

**COUNCIL MEETING  
JANUARY 16, 2018**

Mayor Casavant called the meeting to order at 6:00 p.m.

**Roll Call:** Michael Swanton, Stephen St. Cyr, Robert Quattrone, Jr., Victoria Foley, Norman Belanger, Michael Ready

John McCurry, Jr., Laura Seaver and Marc Lessard were excused.

The Council, and all who were present, recited the Pledge of Allegiance.

There were no adjustments to the agenda.

*Special Request for Alcohol Consumption in Shevenell Park for WinterFest*

Motion by Councilor Foley, seconded by Councilor Belanger to grant permission for alcohol to be served/consumed in Shevenell Park as part of the 2018 WinterFest festivities.

Vote: 5/1; Councilor Ready opposed.

Councilors Swanton, St. Cyr, Quattrone, Foley and Belanger in favor.

Motion carries.

Consideration of Minutes: **January 2, 2018**

Motion by Councilor Swanton, seconded by Councilor Foley to accept the minutes as printed.

Vote: Unanimous.

*Second Readings:*

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of January 2, 2018}

**2018.2) Amendment/Land Development Regulations/Art. V-Establishment of Zones/Density and Setback Requirements in R-2 Zone**

Motion by Councilor Foley, seconded by Councilor Swanton to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2018.3) Amendment/Land Development Regulations/Add Water Supply System to Art. II-Definitions; Art. V-Establishment of Zones; and Art. VI-Performance Standards**

Motion by Councilor Swanton, seconded by Councilor Quattrone to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2018.4) Amendment/Land Development Regulations/Art. XIII-Amendments, Section 3-Contract and conditional zoning/Delete Contract Zones No. 2, No. 3 and No. 5**

Motion by Councilor Ready, seconded by Councilor Foley to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2018.5) Amendment/Land Development Regulations/Art. V-Establishment of Zones/Correct Residential Cluster Subdivisions as Conditional Uses in B-2 Zone**

Motion by Councilor Belanger, seconded by Councilor Foley to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2018.6) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-59-Snow emergency parking ban/Add Water Street Municipal Parking Lot**

Motion by Councilor Foley, seconded by Councilor Ready to grant the second reading of the ordinance amendment.

Vote: Unanimous.

*Orders of the Day:*

**2018.10**

**IN BOARD OF CITY COUNCIL..JANUARY 16, 2018**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby approve the award of a contract for wayfinding signage for the Robert G. Dodge and Alfred Road Business Parks to Bailey Signs of Westbrook, Maine in an amount not to exceed **\$39,925.00**, with funds coming out of the *Industrial Park Fund*.

NOTE: This item was reviewed and recommended by the Economic Improvement Commission.

Motion by Councilor Ready, seconded by Councilor Belanger to grant the order.

Motion by Councilor Ready, seconded by Councilor St. Cyr to amend the order to approve the purchase of only signs #1 and #3 – the park entrance signs; and further, to table the purchase of signs #2, #4, #5 and #6 until the Economic Improvement Commission has had an opportunity to come up with a recommendation for wayfinding signs (with street names) for all the City’s business parks.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

**2018.11**

**IN BOARD OF CITY COUNCIL..JANUARY 16, 2018**

**MORATORIUM ORDINANCE ON RETAIL MARIJUANA STORES, FACILITIES,  
AND SOCIAL CLUBS**

**BE IT ORDAINED**, that the City of Biddeford, Maine hereby adopts the following Moratorium Ordinance on retail marijuana stores, facilities, and social clubs:

**WHEREAS**, a ballot initiative to legalize, regulate and tax marijuana for non-medicinal purposes known as the “Marijuana Legalization Act,” proposed to be codified in the Maine Revised Statutes in Title 7, Chapter 417, was approved by referendum vote at a State-wide referendum election on November 8, 2016 (the “proposed Act”); and

**WHEREAS**, the proposed Act authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the proposed Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

**WHEREAS**, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

**WHEREAS**, the Maine House and Senate currently is debating a legislative rewrite of the proposed Act and has implemented a State-wide moratorium postponing commercial licensing, cultivation and sales of marijuana until February 2018; and

**WHEREAS**, the City’s current Code of Ordinances does not include any regulations related to retail marijuana establishments or retail marijuana social clubs under the proposed Act; and

**WHEREAS**, the unregulated location and operation of retail marijuana establishments and retail marijuana social clubs within the City of Biddeford raises legitimate and substantial questions about the impact of such establishments and social clubs on the City, including questions about the compatibility of retail marijuana establishments and social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; potential criminal activity associated with

the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the City's Police Department and Fire Rescue Department; and the adequacy of the City's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs; and

**WHEREAS**, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana social clubs within the City has potentially serious implications for the health, safety and welfare of the City and its residents; and

**WHEREAS**, the City needs time to review the final Marijuana Legalization Act which is implemented by the Maine legislature and to review its own Code of Ordinances to determine the implications of future proposed retail marijuana establishments and/or social clubs to develop reasonable ordinances governing the location and operations of such establishments and social clubs to address the concerns cited above; and

**WHEREAS**, the City's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and social clubs and other uses authorized by the proposed Act and any legislative rewrite of the Act, thereby necessitating a moratorium; and

**WHEREAS**, the City Council, the Administration and the Planning Board, with the professional advice and assistance of the Police Department, shall study the City's current Code of Ordinances to determine the land use and other regulatory implications of retail marijuana establishments and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

**WHEREAS**, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and social clubs and other uses authorized by the proposed Act and any legislative rewrite of the Marijuana Legalization Act, being located in the City; and

**WHEREAS**, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the City enacts this Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Biddeford, that the following Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the City. This Moratorium Ordinance shall take effect, once enacted by the City Council, in accordance with the provisions of the City Charter and Code of Ordinances (the "implementation date"). The moratorium shall remain in effect for one hundred and eighty (180) days from the date of the implementation of this Ordinance, unless extended, repealed, or modified by the City Council, for the express purpose of drafting an amendment or amendments to the City's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments and social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the proposed Act as may be amended, the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the City in responding to the same; and the adequacy of the City's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs in the City.

**BE IT FURTHER ORDAINED**, that this Ordinance shall apply to retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms currently are defined in the proposed Act, at 7 M.R.S. §§ 2442 (36), (38), (39), (40) (41), as may be amended by the Maine legislature, that may be proposed to be located within the City on or after the implementation date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other City official or board prior to the implementation date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that no person or organization shall develop or operate a retail marijuana establishment or social club within the City on or after the implementation date of this Ordinance without complying with whatever ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

**BE IT FURTHER ORDAINED**, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana social club; and

**BE IT FURTHER ORDAINED**, that those provisions of the City's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

**BE IT FURTHER ORDAINED**, that if retail marijuana establishments or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

**BE IT FURTHER ORDAINED**, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Motion by Councilor Swanton, seconded by Councilor Quattrone to grant the moratorium.  
Vote: Unanimous.

**2018.12** **IN BOARD OF CITY COUNCIL..JANUARY 16, 2018**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the City Manager to sign and execute an amended Joint Development Agreement for the Lincoln Mill development.

Motion by Councilor Foley, seconded by Councilor Belanger to grant the order.  
Vote: Unanimous.

**2018.13** **IN BOARD OF CITY COUNCIL..JANUARY 16, 2018**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby adopt the 2018/2019 Goals and Workplan for the City.

NOTE: Workplan is provided in a separate document.

Motion by Councilor Ready, seconded by Councilor Foley to grant the order.  
Vote: Unanimous.

*Appointments:*

**IN BOARD OF CITY COUNCIL...JANUARY 16, 2018**

**BE IT ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Rick Laverriere  
371 South Street  
Ward 6**

as CHAIR of the *Airport Commission* for 2018.

Motion by Councilor Ready, seconded by Councilor Swanton to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...JANUARY 16, 2018**

**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Amy Clearwater  
136 Alfred Street  
Ward 5**

to the *Downtown Development Commission*, for a term to expire in December 2020.

Motion by Councilor Foley, seconded by Councilor Belanger to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...JANUARY 16, 2018**

**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Adam Bellefeuille  
111 Pool Street  
Ward 2**

to the *Solid Waste Management Commission*, for a term to expire in December 2020.

Motion by Councilor Ready, seconded by Councilor Swanton to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...JANUARY 16, 2018**

**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**James Emerson**

to the *Ad Hoc Community Center Committee*.

Motion by Councilor Ready, seconded by Councilor Foley to confirm the appointment.  
Vote: Unanimous.

There was no City Manager Report.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit)  
Heart of Biddeford Director, Delilah Poupore used this time to provide information on the upcoming WinterFest, which is taking place February 2<sup>nd</sup> through the 4<sup>th</sup>. Folks are encouraged to check out Biddeford WinterFest online for more information about the activities planned for that weekend.

*Other Business:*

Councilor Ready: asked if the City Clerk could have information prepared to share at the February 6<sup>th</sup> council meeting regarding the opt-out of the delivery of unsolicited materials.

Councilor Foley: reminded folks that information about parking bans can be found on the City's website, people may sign up for alerts, and on the City of Biddeford mobile app on iPhones.

Mayor Addressing the Council: Mayor Casavant announced that the City, once again, received the National Night Out Award for the 2017 Bacon Street Festival. He congratulated all who were involved with the success of the Festival, especially the City’s CDBG Coordinator, Linda Waters.

Motion by Councilor Swanton, seconded by Councilor Belanger to adjourn.  
Vote: Unanimous. Time: 6:11 p.m.

**Attest by:** \_\_\_\_\_  
**Carmen J. Morris, City Clerk**