

**AGENDA FOR THE CITY COUNCIL BUSINESS MEETING  
COUNCIL CHAMBERS  
THURSDAY, AUGUST 4, 2016  
7:00 P.M.**

**PRESENTATION:** Kennebec Valley Chamber of Commerce Update

**PRESENTATION:** Historic Building Plaque to Jane L. Gilbert and Nancy Fritz, owners of the Charles Towne House, circa 1830, located at 23 South Chestnut Street, by Lorie Mastemaker, Chair of the Historic Preservation Commission

**PRESENTATION:** Historic Building Plaque to Susan Fox, owner of the Twombly-Nash House, 1865, located at 19 North Chestnut Street, by Lorie Mastemaker, Chair of the Historic Preservation Commission

**PUBLIC HEARING:** Western Avenue Tax Increment Financing

**PUBLIC HEARING:** Ordinance Number 16-133, Establishing a moratorium on the issuance of all permits or Planning Board reviews for “Group and Boarding Homes” and “Rooming Houses”

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

**CONSENT AGENDA:**

**16-124           Manager**

ORDERED, That the minutes of the City Council Business Meeting held July 21, 2016, submitted by the City Manager’s office be approved.

**16-125           Manager (Bureau of Audit Accounts)**

ORDERED, That the Roll of Accounts for the month of July, 2016 in the amount of \$6,842,484.53 be approved.

**16-126           Mayor**

ORDERED, The appointment of James Bass to the Board of Zoning Appeals, said term to expire May 16, 2019, be approved.

**OLD BUSINESS AND TABLED MATTERS:**

**SECOND READING (Ordinances)**

**16-120           Mayor and Council**

WHEREAS, the Planning Board held a public hearing and unanimously recommended a rezoning; and

WHEREAS, rezoning these parcels will result in the National Guard Armory and neighboring parcels having the same zoning designation as other parcels on Western Avenue.

NOW THEREFORE BE IT ORDAINED that the City Council of Augusta rezones the entire lot known as Assessor's Map 9, Lot 5A and portions of the lots known as Assessor's Map 22, Lots 14, 14B, and 14D from Government Services District (GS) to Regional Business District (CC).

**16-121 Mayor and Council**

WHEREAS, the Planning Board held a public hearing and unanimously recommended a rezoning; and

WHEREAS, rezoning this 0.5 acre parcel of land would be in keeping with surrounding land uses and zoning districts.

NOW THEREFORE BE IT ORDAINED that the City Council of Augusta rezones the lot known as Assessor's Map 15, Lot 9 from Rural Ponds (RPDS) to Rural Village District (RV).

**16-122 City Manager**

**BE IT ORDAINED, By the City Council of the City of Augusta, as follows:**

**That Chapter 270, Section 35 Schedule of no parking or restricted parking areas of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:**

**Arsenal Street**

No parking on the west side the entire length.

No parking on the east side from Cony Street to Spruce Street.

No parking on the east side from the intersection of East Chestnut Street southerly for 60 feet.

Parking on the east side starting at a point 60 feet southerly of East Chestnut Street for a distance of 152 feet restricted to handicapped parking only.

Parking on the east side starting at a point 212 feet southerly of East Chestnut Street southerly for a distance of 140 feet designated 2-hour patient pickup and discharge only.

No parking on the east side starting at a point 536 feet southerly of East Chestnut Street southerly for the remaining distance.

Parking shall be restricted to 2 hours on the east side beginning at a point 452 feet southerly of East Chestnut Street southerly for a distance of 84 feet.

**That Chapter 270, Section 35 Schedule of no parking or restricted parking areas of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:**

**Arsenal Street**

No parking on the west side the entire length from Williams Street southerly.

Parking on the west side starting at a point 95 feet southerly of Cony Street for a distance of 221 feet.

No parking on the east side from Cony Street to Spruce Street.

No parking on the east side from the intersection of East Chestnut Street southerly for 20 feet.

Two hour parking on the east side starting at a point 20 feet southerly of East Chestnut Street for

a distance of 114 feet **to include one handicap parking space.**

Two hour parking on the east side starting at a point 171 feet southerly of East Chestnut Street for a distance of 177 feet **to include one handicap parking space.**

Parking on the east side starting at a point 450 feet southerly of East Chestnut Street for a distance of 88 feet.

No parking on the east side starting at a point 538 feet southerly of East Chestnut Street southerly for the remaining distance.

### **16-123 Mayor and Council**

WHEREAS, in early 2016 there was a serious bedbug infestation at a property in Augusta that threatened to spread to neighboring properties and businesses in the city; and

WHEREAS, bedbugs present a serious financial threat and potential secondary health threat to the residents of Augusta; and

WHEREAS, city officials discovered there is no existing mechanism in state law or local ordinance that allows local officials to ensure such an infestation is promptly and properly irradiated.

Now therefore be it ORDAINED that the City Council of Augusta hereby enacts a new ordinance regarding bedbugs as follows:

- a) Purpose. Bedbugs are hereby declared to be a public nuisance subject to the abatement provisions of this Section. All property owners and or tenants of any rental building shall take appropriate actions to prevent and or eliminate any bedbug complaints.
- b) Definitions. As used in this section, unless the context otherwise indicates, the following terms shall have the meanings indicated:
  1. “Day” is defined as a business day.
  2. “Infestation” is defined as the visible presence of active bedbugs in a dwelling unit.
  3. “Landlord” is defined in this section as the owner of any rental building
  4. “Pest control agent” means a commercial applicator of pesticides certified pursuant to 22 M.R.S.A. § 1471-D.
  5. “Reasonable notice” means notice as set forth in 14 M.R.S.A. § 6025.
- c) Landlord duties. A landlord has the following duties:
  1. Upon written or oral notice from a tenant that a dwelling unit may have a bedbug infestation, the landlord shall, within two (2) days, conduct an inspection of the unit for bedbugs.

2. If, upon inspection, a bedbug is found anywhere in a dwelling unit, the landlord shall, within one (1) day, contact a pest control agent pursuant to Subsection (c)(3).
3. A landlord shall take reasonable measures to effectively identify and treat the bedbug infestation as recommended by a pest control agent. The recommendation to treat the dwelling unit and the plan to decontaminate the people affected and their personal property must be provided to the landlord and received by the City within five (5) days of contacting the pest control agent. The landlord shall employ a pest control agent that carries current liability insurance to promptly treat the bedbug infestation, including any bedbugs on individuals and personal property. The landlord shall notify the City within two (2) days of any abatement measures recommended by the pest control agent. If the City determines such abatement measures to be insufficient to abate the infestation, the City may immediately require additional abatement to ensure that no further infestation is detected. The landlord shall maintain a written record of the pest control measures performed by the pest control agent on the dwelling unit. The record shall include reports and receipts prepared by the pest control agent. The record shall be maintained for three (3) years and shall be open to inspection by authorized City personnel.
4. Before renting a dwelling unit, a landlord shall disclose to a prospective tenant if an adjacent unit or units are currently infested with or are being treated for bedbugs. Upon request from a tenant or prospective tenant, a landlord shall disclose the last date that the dwelling unit the landlord seeks to rent or an adjacent unit or units were inspected for a bedbug infestation and found to be free of a bedbug infestation.
5. A landlord may not offer for rent a dwelling unit that the landlord knows or suspects is infested with bedbugs.
6. A landlord shall offer to make reasonable assistance available to a tenant who is not able to comply with requested bedbug inspection or control measures under Subsection (d)(3), including but not limited to providing a bedbug-free location in which to reside while treatment procedures are ongoing, if necessary.
7. The landlord shall be responsible for all costs of treatment of the tenant any other people contaminated at the property and all personal property. This includes the cost of transportation to a treatment facility.
8. In addition to any penalties authorized under this section, if a landlord fails to comply with the obligations under this subsection:
  - i. The City or a designated agent may enter the property and may act to abate the infestation in compliance with this section. To recover any actual and direct expenses incurred by the City in the abatement of infestation, the City may: (1)

file a lien on the real estate on which the infestation is located; or (2) assess a special tax on the real estate on which the infestation is located, which amount shall be included in the next annual warrant to the tax collector of the City for collection in the same manner as other City taxes are collected;

- ii. The building in which the infestation is located shall be deemed to be unsanitary, a hazard to health and safety, unsuitable or improper for occupancy, and otherwise dangerous to life or property for purposes of 17 M.R.S.A. § 2851.

d) Tenant duties. A tenant has the following duties:

1. A tenant shall promptly notify a landlord when the tenant knows of or suspects an infestation of bedbugs in the tenant's dwelling unit and shall not attempt to treat the infestation himself/herself
2. Upon receiving reasonable notice, including reasons for and scope of the request for access to the premises, a tenant shall grant the landlord of the dwelling unit, the landlord's agent, the landlord's pest control agent and its employees, or authorized City personnel access to the unit for purposes of an inspection for or control of the infestation of bedbugs. The initial inspection may include only a visual inspection and manual inspection of the tenant's bedding and upholstered furniture. Employees of the pest control agent may inspect items other than bedding and upholstered furniture when such an inspection is considered reasonable by the pest control agent. If the pest control agent finds bedbugs in the dwelling unit or in an adjoining unit, the pest control agent may have additional access to the tenant's personal belongings as determined reasonable by the pest control agent.
3. Upon receiving reasonable notice, a tenant shall comply with reasonable measures to eliminate and control a bedbug infestation as set forth by the landlord, the pest control agent and the city. A tenant that is proven to have failed to comply with reasonable measures to control the infestation may be held responsible for any ongoing infestation treatment.

e) General penalty. A landlord or tenant who fails to comply with the provisions of this section shall be subject to the penalty set forth in Chapter 1, Article III, General Penalty of this Code.

## **NEW BUSINESS**

### **PART 1 – ORDERS**

#### **16-127 Councilor Munson**

ORDERED, That the City Council approve the appointment of Councilor Anna Blodgett as City Council Representative to the Maine Municipal Association's Legislative Policy Committee for a two year term, July 1, 2016 to June 30, 2018.

**16-128 City Manager**

**ORDERED**, That the City Manager is authorized to sign a memorandum of agreement with the Maine Department of Transportation (MDOT) allowing the MDOT access through cemetery property to remove trees on .07 acres owned by the city adjacent to the Augusta State Airport.

**16-129 City Manager**

**ORDERED**, That the City Council accept a donation for Bicentennial Nature Park in an amount totaling One Thousand Two Hundred and Thirty Five Dollars (\$1,235.00) from the Augusta Rotary Club Foundation.

**16-130 City Manager**

**ORDERED**, that the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated, section 5824(3) & 5826(6) to the transfer of \$420.00, or any portion thereof to the Augusta Police Department, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of the criminal case, namely, State of Maine vs. Nicholas Caponigro.

**16-131 City Manager**

WHEREAS, the City of Augusta (the “City”) is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the “Western Avenue Tax Increment Financing District” (the “District”) and to adopt a Development Program for the District (the “Development Program”); and

WHEREAS, there is a need to extend and improve the community trail system at Mill Park; and

WHEREAS, there is a need to improve fire protection facilities and apparatus for the protection of citizens of the City of Augusta and the surrounding region;

WHEREAS, implementation of the Financial Program will provide additional investment in the City of Augusta’s designated Downtown District; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the Western Avenue Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, the Maine Department of Economic and Community Development requested that specific language be amended in the original application for the development district, which has been completed.

**NOW THEREFORE BE IT ORDERED**, that the Western Avenue Development Program and Tax Increment Financing District, be approved.

**16-132 Mayor**

ORDERED, that the City Manager is authorized to submit a grant application to the State of Maine Department of Public Safety in an amount not to exceed \$250,000 under the newly authorized substance abuse assistance programs.

**NEW BUSINESS (CON'T)**

**PART 2 – ORDINANCES BEING READ FOR THE FIRST TIME**

**NO VOTE REQUIRED**

**16-133 Councilor Conti**

WHEREAS, the City Council of the City of Augusta finds that there should be greater clarity regarding the definitions of “Group and Boarding Home” and “Rooming House”; and

WHEREAS, the City Council finds that studying the zoning districts where these uses are allowed is necessary; and

WHEREAS, a temporary moratorium will ensure that each of these uses is more clearly defined before any new or expanded ones are established.

NOW THEREFORE BE IT ORDAINED, That a temporary moratorium lasting 180 days, in accordance with Title 30-A, Section 4356, of the Maine Revised Statutes Annotated, shall be in place for the issuance of all permits or Planning Board reviews for “Group and Boarding Homes” and “Rooming Houses” in the Business, Professional, and Institutional (BP) and Medium Density Residential (RB2) zoning districts.

**COMMUNICATIONS**

Committee Reports  
City Manager’s Report

Enter into executive session to discuss:  
Real Estate; 1 M.R.S.A., §405(6)(C)

Respectfully submitted,

Loretta Lathe, Executive Assistant  
August 1, 2016