

ing forward despite the water emergency experience by residents of the neighboring Triview water district. See related Triview article on page 1.

Ultimately, Bornstein made a motion that was seconded, then Coopman offered an amendment which was also seconded, asking for a comprehensive audit of the water enterprise fund, based on a list of specific questions to be developed with public input at the Aug. 1 meeting, and once that list was developed, it would be sent out as a request for proposal. The amendment was approved 5-1 (Kaiser opposed), then the amended motion was approved unanimously.

"Clinics" zoning ordinance approved

On July 18, the trustees unanimously approved a new ordinance, taking effect immediately, amending the town zoning ordinance regarding regulations of "clinics." It does not "zone out" methadone clinics for legal reasons listed below. See www.ocn.me/v16n4.htm#mbot0311 for background about the 2015 methadone clinic battle with Colonial Management Group.

The town's land use attorney, Carolynne White of Brownstein Hyatt Farber Schreck LLP, explained the detailed rationale for the changes at a public workshop on July 7 and again on July 18. White said she worked with attorney Bill C. Berger, of the same firm. The goal of eight months of work was to create a legally defensible system for regulating where health care providers, including methadone clinics, can locate within the Town of Monument. Her comments included:

- An addict is a person for whom the addiction "substantially limits" one or more of their "major life functions."
- Addiction, even addiction to illegal substances, is considered a disability, and is protected against discrimination under the Americans with Disabilities Act.
- The town code must be neutral in terms of how it treats individuals with disabilities.
- Many courts have struck down zoning laws designed to discriminate against methadone clinics.

The amendments to town zoning ordinances they suggested would allow certain types of clinics, with doctors on site, to locate in the B and C zoning districts.

However, five types of clinics that do not have doctors on site (clinic, pharmacy, professional services office, small animal clinic, and health services facility) would be allowed to locate only in the PCDH zone, which is located only "in the immediate vicinity of highway access ramps." Part of the rationale is that in a clinic with no physicians on site, it is more critical that emergency personnel can easily access the clinic.

White said some existing "non-doctor clinic health care facilities" already located in the B and C zoning districts of Monument will become "nonconforming uses," a.k.a. "grandfathered in." She said town staff was still analyzing how many existing businesses were likely affected, and anyone with questions should contact the town directly.

Also, the amended ordinance does not "zone out" methadone clinics, White explained. This means that, if a proposed methadone clinic were to propose a new location within the PCDH zones, and it otherwise complies with town code requirements, then the town will have to allow it, White said.

William Louis, the land use attorney that was hired by No Methadone in Monument group, spoke during public comments with a list of suggested

changes to the ordinance that he had discussed with White. "We do want you approve something tonight (since the moratorium expires tomorrow), but do come back in a month to close these loopholes," he said.

The board went into executive session with White to discuss Louis's suggestions at 8:50 p.m. and came back in regular session at 9:25 p.m. They voted unanimously to approve an amended version of White's ordinance. Several other changes and additions suggested by Lewis might be included as amendments to the ordinance later on.

Board of Adjustment appointments; still missing one

The trustees unanimously approved a resolution to reappoint Don Smith, Kathy Spence, Jeff Bornstein and Robin Yamiolski to the Board of Adjustment, and now their terms will expire on staggered dates instead of all at once.

One remaining vacancy, the position that had been held by Shea Medlicott, is still open. Planning Director Larry Manning said this opening was advertised in the Gazette and on the town website, but no new applications were received. He said staff then contacted the applicants from the 2015 appointments and three of them offered again to serve if appointed.

Then Jamie Fenley spoke up at the meeting saying she had not seen the notification until the last minute and asking about the status of her application, but Manning said it had been received after the deadline and was not included in the trustees' packet. Fenley left the meeting.

The consensus of the trustees was for Manning to post the vacancy in local media outlets and also ask the applicants to appear in person so they could be interviewed. They also asked Manning to contact Fenley to let her know her application would still be accepted.

Marijuana arrests made on Front Street

Police Chief Jake Shirk said "some federal partners had been notified" and two people had been arrested after Monument officers responded to a domestic violence call on Front Street on July 16. During the course of the investigation, the officers searched the out-of-state vehicle and found 32½ pounds of marijuana, a .25-caliber handgun, and several identifications and items of paperwork with names different than the two suspects'.

Fuel station and convenience store approved

Planner Jennifer Jones presented an application submitted by GreenbergFarrow for a Final Planned Development Site Plan for a Murphy Express fuel station and convenience store to be located on the southeast corner of Jackson Creek Parkway and Leather Chaps Drive. The application was approved by the Monument Planning Commission on June 8.

The 1.26-acre site will be accessed

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