village Drive Evergreen Road Pinetree Lane Oxbow Drive Sheldon Place Parkview Lane North Meadow Drive
Grove Avenue	Gloria Avenue
Pleasant Street - near turnpike	South Pleasant Road

Passed - Vote 5-2 (Councilors Albert and Samson opposed)

ESTABLISHMENT OF MAYOR'S DOWNTOWN RENAISSANCE ADVISORY BOARD

Councilor Lynch noted the Ordinance committee reviewed this proposed amendment prior to the Council meeting and recommends approval of the amendment yet suggested changing the word "policy" to "purpose" on page 2, section e.

VOTE (9)

Motion by Councilor Lynch, seconded by Councilor Kelly:

To change the word from "policy" to "purpose" on page 2, section e. Passed - Vote 6-0 (Councilor Putnam out of the room at this time.)

VOTE (10)

Motion by Councilor Carignan, seconded by Councilor Kelly:

That the proposed amendments to Chapter 2, Article IV of the City Code to establish the Mayor's Downtown Renaissance Advisory Board receive first passage by a yea or nay vote.

Passed - Vote 7-0

VOTE (11)

Motion by Councilor Carignan, seconded by Councilor Kelly:

To waive the Rules Governing City Council Procedure and to hold final passage at this time. Passed - Vote 7-0

VOTE (12)

Motion by Councilor Bilodeau, seconded by Councilor Kelly:

That the proposed amendments to Chapter 2, Article IV of the City Code to establish the Mayor's Downtown Renaissance Advisory Board receive final passage by a yea or nay vote. Passed - Vote 7-0

**APPEAL FROM CLUB WHAT FOR A FOOD SERVICE
ESTABLISHMENT LICENSE**

Mayor Tara opened the public hearing regarding the license appeal of Mr. Arthur Richard regarding his food service establishment license. Mr. Richard stated he is appealing the denial of his application because he realizes his past criminal history was wrong, yet stated he will not conduct such activities in the future. The Chief of Police spoke in favor of upholding the denial due to Mr. Richard's background and concerns this activity may take place again since the violations were only one year ago and since the applicant currently operates an adult business establishment in another community.

VOTE (13)

Motion by Councilor Kelly, seconded by Councilor Putnam:

That the City Council uphold the decision of the City Clerk regarding the denial of a food service establishment license application for Club What, Inc., Arthur Richard, proprietor, due to the following findings of fact:

- 1) Section 22-33 of the City Code allows for the City Clerk to request an investigation of any applicant for a business license and said investigation shall be conducted by the Police Department;
- 2) The Police Department conducted an investigation and based upon their findings of fact, the Department is strongly opposed to the issuance of a business license to Arthur Richard due to past criminal involvement, of which criminal actions reflect a lack of good morale character.

Passed - Vote 7-0

VOTE (14)

Motion by Councilor Lynch, seconded by Councilor Carignan:

To strike from the previous motion "of which criminal actions reflect a lack of good morale charter."

Passed - Vote 7-0

LIQUOR LICENSE APPLICATION FOR CLUB WHAT, INC.

Mayor Tara opened the public hearing. Mr. Richard stated the same information he presented to the Council for the previous appeal applies for this appeal request as well.

VOTE (15)

Motion by Councilor Carignan, seconded by Councilor Samson:

That the City Council hereby denies the endorsement and issuance of a State of Maine Liquor License for Club What, Inc., Arthur Richard, proprietor, due to the following findings of fact:

- 1) Municipal officers must approve or deny the issuance of a State of Maine liquor license if said business intends to operate in that municipality;
- 2) Maine Revises Statutes Annotated, Title 28A, section 654 states "In issuing or renewing licenses...the municipal officers...shall give consideration to the character of any applicant...".
- 3) The Police Department is strongly opposed to the issuance of a liquor license to Arthur Richard due to past criminal involvement.

Passed - Vote 7-0

WS LIBBEY MILL PROPERTY

City Finance Director Richard Metivier informed the City Council that the tax lien on the WS Libbey Mill property will mature on Friday, December 16, which will result in an automatic foreclosure of the property. The City Administrator mentioned safety concerns regarding the roof of the building. It is the City Administrator's recommendation to take no action on this issue, which will allow the tax

lien to mature and allow the property to automatically foreclose.

Rita Jean, representing the current mill owners which are Miracle of Living Waters, stated she has been in contact with investors who are interested in purchasing the mill and paying off the back taxes. Ms. Jean's realtor also addressed the Council to confirm they are working with private investors. Ms. Jean stated she does not have the financial capacity at this time to have the structural repairs done to the mill, as a result of the recent fire, in order to have the building secure. Councilors cited concerns with public safety and the potential collapse of the roof.

Motion by Councilor Lynch to waive foreclosure. Motion failed due to lack of a second to the motion.

Councilors informed Ms. Jean that she can work with the city in the future to try to regain ownership of the mill, yet in the best interest of public safety, they feel the city has no choice but to take possession of the mill in order to ensure that safety precautions are done immediately. Many noted this decision is not made lightly.

DOWNTOWN DEVELOPMENT DIRECTOR POSITION

Councilors Carignan, Samson and Bilodeau served on the Mayor's Downtown Renaissance Task Force and supported the need for such a position.

VOTE (16)

Motion by Councilor Lynch, seconded by Councilor Putnam:

To table this item until the next Council meeting to allow the incoming Council to address this issue.

Failed - Vote 3-4 (Councilors Carignan, Albert, Samson and Bilodeau opposed.)

VOTE (17)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To establish the position of a Downtown Development Director. Passed - Vote 6-1 (Councilor Putnam opposed)

PRESENTATION OF ANNUAL FINANCIAL REPORT

City Finance Director Richard Metivier, along with representatives of the city's auditing firm of Runyon, Kersteen and Ouellette, made a presentation to the City

Council regarding the financial status of the city and the results of the fiscal year 1998-99 audit report.

RESOLUTION IN SUPPORT OF POST OFFICE DISTRIBUTION CENTER

VOTE (18)

Motion by Councilor Carignan, seconded by Councilor Albert:

Whereas, The location of the proposed new postal distribution center is of significant interest to the well-being and life of Maine in general and the Lewiston-Auburn area in particular, and

Whereas, Postal Department procedures with regard to site selection are clear and should be followed, and

Whereas, The site selection process conducted by the Postal Service was a fair and open one, free of political interference in which a wide array of sites were considered, and

Whereas, That process resulted in the selection of a site in Lewiston-Auburn because it met all the criteria for an optimum site for the State of Maine and the Postal Department from the perspectives of the environmental concerns, postal operational efficiencies and cost benefits, and

Whereas, The decision of the Postal Service to locate in Lewiston-Auburn was made on the basis of a careful, fair, and impartial process,

Now, Therefore, Be It Resolved That The Lewiston City Council, meeting in regular session on Tuesday, December 14, 1999, does hereby emphatically encourage the Postal Service to reaffirm its fair process and its decision to locate the new facility in Lewiston-Auburn. Passed - Vote 7-0

REQUEST FROM FESTIVAL DE JOIE FOR ASSISTANCE

VOTE (19)

Motion by Councilor Kelly, seconded by Councilor Samson:

To approve the request from the Festival de Joie Committee for assistance for the festival to be held August 4, 5 and 6, 2000 at the Central Maine Civic Center and Drouin Field complex, to include a downtown prelude on August 2 and 3, 2000, and to agree to include \$5,000.00 in the upcoming 2000-2001 fiscal year budget in support of the prelude. Passed - Vote 7-0

L/A INTERLOCAL AGREEMENT FOR THE 911 CENTER

Councilor Putnam informed the Council of the need to amend the Interlocal Agreement due to the requirement in the bylaws that committee members must be a resident of Lewiston. The current representative is Heather Hunter, the City Auditor who is not a resident of Lewiston. The committee is recommending to Lewiston and Auburn councilors to waive the residency requirement if the representative is a Lewiston employee. This issue will be brought back to both Councils for a future meeting.

ADOPTION OF CDBG CITIZENS PARTICIPATION PLAN

VOTE (20)

Motion by Councilor Carignan, seconded by Councilor Samson:

To approve the Citizens Participation Plan and Planning Process Schedule for the FY2001 Community Development Program, as recommended by the Planning Board.
Passed - Vote 7-0

TRAFFIC SCHEDULE AMENDMENTS

The proposed amendment to eliminate parking meters on Bates and Middle Streets was removed from the agenda by the City Administrator prior to the vote. It was noted those recommendations do not conform to the parking traffic study.

VOTE (21)

Motion by Councilor Carignan, seconded by Councilor Albert:

To amend the Traffic Schedule to add handicapped parking spaces on Bates, Main and Middle Streets. Passed - Vote 7-0

CROWLEY ROAD BRIDGE AGREEMENT

VOTE (22)

Motion by Councilor Carignan, seconded by Councilor Samson:

To authorize the City Administrator to enter into an Agreement with the State Department of Transportation regarding the additional approach to the Crowley Road Bridge.
Passed - Vote 7-0

EAST AVENUE AGREEMENT

VOTE (23)

Motion by Councilor Carignan, seconded by Councilor Samson:

To authorize the City Administrator to enter into an Agreement with the State Department of Transportation regarding the roadway improvements to East Avenue.
Passed - Vote 7-0

EXTENSION OF CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT

VOTE (24)

Motion by Councilor Carignan, seconded by Councilor Samson:

To extend the employment agreement of Robert J. Mulready to remain as the City Administrator until no later than March 31, 2000. Passed - Vote 7-0

APPOINTMENTS TO MMA LEGISLATIVE POLICY COMMITTEE

VOTE (25)

Motion by Councilor Carignan, seconded by Councilor Samson:

To appoint Assistant City Administrator Phil Nadeau as the City's staff representative, and City Clerk Kathleen Montejo as the City's alternate staff representative, to the Maine Municipal Association's Legislative Policy Committee.
Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER TO FORFEITURE FUNDS

VOTE (26)

Motion by Councilor Carignan, seconded by Councilor Samson:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5826(6) the City Council hereby acknowledges and approves of the transfer of \$45.00 in the case of State of Maine vs. Jon DeNormandie, Lewiston Police Department #97-30959. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No.590-3514050 at People's Heritage Bank. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMITS

VOTE (27)

Motion by Councilor Carignan, seconded by Councilor Samson:

To grant a Special Amusement Permit for Dancing and Entertainment to Sportsmans's Athletic Club, 2 Bates Street

and to the Ramada, 490 Pleasant Street. Passed - Vote 7-0

REQUEST TO USE KENNEDY PARK

VOTE (28)

Motion by Councilor Carignan, seconded by Councilor Samson:

To authorize the March for Jesus committee to use Kennedy Park on June 10, 2000, for a prayer assembly, subject to the following conditions:

1. Area to be kept properly cleaned by March for Jesus committee.
 2. Security, satisfactory to the Police Chief, to be provided at the expense of March for Jesus committee.
- Passed - Vote 7-0

REPORT FROM THE SCHOOL COMMITTEE

Councilor Albert thanked the Councilors for the opportunity to serve as their representative to the School Committee and thanked them for their support of school issues.

VOTE (29)

Motion by Councilor Kelly, second by Councilor Carignan:

To adjourn at 10:30 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo
City Clerk
Lewiston, Maine