

# CITY OF LEWISTON

**CITY COUNCIL**

**JUNE 17, 1997**

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

THE HONORABLE JOHN T. JENKINS, MAYOR PRESIDING.

PRESENT: Councilors Lynch, Kelly, Gray, Albert, Samson, Bilodeau, Putnam, City Administrator Robert J. Mulready, and City Clerk Gerald P. Berube.

Pledge of Allegiance to the Flag.

Moment of Silence.

### **VOTE (1)**

Motion by Councilor Putnam, seconded by Councilor Kelly:

To dispense with the reading of the minutes of the meeting of June 3, 1997, and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### **FINAL PASSAGE OF 1998 TAX RESOLVE**

### **VOTE (2)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

That the Tax Resolve instructing the Chief Assessor to raise \$34,411,755.00 to finance the 1998 Fiscal Year budget, has final passage by a yea and nay vote. Passed - Vote 7-0

### **PUBLIC HEARING ON 1998 CAPITAL IMPROVEMENT PROGRAM BOND ISSUE**

City Administrator Robert Mulready reviewed the projects in the proposed bond issue and answered questions.

Members of the City Council were advised that the initial impact of these bond issue projects will be in fiscal year 1999 when the first debt service payments are due. The net impact for the school projects in fiscal year 1999 will be \$287,368 based on funding the computers over three (3) years and the remaining projects over a ten or twenty year period.

After hearing all parties wishing to speak on this issue the following action was taken.

**VOTE (3)**

Motion by Councilor Lynch, seconded by Councilor Samson:

ORDERED, That \$3,310,000 be appropriated for financing the following Capital Improvement Program:

<u>PROJECT</u>	<u>AMOUNT</u>
<b><u>SCHOOL</u></b>	
Martel School Roof Replacement	50,000
Montello School - Asbestos Abatement	90,000
Montello School - Handicap Accessibility	80,000
Classroom Computers	700,000
<b><u>ADMINISTRATION</u></b>	
ADA Compliance Improvements	100,000
<b><u>FINANCE</u></b>	
Parking Garage Repairs	150,000
<b><u>PUBLIC WORKS</u></b>	
City Building Rehabilitation	200,000
Combined Sewer Overflow Minimum Controls	40,000
Gully Brook Drainage: Engineering & Survey	50,000
G.I.S. Mapping Update	250,000
General Street Rehabilitation	900,000
Traffic Safety Improvements Sabattus @ Farwell	75,000
Cotton Road Bridge Improvements	75,000
Sabattus Street: Campus to Russell	75,000
Screening Plant	125,000
Upper A Hydro Improvements	100,000
<b><u>WATER</u></b>	
Small Main Replacement	100,000
Sabattus St Main Replacement: Central to Sylvan Ave.	150,000
<b>TOTAL</b>	<b>\$3,310,000</b>

FURTHER ORDERED, That to meet this appropriation, \$3,310,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Mayor and Finance Director to advertise for bids for \$3,310,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Mayor and Finance Director are authorized to award the loan to the Maine

Municipal Bond Bank;

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

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Mayor and Finance Director;

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

Passed - Vote 7-0

**PUBLIC HEARING ON AN ORDINANCE PERTAINING TO  
NONCONFORMING USES**

The ordinance pertaining to nonconforming uses which would allow owners of existing developed nonconforming lots with limited lot width the ability to construct additions and accessory structures which would be precluded due to greater space and bulk regulations in most commercial and industrial zoning districts received its first reading at this time.

**VOTE (4)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the ordinance pertaining to nonconforming uses which would allow owners of existing developed nonconforming lots with limited lot width the ability to construct additions and accessory structures which would be precluded due to greater space and bulk regulations in most commercial and industrial zoning districts has passage on first reading by a yea and nay vote. Passed - Vote 7-0

**VOTE (5)**

Motion by Councilor Albert, seconded by Councilor Bilodeau:

That Section 7(c) of the Rules Governing the City Council be suspended to allow a second reading at this time.

Passed - Vote 7-0

The ordinance pertaining to nonconforming uses received its second reading at this time.

**VOTE (6)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the ordinance pertaining to nonconforming uses which would allow owners of existing developed nonconforming lots with limited lot width the ability to construct additions and accessory structures which would be precluded due to greater space and bulk regulations in most commercial and industrial zoning districts has final passage by a yea and nay vote. Passed - Vote 7-0

**VOTE (7)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

To authorize the City Clerk to grant a Class "A" Restaurant license for Little Joe's Chuck Wagon, 740 Sabattus Street, subject to the approval of all required municipal departments. Passed - Vote 7-0

**VOTE (8)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

To authorize an additional 120 days, no-cost option on the Frye School property to the Western Area Agency on Aging, Inc., for the purpose of completing a financing package for a housing and service program concept, and to further authorize the City Administrator to sign the necessary documents on behalf of the City of Lewiston. Passed - Vote 7-0

**BROOKS AVENUE PARKING**

Residents of Brooks Avenue requested that the City Council take necessary action to allow for resident only parking on Brooks Avenue. They advised the Council that employees of businesses along Main Street where parking on Brooks Avenue which is a residential area and should not be used as a parking lot.

Dr. Bruce Mason, whose employees park on Brooks Avenue, advised the City Council that his employees do everything possible not to park in front of residences. He stated that they park in front of the Jepson Brook property, or other vacant lots. In answer to questions from City Council members he stated that approximately eight spaces in his parking lot are saved for his patients and his employees park on Brooks Avenue.

Mayor Jenkins stated he had a serious problem with part of a community being able to restrict access to their neighborhood based on residential status.

After a lengthy discussion, during which Mayor Jenkins stated he would host a meeting which would include a representative from Brooks Avenue, Dr. Mason and Dr. Bergeron in order to resolve this issue, the following action was taken.

**VOTE (9)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the proper ordinance be drafted for public hearing which would allow the City Council to limit parking on certain residential streets including Brooks Avenue to residents and their guests only. Failed - Vote 6-1  
Councilor Lynch cast the only positive vote.

**VOTE (10)**

Motion by Councilor Kelly, seconded by Councilor Samson:

That the traffic schedule be amended to restrict parking the entire length of Brooks Avenue to two (2) hour limit.  
Failed - Vote 4-3 Yeas 1-2-6, Nays 3-4-5-7

**PRIVATIZATION OF CUSTODIAL SERVICES**

Councilor Lynch advised those present that he would abstain from discussion or voting on this issue due to a possible conflict of interest.

Chris Branch, Public Works Director, reviewed the history, cost and advantages of contracting for custodial services. Mr. Branch advised the Council that the City has reached an agreement with the union and the privatization will be accomplished through attrition.

Beverly Bustin, representing the Public Works union, spoke against privatization stating that the employees used by the private firm will be paid minimum wages and receive no benefits.

**VOTE (11)**

Motion by Councilor Kelly, seconded by Councilor Samson:

To authorize the Public Works Director to proceed with the

privatization of custodial services at the District Court/  
Violation, Library, City Building, Police Station and Public  
Works/Water & Sewer. This process to be accomplished  
through attrition of custodial employees.

Passed - Vote 6-0-1 Councilor Lynch abstained.

Peter Van Gagnon, Androscoggin Emergency Management  
Director, and Joanne Potvin, Assistant Director, gave a  
report regarding the unified emergency management activities  
between the Cities of Lewiston and Auburn.

Mr. Van Gagnon also gave an update on the Emergency Manage-  
ment Agency's move to the Lewiston Emergency Management  
Center, planned training sessions, and plans for completing  
the Emergency Operating Center Consolidation Projects.

No action was taken on this issue.

**VOTE (12)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

To approve the following changes to the Consolidated Plan as  
drafted by the City Attorney and recommended by the Planning  
Board.

Page 5, Paragraph 3, add

The City has determined that the area in census tracts 201  
and 204 can fairly be described in accordance with  
contemporary standards as "slum and blight" areas for  
purpose of demolition and removal or rehabilitation and  
repair of redevelopment of property as required.

Page 55, Paragraph, add additional Paragraph 2(e)

e. acquire properties by purchase or eminent domain and  
selectively demolish, rehabilitate or effectuate re-sale for  
uses consistent with program goals, subject to any legal  
requirements.

Page 57, add additional sub-paragraph (h)

h. Implement acquisition plan for adjacent parcels by  
purchase or eminent domain to ensure the City's ability to  
respond to needs of existing or prospective tenants for  
parking, access or other development within the vicinity of  
the Bates Mill Complex.

Passed - Vote 7-0

**VOTE (13)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

To authorize the City Clerk to grant special amusement permits for dancing and entertainment to the following business establishments, subject to the approval of all required municipal departments:

Jim's Jungle, 729 Main Street  
Carlton Club, 25 Sabattus Street  
The Cage, 97 Ash Street

Passed - Vote 7-0

**VOTE (14)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

To authorize the Health Division to apply to the Robert Wood Johnson Foundation for a grant for preventive health care for citizens 50 and over. Passed - Vote 7-0

**VOTE (15)**

Motion by Councilor Kelly, seconded by Councilor Lynch:

ORDERED, That Hamel Road, with the boundaries and admeasurements of the same, as laid out and reported by the Street Committee, be and the same is hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston. Passed - Vote 7-0

**VOTE (16)**

Motion by Councilor Kelly, seconded by Councilor Albert:

That Heather Hunter be appointed to the 9-1-1 Committee to replace Roland Breton during his illness. Passed - Vote 7-0

**VOTE (17)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To adjourn at 10:06 P.M. Passed - Vote 7-0

A true record, Attest:

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**CITY COUNCIL**

**JUNE 17, 1997**

Gerald P. Berube, CMC  
City Clerk  
Lewiston, Maine