

CITY OF LEWISTON

CITY COUNCIL

JUNE 19, 2007

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:25 P.M.

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

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

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION OF ALFRED A. PLOURDE SCHOLARSHIP

Mayor Gilbert presented the annual scholarship award to Kelin Sevit, a senior at Lewiston High School who is planning to attend Daniel Webster College in the fall to study aviation flight operations.

PRESENTATION OF THE GFOA CERTIFICATE OF EXCELLENCE FOR FINANCIAL REPORTING

Mayor Gilbert presented the Government Finance Officers Association Certificate of Excellence for Financial Reporting to Finance Director Richard Metivier and Deputy Finance Director Heather Hunter. The city has received this award on an annual basis for over thirty years.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

LYAC Advisor Dot Perham-Whittier and Councilor Rousseau spoke about their work with the graduating seniors of LYAC. Councilor Rousseau noted the students are an untapped asset of the community. Certificates of appreciation were presented to the three graduating seniors - Ally Beaucage, Kelin Sevit and Danielle Taylor. Councilor Mendros applauded their vision, noting the receipt of the All America City award is thanks to their hard work. Allison Beaucage and Kelin Sevit told the Council the All America City award delegation went to the State Capital to be recognized and were introduced in the House and the Senate, and were presented with a Legislative sentiment. They also shared the group is working on a video of a mock vehicle crash for their You Booze, You Loose campaign. They noted that nine current members of the group and six new members will make up the 2008 LYAC. Mayor Gilbert stated he applauds Councilor Rousseau for all of his hard work and dedication with the group, along with Dot Perham-Whittier and Maggie Chisholm as co-advisors.

VOTE (183-2007)

Motion by Councilor Jean, seconded by Councilor Mendros:

To dispense with the reading of the minutes of the May 1 and June 5, 2007, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

VOTE (184-2007)

Motion by Councilor Jean, seconded by Councilor Mendros:

To dispense with the reading of the minutes of the May 15, 2007, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0-1

At this time, the Mayor announced he would be taking Item 11 out of order and addressing it at this time.

REQUEST FROM THE L/A VETERAN'S COUNCIL FOR FUNDING ASSISTANCE FOR THE USS MAINE MONUMENT

Bert Dutil, resident of Meadowview and chairperson of the L/A Veteran's Council gave a bit of background to the Council regarding this request. Councilor Rousseau stated the L/A Veteran's Council has done an exceptional job with the military decorations and monuments in the Park, which receives many visitors for various events. Councilor Mendros commended the group for stepping up and raising half of the funds for this project and only requesting city funds for the other half, noting many groups ask for one hundred percent funding from the city. He noted this organization has set a good example for other community groups. Councilor Jean noted the meticulous details the Veteran's Council has taken with this park and the monuments.

VOTE (185-2007)

Motion by Councilor Jean, second by Councilor Samson:

To appropriate \$5,000 from the undesignated fund balance to the L/A Veteran's Council for funding assistance for the USS Maine monument. Passed - Vote 7-0

REQUEST FOR USE OF CITY SERVICES FOR THE FIFTEENTH ANNUAL GREAT FALLS BALLOON FESTIVAL

VOTE (186-2007)

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

To approve the request for the use of city services for the Great Falls Balloon Festival:

ROAD CLOSURES AND POSTINGS:

Friday, August 17, 2007 5:00pm - Sunday, August 19, 2007 7:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 17, 2007 12:00pm - Sunday, August 19, 2007 7:00pm

Posted closure of Oxford Street from Cross Street to Chestnut Street, and posted closure of Beech Street, to facilitate safe pedestrian movement and access for festival logistical vehicles.

Saturday, August 18, 2007, 10:30am - 12:30pm

Posted closure of Longley Bridge from Auburn into Lewiston, lower Main Street, Lincoln Street (section between Main Street to Oxford Street), and all of Oxford Street for 1st Annual Balloon Festival parade. Note: The parade path will start on Spring Street in Auburn, onto Court Street, across Longley Bridge, turning onto Lincoln Street, then onto Oxford Street, ending at the intersection of Cedar and Oxford. The Continental Mill will be used for participant (groups on foot) pick up.

Sunday, August 19, 2007 11:00am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

OTHER REQUESTS:

Friday, August 17, 2007 12:00pm - Sunday, August 19, 2007 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

Permission for the Great Falls Balloon Festival to use Veterans Memorial Park, the former Libby parking lot, and Railroad Park from 12:00pm, Thursday, August 16 to 12:00pm Monday, August 20 for Festival activities, specifically helicopter flights, and to control use, access and security in the area, subject to final approval from the Chief of Police, pending completion and submission of all appropriate forms with the City Recreation & Parks Department.

SECURITY:

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas.

TRASH REMOVAL:

The City shall supply two 50 yard dumpsters at Railroad Park and waive the tipping fees.

LICENSES:

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. Licensing fees for use of the parks, for the outdoor entertainment permits, parade permit and sound amplification permits, all obtained in the name of the Great Falls Balloon Festival, shall all be waived by the City.

USE OF PUBLIC WORKS PERSONNEL:

Permission for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance during the festival.

PARKING

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage, the Canal Street parking garage, parking lot on the corner of Lincoln and Chestnut Streets and the parking lot at the corner of Lincoln and Cedar Streets for festival and volunteer parking, as per the requirements and procedures outlined in the City's Facilities Use Policy and submission of appropriate forms to City Administration.

Passed - Vote 6-0

REQUEST FROM THE INDEPENDENCE DAY COMMITTEE FOR USE OF CITY SERVICES FOR THE LIBERTY FESTIVAL

VOTE (187-2007)

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

To approve the request for the use of city services for the Liberty Festival 2007:

- 1) Use of Veteran's Memorial Park and Lower Lot A and B, subject to availability and completion of appropriate forms with the Recreation Department, during July 3rd (set-up), July 4th, and July 5th (tear down).
- 2) To allow parking in Lower Lots A and B to be by donation, subject to availability and completion of appropriate forms with City Administration.
- 3) The closing of one lane of the Longley Memorial Bridge at 8:00am on July 4, 2007, subject to the discretion of the Chief of Police and his designees.
- 4) The closing of two lanes of the Longley Memorial Bridge from 4:00pm - 11:00pm on July 4, 2007, subject to the discretion of the Chief of Police and his designees.
- 5) The closing of Mill Street from 7:00am - 11:00pm on July 4, 2007 for use for parking for festival organizers, vendors and entertainers, subject to the discretion of the Chief of Police and his designees.
- 6) Use of barriers from Public Works for the closure of the streets, subject to discretion of the Public Works Director and his designees.
- 7) To grant authorization for the Independence Day Committee to allow peddlers and/or vendors, on Main Street, between the Longley Bridge and Canal Street, Lincoln Street between Main Street and Cross Street, and on Mill Street, for the Liberty Festival Celebration from 4:00pm - 11:00pm on July 4, 2007, and to prohibit any peddlers and/or vendors in the defined area who are not authorized by the Independence Day Committee

- 8) Services of the Lewiston Fire Department, at the sole discretion of the Fire Chief and his designees, regarding public safety during fireworks display.
- 9) Use of a dumpster to be provided by Public Works for placement on Mill Street.
- 10) Waiver of any fees required by the Police Department and Public Works Department, wavier of any licensing fees for non-profit food booth vendors and waiver of licensing fees for use of the park, outdoor entertainment permit, peddler permit and sound amplification permit if obtained in the name of the IDC.

All of the above approvals are subject to the following conditions:

- 1) Security, satisfactory to the Police Chief, to be provided at the expense of the Independence Day Committee.
- 2) Portable toilet facilities and hand-washing units to be provided during the event, subject to the discretion of the City's Health Officer.
- 3) Area to be kept properly cleaned by the Independence Day Committee.

Passed - Vote 6-0

**APPROVAL OF THE LEWISTON FARMER'S MARKET ASSOCIATION TO PLACE
TEMPORARY DIRECTIONAL SIGNS IN THE PUBLIC RIGHT OF WAY**

VOTE (188-2007)

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

To authorize the Lewiston Farmer's Market Association to place five temporary, directional signs in the public right of ways, three on traffic islands, at the intersections of Main Street and Lisbon Street, Main Street and Sabattus Street, and Sabattus Street and Hammond Street and to authorize the placement of two additional signs at the corner of Park Street and Pine Street by City Hall and at the corner of Ash Street and Park Street, from 10am to 8pm on Tuesdays until October 30, during the days the market is operating. Passed - Vote 6-0

**REQUEST FROM THE MOXIE FESTIVAL COMMITTEE TO BORROW TABLES
AND CHAIRS FOR USE DURING THE FESTIVAL**

VOTE (189-2007)

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

To approve the request from the Moxie Festival Committee to borrow fifty tables and two hundred twenty five chairs from the Lewiston Recreation Department for use during the Moxie Festival on July 13, 14 and 15, 2007. Passed - Vote 6-0

PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR THE FISCAL YEAR 2008 CAPITAL IMPROVEMENT PROGRAM PROJECTS

The City Administrator stated there is a reduction of thirty percent from the original request and presentation made in February to the projects that are going out to bond issue now. Mr. Bennett said for the creation of the LCIP, the city identifies items that need to be replaced and that can be paid for over time. He stated there is one-third of a billion dollars in assets that the city owns and maintains, noting a \$10 million dollar annual investment into a \$340 million dollar infrastructure is not a high amount. Mr. Bennett mentioned the Libby Mill is a known danger and the smoke stack needs to be removed and is a present liability, and the city is under a contractual obligation for work at Bates Mills One and Two, which are generating tax money and adding jobs. He also pointed out there is a \$75,000 reduction in the voice-over IP phone project since Lewiston will be merging phone systems with Auburn's service.

Mayor Gilbert opened the public hearing to receive citizen input and comment. Joseph Roy of 9 Venise Avenue noted there are many expensive projects in the LCIP and he is concerned that some special projects that citizens may not want to pay for are covered up in the large categories of projects. Mr. Roy also asked why the Colisee money qualifies to come under the city bond package. Larry Poulin of 394 Sabattus Street said he is in support of projects that improve safety and are an investment in infrastructure. He question three large projects - demolition of Libby Mill, funding for Bates Mills 1 and 2 and funding for the Colisee. He noted these three projects total \$800,000, which will require a tax increase for next year.

The Finance Director informed the Council that bids were opened earlier and the projected cost of a project is less than expected, so he is recommending an amendment to the LCIP order to lower the cost for the Randall Road Pumping Station project. Councilors inquired about the funding for the Kennedy Park upgrades. It was noted the skateboard park was created through a private fundraising effort.

VOTE (190-2007)

Motion by Councilor Jean, second by Councilor Mendros:

To amend the amount under the Sewer category for the Randall Road pumping station project from \$300,000 to \$250,000. Vote - Passed 6-0.

VOTE (191-2007)

Motion by Councilor Samson, second by Councilor Jean:

To approve the attached Order to authorize the Bond Resolution to finance the Fiscal Year 2008 Capital Improvement Program projects, in the amount of \$9,970,000:

CITY COUNCIL BOND RESOLUTION ORDER

ORDERED: That \$9,970,000 be appropriated for financing the following Capital Improvement Programs:

CITY COUNCIL

JUNE 19, 2007

Androscoggin Bank Colisée	Floor Chairs	50,000
	Forklift Replacement	25,000
MIS	Telephone Voice Over I/P	270,000
LMRC	Operating Subsidy	495,000
	“Project Infrastructure” front entrance Mills 1 & 2	1,400,000
	Develop & construct public park on Lincoln adjacent to Mill 6 & Boiler Facility	525,000
	Design 800 car Parking Facility	450,000
Parks & Recreation	Rec. Facilities: Kennedy Park Master Plan	250,000
Public Services	ADA Improvements	60,000
	Canal Street Garage Improvements	1,150,000
	City Building Windows	40,000
	Central Fire Station Floor Rehab.	45,000
	Gendron Business Park	1,120,000
	City Hall Bell Tower Lighting	35,000
	Russell St. Traffic Calming & Pedestrian Imp.	20,000
	Eastside Corridor Transportation Improvements	33,000
	Main St. Traffic Management Improvements	112,000
Public Works	Street Rehabilitation	600,000
	Landfill Regulatory Requirements	100,000
	Recycling Program	40,000
	Landfill Expansion	400,000
Municipal Sub-Total		\$7,220,000
School	High School Lighting & Ceiling Tile Replacements	210,000
	High School Gym Floor Replacement	160,000
	High School Interior Doors	130,000
	Middle School Floor Tile Replacement	35,000
	Middle School Gym & McMahon Lighting Retrofit	75,000
	Middle School Window Replacement Phase II	180,000
	Montello Lighting & Floor Tile Replacement	205,000
School Sub-Total		\$995,000
<u>Department</u>	<u>Project</u>	<u>Amount</u>
Storm Water	Goff Brook Drainage Area	50,000
	NPDES PH II Permit	60,000
	Storm Water Main Rehab	120,000
Storm Water Sub-Total		\$230,000

Water	L/A Water Treatment Program	50,000
	Large Main Replacement/Rehab.	525,000
	Small Main Replacement	500,000
Water Sub-Total		\$1,075,000
Sewer	Goff Brook Drainage Area	50,000
	Pump Stations	250,000
	Interceptor Inspection & Rehabilitation	150,000
Sewer Sub-Total		\$450,000
GRAND TOTAL		\$9,970,000

FURTHER ORDERED, That to meet this appropriation, \$9,970,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$9,970,000 Public Improvement Bonds; to award the loan, and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank; and provided further, the amount to be finance for the Colisée project may be sold on a negotiated basis;

FURTHER ORDERED, That the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 6-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR SHE DOESN'T LIKE GUTHRIES, 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 (192-2007)

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

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 6-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL

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 (193-2007)

Motion by Councilor Samson, second by Councilor Jean:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park on July 4, with a raindate of July 5, as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 6-0

PRESENTATION REGARDING THE HOPE HAVEN GOSPEL MISSION

Pastor Paul McLaughlin, executive director of the Hope Haven Gospel Mission, made a presentation to the City Council regarding the vision and new development plans for the shelter, noting this organization is a proactive service provider for the homeless. He discussed a feasibility study the organization has just completed. The City Administrator stated that Pastor McLaughlin has meet with city staff and the Mayor to share the idea of their \$9.4 million dollar expansion project. Councilors Samson and Rousseau suggested the Pastor meet with the Planning Board for project review and then come back to the Council for approval. Councilor Paradis stated he feels the shelter is in the wrong location, noting the development of the train station, new bridge and increased traffic on Lincoln Street with increased development. He said that he believes the agency would be better served in another part of the city. Councilors thanked the Pastor for his hard work and dedication to the cause of homelessness in the area.

FINAL PASSAGE OF THE FISCAL YEAR 2008 TAX RESOLVE

VOTE (194-2007)

Motion by Councilor Samson, second by Councilor Rousseau:

That the Tax Resolve instructing the Chief Assessor to raise \$42,616,976.00 to finance the Fiscal Year 2008 budget have final passage by a roll call vote:

RESOLVED, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2007, the sum of Forty-Two Million Six Hundred Sixteen Thousand Nine Hundred Seventy-Six Dollars (\$42,616,976) for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the

City of Lewiston.

Appropriation Resolve \$86,789,520

LESS:

Estimated Revenues	\$43,419,544	
Prior Years' Surplus	753,000	
Total Adjustments		\$44,172,544

Net Appropriation \$42,616,976

TAX LEVY: \$42,616,976

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2007 and March 15, 2008, at the rate of 12.0%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 8.0%.

Passed - Vote 5-1 (Councilor Mendros opposed)

**REVIEW OF LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR CLUB
ADRENALINE, 18 PARK STREET**

Police Chief William Welch addressed the Council and stated he is recommending that the City Council revoke the current special amusement permit for Club Adrenaline. He stated that the Police Department has responded to the Club on many occasions during the past year, and has responded forty one times in the past one and a half months, noting that twenty one of these calls were for disturbances. Chief Welch reviewed two recent incidents for the Council - an issue on April 27 and other one last week. On April 27, a patron was assaulted at Club Adrenaline and had a bloody face, he was twenty years old, was intoxicated and was not carded at the door. In another incident last week, at 1:15am, police officers spotted someone using a flashlight to look into cars, they stopped the person who was an employee of Club Adrenaline. The police escorted the employee back into the Club and saw two juveniles - aged 16 and 20 - sitting at the bar drinking. The employee noted he serves them free alcohol if they help him clean up at night. The Chief noted there have been five liquor violations in the past few months.

The Mayor opened the public hearing to receive citizen input and comment:

Wayne Fraser of College Road introduced himself as a bouncer from the Club who was on duty during the April 27 incident. He stated that a patron of the club assaulted someone outside of the club, not inside the club.

Another gentleman spoke and asked about zoning in the area, noting the rents are very low in this area and that is why the nightclubs locate here. He stated things are not working in this club and asked why liquor establishments are permitted in this area.

Carmine Cartonio, owner of Club Adrenaline, and Bill Miller, a business partner, addressed the Council. Mr. Cartonio stated that there have been 27 calls to the Police Department recently about the club, but 22 of these were unfounded calls. He noted that four of them are regarding bail violations regarding patrons, and these are negative against the club since anyone can come in. He also noted some are for people urinating against the building and should be not held against the club. He noted he can not control the bail conditions and bail violations. Mr. Cartonio noted there used to be two clubs on the street and the Blue Elephant Lounge closed three weeks before the renewal for Club Adrenaline.

Mr. Cartonio stated he has met with the residents of Oak Park and found that the complaints from the residents were about the Blue Elephant Lounge rather than Club Adrenaline and that the residents were confusing the two clubs. He stated he is working with Officer Murphy and has people leave the club at 12:45am and everyone is gone by 1am. He is increasing security options such as having a metal detector and has made arrangements for parking right next to the building. He said that there will always be unanticipated noise from such a business, but that has to be expected and is fair. He noted the nightclub is in a commercial zone and questioned why a residential unit was constructed in a commercial zone, saying the residents of Oak Park live downtown in the heart of Lewiston where it is never quiet and there are loud traffic noises such as motorcycles and horns twenty four hours a day.

Mr. Cartonio mentioned that he is working to become more involved with the community and that on July 13 he is hosting a charity event for Community Concepts. He said he is aware there are still improvements with the club that need to be made and he is working on those and will do whatever it takes to keep his business open. He noted he met with the residents of Oak Park the first Tuesday in May. He said is it difficult to be at the club at all times, noting he lives one and a half hours away and works a full time, fifty hour a week job, in addition to owning and operating the club. He mentioned the incident last week and said he was not present at the club when it happened, saying he trusted the employee and had built up a trust over time with the employee, and he got burned. Mr. Cartonio referred to the April 27 assault and said that he broke up the fight outside and that it was not in the club.

Councilor Rousseau stated that anything the employees do makes the owner responsible, that's just the way business works, and he showed an error in judgement to trust this employee. Councilor Rousseau inquired about the status of the security cameras and Mr. Cartonio said they will be installed - two downstairs and three upstairs, noting it is difficult to watch a club with one hundred plus patrons.

Mayor Gilbert inquired if the clients from the Blue Elephant shifted over to Club Adrenaline. He expressed concern that the owner operates a type of business where he must scan people for weapons before they enter the premises, stating he has been hearing problems for months regarding this business, perhaps almost a year. He noted that he has lost his sympathy for the club a long time ago and it is time that the residents of Oak Park have peace and enjoyment of their homes. Councilor Samson stated that Oak Park has been in it's location longer than Club Adrenaline has been, and the residents are not going to go through these problems all summer. Councilor Mendros said that he has been to the club a couple of times and he has gone to the parking garage on three occasions at closing time to observe problems. He said that he did not

witness any problems and noticed that employees were walking patrons to their cars and that people were carded upon entering the business. It was noted that in the police log, a complaint was received on April 8 at 12:56am about a large crowd outside the club. The officers responded at 1:01am and found only a few people, not a large crowd. Another example was on May 27 for a call at 12:56am for noise and a possible fight, when the police arrived two minutes later, there was nothing. The Police Chief stated that the police officers arrive a few minutes after complaints are received, and sometimes the people have left the area or that a disturbance is not being made, so some of the calls are unfounded and are received from anonymous callers.

Chief Welch also stated that during an interview with the victim of the April 27 assault, the police were told that he was served and over-served by the club. The Chief also noted that Officer Murphy is recommending the special amusement permit be revoked. Councilor O'Brien inquired about problems with underaged drinking at the club and the Chief noted this has been an issue.

Ralph Plourde, a resident of Oak Park, addressed the Council. He stated his apartment is on the second floor of Oak Park, and is located next to the club. He stated there is noise at 1:00am - 1:15am every night the club is open and he does not see people escorted to their cars, and there is hollering, yelling, screaming and disturbances of the peace by the patrons as they leave. He said that the patrons will stay in their cars after the club closes, playing their stereos under the windows of the apartments while they are trying to sleep.

Phyllis Plourde also spoke and stated there is an empty office building between their apartment and the club. She stated that several weeks ago, the noise was so loud from the club that she could not hear her television. It was 11pm and she called the police, who stopped by and the noise quieted down, only to begin again 15 minutes later, even louder. She said the vibration from the bass is very bad as well, noting she has china tea cups on a shelf and there was so much vibration that four of the cups were almost knocked off the shelf.

Robert Lambert of Summit Avenue stated he was present for the hearing on the Blue Elephant Lounge and is now here for Club Adrenaline. He stated the club owners of Club Adrenaline should have been smart enough to get their act together after the licenses for the Blue Elephant Lounge were pulled by Council. He said if the club has problems with intoxicated patrons leaving and causing a problem, they had their changes to correct the problems and now need to be shut down. He noted that it is impossible to control one hundred plus people leaving a bar at one time.

Councilor Mendros inquired of Mr. Plourde how the noise level compares with Club Adrenaline and the many other clubs that have been in this location in the past. Mr. Plourde noted he has only lived at Oak Park for four years, but this past year has been the worst. He stated that the noise has increased since the Blue Elephant closed, not decreased.

VOTE (195-2007)

Motion by Councilor Jean, second by Councilor Samson:

To adopt the following Findings of Fact regarding the operations at Club Adrenaline, 16-18 Park

Street:

- 1) the owner has operated the business in a manner that is adversely impacting the residents of Oak Park
- 2) there are documented cases of under-aged service of alcohol
- 3) there has been a documented incident of an assault that the owner was aware of and failed to report the incident to the police
- 4) the owner failed to implement security upgrades as stated previously at a City Council meeting.

Passed - Vote 5-1 (Councilor Mendros opposed)

Councilor Mendros also noted that this club has done more than other clubs in other locations such as Portland or Orono and he has seen their first hand efforts to make improvements, but obviously these are still not working.

VOTE (196-2007)

Motion by Councilor Jean, second by Councilor Samson:

To revoke the special amusement permit for Club Adrenaline, 16-18 Park Street, based upon the Finding of Facts and report and recommendation from the Chief of Police. Passed - Vote 6-0

REQUEST FROM THE LEWISTON URBAN CIVIC CENTER ENTERPRISES BOARD FOR A WORKING CAPITAL LOAN FROM THE CITY FOR OPERATIONS AT THE ANDROSCOGGIN BANK COLISEE

Councilor Mendros stated that he serves on the LUCCE Board and that it would not be appropriate for him to advocate one way or the other regarding this item, so he recused himself and left the Chambers. Councilor O'Brien stated the community needs this venue and she will support the Colisee. Councilor Jean asked for an update on the RFP regarding the possible sale of the property. It was noted the deadline is June 29 for any RFPs and none have been submitted to date. Councilor Rousseau stated that Global Spectrum needs to be more aggressive and more creative in booking events, noting there is too much red ink and there needs to be improvements.

Jason Blumfield, manager of the Colisee, stated that most civic centers operate at a loss and that the Colisee will always operate at a loss. He noted it is a very competitive market and they just signed a new deal with Live Nation for four concerts a year. Mayor Gilbert said the Colisee currently is seeking a \$650,000 loan from the city, which he referred to as a bail out and noted the FY08 budget has a projected loss of \$350,000. He stated that he has serious concerns about the support that Global Spectrum is providing for Jason, and that he is disappointed with their performance.

Bruce Damon of 22 Buttonwood Avenue, stated the Council made a mistake two and a half years ago when they acquired the property, and they are about to make another one. He noted a loan was just made to the Colisee last December, and the operations are short again. He said the Colisee will lose \$600,000 in fiscal year 2007 and the Maineiacs did as well as they will ever do. He stated if the Maineiacs can't bring people into the Colisee to see the games, and the Colisee still lost \$600,000, what will happen in future years? He said the Council did a rush to judgement two and a half years ago, and did not take the time to step back and analysis the situation clearly. Mr. Damon said the city has \$18 million dollars invested into the property now and will add to it every year. He noted that Lewiston is the service center for the entire central Maine area and has the highest percentage of immigrants in the county. He said that no area towns are helping or contributing to the Colisee, yet all benefit from it. He urged the Council to divest itself of the Colisee at any cost. Mr. Damon said the city proved itself to be horrible landlords and terrible businesspeople with the Bate Mill project and they keep doing these projects knowing the taxpayers won't have a choice and will keep paying. He suggested that Global Spectrum should be paid based upon performance and the city needs to get out of the real estate business, and needs to run city affairs and not private business.

VOTE (197-2007)

Motion by Councilor Samson , second by Councilor Jean:

To approve the issuance of a working capital loan in the amount of \$650,000 from the City's undesignated fund balance to the Lewiston Urban Civic Center Enterprises Board for operations costs, and of these funds, \$300,000 will be for FY2006-07 and \$350,000 for FY2007-08.

Passed - Vote 5-0

REPORTS AND UPDATES

No reports and updates were presented at this time.

OTHER BUSINESS

The Mayor read a letter that he received from Deputy City Administrator Phil Nadeau, on behalf of the African Immigrant Association. They will be holding their fourth annual Independence Day celebration on July 1 at the Multi-Purpose Center with music, art, dancing, food and other activities. Last year 2,500 people attended and the cost to put on the event is \$8,700 and there is no cost to participants. The group is requesting \$1,000 to help offset costs.

VOTE (198-2007)

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

To appropriate \$700 from the contingency account to cover the cost of police department coverage for the Somali Independence Celebration on July 1.

Passed - Vote 4-2 (Councilors Paradis and Jean opposed)

EXECUTIVE SESSION

VOTE (199-2007)

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

To enter into an executive session, pursuant to MRSA Title 1, section 405(6), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

Passed - Vote 6-0

Council entered Executive Session at 11:00pm and ended at 11:46pm.

VOTE (200-2007)

Motion by Councilor Mendros, second by Councilor Samson:

To authorize the City Administrator to execute the Letter of Agreement in a form substantially as presented, to transfer 7 Mill Street and other documents necessary to transfer right, title and interest in City owned real estate to Winston Hospitality, Inc. Passed - Vote 6-0

VOTE (201-2007)

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

To adjourn at 11:48 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine