

Mon. BOT Aug. 24 (Cont. from page 1)

Several members of the “No Methadone” group pleaded with the trustees to take the time to listen to Louis’s land use expertise and legal advice. “He’s right here, at our dime,” said resident Greg Coopman. “I’m baffled.”

During public comments, resident Tommie Plank raised the same question Town Manager Pamela Smith had on Aug. 17, if it were possible that the phrase “moratorium on the operation or establishment of any business that provides drugs” would affect pharmacies that were already in business. Shupp said he did not think it made any difference as far as the intent of the moratorium. Plank said, “You need to be more certain than that. There are other businesses in town that dispense drugs that are perfectly legal.”

After further interactive discussion with the citizens in attendance, the board changed its position and agreed to hear Louis’s rationale for his proposed changes. Shupp then said he had no “pride of authorship” about the ordinance and was open to suggestions.

- Louis’s points included:
- Methadone dispensaries are one of many land uses that enjoy constitutional protection.
 - If you are favoring one land use over another, you will get sued.
 - The eventual goal would not be to outlaw these busi-



Above:The Monument Board of Trustees approved a temporary emergency moratorium on all clinics on Aug. 24. From left are Trustee Jeff Bornstein, Trustee Becki Tooley, Mayor Pro-Tem Jeff Kaiser, Mayor Rafael Dominguez, Trustee John Howe, Trustee Kelly Elliott, Trustee Jeff Smith, Town Attorney Gary Shupp, Town Manager and Treasurer Pamela Smith, and Town Clerk Cynthia Sirochman, and, seated, attorney William Louis, representing the “No Methadone in Monument” group. *Photo by Lisa Hatfield.*

nesses from the town but to rewrite ordinances to exclude certain land uses from certain areas of primary concerns based on negative impacts.

- The downside of his approach was that, while the temporary moratorium was in effect, if a family physician wanted to open a business in Monument, for example, it would not be allowed.

Louis said the town could have easily enacted a moratorium with very little constitutional objection if this had been addressed appropriately last fall.

Attorney Chris Gruen of Fox Rothschild LLP, representing Colonial Management Group LP of Orlando, Fla., said he wanted to put on record that Colonial did object

on the basis that the moratorium was discriminatory and unconstitutional.

About a half hour of discussion by the trustees, Louis, and Shupp regarding the two-page legal document resulted in mutual agreement on new wording for the emergency ordinance. The title was changed to “An emergency ordinance imposing a temporary moratorium on the new establishment of any business that classifies itself or seeks approval for itself as a clinic in the B and C zoning classifications.” It was approved by a roll call vote of 7-0. It took effect immediately and will last six months.

The approved final ordinance is available for download as a PDF file at www.townofmonument.org/meetings/board-of-trustees/.

The meeting adjourned at 7:31 p.m.

The Monument Board of Trustees usually meets at 6:30 p.m. on the first and third Mondays of each month at Monument Town Hall, 645 Beacon Lite Road. The next regular meeting is scheduled for Tuesday, Sept. 8. Call 884-8017 or see www.townofmonument.org for more information.

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