INFORMATIONAL MEETING AGENDA

THURSDAY, SEPTEMBER 12, 2019
6:30 P.M.
CITY HALL (COUNCIL CHAMBERS)

A. Items for discussion submitted by the City Council and/or the City Manager:
   1. Cony Pride Building Update – City Manager
   2. Proposed Ordinance Change for Lithgow Library Board of Trustees – City Manager
   3. Medical Marijuana Licensing Process Review – City Manager
   4. Planning Board Recommendation for Rezoning Tax Map 34, Lots 262 and 263 - 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:
   1. Maple and Willow Streets Neighborhood

C. Open comment period for any persons wishing to address the City Council:
Sarah,
That all looks fine to me.
We’ll get it on the next informational meeting agenda (unless we have a crazy busy schedule).
BB

Hi Bill,

I’m submitting the following edits to the City Ordinance related to the Board of Trustees for your approval to go before the council. Both Leif and Chief Mills looked over my work. Some sections have not been updated in over 30 years, and includes some language dating back to 1881 when the City accepted Llewelyn Lithgow’s trust and established the Board. The suggested edits below will better reflect and complement the board’s mission and their bylaws. They intend on updating them this year but felt it was important that the ordinance was addressed first. I can get you a copy of their current bylaws if you wish.

Thanks so much,
Sarah

Sarah Schultz-Nielsen
Director
Lithgow Public Library
45 Winthrop Street
Augusta, ME 04330

207.626.2415

TO: William R. Bridgeo, City Manager

FROM: Director Sarah Schultz-Nielsen

DATE: August 26, 2019

RE: Amendment to City Ordinance.

I respectfully request that the following amendments to the City Ordinances be presented to the City Council for their consideration at their next scheduled meeting.

BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Article I, section 186-1 Administration. Of the Revised Code of Ordinances 1990, as amended, be further amended by adding and deleting the following language:

C. The Board of Trustees shall recommend to the Library Director and to the Director of Community Services and the City Manager from time to time proposals for the improvement of the library, shall be in charge of the investment of any endowment funds over which the Board now has control, and shall determine what books shall be purchased from time to time appropriate funds for books from the endowment income, all of which income may be used for such purpose unless otherwise restricted, as well as from any other monies that may be appropriated for that purpose.

That Article II, section 186-3 Appointment; terms; quorum; Chairperson. Of the Revised Code of Ordinances 1990, as amended, be further amended by adding and deleting the following language:

The board shall consist of seven members who shall be appointed by the Mayor of the City of Augusta, with the approval of the City Council, and of one member who shall be appointed by the Judge of Probate of Kennebec County, representing the estate of Llewellyn W. Lithgow.
The Mayor, with the advice and consent of the City Council, shall appoint a Board of Trustees of the Lithgow Library and Reading Room, to consist of seven members; and, in addition, the Mayor, or a member of the Council designated from time to time by him/her, and another member to be appointed by the Judge of Probate shall serve as members. The terms of the first five members shall be as presently in place, and subsequent appointments shall be for three years. The initial terms of the additional two members shall be one for two years and one for three years, and subsequent appointments shall be for three years. The member appointed by the Judge of Probate shall serve for three years. Members shall serve for a term of three years. All members shall serve until their successors are duly appointed and qualified. Trustees may serve consecutive terms.

Five members shall constitute a quorum. They shall appoint from their membership a Chairperson, and no member shall serve as a Chairperson in excess of one year at a time. The Board of Trustees shall, by a majority of their ballots, elect officers of the Board from their own number at the annual meeting of the Board. The officers shall be a Chairperson, Secretary, and Treasurer. Officers shall serve a term of one year from the annual meeting at which they were elected and until their successors are duly elected. Officers may serve consecutive terms.

That Article II, section 186-7 Use of funds for cultural activities. Of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following language:

Each fiscal year, the Board of Trustees of Lithgow Library and Reading Room may appropriate and spend from income earned on the library's unrestricted endowment funds up to $1,200 for promoting cultural activities to be held at Lithgow Library. These activities must be in support of the humanities, free of charge to the public.
MEMORANDUM:

TO: William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: September 9, 2019

RE: Medical Marijuana Licensing

To date, there have been 3 Medical Marijuana Caregivers who have applied for Medical Marijuana Retail Store licenses and now have complete applications for the City Council to review per the attached licensing ordinance (see ordinance 19-090). One additional applicant is currently going through the Planning Board process and a fifth potential applicant is working through a possible zoning change, per the Council’s request.

The first three applicants went through the Planning Board review process for a conditional use review and were approved for Medical Marijuana Caregiver Retail Stores in the locations they proposed. The remaining data necessary per the licensing ordinance has been provided or completed through staff efforts – for items such as the required background checks. Staff comments and recommendations per the licensing ordinance will be provided in the next Council Business Meeting packet.

Steve or I are happy to provide answers to any questions Councilors may have about licensing after reviewing the licensing ordinance and process outlined in it.
There was a pre-meeting of the City Council in Conference Room A at 6:30 p.m. No Council actions were taken at pre-meetings. Pre-meetings are open to the public.

**Present:** Mayor Rollins, Councilors Conti, Judkins, Elliott, Lind, O’Brien and Wilson

**Absent:** Councilor Day and Alexander

**CONSENT AGENDA:**

19-091 City Manager (Bureau of City Clerk)

BE IT ORDERED, that the minutes of the City Council Regular Business Meeting held June 6, 2019, submitted by the City Clerk’s office be approved.

19-092 City Manager (Bureau of City Clerk)

BE IT ORDERED, that the tabulation results for the Special Municipal Candidate and the School Budget Validation Election held June 11, 2019, submitted by the City Clerk are hereby certified.

19-093 City Manager

BE IT ORDERED, that the City Council hereby accepts from Romad Company D/B/A McDonald’s Restaurant, as part of their Bangor Street restaurant grand reopening celebration, the sum of $1,000.00 1,500.00 plus 20% of the sales from 11:00 a.m. – 2:00 p.m. on Saturday, June 15, 2019 for Williams Park improvements and enhancements.

Motion for passage of the Consent Agenda orders 19-091 to 19-093.

By: O’Brien Second by: Elliott

Motion to amend order 19-093; the sum of $1,500.00, and strike the language “plus 20% of the sales from 11:00 a.m. – 2:00 p.m. on Saturday, June 15, 2019”.

By: O’Brien Second by: Lind

Yea: 6
Nay: 0

Vote on Consent Agenda orders as amended

Yea: 6
Nay: 0

**OATH OF OFFICE:** Amanda Olson – Board of Education Member, At-Large

**PRESENTATION:** Mayor’s Recognition of Excellence Award to the Capital Area New Mainers Project

**PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA:**
OLD BUSINESS AND TABLED MATTERS:
SECOND READING (ORDINANCES)
19-089  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 to the Code of Ordinances, Land Use Ordinance:

Motion to suspend further reading of order 19-089.
By: Wilson  Second by: Lind
Yeas: 6  Nays: 0

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

E. 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.

F. 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.

Motion for passage of order 19-089.
By: Wilson Second by: Elliott
Yea: 6
No: 0

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:

Motion to suspend further reading of order 19-090.
By: Wilson Second by: Elliott
Yea: 6
No: 0

See the new ordinance, below.
CITY OF AUGUSTA
MEDICAL MARIJUANA BUSINESS LICENSING ORDINANCE

Part 8, Article XI of the City of Augusta Code of Ordinances is hereby amended to add the following language, which shall be known and referred to as the Medical Marijuana Business Licensing Ordinance:

**Part 8 Medical Marijuana Businesses Article XI**

**Licensing**

§ 190-99-100 Medical Marijuana Businesses

**A. Purpose and Authority**

This Ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001 and 22 M.R.S. § 2429-D. The purpose of this Ordinance is to set forth procedures and standards for the issuance of local licenses for Marijuana Businesses in order to protect public health, safety and welfare.

**B. Definitions**

As used in this Ordinance, the terms below shall be defined as indicated. All other terms used in this Ordinance, if not defined below, shall have the same definition as set forth in Section 300-202 of the City Code.

**Applicant** shall mean a person who has submitted an application for licensure as a Medical Marijuana Business pursuant to this Article.

**Licensed Premises** shall mean the premises specified in an application for a license pursuant to this Ordinance or within a license issued pursuant to this Ordinance.

**Licensee** shall mean a person licensed pursuant to this Article.

**Local Licensing Authority** shall mean the City Clerk or, if referral to the City Council is required pursuant to this Ordinance, the City Council.

**Medical Marijuana Business** shall include Indoor Medical Marijuana Cultivation Area, Outdoor Medical Marijuana Cultivation Area, Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Retail Store, Medical Marijuana Registered Caregiver (home occupation), or Registered Dispensary.

**Owner** shall mean a person whose beneficial interest in a Medical Marijuana Business is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of the Medical Marijuana Business and/or has a controlling interest in the Medical Marijuana Business.
Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

Premises shall mean the physical location at which a Medical Marijuana Business is to conduct its business.

State License shall mean any license issued by the State Licensing Authority.

State Licensing Authority shall mean the authority created or designated by the State for the purpose of regulating and controlling licensing for Medical Marijuana Businesses.

C. License Requirement

Effective October 1, 2019, a Medical Marijuana Business shall not begin or continue operations unless it has received and is in possession of a license issued pursuant to this Ordinance. No business other than a Medical Marijuana Registered Caregiver (home occupation) shall be permitted to operate in the City of Augusta prior to October 1, 2019.

D. Licensing Procedures

(1) All license applications shall be submitted to the City Clerk in writing using a form prepared by the City for the purpose and must include all information required by this Ordinance and by the form.

(2) Prior to action on a license application, the Clerk shall give public notice of the application by having a sign posted in a conspicuous place on the Premises listed on the license application at least seven (7) days prior to action, and by publication in a newspaper of general circulation in the city of Augusta, as well as on the City’s website, at least seven (7) days prior to action.

(3) The City Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Article and to obtain recommendations from other City officials as required.

(4) No license shall be granted by the City Council until the Police Chief, Fire Chief, Health Inspector and Code Enforcement Officer have all indicated no objections regarding the Applicant’s ability to comply with this Ordinance or any other applicable City ordinance or state or federal law enforced by such officials. The City Clerk shall provide a copy of the license application to each official along with a form upon which the official shall note his or her findings and conclusions, as well as any recommended conditions of approval.

(5) The City Council may include any conditions of approval recommended by reviewing officials, as well as any other reasonable conditions deemed in the Council’s discretion to be warranted, on the issued license. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and of this Ordinance.

(6) Licenses shall be approved only for the type(s) of Medical Marijuana Business(es) identified in the application. A Licensee who intends to expand or convert the licensed Premises to a type of Medical Marijuana Business that is not specifically approved in a license must obtain a new license for that use.
(7) Any City official with authority to make recommendations under or enforce this or other municipal ordinances regarding Medical Marijuana Businesses shall have authority to enter the premises of an Applicant or Licensee without notice to make any inspection reasonably necessary to ensure compliance. This inspection authority shall not apply to the City Clerk or City Council.

(8) For renewal licenses, the application and review process shall be the same as for initial licenses, except that the City Clerk shall serve as the licensing authority unless any reviewing official recommends that existing conditions be added to or changed, or that the application be denied, in which case the application will be forwarded to the City Council for final action.

(9) An applicant wishing to appeal a denial or issuance of a renewal license by the City Clerk may do so in accordance with Section 190-6 of the City Code. An applicant wishing to appeal a denial or issuance of a new or renewal license by the City Council may do so by filing an appeal in Superior Court.

F. Application Submission Requirements

Each applicant for a Medical Marijuana Business license shall complete and file an application on the form provided by the City Clerk, together with the applicable license fee as set forth in the schedule of fees approved by the City Council. If multiple types of Marijuana Businesses are to be conducted on a single Premises, the applicant shall pay the application fee for each type of business. The following supporting materials shall also be provided with the application:

(1) A copy of the Applicant’s State License application and supporting documentation, as submitted to the State Licensing Authority.

(2) Evidence of all State approvals or conditional approvals required to operate a Medical Marijuana Business, including, but not limited to, a State License as defined by this Ordinance, a State retail certificate, or a State health license.

(3) If not included in the Applicant’s State License application, attested copies any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Medical Marijuana Business.

(4) If not included in the Applicant’s State License application, an affidavit that identifies all owners, officers, members, managers or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator’s license, motor vehicle registration, voter registration or utility bills shall be provided.

(5) A release for each Applicant and for each officer, owner, member, manager or partner of the Applicant seeking a license allowing the City of Augusta or its officials to obtain criminal records and other background information related to the individual.

(6) Evidence of all land use approvals or conditional land use approvals required to operate the Medical Marijuana Business, including, but not limited to building permit, conditional use approval, change of use permit and/or certificate of occupancy.

(7) Evidence of all other local approvals or conditional approvals required to operate the Medical Marijuana Business, including any applicable food or victualer’s license. Section 199 of the City Code

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(the “Food Sovereignty Ordinance”) does not apply to Medical Marijuana Businesses.

(8) A description of the premises for which the license is sought, including a plan of the premises.

(9) Certification from a licensed Master Electrician indicating the electrical system of the Premises is adequate for the use being proposed. That use shall be clearly outlined in detail so that the Master Electrician’s certification is easy to understand.

(10) If the City Clerk determines that a submitted application is not complete, he or she shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Clerk’s request, the application may be denied.

G. License Term and Renewal; Limit on Medical Marijuana Retail Stores

(1) Each license issued under this Ordinance shall be valid for the term of license granted by the State License Authority, if a state license is required. If no state license is required, the license shall be valid for two years from the date of issuance (“the license term”). Applications for renewal licenses shall be submitted at least 60 days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. A late fee shall apply as set forth in the Master Schedule of Revenues, Charges, Fees and Fines.

(2) There shall be no more than fifteen (15) active licenses for Medical Marijuana Caregiver Retail Stores and no more than five (5) active licenses for Registered Dispensaries at any given time. Applications shall be assigned priority according to the date and time an application meeting the submission requirements of this Ordinance was received by the City Clerk. Once the numerical limit of licenses for a license category has been reached, additional applications will be held on a waiting list and processed according to their respective priority as licenses become available. If a Licensee fails to timely submit a renewal license application by the deadline set forth in subsection (1), the prior license shall become available to those on the waiting list upon its expiration date. If a license for the business category becomes available, the City Clerk shall notify the first applicant on the waiting list and that applicant shall have ten (10) business days to provide the applicable application fee and any updated information to the City Clerk. If the application fee is not timely provided the City Clerk shall process the next application on the list.

H. Denial, Suspension or Revocation of a License

In reviewing license applications, the Licensing Authority and any consulting City officials may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee’s record of compliance with the same.

A license application for a Medical Marijuana Business shall be denied by the licensing authority (City Clerk or City Council), and an existing license may be suspended or revoked by the City Council, after notice and hearing, if the applicant, or any Owner of the applicant or Licensee:
i. Fails to meet the requirements of this Ordinance or of any condition attached to the license.

ii. Is not at least twenty-one years of age.

iii. Is not a resident of the State of Maine.

iv. Has had a license for a Medical Marijuana Business or adult use “marijuana establishment” as defined by 28-B M.R.S. § 102(29) revoked by the City or by the State.

v. Has not acquired all necessary state and local approvals prior to issuance of the license.

vi. Has been convicted of a criminal violation arising out of operation of a Medical Marijuana Business or of any adult use “marijuana establishment” as defined by 28-B M.R.S. § 102(29).

vii. Has provided false or misleading application in connection with the license application.

I. Approval and Operating Requirements

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the City Clerk and all reviewing officials that the following requirements will be met. The Licensee shall comply with all of these requirements during the term of the license:

1. Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

2. All licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Medical Marijuana Businesses in other than the licensed Premises, such as at farmer’s markets, farm stands or kiosks.


   a. The licensed Premises shall have lockable doors and windows and shall be served by an alarm system which includes automatic notification to the City of Augusta Police Department.

   b. The licensed Premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

   c. The licensed Premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).

   d. Registered Caregiver (home occupation) uses shall not be required to meet paragraphs (b) and (c).

4. Ventilation
(a) The licensed Premises shall comply with all odor and air pollution standards established by ordinance.

(b) All Medical Marijuana Businesses shall have an odor mitigation system installed that is sufficient to ensure that no odor of marijuana is 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. The Code Enforcement Officer may request certification by a Maine licensed engineer that the odor control system is sufficient for these purposes.

(5) Loitering

The Licensee and all agents or employees shall make adequate provisions to prevent patrons or other persons from loitering on the Premises. It shall be the Licensee’s obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed Premises is ordered to leave.

(6) A Medical Marijuana Business shall meet all operating and other requirements of state and local law. To the extent the State of Maine has adopted or adopts in the future any law or regulation governing Medical Marijuana Businesses that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

J. Transfer of Ownership or Change of Location

Licensees issued under this Ordinance are not transferable to a new owner. Any change in ownership shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new license for that location.

K. Violations and Penalties

Any Medical Marijuana Business which is found to be operating without a valid license in accordance with this Ordinance, or which is found to have violated the approval and operating requirements set forth in Section I of this Ordinance shall be found to have committed a civil violation. For failure to obtain or maintain a valid license, the penalty shall start at twice the applicable license fee and shall be increased by $10 for each day of the violation. For failure to meet any other requirements of this Ordinance or any condition of the license, the penalty shall be $100 for each day of the violation.

L. Appeals

Appeals of the granting or denial of a license under this Ordinance shall be appealable to the Kennebec County Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure. There shall be no appeal of other decisions made or orders issued in the enforcement or administration of this Ordinance.

M. Severability
The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

N. Other Laws

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 28-B M.R.S. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of said Act or any other applicable state or local law or regulation, the more restrictive provision shall control.

APPENDIX A

MARIJUANA BUSINESS LICENSING ORDINANCE SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

<table>
<thead>
<tr>
<th>Medical Marijuana Cultivation Facility</th>
<th>$ 600.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Marijuana Manufacturing Facility</td>
<td>$ 600.00</td>
</tr>
<tr>
<td>Medical Marijuana Retail Store</td>
<td>$ 1,400.00</td>
</tr>
<tr>
<td>Medical Marijuana Testing Facility</td>
<td>$ 300.00</td>
</tr>
<tr>
<td>Medical Marijuana Caregiver (home occupation)</td>
<td>$ 200.00</td>
</tr>
</tbody>
</table>

Late fee will be an additional 10% of the total license fee for 1 to 30 days past the due date, and an additional 10% for every 30 days thereafter the license remains late.

Motion for passage of order 19-090.
By: Wilson Second by: Elliott
Yeas: 6
Nays: 0

NEW BUSINESS
PART 1 – ORDERS AND RESOLVES

19-094 City Manager
BE IT ORDERED, that the City Manager is hereby authorized to offer for sale, in as-is condition, through sealed bids, the city-owned property at 111 Cony Street, known as the Cony Pride Building. Said offering shall include binding contingencies requiring the improvement of the building to certificate of occupancy status.

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within one year or, in the alternative, at the purchaser's option, demolition of said building and landscaped site improvements within the same one year time period.

BE IT FURTHER ORDERED, that failure to conform to bid contingencies shall result in forfeiture of sale proceeds and reversion of ownership of said property back to the City of Augusta.

Motion for passage of order 19-094.
By: Wilson  Second by: Lind
Yea: 6
Nay: 0

COMMUNICATIONS

Committee Reports
City Manager's Report

19-095 City Manager
Executive Session: Personnel Matter; 1 M.R.S. §405(6)(A)

Motion to enter Executive Session at 7:38 p.m., in accordance with 1 M.R.S. §405(6)(A), Personnel Matter.
By: Conti  Second by: Elliott
Yea: 6
Nay: 0

Motion to leave executive session and adjourn at 8:00 p.m.
By: Conti  Second by: Elliott
Yea: 6
Nay: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk
June 20, 2019
MEMORANDUM:

TO: City Council
    William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: September 9, 2019

RE: Zone Change from RC to KBD1

The Planning Board unanimously recommends a zone change from High Density Residential District (RC) to Kennebec Business District 1 (KBD1) for Tax Map 34 Lot 262, 28 Water Street, and a portion of Tax Map 34 Lot 263, 4 Northern Avenue. See the attached map.

The former Kennebec Market building, 28 Water Street, contains the uses Neighborhood Groceries/Variety Store and Multiple-Family Dwellings (four residential apartment units). The existing uses are conforming and the proposed zone change keeps the uses as conforming. The benefit of the rezoning for the property would be elimination of the parking requirements, as KBD1 does not require on-site parking, and a more consistent zoning district line along Water Street.

The Augusta Fuel Company building, 4 Northern Avenue, contains the uses Specialty Retail and Construction Services. The existing uses are conforming and the proposed zone change keeps the uses as conforming. The change is proposed to eliminate split zoning on the lot. The next lot to the north is owned by the City of Augusta and is vacant land.

The Kennebec Business District 1 (KBD1) purpose 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.

The High Density Residential District (RC) purpose is: a zone in which the principal use of land is for high-density residences. It contains large structures, many of which were designed for or have been converted to multifamily dwellings. In addition, this district is somewhat removed from major or local shopping areas and offers neighborhood services within the district.
Any parcel reclassification shall meet the following criteria, according to the Land Use Ordinance:

1. The rezoning shall be consistent with the 2007 Comprehensive Plan and any plans or policies subsequently adopted by the City;
   - The properties are within the River/Downtown Future Land Use Area in the 2007 Comprehensive Plan. This area suggests design criteria for “Limited or no requirements for on-site parking” and uses which are mixed use including dense residential housing. The rezoning proposal is consistent with plans and policies adopted by the City.

2. The rezoning shall be consistent with established land use patterns;
   - The Water Street corridor is the commercial downtown with a northern boundary being Mill Park. The patterns for the land use are established and not proposed to change with the rezoning.

3. The rezoning will not create an isolated district unrelated to adjacent districts;
   - No isolated district will be created as the KBD1 boundary line would shift to encompass the parcel.

4. Adequate utilities, roads and services must exist or must be provided;
   - Adequate utilities, roads and services exist.

5. The rezoning is justified by a changed or changing condition(s).
   - Mill Park is the northern part of the Water Street downtown and the zoning should be consistent along the entire street in regards to on-street parking and types of uses permitted in the district.

Zoning and tax maps are attached to illustrate the locations for the proposed changes.
DATE: July 31, 2019
TO: Augusta City Council
FROM: Maple Street residents
RE: Traffic on Maple Street and petition to help alleviate the problems

Dear City Councilors:
We, the homeowners, landlords, and residents of Maple Street, have endured a horrific summer of noise, including speeders and disrespectful people who have been working at the Augusta Housing Authority’s 29-unit complex at the bottom of Maple Street. This major disruption, particularly the disrespectful behavior of some of the workers at the site, has caused undue stress to our otherwise peaceful lives.

Throughout the summer, we have witnessed motorists whip around the corner of Willow Street onto Maple Street as fast they can with no heed to other motorists or pedestrians who live on Maple Street. We have nearly been hit by the constructions workers when pulling out of our driveways because they are traveling too fast and not paying attention to their surroundings. They have been oblivious to the fact that people live on Maple Street, which is precisely why we aired our concerns to the council in the first place. We have had to complain to the foreman of the site on numerous occasions. One homeowner/taxpayer has had construction workers park in his driveway, block his driveway, and make rude comments when he has asked them to move their vehicles. One worker actually attempted to pick a fight with this resident. These types of things have happened on several occasions and is simply unacceptable.

The 29-unit complex has already changed the character of the neighborhood. Houses on the street are a mix of single-family homes and apartment houses with 3 or 4 units at the most.

Furthermore, there is a speed limit posting of 25 mph. That is way too fast for Maple Street. The speed limit on much longer stretches of road, such as Eastern Ave. and Mount Vernon Ave., is 25 mph.

PETITION
Therefore, we petition the city of Augusta with the following requests (the first three we request be put in place before residents move to the 29-unit complex) to help ease the burden that has been placed upon Maple Street residents despite our concerns:

1. We request the speed limit be reduced to 15 to 20 mph.

2. We request a speed bump be placed at the beginning of Maple street after turning the corner, and two others be placed in front of 19 Maple street and 23 Maple Street. There is a blind spot at the top of the small hill heading down to the new complex, which makes it accident-prone. A resident on that end of the street was nearly hit twice by workers who were not paying attention to the speed limit or the fact that other people live on the street. If the crew cannot abide by the speed limit, how will the street handle
the traffic from 29-plus residents and their vehicles, not to mention the visitors who travel the street?

3. Most importantly, we request that the city reserve the $200,000-plus TIF money received for allowing the construction to take place, towards an alternate entrance to the site. The city needs to work harder at helping the Willow and Maple Street residents and taxpayers regain their neighborhood.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
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<tbody>
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<td>Joyce Henderson</td>
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<td>Ginny Beard</td>
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<td>Tony Pushing</td>
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<td>Robert Goodwin</td>
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<td>Jim Holzer</td>
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<td>Beverly LaPoint</td>
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<td>Grace Rake</td>
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<td>Joseph Dobson</td>
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<td>Autumn Bourneau</td>
<td>11 Maple St APT #4</td>
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<td>Jonathan Patterson</td>
<td>10 Maple St APT #2</td>
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<td>Ronald D. Shepard</td>
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<td>Linda F. Waymouth</td>
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<td>Doug Ball</td>
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<td>Wesley L. Grund</td>
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17. Roger Moore 6 Maple St. 626-2758
18. Cheryl Miller 6 Maple St. #5
19. [Signature] Matthew Lapack 6 Maple St. #4
20. Jeanne Anderson 4 Maple St. 207-626-5798
21. Sara Anderson 4 Maple St. 207-626-5798
22. Debra Brochu 5 Maple St. 207-446-2308
23. [Signature] Woodward 2 Maple St.
24. [Signature] Lefleur 18 Maple Street

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