

CITY OF LEWISTON

CITY COUNCIL

APRIL 3, 2007

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

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Excused/Absent: Councilor Samson

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Ally Beaucage stated members of LYAC spoke at a State House press conference recently on their You Booze, You Loose program regarding underage drinking. She noted they also spoke at a youth conference recently held at L/A College and a Kids Consortium student summit. Ally said the city has recently been contacted by the Montel Williams Show about their program as well. She noted a recent \$1000 grant for the All America City Award and an upcoming youth art show they are working on with the Library.

VOTE (75-2007)

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

To dispense with the reading of the minutes of the February 20 and March 6, 2007, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

Mayor Gilbert made a statement pertaining to the previous Council meeting where there was friction amongst members of the Council. He noted that individual Councilors have held discussions amongst themselves since the last meeting and all have agreed to work together for the betterment of the City. He mentioned that everyone on the Council has the same goal which is working for the good of all citizens and all have pledged to work together. Councilor Rousseau noted this will be a very difficult budget season and that everyone needs to work together and be creative to find solutions to some difficult issues.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (76-2007)

Motion by Councilor Jean, second by Councilor Paradis:

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 sixteen (16%) percent of the proceeds of the sale of a 2002 Honda Motorcycle, less administrative fees and seventeen (17%) percent of the proceeds of the sale of a 2003 Yellow Ski Doo Snowmobile, less

administrative fee or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Jeremy Mercier, CE-06-0008, 07-DEA-481198 and 07-DEA-480047; sixteen (16%) percent of \$3,217, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Lennard Babb, CE-07-0010, 07-DEA-480002; the transfer of twenty (20%) percent of \$15,752, less administrative fee, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Barry Murphy and David Hanlon, CE-07-0012, 07-DEA-479703, 07-DEA-479721 and 07-DEA-479728; the transfer of sixteen (16%) percent of \$16,100, less administrative fee, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Kristy Nadeau, CE-07-0013, 07-DEA-480003, and the transfer of \$1819 or any portion there of, in the case of the State of Maine vs. Michael C. Shepard a/k/a Michael Vasques CR-07-170 Court Records. 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 6-0

ANNUAL APPOINTMENT OF THE LEWISTON-AUBURN RAILROAD BOARD OF DIRECTORS

VOTE (77-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to appoint the following residents to serve on the Lewiston Auburn Railroad Board of Directors: Gerald P. Berube, 1 year term; Paul Samson, 1 year term; Richard Albert, 2 year term; Marc Pellerin, 2 year term; Gerard J. B. Raymond, 3 year term; and Laurier T. Raymond, Jr., 3 year term. Passed - Vote 6-0

PROCLAMATION DECLARING APRIL AS FAIR HOUSING MONTH

VOTE (78-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the Proclamation declaring April 2007 as Fair Housing Month within the City of Lewiston:

WHEREAS, April 2007 marks the 39th anniversary of the Federal Fair Housing Act; and

WHEREAS, The Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, national origin, religion, sex, familial status, and disability; and

WHEREAS, The State of Maine has adopted the Maine Human Rights Act, which prevents discrimination in housing on account of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin, familial status or source of income; and

WHEREAS, the Honorable John E. Baldacci, Governor of the State of Maine, has declared April as “Fair Housing Month” throughout the State of Maine, and

WHEREAS, The Cities of Lewiston and Auburn have both recently completed their Analysis of Impediments to Fair Housing (AI) documents; and

WHEREAS, the Twin Cities have both included language in their AI documents to address common fair housing goals; and

WHEREAS, Lewiston and Auburn are jointly hosting a Fair housing Workshop to educate landlords and social service agencies regarding fair housing policies, now

THEREFORE, we, the City Council of Lewiston, Maine do hereby proclaim April 2007 to be

“FAIR HOUSING MONTH”

within the City of Lewiston and we urge all Lewiston citizens to recognize this observance.

Passed - Vote 6-0

APPROVAL OF TEMPORARY SIGNS ON PUBLIC RIGHT OF WAYS

VOTE (79-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the Kora Shrine Temple to place temporary, directional signs in the public right of ways, on traffic islands, at intersections throughout the City from April 7 - 21 to promote the upcoming circus shows. Passed - Vote 6-0

APPROVAL OF NAME OF PRIVATE WAY AS GALINA LANE

VOTE (80-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the request to formally name the private road off of 191 Dyer Road as “Galina Lane”. Passed - Vote 6-0

RECEIVE FUNDING RECOMMENDATIONS FOR FY2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND SET HEARING DATE

VOTE (81-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To receive the recommendation from the CDBG Review Committee for the allocation of the Community Development Block Grant program funds for the City's 33rd year (2007-2008), and further that the schedule be published for a public hearing to be held at the regular City Council meeting of Tuesday, April 17, 2007. Passed - Vote 6-0

APPROVAL OF PLACEMENT OF RIBBONS FOR CHILD ABUSE AWARENESS

VOTE (82-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the Advocates for Children organization to place blue ribbons around city trees along Main Street from the Longley Bridge to the Veteran's Memorial Bridge during the month of April and the first week of May to raise awareness for Child Abuse Prevention Month. Passed - Vote 6-0

PUBLIC HEARING FOR AMENDMENT TO COMMUNITY CONCEPTS TAX INCREMENT FINANCING AGREEMENT

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Lincoln Jeffers, Economic Development Assistant to the City Administrator, made a presentation and provided the background on this project. Councilor Bernier inquired about green space for the residential housing project. The Administrator stated this is addressed in the second phase of the project.

VOTE (83-2007)

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

To approve the Amended and Restated Agreement for Development Assistance and Tax Increment Financing between Community Concepts, Inc. and the City of Lewiston, and to authorize the City Administrator to execute the Agreement, in substantial form as presented, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 6-0

PUBLIC HEARING AND ADOPTION OF FY2008 CAPITAL IMPROVEMENT PROGRAM

Mayor Gilbert opened the public hearing to receive citizen input and comment. Joseph Roy, 9 Venise Avenue, inquired about the glass around the rink at the Colisee and stated the City should not put anymore money into the Colisee. Larry Poulin of 394 Sabattus Street expressed concerns about the current debt ratio of the City and questioned the wisdom of adding additional debt to an already high debt load. James Verrill stated that the Colisee is one of the City's finest assets and he supported spending at the Colisee. Mayor Gilbert then closed the hearing.

Councilors then inquired about various projects in the LCIP such as E-911 equipment, fire department vehicles, unfunded stormwater issues, parking garages, road construction work, school building replacement, the Colisee, the landfill and telephone systems.

VOTE (84-2007)

Motion by Councilor Jean, second by Councilor Paradis:

That pursuant to Article VI, Section 6.07(d) of the City Charter, the City Council hereby adopts the Fiscal Year 2008 Capital Improvement Program, as prepared by the City Administrator.

Passed - Vote 6-0

INDUCEMENT RESOLUTION FOR WAHLCO METROFLEX INC.

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Finance Director Richard Metivier, John Bader, Financial Officer of Wahlco and Chris Logan, loan officer from Androscoggin Bank all made a brief presentation to Council regarding this item. Mr. Metivier stated the City will act as an issuer of this loan but there is no exposure of debt for the city with this project. Mr. Bader spoke about the recent growth of the company and the need to expand.

VOTE (85-2007)

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

That the City Council hereby approves the Inducement Resolution for the Order authorizing the Finance Director to Execute an Inducement Agreement between the City of Lewiston and Wahlco Metroflex Inc. pertaining to the City's Revenue Obligation Securities in the Aggregate Principal of \$2,500,000. 00 and authorizing the Finance Director to prepare and submit an application to the Finance Authority of Maine seeking approval for the issuance of such Revenue Obligation Securities. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENT TO THE ADMINISTRATIVE ORDINANCE

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (86-2007)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Division 6 "Board of Assessment Review", Section 2-220, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 17, 2007 for final passage. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENT TO THE LIBRARY ORDINANCE

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (87-2007)

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

That the proposed amendment to the City Code of Ordinances, Chapter 48 "Library", Article II "Board of Trustees", Section 48-21, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 17, 2007 for final passage.

Passed - Vote 6-0

PUBLIC HEARING ON A LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LITTLE JOE'S BAR & GRILL

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (88-2007)

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

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Little Joe's Bar & Grill, 740 Sabattus Street. Passed - Vote 6-0

PUBLIC HEARING ON LIQUOR LICENSE FOR ARMAND'S ORCHARD SIDE INN

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (89-2007)

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

To authorize the City Clerk's Office to approve a liquor license application for Armand's Orchard Side Inn, 16 Pinewoods Road. Passed - Vote 6-0

PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR DEL'S BAR & GRILL

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (90-2007)

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

To grant a special amusement permit for dancing and entertainment to Del's Bar & Grill, 43 Walnut Street. Passed - Vote 6-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR
WARDEN'S BAR & GRILL**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (91-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To grant a special amusement permit for dancing and entertainment to the Warden's Bar & Grill, 703 Sabattus Street. Passed - Vote 6-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR THE DERBY
ATHLETIC ASSOCIATION, INC.**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (92-2007)

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

To grant a special amusement permit for dancing and entertainment to the Derby Athletic Association, Inc., 40 Walnut Street. Passed - Vote 6-0

At this point, the Council took a five minute recess.

**PUBLIC HEARING ON THE RENEWAL OF THE LIQUOR LICENSE FOR
CLUB ADRENALIN**

Police Chief William Welch addressed the Council and stated his recommendation to deny the renewal of both the liquor license and special amusement permit for this club. He noted the recent closing of the Blue Elephant Lounge just a block away, and stated that the patrons from Club Adrenaline contributed to some of the problems at the Blue Elephant. He said the parking for both clubs was in front of the Blue Elephant, in the municipal lot. Chief Welch said that some of the issues at the Blue Elephant can most likely be attributed to Club Adrenaline. He stated that he met with the club owner last week and that issues have increased at the club ever since the Blue Elephant closed. He expressed concerns about tying up police officers constantly for one part of the city, noting it takes resources away from other parts of the city.

Mayor Gilbert opened the public hearing to receive citizen input and comment. Kelly Matzen, attorney for the building owner, and Carmine Cantonio, business owner, addressed the Council and presented a written 15 point plan for the Club regarding upgrades to enforcement for the club. They noted a zero tolerance policy for violence or fights, stated they ban people from the

club, they require identification from everyone who enters, they will be videotaping patrons as they leave, will have security personnel escort patrons to their cars to ensure they are quiet when leaving, and other take other actions to ensure their patrons do not cause problems.

William Miller, an employee of the club, stated he reviews the IDs of all Bates students who get on the bus they provide for campus students. Wayne Fraser, head of security for Club Adrenaline, stated he patrols the outside of the building each night to make sure patrons are not causing problems. Alexis Mousin, a bartender at the club, said the streets around the club are very dark and she suggested the addition of street lights for better safety. Paul Mousin, a bouncer at the club, said this is a good, safe establishment for young adults to go and there is no fighting that is tolerated. Kimberly Mousin is also a bouncer and said there are no fights or disagreements in the club, it is a well run club and there have not been any problems since the Blue Elephant closed.

At 10pm, Mayor Gilbert then closed the hearing. Councilors reviewed and discussed the proposed plan with the Chief. It was noted that if the permits are issued, the Chief has the authority at anytime to suspend the club's licenses if there are concerns with public health and safety.

VOTE (93-2007)

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

To approve the liquor license for Club Adrenaline and to schedule a review of the license for the first Council meeting in June. Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL OF THE SPECIAL AMUSEMENT PERMIT FOR CLUB ADRENALIN

It was noted that public input had been received for this item during the discussions of the previous item.

VOTE (94-2007)

Motion by Councilor Mendros, second by Councilor Jean:

To approve the special amusement permit for Club Adrenaline and to schedule a review of the license for the first Council meeting in June. Passed - Vote 6-0

ACQUISITION OF PROPERTIES AT 15 LINCOLN STREET AND 34 WATER STREET

Joseph Roy inquired about this location and why this site was selected. Pat LeBelle stated his son and daughter-in-law own Schmengee's billiards, a business at this site. He stated it should not cost them money to relocate their business and they recently invested in upgrades in the building to improve the business. David LaBelle, owner of Schmengees, said they have been in this location for eight and one half year and have worked to build up the business. He inquired about city assistance in relocating the business.

VOTE (95-2007)

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

To authorize the City Administrator to purchase the properties located at 15 Lincoln Street and 34 Water Street for the purchase price of \$750,000.00, to approve the acquisition of the properties as defined in the Purchase and Sale Agreement between Water Street Associates and the City of Lewiston, to further authorize the \$750,000 acquisition cost to be financed through the issuance of a future bond issue, 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

APPOINTMENT OF BOARD OF DIRECTORS OF THE LEWISTON URBAN CIVIC CENTER ENTERPRISES, LLC

Councilors O'Brien and Bernier nominated Marc Poirier to continue to serve on the Board.

VOTE (96-2007)

Motion by Councilor Rousseau, second by Councilor Paradis:

To appoint Deputy City Administrator Phil Nadeau to a two year term on the Board of Directors of the Lewiston Urban Civic Center Enterprises, LLC, said term to expire January 6, 2009, to appoint Mayor Gilbert to a two year term on the Board of Directors of the Lewiston Urban Civic Center Enterprises, LLC, said term to expire January 15, 2008, and appoint Marc Poirier to serve for a two year term on the Board of Directors of the Lewiston Urban Civic Center Enterprises, LLC, said term to expire January 6, 2009. Passed - Vote 6-0

DISCUSSION OF LETTER FROM AUBURN MAYOR JENKINS REGARDING THE POSITIONS OF CITY ADMINISTRATOR AND CITY MANAGER

The Mayor reviewed and discussed the letter received from Mayor Jenkins. Councilors Mendros, Jean and Rousseau all expressed interest in serving on the criteria selection committee.

VOTE (97-2007)

Motion by Councilor Bernier, second by Councilor Paradis:

To appoint Councilors Jean and Rousseau as the Lewiston representatives to the Auburn City Manager selection criteria committee. Passed - Vote 6-0

DISCUSSION OF INFORMATION FROM THE CITY ATTORNEY REGARDING THE CREATION AND REVOCATION OF CITIZEN COMMITTEES

Councilors discussed the Resolution prepared by the City Attorney regarding the creation of a citizen budget advisory committee. It was noted the budget process has already begun and is underway, and the budget workshops are all open to the public to observe. It was also noted that citizens can contact their Councilors at anytime with their thoughts on budget issues.

VOTE (98-2007)

Motion by Councilor Mendros, second by Councilor Jean:

Whereas, the city council and the mayor believe that it is in the best interests of the city to encourage public participation in the affairs of the city;

Whereas, the city council must adopt the fiscal year 2008 budget (which begins on July 1, 2007) by May 31, 2007;

Whereas, several citizens have expressed an interest in providing input regarding the budget based upon a through review of the proposed budget;

Now, therefore, it is resolved to create a budget advisory committee comprised of between 4 and 7 members to be appointed by the mayor after consultation with the city councilors, which budget advisory committee role will be to provide advice regarding the budget to the city council at one or more meetings of the city council as determined by the city administrator. The city administrator shall also develop rules of procedure for the budget advisory committee and arrange for providing administrative assistance to the committee as deemed necessary.

Did Not Pass - Vote 3-2-1 (Councilors Paradis, Mendros and Jean in favor; Councilors Bernier and O'Brien opposed; Councilor Rousseau abstained.)

NOTE: Per Section 2.10(d) of the City Charter, any action by the Council must receive a minimum of four affirmative votes in order to pass.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (99-2007)

Motion by Councilor Paradis, second by Councilor Bernier:

Due to the late hour, to postpone the Executive Session until a later meeting. Passed - Vote 6-0

CITY COUNCIL

APRIL 3, 2007

VOTE (100-2007)

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

To adjourn at 11:35 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine