

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

All members of the Council were present: Mayor Rollins presided.

Presentation by the Kennebec Valley Chamber of Commerce to Councilor Grant for community service.

Presentation of a Historic Building Plaque to Jane L. Gilbert and Nancy Fritz, owners of the Charles Towne House, circa 1830, located at 23 South Chestnut Street.

A Historic Building Plaque to Susan Fox, owner of the Twombly-Nash House, 1865, located at 19 North Chestnut Street, will be sent to the owner.

Public hearing was conducted on the Western Avenue Tax Increment Financing district amendment.

Public hearing was conducted on the 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:

READ AND PASSED

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.

Motion for passage of the Consent Agenda.

By: Munson Second by: Bilodeau

Yeas: 8

Nays: 0

OLD BUSINESS AND TABLED MATTERS:

SECOND READING (Ordinances)

16-120 Mayor and Council

READ AND PASSED

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).

Motion for passage of order 16-120.

By: Bilodeau Second by: Munson

Yeas: 8

Nays: 0

16-121 Mayor and Council

READ AND PASSED

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).

Motion for passage of order 16-121.

By: Paradis Second by: Blodgett

Yeas: 8

Nays: 0

16-122 City Manager

READ AND PASSED

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.

Motion for passage of order 16-122.

By: Grant Second by: Blodgett

Yeas: 8

Nays: 0

16-123 Mayor and Council

READ AND PASSED

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

Motion to suspend the rules and to proceed with the second reading of council order 16-133.
By: Conti Second by: Paradis
Yeas: 6
Nays: 2 – Bilodeau and McCormick

Motion to pass council order 16-133 as a second reading, adding the language of “up to” after the word “lasting” and before the “180 days”.
By: Conti Second by: Paradis
Yeas: 8
Nays: 0

Motion to amend the order to indicate “up to 120 days”
By: Bilodeau Second by: McCormick
Motion failed
Yeas: 2 – Bilodeau and McCormick
Nays: 6

Vote on motion to pass council order 16-133, as amended.
Yeas: 5
Nays: 3 – Bilodeau, McCormick and Alexander.

COMMUNICATIONS

Committee Reports
City Manager’s Report

Motion to enter into executive session at 9:40pm to discuss a real estate matter in accordance with M.R.S. Title 1, section 405(6)(C).
By: Conti Second by: Munson
Yeas: 8
Nays: 0

Motion to leave executive session and adjourn at 10:40pm.
Yeas: 7
Nays: 0
Paradis absent from the vote.

Respectfully submitted,
Roberta L. Fogg, City Clerk
August 9, 2016