

CITY OF LEWISTON

CITY COUNCIL

MAY 5, 2009

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

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

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

PROCLAMATION FOR PUBLIC SERVICES WEEK

Mayor Gilbert read the Proclamation honoring and recognizing Public Works employees and naming the first week of May as Public Services Recognition Week in Lewiston.

PRESENTATION OF THE ALFRED A. PLOURDE MEMORIAL SCHOLARSHIP

Council President Peters presented the 2009 scholarship to Kathryn DeAngelis, a senior at Lewiston High School.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Luke Jenson stated the group is ready to start to distribute the recycling coloring books to the elementary school students. He noted on April 24, several 55 gallon drums were painted in the Armory parking lot to be used as trash receptacles around the downtown area. The group is conducting a survey of sixth, seventh and eighth graders to ask their opinions of Lewiston and this will be used as a basis to create a youth strategic plan.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time.

APPOINTMENT TO THE BOARD OF APPEALS

VOTE (81-2009)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To appoint Cheryl Bonawitz of 17 Manning Avenue as an associate member to the Board of Appeals for a five year term, said term to expire January 4, 2011. Passed – Vote 7-0

CERTIFICATION OF TAX INCREMENT FINANCING REPORTS REGARDING THE COMMUNITY CONCEPTS BATES STREET SENIOR HOUSING PROJECT AND THE BIRCH HILL ELDERLY HOUSING ASSOCIATES PROJECT

VOTE (82-2009)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

The City Council hereby certifies that the public purpose of the affordable housing districts is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the Districts and the related Affordable Housing Development Programs are being maintained. Passed – Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR CITY SIDE GRILL, 16 PARK STREET

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor T. Peters ask the business manager, John Pulsifer, if he has met with the police department to discuss past issues at this location with previous businesses, such as noise and smoking areas. Mr. Pulsifer noted his business will be a restaurant and not a dance club or a bar. He stated he feels the type of clientele he will have will be different from the previous patrons the night clubs attracted. Councilor Poulin noted the Council would like to see this business be a good neighbor, noting the Council is sensitive to the disturbances in the past at this location and the Council knows the residents of Oak Park will be monitoring the situation.

VOTE (83-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for City Side Grill, 16 Park Street. Passed - Vote 7-0

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

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Business owners Melissa Leighton and Kenny Daigle, Jr. noted they were present to answer any questions the Council may have regarding their business.

VOTE (84-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Little Joe's Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR THE GRIDIRON RESTAURANT, 1567 LISBON STREET

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

VOTE (85-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

To grant a special amusement permit for live entertainment to Gridiron Restaurant, 1567 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON THE 2010 FISCAL YEAR (FY10) COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET AND ADOPTION OF PROGRAM BUDGET

Councilor Theriault announced for disclosure purposes that he owns a building that Androscoggin Head Start leases and they receive CDBG funds. The Council did not feel this was a conflict of interest and Councilor Theriault remained at the dais. Mayor Gilbert opened the public hearing to receive citizen input. Craig Saddlemire of 27 Spruce Street read the definition of the CDBG funding and noted the funds are not intended to replace costs in the operating budget. Ronnie Paradis of 82 Prospect Street spoke in favor of the funds for the Kennedy Park pool house. Mayor Gilbert then closed the hearing. Director of Economic and Community Development James Andrews and Deputy Director Mark McComas made a presentation to the Council and thanked the committee members for their work on the budget preparation. Councilors asked questions on several of the programs to be funded such as the Kennedy Park pool house, Lots to Gardens and others.

VOTE (86-2009)

Motion by Councilor T. Peters, seconded by Councilor Dube:

To adopt the schedule of funds for the FY2010 CDBG budget, including the adjusted amount for the contingency to be \$20,199, as recommended by the Community Development Block Grant Review Committee. Passed - Vote 7-0

VOTE (87-2009)

Motion by Councilor T. Peters, seconded by Councilor Reed:

To authorize the submission of the Action Plan to the Department of Housing and Urban Development. Passed - Vote 7-0

At this point, the Mayor took agenda items 18, 16 and 15 out of order and addressed them at this time.

DISCUSSION REGARDING THE CREATION OF A DOG PARK AT THE MAPLE STREET PARK LOCATION

Marge Bisson of 25 Pine Street addressed the Council regarding the need for a dog park in the downtown area. Mayor Gilbert noted he spoke with Steve Dostie, director of the Animal Shelter and they are constructing two dog parks this summer at their location, however he noted these are not located within walking distance of the downtown area and he suggested the Council consider establishing one at the former site of the Maple Street park, noting the lot is already three-quarters fenced in. The Council decided to send this matter to City Administration for their review regarding the pros and cons of having a municipal dog park as well as the projected costs and liability issues and to report back in one to two months. Mayor Gilbert commented on the Portland dog park.

DISCUSSION REGARDING THE CREATION OF A LOCAL VENDOR PREFERENCE POLICY

Walter Wallace, general manager of Hoya Optical Laboratories in Scarborough, attend the meeting and read a statement about the company losing a State of Maine contract to an outside bidder. The Mayor urged the Council to support this policy, stating that many towns in the country have a similar policy. Councilor Theriault stated he agrees with the idea of supporting local businesses since they pay taxes, spend locally, hire local people as employees and so forth. He noted the Finance Committee recently awarded a bid to Falcon Shoe for boots for the firefighters. Councilor Reed argued the current policy should not be changed, which treats every vendor fairly and creates a level playing field. He said this new policy starts to play favorites among the bidders and allows for people to rig the bids. Councilor T. Peters felt that a definition to define the area of "local" that is permitted in this policy needs to be included. Councilor Poulin noted he supports local businesses, but is in favor of the free market, noting the economy works this way, and that competition drives better prices. Councilor Dube felt this policy would set a good example for residents to buy locally.

VOTE (88-2009)

Motion by Councilor Theriault, seconded by Councilor Dube:

To direct city staff to review this issue and to report back to the Council with their findings and results. Did Not Pass - Vote 2-5 (Councilors Theriault and Dube in favor.)

RECOMMENDATION FROM THE LEWISTON AUBURN PUBLIC HEALTH COMMITTEE PERTAINING TO THE PROPOSED CHANGES TO THE CITY'S PARKS ORDINANCE REGARDING SMOKING

Public Health nurse Ronnie Paradis and representatives from the Healthy Androscoggin Tobacco initiative presented their recommendations to the Council regarding prohibiting or limiting smoking in public parks. They noted they are also speaking with the Auburn City Council regarding the same topic. Councilor Theriault questioned the enforceability of this ordinance.

VOTE (89-2009)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To approve Recommendation Number Two from the Committee and to include the one year warning into the violations language.

Passed - Vote 5-2 (Councilors Theriault and Reed opposed)

ADOPTION OF CITY POLICY REGARDING AN IDENTITY THEFT PREVENTION PROGRAM POLICY FOR CITY UTILITIES

VOTE (90-2009)

Motion by Councilor T. Peters, seconded by Councilor Reed:

To establish and adopt a City Identity Theft Prevention Program policy for the Water, Sewer and Stormwater Utilities, Policy Manual Number 83, as recommended by the City Administrator and Director of Public Services. Passed - Vote 7-0

ACCEPTANCE OF GRANT FUNDS FROM THE US DEPARTMENT OF ENERGY FOR MERCURY VAPOR STREET LIGHT REPLACEMENT

VOTE (91-2009)

Motion by Councilor Reed, seconded by Councilor Poulin:

To approve acceptance of US Department of Energy EECBG grant funds for the Mercury Vapor Street Light Replacement program in the amount of \$157,700, and to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement this project. Passed - Vote 7-0

ACQUISITION OF PROPERTY AT 149 PINE STREET

Community Credit Union president Donna Steckino was present and stated the credit union is dedicated to the community and working to give back to the area. Councilor Poulin felt the cost of the project was too high to the City. Councilor Bailey commented the City needs to invest the money now in this project to see the long term benefits in the future. Councilor Theriault suggested the property needs to be put back on the tax rolls to generate income for the City.

VOTE (92-2009)

Motion by Councilor T. Peters, seconded by Councilor Dube:

To authorize the City Administrator to assume the Purchase and Sale Agreement currently held by Community Credit Union on 149 Pine Street for the purposes of acquiring and demolishing the building; and to further authorize the City Administrator to provide a conservation easement to Lots to Gardens for use of the property as a community garden for a period of time mutually agreed by both parties, and that the City Administrator be and hereby is authorized to make,

execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 4-3 (Councilors Poulin, Theriault and Reed opposed)

PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2009 CAPITAL IMPROVEMENT PROGRAM

VOTE (93-2009)

Motion by Councilor Reed, seconded by Councilor Poulin:

To continue the public hearing to the next regular City Council meeting. Passed - Vote 7-0

DISPOSITION OF ELEVEN PROPERTIES WITH MATURED TAX LIENS

Finance Director Richard Metivier and Tax Collector Paul Labrecque reviewed for Council the list of properties with matured tax liens. There are several properties that have now become tax acquired properties. Eric Rickards of 266 Lincoln Street addressed the Council and noted one of these properties is an apartment building that he purchased as an investment property and is in the middle of renovating. He asked the Council to hold off on the disposition of the property, noting he will meet with the Tax Collector in the morning to make a payment arrangement for the back due taxes. The Council agreed to remove his property from the listing.

VOTE (94-2009)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To direct city staff to begin the process to dispose of the seven properties with matured tax liens located at 6 Lawrence Avenue, 163 Switzerland Avenue, 304 East Avenue, 299 Webster Street, 7 Lincoln Drive, 251 Lincoln Street, and 162 Oxford Street and that the City Administrator be and hereby is authorized to make, execute and deliver any and all documents necessary or convenient for the accomplishment of these transactions. Passed - Vote 7-0

ADOPTION OF CITY POLICY REGARDING STREET LIGHTS

Due to the late hour, this item was not addressed during the meeting and may be brought forward to a future Council meeting.

TRANSFER OF FUNDS FOR THE AUBURN LEWISTON AIRPORT

Due to the late hour, this item was not addressed during the meeting and may be brought forward to a future Council meeting.

ENDORSEMENT OF PARTICIPATION IN THE INTERNATIONAL MAYORS FOR PEACE PROGRAM

Due to the late hour, this item was not addressed during the meeting and may be brought forward to a future Council meeting.

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**DISCUSSION REGARDING AMENDING CITY ORDINANCES TO ALLOW FOR THE
KEEPING OF CHICKENS IN RESIDENTIAL AREAS**

Due to the late hour, this item was not addressed during the meeting and may be brought forward to a future Council meeting.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (95-2009)

Motion by Councilor Theriault, second by Councilor Reed:

To adjourn at 11:10 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine