

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 9, 2003

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

THE HONORABLE LAURIER T. RAYMOND, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

COMMITTEE APPOINTMENTS

Mayor Raymond announced the following appointments to citizen boards and committees that he issued this week:

Board of Appeals

Dennis Powers, full member position, 143 Dyer Road - term to expire January 2008

Planning Board

Thomas Truchon, full member position, 6 West View Drive - term to expire January 2007

Mayor Raymond then presented his nominations for committee appointments, which require Council confirmation:

VOTE (258-2003)

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

To confirm the Mayor's nominations and to appoint the following people to the committees listed below:

Housing/Urban Renewal Authority

Patricia Lemaire, 11 Moreau Avenue - term to expire Sept. 2008

Anita Gosselin, Tenant Representative - term to expire October 2008

Renee Bernier, 1220 Sabattus Street - term to expire Sept. 2005

Downtown Advisory Board

Paul Badeau, LAEGC - term to expire January 2006

Leighton Cooney, 11 Pine Street - term to expire January 2006

Michael Grimmer, Sisters of Charity Health Systems - term to expire January 2006

Passed - Vote 6-0

PRESENTATION: LEWISTON YOUTH ADVISORY COUNCIL VIDEO ON THE CITY HALL CLOCK TOWER RESTORATION PROJECT

The Council viewed the 15 minute video tape presentation on the City Hall Clock Restoration project. The informational video was prepared by the Youth Advisory Council and featured members of the YAC, Council President Renee Bernier and City Engineer Mike Paradis. The video highlighted the clock's history and the current fundraising efforts for it's restoration.

Councilor Philippon arrived at 7:16pm

VOTE (259-2003)

Motion by Councilor Mason, seconded by Councilor Jean:

To dispense with the reading of the minutes of the August 19, 2003, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

DONATION FROM LA FUND FOR THE CITY HALL CLOCK TOWER RESTORATION FUND

Councilor Jean noted that there was an article in Sunday's paper regarding the YAC's fundraising efforts for the clock, and he asked if any donations have been received as a result of the article. Assistant City Administrator Phil Nadeau stated that no donations have been received as of yet, but noted the fundraising efforts just started. Councilor Rousseau offered to assist the YAC members with their fundraising efforts, and stated the restored clock will be a future landmark in the community.

VOTE (260-2003)

Motion by Councilor Paradis, seconded by Councilor Jean:

To authorize up to \$5,000 in matching funds, from the City Hall Renovations account, for the City Hall Clock Tower Restoration Fund, said funds to be matched by the LA Fund and private matching donations. Passed - Vote 7-0

ADOPTION OF CITY PARK USE POLICY

Motion by Councilor Mason, seconded by Councilor Philippon:

To adopt and establish the Park Use Policy, City Policy Manual, Policy Number 78.

City Administrator James Bennett began the discussion by noting that Dan Stockford, an attorney with the City's law firm of Brann & Isaacson, is present and can address any questions the Council may have. Mr. Bennett said that it became apparent to him after the events of January 11 that the City's policies do not adequately address the needs and potential usage of city properties. He noted the Council updated the Facilities Use Policy in February, which addressed the use of city owned buildings, but did not address outdoor

spaces and public parks. Mr. Bennett said that this proposed policy defines what a public use park is. He said that City Hall is a public building, but not a public use building in the sense that the public does not have the right to rent or use the space for private functions, like someone could at the Multi-Purpose Center. He said the costs to use the parks will be paid for by the groups that will be using the parks, not by the city. The City Administrator outlined the fees, noting that they were set to recoup the costs spent in building the parks, which was \$750,000 for Courthouse Plaza; \$270,000 for Fountain Plaza and \$240,000 for Railroad Park. He said that no fees will be charged for the use of other parks, since these parks have already been paid for. The point of charging use fees for the three parks is to recapture money that was spent to build the parks. Councilor Mason suggested a fee for the use of Kennedy Park, saying it is not fair to charge for the other parks and not Kennedy, which is the most used park for public events.

Councilor Jean asked about a policy regarding groups that want to use the public parking garages during events to collect private donations. Councilor Paradis noted the Council already approved a policy on this issue in February.

Mayor Raymond opened the floor for public comment. Charles Soule, 170 Bartlett Street, said that he feels a private organization, LA Arts, is receiving special privileges from the City since they are exempt from paying the daily use fees. He also said that groups that use the parks are required to present an insurance certificate for one million dollars in coverage if the group uses a park for an event. Mr. Soule said the premium for this coverage is about \$398, which is a hidden cost in addition to the use fee.

Captain John Bennett with the Salvation Army spoke against the high fees, saying that the fees will discourage use of the parks, when we need to have more functions in the parks in order to prevent vandalism. Captain Bennett thanked the Council for their work on this effort and noted the process is at the half-way mark, with the issue of the fees still unresolved. He said he does not feel that it is right for the City to charge a use fee for this public space, noting there are no fences or walls to keep the public out, the parks are for continuous public use and parks are for the free use of everyone. Captain Bennett said he understands the need to charge a permit application fee, to charge for security, clean up costs and so forth, but not for the general use of the property.

Dot Treadwell, president of the Downtown Neighborhood Association, mentioned her concerns regarding the insurance requirement, saying that most small, non-profit organizations, like the Neighborhood Associations, can not afford the premiums and rely mostly on donations for their operations. She said the work of the neighborhood associations is for the betterment of the community and does not feel they should be required to have insurance coverage due to the high cost.

Doug Taylor, 291 Bates Street, asked the Council to eliminate the fees, noting that his organization, The Jesus Party, whose mission is to reach out to young people, could not afford the \$250 fee for each use of Courthouse Plaza, and said the cost of the fees are damaging to the efforts and mission of the non-profit organizations. Mr. Taylor commented on the current wear and tear in Courthouse Plaza as a result of the skateboarders using the

area, and suggested that if more organized events were held in the Plaza, the damage would not be done by the skateboarders and people who hang out in the park. He asked if the Council would ever consider a contribution to a religious organization for the group to hold a prayer meeting, noting that the City donates funds to non-profit agencies, suggesting that the contribution would be used to off-set the park user fee. The City Administrator said the City, through the CDBG process and guidelines, donates hundreds of thousands of dollars each year to area social service agencies.

Captain Bennett spoke and said the Salvation Army contributes about \$200,000 worth of service to the city annually which limits the impact on the tax rolls for welfare and general assistance. He said the Salvation Army does this without asking for anything in return other than fair treatment.

Stavros Mendros, 506 Main Street, said that he first became involved with the Salvation Army during the 1998 Ice Storm, when he saw that they were the first group to step forward and provide on going assistance to area residents. He wondered if the park use issue is worth creating ill will with a group that has donated so much to the City. Mr. Mendros suggested having a yearly fee for local groups that want to use the parks, and said the proposed fees are much too high and the City will not make a lot of money on this because the groups will go elsewhere. He said the city should be encouraging more community use of the park to prevent vandalism and the fees will discourage groups. Mr. Mendros used the example of the Great Falls Balloon Festival as a good example of a local grassroots effort and if the fees are too high, it will not encourage residents to get involved with other grassroots efforts to benefit the community.

Michael Dimetre, 53 Maple Street, introduced himself as a board member of the local Salvation Army and he urged the Council to review the fees charged for local non-profit groups to use the parks.

Councilor Philippon asked if other communities in Maine have similar fee schedules. Mr. Bennett said this is an emerging issue in towns and according to the legal review, the policy can withstand a constitutional challenge. Councilor Philippon said that he feels the proposed fees are quite high, yet he understands the rationale to recoup the capital costs. Councilor Mason said that he is opposed to people camping overnight in Kennedy Park. The City Attorney stated that section 7-A of the proposed policy addresses this issue and prohibits overnight camping.

Councilor Rousseau said that he has great concerns about this park issue and said the city spent a great deal of money on the construction of the parks and we are proud of the new parks and want to encourage use of the parks for events on a regular basis. He suggested possibility sending this issue to a workshop for additional review and discussion. Councilor Rousseau also stated that the proposed policy is not fair to the groups that run the festivals, because this is a new fee that they have not had to pay in the past. The City Administrator stated that if the Council deems an event is a community benefit, they can make a donation to the organization to off set the fee, similar to donations the city has made in the past to support the festivals. He recommended against waiving the fee because the policy needs to

be applied consistently to have fairness, and said if the fees were constantly waived, there would be no point in having established fees. He noted the City supports many organizations and events such as numerous fundraisers, walk-a-thons, etc. There are several expenses such as police overtime needed for each of these events.

VOTE (261-2003)

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

To table this item to the Council meeting of September 23.

Passed - Vote 6-1 (Councilor Jean opposed).

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (262-2003)

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

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 \$641.00, or any portion thereof, in the case of State of Maine vs. Jesse Shepherd, CR-03-631 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

REQUEST TO DISPLAY A BANNER IN THE PUBLIC RIGHT OF WAY

VOTE (263-2003)

Motion by Councilor Mason, seconded by Councilor Jean:

To authorize the Sabattus Elementary School PTA to display a banner in the public right of way, at the intersection of Ash, Webster, Central and Sabattus Streets, in front of the Mid State Adjustment building, from September 20 - October 4, 2003, to promote their upcoming fundraiser, said banner to be installed by the applicant. Passed - Vote 7-0

TRANSFER OF PROPERTY AT 411 LISBON STREET TO OXFORD NETWORKS

Councilor Mason asked for a clarification on the location of 411 Lisbon Street. The City Administrator stated that it is a tax acquired piece of property where the Oxford Networks switch building will be located. Councilor Mason stated that he was not aware that the Oxford Networks building will be built on city property. The Mayor said that it was stated in the Development Agreement that the City would transfer the land to Oxford Networks as part of this project, and he said the City is legally committed to do this as a result of the development agreement previously approved. The Mayor then opened the floor for public comment. Charles Soule, 170 Bartlett Street, commended the Councilors on their work with

the gateway efforts, yet said he feels the Council and Planning Department are getting ahead of themselves, noting the parking garage land is currently not owned by the City.

VOTE (264-2003)

Motion by Councilor Mason, seconded by Councilor Jean:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 411 Lisbon Street, and to transfer the property at 411 Lisbon Street to Oxford Networks, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 6-0-1 (Councilor O'Brien was absent from the Chambers during this vote.)

UPDATE FROM LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES

No report was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

Councilor Mason stated the Civic Center restoration looks great and the newly paved parking lot is very nice. Councilor Bernier reminded the Councilors that September 19 is the opening game and encouraged full attendance by all Councilors as a show of support. Mayor Raymond commended the City Administrator on his award two weeks ago as Maine's Town Manager of the Year, an honor that is well deserved all Councilors said. The City Administrator informed the Council that MMA will be hosting an informational meeting at AVCOG regarding the tax reform proposal on the ballot. Mr. Bennett mentioned that question one on the state ballot will have three parts - the MMA plan, the Governor's proposal and an option for none of the above. Mr. Bennett also provided the Council with a brief status update on the worker's compensation tracking for the City, and said that in the months of July and August, there was no employee lost time due to work place injuries. Councilor Bernier asked about the old clock that used to hang in the Chambers and said that if the City was no longer going to be using the clock, that we should donate it back to the School Department, since the clock originally hung in the Dingley Building.

VOTE (265-2003)

Motion by Councilor Bernier, second by Councilor Rousseau:

To adjourn at 8:58 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC

CITY COUNCIL

SEPTEMBER 9, 2003

City Clerk
Lewiston, Maine