

M I N U T E S

ORDINANCE COMMITTEE MEETING

Meeting of October 15, 2019 – 8:00 a.m.

Conference Room A

Present: Committee Chair, Councilor Shepard; Councilors Smith and Wilder Cross.

Also present: Town Manager, Ephrem Paraschak; Director of Community Development, Thomas Poirier; Town Planner, Carol Eyerman; Deputy Police Chief Chris Sanborn; Gorham Community Access Media Manager, Georgia Humphrey; Tony Vigue, Community Television Association of Maine and Cable TV Franchise Consultant; two members of the public, and Jessica Hughes, Executive Assistant to the Town Manager.

1. **Consideration of the minutes of the September 17, 2019 meeting.**

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Smith and VOTED to accept the minutes of the September 17, 2019 meeting as distributed. Unanimous vote.

2. **Current Business**

A. Review the Cable TV Ordinance and recommend amendments to the Town Council (referred by the Town Council on July 2, 2019).

Gorham Community Access Media Manager Georgia Humphrey introduced Tony Vigue, Cable TV Contract Consultant of the Community Television Association of Maine. Mr. Vigue explained that franchise agreement negotiations are the only opportunity that a town has to provide protections and additional benefits to the town and cable subscribers. Mr. Vigue added that a town's Cable TV ordinance should match the Cable TV Franchise Agreement.

A discussion followed in which Mr. Vigue recommended that the Town write in more protections as the federal regulatory landscape has become less protective of towns over the years. Mr. Vigue and Town Attorney Mark Bower spent several months making recommended changes, which included the language, the "Franchise Agreement is the controlling document," which allows the Town to disagree and enter formal negotiations, or to not renew the agreement. Mr. Vigue said that the Cable TV Ordinance provides the Town as many protections as possible under the law, and that the Franchise Agreement is one of the most financially important documents for a town to sign. Mr. Vigue added that cable companies are not regulated by the Public Utilities Commission (PUC) and that they charge as much as the market will bear. Mr. Vigue shared that Ms. Humphrey, the Maine Municipal Association (MMA) and other colleagues wrote and proposed a bill that passed; however, the bill received an injunction. The Maine Attorney General is filing a motion to dismiss the injunction, which will be decided at the end of the month. The bill, if passed, will require a dedicated phone number for towns to be able to call for cable TV local access support, and dedicated local access channels on single-digit channel numbers.

Mr. Vigue recommends the proposed amended Cable TV Ordinance as written. Mr. Vigue further said that the Franchise Agreement is 99 % finalized, and that he will notify the Town when the ordinance should be returned to the Town Council to take action at a future Town Council meeting.

A public hearing will need to be held, and the Town Council can then review the ordinance for approval. Once approved, the Town can enter into the Franchise Agreement.

Councilor Wilder Cross asked that Ms. Humphrey please forward the Cable TV Ordinance to the Cable TV Franchise Subcommittee for their review at a future meeting.

Mr. Vigue advised that when the Town moves forward with the Franchise Agreement, he needs to ascertain a needs assessment report. Ms. Humphrey commented that the prior cable TV contract is very old, and the Town does not have the resources to push back on the charter to make the cable provider aware of inefficiencies. Mr. Vigue added that when a contract expires, terms continue until a new contract is written and agreed to.

A motion was MADE by Councilor Wilder Cross, SECONDED by Councilor Smith and VOTED to table the item until 60 days before the Ordinance Committee needs to act on the item. Unanimous vote.

- B. Review and consider developing an amendment to the Land Use and Development Code to allow varied density in the Village Centers and Urban Commercial District and recommend updates to the Town Council (referred by the Town Council on February 6, 2019).

Tom Poirier reviewed that the Committee previously looked at Form Based Code and ultimately agreed to look at performance standards instead. Mr. Poirier shared that he and the Town Manager Ephrem Paraschak are working with GPCOG on a study to look at a cost versus floor ratio approach, which is a complex process of trying to get value in line with mixed-use development in the Village area. Mr. Poirier further said that there is a density issue with older homes in the Village.

A motion was MADE by Councilor Smith, SECONDED by Councilor Wilder Cross and VOTED to table the item for 30 days. Unanimous vote.

3. Items Referred by Town Council to Committee for Future Meetings/Action

- A. Review and consider amending the Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

The Committee held a brief discussion, and Mr. Poirier indicated that staff will move forward with adding districts and performance standards in a recommendation to provide framework for the Committee at a future meeting. One member of the public recommended that state regulations should be reviewed at that time as well. One additional member of the public asked if outdoor cultivation will be allowed. Mr. Paraschak said that the Town will look at other local communities during the process, although his suspicion was that indoor cultivation will be required. One member of the public recommended that the Committee should request a tour of several local facilities. Councilor Smith requested that the Committee, when scheduling tours, please do so on a Monday or Tuesday.

A motion was MADE by Councilor Smith, SECONDED by Councilor Wilder Cross and VOTED to table the item for discussion at the next meeting. Unanimous vote.

- B. Review and consider an amendment to the Historic Preservation Ordinance to include a new category for Historic Sites, to include the Old Yard Cemetery, Town Clock, Civil War monument and

Founders monument and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

The Committee briefly discussed that a section needs to be added to the Historic Preservation Ordinance that allows that the Historic Preservation Commission or the Town Council to determine or add future historic sites. Mr. Poirier indicated that staff can have information at the next meeting for the Committee's review.

A motion was MADE by Councilor Smith, SECONDED by Councilor Wilder Cross and VOTED to table the item for discussion at a future meeting. Unanimous vote.

4. **Other Business**

No additional items were discussed under Other Business.

5. **Schedule next meeting and discuss agenda items for next meeting.**

Councilor Shepard said that he would be unable to attend the next meeting that is regularly scheduled for for third week of November. The Committee discussed and agreed to hold the next meeting on Tuesday, November 12, 2019 at 8:00 a.m. in Conference Room A. The following items would be discussed at the next meeting:

- A. Review and consider development an amendment to the Land Use and Development Code to allow varied density in the Village Centers and Urban Commercial District and recommend updates to the Town Council (referred by the Town Council on February 6, 2019).
- B. Review and consider amending the Land Use & Development Code to allow for the commercial adult use cultivation, manufacturing and processing of marijuana and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).
- C. Review and consider an amendment to the Historic Preservation Ordinance to include a new category for Historic Sites, to include the Old Yard Cemetery, Town Clock, Civil War monument and Founders monument and bring back recommendations to the Town Council (referred by the Town Council on October 1, 2019).

6. **Adjournment**

There being no further business, a motion was MADE by Councilor Wilder Cross and SECONDED by Councilor Smith and VOTED to adjourn. Time of adjournment 9:10 a.m.

Respectfully submitted,

Jessica R. Hughes, Executive Assistant