

**TOWN OF ORONO
COUNCIL MEETING
COUNCIL CHAMBER - MUNICIPAL BUILDING**

MONDAY, FEBRUARY 11, 2019 AT 7:00 P.M.

AGENDA

1. Roll Call

2. Agenda Review

3. Approval of Minutes of January 7, January 14 and January 28, 2019

4. Public Hearings

- a. To consider a Victualer's License for Nest Coffee, LLC, 24 Main Street.
- b. To consider a Class X - Class A Lounge - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, and Victualer's License for Irena Bazhba/Kostakis Bazmpas/Kelly Bazmpa dba thedivegrill, inc., 19 Mill Street.
- c. To consider the designation of the proposed Orono Basin Omnibus Municipal Development and Tax Increment Financing District (the "District"), the adoption of a Development Program and Financial Plan for said District, and execution of a Credit Enhancement Agreement with Hub, LLC (61 Margin Street), all pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. The proposed municipal development and tax increment financing district consists of approximately 68.71 acres of property located on Ayers Island, the bridge and land connecting it to the mainland, and an area at the intersection of Island Avenue and Margin Street and identified on Town Tax Map and Lot 027-004-041, 027-004-042, 027-004-092, and 031-002-029-A.

5. Acknowledgments by Council Members

6. Unfinished Business

7. Consent Agenda

Order 19-17 Order, approving a Victualer's License for for Nest Coffee, LLC, 24 Main Street.

Order 19-18 Order, A Class X - Class A Lounge - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment,

and Victualer's License for Irena Bazhba/Kostakis Bazmpas/Kelly Bazmpa dba thedivegrill, inc., 19 Mill Street.

- Order 19-19 Order, confirming the Town Manager's appointment of Peter Hall as an Interim Alternate Electrical Inspector.
- Order 19-20 Order, approving a Resolution, Granting Permission with Conditions for the Community to Construct a Pump Track on Town Owned Property adjacent to Orono High School.
- Order 19-21 Order, authorizing the Town Manager to discontinue the Town's use of its cable access channel, return unused equipment, and to provide written authorization for Charter Communications, Inc. to reclaim Channel 7 and formally notify customers that the Town has stopped broadcasting on the channel.
- Order 19-22 Order, setting March 11, 2019 at 7:00 p.m. as the date for the public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 26 Parks and Recreation, and regulation of Town Owned Open Space Ordinance.

8. New Business

- Order 19-23 Resolve, approving the adoption of the Orono Basin Omnibus Municipal Development and Tax Increment Financing District (the "District") and the adoption of a Development Program and Financial Plan for said District.

WHEREAS, the Town of Orono (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate the Orono Basin Omnibus Municipal Development and Tax Increment Financing District (the "District") and the Development Program (as amended, the "Development Program") for the District; and

WHEREAS, there is a need for economic development in the Town of Orono, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town of Orono; and to improve the general economy of the Town of Orono and the surrounding region; and

WHEREAS, implementation of the Development Program will help to improve and broaden the tax base in the Town of Orono and improve the economy of the Town of Orono and the region by attracting business development to the District; and

WHEREAS, there is a need to implement continued economic development initiatives in the District through the Development Program in accordance with the provision of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the “Department”), approving this *Orono Basin Omnibus Municipal Development and Tax Increment Financing District* and the Development Program related thereto.

ORDERED AS FOLLOWS:

Section 1. The Town of Orono hereby designates the District and adopts the associated Development Program for the District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all existing and proposed development districts within the Town (including the District) does not exceed five percent (5%) of the total acreage of the Town; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the District) does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of April 1, 2013; and
- d. The District and pursuit of the Development Program will make a contribution to the economic growth and well-being of the Town of Orono and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Orono, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any

existing business, if any, is outweighed by the contribution expected to be made through the District and Development Program.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Development Program is hereby established as set forth in the Development Program.

Section 4. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The foregoing designation of the District and adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the Town, the Town Council, or any other party.

Section 6. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the District and Development Program for the District as the Town Manager may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The Town Manager, in the name and on behalf of the Town, is hereby authorized and directed to enter into a credit enhancement agreement between the Town and Hub, LLC, in substantially the form presented to the Council in advance of the public hearing required pursuant to Title 30-A M.R.S.A. Section 5226(1), and consistent with the description of such agreement in the Development Program.

- Order 19-24 Order, authorizing the Town Manager to execute a Credit Enhancement Agreement with Hub, LLC (61 Margin Street), pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.
- Order 19-25 Order, adopting Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Sec 18-31 Definitions, Sec 18-126 Buffering and

Screening, Sec 18-127 Curb Cuts, Sec 18-128 Design Standards for Streetscapes, Sec 18-168 Site Plan Review, Sec 18-169 Additional Information required of Major Developments, Sec 18-177 Site Plan Review Criteria, Sec 18-206 Preliminary Plan for Major Subdivision, 18-210 Standards, to Implement Standards for Parcels located in the C-2 District with Frontage along Park Street (Route 2).

- Order 19-26 Order, authorizing the Town Manager to enter into an Agreement with Tanko Streetlighting, Inc. for the “Turn-Key LED Street Light Project” for an amount not to exceed \$211,631.93 for the purpose of Purchasing and Converting existing Streetlights to LED lights to Improve Energy Efficiency and Lighting Quality for the Public; and, further, to authorize the Town Manager and Town Council Chair to borrow the cost of the project from The First National Bank in the form of a loan for a term of seven (7) years at an interest rate of approximately 3.30%.
- Order 19-27 Order, contingent upon passage of Order 19-26, authorizing the Town Manager to purchase municipal street lights within the Town of Orono from Emera with an estimated acquisition cost not to exceed \$37,300 with funds being drawn from money remaining in the Public Works Garage Reserve Fund.
- Order 19-28 Order, authorizing the Town Manager to engage Jennifer L. Vincent, MAI, of Hampden, to complete a commercial appraisal of the Former Public Works Garage located at 98 Penobscot Street at a cost of \$4,000 with funds drawn from the Public Works Garage Reserve.

9. Council Committee/Representative Reports

10. Future Agenda Items/Items of Concern

11. Public Petitions

12. Public Comments

13. EXECUTIVE SESSION pursuant to 1 MRSA § 405 (6) (E) to Discuss Collective Bargaining with IAFF Local 3106 and Maine Association of Police - Orono Unit

14. Adjournment

ADA Notice. Any person with a disability who requires auxiliary aids or services to fully participate in the activities of the Orono Town Council should contact the Town Manager's Office (866-2556) 72 hours prior to the meeting.

Council Agenda for February 11, 2019