

**CITY OF AUGUSTA  
AGENDA FOR THE CITY COUNCIL BUSINESS MEETING  
COUNCIL CHAMBERS CITY HALL  
THURSDAY, MARCH 21, 2019  
7:00 P.M.**

There will be a pre-meeting of the City Council in Conference Room A at 6:30 p.m. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

**PRESENTATION:** Anita Gendreau Fecteau's 100<sup>th</sup> Birthday

**PRESENTATION:** Comprehensive Plan Committee Update – Darek Grant and Heather Pouliot

**PRESENTATION:** Public Works Director Lesley Jones Introducing Deputy Public Works Director Douglas Fowler and Recognizing One Full Year of No Lost Time at DPW

**PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:**

**CONSENT AGENDA:**

**19-042 City Manager (Bureau of City Clerk)**

**BE IT ORDERED**, that the minutes of the City Council Regular Business Meeting held March 7, 2019, submitted by the City Clerk's office be approved.

**19-043 Mayor**

**BE IT ORDERED**, that J. Gregory Jolda be hereby appointed to the Board of Zoning Appeals, said term to expire March 21, 2022.

**19-044 Mayor**

**BE IT ORDERED**, that Daniel L. Mitchell is hereby reappointed to the Old Fort Western Board of Trustees, said term to expire, October 31, 2020.

**19-045 City Manager**

**BE IT ORDERED**, in accordance with the City of Augusta Code of Ordinances, Appendix A, Land Use Ordinance Section 5.1.15.1.A.1.o, that the City Council hereby authorizes the City Manager to modify the hours of work of the Greater Augusta Utility District, GAUD, (and companies working for them under contract) to perform construction and maintenance work on their infrastructure throughout the City such as installing pipes, cleaning and maintaining catch basins and adjusting access points (manhole covers and valve boxes) as doing this work at night is beneficial to public safety and minimizes potential disruption to daytime traffic patterns.

**OLD BUSINESS AND TABLED MATTERS:**

**SECOND READING (ORDINANCES)**

**19-040 Mayor Rollins, Councilors Conti and Day**

**Whereas**, the City of Augusta desires to protect the natural environment; and

**Whereas**, the use of single-use carryout plastic bags has negative environmental impacts on a local and global scale; and

**Whereas**, despite recycling and voluntary solutions to control pollution from single-use carryout plastic bags, few single-use carryout bags are recycled; and

**Whereas**, studies have documented that single-use carryout plastic bags litter the environment, block storm drains, and endanger wildlife; and

**Whereas**, the City of Augusta's taxpayers bear costs associated with the effects of single-use carryout plastic bags on the solid waste stream, litter, drainage and wildlife; and

**Whereas**, the City, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve Maine's recycling goals; and

**Whereas**, evidence indicates that the vast majority of single-use carryout plastic bags are used for the bagging and carryout of products purchased from stores, as those business are defined in this ordinance; and

**Whereas**, studies document, and participating municipalities report, that charging for single-use carryout plastic bags will dramatically reduce the use of those types of bags; and

**Whereas**, the City Council of the City of Augusta believes that residents and visitors should be encouraged to use reusable bags and that charging for the distribution of single-use carryout bags is appropriate to incentivize the use of reusable bags; and

**Whereas**, it is in the best interests of the health, safety and welfare of citizens and visitors of Augusta to reduce the cost to the City of solid waste disposal, and to protect our environment and natural resources by reducing the distribution of single-use carryout plastic bags and incentivizing the use of reusable bags.

**Now therefore**, the City Council of the City of Augusta adopts the following ordinance regulating the use of single-use carryout bags.

## **Single-Use Carryout Bags**

### **Section 1. Definitions.**

As used in this article, the following terms have the following meanings:

*Single-use Carryout Plastic Bag.* Single-use Carryout Plastic Bag means a plastic bag, other than a Reusable bag, provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term

Single-Use Carryout Plastic Bag includes compostable and biodegradable bags but does not include:

- (a) Produce bags or Product bags, as defined herein;
- (b) Reusable bags, as defined herein;
- (c) bags provided by pharmacists that contain prescription drugs;
- (d) newspaper bag or dry cleaning bag;
- (e) a bag that a restaurant gives a customer to take prepared, carryout, or leftover food or drink from the restaurant; or
- (f) a once-used or re-used bag, such as those given out at thrift and antique stores.

*Produce bag or Product bag.* The terms produce bag or product bag mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

*Reusable Bag* means a bag that is:

- (a) designed and manufactured to withstand repeated uses over a period of time;
- (b) is machine washable or made from a material that can be cleaned and disinfected regularly;
- (c) at least 2.25 mil thick if made from plastic;
- (d) has a minimum lifetime of 75 uses; and
- (e) capable of carrying a minimum of 18 pounds.

*Retail.* Retail means the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

*Store.* Store means any retail establishment, located within the City of Augusta; that engages in the retail sale of goods, products, clothing, or merchandise.

*Restaurant.* Restaurant means any lunchroom, café, or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area. A restaurant does not include any area of a supermarket, department store, or other retail establishment beyond the kitchen and public dining area.

## **Section 2. Single-Use Carryout Bag.**

- (a) No Store shall provide a Single-Use Carryout Plastic Bag to a customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.

- (b) A Store may make available for sale to a Customer a Single-Use Carryout Bag for a minimum charge of five cents (\$0.05).
- (c) All monies collected by a Store for Single-Use Carryout Bags under this Chapter may be used by the Store for any lawful purpose.
- (d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.
- (e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.
- (f) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

**Section 3. Exemptions.**

During the first year of this ordinance, a Store may provide a Single-Use Carryout Plastic Bag or a Reusable Bag at no cost at point of sale to a customer who purchased the items with food instruments distributed by the Department of Health & Human Services pursuant to the Supplemental Nutrition Assistance Program of the federal Child Nutrition Act of 1966.

A Store shall be exempt from the provisions of this article, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public health or safety.

**Section 4. Violations and enforcement.**

The code enforcement officer or his/her designee(s), or other official designated by the City Manager, shall have the primary responsibility for enforcement of this article. If the code enforcement officer or his/her designee(s), or other official designated by the City Manager, determine(s) that a violation of this article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Penalties for violation of this article shall be as follows:

- (a) A warning for the first violation in a one-year period.
- (b) A fine not exceeding \$250 for the second violation in a one-year period.
- (c) A fine not exceeding \$500 for each subsequent violation in a one-year period.

**Section 5. Effective Date.**

Enforcement of this article shall begin on July 1, 2019.

**Section 6. Severability.**

If any part or provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of the article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this article are severable.

**NEW BUSINESS:**

**PART 1 – ORDERS AND RESOLVES**

**19-046 City Manager**

**WHEREAS**, bids for the reconstruction of Commercial Street and conversion of Water Street to two-way traffic were higher than expected due to contractor commitment and work complexity; and

**WHEREAS**, the budget for Commercial Street reconstruction has increased from \$825,000 to \$1,411,000; and

**WHEREAS**, the budget for the Water Street two-way conversion project has increased from \$155,800 to \$195,800; and

**WHEREAS**, funding exists within the approved 2019 Capital Improvement Program to fund the projected deficit.

**NOW, THEREFORE, BE IT ORDERED**, by the City Council of the City of Augusta, that \$585,705.52 is hereby reallocated from the following projects to the Commercial Street Reconstruction Project:

- \$138,975.52 from Cony Street
- \$308,248.46 from Columbia Street
- \$138,481.54 from FY '17 Paving

**BE IT FURTHER ORDERED**, that \$40,000 is hereby reallocated from Paving to the Water Street two-way conversion project.

**COMMUNICATIONS**

Committee Reports  
City Manager's Report

Respectfully submitted,  
Roberta L. Fogg, City Clerk  
March 18, 2019