CITY OF AUGUSTA
AGENDA FOR THE CITY COUNCIL SPECIAL BUSINESS MEETING
COUNCIL CHAMBERS, CITY HALL
THURSDAY, JUNE 27, 2019
6:30 P.M.

The Augusta City Council will hold a Special Council Meeting, City Hall at 16 Cony Street. There will be no pre-meeting of the City Council, the Informational Meeting will start immediately following.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:

NEW BUSINESS:

PART I – ORDERS AND RESOLVES

19-095 Mayor and Council
ORDERED, that Mayor David Rollins is hereby authorized to execute a three-year employment agreement renewal with City Manager William Bridgeo for the period July 1, 2019 through June 30, 2022.

19-096 Councilor Conti
WHEREAS, the City’s definition of Specialized Medical Clinic is outdated and needs to be inclusive enough to cover current and future treatment methods for opioid use disorder.

NOW THEREFORE BE IT ORDERED, that the City Council of the City of Augusta requests that the Planning Board hold a public hearing and make a recommendation on eliminating the existing definition and incorporating a new definition for a Specialized Medical Clinic similar to the following:

Specialized Medical Clinic. A facility whose primary function is to treat opioid use disorder through Medication Assisted Treatment or other treatment methods that includes dispensing and/or prescribing any branded or unbranded drug used to treat opioid use disorder, including, but not limited to methadone, buprenorphine, or naltrexone.

19-097 Councilor Conti
WHEREAS, Winthrop Street, west of State Street, is an integral part of the adjacent residential neighborhood; and

WHEREAS, continued non-residential conversion of large buildings along Winthrop Street changes the character of the historic neighborhood.

NOW THEREFORE BE IT ORDERED, that the City Council of the City of Augusta requests that the Planning Board hold a public hearing and make a recommendation on converting this portion of Winthrop Street entirely to zoning district RB2, eliminating the BP zoning designation that is allowing non-residential conversion.
19-098  Councilor Conti
WHEREAS, Western Avenue, between Memorial Circle and Blaine Avenue, is nearly entirely
commercial in nature; and

WHEREAS, the desire to continue to enable commercial development on the corridor exists.

NOW THEREFORE BE IT ORDERED, that the City Council of the City of Augusta requests
that the Planning Board hold a public hearing and make a recommendation on limiting or
eliminating all single and multi-family residential uses along this segment of Western Avenue.

NEW BUSINESS   PART 2 –ORDINANCES - FIRST READING  NO VOTE REQUIRED

19-099  Councilor Conti
WHEREAS, this Moratorium Ordinance relates to the use of property located along Winthrop Street
which is currently zoned within the Institutional/Business/Professional (BP) District, and which
property shall be hereinafter referred to as “the Winthrop Street BP District”;

WHEREAS, the 2007 Comprehensive Plan for the City of Augusta makes specific note of the need to
mitigate the impact of commercial uses on residential uses within the Winthrop Street BP District,
and states that existing commercial uses should not be allowed to convert to more intense non-
residential uses;

WHEREAS, commercial uses within the Winthrop Street BP District have become more common
and more intense in recent years, causing traffic and parking issues, decreasing the amount of green
(unpaved) space, and impinging upon the residential feel of the neighborhood; and

WHEREAS, the City Council, with the professional advice and assistance of the City Manager,
Planning Board and Planning Board, shall study the City's current Code of Ordinances to determine
whether various non-residential uses shall continue to be permitted in the Winthrop Street BP
District, and if so, what review processes or regulations are appropriate; and

WHEREAS, it is anticipated that such a study, review, and development of recommended
Ordinance changes will take at least ninety (90) days from the date the City enacts this Moratorium
Ordinance regarding the Winthrop Street BP District;

NOW, THEREFORE, be it ordained by the City Council of the City of Augusta, that the
following Moratorium Ordinance regarding the Winthrop Street BP District (the "Moratorium
Ordinance") be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby
declare a moratorium on the location, construction of, conversion to, or new use of any property
located within the Winthrop Street District for non-residential purposes.

For the purposes of this Moratorium Ordinance, “non-residential” use shall all uses other than
single-family, two-family and multi-family dwellings, community living arrangements, group homes
and rooming houses.

This Moratorium Ordinance shall take effect once enacted by the City Council, in accordance with
the provisions of the City Charter. The Moratorium shall expire on the 90th day after enactment,
unless extended, repealed, or modified by the City Council, for the express purpose of drafting an
amendment or amendments to the City’s current Code of Ordinances to protect the public from
Special Business Meeting Agenda 6/27/2019
health and safety risks including, but not limited to, incompatibility of nonresidential uses with existing residential uses in the Winthrop Street BP District.

**BE IT FURTHER ORDAINED**, that notwithstanding 1 M.R.S.A. § 302, this Moratorium Ordinance shall be applicable to nonresidential uses which were not active as of June 20, 2019, regardless of whether a permit or any other land use approval for a nonresidential use has been applied for or issued. A nonresidential use shall be considered active as of June 20, 2019 if the use was actively conducted within the premises in question on or within one year prior to that date.

**BE IT FURTHER ORDAINED**, that no person or organization shall develop, construct or begin a nonresidential use of property located within the Winthrop Street BP District on or after the effective date of this Moratorium Ordinance without complying with whatever ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

**BE IT FURTHER ORDAINED**, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a building permit or any other type of land use approval or permit and/or any other permits or licenses related to a nonresidential use within the Winthrop Street BP District, except those permits necessary to address a Life Safety 101 Code issue or to provide accessibility to persons with disabilities; and

**BE IT FURTHER ORDAINED**, that those provisions of the City current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

**BE IT FURTHER ORDAINED**, that if a residential use is established in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and

**BE IT FURTHER ORDAINED**, that should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Emergency Declaration**

The City Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent serious public harm that could be caused by the unregulated development of commercial uses within the Winthrop Street BP District, as defined above, thereby necessitating a moratorium to provide an opportunity for the City to review the potential impacts and harm that may be caused by such nonresidential uses, and to amend its Code of Ordinances to mitigate the potential impact and harm on the City and its residents.
In accordance with Article II, Section 9 or the City Charter, this Moratorium shall be enacted as an emergency ordinance. It shall be effective immediately upon enactment and shall remain in effect for ninety (90) days from the date of enactment unless it is terminated or extended in accordance with this Ordinance.

Proposed: June 27, 2019
Approved: ________________________ (EMERGENCY)

19-100 Councilor Conti
WHEREAS, this Moratorium Ordinance relates to the use of property located along Western Avenue which is currently zoned within the Local Business (CB) District, and which property shall be hereinafter referred to as “the Western Avenue CB District”; 

WHEREAS, development of the Western Avenue CB District has resulted in almost exclusively commercial use of that area; and

WHEREAS, the intensive commercial use of the Western Avenue CB District may not support residential use due to high traffic and incompatibility of the scope and scale of commercial use in the District with residential uses; and

WHEREAS, the City Council, with the professional advice and assistance of the City Manager, Planning Board and Planing Board, shall study the City's current Code of Ordinances to determine whether residential use shall continue to be permitted in the Western Avenue CB District, and if so, what review processes or regulations are appropriate; and

WHEREAS, it is anticipated that such a study, review, and development of recommended Ordinance changes will take at least ninety (90) days from the date the City enacts this Moratorium Ordinance regarding the Western Avenue CB District;

NOW, THEREFORE, be it ordained by the City Council of the City of Augusta, that the following Moratorium Ordinance regarding the Western Avenue CB District (the “Moratorium Ordinance”) be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the location, construction of, conversion to, or new use of any property located within the Western Avenue CB District for residential purposes.

For the purposes of this Moratorium Ordinance, “residential” use shall include single-family, two-family and multi-family dwellings, community living arrangements, group homes and rooming houses.

This Moratorium Ordinance shall take effect once enacted by the City Council, in accordance with the provisions of the City Charter. The Moratorium shall expire on the 90th day after enactment, unless extended, repealed, or modified by the City Council, for the express purpose of drafting an amendment or amendments to the City's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, incompatibility of residential uses with existing commercial uses in the Western Avenue CB District.
BE IT FURTHER ORDAINED, that notwithstanding 1 M.R.S.A. § 302, this Moratorium Ordinance shall be applicable to residential uses which were not active as of June 20, 2019, regardless of whether a permit or any other land use approval for a residential use has been applied for or issued.

BE IT FURTHER ORDAINED, that no person or organization shall develop, construct or begin a residential use of property located within the Western Avenue CB District on or after the effective date of this Moratorium Ordinance without complying with whatever ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a building permit or any other type of land use approval or permit and/or any other permits or licenses related to a residential use within the Western Avenue CB District, except those permits necessary to address a Life Safety 101 Code issue or to provide accessibility to persons with disabilities; and

BE IT FURTHER ORDAINED, that those provisions of the City current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if a residential use is established in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Emergency Declaration

The City Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent serious public harm that could be caused by the unregulated development of commercial uses within the Winthrop Street BP District, as defined above, thereby necessitating a moratorium to provide an opportunity for the City to review the potential impacts and harm that may be caused by such nonresidential uses, and to amend its Code of Ordinances to mitigate the potential impact and harm on the City and its residents.

In accordance with Article II, Section 9 or the City Charter, this Moratorium shall be enacted as an emergency ordinance. It shall be effective immediately upon enactment and shall remain in effect for ninety (90) days from the date of enactment unless it is terminated or extended in accordance with this Ordinance.

Proposed: June 27, 2019
Approved: ________________ (EMERGENCY)

Special Business Meeting Agenda 6/27/2019
COMMUNICATIONS

   Committee Reports
   City Manager’s Report

Respectfully submitted,
Loretta Lathe, Executive Assistant
June 24, 2019