

CITY OF LEWISTON

CITY COUNCIL

JULY 18, 2000

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, Samson, Bilodeau, Adams, Acting City Administrator Phil Nadeau, Student Representative Karen Gagnon, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (1)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To dispense with the reading of the minutes of the June 20 and 27, 2000, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

Report from City Council's Student Representatives

Karen Gagnon read her report to the City Council on the results of her trip to the National Youth Summit in June. Karen commented on the materials and information she was able to gather regarding the establishment of a youth council in the City.

LAND USE CODE AMENDMENTS

Mayor Tara opened the Public Hearing. No members of the public spoke for or against this issue.

VOTE (2)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, to amend the definition of mixed use structures, receive final passage by a roll call vote. Passed - Vote 7-0

Mayor Tara opened the Public Hearing. No members of the public spoke for or against this issue.

VOTE (3)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, to amend the definition of frontage,

receive final passage by a roll call vote. Passed - Vote 7-0
Mayor Tara opened the Public Hearing. No members of the public spoke for or against this issue.

VOTE (4)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article XI “District Regulations”, Section 5, “Neighborhood Conservation A District, of the City Zoning and Land Use Code, to amend the regulations for family day care homes, receive final passage by a roll call vote.
Passed - Vote 6-1 (Councilor Gousse opposed)

ADOPTION OF SCHOOL ORDERS

VOTE (5)

Motion by Councilor Carignan, seconded by Councilor Samson:

ORDERED, That this City Council hereby authorizes the School Committee to expend appropriated monies per line in support of educational programs during Fiscal Year 2000-2001 as follows:

LINE	DESCRIPTION	AMOUNT
1	Undistributed	\$ 9,432,440.00
2	Elementary Education - Instructional	5,540,824.00
3	Elementary Education - All Other	1,885,283.00
4	Junior High School - Instructional	2,016,471.00
5	Junior High School - All Other	578,483.00
6	High School - Instructional	3,480,618.00
7	High School - All Other	973,998.00
8	Special Education	5,662,872.00
9	Vocational - Instructional	1,079,393.00
10	Vocational - All Other	450,277.00
11	Student Activities	421,005.00
12	Adult Education	430,889.00
13	TOTAL	\$ 31,952,553.00

Passed - Vote 7-0

VOTE (6)

Motion by Councilor Carignan, seconded by Councilor Samson:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation from the foundation allocation for school purposes the sum of \$26,943,619 and to raise as the local share of the foundation the sum of \$11,334,564. Passed - Vote 7-0

VOTE (7)

Motion by Councilor Carignan, seconded by Councilor Samson:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation from the debt service allocation for school purposes, the sum of \$60,176 and to raise as the local share of the debt service, the sum of \$29,691. Passed - Vote 7-0

VOTE (8)

Motion by Councilor Carignan, seconded by Councilor Samson:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby agrees to appropriate \$3,603,730 in additional local funds under the provisions of 20-A, M.R.S.A., Section 15614. Passed - Vote 7-0

VOTE (9)

Motion by Councilor Carignan, seconded by Councilor Samson:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend \$31,952,553 for the fiscal year beginning July 1, 2000 and ending June 30, 2001 from the state foundation allocation (\$15,609,055), state debt service allocation (\$30,485), FY00 hardship adjustment (\$-0-), student activities (\$15,000), rentals - classrooms and auditoriums (\$12,000), state agency clients - special education (\$120,000), surplus-prior year (\$467,139), Medicaid reimbursement (300,000), local appropriation (\$14,967,985) for the support of schools. Passed - Vote 7-0

VOTE (10)

Motion by Councilor Carignan, seconded by Councilor by Samson:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation of \$430,889 for adult education and to bring forward surplus-prior year (\$-0-), and to raise as the local share for adult education the sum of \$247,889. Passed - Vote 7-0

VOTE (11)

Motion by Councilor Carignan, seconded by Councilor by Samson:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

CATEGORY	ESTIMATED AMOUNT
Dwight D. Eisenhower Act (1996-97) (Title II)	\$ 32,534.00
Chapter I (Title IA)	1,060,474.00
Chapter II (Title VI)	45,338.00
Local Entitlement, Part B, P.L. 101-476	391,200.00
Emergency Shelter Program	120,762.00
Drug Free School Program (Title IV)	26,965.00
Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (P.L. 101-392)	155,239.00
Pre-Apprenticeship	5,000.00
Maine Career Advantage	5,000.00
Sex Equity Cadre Project	5,000.00
Adult Basic Education	56,189.00
Child Care/Transportation Program	4,000.00
Carl Perkins - Central Maine Technical College	3,800.00
Class Size Reduction Grant	212,354.00
Learning Results	44,570.00
ESTIMATED TOTAL	\$ 2,168,425.00

Passed - Vote 7-0

AMENDMENT TO THE APPROPRIATION RESOLVE

VOTE (12)

Motion by Councilor Samson, seconded by Councilor Carignan:

To approve the amended Fiscal Year 2001 budget appropriation resolve, which was adopted by the City Council at the May 11, 2000 City Council meeting, for first passage by a roll call vote. Passed - Vote 7-0

VOTE (13)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To suspend the Rules Governing the City Council to allow a second reading at this time. Passed - Vote 7-0

VOTE (14)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To approve the amended Fiscal Year 2001 budget appropriation resolve, which was adopted by the City Council at the May 11, 2000 City Council meeting, for final passage by a roll call vote. Passed - Vote 7-0

APPROVAL OF THE FISCAL YEAR 2001 TAX RESOLVE

VOTE (15)

Motion by Councilor Carignan, seconded by Councilor Samson:

That the Tax Resolve instructing the Chief Assessor to raise \$ 36,301,635.00 to finance the Fiscal Year 2001 budget, have first passage at this time by a roll call vote. Passed - Vote 7-0

VOTE (16)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To suspend the Rules Governing the City Council to allow for final passage at this time. Passed - Vote 7-0

VOTE (17)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the Tax Resolve instructing the Chief Assessor to raise \$ 36,301,635.00 to finance the Fiscal Year 2001 budget, have final passage at this time by a roll call vote. Passed - Vote 7-0

TAX RATE FOR FISCAL YEAR 2001

VOTE (18)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To accept the recommendation of the Chief Assessor and to set the tax rate for the Fiscal Year 2001 at 27.65 mils. Passed - Vote 7-0

CONSULTING SERVICES FOR DOMESTIC VIOLENCE INCIDENTS

The Chief of Police and a consultant for the Abused Women's Advocacy Project spoke about the national increase in domestic violence incidences. This project would provide a review of domestic violence issues in the City and may offer different approaches in addressing the issue.

VOTE (19)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To authorize an expenditure of up to \$30,000 for a consulting contract to study police programs relating to domestic abuse incidents; the contract funds shall be paid from possible grant funding and the existing Police Department budget. Passed - Vote 7-0

REQUEST FROM AMERICAN RED CROSS

Bonnie Bickford, the executive director of the local Red Cross, addressed the Council on the need for the additional funding. Due to many recent fires in the City, the Red Cross is seeking additional donations.

VOTE (20)

Motion by Councilor Gousse, seconded by Councilor Adams:

To receive and review the request from the United Valley Chapter of the American Red Cross regarding additional funding for their emergency disaster assistance fund and to make a donation of \$5,000 from the Community Development program funds and \$9,000 from the City Contingency fund to support the program. Passed - Vote 7-0

AMENDMENTS TO PERSONNEL POLICES

VOTE (21)

Motion by Councilor Samson, seconded by Councilor Carignan:

To approve the amendment to the Personnel Policies as recommended by the Personnel Board regarding the Health Insurance. Passed - Vote 5-0-2 (Councilors Gousse and Samson were out of the room during this vote.)

TRAFFIC SCHEDULE AMENDMENTS REGARDING TRUCK WEIGHTS

Gertrude Mynahan, a resident of Webster Street, addressed the Council on her concerns regarding safety and truck traffic on this road. She stated she believes the traffic schedule changes are a start, but believes that additional work is needed to ensure the safety of the residents.

VOTE (22)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

The City Council hereby adopts the following amendments to the Traffic Schedule:

Section 46 Truck Weights Regulated

ALFRED A. PLOURDE PARKWAY

Lexington Street to Webster Street between the hours of 6:00 pm to 6:00am Monday through Friday and all day Saturday and Sunday (gross vehicle weight over 19,500 pounds)

OLD LISBON ROAD

Old Webster Road to ~~South Lisbon Road~~ Gould Road (gross vehicle weight over ~~4 1/2 tons~~ 19,500 pounds)

PLEASANT STREET

Lisbon Street to East Avenue between the hours of 11:00pm to 6:00am (gross vehicle weight over ~~4 1/2 tons~~ 19,500 pounds)

POND ROAD

Sabattus Street to Webster Street between the hours of 6:00pm to 6:00am Monday through Friday and all day Saturday and Sunday (gross vehicle weight over 19,500 pounds)

SOUTH AVENUE

Lisbon Street to Pleasant Street (gross vehicle weight over ~~4 1/2 tons~~ 19,500 pounds)

WEBSTER STREET

East Avenue to ~~Pond Road~~ Old Lisbon Road between the hours of 6:00pm to 6:00am Monday through Friday and all day Saturday and Sunday (gross vehicle weight over ~~4 1/2 tons~~ 19,500 pounds)

Passed - Vote 7-0

PUBLIC HEARING ON SHAKER’S RESTAURANT PERMIT

Mayor Tara opened the public hearing, which is a continuation from the previous Council meeting, regarding the possibility of revoking, suspending or amending the Special Amusement permit for Shaker’s Restaurant and Lounge.

The City Code Enforcement Officer, Gil Arsenault, updated the Council on the results of the recent live band event at Shakers. The City hired a sound engineer to monitor the sound decibels during the event. The decibel meter showed 64 decibels and the City Code allows for 60 decibels. It was the opinion of the sound engineer that if additional measures were implemented, a decibel reading of 60 could be attained.

Family members of the abutter, Mrs. Doyon, also addressed the Council. A conclusion was reached that the noise and nuisance issue is from the “pounding” of the bass and not necessarily from the music from the speakers. Even if the sound was at the 60 decibels as allowed per City Code, the bass would still be a problem for the neighbors. Members of the Doyon family stated this problem has been effecting their mother’s health. She has not been able to have a full night sleep in her home, on nights the live entertainment is happening, since the business opened in December.

Michael Berube, owner of Shakers, also addressed the Council and reported that he implemented all of the suggestions offered by the sound technician that he contracted with.

At the suggestion and request of the Council, the city staff will explore the possibility of assisting Shakers in moving their business to another location within the City.

VOTE (23)

Motion by Councilor Carignan, second by Councilor Samson:

To advise Mr. Berube to ensure the sound decibel readings will not exceed the Code limit of 60, and to maintain same conditions on the special amusement permit as set at the June 27 special Council meeting and to continue the public hearing to the August 9 special City Council meeting, Passed - Vote 5-2 (Councilors Bernier and Bilodeau opposed.)

**RECOMMENDATION FROM HISTORIC COMMISSION
REGARDING LIBBEY MILL**

Councilors received a recommendation from the Lewiston Historic Preservation Review Board regarding the Libbey Mill structure. The Board recommended reviewing the decision to remove the Mill complex and suggested the possibility of exploring re-use potential of the area.

VOTE (24)

Motion by Councilor Gousse, second by Councilor Adams :

To rescind vote number 6 taken at the June 6, 2000 Council meeting regarding the demolition of the Libbey Mill complex. Failed - Vote 3 - 4 (Councilors Bernier, Jean,

Samson and Bilodeau opposed.)

Councilor Carignan informed the Council about a national economic development association that is in the City this week reviewing areas of the City at the request of L/A Excels. He noted the Libbey Mill is a significant site and one that should be reviewed by the association regarding their advice for future use.

Some Councilors stated they believe there may have been a misunderstanding about the condition of the Mill buildings and the possibility of future renovations.

VOTE (25)

Motion by Councilor Carignan , second by Councilor Samson:

To continue with the present process of having RFPs issued for bids to demolish the buildings at the Mill complex, yet at the same time to work to receive cost estimates for structural investment to retain a mill building and to “mothball” a mill building to allow a temporary repair to the structure until a future use could be determined, and to report back to the City Council the results of these RFPs and cost estimates, and to have the City Council vote to take final action on the bids received prior to contracts being awarded.
Passed - Vote 6-1 (Councilor Jean opposed.)

RECIPROCITY AGREEMENT WITH THE CITY OF SACO

VOTE (26)

Motion by Councilor Samson, second by Councilor Carignan:

To authorize the Acting City Administrator to enter into a Reciprocity Agreement with the City of Saco for land application of lime stabilized municipal biosolids.
Passed - Vote 6-0-1 (Councilor Gousse was out of the room at the time of the vote.)

AUTHORIZATION FOR FILM PRODUCTION

VOTE (27)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To authorize the Acting City Administrator to work with Hamzeh Mystique Films regarding their request for the use of city services, city property and city personnel during the filming of their movie, “Shadow Glories”, within the City during the months of July and August.
Passed - Vote 6-0-1 (Councilor Gousse was out of the room at the time of the vote.)

GREAT FALLS BALLOON FESTIVAL

VOTE (28)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To approve the requests of the Great Falls Balloon Festival, Inc. Passed - Vote 7-0

TEMPORARY CLOSURE OF MILL STREET

VOTE (29)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To authorize the closure of a portion of Mill Street, between Chestnut Street and Cross Canal Number One, beginning on July 19, 2000 until September 30, 2000, for the construction related to the rehabilitation of Mill 3. Passed - Vote 7-0

OTHER BUSINESS

VOTE (30)

Motion by Councilor Samson, second by Councilor Carignan:

To authorize The Jesus Party to use Kennedy Park from August 6 - 20, 2000, for a Revival Tent meeting, subject to the following conditions:

1. Area to be kept properly cleaned by The Jesus Party.
2. Security, satisfactory to the Police Chief, to be provided at the expense of The Jesus Party.
3. Appropriate insurance and fire safety certificates.
4. Compliance with City ordinances and policies.

Passed - Vote 7-0

VOTE (31)

Motion by Councilor Carignan, second by Councilor Jean:

To adjourn at 10:50P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine