

CITY OF LEWISTON

CITY COUNCIL

JANUARY 7, 2003

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

RENEE A. BERNIER, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Philippon, O'Brien, Jean, Mason, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

MONTHLY REPORT FROM THE YOUTH ADVISORY COUNCIL

Katie Lauze addressed the Council and provided an update regarding the various projects the LYAC is working on, including their noise pollution reduction efforts. The group is developing a coloring book for elementary students regarding this issue, and they are decorating an empty storefront window on Lisbon Street for additional awareness of this topic.

COMMITTEE APPOINTMENTS

Councilor Bernier announced the following mayoral committee appointments that Mayor Raymond made last week:

- 1) Board of Appeals, full member position, Eric Awagain, 10 Oak Street, #116, Term to expire January 2008
- 2) Board of Appeals, associate member position, Dennis Powers, 143 Dyer Rd, Term to expire January 2006
- 3) Community Forestry Board, Chad Braswell, 38 Davis Street, Term to expire March 2006
- 4) Finance Committee, Roger Provencher, 14 Pond Ridge Drive, Term to expire January 2006
- 5) Historic Preservation Review Board, Marilyn Hirshler, 36 Ware St, Term to expire January 2006
- 6) Historic Preservation Review Board, Philip Meldrum, 19 Novella St, Term to expire January 2006
- 7) Planning Board, full member position, John Racine, 289 River Road, Term to expire January 2008
- 8) Planning Board, associate member position (5 years), William Horn, 263 Russell Street, Term to expire January 2008

- 9) Planning Board, associate member position (4 years), Thomas Truchon, 6 West View Drive, Term to expire January 2007

At this point, Council President Bernier presented the list of committee nominations that Mayor Raymond announced last week, noting these nominations require Council appointment:

- 1) Auburn-Lewiston Airport Committee, Edouard Plourde, 25 Coburn St., Term to expire January 2006
- 2) Library Board of Trustees, Elizabeth Hoy, 39 Manning Avenue, Term to expire January 2009
- 3) 911 Committee, Heather Hunter, City Auditor, Term to expire January 2005

Also, Council President Bernier announced the Council's nomination for appointment to the Lake Auburn Watershed Committee:

- 1) Lake Auburn Watershed Committee, Joe Grube, 74 Brooks Avenue, Term to expire January 2006

In addition, City Administrator James Bennett presented his nominations for the Board of Assessment Review:

- 1) Board of Assessment Review, Gary Savard, 1241 Sabattus St, Term to expire January 2006
- 2) Board of Assessment Review, William Healey, Jr., 1 Ridge Road, Term to expire January 2006

Council President Bernier suggested that the Council vote to formally appoint all of the nominations presented in one blanket motion.

VOTE (1-2003)

Motion by Councilor Jean, seconded by Councilor Philippon:

To accept and formally appoint all of the committee nominees to the committees and terms, as presented by the Mayor, Council President and City Administrator. Passed - Vote 7-0

VOTE (2-2003)

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

To dispense with the reading of the minutes of the October 15, October 29, November 12 and December 10, 2002, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

APPOINTMENT OF REGISTRAR OF VOTERS

VOTE (3-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

To appoint City Clerk Kathleen Montejo as the Registrar of Voters for a two-year term of January 1, 2003 to December 31, 2004. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (4-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

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 \$1,348.00, or any portion thereof, in the case of State of Maine vs. Kyle Gadhue, No. CR-02-Criminal Forfeiture. 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 7-0

VOTE (5-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

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 \$105,000.00, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Gilbert Joseph Bourgoin, DEA Case Number CE-03-0005; \$1,320.00, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Dale McLean, DEA Case Number CE-03-0004; and \$7,450.00, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Dale McLean, DEA Case Number CE-03-0004. 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 7-0

**AMENDMENTS TO THE PERSONNEL POLICIES REGARDING THE
EMPLOYEE HEALTH PROMOTION PROGRAM AND THE
EMPLOYEE ASSISTANCE PROGRAM**

VOTE (6-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

To approve the amendments to the Personnel Policies regarding the Employee Health Promotion Program and the Employee Assistance Program, as recommended by the Personnel Board and the Human Resources Director. Passed - Vote 7-0

STREET ACCEPTANCE FOR A PORTION OF WEDGEWOOD AVENUE

VOTE (7-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

ORDERED, That the portion of Wedgewood Avenue, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston. Passed - Vote 7-0

CONTINUATION OF PUBLIC HEARING FOR AMENDMENTS TO THE AMUSEMENTS AND ENTERTAINMENTS ORDINANCE REGARDING ADULT ORIENTED LIVE ENTERTAINMENT PERMITS

VOTE (8-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

To continue the public hearing for Final Passage of the amendments to the Amusements and Entertainments Ordinance regarding Adult Oriented Live Entertainment Permits to the Council meeting of January 21, 2003. Passed - Vote 7-0

PUBLIC HEARING & FINAL PASSAGE FOR LAND USE AMENDMENTS CONCERNING DEVELOPMENT WITHIN THE NO NAME POND WATERSHED

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. City Planning Director Jim Lysen stated that he has met with area residents and they are pleased with the protection that the pond will receive and that it will not involve a large cost to the tax payers. Councilor Bernier thanked Mr. Lysen for the Planning Board's work on this project over the past several months and stated that she is very pleased with the final outcome, noting it was a very tough process.

VOTE (9-2003)

Motion by Councilor Jean, seconded by Councilor Philippon:

That the proposed amendments to Appendix A, Article XI "District Regulations", Section 20, "No Name Pond" and Article XII "Performance Standards", Section 21 "Stormwater Management", of the City Zoning and Land Use Code, concerning development within the No Name Pond Watershed, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING & FINAL PASSAGE FOR LAND USE AMENDMENTS TO ESTABLISH A MOBILE HOME PARK OVERLAY DISTRICT

Council President Bernier opened the public hearing to receive citizen input and comment. Bruce LePage of 14 Raiche Street addressed the Council and stated his property abuts the mobile home park. He stated the neighbors are interested in seeing an overall master plan

regarding all future proposed expansion of the Stetson Brook Estates mobile home park, rather than just learning about the piece by piece development. City Planning Director Jim Lysen stated the neighbors will be receiving a notice and can attend the Planning Board public hearing when this project goes forward for development review. Mr. Lysen said the park can not exceed 125 units and it is his understanding from the park owner that it is his intention to put in double-wide mobile homes, since that is the demand in the market currently. Mr. Trafton, attorney for the park owner, stated that there is great turnover in residents in the mobile home parks, and that recently, residency is down in single wide mobiles and the park has a need for more double wide mobiles to be installed. Council President Bernier then closed the hearing.

VOTE (10-2003)

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

That the proposed amendments to Appendix A, Article VI "Establishment of Districts", Section 1, "Zoning Map", of the City Zoning and Land Use Code, to rezone the land now zoned Community Business, northerly of and adjacent to Stetson Brook, to be included in the Mobile Home Park Overlay District, receive final passage by a roll call vote.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT
TO THE PERSONNEL CODE REGARDING APPEALS OF
EMPLOYEE GRIEVANCES**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Human Resources Director Denis Jean stated that this change simply allows more time for employees to file and process grievances.

VOTE (11-2003)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 58 "Personnel", Article II "Personnel System", Section 58-72 "Grievance Procedure" receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING & FINAL PASSAGE FOR RE-ZONING THE PROPERTY AT
34 MERRILL ROAD TO ALLOW THE EXISTING SELF-STORAGE FACILITY
TO BECOME A CONFORMING USE**

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

VOTE (12-2003)

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

That the proposed amendment to re-zone the property at 34 Merrill Road, from the Medium Density Residential (MDR) District to the Office Services (OS) District, receive first passage by a roll call vote and that public hearing on said ordinance be continued to the meeting of January 21, 2003 for final passage. Passed - Vote 7-0

PUBLIC HEARING ON A LIQUOR LICENSE FOR THE FELINE CLUB

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Councilors inquired about the club's intention to be open late, beyond the 1:00am liquor service time. Dayna Cotter, co-owner, stated that for insurance purposes and costs, the club is not planning to remain open late; they know they would require an After Hours Entertainment permit, and due to higher insurance liability costs, they decided not to be open after 1:00am.

VOTE (13-2003)

Motion by Councilor Philippon, seconded by Councilor Rousseau:

To authorize the City Clerk's Office to approve the liquor license for The Feline Club, 16-18 Park Street, pending final approval from the state background check. Passed - Vote 7-0

GRANTING OF SPECIAL AMUSEMENT PERMITS

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Councilor Paradis reminded the club owners that Oak Park, a senior apartment complex, is next door to their business location. He said there were noise problems when the previous business, Raven Bar, was located at this site and he mentioned that the City will not be tolerant of any noise problems or issues with intoxicated patrons.

VOTE (14-2003)

Motion by Councilor Philippon, seconded by Councilor Jean:

To grant a Special Amusement Permit for Dancing & Entertainment to The Feline Club, 16-18 Park Street. Passed - Vote 7-0

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

VOTE (15-2003)

Motion by Councilor Mason, seconded by Councilor Paradis:

To grant a Special Amusement Permit for Dancing & Entertainment to the Hurricane Club, 308 Lisbon Street. Passed - Vote 7-0

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

VOTE (16-2003)

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

To grant a Special Amusement Permit for Dancing & Entertainment to the Lewiston Elks Lodge #371, 1675 Lisbon Street. Passed - Vote 7-0

RESOLUTION REGARDING THE EVENTS OF JANUARY 11, 2003

The City Administrator stated that this Resolution is from the Mayor. He can not be at the meeting tonight due to a scheduling conflict - the Mayor is representing the City this evening at the swearing-in ceremony for Senator Susan Collins in Washington, DC. Councilor O'Brien encouraged Councilors to take part in the positive event on Saturday and stated that all citizens need to feel safe and secure in our city. Councilor Philippon echoed Councilor O'Brien's comments and applauded the Many & One Coalition, and stated that the group will continue their work after Saturday's event and they will not dissolve, but become an on-going committee and presence in the community. Councilor Philippon offered compliments to the police department and city administration for their response to these groups. Councilor Bernier noted that Chief Welch was present this evening, and she thanked him, the entire police department staff and city administration and noted that they are working with law enforcement personnel from around the state on this major issue.

VOTE (17-2003)

Motion by Councilor Philippon, seconded by Councilor Paradis:

To adopt the Resolution regarding the events of January 11, 2003 and the participation of national white supremacist groups:

Whereas, It is unfortunate that on January 11, 2003, our community will be used as a stage for an extremist message of hate and intolerance; and

Whereas, That message is contrary to our belief that all people are worthy of being treated with dignity and personal value; and

Whereas, While we understand the right of free speech, we certainly do not welcome, encourage, or otherwise wish to entertain these groups in our homes, our neighborhood, or our community; and

Whereas, We recognize that our community has grown and evolved through the determination and values of many generations of immigrants and their families; and

Whereas, The personal value and the dignity of our fellow human beings is a priority here in Lewiston, and, as such, the message and mission of extremist groups will not be embraced; and

Whereas, As elected officials, we wholeheartedly assure all people within the City of Lewiston that their freedoms, rights and privileges will continue to be protected and that we will continue to advocate for peace and unity, not hate and division; and

Whereas, We also have the utmost respect for the law and will not tolerate nor support any person or persons who would cause harm to another; now

Be It Therefore Resolved that the Lewiston City Council encourages all residents to join them in advocating for unity and harmony and to demonstrate to one and all that Lewiston opposes intolerance and embraces diversity.

Be It Further Resolved that the Lewiston City Council declares January 11, 2003 as “Uniting Heritage through Harmony Day” within the City of Lewiston.

Passed - Vote 7-0

AMENDMENTS TO THE NON-DISCRIMINATION POLICY

Motion by Councilor Philippon, seconded by Councilor Mason:

To approve the proposed amendments to the Non-Discrimination Policy, Policy Manual Number 2, as recommended by the City Administration Office.

Assistant City Administrator Phil Nadeau asked the Council to table this item until their next meeting, to allow time for the Department of Justice and the Maine Municipal Association Legal Department to review the proposed language.

VOTE (18-2003)

Motion by Councilor Mason, seconded by Councilor Paradis:

To postpone this item to the January 21, 2003 Council meeting. Passed - Vote 7-0

LEGISLATIVE UPDATE

Assistant City Administrator Nadeau reminded the Council that there is a joint Council/School Committee workshop with the local Legislative delegation on January 25 at 8:30am. Councilor O'Brien noted that much of the work at the State House this year will have a great impact on Lewiston and she is looking forward to working with the new Governor.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

**STATUS REPORT REGARDING PREPARATION FOR THE EVENTS TO
BE HELD ON JANUARY 11, 2003**

City Administrator Bennett stated that city staff have been working on preparations for this event for the past several months and he wanted to ensure the Council that the community will be safe during these events, and noted that Lewiston has low crime statistics in general. Chief Welch complimented Mr. Bennett for his support and coordination with the police and statewide law enforcement on this issue. He stated that for the Many & One rally, they are estimating that 2,500 will be in attendance at Merrill Gymnasium. Chief Welch said that the police are working with local media to get the word out regarding the street closures, parking and other related issues. He displayed maps of the two areas depicting which roads will be closed, and said the department is contacting the impacted residents directly. Councilors thanked the Chief for his excellent work on this issue.

OTHER BUSINESS

Councilor Mason stated that he received several calls about the sidewalks after the most recent snow storm, noting they were not plowed for pedestrians or in front of local businesses.

EXECUTIVE SESSION

VOTE (19-2003)

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

To enter into executive session to discuss public safety issues regarding a security briefing for preparation of the events of January 11, 2003. Passed - Vote 7-0

Executive session began at 8:25pm and ended at 9:10pm.

VOTE (20-2003)

Motion by Councilor Jean, second by Councilor Philippon:

To adjourn at 9:11 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine