

CITY OF LEWISTON

CITY COUNCIL

JANUARY 21, 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, Assistant City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION FROM REBUILDING TOGETHER

Win Brown and Michael Grimmer from Rebuilding Together updated the Council on their recent activities. They stated the first renovation project was completed in November and resulted in approximately \$50,000 worth of work done to a local home where an elderly couple reside. Mr. Grimmer thanked the City employees and Councilors who volunteered their time. The goal for the group is to renovate four homes in 2003. They are seeking applications for new projects as well as volunteers and donations of material or money. Councilor Bernier stated that applications are available from the Community Development Division.

PRESENTATION ON THE AUBURN-LEWISTON PASSENGER INTERMODAL FACILITY

Don Craig, director of the Androscoggin Transportation Resource Center (ARTC) presented a briefing to Council on the Downtown Connector/Turnpike Interchange Feasibility Study and Passenger Intermodal Facility in Auburn. He said the group is exploring options for the shortest travel distance from the turnpike to the downtowns of Lewiston and Auburn. He also mentioned they are reviewing facility design for the intermodal facility.

VOTE (21-2003)

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

To dispense with the reading of the minutes of the January 7 and January 14, 2003, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 7-0

TRAFFIC SCHEDULE AMENDMENT

VOTE (22-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve amendments to the Traffic Schedule for a portion of Pine Street:

Section 8 - Parking Meters - Time Limitations - 2 Hours

Pine Street ~~4 parking spaces northerly side of the southeast corner of Middle Street
proceeding easterly~~

Passed - Vote 7-0

AMENDMENTS TO THE COMMUNITY FOREST PROGRAM POLICY

VOTE (23-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve the proposed amendment to the Lewiston-Auburn Community Forest Program & Board Policy, Policy Manual Number 61, as recommended by the City Clerk and Planning Director. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR REZONING PROPERTY AT
34 MERRILL ROAD**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (24-2003)

Motion by Councilor Philippon, seconded by Councilor Jean:

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 final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE
AMUSEMENT AND ENTERTAINMENT ORDINANCE**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (25-2003)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 10 "Amusements and Entertainment", Article III "Special Amusement Permit", Section 10 -82 and 10-83 and Article IV "Adult Entertainment", Section 10 - 103 and 10-130, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN
OBSCENITY ORDINANCE**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing. Councilor Philippon stated that he has several questions regarding the proposed ordinance, yet since the City Administrator was unable to attend the meeting due to a family emergency, Councilor Philippon suggested that this issue be continued to the meeting of February 4.

VOTE (26-2003)

Motion by Councilor Philippon, seconded by Councilor Mason:

To continue the public hearing for the proposed amendments to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article V. "Obscenity", Sections 50-112 through 50-180, to the meeting of February 4, 2003. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMITS

Council President Bernier opened the public hearing. Don Dube, owner of The Big D, stated that he has been in contact with the Police Department and understands their recommended conditions and is working with the police to address the issue of problem patrons. Council President Bernier then closed the hearing.

VOTE (27-2003)

Motion by Councilor Mason, seconded by Councilor Philippon:

To support the recommendation from the Police Department and to attach the following conditions for the special amusement permit: The business shall have additional staff on duty to assist in recognizing and removing potential problem patrons and to have staff meet with State Liquor Enforcement Officers to obtain training to better recognize intoxicated patrons. Passed - Vote 7-0

VOTE (28-2003)

Motion by Councilor Paradis, seconded by Councilor Philippon:

To grant a Special Amusement Permit for Dancing and Entertainment to the Big D, 339 Lisbon Street, subject to the following conditions: The business shall have additional staff

on duty to assist in recognizing and removing potential problem patrons and to have staff meet with State Liquor Enforcement Officers to obtain training to better recognize intoxicated patrons. Passed - Vote 7-0

Council President Bernier opened the next public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

VOTE (29-2003)

Motion by Councilor Rousseau, seconded by Councilor Jean:

To grant a Special Amusement Permit for Dancing and Entertainment to the Fraternal Order of Eagles #618, 1327 Sabattus Street. Passed - Vote 7-0

Council President Bernier opened the public hearing. Randall Collins, owner of The Cage, stated that he has been in contact with the Police Department and understands their recommended conditions and is working with the police to address the issue of problem patrons. Mr. Collins noted that the past problems with motorcycle noise have been addressed and the noise has been greatly reduced. He also stated they have limited the number of nights each week that live bands play at the bar and he is working with the neighbors to address any concerns. Council President Bernier then closed the hearing.

VOTE (30-2003)

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To support the recommendation from the Police Department and to attach the following conditions for the special amusement permit: The business shall have additional staff on duty to assist in recognizing and removing potential problem patrons and to have staff meet with State Liquor Enforcement Officers to obtain training to better recognize intoxicated patrons. Passed - Vote 7-0

VOTE (31-2003)

Motion by Councilor Paradis, seconded by Councilor Rousseau:

To grant a Special Amusement Permit for Dancing and Entertainment to The Cage, 97 Ash Street, subject to the following conditions: The business shall have additional staff on duty to assist in recognizing and removing potential problem patrons and to have staff meet with State Liquor Enforcement Officers to obtain training to better recognize intoxicated patrons. Passed - Vote 7-0

ADOPTION OF CITY POLICY REGARDING WORKPLACE SAFETY ISSUES

Human Resources Director Denis Jean stated this is the first step to improve the City's safety procedures. He noted the City averages 179 injuries per year and the City is working to aggressively limit the amount of worker's compensation cases.

VOTE (32-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To repeal the current Safety Policy, Policy Number 47, and to adopt and establish a new City Safety Policy, Policy Number 47, as recommended by the Human Resources Director and the Personnel Board. Passed - Vote 7-0

AMENDMENTS TO THE NON-DISCRIMINATION POLICY

Assistant City Administrator Phil Nadeau stated that the Maine Municipal Association and the Department of Justice have reviewed the final draft and are in support of the proposed amendments.

VOTE (33-2003)

Motion by Councilor Mason, seconded by Councilor Rousseau:

To approve the proposed amendments to the Non-Discrimination Policy, Policy Manual Number 2, as recommended by the City Administration Office. Passed - Vote 7-0

AMENDMENTS TO THE PURCHASING POLICY

Finance Director Richard Metivier stated these amendments increase the threshold for the need for formal bids from \$3,000 to \$10,000 and requires three written quotes.

VOTE (34-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve the proposed amendments to the Purchasing Policy, Policy Manual Number 46, as recommended by the Finance Director and the Finance Committee. Passed - Vote 7-0

AMENDMENTS TO THE FACILITIES USE POLICY

Councilor Bernier stated that the proposed amendments to the Policy do not address the concerns that she brought forward when she requested the changes. She is seeking a city policy that clearly defines which organizations may use a city parking garage, how much the groups are allowed to charge, if holders of monthly parking permits are exempt and so forth. She also stated that policy should be written so this approval can be done at the staff level and not by Council. Assistant City Administrator Phil Nadeau stated the language was developed to be broad enough so the Council and/or City Administration could exercise their discretion on an event-by-event basis, to address each request. Some Councilors suggested the policy language could be discussed more in depth at a future workshop, others suggested that they approve the proposed amendments as presented and address new changes at a later date.

VOTE (35-2003)

Motion by Councilor Mason, seconded by Councilor Rousseau:

To postpone this item to a future workshop for additional review and discussion.

Passed - Vote 4-3 (Councilors O'Brien, Jean and Paradis opposed.)

APPROVAL FOR FESTIVAL DE JOIE

VOTE (36-2003)

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

The City Council authorizes the City Administrator to work with the Festival de Joie Committee to ensure the City's support of the Festival de Joie and to coordinate with the Festival organizers the following City services, subject to any limitations that may be challenging due to physical limitations:

- 1) Use of Railroad Park, subject to completion of appropriate forms with the Recreation Dept.
- 2) Fencing around Festival area including food tent and main tent.
- 3) Dumpster for trash and waiver of tipping fees.
- 4) Tables and chairs from the Multi-Purpose Center and the Armory, to be delivered to Railroad Park.
- 5) Police security for the Prelude and Festival, available at the discretion of the Chief of Police.
- 6) Installation and removal of promotional banners at the Pump Station on Main Street, to be displayed from July 14 - August 4, 2003
- 7) Installation and removal of dance floors, installation of stage main tent, and portable stages at Prelude 2003.
- 8) Traffic barricades and signs.
- 9) Use of city's cherry picker to install electrical wiring between tents.
- 10) Transportation of (2) 40' box trailers to and from festival grounds.
- 11) Prelude 2003, closing of Lisbon Street from Main Street to Chestnut Street, and all adjoining streets, between the hours of 5:00pm - 10:30pm, July 30 and 31, 2003, subject to the discretion of the Chief of Police for public safety issues.
- 12) Use of Kennedy Park and Veterans's Memorial Park, if necessary, subject to completion of appropriate forms with the Recreation Dept.
- 13) The City Council supports the request from the Festival de Joie Committee to ask for the participation of the Lewiston High School Band for the Prelude parade and encourages the Lewiston School Committee to support these requests from the Festival organizers.
- 14) City Councilors serving at the Bean Supper on Saturday, August 2, 2003 from 4:30pm to 5:30pm.
- 15) Use of electricity and city electrician during Prelude 2003.
- 16) Posting streets for no parking during Prelude, subject to the discretion of the Chief of Police and Director of Public Works.
- 17) Cleaning Lisbon Street including sidewalks and supplying trash receptacles.

- 18) The establishment of a buffer zone for vendors. All vendors will need Festival approval to participate in the Festival and Prelude. A description and map of the buffer zone shall be provided to the City Clerk's Office no later than six weeks prior to the Prelude.
- 19) Fire, Police and Public Works department vehicle participation in the Prelude parade.
- 20) Central Fire Station, Police Station and Public Library holding open houses during the Prelude.
- 21) Financial support for the Prelude in the amount of \$5,000.00, subject to final budget adoption.
- 22) Use of Courthouse Plaza Park on Lisbon Street, for opening ceremony and entertainment stage, subject to completion of appropriate forms with the Recreation Dept.
- 23) Waiver of license fees for non-profit vendors.

Passed - Vote 7-0

Lionel Guay, executive director of the Festival de Joie, thanked the Council for their annual support and stated the Committee appreciated the help and support from the City that is received each year.

**UPDATE FROM THE LEWISTON MILL REDEVELOPMENT
CORPORATION REPRESENTATIVES**

No update was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Bernier reminded Councilors of the annual Joint Council-School Committee workshop this Saturday to review budget goals, etc.

OTHER BUSINESS

Councilor Mason thanked the Public Works crews for a job well done during the recent major snow storms. Public Works Director Chris Branch thanked Councilors for the recognition and noted the Recreation Department did a great job clearing the sidewalks.

Councilor Rousseau suggested the Council send a letter of appreciation to city staff and administration for their work regarding the January 11 events. Councilor Paradis inquired if the Council would be taking a stand on the recent accusations in the media that the Council has shown a lack of leadership during the recent January 11 events and related events.

Daniel DiDonato, 7 Beacon Street, addressed the Council and stated that the residents appreciate the action by the professional city staff regarding the events of January 11, and said the rallies are now over and that it is evident that everyone advocates for diversity in town. He recommended that the Council hold a "town hall style" meeting to address the

rumors in town regarding special treatment for new immigrants and other issues. He noted that some problems are real and others are perceived and suggested the elected officials open the channels of communication as soon as possible.

Councilor Paradis stated he is quite upset with the press conference that was held on the steps of City Hall yesterday by people calling for the Mayor's resignation. He stated that he has lived in town for many years and did not recognize anyone at the conference as residents and questioned if they lived in town. Councilor Paradis said that he does not feel that out of town residents should be coming into Lewiston telling the officials how to run the City. Councilor Bernier stated she was offended at the groups's accusation that the Council has not been addressing important issues such as housing, and suggested that the contact person for the press conference speak with Councilors or Administration to learn that the Council has been working on issues such as affordable housing, bringing more jobs to the City and other similar issues.

Several Councilors commented on the Council Resolution passed at the last meeting in support of the Many in One Rally and it's goals and objectives of peace and unity rather than hate and division of people. It was noted that the City will not tolerate issues of hate and that any problems should be reported to the Police Department. Councilors noted the City needs to move beyond this issue and address other concerns such as economic development and so forth. Councilor Philippon stated the community should be celebrating the success of the Many In One rally and praising the large turnout and support for the message of diversity, unity, racial harmony and acceptance.

Council President Bernier stated the City has a Multi-Cultural Committee that addresses various needs and concerns of all Lewiston residents of various ethnic backgrounds and encouraged residents to contact Assistant City Administrator Phil Nadeau with any questions regarding the Committee.

EXECUTIVE SESSION

The Council postponed the executive session scheduled for AFSCME SEP Labor Negotiations. The executive session will be held during the February 4 Council meeting.

VOTE (37-2003)

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

To adjourn at 8:30 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine