

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 20, 2009

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

COUNCIL PRESIDENT THOMAS P. PETERS II, PRESIDING.

PRESENT: Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Reed, Acting City Administrator Phil Nadeau and City Clerk Kathleen Montejo. Absent/Excused: Mayor Gilbert and Councilor Dube.

Pledge of Allegiance to the Flag.
Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Holly Lavogna, vice chairperson of LYAC, commented on their recent tour of Bates Mill Number Five, the Franco-American Heritage Center and Museum L-A. She noted they are working on the DVD of Lewiston through the eyes of young people. The date for their youth summit is April 16 from 9am – 1pm at the Armory and there will be workshops on such items as how to purchase a vehicle.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time.

PUBLIC HEARING FOR A LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR MIDTOWN ATHLETIC CLUB, 43 WALNUT STREET

Council President Peters opened the hearing for citizen input and comment. No members of the public spoke for or against this issue. Council President Peters then closed the hearing. Councilor N. Peters said the owner, Carol LeBlanc is moving in the right direction with operating the bar as a private social club that will be open to members only. Ms. LeBlanc said they will allow smoking inside so the issues with smokers outside will be gone. Councilor Bailey thanked Ms. LeBlanc for her work and communication with the Council in addressing the issues at her establishment and feels these are positive changes that will assist with the past problems.

VOTE (279 -2009)

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

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Midtown Athletic Club, 43 Walnut Street. Passed - Vote 6-0

PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE DAWG HOUSE, 1018 SABATTUS STREET

Council President Peters opened the hearing for citizen input and comment. No members of the

public spoke for or against this issue. Council President Peters then closed the hearing. Chief Bussiere noted the ordinance violation in July, yet stated the owner was not at the business at the time and the managers did not understand the regulations. He said that since this incident, he has met with Mr. Higgins and he now understands the regulations. The Chief said the department will be monitoring the activities at this location for continued compliance.

VOTE (280-2009)

Motion by Councilor Reed, seconded by Councilor Bailey:

To grant a special amusement permit for live entertainment to The Dawg House, 1018 Sabattus Street. Passed - Vote 6-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR SCHEMENGEES,
551 LINCOLN STREET**

Council President Peters opened the hearing for citizen input and comment. No members of the public spoke for or against this issue. Council President Peters then closed the hearing. Councilor T. Peters asked the owner, David Lebel about the assault and weapons issues listed in the log. Mr. Lebel said he had no knowledge of these items and thought they must have occurred outside of the business establishment.

VOTE (281-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

To grant a special amusement permit for live entertainment to Schemengees, 551 Lincoln Street. Passed - Vote 6-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR FISHBONES
AMERICAN GRILL, 70 LINCOLN STREET**

Council President Peters opened the hearing for citizen input and comment. No members of the public spoke for or against this issue. Council President Peters then closed the hearing.

VOTE (282-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To grant a special amusement permit for live entertainment to Fishbones American Grill, 70 Lincoln Street. Passed - Vote 6-0

Council President Peters announced that the Council would be taking items 11 and 8 out of order and addressing them at this time.

AUTHORIZATION FOR A JOINT SOFTWARE PURCHASE WITH THE CITY OF

AUBURN FOR THE ENERGOV COMPUTER PROGRAM

Finance Director Richard Metivier said the City will be financing the payments of \$178,000 through a lease-purchase arrangement and the terms of financing will be three to five years. Councilor Theriault suggested an interlocal agreement between the two cities to define how the partnership will function. This will be brought forth at the next meeting. Councilor N. Peters suggested citizens and business owners could pay a convenience fee to access the information on line.

VOTE (283-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the Acting City Administrator to enter into a joint purchase with the City of Auburn for the purchase of the EnerGov computer software program package and to define this joint program via an Interlocal Agreement and to explore adding a convenience fee for citizens to use this service. Passed - Vote 6-0

**REVIEW OF THE CODE ENFORCEMENT DEPARTMENT'S PROCEDURES
REGARDING THE DISCONNECTION OF ELECTRICAL POWER IN
RESIDENTIAL UNITS**

Acting City Administrator Phil Nadeau provided background on this issue, noting it was in response to two recent fires in the city, which included one fatality, in which candles were used as a light source due to electrical disconnections. Ten landlords addressed the Council and said they are happy to work with the City regarding the disconnection of power for the tenants in their units, but the City should not be holding the property owners responsible for the tenants' actions. Mr. Nadeau will be attending their upcoming meeting to discuss this issue more in depth.

VOTE (284-2009)

Motion by Councilor Reed, seconded by Councilor Bailey:

To direct the Code Enforcement Officers to use Option Three – to continue the current practice by the Code Enforcement Department regarding the disconnection of electrical power in rental units, but to not hold the landlords responsible for the actions or inactions of their tenants. Passed - Vote 6-0

**AMENDMENT TO THE GENERAL ASSISTANCE POLICY FOR ANNUAL
AUTHORIZATION OF ELIGIBILITY AMOUNTS**

VOTE (285-2009)

Motion by Councilor Reed, seconded by Councilor Bailey:

That the maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, and utilities in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be adopted

as presented, in accordance with HUD guidelines and the current Thrifty Food Plan.
Passed - Vote 6-0

**ADOPTION OF CITY POLICY REGARDING STREET LIGHTS AND
AUTHORIZATION TO IMPLEMENT OPTION D OF THE BUDGETED
STREETLIGHT REDUCTION PROCESS FOR A TRIAL PERIOD OF ONE AND
ONE-HALF MONTHS**

Councilor Poulin suggested extending this policy to businesses and agencies as well as residential areas. David Chittam of 28 No Name Pond Road suggested eliminating Section 11.3 and said it is an unnecessary burden and staff supported this recommendation.

VOTE (286-2009)

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

To eliminate Section 11.3 of the proposed policy, and to establish and adopt a City Street Lights Policy, Policy Manual Number 82, as recommended by the Acting City Administrator and the Director of Public Services and to authorize city staff to implement Option D of the budgeted streetlight reduction process for a trial period of one and one-half months, to reactivate any streetlight as the request of a resident in the service zone area during the trial period, and to report back the results at the end of the trial period. Passed - Vote 6-0

**RECOMMENDATION ON THE CITY'S PROCEDURES FOR THE CONDEMNATION
OF PROPERTIES**

It was noted in the interest of time that this agenda item will be carried forward to the November 17 meeting.

PRELIMINARY REVIEW OF CITY VOLUNTEER CORPS PROPOSAL

Acting City Administrator Phil Nadeau stated he has met with the union officials to explain the proposed program and he will incorporate their recommendations into the proposal and present this additional information at the November 17 Council meeting.

**ADOPTION OF THE WORKSHOP SCHEDULE FOR THE MONTHS OF
NOVEMBER AND DECEMBER**

In the interest of limited meeting dates for the remainder of the year, the Council decided to hold workshops on three topics - the impacts of the referendum vote outcome, the working connection between Catholic Charities and Social Services Department, and the city donations to local agencies and use of city equipment, and to cancel all other scheduled workshop topics. The Council asked Mr. Nadeau to try to schedule these topics during November.

REPORTS AND UPDATES

No reports or updates were offered at this time.

OTHER BUSINESS

No other business was offered at this time.

EXECUTIVE SESSIONS

VOTE (287-2009)

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

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

Session began at 9:50pm and ended at 10:40pm

VOTE (288-2009)

Motion by Councilor N. Peters, second by Councilor Reed:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss an Economic Development issue regarding Contract Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Session began at 10:40pm and ended at 10:45pm.

VOTE (289-2009)

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

To adjourn at 10:45P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine