

# CITY OF LEWISTON

CITY COUNCIL

JANUARY 22, 2002

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

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

PRESENT: Councilors Philippon, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, Acting City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### VOTE (23-2002)

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

To dispense with the reading of the minutes of the January 7 and 8, 2002, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### PRESENTATION OF THE CONSULTANT'S REPORT ON THE BATES COLLEGE TRAFFIC CALMING STUDY

Public Works Director Chris Branch and two consultants from Wilbur Smith Associates made a presentation to the Council on their report findings and recommendations. The report was prepared with input from the Study Advisory Committee. The existing conditions analyses identified two transportation issues that need improvement. The first was excessive speeding on all of the study area streets while the second consisted of providing appropriate safe pedestrian facilities for the significant level of demand that exists from Bates College, Lewiston Middle Street and St. Mary's Hospital.

It is noted that the Council is asked to receive the report and that each recommendation is a separate project that will need to have Council approval for funding and citizen input. Councilor O'Brien noted that the recommendations suggested are major changes from the current condition, and that in the past five years, there has been a large increase in the number of new buildings in this area, without additional parking added to accommodate the customers to these facilities. She stated the new electronic sign the Police Department has will help remind motorists to monitor their speed. Councilor O'Brien stated she feels the public needs the opportunity for input on this study. Public Works Director Chris Branch mentioned that 850 flyers were hand delivered to dwelling units in the area to notify them about this meeting and study results. He stated the next step in this process is to have the individual project funding outlined in the Capital Improvement Plan. He mentioned it may take up to ten years for all of the recommendations to be implemented, and they will be phased in over time a few projects at a time.

Councilor Jean inquired about the status of the Russell Street Corridor Study. Mr. Branch stated that is a separate study, and it is almost complete and will be presented to the Council soon. Councilor Bernier inquired about the intended funding for the implementation of these projects. She noted the funding should not be from the City's general fund and the city tax money should not be used to support non-profit organizations, but should be used for city wide needs such as paving roads. She stated that Bates College and the Hospital should help to fund these projects, since the improvements need to be done to support their needs and their customers.

Councilor Rousseau inquired about input from the Planning Board. Mr. Branch stated a member of the Planning Board served on the Study Advisory Committee to offer input and the consultants will be happy to make this same presentation to the Planning Board at anytime. He stated that in the past, transportation issues typically go through the City Council and not the Planning Board. Mr. Branch stated the study was initiated by the City Council and not by the Public Works Department. Councilor O'Brien echoed Councilor Bernier's comments about having the local institutions that will benefit from these improvements help support the financial costs of implementation. She noted the Councilors represent the needs of the residents and she noted their needs should be reflected here as well.

**VOTE (24-2002)**

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

To table this matter until a future Council meeting. Failed - Vote 2-5  
(Councilors Jean and O'Brien in favor.)

Councilor Philippon clarified with the Public Works Director that the more expensive items need to be funded through the LCIP, yet the more inexpensive improvements could be done with operating funds once they receive Council approval and public input.

Resident Joseph Desrocher of Nichols Street addressed the Council and stated he felt the study was a waste of tax money. He stated the traffic problems in the area are due to Bates College and the students parking on various streets. He stated this was a special interest study by the former Council and they were trying to get the City to pay for what Bates College wants but does not want to pay for - additional parking facilities.

**VOTE (25-2002)**

Motion by Councilor Rousseau, seconded by Councilor Paradis:

To refer this issue to the Planning Board for their review and comment. Passed - Vote 6-1  
(Councilor O'Brien opposed.)

Mayor Raymond declared a five minute recess.

**PUBLIC HEARING FOR LAND USE CODE AMENDMENTS CONCERNING  
APPEALS FOR THE MODIFICATION OF SPACE AND BULK STANDARDS**

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

**VOTE ( 26-2002)**

Motion by Councilor Jean, seconded by Councilor Samson:

That the proposed amendments to Appendix A, Article IX “Appeals”, Section 3, “Standards for granting appeals”, of the City Zoning and Land Use Code, concerning appeals relative to the granting of modifications to space and bulk standards for the division of commercial buildings and lots, receive final passage by a roll call vote.

Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMITS**

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

**VOTE ( 27-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

To grant a Special Amusement Permit for Dancing and Entertainment to The Big D, 339 Lisbon Street. Passed - Vote 7-0

Mayor Raymond opened the public hearing. Councilor O’Brien inquired about the police log for this business. Marc Mason, owner of the Acme Social Club, stated that there is a pay phone on the front of his building that people from the neighborhood use all the time, and the police calls are a result of phone calls made from the public pay phone.

Mayor Raymond then closed the hearing.

**VOTE (28-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

To grant a Special Amusement Permit for Dancing and Entertainment to Acme Social Club, 255 Park Street. Passed - Vote 7-0

Mayor Raymond opened the public hearing. Councilor Bernier asked Mr. Collins about the past problems with motorcycle noise from patrons leaving the bar late at night. He stated this issue has been addressed and is taken care of. He also stated he works with the Police Department to ensure there are no problems. Mayor Raymond closed the hearing.

**VOTE (29-2002)**

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

To grant a Special Amusement Permit for Dancing and Entertainment to The Cage, 97-99 Ash Street. Passed - Vote 7-0

**DISPOSITION OF A PORTION OF MARTEL SCHOOL PROPERTY**

Councilor Samson reported that the School Committee is in full support of this project, as is the Martel School PTO.

**VOTE (30-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

To give the Acting City Administrator authority to enter into an agreement providing a permanent easement over a portion of the Martel School property with W/S Development Associates LLC, and/or their assigns, the developer of the East Avenue retail project. Passed - Vote 7-0

**AUTHORIZATION TO SUBMIT A GRANT FOR THE 2002 COMMUNITY GATEWAYS PROGRAM**

Public Works Director Chris Branch stated that the grant funds, if received, will be used for downtown improvement projects such as benches and flower boxes. He noted that the Department is working with the neighborhood associations.

**VOTE (31-2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To authorize the Public Works Director to submit a grant application to the 2002 Community Gateways Program and, if said grant is awarded to the City, to accept the grant award from the Community Gateways Program and to authorize the Acting City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 7-0

**TRANSFER OF WATER BOND ISSUE FUNDS FOR THE WEBBER AVENUE RESERVOIR TANK DESIGN**

Water and Sewer Superintendent Rick Burnham stated there were problems with the reservoir tank and these need to be addressed. He noted the Montello Reservoir tank will still be done, but the Webber Avenue one needs to have priority.

**VOTE (32-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

ORDERED, That upon recommendation of the Acting City Administrator and Finance Director, the City Council hereby approves a transfer in the FY02 Bond Issue of \$50,000.00 from the Lewiston Auburn Treatment Plant Evaluation and a transfer of \$100,000.00 from the Montello Reservoir Replacement into the Webber Avenue Reservoir Tank Design. Passed - Vote 7-0

**CONSIDERATION OF CONTRIBUTION TO THE HUMANE SOCIETY  
BUILDING FUND**

Acting City Administrator Phil Nadeau presented a memorandum to the Council which outlined the discussions of this issue during last year's budget cycle. He stated the funds were in the City Administrator's recommended budget, and it was a conscientious decision by the Council to remove it from the budget and to work with the Humane Society on funding this amount at a later date. Finance Director Richard Metivier stated it is not his recommendation to use the undesignated fund account as the source of funds for this project. He noted the Council adopted an operating budget for the City, and they should work within the parameters of that budget. He mentioned it is not sound fiscal policy to tap into the "rainy day" funds to meet other obligations.

Mr. Metivier stated that he and the previous Administrator met with the executive director of the shelter and the president of the board of directors, and informed them the funds were not in this year's budget and asked to explore other opportunities for funding the new shelter. Since the facility will be located in Lewiston, the option of in-kind contributions rather than cash donations, were discussed, specifically construction related in-kind contributions with the Public Works Department. The shelter representatives were going to explore this option and respond back with any needs. Mr. Metivier stated that in last year's budget workshops, this topic came up on two occasions and the Council did not take action to add the funds back into the budget.

Councilor Bernier noted that Lewiston has the greatest number of animals going to the shelter, compared to the other towns. Councilor Philippon noted that Auburn has already contributed to the building fund, and asked if the other towns that use the service have also contributed. The shelter representatives said they are in the process of soliciting those funds now. They are requesting \$1 per capita from each town that uses their service. Their construction schedule is mid/late summer 2002. The new facility will be 14,000 square feet at a cost of \$1.8 million, compared to the current shelter at 3,000 square feet. Councilor Philippon stated this is important work and he supports funding the shelter in the upcoming budget, but can not support this motion due to the funding source. Councilor O'Brien requested additional information from the shelter on the City's question about in-kind donations.

**VOTE (33-2002)**

Motion by Councilor Bernier, seconded by Councilor Jean:

To move the previous question. Passed - Vote 7-0

**VOTE (34-2002)**

Motion by Councilor Bernier, seconded by Councilor Samson:

ORDERED, That the City Council hereby approves funding \$36, 326 for the Greater Androscoggin Humane Society's Capital Campaign Building Fund from the current City budget from the Undesignated Fund Account and to recommend to continue funding \$36, 326 per year for the next two years in future budgets.

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

**DISCUSSION OF LOCAL OPTION SALES TAX LEGISLATION**

Acting City Administrator stated that the Cities of Bangor, Portland, South Portland, Freeport and Calais have all voted to support this legislation. He reported the Legislature's Taxation Committee voted 7-6 not to pass.

**VOTE (35-2002)**

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

To support asking the State Legislature to allow municipalities to bring the issue forward to the voters. Passed - Vote 7-0

**UPDATE FROM LEWISTON MILL REDEVELOPMENT CORPORATION**

Finance Director Richard Metivier reported the Council will be taking a tour of the Mill buildings on January 30.

**REPORT FROM SCHOOL COMMITTEE**

Councilor Samson reported the joint meeting with the School Committee and Council went very well.

**OTHER BUSINESS**

No other business was presented at the meeting.

**EXECUTIVE SESSION**

**VOTE (36-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

To enter into executive session to discuss real estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City and to discuss pending litigation with Legal Counsel. Passed - Vote 7-0

Executive Session began at 8:45pm and ended at 9:44pm. At 9:10pm, Councilor Rousseau recused himself from the meeting.

**VOTE (37-2002)**

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 9:45P.M. Passed - Vote 6-0

A true record, Attest:

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Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine