City of Biddeford
City Council - Workshop
February 11, 2020 6:00 PM Council Chambers

1. Workshop Discussion Items

1.1. Staff Suggestions to Top Council Goals for 2020
20200207 Goal Setting Recap - Suggested Action Plan-Final

1.2. Review of White Paper on Adult-Use Marijuana
2-11-2020 Workshop-Marijuana White Paper

Executive Session:

1 MRSA 405(6)(C)...Consultation for Economic Development

City of Biddeford, Maine

The Office of
City Manager
James A. Bennett
Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	**Honorable Mayor Casavant** **Honorable City Council**
FROM:	James A. Bennett, City Manager
DATE:	February 7, 2020
RE:	**Goal Setting: Suggested Next Steps**

This memo has two goals. It intends to recap the goals discussion as well as provide context regarding the Council's desired outcomes. It also provides my recommendation on next steps toward achieving the Council's desired outcome. A considerable amount of work is required to achieve successful outcomes for each of the Council priorities and we look forward to the challenge. It is encouraging that the top priority – communications – is also the one most within our immediate control.

Once the Council reaches consensus through the workshop process staff will look for feedback on the recommendations so that the staff may begin the process of implementing the suggestions. It would be very helpful for the feedback to include whether the Council would like involvement in determining the route taken to achieve a goal or whether staff should formulate "how to get there" with the Council focused on the goal. This may be different for each goal.

The goal-setting meeting resulted in the Council establishing the priorities listed below for the coming year through the consensus process. These are not listed in any priority order. There were a number of other secondary priorities as well. Those are noted later in the memo and discussed in less detail.

The five priorities are:

- Improve communications with our residents and key partner institutions
- Staffing
- Increase workforce housing and decrease homelessness
- Invest in City-owned buildings for future yield
- Improve livability and appeal via thoughtful planning and investment

<u>Improve communications with our residents and key partner institutions</u>

Simply stated, the goal is to make the public aware of local government activities and provide effective opportunities for public input. The Council further wanted to strengthen the partnerships with others. These include, for example, University of New England, State Legislature, Southern Maine Medical Center and others.

Peter Kageyana in his book *'for THE LOVE of CITIES'* describes the often misunderstood relationship between people and their place. He goes on to describe the relationship as a mutual love

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affair between the community and the people of the community. It is, as he describes, one of the most powerful influences in citizens lives. We have all heard 'I love Biddeford' or the phase 'Tiger Pride' expressed by so many. Successful communication requires an understanding of how powerful this motivation can be and harnessing it in a positive way.

"Citizen engagement" is a major factor in building the connection between the citizens, local government, and the community. It is with this understanding, I am suggesting that the City take bold steps to expand upon the positive changes that have already been implemented to do away with the old communication model or lack thereof.

The positive changes in the program over the past year include:

- Standardized press release formats
- Building relationships with existing press contacts
- Identifying new press contacts for specific genres of stories (ex. MaineBiz reporters for business news)
- Tracking news coverage about Biddeford and clarifying inaccuracies, when necessary
- Social media monitoring to gauge public opinion identify emerging issues of concern
- Responsiveness to comments on the City's social media pages
- Centralizing authorship of communications to maintain a more consistent voice and graphic style
- Use of "plain language" (less acronyms/industry jargon) for information distributed to citizens
- Building relationships with partner organizations and collaborating to share information that is relevant to both organizations
- Effective use of online trainings/webinars to inspire communications improvements
- Continuing to use website as central location for new information
- Website upgrade with introduction of mobile capability
- Making news available on website as soon as it is announced
- New format and content style for Biddeford Beat to increase readership (42% growth in subscribers due to change and still increasing rapidly)
- Cross-promotion of Biddeford Beat on social media
- Started Facebook page – now over 1200 subscribers, 40% growth in past 3 months
- Positioned Facebook as key channel for time-sensitive communications
- Using multiple platforms to replicate the same message for maximum visibility in community (website, email, social media, press releases, etc)
- Revamped @BiddMECity Twitter account
- Experiment with short video pieces for public education and messaging
- Experiment with "people behind the government" segment to spotlight employees and local leaders
- Creation of Youth Advisory Council to increase youth participation in government
- Updated Emergency Operations Plan guidelines
- Introduced and continue to emphasize communications as part of project planning

These efforts have resulted in tangible improvements toward the communications goal. As key staff have explored critically the success and shortcomings of these efforts one thing is very clear; the self-defined limitations of the traditional government structure is a significant barrier to success. Seeking improvement within the "box" of the way local government generally and Biddeford specifically has addressed communication is further limited by the established culture and to some extent lingering silos of operation.

It is my suggestion, after consultation with key staff, that the Council authorize the following aggressive steps to elevate the communications strategy to the next level.

Add a senior communications position and establish Communications as a separate division reporting to the City Manager's office.

The recommendation is to seek a seasoned full time professional communications expert to be added to the staff immediately. However, this position would be recruited and hired on a three year contract instead of an at-will employee. This would allow the City the opportunity to be 'fully in' on the bold transition but still be able to shift to another model if the outcomes do not meet expectations. As a result of the three year contract relationship, the recommendation would include using shifting or offsetting existing allocations during the period to support the reorganization. For example, as a result of the hiring the City will reduce the general fund appropriations for the contractual relationship with Broadreach over the three year period. It would also cease the expenditures for the additional marketing support through the DECD department. The desired outcomes would include:

a. Centralizing the messaging for the entire community to prevent mixed messaging.
b. Invest in Adobe Creative Cloud ($600 annually) to get access to industry standard publishing and design software.
c. Engage all employees, not just the Communications Division, to help work towards the City's communications goals.
    i. Ask employees to make "content capture" a regular part of their work in order to collect more photos and videos that can be used to assist with communications.
    ii. Consider a staff newsletter in addition to the Biddeford Beat that could educate all employees on the City's goals, positions, and key messages ahead of major initiatives. This will help with their ability to be able to answer questions from citizens and improve message consistency.
    iii. Direct staff to seek guidance from and/or partner with the Communications Division on all public messaging.
    iv. Ensure that Department Heads share weekly updates with communications staff during Department Head meetings.
    v. Consider developing a "communications working group" with a mix of members from various City departments. Group members can keep the Communications Division informed about small changes in procedures or small-scale staff accomplishments that may not be discussed during Department Head meetings and serve as the "planning taskforce" to develop communications strategies ahead of major projects or initiatives.

Shift city website content management from individual departments to the Communications Division.

The city website is currently managed in three ways. The IT Division oversees technical systems integration, the GIS Division serves as the webmaster, and each department manages a webpage and department content. Shifting website content management away from the departments and to the Communication Division will ensure that the messaging is consistent and content is timely.

a. Assign oversight of the website to the Communications Department. Communications Coordinator to meet with Department Heads at least quarterly to go over the content on their webpage and update anything out of date/add anything that should be shared.
b. Ensure ability to cross-post important information from the website to social media and other communication channels.
c. Continuously evaluate the organization and availability of information on the site and reorganize menus if necessary.
d. Continuously evaluate aesthetics and organization of the home page to improve appeal and information access.
e. Explore additional website modules/capabilities and bring forth recommendations to purchase those that will help us reach residents with more information or allow better citizen engagement and feedback.
    i. Text messaging
    ii. Alert Center
    iii. Two-way engagement
f. Use website calendar as a communication tool for more than meeting dates.
    i. Provide summary of items to be discussed during each meeting in the description box for each calendar posting.
    ii. List critical deadlines, such as the last date to request absentee ballots or pay property taxes, on the calendar.
g. Consider a citizen help desk tool and/or "chat bot" on the website.
h. Engage and work cooperatively with the Biddeford School Department on mutual issues of concern.

Dramatically shift the focus of the Cable TV/Public Access mission from the production of independent public access shows (most especially the hands on support) to support of the Communications Division.

The Public Access staff hours would be reassigned at the direction of the Communications Division to produce videos, shows, and other segments that align and support the City's goals and objectives.

a. Public Access staff would transition, in a very short period of time (30 to 60 days) to the Communications Division support role.

b. All independent public access shows would go back to the traditional citizen-produced model. Currently, Public Access staff primarily shoots and edits long-form television programs hosted by community members about topics of the producer's choice. Community members would still be welcome to use the studio space and equipment to produce video content for the public access channel, but they would be responsible for production.
c. Public Access employees would still be available for education and training of producers in the use of production equipment.
d. Public Access employees assigned to produce and distribute government-centered video content; initial goal – 1-2 videos per week.
e. Average length for videos 2-4 minutes.
f. Increase the capacity of "people behind the government" content to cultivate stronger relationships between community members and their public servants.
g. Leverage Franchise Agreement funds to update video equipment and software.
h. Consider producing City Council meeting recap videos through editing and commentary or in-person Mayor or Councilor interviews.
i. Produce "issue" programming to improve understanding of government goals and objectives.
j. Establish three distinct public access channels under the public, education, and government (PEG) public access television model to better define content.

Consideration of long-term communication plan improvements.

The establishment of a Communications Division also provides the opportunity to address goals that have not been realized or fully explored due to a lack of resources.

a. Complete rebranding w/new logo and branding standards. The City has made efforts to improve its branding. However, our brand is generally still centered on what we *are not*, rather than what we *want to be* in the future. There are many competing visions among leadership of what it is that we would like to be. Obtaining consensus on our identity will assist with overall messaging.
b. Overhaul of onboarding process. Staff changes in Human Resources Department meant that new goals were identified and prioritized. There have been some improvements to the onboarding process, but the overhaul has not been completed as originally imagined in the plan.
c. Pitching of "story" ideas to media (with a story being considered a higher level, less timely piece of information vs. a press release regarding breaking news. With the closure of the Journal Tribune, it is more difficult to get the City's story told in earned media. We are working to tell our own stories in our own forms of media, such as our website and the Biddeford Beat.
d. Publishing a guidebook of budget highlights before budget deliberations begin. An outline for a budget guidebook has been created with the goal of publishing this document for the FY21 budget.

e. Using “thought leadership” in print media (Op-Eds/Letters to the Editor/Guest Columns, etc.) Again, the closure of the Journal Tribune has affected this goal. Moving forward, we would still like to consider this option, when appropriate, for the Courier and/or Press Herald.

f. Creating additional opportunities for in-person communication and information distribution (beyond traditional City Council/committee meetings). This goal should be developed further for 2020-21. Project-specific meetings and/or Ward-specific meetings should be considered.

g. Consider increasing public awareness of existing communications channels, seek recruitment of new subscribers, and evaluate and utilize new communications channels in order to reach a greater audience. Some examples of how this would be achieved include:

   i. Continue to share the Biddeford Beat on social media channels to recruit more subscribers.

   ii. In website redesign, ensure that email subscriptions and social media links remain highly visible on the home page.

   iii. Consider including information about email subscription options and social media pages in mailings or on forms distributed in City Hall, when appropriate.

   iv. Offer additional email subscription options
      - Allow people to get an email when a new Council agenda is posted
      - Create neighborhood-specific email lists that could be used to distribute information that only affects a small group of people (road closures, etc)

   v. Create a City of Biddeford YouTube page

   vi. Consider expanding social media platforms to include Instagram. Continue to explore new social media platforms as they are popularized.

   vii. Create message centers in lobbies of all City buildings (ex. TV on the wall) to reach citizens that visit our facilities.

   viii. Consider offering more informational materials in print to engage audiences that are unable to engage with digital forms of information.

h. Increase the understanding of the key decisions that are being made by the public bodies of the City. This includes a goal of providing more of the ‘why’ an issue is being handled in a certain way. It also includes a desire to provide effective communications from the citizens to the key decision makers. Some examples of this include:

   i. Provide a summary description of each item on the Council agenda before it is discussed and voted on.

   ii. Prohibit “last minute” agenda additions.

   iii. Provide a memo or summary that corresponds with each item in the Council agenda packet.

iv. Consider livestreaming meetings on YouTube or Facebook in addition to the Public Access Channel in order to reach more citizens.

v. Consider hosting interactive Ward-specific public meetings with each Councilor to get the word out about neighborhood-specific projects and other information.

Appoint a temporary transition committee to review and provide feedback on implementation of communications strategy

It is recommended that the Council create/appoint a temporary committee to be involved with the implementation and perfection of the transition. If the plan is embraced substantially in the form outlined, there will likely be resistance to change due to tradition, power, control, and the unknown. A transition committee made up of a subset of the council, for example, would signal support and provide a direct conduit for constructive critical analysis as each step is defined. The committee would be seen as encouraging, positive, and supportive of the innovation that is being suggested.

Communication with key partners and institutions

It was noted that the City should strive to improve partnerships with UNE, the State Legislature, local agencies and others. It is recommended that the City first review, identify, and update the key partner list developed as part of the initial communications plan and then create a list of shared goals/interests to serve as the basis for partner discussions.

Staffing

The Council expressed concern about the ability of staff to continue to provide the quality of core services at the levels the community has grown to expect. With the increasing demands on staff from multiple fronts, the Council voiced a desire to increase staff capacity to meet these demands. While the goal of increasing capacity was supported by consensus, the exact methodology to achieve the results had varying opinions; from realignment and reorganization to increasing the team members.

The Council also recognized the limitations associated with union contracts, roles requiring certifications and specific training (fire, police codes). In order to provide a framework for recommendations, a thorough review of staffing is required. I suggest allowing 6 months for a review to be conducted with a report planned for no later than the first meeting in July.

Increase workforce housing and decrease homelessness

Rapid increase in housing costs at all levels is affecting the community. It may be too early to know the exact nature of those impacts. The Council voiced a strong desire to play an active role in promoting workforce housing in the community and combatting homelessness. The general consensus was to fist review the Comprehensive Plan recommendations to ensure it provides the needed framework for zoning changes and then ensure that decisions moving forward support the desired outcomes. I suggest revisiting this item once the Comp Plan becomes available.

Invest in City owned buildings for future yield

The Council recognizes the need to invest in the City-owned buildings and properties with an initial focus on City Hall and the community center followed by an updated strategic needs assessment. Following a through and complete understanding of the real needs, development of a sustainable plan to support these assets is needed. The recent report on the status of JFK may present an opportunity to leverage community support for capital improvement at the community center in particular.

Improve livability and appeal via thoughtful planning and investment

Long-standing community members have known for a long time that Biddeford is a great community and special place. Such appreciation has not been known by many outside of the community; that is no longer the case. New opportunities and development pressures are competing for finite resources. The Council desires to be deliberative in their leadership role guiding development. It desires to spend time early in the year to understand the opportunities, the limitations and the impacts of the various alternatives. As is the case with workforce housing and homelessness, the Comp Plan will serve as a starting point for the development of a strategic plan.

Additional Note: Internal Staff Work

As the Council is aware, a lot of work is occurring at the staff level beyond the daily delivery of services. As shared with the Council, I have worked with the management team to develop an internal work plan to assist with the juggling of multiple priorities and workload. In addition, we have identified preliminary boards/commissions/committees potentially affected by the current and upcoming project list and developed tentative timelines for that work. I also met with the respective chair of the identified committees to review a general work plan. I anticipate those documents will be available within the next two weeks. The document(s) will be shared with the Council in draft form. While this is primarily an administrative work product and no formal vote is required, it would be helpful to make known if there are concerns by members of the Council after review.

City Council Workshop

Meeting Date: February 11, 2020
Meeting Time: 6:00 p

Agenda Item No: Discussion Item 1.2
Item Description: Status of Marijuana Laws

Submitted by: Mathew Eddy; Director, Planning and Development

Supporting Information/Documentation:

- April 18, 2019 Email from Roby Fecteau https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/375160/6-11-2019_Workshop-Marijuana-Fecteau_Email-April_2019.pdf
- June 11, 2019 – Council Workshop – 1.2 Adult Use Marijuana: State Rule Changes (timestamp 1:16:00) https://biddeford.granicus.com/MediaPlayer.php?view_id=1&clip_id=551

Key Terms:

See above memo, which provides ordinance definitions and some previous discussion. Please note that we are not addressing personally homegrown marijuana or in-home caregivers in this review.

State Definitions/locations of import:

- Marijuana Legalization Act (or Adult Use Marijuana Law) 28-B M.R.S. Ch. 1
  - 18-691 C.M.R. ch. 1 – Adult Use Marijuana Program Rule https://legislature.maine.gov/statutes/28-B/title28-Bch1sec0.html
- Maine Medical Use of Marijuana Act 22 M.R.S. Ch. 558-C
  - 18-691 C.M.R. ch. 2 - Maine Medical Use of Marijuana Program Rule https://www.mainelegislature.org/legis/statutes/22/title22ch558-Csec0.html
- Industrial hemp 7 M.R.S. Section 2231 https://legislature.maine.gov/statutes/7/title7sec2231.html
- Marijuana Manufacturing: 18-691 C.M.R. ch. 4 - Marijuana Manufacturing Facilities https://www.maine.gov/dafs/omp/medical-use/rules-statutes/18-691-C.M.R.-ch.-4
- Adult use statute: https://www.maine.gov/dafs/omp/adult-use/rules-statutes/18-691-C.M.R.-ch.-1

Executive Summary:

Staff are providing background on the status of marijuana statutes, supportive rule making, our existing ordinances, and possible actions or changes the City may need to make. In

previous meetings, we provided Council a review of our ordinances and counseled to wait on any action until the Marijuana Rules that would guide the implementation of state statutes were promulgated. Those rules are now established.

The law and rules permit any community to opt in for medical or adult use marijuana. Failure to opt in under either of these provisions results in them being, by default, prohibited. We presently permit certain medically related marijuana activities in three zones, although our present definitions do not align with the definitions of these new rules. The City opted-in, allowing medical marijuana activities in 2017. Medical marijuana operations are limited to the I-3 zone (dispensaries) and I-1 & I-2 zones (medical growing facilities). In all cases, the activity is a conditional use in the respective zone.

The City of Biddeford currently does not allow commercial adult use activities.

Detailed Review:

This white paper reviews the status of medical marijuana laws as it relates to the city of Biddeford. We will break this discussion into the following components:

- Recent Actions by the Council
- Status of Maine statutes and Rules
- Status of our ordinances
- Future Possible Actions/Implications

Recent Actions. The moratorium for permitting the further development of medical marijuana ended May 5th, 2019 as we awaited clarification on laws that would codify the referendum vote permitting marijuana use in the state of Maine. We let the moratorium lapse because of the new requirement for municipalities to "opt in". Attached are those laws and associated rules.

As it relates to Biddeford, the city has the right to "opt in" to permit Adult Use Marijuana or expand Medical marijuana. Default, or the act to not opt in, treats adult use marijuana as prohibited uses on a local level. We presently permit the grow or distribution of medical marijuana in three districts (see Fecteau email), but pre-date the "opt in" provision.

Status of Maine Statutes and Rules. The rules for governing medical marijuana grow and distribution, adult use grow and distribution and Industrial Hemp (previous rules) are in place. The rules include a series of extensive review requirements for any business that grows or distributes marijuana. With those rules are also a series of definitions. For example, there are now definitions for Cultivation Facility, Marijuana stores, Manufacture facility, and testing facility, each considered quite different and having other definitions and clarifications associated with them (i.e. medical vs. adult use). In all, this is, at first glance, a heavily regulated industry.

What is new is that a community must "opt in" for permitting marijuana facilities. The actions available to the community are outlined; for Adult Use for example, see the enabling statute: *SUBCHAPTER 4 LOCAL*

REGULATION OF MARIJUANA ESTABLISHMENTS. In that process, you can break down the approvals into the four categories noted above: cultivation, retail stores, manufacturing, and testing; and of course by medical and adult use.

Because those who are presently growing hemp have approached us, we thought we should cover this as well. Maine law requires a license from the state to cultivate, harvest, possess or process industrial hemp. There are specific rules (THC below .3%) that define hemp. There is no mention of municipal regulation of hemp (the Maine Agriculture Protection Act may apply). However, anything related to the manufacture of CBD oils or hemp derived concentrates would be illegal unless in compliance with medical or adult use laws; "the opt" in provision would apply.

Status of our ordinances. The Fecteau Email outlines how the present ordinance works for marijuana facilities. In summary, we permit:

- Medical Marijuana Growing Facilities in the I1 and I2 districts.
- Medical Marijuana Dispensaries in the I3 district

These definitions are not consistent with state statute. Those law and rules related to medical marijuana are revised. For example, dispensaries no longer need to be non-profit. The City's medical marijuana definitions may be better aligned to the four activities previously described: Cultivation, Marijuana stores (dispensaries), manufacturing facility, and testing facility.

Without opt in for adult use, all or any adult use activity is prohibited.

As the Council is aware, we have had odor issues from time to time with some of the medical marijuana facilities. The facility on Drapeau and a facility on Hill (abutting the Grayson Street residences) were identified. Both facilities upgraded the air treatment systems (there are multiple ways to go about treating air quality, the "Stoner" operation, which was never previously cited, has a unique system that seems the most efficient) in an attempt to address those issues. Most of the industry and information collected during Maine's legalization process acknowledged, however, that odor can be an ongoing issue and should be considered in location decisions. The current ordinance appears to be sufficient to require adequate odor control through the conditional use process, although the Codes Office has been involved in a number of follow-ups related to odor issues.

Future Possible Actions/Implications.

Any change that involves adult use or expansion of medical uses across the four activities in state law and statute will require the City to "opt in". In terms of Adult Use (as well as Medical Marijuana Use), the potential considerations by activity are:

- Cultivation Facility: Presently permitted as Medical marijuana Growing Facilities in the I1 and I2 zones, the City could consider adding adult use cultivation to those zones. As a practical matter, there is no difference in terms of cultivation for medical or adult use marijuana.
- Marijuana Stores: Presently, we permit medical marijuana dispensaries in the I3 district (close to the hospital zone I assume was the thinking by the City), as well as through the grow facilities via

caregiver. To permit adult sales, we would have to examine each business zone that permits retail sales and add such a marijuana definition and use, making the decision to "opt in".

- Manufacture Facility. The City's land use ordinance permits processing as a part of the operation of a medical marijuana growing facility in the I1 and I2 districts (including reference to caregivers). The range of processing or manufacture varies greatly among the four growers, from simple packaging and extraction to very complex extracting machines. However, the process for adult use manufacturing and medical manufacturing is the same (series of grow rooms which advance to a harvesting room and/or extraction). Beyond extraction, I am not aware of any true manufacturing going on beyond that of packaging.
- Testing Facility. Hightech Extracts, on Drapeau Street, may have the capacity to not only do extraction, but also testing. None of our definitions or use tables address testing facilities.

A secondary implication is the re-use and market impact on older industrial buildings. The demand for marijuana grow buildings is substantial. It is fair to say that the present growing activity in some of our "older" manufacturing building is an effective re-use of what were empty structures. That has the impact of both creating jobs and stabilizing property values in these older structures.

Funding Source:

N/A

Staff Recommendation:

Staff is generally neutral. For the medical uses already in place, it may be necessary to bring the City's existing medical marijuana definitions into alignment with new state statutes and rules. We would need to expand beyond "processing" and add "testing facility" since it is a special license and use regulated by state statute (assuming some testing is being done at Hightech Extracts). Updating the definitions based on statute will also provide clarification for "opting in", since the Biddeford medical uses were in the ordinance before the "opt in" municipal choice became state law; we are making the assumption that existing medical grows are grandfathered if we take no action. A legal review to determine what changes are necessary to our existing ordnance is appropriate.

Any change that involves adult use or expansion of medical uses (in other areas of the community) will require the City to "opt in". If there is a desire to consider opting-in to permit adult use activities, Council will need to follow the process for making land use changes. The item will need to be referred to the Planning Board, who will hold at least one public hearing. Staff will need to prepare a comprehensive review and formulate an implementation plan for Planning Board and City Council consideration.

Author's note: there is much to learn about the nuances of this industry, its' laws and regulations.