

CITY OF LEWISTON

CITY COUNCIL

APRIL 19, 2011

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (86-2011)

Motion by Councilor Bernier, seconded by Councilor Morgan:

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. Passed - Vote 7-0

Executive Session started at 6:03pm and ended at 6:08pm.

The Council then entered into a Workshop Session to discuss budget issues pertaining to debt service, miscellaneous and municipal revenues.

Councilor Jean arrived at 6:10pm. The Workshop ended at 6:50pm and the meeting began at 7:00pm.

RECOGNITION OF THE STATE CHAMPION LEWISTON HIGH SCHOOL CHEERLEADERS

Mayor Gilbert read a Proclamation recognizing and honoring the LHS Cheerleaders and their coach on their recent state championship win. He then presented copies of the Proclamation to each member of the team.

RECOGNITION OF THE LEWISTON REGIONAL TECHNICAL CENTER'S STATE SKILLS USA WINNERS

Mayor Gilbert read a Proclamation honoring the students from the LRTC who recently won awards in the state competition regarding their respective trades. Due to school vacation week, students were unable to attend the meeting.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Due to school vacation week, none of the members are able to attend the meeting. LYAC Advisor Councilor Butler provided their update noting their MOTIVATE ME recognition event will be held on May 11.

VOTE (87-2011)

Motion by Councilor Jean, seconded by Councilor Morgan:

To dispense with the reading of the minutes of the meeting of April 5 and April 11, 2011 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

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

PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR LITTLE JOE'S BAR & GRILL, 740 SABATTUS STREET

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

VOTE (88-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

To grant a Special Amusement permit for live entertainment to Little Joe's Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING SPECIAL AMUSEMENT PERMITS

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

VOTE (89-2011)

Motion by Councilor Bernier, seconded by Councilor Butler:

That the proposed amendment to the City Code of Ordinances, Chapter 10 "Amusements and Entertainments", Article III "Special Amusement Permit", Section 10-76 "Required" and Section 10-86 "Additional Criteria - Special Amusement Permit Class E", receive final passage by a roll call vote. Passed - Vote 7-0

HEARING ON AN APPEAL FOR A DENIAL OF A BUSINESS LICENSE FOR DA BLOCK NIGHTCLUB, 18 PARK STREET

Mayor Gilbert opened the hearing to receive citizen input and comment. City Clerk Kathy Montejo provided background for this item, noting Mr. Hargrove applied for his Food Service Establishment – Class D (FSE-D) license and a coin operated amusement device license on March 7 and was hoping to open the Under 21 teen dance club/nightclub on March 18. The Police Department recommended the denial of his licenses citing his criminal record in Massachusetts and Portland. Officer Rousseau reviewed the results of Mr. Hargrove's background check and noted the sale of cocaine is a Class C crime. Mr. Hargrove stated he met with the Police Department prior to applying for the licenses and said he was told there would not be any problems or concerns. He also stated he met with residents of Oak Park regarding noise issues from previous clubs at this location. Mr. Hargrove said he has invested \$10,000 in the business for equipment. He noted he would be willing to have two police officers on site at all times while the club is open, which is more than most clubs who serve alcohol have at their locations. Mr. Hargrove said he is a business man who caters to young people and has two sons of his own. He noted his other business ventures include hip hop music clothing lines, a magazine and a hip hop music TV show plus he has recorded his own records that are top sellers at Bull Moose Music. He is planning to hold events at the club that will give back to the community such as book drives as well as events to showcase local youth such as talent shows.

The Mayor confirmed with Mr. Hargrove that he submitted a packet of material to the City Council regarding his current business activities and future plans for the club. The Mayor noted the material contained the address of websites for Mr. Hargrove's businesses and the Mayor saw photos of scantily clad women and other photos that he found questionable and if this is representative of the business that Mr. Hargrove wants to operate to minors, he is opposed to it. Councilor Bernier inquired why Mr. Hargrove wants to open the club in Lewiston since all of his current business ventures are in Portland. He noted the lack of competition here and expenses and costs are cheaper than in Portland.

Mayor Gilbert then closed the hearing.

VOTE (90-2011)

Motion by Councilor Poulin, seconded by Councilor Bernier:

To uphold the City Clerk's action to deny the issuance of a Food Service Establishment Class D license and a coin operated amusement license for Da Block Nightclub, as required in the City of Lewiston City Code, Chapter 22 Business Licenses, Section 22-35 b 3, and to deny Mr. Hargrove's request to appeal the decision to deny issuance of his business licenses.
Passed - Vote 6-1 (Councilor Jean)

APPROVAL OF ELECTION WARRANT FOR THE MAY 10, 2011 ELECTION**VOTE (91-2011)**

Motion by Councilor Jean, seconded by Councilor Butler:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 10, 2011 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election :

- A. That the hours for acceptance of registrations in person only, prior to the May 10th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, April 20 through May 9, 2011.
- 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.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 10 election.

Passed - Vote 7-0

REPORTS AND UPDATES

Mayor Gilbert stated he recently received letters of thanks and commendation from the U.S. Attorney's Office regarding assistance their office received from members of the Lewiston Police Department. Officer Michael Dumont was instrumental with their department in a successful drug trafficking investigation and Detective Scott Bradeen assisted with a computer crime investigation. It was also noted that all Councilors received an invitation from Peter Geiger of Geiger Brothers to attend the May 4 Montello Night of the Stars event, honoring the elementary school students.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (92-2011)

Motion by Councilor Butler, seconded by Councilor O'Connell:

To enter into an executive session pursuant to MRSA Title 1, section 405(6)(E) to discuss pending litigation. Passed - Vote 7-0

Session began at 8:20pm and ended at 8:40pm.

The Executive Session pertaining to Real Estate Negotiations was not held and will be scheduled for a future meeting.

VOTE (93-2011)

Motion by Councilor O'Connell, second by Councilor Butler:

To adjourn at 8:41P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine