

CITY OF LEWISTON

CITY COUNCIL

JULY 25, 2006

**EXECUTIVE SESSION HELD IN THE
EXECUTIVE CONFERENCE ROOM AT 5:00 P.M.**

THE HONORABLE LIONEL C. GUAY, MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor O'Brien

The City Council meeting was called to order by Mayor Guay at 5:05 pm in a public session.

VOTE (180-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To enter into executive session pursuant to MRSA Title 1, Section 405 (6) (c) to discuss an economic development issue, the Island Point Development Project, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Executive Session began at 5:06 pm and ended at 6:25 pm.

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:30 P.M.

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor O'Brien.

Pledge of Allegiance to the Flag.

Moment of Silence.

**PRESENTATION IN RECOGNITION OF NATIONAL CHAMPION
OF BUS DRIVING COMPETITION**

The Mayor and Council presented a certificate of recognition and congratulations to David Webster, a bus driver for the Western Maine Transportation Services, Inc. Mr. Webster won the National Community Transportation Association's Bus Division professional driver competition this year. The Mayor and Council noted how proud they are to have a national champion driving the public transportation buses for the citizens.

**PRESENTATION IN RECOGNITION OF WINNER OF
GOVERNOR'S WRITING CONTEST**

Cassandra Jensen, a junior at Lewiston High School, recently was chosen by Maine authors as one of the three best young writers in Maine, and she was presented with a Governor's Young Writer's Award recently. The Mayor and Council presented Miss Jensen with a certificate of congratulations and recognition.

PRESENTATION IN RECOGNITION OF OUTGOING LYAC MEMBERS

Mayor Guay presented certificates of thanks and well-wishes to three outgoing members of the Lewiston Youth Advisory Council - Sara Peters, Rachel Spilecki and Amanda Martin.

APPOINTMENT OF INCOMING LYAC MEMBERS

VOTE (181-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To appoint the following twelve local youth to the Lewiston Youth Advisory Council for a one year term, said term to begin July 2006 and end June 2007: Allyson Beaucage, Sara Fabrizio, Jenni Golletti, Ray Goulet, Veronica Irish, Luke Jensen, Ashley Morgan, Hossain Naji, Kelin Sevit, Clarissa Smith, Tim Stretton and Danielle Taylor. Passed - Vote 6-0

The Mayor then presented certificates of appointment to the new members.

VOTE (182-2006)

Motion by Councilor Jean, seconded by Councilor Mendros:

To dispense with the reading of the minutes of the June 27, 2006, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

AMENDMENTS TO THE NON-DISCRIMINATION POLICY

VOTE (183 -2006)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To approve the proposed amendments to the Non-Discrimination Policy, Policy Manual Number 2, as recommended by the Human Resource Director. Passed - Vote 6-0

AMENDMENTS TO THE PERSONNEL POLICY

VOTE (184 -2006)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To approve the amendments to the Personnel Policies as recommended by the Human Resources Director. Passed - Vote 6-0

AMENDMENTS TO THE GENERAL ASSISTANCE POLICY

VOTE (185 -2006)

Motion by Councilor Jean, seconded by Councilor Rousseau:

That the maximum amounts allowed for general assistance in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended in accordance with HUD guidelines. Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (186-2006)

Motion by Councilor Jean, seconded by Councilor Rousseau:

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 \$4,864.00, or any portion thereof, in the case of the State of Maine vs. Troy Jenkins a/k/a Phinnigan Edwards, CR-06-502 Court Records. 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', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 6-0

**APPROVAL FOR THE FESTIVAL FRANCO FUN COMMITTEE TO PLACE
TEMPORARY DIRECTIONAL SIGNS IN THE PUBLIC RIGHT OF WAY**

VOTE (187 -2006)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To authorize the Festival Franco Fun Committee to place three temporary, directional signs in the public right of ways at the intersections of East St & Bartlett St, Russell St & Main St and Sabattus St & Randall Rd. from July 26 to August 7. Passed - Vote 6-0

**PUBLIC HEARING ON A PROPOSED CHARTER AMENDMENT TO
ELIMINATE THE PERSONNEL BOARD**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (188 -2006)

Motion by Councilor Paradis, seconded by Councilor Samson:

ORDERED, That proper notice having been given of a Public Hearing, and after full hearing of all parties concerned, Be It Hereby Ordered by the City Council that a Special Municipal

Election shall be held on Tuesday, November 7, 2006 for a proposed Charter Amendment regarding the elimination of the Personnel Board, and be it further Ordered that the following question be submitted to the voters at the Special Municipal Election to be held on November 7, 2006:

“SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT WHICH WILL ELIMINATE THE PERSONNEL BOARD AND DELETE SECTION 4.03 OF THE CITY CHARTER?”

Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE ADMINISTRATIVE ORDINANCE REGARDING FEE ADJUSTMENTS

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

Motion by Councilor Jean, seconded by Councilor Rousseau:

That the proposed amendments to the City Code of Ordinances, Chapter 2 “Administration”, Article VI “Fee Adjustment”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of September 5, 2006 for final passage.

Councilor Paradis stated he would like to see stronger language allowing the Council the ability to waive fees and Councilor Rousseau expressed concern about needing to control the fee increases a little better, rather than just having an increase by percentage. He noted that some fees have increased higher than others and he would like to have the ability to regulate these individually, rather than having an automatic percentage increase. Councilor Mendros stated he disagrees with the ordinance and feels it takes control away from the Council.

VOTE (189 -2006)

Motion by Councilor Samson, seconded by Councilor Jean:

To postpone action on this item to the next Council meeting.

Passed - Vote 5-1 (Councilor Rousseau opposed)

PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENT REGARDING CHILD CARE FACILITY STANDARDS

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Deputy City Administrator Phil Nadeau reviewed the background regarding this item, noting the current regulations such as lot size, etc. make it difficult for people to open and operate a daycare in the downtown urban area.

VOTE (190 -2006)

Motion by Councilor Jean, seconded by Councilor Samson:

That the proposed amendments to Appendix A, Article XII “Performance Standards”, Section 20 “Child care facility standards” of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 6-0

SPECIAL AMUSEMENT PERMIT FOR SPARETIME RECREATION

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (191 -2006)

Motion by Councilor Jean, seconded by Councilor Paradis:

To grant a special amusement permit for dancing and entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 6-0

**UTILITY EASEMENT FOR BARTLETT PARTNERS, LLC TO CONSTRUCT
A DRAINAGE SYSTEM**

VOTE (192 -2006)

Motion by Councilor Samson, seconded by Councilor Jean:

Be It Ordered, that the City shall issue an Easement Deed/Quitclaim Deed with Covenant, substantially in the form as presented, to Bartlett Partners, LLC, for an utility easement, with the boundaries and measurements of the same, as laid out and reported by the Director of Public Works, and be it hereby accepted, allowed and established as an utility easement for the use of Bartlett Partners, LLC. Passed - Vote 6-0

**ISSUANCE OF REQUEST FOR PROPOSAL FOR THE SALE AND
DEVELOPMENT OF PROPERTY AT 335-369 LISBON STREET, 120 CEDAR
STREET AND 142 CANAL STREET ALLEY**

VOTE (193 -2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To approve the issuance of a Request for Proposal for the sale and development of the property at 335-369 Lisbon Street, 120 Cedar Street and 142 Canal Street Alley.
Passed - Vote 6-0

ISSUANCE OF REQUEST FOR PROPOSAL FOR THE SALE AND REDEVELOPMENT OF PROPERTY AT 84 LISBON STREET

VOTE (194 -2006)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the issuance of a Request for Proposal for the sale and redevelopment of the property at 84 Lisbon Street. Passed - Vote 6-0

DISCUSSION OF REPLACEMENT OF OUTDATED WATER MAINS

Deputy Public Services Director Kevin Gagne made a presentation to the City Council regarding the recent changes in the water system, noting in March the City switched from chlorine to another chemical to decontaminate the water.

VOTE (195 -2006)

Motion by Councilor Jean, seconded by Councilor Samson:

ORDERED, that upon recommendation of the City Administrator and Finance Director, the City Council hereby authorizes a transfer in the FY2007 Capital Improvement Bond Issue, approved on June 27, 2006, of \$550,000.00 from the Large Water Mains Replacement Program to the Small Water Mains Replacement Program. Passed - Vote 6-0

BALLOT FOR 2007 SLATE OF EXECUTIVE COMMITTEE AND OFFICERS FOR THE MAINE MUNICIPAL ASSOCIATION

VOTE (196 -2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To select Anne Swift-Kayatta as the City's nominee for candidate for MMA Vice-President Passed - Vote 6-0

VOTE (197 -2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To approve the slate of nominees as presented on the Maine Municipal Association Ballot for Election of the 2007 Executive Committee and Officers. Passed - Vote 6-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Bonnie Gammon of 105 Blake Street presented signed cards from neighbors in the area asking to have the Maple Street Park re-opened for the use of the residents. The City Administrator noted the park was closed due to some safety concerns with the equipment. He will contact the Recreation Director for an update.

EXECUTIVE SESSION

VOTE (198 -2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To continue this item to the next meeting. Passed - Vote 6-0

VOTE (199-2006)

Motion by Councilor Jean, second by Councilor Samson:

To adjourn at 8:45 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine