

**CITY OF LEWISTON**

**CITY COUNCIL**

**OCTOBER 2, 2012**

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D’Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.  
Moment of Silence.

**PUBLIC COMMENT PERIOD**

No members of the public offered comments at this time period.

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (281-2012)**

Motion by Councilor Libby, seconded by Councilor Christ:

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.

Passed - Vote 7-0

**APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY  
BOARD OF COMMISSIONERS**

**VOTE (282-2012)**

Motion by Councilor Libby, seconded by Councilor Christ:

To confirm the Mayor’s nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Marc. A. Pellerin of 22 Pond Ridge Road (term to expire September 17, 2017) Passed - Vote 7-0

**APPROVAL OF ELECTION WARRANT CALLING FOR THE SPECIAL MUNICIPAL  
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 FOR A MUNICIPAL  
REFERENDUM AND RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR  
OF VOTERS ON ACTIONS NECESSARY TO CONDUCT THE PRESIDENTIAL  
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012**

**VOTE (283-2012)**

Motion by Councilor Libby, seconded by Councilor Christ:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, November 6, 2012 for the purposes of voting on a municipal referendum regarding Charter amendments; and

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal and Presidential Election to be held on Tuesday, November 6, 2012:

A. That the hours for acceptance of registrations in person only, prior to the Nov 6th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, Oct. 17 through Nov 5, 2012; and additional hours of 8:00am to 12 noon on Saturday, October 27, and until 7pm on Thursday, Nov. 1, 2012.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 7:00am, 4:00pm, 7:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

**CONTINUATION OF PUBLIC HEARING ON A NEW LIQUOR LICENSE  
APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR RONDEVU, INC.,  
16-18 PARK STREET**

**VOTE (284-2012)**

Motion by Councilor Libby, seconded by Councilor Christ:

To continue the public hearing regarding a new liquor license application and special amusement permit for Rondevu, Inc., 16-18 Park Street to the next regular City Council meeting of October 16, 2012. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE  
BUSINESS LICENSING ORDINANCE REGARDING THE ADOPTION OF  
APPLICABLE STATE OF MAINE RULES**

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

**VOTE (285-2012)**

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article II “Licenses”, Section 22-49 receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of October 16 for final passage.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS  
CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Timothy Lajoie said the issue is place of signs outside of the public right of way vs. private property. He noted it is illegal and unconstitutional for the city to regulate signs on private property and he thinks this amendment language is fine just the interpretation is wrong. The Mayor then closed the hearing.

**VOTE (286-2012)**

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, Section 16, “Signs” of the City Zoning and Land Use Code, concerning the time limits for the placement of political signs outside of the public right-of-way, receive first passage by a roll call vote, that this proposed amendment be forwarded to the Planning Board for their recommendation, and that the public hearing on said ordinance be continued to a future City Council meeting for final passage.

Passed - Vote 7-0

**AMENDMENTS TO THE MUNICIPAL PARKING FEES POLICY TO REVISE THE  
DOWNTOWN BUSINESS PARKING FEE DISCOUNT PROGRAM**

**VOTE (287-2012)**

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To approve the proposed amendments to the Parking Fees Policy, Policy Manual Number 42, as recommended by the City Administration and the Economic and Community Development Department. Passed - Vote 7-0

**RESOLVE EXTENDING THE TERM OF THE KENNEDY PARK BANDSTAND  
RESTORATION COMMITTEE**

Bill Clifford, chairman of the Restoration Committee, noted they are waiting for the general contractor to meet with the engineer and once the Committee gets a better idea of the construction needs they will start their fundraising work.

**VOTE (288-2012)**

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

To approve the Resolve extending the term of the Kennedy Park Bandstand Restoration Committee:

Whereas, on November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized it to undertake fund raising efforts for the restoration of the Kennedy Park Bandstand; and

Whereas, the Council has designated up to \$75,000 in Community Development Block Grant Funds to be used to match donations received by the City for the restoration; and

Whereas, the Committee also received Council authorization to expend up to \$4,000 of this \$75,000 to undertake design activities and to develop a cost estimate for the restoration project; and

Whereas, this work has been completed and the Kennedy Park Bandstand Restoration Committee has developed a fundraising brochure and a budget; and

Whereas, the Term of the Committee formally expired on September 30, 2012 with the caveat that the Council would consider extending this term if sufficient progress had been made by that date; and

Whereas, the Council finds that sufficient progress has been made;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the term of the Kennedy Park Bandstand Restoration Committee is hereby extended to June 30, 2012.

Passed - Vote 7-0

### **REPORTS AND UPDATES**

The Mayor stated the DHHS Commissioner will be meeting with the Mayors of the larger cities to discuss the issue of general assistance funding.

### **OTHER BUSINESS**

No other business was presented at this time.

### **EXECUTIVE SESSION**

#### **VOTE (289-2012)**

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss the Disposition of Real Estate of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:15pm and ended at 8:48pm.

**EXECUTIVE SESSION**

**VOTE (290-2012)**

Motion by Councilor Christ, seconded by Councilor Libby:

To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss the Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:49pm and ended at 9:12pm.

**VOTE (291-2012)**

Motion by Councilor Butler, second by Councilor Libby:

To adjourn at 9:13P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine