

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 3, 2004

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

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

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

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (38-2004)

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

To dispense with the reading of the minutes of the January 20, 2004, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

WARRANT FOR PROSECUTING UNLICENSED DOG OWNERS/KEEPERS

VOTE (39-2004)

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To issue and sign the warrant for the prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 7-0

ANNUAL SPRING POSTING OF ROADS REGARDING GROSS VEHICLE WEIGHT

VOTE (40-2004)

Motion by Councilor Paradis, seconded by Councilor Rousseau :

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross weight of over 23,000 pounds:

From March 1, 2004 to May 1, 2004:

Ferry Road - From Cottage Road to River Road

River Road - From Ferry Road to Solid Waste Facility

Dyer Road - From Lisbon Road to Ferry Road

Pinewoods Road - From Ferry Road to Town Line

Gayton Road - From Lisbon Road to Town Line

Webster Road - From Old Lisbon Road to Crowley Road

Merrill Road - From College Road to Main Street

Sleeper Road - From Merrill Road to Town Line

Randall Road - From Sunrise Lane to Grove Street

Grove Street - From Randall Road to Town Line

Old Greene Road - From North Temple Street to Town Line
No Name Pond Road - From Old Greene Road to Town Line
Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE ON AN AMENDMENT TO THE
CITY CODE FOR VEHICLES FOR HIRE**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Paradis stated that he and Councilor Mendros serve as the Council representatives to the Taxi Appeals Board and they support these changes. He also inquired about a complete review of the entire taxi ordinance and asked if the changes could be ready for an April workshop.

VOTE (41-2004)

Motion by Councilor Jean , seconded by Councilor Connors:

That the proposed amendment to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Division 2. Licenses, Section 82-48, Standards for Denial and Section 82-54 Right to Appeal, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of February 17 for final passage.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR A MORATORIUM
ORDINANCE REGARDING THE ISSUANCE OF NEW LIQUOR LICENSES IN
THE CENTREVILLE DISTRICT**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. The City Administrator reminded Councilors the moratorium was discussed during last week's workshop. The next two agenda items are two separate moratoriums for liquor licenses - one for Centreville District and one for Urban Enterprises District. The ideas that were discussed during the workshop, such as new categories for special amusement permits, distance limits between establishments in the UE district and other suggestions, can be implemented in the next 30-45 days, then the moratoriums can be repealed, rather than going for the full 90 days. Councilor Rousseau clarified that this moratorium is for new licenses only, noting that if a business is sold, it is considered a new owner and therefore a new license. He expressed concern this might hurt some local businesses and prohibit them from selling. The City Administrator stated there is one local business that is planning to open that is in the Centreville zone, but depending where they are in their opening process, the moratorium might be repealed by then. Councilor Mendros said he shared Councilor Rousseau's concerns.

VOTE (42-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Centreville zoning district, to be effective February 13, 2004, receive first passage by a roll call vote. Passed - Vote 5-2 (Councilors Mendros and Rousseau opposed.)

VOTE (43-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

VOTE (44-2004)

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Centreville zoning district, to be effective February 13, 2004, receive final passage by a roll call vote. Passed - Vote 5-2 (Councilors Mendros and Rousseau opposed.)

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR A MORATORIUM
REGARDING THE ISSUANCE OF NEW LIQUOR LICENSES IN THE
URBAN ENTERPRISES DISTRICT**

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

VOTE (45-2004)

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Urban Enterprises zoning district, to be effective February 13, 2004, receive first passage by a roll call vote. Passed - Vote 5-2 (Councilors Mendros and Rousseau.)

VOTE (46-2004)

Motion by Councilor Jean, seconded by Councilor Mendros:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

VOTE (47-2004)

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed moratorium ordinance regarding the issuance of new liquor licenses in the Urban Enterprises zoning district, to be effective February 13, 2004, receive final passage by a roll call vote. Passed - Vote 5-2 (Councilors Mendros and Rousseau)

SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97 ASH STREET

Mayor Guay opened the public hearing. Dan Carrier, manager of The Cage said that the establishment does have additional staff on duty on nights they offer music, and the employees have all taken the TIPS course this past fall. He said the business has met all of the conditions that were attached to their permit last year, and he hopes this permit will be approved as well. Mayor Guay then closed the hearing. Councilor Jean said that he noticed more problems with the bar in last year's police log than he did in this year's log, noting this has shown improvement in how the staff is handling their patrons. He also said that last year's complaints from neighbors were high and this year they are low. Councilor Paradis suggested suspending the conditions until next week's Council workshop, when the Council will hear an update from the Police Department regarding their policy on liquor license enforcement issues. Councilors Bernier and Mendros commented that the current conditions should remain, noting they have worked well to date for this establishment.

VOTE (48-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

To grant a Special Amusement Permit for Dancing and Entertainment to The Cage, 97 Ash Street, subject to the following conditions:

- 1) To have additional staff on duty to assist in recognizing and removing potential problem patrons before an incident occurs
- 2) To obtain additional training for the staff to be able to recognize intoxicated patrons.

Passed - Vote 6-1 (Councilor Paradis)

PRESENTATION ON THE FY2003 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director Richard Metivier made a powerpoint presentation to the Council, reviewing the highlights of the annual audit for the fiscal year ending June 30, 2003. The Independent Auditor's report states that the basic financial statements prepared by the City present the financial position of the City fairly and the results of the financial operations and cash flow are in conformity with generally accepted accounting principles. Mr. Metivier reviewed charts for general fund assets and revenues, general fund liabilities and

expenditures, general fund equity, net asset reconciliation, significant changes due to GASB 34 implementation, tax collections, property tax rates, the water and sewer enterprise funds and other related charts and information. Councilors asked questions on some of the details regarding the City's debt load and undesignated fund balances.

BOND AUTHORIZATION REGARDING CENTRAL MAINE CIVIC CENTER FACILITY

Councilor Bernier announced that she will be recusing herself from this item, to avoid any perception of a conflict of interest. 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. The City Administrator announced that the closing on the facility has not taken place yet, it was suppose to be done on Monday and is now postponed to Friday, due to some complexities involving trademark laws and other unanticipated issues.

VOTE (49-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the expenditure of funds for completion of the Central Maine Civic Center Project and for costs associated with acquisition of the facility, pursuant to agreements with Lewiston-Auburn Hockey Arena, Inc. and the Lewiston Maineiacs Hockey Club, in an amount not to exceed \$1,060,000. Passed - Vote 6-0-1 (Councilor Bernier abstained.)

AUTHORIZATION FOR FUNDS FOR THE LEWISTON-AUBURN ECONOMIC GROWTH COUNCIL'S COMMUNITY IMAGE AND AWARENESS CAMPAIGN

Councilor Connors asked why this item was not budgeted in this current year's budget. The City Administrator stated that it was always planned to take the amount from the fund balance, and Lewiston was waiting to see if Auburn and the matching private sector monies were going to be pledged before we appropriated our funds, noting the budget process was tough for both communities this past year.

VOTE (50-2004)

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

RESOLVED, that there is hereby appropriated for the support to finance the Lewiston-Auburn Economic Growth Council's Community Image and Awareness Campaign, a supplemental appropriation of \$75,000 into the Economic Development budget account 41230-4043000, to be approved by a roll call vote. Passed - Vote 7-0

APPOINTMENTS TO THE CIVIC CENTER ADVISORY BOARD

It was noted that Councilor Mendros and Councilor O'Brien were appointed to this Board during the previous Council meeting. The City Administrator stated that the City received 37 applications for the eleven citizen openings, and the applications were from well

qualified citizens. Mr. Bennett said the Council, in making their considerations for appointments, wanted to avoid any perception of “insiders” serving on the committee or anyone who may have a conflict of interest, and therefore did not consider applications from relatives of city staff members, former city staff members, citizens involved with numerous city boards already, people who are vendors at the Civic Center or who were contractors who worked on the Civic Center, many of whom are still waiting to get paid for their work. Councilor Rousseau thanked everyone who submitted an application, noting the Council wanted a nice cross-section of residents to serve. It was noted that the Youth Advisory Council will select their representative to serve on the CCAB. Councilor O’Brien noted that one half these positions are for one year, so encouraged others to apply in the future if they are still interested.

VOTE (51-2004)

Motion by Councilor Jean, seconded by Councilor Paradis:

To establish the Civic Center Advisory Board, to receive and accept the recommendations for membership to the board and to appoint the members accordingly, and to appoint Paul Labrecque as chairperson of the Civic Center Advisory Board. The members of the CCAB shall be as follows:

- 1) Lewiston Youth Advisory Council Representative - 1 year term
- 2) Chamber of Commerce Representative/Maureen Aube - 2 year term
- 3) James Adams, Jr., 50 Cleaves Street, Auburn - 1 year term
- 4) Marcel Blais, 25 Rejane Avenue, Lewiston - 2 year term
- 5) Jean Doyon, 115 Grove Street, Lewiston - 2 year term
- 6) Suzanne Dubois, 3 Pagoma Lane, Lewiston - 1 year term
- 7) Lane Feldman, 100 Chickadee Drive, Auburn - 2 year term
- 8) David Gregoire, 4 Church Street, Lewiston - 1 year term
- 9) Michael Hebert, 567 College Road, Greene - 1 year term
- 10) Michael Keane, 61 Nottingham Road, Auburn - 1 year term
- 11) Paul Labrecque, 340 Grove Street, Lewiston - 2 year term
- 12) Gary St. Laurent, 160 Pinewood Road, Lewiston - 1 year term
- 13) William Soucy, 19 Roger Street, Lewiston - 2 year term

Passed - Vote 7-0

BUDGET SCHEDULE

The City Administrator reviewed the proposed budget schedule with the Council, noting that the target date to present the budget to Council is March 23 with a tentative final vote set for May 18, but noting that dates could easily change between now and then.

REPORTS AND UPDATES

Councilor Bernier announced the School Committee has started their review of the school budget.

OTHER BUSINESS

The City Administrator announced that the Mayor sent a letter to the owner of the Patriots football team, congratulating them on their win in the Super Bowl, and inviting them to Lewiston for a victory and celebration parade. Councilor O'Brien asked about the lighting and police security in the parking garage by Oak Park.

EXECUTIVE SESSION

VOTE (52-2004)

Motion by Councilor Connors, seconded by Councilor Rousseau:

To enter into an executive session to discuss upcoming Labor Union Negotiations.
Passed - Vote 7-0

Executive session began at 8:48pm and ended at 9:20pm.

VOTE (53-2004)

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

To adjourn at 9:20 P.M. Passed - Vote 6-0 (Councilor Rousseau excused himself during the executive session.)

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine