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.

**PROCLAMATION:** Veteran Suicide Awareness

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

**CONSENT AGENDA:**

19-068  City Manager (Bureau of City Clerk)

BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held May 2, 2019, submitted by the City Clerk’s office be approved.

19-069  Mayor

BE IT ORDERED, that Amanda Frost is hereby reappointed to the Augusta Housing Authority Board of Commissioners, said term to expire May 16, 2024.

19-070  City Manager

BE IT ORDERED, that the City Council hereby accept, on behalf of the family of the late Governor John Fremont Hill, a donation in the amount of Fifteen Thousand Dollars ($15,000.00) for the purpose of performing necessary improvements and maintenance at Forest Grove Cemetery. Said funds will be held in a dedicated Forest Grove Cemetery account until such time all funds have been expended.

19-071  Mayor and Council

BE IT ORDERED, that the City Manager is hereby authorized to contract with the City’s designated realtor, REMAX Realty, to list the home, garage and property at 11 Boulder Ave (Tax Map 11, Lot 45D) for $99,900.

19-072  City Manager

BE IT ORDERED, that the City Manager is hereby authorized to accept grant funding in the amount not to exceed $7,500.00 from Dirigo Safety, LLC for the purpose of administering the enforcement of underage drinking laws on behalf of the Maine Center for Disease Control and Prevention, Tobacco and Substance Use Prevention and Control Program. The EUDL Program’s purpose is to reduce underage drinking and alcohol-related unintentional injuries and car crashes in Maine. There is no local match requirement in order to accept this grant funding.

**NEW BUSINESS PART 2 – ORDINANCES - FIRST READING**

NO VOTE REQUIRED

19-073  Councilors Elliott and Wilson

WHEREAS, providing additional opportunity for parking is important in densely developed areas; and

WHEREAS, the Planning Board held a public hearing and voted unanimously to recommend modifications to the Land Use Ordinance;
NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments shown in underlined font be added to the Code of Ordinances, Land Use Ordinance:

§ 300-513.B. (d) Exceptions to on-site parking. All off-street parking shall be located on the same lot as the principal structure or use to be served except:

1. As permitted by the Planning Board;
2. Uses located in the Kennebec District 1 Zone in existence prior to the effective date of this chapter; Requests for off-site parking in Subsection B(1)(d)[1] and [2] above must meet the following requirement: If not owned in fee by the applicant, the use of the land shall be legally bound to serve as a parking lot for the life of the building or use that is being permitted to serve.
3. As permitted by the Planning Board, places of worship located in the BP and RC District, provided that the minimum number of spaces required for a development proposal by said places of worship shall be available on a public street within 1,000 feet of the place of worship.
4. As a conditional use, and as permitted by the Planning Board, properties which have inadequate land on-site to meet parking requirements may, on a separate lot provide for up to six (6) parking spaces as a primary use. If not owned in fee by the applicant, the use of the land for parking shall be legally bound to serve as a parking lot for the life of the building or use that it is being permitted to serve. This subsection shall not be apply in any locally designated historic district.

19-074 City Manager

WHEREAS, the city finds that regulating medical marijuana businesses is in the best interest of the public; and

WHEREAS, the Planning Board and City Council held multiple public hearing and heard substantial testimony on the topic; and

WHEREAS, the following modifications to the Land Use Ordinance are necessary to ensure careful management of a new industry in the city;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments be adopted to the Code of Ordinances, Land Use Ordinance:

Add the following definitions in proper alphabetical order to Section 300-202 (Other Definitions):

- Medical Marijuana Businesses. Includes Indoor Medical Marijuana Cultivation Area, Outdoor Medical Marijuana Cultivation Area, Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Registered Caregivers, Medical Marijuana Caregiver Retail Store, Medical Marijuana Registered Caregiver (Home Occupation), and Registered Dispensaries.

- Indoor Medical Marijuana Cultivation Area. An indoor area used for medical marijuana cultivation in accordance with state law that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under state law.

- Outdoor Medical Marijuana Cultivation Area. An outdoor area used for medical marijuana cultivation in accordance with state law that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under state law.
• Medical Marijuana Manufacturing Facility. A registered tier 1 or tier 2 manufacturing facility, as designated by state law, or a person authorized to engage in marijuana extraction under 22 MRS §2423-F.

• Registered dispensary. "Registered dispensary" or "dispensary" means an entity registered under 22 MRS §2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

• Marijuana testing facility. A public or private laboratory that is authorized and accredited in accordance with state law.

• Medical Marijuana Caregiver Retail Store. A location other than the permanent residence of a registered caregiver or a qualifying patient from which a registered caregiver provides marijuana for medical use to a qualifying patient.

• Medical Marijuana Registered Caregiver. A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law. A Medical Marijuana Registered Caregiver may operate in a variety of ways including operating one retail store, in accordance with state law and the standards of this ordinance.

• Medical Marijuana Registered Caregiver (Home Occupation). A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law and in accordance with the Home Occupation standards of this ordinance. This use shall be delivery-only, with no visits to the Caregiver’s home by patients.

Alter and delete the following definitions to Section 300-202 (Other Definitions):

• Specialized Medical Clinic. A facility that dispenses methadone or medical marijuana to patients. A medical marijuana dispensary may also grow and process the product at the same facility. Typical accessory uses for a medical marijuana dispensary or grow facility may include, but are not limited to, counseling services associated with the medical conditions being treated with medical marijuana, processing and cooking facilities for preparing the marijuana, other treatments for the medical condition being treated with marijuana. In all cases, accessory uses must remain secondary, individually and in aggregate, to the primary use.

• Medical Marijuana Grow-Only Facility. A facility that engages only in the growing and processing of medical marijuana in accordance with state law, but does not dispense marijuana. Processing of medical marijuana may include, but is not limited to, the preparation of tinctures, ointments, and food products containing medical marijuana.

Add the following uses to the Land Use Table300 Attachment 4, in the “BUSINESS” section of the table, as described:

• “Indoor Medical Marijuana Cultivation Area” – Add as a Conditional Use by inserting a “CU” in CB, CC, CD, IA, MED, PD, PD2, RRES, RPDS, RR, RV zoning district columns
• “Medical Marijuana Testing Facility” – Add as a Conditional Use by inserting a “CU” in IA, PD, CC, CD, MED zoning district columns
• “Medical Marijuana Manufacturing Facility” – Add as a Conditional Use by inserting a “CU” in MED, IA, PD, CC, CD zoning district columns
• “Medical Marijuana Caregiver Retail Store” – Add as a Conditional Use by inserting a “CU” in CB, CC, CD, PD zoning district columns
• “Medical Marijuana Registered Caregiver (Home Occupation)” – Add as a Permitted Use by inserting an X in MED, IA, CB, CC, CD, KBD1, KBD2, KL, PD, PD2, RD, RPDS, RR, RRES, RBV, RV, RA, RB1, RB2, RC, RPDS
• “Medical Marijuana Registered Caregiver” – Add as a Conditional Use by inserting a “CU” in MED, IA, CB, CC, CD, KBD1, KBD2, PD, RD, RPDS, RR, RRES, RBV, RV zoning district columns
• “Registered Dispensary” – Add as a Conditional Use by inserting a “CU” in MED, IA, CC, CD, PD zoning district columns

Include new sections in the Land Use Ordinance as follows:

§300-533 Medical Marijuana

This section regulates Medical Marijuana Businesses, as defined, uses within the City of Augusta. The permitting standards outlined here shall be adhered to for all medical marijuana businesses, in addition to other applicable standard in this and other ordinances or state law.

A. Medical Marijuana Businesses shall not locate within 500 feet of Religious Activities, a state licensed daycare of any size, or Educational Services. Measurement shall be from the exterior wall or fence of the Medical Marijuana Business to the property line of the protected use. This section shall not prohibit the activity of a caregiver or other authorized individual from administering medical marijuana to a qualified patient who is located within one of these protected areas.

B. Medical Marijuana Businesses shall not have any odor of marijuana detectible beyond the area controlled by the business, whether that be a lease or owned area that is a portion or all of a recorded parcel of land. Odors shall be controlled by whatever best-practices exist.

C. Any Medical Marijuana Business that is located in a zoning district where it is not a permitted or conditional use shall discontinue operation in that location by June 30, 2022.

D. See the Home Occupation section of this ordinance for limitations of Medical Marijuana Caregiver (Home Occupations)

§300-534 Marijuana for Personal Use

All marijuana cultivated for personal use under Title 28-B of the Maine Revised Statutes shall be grown on the property where the user is domiciled.

19-075 City Manager

WHEREAS, the city finds that regulating and licensing medical marijuana businesses is in the best interest of the public; and

WHEREAS, the following modifications to the Code of Ordinances are necessary to ensure careful management of a new industry in the city;

Agenda 05/16/2019
NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Augusta, Maine, that the following amendments to the Code of Ordinances, adding a new licensing section for medical marijuana businesses Ordinance, be made:

See the attached new ordinance.

COMMUNICATIONS

Committee Reports
City Manager’s Report

Respectfully submitted,
Roberta L. Fogg, City Clerk
May 13, 2019