INFORMATIONAL MEETING AGENDA

THURSDAY, APRIL 25, 2019
6:30 P.M.
CITY HALL (COUNCIL CHAMBERS)

A. Items for discussion submitted by the City Council and/or the City Manager:

1. Discussion of Council Marketing Goal – Mayor and Council
2. Supplemental Appropriation for Fire Department – City Manager
3. Disposition of Several Tax Acquired Properties – City Manager
4. Planning Board Zoning Recommendation on Medical Marijuana Caregivers and Storefronts – City Manager

B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:

C. Open comment period for any persons wishing to address the City Council:
Memorandum

To: William R. Bridgeo, City Manager

From: Chief Roger Audette

Date: April 22, 2019

Re: FY 19 Overtime

There has been a significant overtime increase in this calendar year in 4-separate categories.

Loss time injuries - We have had 11-loss time injuries totaling 38-weeks. All of these loss time injuries require overtime to cover their positions. Most have been injuries related to lifting patients, slips and falls or fighting a fire.

High Call Volume – We have seen an unusual spike in call volume that requires us calling back off duty personnel to come in and help out an incident or cover the City while other units are tied up. High call volume includes medical and fire calls.

Vacancies – We have had five firefighters retire or take jobs with other departments in/out of State. These vacancies require time to fill as the hiring process is completed.

Seasonal flu – Our department as you can imagine is exposed to many patients with seasonal illnesses. We had over 20-employees with illness during this flu season.
MEMO

TO: City Manager Bill Bridgeo, Augusta City Council, Mayor Dave Rollins, Matt Nazar
FROM: Keith P. Luke
DATE: 4/22/2019
RE: Disposition of Tax Acquired Property

At its February 7th business meeting the City Council authorized listing tax acquired property located at Cross Hill Road with the city’s designated broker for $15,000. On April 18th we received a full-price offer for $15,000 from an abutting resident/landowner – Matthew J. Miller.

Cross Hill Road (Tax Map 4/Lot 11) – a 3.10 acre lot in the RPDS zone - assessed value of $22,600.

The staff suggestion is for the city council to approve authorizing the sale at its May 2nd business meeting.

Staff also recommends listing tax acquired property at 11 Boulder Ave (Tax Map 11, Lot 45D) immediately. This is a three bedroom manufactured home and detached two car garage on a 1.2 acre lot in the Rural Residential Zone. It was taken as a tax foreclosure from a mortgage lender earlier this year, and has been maintained in good condition. The assessed value on the property is $125,300 – I anticipate the realtor’s recommended listing price prior to our informational meeting on Thursday night. Our goal is to have this property listed and sold while it is still in good condition – before the next winter season.
MEMORANDUM:

TO: William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: April 22, 2019

RE: Medical and personal use marijuana local regulation

On February 21, 2019, the City Council sent to the Planning Board, language relating to medical and personal marijuana local regulation. The Planning Board held two workshops, on February 26 and March 12, 2019 and one public hearing on March 26, 2019.

The Planning Board did not recommend adding an overlay district, and instead recommended including the new uses in the standard base zoning districts, similar to all other uses in the ordinance. Current overlay districts do not regulate uses, but are used to regulate unique standards based on the characteristics of an area that crosses zoning districts – such as floodplains, shorelands, or historic districts.

Public comment at the hearing primarily discussed Caregivers, with concerns about Caregivers being forced out of operating from their home and maybe out of the City altogether due to increased cost of operating in a permitted district. Two Caregivers have home occupation permits in the City; both are in districts which will continue to permit the use at their location. The number of unpermitted “home occupation” caregivers in the City is unknown. So the full effect on existing caregivers having to find a new location to operate is unknown. It should be noted however, that Caregivers are allowed to operate in more than 90% of the physical geography of the city, only prohibited from the RA, RB1, RB2, RC, and RR2 zoning districts, which are the zoning districts that are primarily residential in nature.

The Planning Board discussed whether the size (square footage) of a Caregiver’s operation should be limited and determined that would be unnecessary. They also determined that no maximum limit on the number of Caregivers co-locating on a property would be necessary. Generally, the size of the building or lot would be a limiting factor for any location.

Licensing
1. Licensing framework will be developed by City Council.
2. All medical marijuana business will be licensed
   a. Indoor and Outdoor Cultivation Areas
   b. Medical Marijuana Manufacturing Facility
   c. Registered Dispensary
3. The licensing framework will include measures for safely cultivating, processing, testing and storing medical marijuana. Licensing would include providing evidence from a licensed Master Electrician of compliance with the most recent National Electrical Code for the spaces within a structure being used as well as documentation of combustible materials on a property.

**Proposed Ordinance and Land Use Chart Changes**

Add the following definitions 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, and Registered Dispensaries.

- **Indoor Medical Marijuana Cultivation Area.** An **Indoor Medical Marijuana Cultivation Area** is 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 Medical Marijuana Cultivation** is 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 **"Medical Marijuana Manufacturing Facility"** means 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 **"Marijuana testing facility"** means a public or private laboratory that is authorized and accredited in accordance with state law.

- **Medical Marijuana Registered Caregiver.** A **"Medical Marijuana Registered Caregiver"** means a person or an assistant of that person that provides care for a qualifying patient in accordance 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.

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:

- Indoor Medical Marijuana Cultivation Area – Permitted in CB, CC, CD, IA, MED, PD, PD2, RRES, RPDS, RR, RV
- Outdoor Medical Marijuana Cultivation Area – Conditional Use in RR, RPDS, RRES
- Medical Marijuana Testing Facility - Permitted Use in IA, PD, CC, CD, MED
- Medical Marijuana Manufacturing Facility – Permitted Use in MED, IA, PD, CC, CD
- Medical Marijuana Registered Caregiver – Conditional Use in MED, IA, CB, ,CC, CD, KBD1, KBD2, PD, PD2, RD, RPDS, RR, RRES, RBV, RV
- Registered Dispensary – Conditional Use in MED, IA, CC, CD, PD.

Include a new section in the LUO 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. Medical Marijuana Businesses, for the purpose of this section, include Indoor Medical Marijuana Cultivation Area, Outdoor Medical Marijuana Cultivation Area, Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Registered Caregivers and Registered Dispensaries.

A. Medical Marijuana Businesses shall not locate within 500 feet of Religious Activities, a Place of Worship, state licensed daycare of any size, or Educational Services school. 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. Medical Marijuana Registered Caregivers shall not occupy a space larger than Y square feet for all aspects of their operation. No single property or building shall allow more than five Medical Marijuana Registered Caregivers occupying a total of (Y x 5) square feet.

D. 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.

E. Medical Marijuana Businesses are not permitted as a home occupation.

§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.
Free Augusta Paper Shredding & Medicine Disposal Event!

Saturday, April 27, 2019 | 10 a.m. – 2 p.m.
Kennebec County Sheriff’s County
125 State Street | Augusta, ME 04330

Shredding Fine Print: No limit on the amount of paperwork you can bring to shred. Bring ALL sensitive paperwork that includes phone numbers, birth dates, passwords, PINs, signatures and Social Security and/or driver's license numbers. To protect your privacy, consider other items that include names, addresses, phone numbers and email addresses.

Medicine Disposal Fine Print: The Kennebec County Sheriff’s Office will safely dispose of your expired or unwanted medications at this event.

Questions?
Call Jane at 1-866-554-5380 or email me@aarp.org.