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.

PUBLIC HEARING: Malt and Vinous Liquor License application by Jessie and Rachel Hardie owners of Wander Pizza Company LLC located at 265 Western Avenue.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:

CONSENT AGENDA:
19-078 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held May 16, 2019, submitted by the City Clerk’s office be approved.

19-079 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the City Council Special Business Meeting held May 30, 2019, submitted by the City Clerk’s office be approved.

19-080 City Manager (Bureau of Audit)
BE IT ORDERED, that the Roll of Accounts for the month of May 2019 in the amount of $7,943,843.12 be approved.

19-081 Mayor
BE IT ORDERED, that James Bass is hereby reappointed to the Board of Zoning Appeals, said term to expire June 6, 2022.

19-082 City Manager
BE IT ORDERED, that the City Council does hereby grant approval pursuant to Title 15 M.R.S., §5824(3) & §5826(6) to the transfer of $1,956.00, 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. Stanley M. Piper.

19-083 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to accept grant funding in the amount not to exceed $6,000.00 from Inland Fisheries & Wildlife for the 2019 Fall ATV Enforcement Grant. Grant funding will be utilized to provide directed ATV Enforcement. There is an in-kind match requirement of $1,900.00 which is met with the use of the departmental ATV, fuel and the supervisor’s time administering the grant.

19-084 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to list for sale, or to otherwise dispose of, the following Police Department surplus and recovered property:
   1. Twenty eight (28) used police flashlights
   2. Thirteen (13) bicycles
BE IT ORDERED, that the City of Augusta property taxes for the 2020 fiscal year shall be due and payable at the Office of the Tax Collector as follows:

- ONE HALF shall be due on September 12, 2019
- ONE HALF shall be due on March 12, 2020

BE IT FURTHER ORDERED, that interest is charged on any outstanding amount commencing one (1) day after the due date at the rate of 9% per annum.

BE IT FURTHER ORDERED, that any tax payment received as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill (36 MRSA §906).

OLD BUSINESS AND TABLED MATTERS:
SECOND READING (ORDINANCES)
19-006    Councilor Wilson    Tabled from January 17, 2019
BE IT ORDAINED, that the Code of Ordinances, Article VI, Chapter 237 is hereby amended to add a new section as follows:

Sec. 237-22 A:

The City may offer designated locations on City property where recyclables, as defined by Sec. 237(5), may be deposited by residents of the City. Any person who is a non-resident who deposits recyclables at such City designated location(s) or any resident or non-resident who deposits non-recyclable material or removes any material from such locations or otherwise fails to properly deposit or tampers with recyclables, shall be subject to a penalty of $500 $250 per offense.

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 Tabled from May 16, 2019
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 Table 300 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 Tabled from May 16, 2019

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;

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.

NEW BUSINESS

PART 1 – ORDERS AND RESOLVES

19-086 City Manager

BE IT ORDERED, that the Malt and Vinous Liquor License application by Jessie and Rachel Hardie owners of Wander Pizza Company LLC located at 265 Western Avenue be approved.
WHEREAS, the Mayor appointed an Ad Hoc Alumni Field Committee to continue the work from the 2011 Alumni Committee’s efforts to look at the infrastructure needs of Alumni Field Athletic Complex for the purpose of developing a Capital Improvement Plan recommendation for City Council to consider; and

WHEREAS, the Committee met numerous times to assess and evaluate the needs of the Alumni Field Athletic Complex; and

WHEREAS, the Committee met with stakeholders, members of other communities, city staff and visited like facilities; and

WHEREAS, the Committee has developed a plan to meet the needs of the community associated with the facility and, through community fundraising and other fiscal resources available, will provide the fiscal means for implementing the plan; and

WHEREAS, the City Council accepts the recommendations of the Ad Hoc Alumni Field Committee as presented by Chair Councilor Lind to City Council on May 23, 2019; and

WHEREAS, the improvements as proposed are consistent with the intent and purpose of the recommended funding sources for completing the work.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager to continue with Alumni Field Athletic Complex improvements and pursue grants and encourage fundraising efforts for artificial turf and other improvements as proposed by the Ad Hoc Alumni Field Committee.

BE IT FURTHER ORDERED, that $139,667.12 is hereby re-appropriated from the Alumni Field Re-Crown CIP for artificial turf and other improvement projects consistent with the recommendations of the Ad Hoc Alumni Field Committee.

BE IT FURTHER ORDERED, that $5,568.54 is hereby re-appropriated from the Alumni Track Equipment CIP for artificial turf and other improvement projects consistent with the recommendations of the Ad Hoc Alumni Field Committee.

BE IT FURTHER ORDERED, that the City Manager is hereby authorized the expend $253,439 from the Elsie Viles Alumni Field Trust for the Alumni Field Athletic Complex artificial turf and other improvements and projects consistent with the recommendations of the Ad Hoc Alumni Field Committee.

WHEREAS, the city’s definition of Specialized Medical Clinic is outdated and needs to be inclusive enough to cover current and future treatment methods for opioid use disorder;

NOW, THEREFORE BE IT ORDERED, that the City Council of the city of Augusta requests that the Planning Board hold a public hearing and make a recommendation on eliminating the existing definition and incorporating a new definition for a Specialized Medical Clinic similar to the following:

Specialized Medical Clinic: A facility whose primary function is to treat opioid use disorder through Medication Assisted Treatment or other treatment methods that includes dispensing and/or prescribing any branded or unbranded drug used to treat opioid use disorder, including, but not limited to methadone, buprenorphine, or naltrexone.
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 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 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.

- 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:

- “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, 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.

E. 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.

F. 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.
G. 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.

H. Medical Marijuana grown by any Medical Marijuana Business shall be grown indoors only.

I. Medical Marijuana Registered Caregiver and Medical Marijuana Registered Caregiver (Home Occupation) may grow, process, and manufacture medical marijuana products at the registered caregiver’s permanent residence in accordance with state law and their local license.

J. Medical Marijuana Registered Caregiver (Home Occupation) shall meet all license requirements for a home occupation and the additional license requirements for a Medical Marijuana Registered Caregiver (Home Occupation). This use shall be a delivery only operation, with no customers coming to the site for any purpose. All in-person caregiver operations shall be done at the patient’s home or other legal site. 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.

19-090 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;

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
June 3, 2019