INFORMATIONAL MEETING AGENDA

THURSDAY, OCTOBER 11, 2018
CITY HALL (COUNCIL CHAMBERS)

Immediately Following the Conclusion of the 6:30 p.m. Special Business Meeting

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

1. Continue Discussion of Marijuana Regulation – City Manager
2. Discussion of Recycling Program – Councilor Wilson
3. Proposed Zoning Amendment for Downtown District – City Manager
4. RFP - Powerhouse Building at Mill Park – City Manager
5. Sale of Property in Manchester – 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: City Council, City of Augusta
FROM: Kristin M. Collins
DATE: October 9, 2018
RE: Marijuana Regulation

I am providing this memo in response to questions compiled from the Council’s marijuana regulation workshop on September 18, 2018. All statutory references below are to Title 22, as revised by LD 1539.

1. What is the extent to which medical marijuana caregivers may be regulated?

Section 2429-D provides that a municipality may regulate caregivers, retail stores, dispensaries, and testing and manufacturing facilities, except that it may not prohibit or limit the number of registered caregivers. We read this as prohibiting a numerical limit on the number of caregivers. We also believe a municipality could be held in violation of the prohibition if the effect of a regulation was to prevent caregivers from locating in the municipality. This could occur, for instance, if caregivers are restricted to a zone in which there is no usable or available real estate, or if license fees or regulatory requirements are so harsh that they effectively prohibit entry to the market.

The Council has questioned whether the City could legally pass restrictions preventing caregivers from locating or remaining in residential neighborhoods, or from operating as home occupations. We do not believe that such regulations would violate Section 2429-D because there would be many other reasonable places for caregivers to locate. Zoning limitations could be made retroactive in order to prevent new caregivers from flocking to residential neighborhoods before the prohibition takes effect. However, we would caution that caregivers who were lawfully in operation as of the adoption of the prohibition could allege that it constitutes an unconstitutional taking of their businesses. To avoid this argument, the ordinance could exempt (grandfather) such legally operating caregivers. The Council could explore adding a sunset provision to the grandfathering which would phase caregivers out of residential neighborhoods after a certain number of years. In doing so, the Council should consider whether the time period will give caregivers sufficient opportunity to profit from the existing operation and to move to another location.
As a nonconforming use, any existing caregiver facility would have to comply with existing limitations regarding expansion and change of use. It would also have to comply with any licensing ordinance or home occupation requirements that may be applicable.

2. How is a “caregiver retail store” defined by law?

LD 1539 addresses caregiver retail stores for the first time, but does not define that term. We should assume that it covers any “retail” facility (i.e. sales direct to consumers) which is operated by a registered caregiver. A city ordinance may define that term however the Council wishes. The language in the current moratorium could be used if desired. One simple way to address the problem of higher impact caregiver operations in residential neighborhoods would be to have a definition of “retail store” that would include those operations and specifically state that retail stores are not allowed, including as home occupations.

3. What is the extent to which caregiver retail stores can be regulated?

Section 2429-D creates an “opt-in” requirement for caregiver “retail stores,” meaning that no new retail store will be able to locate in a municipality after December 12, 2018 unless the municipality has passed an ordinance affirmatively allowing them. The same “opt in” requirement applies to adult use marijuana facilities. The Council may choose to keep the current moratorium in effect until that date to ensure that it has not “opted in.” Alternatively, it may pass amendments to the zoning ordinance which either ban retail stores throughout the city or provide existing zones or a new overlay zone in which retail stores may locate. A licensing ordinance, if desired, should be passed concurrently with any zoning change.

Caregiver retail stores need not be included in any grandfathering that might be applied to other caregivers. Section 2529-D provides that a municipality may not prohibit a caregiver retail store that is operating with municipal approval prior to the effective date of the section (December 12, 2018). As far as we know, Augusta has not affirmatively permitted any caregiver retail store as of this time. We also believe that unlike registered caregivers, caregiver retail stores were not expressly legal under state law until the LD 1539 amendments. This means that any constitutional argument raised by a retail store would not be a strong one.

4. Can the City be held liable for actions related to its licensing of a particular facility?

No. Licensing decisions are a discretionary act for which there is express immunity under the Maine Tort Claims Act.

5. Are hemp products and CBD addressed by the new laws?

This is unclear. However, as the definitions of marijuana and marijuana facilities have remained essentially unchanged, we have to assume that state agencies will continue to follow their current practice of treating such products and facilities as unregulated.

KMC:
Memo to: William Bridgeo,  
City Manager  

From: Lesley Jones  
Director of Public Works

Re: Annual cost of ecomaine single sort bins

As per your request, I have prepared the following summary for the costs associated with the management, oversight, maintenance, transportation and fees associated with the three single stream recycling containers we provide for residents to access for single sort recycling. The estimated annual cost is $77,312 per year to recycle 323 tons of single stream. If we did not offer the single stream program and all this material went into the landfill, the cost to the City would be $20,026. Therefore the net cost to provide this service to residents is estimated to be $57,286 per year. The table below shows a breakdown of costs associated with this program:

<table>
<thead>
<tr>
<th>ecomaine single sort bin costs</th>
<th>Unit Cost</th>
<th># units</th>
<th>Descr</th>
<th>Est 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hauling cost to ecomaine</td>
<td>$200</td>
<td>200</td>
<td>trips</td>
<td>$40,000</td>
</tr>
<tr>
<td>ecomaine Contamination fee ($220 per month)</td>
<td>$220</td>
<td>10</td>
<td>month</td>
<td>$2,200</td>
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<tr>
<td>Weekend Monitor Bins - Labor OT</td>
<td>$108</td>
<td>40</td>
<td>week</td>
<td>$4,320</td>
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<tr>
<td>Weekend Monitor Bins - Equipment</td>
<td>$86</td>
<td>40</td>
<td>week</td>
<td>$3,440</td>
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<tr>
<td>Weekly Bins Compaction Labor</td>
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<td>52</td>
<td>Week</td>
<td>$7,800</td>
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<tr>
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<td>52</td>
<td>Week</td>
<td>$7,904</td>
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<tr>
<td>Oversight, admin and coordination</td>
<td>$224</td>
<td>52</td>
<td>Week</td>
<td>$11,648</td>
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<tr>
<td>Tons per year if taken to landfill</td>
<td>$62</td>
<td>323</td>
<td>tons</td>
<td>$20,026</td>
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<tr>
<td>Net Cost to recycle</td>
<td></td>
<td></td>
<td></td>
<td>$57,286</td>
</tr>
</tbody>
</table>

Our increased presence monitoring the bins, especially on the weekends, along with increased education and the relocation of the Bunker bin to the Police Department all appears to be reducing the amount of contamination in our containers, so the ecomaine contamination fee could well be reduced over the course of the year.

Please let me know if you would like any additional information.

cc: Ralph St. Pierre, Finance Director  
Augusta Public Works Management Team
MEMORANDUM:

TO: City Council
    William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: October 4, 2018

RE: Kennebec Business District 1 (KBD1) – Addition of Conference/Event Centers as a Conditional Use

The Planning Board, at their September 11, 2018 meeting, made a unanimous recommendation to City Council to add Conference/Event Centers as a Conditional Use to the KBD1 District. The Kennebec Business District 1 (KBD1) includes land west of the Kennebec River, north of Memorial Drive, south of Mill Park (including the park) and is land at the base of the hill that goes up to State Street. This zoning district is an Urban Growth Area with the following purpose: The KBD1 District is devoted primarily to general merchandise sales, business and professional offices and restaurants. It is the old commercial center of the City with development constraints imposed by steep grades, river floodplain, congested traffic and intensive building patterns.
Downtown Augusta is in a transitional phase, in which new owners, rehabilitations and investments are occurring. City staff was approached for conversion of an existing space into an event center, which would be available for rent for various functions. The closest definition for this use is Conference Center; however the definition does not include general events. A recommended text revision, by the Planning Board, to the definition is listed below:

Conference/Event Center: A facility used for conferences, and seminars, and events with accommodations for food preparation and eating, entertainment, resource facilities, and meeting rooms that meets all city ordinances and city requirements. The total floor area of a conference center shall not exceed 20,000 square feet.

Conference Centers are currently a Conditional Use in the BP, KBD2, CB, CC and KL districts.
MEMO

To: Bill Bridgeo, Matt Nazar, Augusta City Council
From: Keith P. Luke, Deputy Director of Development Services
CC: Leif Dahlin
Date: 9/17/2018

Powerhouse at Mill Park RFP

Earlier this summer the council reviewed options for the re-use of the Powerhouse building at Mill Park. The outcome of those deliberations was to develop a Request for Proposals for the re-use of the building and surrounding property.

I have worked with Leif Dahlin to draft an RFP seeking private-sector proposals to lease and renovate the property into something complementary to the park. I’ve weighed scoring criteria to encourage some degree of cultural-recognition of the building’s heritage.

As we learned through the preliminary-design process, the cost of renovating the building into something commercially usable will be significant; less so for a low-impact use like kayak rentals, outdoor sports or a tackle shop – much more so if the space is to be used for any kind of food service or commercially-intense activity like a brewing facility and tasting room.

This RFP will help identify opportunities that may be available for redevelopment at little or no cost to taxpayers. It also reserves the right to reject any or all proposals if we don’t feel that any or all proposals submitted are in the best interest of the City.
TOWN OF MANCHESTER
ATTN: TAX COLLECTOR
P.O. BOX 18
MANCHESTER, ME 04351-0018

2019 REAL ESTATE TAX BILL

CURRENT BILLING INFORMATION

<table>
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<tr>
<th>Description</th>
<th>Value</th>
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<tr>
<td>LAND VALUE</td>
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</tr>
<tr>
<td>BUILDING VALUE</td>
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<td>TOTAL: LAND &amp; BLDG</td>
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<tr>
<td>FURNITURE &amp; FIXTURES</td>
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<tr>
<td>MACHINERY &amp; EQUIPMENT</td>
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<td>TELECOMMUNICATIONS</td>
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<tr>
<td>HOMESTEAD EXEMPTION</td>
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<tr>
<td>OTHER EXEMPTION</td>
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<tr>
<td>NET ASSESSMENT</td>
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<tr>
<td>TOTAL TAX</td>
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<tr>
<td>LESS PAID TO DATE</td>
<td>$0.00</td>
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TOTAL DUE $78.08

FIRST HALF DUE: $39.04
SECOND HALF DUE: $39.04

TAXPAYER'S NOTICE

AS A RESULT OF THE MONEY OUR TOWN RECEIVES FROM THE STATE LEGISLATURE THROUGH THE STATE MUNICIPAL REVENUE SHARING PROGRAM, HOMESTEAD EXEMPTION, BETE REIMBURSEMENT, AND STATE AID TO EDUCATION, YOUR PROPERTY TAX BILL HAS ALREADY BEEN REDUCED BY 21.9%.

TAXPAYERS ARE RESPONSIBLE FOR FORWARDING A COPY OF THIS BILL TO THEIR ESCROW COMPANY. YOUR TAX BILL IS BASED ON THE ASSESSED VALUATION AS OF APRIL 1, 2018. YOUR TAX BILL IS FOR THE JULY 1, 2018 TO JUNE 30, 2019 FISCAL YEAR. INTEREST WILL BE CHARGED AT 8% PER ANNUM AFTER EACH DUE DATE. FOR INQUIRIES REGARDING YOUR TAX BILL, PLEASE CONTACT E. PATRICK GILBERT, TAX COLLECTOR AT (207) 622-1894 OR EMAIL AT taxcollector@manchesterme.org

AS OF JUNE 30, 2018 THE TOWN OF MANCHESTER HAS OUTSTANDING BONDED INDEBTEDNESS IN THE AMOUNT OF $600,000.00.

OFFICE HOURS: MON. 8-4 TUES. 8-6 WED. 8-12 THURS. 8-4 FRI. 8-2
PLEASE ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE IF YOU REQUIRE A RECEIPT.
YOU CAN NOW PAY YOUR TAX BILL ONLINE: www.manchester.govoffice2.com

CURRENT BILLING DISTRIBUTION

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<tr>
<th>Description</th>
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<td>MUNICIPAL</td>
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<tr>
<td>SCHOOL/EDUCATION</td>
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<td>FIRST PARK/C.W.D/TIF</td>
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<td>OVERLAY</td>
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<td><strong>TOTAL</strong></td>
<td>$78.08</td>
<td><strong>100.000%</strong></td>
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REMITTANCE INSTRUCTIONS

PLEASE MAKE CHECK OR MONEY ORDER PAYABLE TO THE TOWN OF MANCHESTER AND MAIL TO:

TOWN OF MANCHESTER
ATTN: TAX COLLECTOR
P.O. BOX 18
MANCHESTER, ME 04351-0018

ACCOUNT: 001306 RE
NAME: CITY OF AUGUSTA
MAP/LOT: R03-028
LOCATION: 17 BEACON RD
ACREAGE: 0.20
INTEREST BEGINS ON 04/17/2019
DUE DATE AMOUNT DUE AMOUNT PAID
04/16/2019 $39.04

PLEASE REMIT THIS PORTION WITH YOUR SECOND PAYMENT

ACCOUNT: 001306 RE
NAME: CITY OF AUGUSTA
MAP/LOT: R03-028
LOCATION: 17 BEACON RD
ACREAGE: 0.20
INTEREST BEGINS ON 10/16/2018
DUE DATE AMOUNT DUE AMOUNT PAID
10/15/2018 $39.04

PLEASE REMIT THIS PORTION WITH YOUR FIRST PAYMENT