

CITY OF LEWISTON

CITY COUNCIL

MARCH 1, 2005

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

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

PRESENT: Councilors Bernier, O'Brien, Jean, Connors, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Councilor Mendros was absent/excused.

Pledge of Allegiance to the Flag.

Moment of Silence.

ADOPTION OF THE ANDROSCOGGIN COUNTY HAZARD MITIGATION PLAN

VOTE (70-2005)

Motion by Councilor Jean, seconded by Councilor Rousseau:

Be It Resolved:

Whereas, natural and man-made disasters may occur at anytime, the Lewiston City Council recognizes that to lessen the impacts of these disasters, we will save resources, property and lives in the City of Lewiston and Androscoggin County; and

Whereas, the creation of a Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy; and

Whereas, the fourteen municipalities of Androscoggin County are committed to the mitigation goals and measures as presented in this Plan;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the City Council hereby adopts the 2005 Androscoggin County Hazard Mitigation Plan.

Passed - Vote 6-0

REQUEST TO WAIVE THE LANDFILL TIPPING FEES FOR CONSTRUCTION DEBRIS FOR THE HOPE HAVEN GOSPEL MISSION

Dr. Paul McLaughlin of the Hope Haven Gospel Mission requested that the City waive the tipping fees for construction debris for their renovation project. He said that the group is tearing down an adjacent building at a demolition cost of \$5,500 and the tipping fees are an estimated \$12,750. Dr. McLaughlin asked that in light of the services that the organization provides to area residents and the city funds that are saved by not needing to provide city social services to the people that the Mission has assisted over the years, that the Council would consider allowing the waiver of the tipping fees in exchange for services rendered.

VOTE (71-2005)

Motion by Councilor Bernier, seconded by Councilor Connors:

To waive the landfill tipping fees for construction debris from the Hope Haven Gospel Mission construction project at 47 ½ - 49 Cedar Street and to fund the costs of the tipping fees, not to exceed \$15,000, out of the City's contingency fund. Passed - Vote 6-0

PUBLIC HEARING AND FINAL PASSAGE FOR THE RE-ZONING OF A PORTION OF THE PROPERTY AT 348 EAST AVENUE/192 RUSSELL STREET

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

VOTE (72-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

That the proposed amendment to re-zone a portion of the property at 348 East Avenue/192 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, receive final passage by a roll call vote. Passed - Vote 6-0

At this time, Councilor Bernier stated that she would like the Council to reconsider their actions taken at the previous Council meeting regarding the proposed rezoning of 338 East Avenue. Mayor Guay noted that Councilor Bernier voted on the prevailing side of the issue during the previous meeting and is therefore in order to make the motion for reconsideration.

VOTE (73A-2005)

Motion by Councilor Bernier, seconded by Councilor Rousseau:

To reconsider the Council's action at the previous Council meeting regarding the proposed amendment to rezone the property at 338 East Avenue.
Passed - Vote 5-1 (Councilor Jean opposed.)

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

VOTE (73B-2005)

Motion by Councilor Bernier, seconded by Councilor Paradis:

That the proposed amendment to re-zone the property at 338 East Avenue from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, receive first passage by a roll call vote, and that the public hearing on said ordinance be continued to the meeting of April 5, 2005 for final passage. Passed - Vote 4-3 (Councilors Connors, Paradis and Rousseau were in favor; Councilors O'Brien, Jean and Bernier were opposed; Mayor Guay, to break the tie, voted in the affirmative.)

**PUBLIC HEARING AND FIRST PASSAGE ON AN AMENDMENT TO THE
TRAFFIC AND VEHICLES ORDINANCE**

Mayor Guay opened the public hearing to receive citizen input and comment. Burnie Eveleth, president of the local towing association, addressed the Council and stated they are in support of these proposed amendments. He noted the towing association meets annually with the Androscoggin County Sheriff's Department and the Lewiston Police Department to review issues, and that each towing service in the association is bonded and insured, with trucks inspected and registered accordingly. Chief Welch spoke and stated his department worked with the towing association to develop the proposed amendments and the new procedures will work well for both parties. Mayor Guay then closed the hearing.

VOTE (74-2005)

Motion by Councilor O'Brien, seconded by Councilor Connors:

That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-25 "Procedures applicable to towing and impoundment", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next Council meeting. Passed - Vote 6-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR THE CARLTON CLUB

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

VOTE (75-2005)

Motion by Councilor O'Brien, seconded by Councilor Jean:

To grant a special amusement permit for dancing and entertainment to The Carlton Club, Inc., 25 Sabattus Street. Passed - Vote 6-0

**PUBLIC HEARING FOR PROPOSED EXPANSION OF THE BOUNDARIES OF
THE FRANKLIN PROPERTY TRUST TAX INCREMENT FINANCING DISTRICT**

Mayor Guay opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing. The City Administrator explained the background regarding this item and reviewed issues such as landscaping plans and other related issues.

VOTE (76-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To expand the boundaries of the Franklin Property Trust Tax Increment Financing (TIF) District to include property at the corner of Canal Street and Maple Street, as shown on the

attached map, and to authorize the City Administrator to submit an application to the Maine Department of Economic and Community Development along with other necessary documentation, in support of this action. Passed - Vote 5-0-1 (Councilor Rousseau was out of the room during this item.)

**PUBLIC HEARING FOR APPROVAL OF EASEMENTS FOR FRANKLIN
PROPERTY TRUST/NORTHEAST BANK PROJECT**

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

VOTE (77-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

To continue the public hearing on this item to the next City Council meeting.
Passed - Vote 5-0-1 (Councilor Rousseau was out of the room during this item.)

**TRANSFER OF REAL ESTATE BETWEEN THE CITY OF LEWISTON AND
SISTERS OF CHARITY HEALTH SYSTEMS, INC.**

VOTE (78-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

To authorize the City Administrator to approve real estate transfers between the City of Lewiston and Sisters of Charity Health Systems, Inc. for property in connection with the Maine Department of Transportation Pine Street and Sabattus Street intersection improvement project, and to authorize the City Administrator to make, execute and deliver other such related documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction, and to schedule the street acceptance action and the street discontinuance action at a future Council meeting. Passed - Vote 6-0

**FUNDING APPROPRIATION FOR THE GENDRON BUSINESS PARK PHASE II
SUBDIVISION PLANNING**

The City Administrator stated that the plans for the business park were approved a few years ago and as part of the agreement, the City would upgrade infrastructure in the area to allow for additional development.

VOTE (79-2005)

Motion by Councilor O'Brien, seconded by Councilor Jean:

To appropriate \$100,000 to prepare a subdivision application for Phase II of the Gendron Business Park to be funded through the issuance of a future bond issue. Passed - Vote 6-0

MEETING SCHEDULE FOR THE MONTH OF MARCH

The Mayor noted that due to quorum issues, the next Council meeting will be held on March 8 rather than on March 15. The City Administrator stated that March 22 and March 29 will be special meetings for budget presentations.

REPORTS AND UPDATES

No Reports or Updates were presented at this time.

OTHER BUSINESS

No Other Business was presented at this time.

EXECUTIVE SESSION

Mayor Guay announced the scheduled executive session to discuss labor union negotiations would not be held at this time since some of the unions are still reviewing the contract proposals.

VOTE (80-2005)

Motion by Councilor Bernier, second by Councilor O'Brien:

To adjourn at 8:25P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine