

FREEPORT TOWN COUNCIL SUMMARY AGENDA

COUNCIL MEETING #15-2000

AUGUST 1, 2000

7:00 PM

- ITEM #161-2000** To consider action relative to proposed amendments to the Zoning Ordinance concerning Performance Standards for Adult Business (Chapter 21) (Public Hearing).
- ITEM #162-2000** To consider action relative to proposed amendments to the Special Amusement Permits Ordinance concerning Live Entertainment Regulation (Chapter 50) (Public Hearing).
- ITEM #163-2000** To consider action relative to adopting a proposed ordinance controlling Nudity in Businesses (Chapter 51) (Public Hearing).
- ITEM #164-2000** To consider action relative to adopting a moratorium on processing applications for major subdivisions (Public Hearing).
- ITEM #165-2000** To consider action relative to the reconsideration of the Fiscal Year 2001 Municipal and School Operating Budgets.
- ITEM #166-2000** To consider action relative to the Fiscal Year 2001 tax due dates and interest rates.
- ITEM #167-2000** To consider action relative to an expenditure from the Unemployment Compensation Reserve Account.

OTHER BUSINESS:

- 1. Municipal Facilities report and recommendation on Grant Road Tax Acquired Property.**

AGENDA
FREEPORT TOWN COUNCIL MEETING #15-2000
TOWN HALL COUNCIL CHAMBERS
AUGUST 1, 2000 - 7:00 P.M.

SPECIAL NOTE: This agenda is a working agenda that includes background information and is for distribution to Council members only.

FROM: Dale C. Olmstead, Jr.

TO: David Soley, Chairperson, Arnold Road
John Arsenault, Vice Chairperson, Prout Road
Genie Beaulieu, Larue Drive
Edward Campbell, Gay Drive
Kenneth Mann, Mann Road
Gloria Fogg DeGrandpre, Wolf Neck Road
Robert Stevens, Porters Landing

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #14-2000, July 18, 2000 Meeting and accept the Minutes as printed.

SECOND ORDER OF BUSINESS: Public Comment Period - 30 minutes
(Non-Agenda Items Only)

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson.

COUNCIL MEETING #15-00
AUGUST 1, 2000

ITEM #161-2000 To consider action relative to proposed amendments to the Zoning Ordinance concerning Performance Standards for Adult Businesses (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be adopted.

ITEM #162-2000 To consider action relative to proposed amendments to the Special Amusement Permits Ordinance concerning Live Entertainment Regulation (Chapter 50). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That proposed amendments to the Special Amusement Permits Ordinance be adopted.

ITEM #163-2000 To consider action relative to adopting a proposed ordinance Controlling Nudity in Businesses (Chapter 51). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed ordinance Controlling Nudity in Businesses be adopted.

ITEM #164-2000 To consider action relative to adopting a moratorium on processing Applications for major subdivisions. (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

WHEREAS, with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, the Freeport Town Council has created a Residential Growth Management Committee consisting of 15 members of the community; and

WHEREAS, the Residential Growth Management Committee is charged with identifying growth areas, making recommendations for revisions to the Town's subdivision regulations, making recommendations for the protection of open space, identifying areas of special significance, and developing a system of development impact fees; and

WHEREAS, the Residential Growth Management Committee is charged with making its report to the Freeport Town Council by the end of the year 2000; and

WHEREAS, there remain many large tracts of undeveloped land in Freeport which are currently zoned to allow residential development; and

WHEREAS, the Town Council anticipates that continued residential growth in Greater Portland will put development pressure on the open land in Freeport; and

WHEREAS, until the Residential Growth Management Committee completes its work and the Town takes steps to implement the recommendations made by the

Committee, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development; and

WHEREAS, "major subdivisions," defined in the Town of Freeport Subdivision Ordinance as "any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities," create the greatest potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances;

NOW, THEREFORE, the Town of Freeport hereby ordains as follows:

1. Acceptance, processing and acting upon applications prohibited. During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a "major subdivision," as defined in Section 25-301(20) of the Freeport Subdivision Ordinance.

2. Applicability. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a major subdivision which had not become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to July 14, 2000.

3. Effective date and duration. This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect for 180 days after (date of enactment of emergency ordinance), unless extended, amended or repealed by the Freeport Town Council.

4. Repeal of Emergency Ordinance. This Ordinance repeals and replaces the Emergency Moratorium on Processing Applications for Major Subdivisions enacted by the Freeport Town Council on July 18, 2000.

ITEM #165-2000 To consider action relative to the re-consideration of the Fiscal Year 2001 Municipal and School Operating Budgets.

BE IT ORDERED: That the following amendments be made to the Operating Budget items approved on June 6, 2000.

*Item #123-2000 increase the appropriation of additional local funds for school purposes, under the provision of 20-A MRSA 15614 from 2,472,997 to 2,557,997.

*Item #124-2000 increase the appropriation authorizing the School Committee to expend funds for fiscal year beginning July 1, 2000 and ending June 30, 2001 from the Foundation Allocation, Debt Service Allocation, Unexpended Balances, Tuition Receipts, Local Appropriations, State Subsidy and other receipts for the support of schools from 11,081,777 to 11,166,867.

*Item #127-2000 increase the following appropriations and revenues to the 2001 Operating Budgets.

Appropriations:

- Education / Community Education from 10,296,593 to 10,381,593
- Total appropriations from 18,324,387 to 18,409,387.

Estimated Revenues:

- Education / Community Education from 1,563,148 to 1,608,148.
- Amount to be raised by taxation from 13,512,738 to 13,552,738.
- Total revenues from 18,324,387 to 18,409,387.

Note: This item was requested by Councilor Arsenault.

ITEM #166-2000

To consider action relative to the fiscal year 2001 tax due dates and interest rates.

BE IT ORDERED: That one-half of the fiscal year 2001 committed taxes for real estate be payable on November 15, 2000 with interest at the rate of .896% per month or 10.75% per annum, to be charged from November 16, 2000 and that the second half of the fiscal year 2001 committed taxes for real estate be payable on May 15, 2001, with interest at the rate of .896% per month or 10.75% per annum, to be charged from May 16, 2001.

BE IT FURTHER ORDERED: That the fiscal year 2001 committed taxes for personal property be payable on November 15, 2000 with interest at the rate of .896% per month or 10.75% per annum, to be charged from November 16, 2000.

BE IT FURTHER ORDERED: That an interest rate of .42% per month or 5% per annum be established for over payment of taxes.

ITEM #167-2000

To consider action relative to an expenditure from the Unemployment Compensation Reserve Account.

BE IT ORDERED: That up to \$10,000 be expended from the Unemployment Compensation Reserve Account to cover claims from a period of July 1, 2000 to June 30, 2001.

OTHER BUSINESS:

1. Municipal Facilities report and recommendation on Grant Road Tax Acquired Property.

MINUTES
FREEPORT TOWN COUNCIL MEETING #15-2000
TOWN HALL COUNCIL CHAMBERS
August 1, 2000 – 7 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Genie Beaulieu, Larue Drive	X		
David Soley, Chairperson Arnold Road			X
Edward Campbell Gay Drive	X		
John Arsenault, Vice Chair Prout Road	X		
Kenneth Mann Mann Road	X		
Gloria DeGrandpre Wolf Neck Road	X		
Robert Stevens Porters Landing	X		

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #14-2000 HELD ON JULY 18, 2000 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #14-2000 HELD ON JULY 18, 2000 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused—Soley)

SECOND ORDER OF BUSINESS: Public Comment Period - 30 Minutes (Non-Agenda Items Only)

There were none.

MOVED AND SECONDED: To close the Public Comment Period (Campbell & Beaulieu) (6 Ayes) (1 Excused—Soley)

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson:

ITEM #161-2000

To consider action relative to proposed amendments to the Zoning Ordinance concerning Performance Standards for Adult Businesses (Chapter 21). (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused—Soley).

Town Planner, Jacki Cohen explained the proposed amendments. Edward Bonney, representing himself, shared his concerns on locating these types of businesses in one section of town and the effect they will have on economic development in that area. Mrs. Cohen answered questions for Councilors and offered some suggestions. Discussion followed.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused—Soley).

MOVED AND SECONDED: That Sub Section A of Section II of Section 530 included in Article V be deleted from the proposed amendment. (Stevens & Beaulieu)

Councilor Mann requested clarification on the zones involved and suggested that the language be changed to zones that begin with "c" for commercial. Mrs. Cohen suggested listing the zones and requested time to pull them together.

The motion was withdrawn and the second was withdrawn.

MOVED AND SECONDED: To table this and come back after the public hearings on the next two items. (Mann & Stevens) (6 Ayes) (1 Excused—Soley).

MOVED AND SECONDED: To delete 2a. and then under 2b.-2, "located in a residential zone, or Zoning Districts:RR-I, RR-II, RRIA, MDR-I, MDR-II, MDA and MDB, V-I, V-II, RP I, RP II and ID." The order will have to reflect the change. (Mann & Stevens) (6 Ayes) (1 Excused—Soley).

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be adopted as amended. (Councilors Mann & Stevens)

ROLL CALL VOTE: (6 Ayes) (1 Excused—Soley).

ITEM #162-2000

To consider action relative to proposed amendments to the Special Amusement Permits Ordinance concerning Live Entertainment Regulation (Chapter 50). (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened.

(Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused—Soley).

Town Planner, Jacki Cohen, explained the amendments.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Beaulieu & Campbell) (6 Ayes) (1 Excused—Soley).

BE IT ORDERED: That proposed amendments to the Special
Amusement Permits Ordinance be adopted. (Beaulieu & Stevens)

MOVED AND SECONDED: To change Articles III and IV to make
them gender neutral. (Councilors Beaulieu & Campbell) (6 Ayes) (1
Excused—Soley)

ROLL CALL VOTE: (6 Ayes) (1 Excused—Soley).

ITEM #163-2000

To consider action relative to adopting a proposed ordinance
Controlling Nudity in Businesses (Chapter 51). (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened.
(Councilors Stevens & Campbell) (6 Ayes) (1 Excused—Soley).

Town Planner, Jacki Cohen explained the proposed amendments.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Stevens & Campbell) (6 Ayes) (1 Excused—Soley).

BE IT ORDERED: That the proposed ordinance Controlling
Nudity in Businesses be adopted. (Councilors Stevens & Campbell)

ROLL CALL VOTE: (6 Ayes) (1 Excused—Soley).

ITEM #164-2000

To consider action relative to adopting a moratorium on processing
Applications for major subdivisions. (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened.
(Councilors Mann & Campbell) (6 Ayes) (1 Excused—Soley).

Fred Morrill of South Freeport advised that he thinks this is a great idea and he fully supports
it. Councilor Campbell shared his views.

MOVED AND SECONDED: That the Public Hearing be closed.
(Councilors Mann & Campbell) (6 Ayes) (1 Excused—Soley).

Councilor Mann explained his reasons for not voting for this moratorium. Mr. Olmstead

explained that he views this moratorium as protecting the Town and noted that this is an opportunity for the Town to plan. Discussion followed.

WHEREAS, with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, the Freeport Town Council has created a Residential Growth Management Committee consisting of 15 members of the community; and

WHEREAS, the Residential Growth Management Committee is charged with identifying growth areas, making recommendations for revisions to the Town's subdivision regulations, making recommendations for the protection of open space, identifying areas of special significance, and developing a system of development impact fees; and

WHEREAS, the Residential Growth Management Committee is charged with making its report to the Freeport Town Council by the end of the year 2000; and

WHEREAS, there remain many large tracts of undeveloped land in Freeport which are currently zoned to allow residential development; and

WHEREAS, the Town Council anticipates that continued residential growth in Greater Portland will put development pressure on the open land in Freeport; and

WHEREAS, until the Residential Growth Management Committee completes its work and the Town takes steps to implement the recommendations made by the

Committee, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development; and

WHEREAS, "major subdivisions," defined in the Town of Freeport Subdivision Ordinance as "any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities," create the greatest potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances;

NOW, THEREFORE, the Town of Freeport hereby ordains as follows:

1. Acceptance, processing and acting upon applications prohibited. During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a "major subdivision," as defined in Section 25-301(20) of the Freeport Subdivision Ordinance.
2. Applicability. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a major subdivision which had not become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to July 14, 2000.
3. Effective date and duration. This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect for 180 days after (date of enactment of emergency ordinance), unless extended, amended or repealed by the Freeport Town Council.
3. Repeal of Emergency Ordinance. This Ordinance repeals and replaces the Emergency

Moratorium on Processing Applications for Major Subdivisions enacted by the Freeport Town Council on July 18, 2000. (Councilors Mann & Stevens)

ROLL CALL VOTE: (5 Ayes) (1 Nay—Mann) (1 Excused—Soley).

Councilor Campbell welcomed some Scouts to the meeting. They advised that they are working on communications.

ITEM #165-2000 To consider action relative to the re-consideration of the Fiscal Year 2001 Municipal and School Operating Budgets.

BE IT ORDERED: That the following amendments be made to the Operating Budget items approved on June 6, 2000.

*Item #123-2000 increase the appropriation of additional local funds for school purposes, under the provision of 20-A MRSA 15614 from 2,472,997 to 2,557,997.

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Estimated Revenues:

- Education / Community Education from 1,563,148 to 1,608,148.
- Amount to be raised by taxation from 13,512,738 to 13,552,738.
- Total revenues from 18,324,387 to 18,409,387.

Note: This item was requested by Councilor Arsenault. (Councilors DeGrandpre & Stevens).

Mr. Olmstead explained this amendment. Mr. Lyman answered questions. Councilor Campbell noted that he voted once on this budget and pointed out unknowns such as fuel costs, etc. He will not be supporting this amendment. Councilor Mann had questions that Mr. Olmstead answered.

ROLL CALL VOTE: (4 Ayes) (2 Nays—Mann & Campbell) (1 Excused—Soley).

ITEM #166-2000

To consider action relative to the fiscal year 2001 tax due dates and interest rates.

BE IT ORDERED: That one-half of the fiscal year 2001 committed taxes for real estate be payable on November 15, 2000 with interest at the rate of .896% per month or 10.75% per annum, to be charged from November 16, 2000 and that the second half of the fiscal year 2001 committed taxes for real estate be payable on May 15, 2001, with interest at the rate of .896% per month or 10.75% per annum, to be charged from May 16, 2001.

BE IT FURTHER ORDERED: That the fiscal year 2001 committed taxes for personal property be payable on November 15, 2000 with interest at the rate of .896% per month or 10.75% per annum, to be charged from November 16, 2000.

BE IT FURTHER ORDERED: Than an interest rate of .42% per month or 5% per annum be established for over payment of taxes. (Councilors Campbell & Beaulieu).

Mr. Olmstead explained this proposal.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Soley).

ITEM #167-2000

To consider action relative to an expenditure from the Unemployment Compensation Reserve Account.

BE IT ORDERED: That up to \$10,000 be expended from the Unemployment Compensation Reserve Account to cover claims from a period of July 1, 2000 to June 30, 2001. (Councilors Beaulieu & Campbell).

Mr. Olmstead explained that this is the number that is always asked for.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Soley).

OTHER BUSINESS:

1. Municipal Facilities report and recommendation on Grant Road Tax Acquired Property.

Councilor Arsenault explained that 10 acres have been tax-acquired on the Grant Road. Mr. Olmstead explained the process that must be followed and that this project brought two requests—The Freeport Housing Trust is proposing to make two house lots available and The Freeport Conservation Commission is interested in the balance of this parcel which abuts land owned by the Nature Conservancy. Jim Hatch and Mary Sauer answered questions.

Mr. Olmstead explained that if the Council is in agreement with this joint proposal, it may instruct him to assign the Town's interest to the Housing Trust and they would then work with the Conservation Commission.

Councilors concurred that Mr. Olmstead should prepare the necessary documentation and have it ready for the next meeting's agenda.

2. Councilor Beaulieu pointed out that in 1982, Freeport reduced the amount from \$100,000 to \$50,000 that the Council could spend without voter approval. She reflected on what inflation has done to the dollar. What could be purchased then for \$50,000 will now require \$86,000 and asked if this kind of information could be somehow forwarded to Freeport voters. Mr. Olmstead noted that an opportunity will arise to provide this type of information. Chair Soley is proposing to mail a letter explaining what a school bus cost in '82 and what it costs now.

3. The Scouts asked how Eagle Scout projects could be earned on Town property. Mr. Olmstead noted other projects completed by Eagle Scouts. Mary Sauer noted that they should consider contacting the Freeport Conservation Commission and volunteering for Hedgehog Mountain projects. The Conservation Commission has a budget and could possibly help out with materials.

Adjournment:

MOVED AND SECONDED: To adjourn at 8:55 p.m. (Councilors Campbell & Stevens) (6 Ayes) (1 Excused—Soley).

Respectfully Submitted,


Sharon Coffin, Council Secretary

111. ...
Mtg. # 15-2000
item # 161-00

Adopted (as amended)
**PROPOSED AMENDMENTS
FREEPORT ZONING ORDINANCE
(Chapter 21)**

ARTICLE V - PERFORMANCE STANDARDS

Section 530. LOCATION OF ADULT BUSINESSES

1. DEFINITIONS

- a. "Adult business" means any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which appeal to prurient interest and which depict or describe specified sexual activities.
- b. "Specified sexual activities" means:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy.
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
- c. "Public Building" means a building owned, operated or funded in whole or in part by the Town of Freeport which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.

2. LOCATION OF ADULT BUSINESSES RESTRICTED

No adult business shall be located:

- a. ~~In any zoning district other than the Commercial II District C-II.~~
- b. In any location where the customer entrance to the adult business would be closer than 1,000 feet, measured in a straight line without regard to

*delete
per Council
Vote*

intervening structures or objects, to the nearest point on the boundary of any property which is:

i. Occupied by a residence, school, park, playground, religious institution or public building,

ii. Located in a residential zone, or *add * per Council vote*

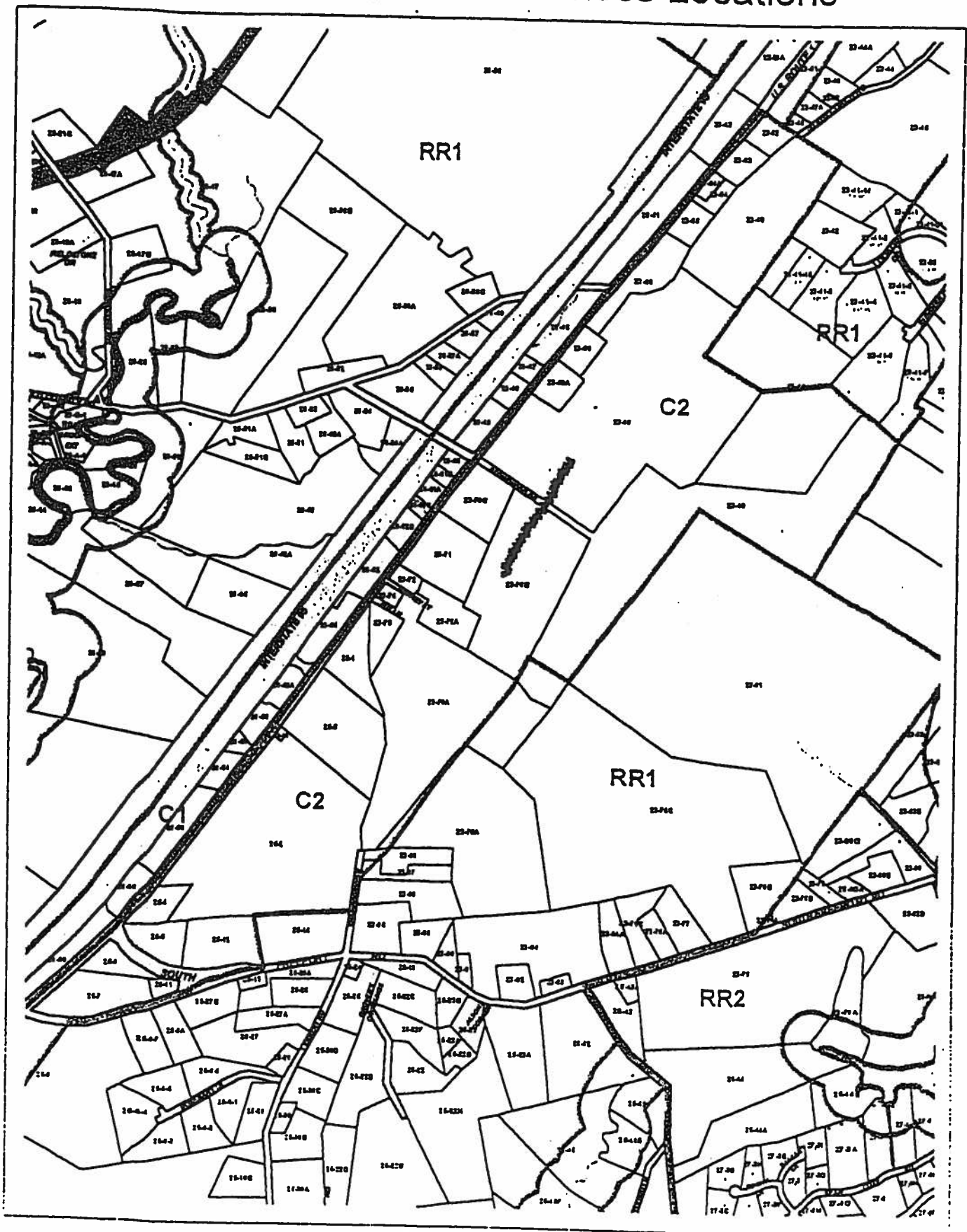
iii. Occupied by another adult business.

3. OUTSIDE DISPLAYS PROHIBITED

No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the adult business is located.

** Zoning Districts: RR-I, RR-II, RRIA, MDR-I, MDR-II, MDA and MDB, V-I, V-II, RPI, RPII and ID.*

Town of Freeport
C-II District
Potential Adult Business Locations



Scale - $1'' = 1100'$ (estimated)

TOWN OF FREEPORT

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



MEMO

TO: Freeport Town Council
FROM: Freeport Planning Board
SUBJECT: ADULT BUSINESS REGULATIONS
DATE: February 3, 2000

On February 2, 2000, the Planning held a public hearing on proposed amendments to the Freeport Zoning Ordinance, the Special Amusements Permits Ordinance and a new Ordinance, Ordinance Controlling Nudity in Businesses.

The Council adopted a moratorium on adult businesses after inquiries regarding them had been made to the Codes Enforcement Officer. The moratorium directed the Planning Board to develop the Ordinance regulations.

In the process of determining appropriate regulations, the Board reviewed past court cases dealing with the regulation of adult businesses and the Town Planner consulted with the Town Attorney. An area where adult business could be conducted and also meet proposed Ordinance requirements was located in the C-II District approximately 500' east of U.S. Route One South in the vicinity north and south of Stonewood Drive.

After hearing public comment supporting these regulations, the Board voted (4-0) to recommend to the Town Council the adoption of the following proposed amendments and new ordinance:

1. Proposed Amendments to the Freeport Zoning Ordinance, Chapter 21, Section 530.
2. Proposed Amendments to the Special Amusement Permit, Chapter 50, Article XIV.
3. Proposed Ordinance. Ordinance Controlling Nudity in Business, Chapter 51.

The reasons for adoption of all three items are listed below:

- a. The Town of Freeport currently has no zoning or licensing regulations governing the location of and imposing reasonable time, place and manner restrictions on the operation of so-called "adult" bookstores, video stores, movie theaters and similar businesses which sell, rent, exhibit, display or otherwise deal in sexually explicit materials; and
- b. The location of such businesses in certain neighborhoods and certain areas of the Town of Freeport, or in close proximity to incompatible uses such as residences, schools, parks, playgrounds, churches and public buildings would be detrimental to the public health, safety and welfare; and
- c. Such "adult" businesses have the potential to attract and encourage various types of criminal, illicit or unhealthful behaviors unless appropriately controlled as to the time, place and manner of their operation; and
- d. "Adult" businesses can, if not appropriately located and properly controlled, have a negative impact upon both residential and commercial property values; and
- e. "Adult" businesses can, unless properly controlled, provide a potential locus for illicit and undesirable activities by providing a place of contact for potential customers for prostitution, pandering, and other activities; and
- f. In combination with on-site or nearby alcoholic beverage service or other sexually oriented businesses, the concentration of such uses can increase the quantity of undesirable activities; and
- g. There is a strong tendency for inappropriate activities associated with "adult" businesses to seek nearby venues such as parks, parking lots, alleys and other public or semi-public spaces; and
- h. "Adult" businesses can, by their very presence set a context for interpreting pedestrian presence in the area as potentially related to the "adult" businesses, leading to propositioning of passers by the discouraging legitimate pedestrian activities; and
- i. It would be detrimental to the public health, safety and welfare to allow the location of such "adult" businesses without reasonable zoning and/or licensing regulations to ensure that any such "adult" businesses are conducted in a way which is not detrimental to the public health, safety and welfare;

Article XIV. Live Entertainment Regulation

No licensee shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

- (a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (b) The actual or simulated touching, caressing, or fondling of breasts, buttocks, anus, or genitals;
- (c) The actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola thereof;
- (d) The permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or female breasts below the areola thereof.

For purposes of this section, the words "displaying" and "exposes" shall mean being unclothed or uncostumed or not covered by fully opaque cloth or textile material, or employing any device or covering which is intended to give the appearance of or to simulate the genitals, pubic hair, buttocks, anus or the portions of the female breasts at or below the areola thereof.

Pt. August 1, 2000
Mtg. # 15-2000
item # 163-00

Adopted
PROPOSED ORDINANCE

ORDINANCE CONTROLLING NUDITY IN BUSINESSES

CHAPTER 51

Article I. Purpose

Section 1.1 – Purpose. The purpose of this Ordinance is to regulate nudity as a form of commercial exploitation and to regulate dress as a form of conduct and not to impede the free exchange and expression of ideas. The conduct regulated is that which the community and Town Council in public meetings have clearly found to be offensive to the general welfare, public safety, order and morals of the Town of Freeport and its citizens.

Article II – Definitions

Section 2.1 – Theater. As used in this Ordinance, "theater" means (a) a building, playhouse, hall, or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, or (b) a building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of said screen, or (c) an open-air or "drive-in" movie having a permanently affixed movie screen and permanently affixed devices for broadcasting the soundtracks of movies or motion pictures inside of the patrons' vehicles.

Section 2.2 – Sales Person, Waiter, Waitress and Entertainer. A person shall be deemed a sales person, waiter, waitress or entertainer if such person acts in that capacity, without regard to whether or not such person is paid any compensation by the management of the business in which the activity is performed.

Section 2.3 – Expose. "Expose" or "exposed" means unclothed or uncostumed or not covered by fully opaque cloth or textile material, or employing any device or covering which is intended to give the appearance of or to simulate the genitals, pubic hair, buttocks, perineum, anus or a portion of the female breasts at or below the areola thereof.

Article III – Prohibitions

Section 3.1. It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer or in any other capacity as an owner, manager, or employee in a business to expose his or her genitals, pubic hair, buttocks, perineum or anus or to expose any portion of the female breasts at or below the areola thereof.

Section 3.2. It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose himself or herself as prohibited by Section 3.1 of this Ordinance.

Section 3.3. It shall be unlawful for a person operating a business to, at said place of business, display or cause or permit the display of photographs, covers of magazines, newspapers or other printed matter which expose or show genitals, pubic hair, buttocks, perineum, anus, or female breasts at or below the areola thereof, in such manner that such

photographs, covers of magazines, newspapers or other printed matter are visible to children or unwilling adults using the sidewalks, streets or highways.

Article IV – Exceptions

Section 4.1. Sections 2.1 and 2.2 of this Ordinance do not apply to a theater or similar establishment which is primarily devoted to theatrical performances or the presentation of movies.

Section 4.2. This Ordinance does not apply to any act authorized or prohibited by any statute of the State of Maine.

Article V – Penalty

Section 5.1. Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not more than \$500 (five hundred) for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

Section 5.2. In addition to any other penalty provided by the law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the town seeking an injunction to prohibit further and continued violation thereof.

Article VI – Severability

Section 6.1. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

*Adopted Aug 1, 2000
Item # 164-2000
mtg. # 15-2000*

MORATORIUM ON PROCESSING APPLICATIONS FOR MAJOR SUBDIVISIONS

WHEREAS, with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, the Freeport Town Council has created a Residential Growth Management Committee consisting of 15 members of the community; and

WHEREAS, the Residential Growth Management Committee is charged with identifying growth areas, making recommendations for revisions to the Town's subdivision regulations, making recommendations for the protection of open space, identifying areas of special significance, and developing a system of development impact fees; and

WHEREAS, the Residential Growth Management Committee is charged with making its report to the Freeport Town Council by the end of the year 2000; and

WHEREAS, there remain many large tracts of undeveloped land in Freeport which are currently zoned to allow residential development; and

WHEREAS, the Town Council anticipates that continued residential growth in Greater Portland will put development pressure on the open land in Freeport; and

WHEREAS, until the Residential Growth Management Committee completes its work and the Town takes steps to implement the recommendations made by the Committee, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development; and

WHEREAS, "major subdivisions," defined in the Town of Freeport Subdivision Ordinance as "any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities," create the greatest potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances;

NOW, THEREFORE, the Town of Freeport hereby ordains as follows:

- 1. Acceptance, processing and acting upon applications prohibited.** During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a "major subdivision," as defined in Section 25-301(20) of the Freeport Subdivision Ordinance.
- 2. Applicability.** Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a major subdivision which had not become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to July 14, 2000.
- 3. Effective date and duration.** This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect for 180 days after (date of enactment of emergency ordinance), unless extended, amended or repealed by the Freeport Town Council.
- 4. Repeal of Emergency Ordinance.** This Ordinance repeals and replaces the Emergency Moratorium on Processing Applications for Major Subdivisions enacted by the Freeport Town Council on July 18, 2000.

Adopted May, 1999

adopted (as amended)
PROPOSED AMENDMENTS
SPECIAL AMUSEMENT PERMITS
CHAPTER 50

*P. H. August 1, 2000
Meeting # 15 '2000
item # 162-00*

Article I. Purpose.

The purpose of this article is to regulate the issuance of special amusement permits for music, dancing, or entertainment in facilities licensed by the state to sell liquor as authorized by 28-A M.R.S.A. § 1054.

Article II. Definition.

For the purposes of this article, the word "entertainment" means any amusement, performance, exhibition, or diversion for customers of the licensed premises whether provided by professional entertainers or by employees of the operator of the licensed premises.

Article III. Permit required.

(a) A licensee for the sale of liquor to be consumed on the licensed premises shall not permit any live music, dancing, or entertainment of any kind on the premises until ~~he~~ has first obtained a special amusement permit issued by the Town Clerk.

change to gender neutral

(b) ~~He~~ must file a written application for the permit with the town council including the name, date and place of birth, and residence address of the applicant; the name, address and nature of the business; and any additional information required by the council necessary to the processing of the application.

Article IV. Inspection.

As soon as an application for a special amusement permit has been received by the town council, the codes enforcement officer shall inspect the licensed premises to determine whether they are in compliance with all pertinent law. ~~He~~ shall make a written report to the town council with his findings in that regard.

change to gender neutral

Article V. Public hearing.

Before granting a permit, and after seven (7) days notice published in a newspaper having general circulation in the town, the town council shall hold a public hearing to determine whether issuance of the permit would be detrimental to the health, safety, or general welfare of the public, or would be in violation of any provision of this Code or town ordinance. After the hearing, the council shall issue the permit unless it finds that to do so would be detrimental to the health, safety, or general welfare of the public, or would be in violation of a municipal ordinance.

Adopted May, 1999

Article VI. Denial of permit.

If the application for a special amusement permit is denied, the town council shall give the applicant a written statement of the reasons for the denial.

Article VII. Conditional issuance.

The town council may attach conditions to any special amusement permit which are necessary for the protection of the health, safety, or general welfare of the public.

Article VIII. Permit fee.

The fee for a special amusement application permit is one hundred dollars (\$100.00) which is nonrefundable if the application for the permit is denied.

Article IX. Term of permit.

The permit is valid for one year from the date of issuance.

Article X. Periodic inspection.

Whenever an inspection of the premises used for the operation of a business by the holder of a special amusement permit is provided for by law, or is reasonably necessary in order to determine whether there is compliance with any pertinent law, the licensee shall permit the health officer or any official or employee of the codes enforcement office to make the inspection at any reasonable time, on written request.

Article XI. Suspension or revocation of a permit.

After seven (7) days notice published in a newspaper having general circulation in the town, and public hearing, the town council may suspend or revoke a special amusement permit if it determines that the music, dancing, or entertainment being provided at the licensed premises constitutes a detriment to the public health, safety, or welfare; or violates any law; or if the health officer or any official or employee of the codes enforcement office has been refused admission to make an inspection of the premises after written request.

Article XII. Penalty.

A person who violates any of the provisions of this article shall be punished by a fine of not more than five hundred dollars (\$500.00).

Article XIII. Qualifications.

In order to be eligible for any license, an applicant shall meet any qualifications established by law and shall pay any arrearages for taxes, fees, or any other obligation to the town.

1
Like all other Councilors before me, I promised to look after the Taxpayer's dollars, spend wisely and be honest with the Voter.

No single issue has caused me more concern than what's before me tonight.

I want to explain my reasons for voting the way I will be.

The Truth:

We are most fortunate to have as part of our school system some of the most talented people that I have ever had the privilege of knowing.

People who give to our students the best education possible. These same people could go elsewhere and make more but they stay here.

The Other Truth

This is the truth that is only heard in private. When spoken in public the speaker is labeled a "Blasphemous heretic or something worse."

These proposed November referendum questions ~~that will be~~ voted on by the Council tonight and ~~will~~ are probably what you as a voter will see on the ballot in November.

As proposed: These ^{school expansion} referendums if approved by the voters would not require "mandatory" State matching funds. They would be built no matter what, at a cost to Freeport taxpayers of \$8,000,000 - dollars.

If amended: by the council ~~to be~~: These referendums if approved by the voters ^{in NOVEMBER} would require "Mandatory State matching funds" (Reducing the cost) to the Freeport taxpayer to \$4,000,000. and not be built until the State Matching Funds were available.

If we as an informed Town Council will not even try to ^{SAVE} ~~the~~ the taxpayers \$4,000,000. I can not support sending these ~~to~~ to the voters for approval in November.

Long of the proposed referendums & to me It is sad when Special Interests are so self-centered that they reduce the role of voter / taxpayer to something that only needs manipulation to be gotten around.

Manipulating voters/taxpayers is a dangerous thing.

Propaganda

Propaganda is very infectious. The down fall to those using it is infection. They start believing their own propaganda as is the case with the Freeport School Committee and Administrators.

With the sword of self righteous indignation ~~raised~~ held high they demand "How Dare They! How Dare They!"

Well "truth" is the first to fall under the sword of self righteous indignation.

Lack of financial support for Freeport Schools is not the issue here. Accountability is the issue!

Have you ever heard anything as dumb as "Please don't make matching funds a requirement ~~condition~~ of these Referendums"

Well, I have right here in this room from The School Committee members administrators, teachers and ~~their~~ their supporters.

repeat The only thing stopping ^{ANY} ~~any~~ needed improvements in our school system is the waste ~~of~~ financial resources by a handful of incompetent, greedy, self-serving ~~st~~ deadwood that are manipulating the system to further their own agendas and personal gain which must change.

MEMORANDUM

To: John Arsenault, Chair, Municipal Facilities Committee
Dale Olmstead, Town Manager

From: Mary Sauer, Chair, Freeport Conservation Commission
Betsy Ruff, President, Freeport Housing Trust

Re: Joint Proposal for Grant Road Property

Date: June 30, 2000

Over the past several months the Conservation Commission and the Housing Trust have worked together to formulate a plan for use of the tax-acquired property on Grant Road formerly owned by Harold Modes (Map 17/Lot 82). The resulting plan will provide maximum public benefit for both affordable housing and conservation uses. This plan was approved by the Board of Directors of the Freeport Housing Trust at their meeting of May 25, 2000, and by the Conservation Commission at their meeting of June 20, 2000. We therefore request that the Public Facilities Committee review our joint proposal and submit it to the Town Council for approval.

Joint Proposal for Grant Road Property.

1. FHT will accept the entire 10-acre parcel from the Town and will take responsibility for any legal costs required to clear the title.
2. FHT will develop two house lots from the parcel. These will be created to meet the minimum lot standard of 2.5 acres with 200 feet of frontage on Grant Road. FHT will use the lots to provide two affordable single-family homes for low-income Freeport residents. It is anticipated that at least one of these will be developed in cooperation with the Brunswick Chapter of Habitat for Humanity.
3. The remaining 5 acres, which is to be reserved for conservation purposes, will be deeded to the eventual long-term owner of the abutting conservation land, which is currently owned by the Nature Conservancy. It is assumed that the eventual owner will be either the Freeport Conservation Trust or the Town of Freeport. The shape of the 5-acre parcel will include the land behind the two house lots as well as a strip approximately 30 feet in width providing access from Grant Road to the back land.

Respectfully submitted,

Elizabeth Ruff

Elizabeth Ruff, President
Freeport Housing Trust

Mary M. Sauer

Mary Sauer, Chair
Freeport Conservation Commission