

CITY OF LEWISTON

CITY COUNCIL

MAY 20, 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 Bennet, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

COMMITTEE APPOINTMENT

VOTE (140-2003)

Motion by Councilor Mason, seconded by Councilor Philippon:

To appoint Richard Albert, 192 Grove Street, to the Lewiston Auburn Water Pollution Control Authority for a three year term. Passed - Vote 7-0.

TRAFFIC SCHEDULE AMENDMENT

VOTE (141-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To adopt the Traffic Schedule amendment for Walnut Street:

Section 26 - Parking Time Regulated, 1 Hour - 9:00am to 6:00pm, is hereby amended as follows:

Walnut Street Even numbered side, beginning at the intersection of Walnut Street and Horton Street and extending to the intersection of Walnut Street and Prince Street Alley.

Passed - Vote 7-0

RECYCLING AGREEMENT WITH THE TOWN OF POLAND

VOTE (142-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To authorize the City Administrator to enter into a Recycling Facility Agreement with the Town of Poland. Passed - Vote 7-0

**CONTINUATION OF PUBLIC HEARING REGARDING AN AMENDMENT TO
THE LAND USE CODE CONCERNING CHANGES TO THE DEVELOPMENT
REVIEW PROCESS**

VOTE (143-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To continue the public hearing for Final Passage, regarding amendments to the Land Use Code concerning changes to the Development Review process to streamline the review procedures, to the Council meeting of June 3, 2003. Passed - Vote 7-0

APPROVAL OF PARTIAL ABATEMENT OF PROPERTY TAXES

VOTE (144-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve the recommendation from the City Administrator and the General Assistance Director to issue a partial abatement of property taxes for 1998, 1999 and 2000 for Case Number 2003-1; said application submitted under MRSA, Title 36, Section 841(2). Passed - Vote 7-0

**PUBLIC HEARING AND APPROVAL OF CABLE TELEVISION FRANCHISE
AGREEMENT WITH OXFORD NETWORKS BROADBAND, LLC**

Assistant City Administrator Phil Nadeau made a presentation to the Council, saying that the Lewiston-Auburn area is only one of a few places in the country where citizens will have a choice of cable providers, noting that most communities only have one service provider and citizens are locked into that one option for cable service. Mr. Nadeau said that Oxford Networks will be able to provide services for cable tv, internet and telephone service.

Pat Sculley, the City's attorney for cable franchise agreements, reminded the Council that Lewiston currently has an existing agreement with Adelphia, but that it is not an exclusive agreement for providing service, so now Oxford Networks will also be a service provider option. He noted that the agreement with Oxford is similar to the agreement with Adelphia, and one is not more favorable than the other. The agreement with Oxford is an eleven year agreement, and their service coverage area will begin in the downtown and expand out from there. He reviewed a map of the service territories. Mr. Sculley reported that the franchise fee payable annually to the City will be two and one half percent of the gross revenues for all Lewiston subscribers. Rick Anstay, president of Oxford Networks, thanked the Council and city staff for the work involved with this project. He said there will be three complete network providers available now to residents - Verizon, Adelphia and Oxford. He noted this will provide a competitive advantage for businesses in the area of cost and speed.

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

VOTE (145-2003)

Motion by Councilor Paradis, seconded by Councilor Philippon:

To approve the proposed new Cable Television Franchise Agreement between the City of Lewiston and Oxford Networks Broadband, LLC, with an effective date of June 1, 2003, and to authorize the City Administrator to make minor administrative amendments as necessary, and to execute the franchise agreement on behalf of the City. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE PERSONNEL CODE TO ADD THE POSITION OF BATTALION CHIEF

Council President Bernier opened the public hearing to receive citizen comment. Richard Cailler, union president, spoke in support of the addition of this officer position, noting it will open up promotional opportunities for members of the department. Council President Bernier then closed the public hearing.

VOTE (146-2003)

Motion by Councilor Paradis, seconded by Councilor Mason:

That the proposed amendment to the City Code of Ordinances, Chapter 58 "Personnel", Article II "Personnel System", Division 2 "Civil Service", Section 58-41 "Purpose" to add the position of Battalion Chief and to exclude the position from the civil services provisions, received final passage by a roll call vote.

Passed - Vote 5-2 (Councilors Bernier and O'Brien opposed.)

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE ADMINISTRATIVE CODE FOR CHANGES TO THE ORGANIZATION OF CITY DEPARTMENTS

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

VOTE (147-2003)

Motion by Councilor Philippon, seconded by Councilor Mason:

To repeal the current City Code of Ordinances, Chapter 2, "Administration", Article V "Departments", Sections 236-386, and to adopt by first passage by a roll call vote, a new

City Code of Ordinances, Chapter 2 “Administration”, Article V “Departments”, Section 236-end, and that the public hearing on said ordinance be continued to the meeting of June 3, 2003 for final passage. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE ORDINANCES REGARDING OBSCENITY

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

VOTE (148-2003)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 10 “Amusements and Entertainments”, Article VI, “Adult-Oriented Live Entertainment”, Section 10-102, “Definitions” to add a definition of the word obscene, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of June 3, 2003 for final passage. Passed - Vote 7-0

LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LESLIE’S PLACE

Council President Bernier opened the public hearing to receive citizen comment. No members of the public spoke for or against this item. Council President Bernier then closed the public hearing. Councilors did express some concerns regarding the high number of calls in the police log for this establishment, and as a result, decided to attach some conditions to the permit.

VOTE (149-2003)

Motion by Councilor Rousseau, seconded by Councilor Mason:

To attach the following conditions to the issuance of the licenses: To have adequate staff on duty to assist in recognizing and removing potential problem patrons before an incident occurs and to have staff meet with State Liquor Enforcement Officers and obtain training to be able to recognize intoxicated patrons. Passed - Vote 7-0

VOTE (150-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To authorize the City Clerk’s Office to approve the liquor license application and special amusement permit, with conditions, for dancing and entertainment for Leslie’s, 339 Lisbon Street. Passed - Vote 7-0

LIQUOR LICENSE APPLICATION FOR LEWISTON HOUSE OF PIZZA

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

VOTE (151-2003)

Motion by Councilor Mason, seconded by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application for Lewiston House of Pizza, 95 Lincoln Street. Passed - Vote 7-0

LIQUOR LICENSE APPLICATION FOR FRIEND'S LODGE

Council President Bernier opened the public hearing to receive citizen comment. No members of the public spoke for or against this item. Council President Bernier then closed the public hearing. It was noted the state background check is still pending on this permit.

VOTE (152-2003)

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

To authorize the City Clerk's Office to approve the liquor license application and special amusement permit for dancing and entertainment for the Friend's Lodge, 2 Crowley Road, pending final approval from the state background check. Passed - Vote 7-0

ADOPTION OF THE FISCAL YEAR 2004 TAX RESOLVE

VOTE (153-2003)

Motion by Councilor Philippon, seconded by Councilor Jean:

That the Tax Resolve instructing the Chief Assessor to raise \$39,355,888.00 to finance the Fiscal Year 2004 budget, have first passage at this time by a roll call vote, and to set the final passage for the Tax Resolve for the Council meeting of June 3, 2003:

RESOLVED, That there is hereby appropriated for the support of the several departments of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Three, and ending the last day of June, in the year of Our Lord, Two Thousand and Four, for the payment of the State and County Taxes, for ordinary indebtedness and expenses, for the interest on the debt, of the City of Lewiston, for the payment of lawful debts and dues from the City of Lewiston:

AGGREGATE BUDGET	\$ 73,642,466
MEANS OF FINANCING:	
General Property Tax	39,355,888
Anticipated Revenues	32,151,861
Prior Year's Surplus	2,134,717
TOTAL	\$ 73,642,466

Passed - Vote 7-0

DISCUSSION OF POSSIBLE AMENDMENTS TO THE CITY CHARTER TO CHANGE THE TERMS OF OFFICE FOR MUNICIPAL OFFICERS

Councilor Paradis stated that he has discussed with the City Administrator the idea of changing the terms of office for Councilors, to prevent having the possibility of complete turnover in one election cycle. He stated that for consistency purposes, the Council should consider the idea of having three year, staggered terms of office. Councilors suggested this item could be discussed more in depth during the June 10 workshop.

UPDATE FROM LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES

Councilor Rousseau reported that the City Administrator is negotiating the proposed exit strategy with Mr. Platz regarding Bates Mill, and information will be available in the next few weeks.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

Assistant City Administrator Phil Nadeau invited Councilors to attend a reception on Friday for a dignitary visiting from France. The welcoming reception will be at the home of Rita Dube on Friday afternoon. It was also noted that the ribbon cutting ceremony for the new Shaw's Supermarket will be held on Thursday at 6:30am, all Councilors are invited to attend.

VOTE (154-2003)

Motion by Councilor Jean, second by Councilor Mason:

To adjourn at 8:20P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine