

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

**MONDAY, NOVEMBER 14, 2016 AT 7:00 P.M.**

**MINUTES**

**1. Roll Call**

Present: Council Chair Cindy Mehnert, Sam Kunz, Tom Spitz, Geoff Gordon, Tom Perry, Clint Relyea and Town Manager Sophie Wilson. Absent: Judy Sullivan.

**2. Agenda Review**

Ms. Mehnert stated that there were two orders to be added to the agenda.

Moved by Tom Perry and seconded by Sam Kunz to add Orders 16-198 and 16-199 to the agenda. All voted in favor, 6-0.

**3. Approval of Minutes of September 12, 2016 Special Council Meeting and October 17, 2016 Regular Council Meeting.**

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 6-0.

**4. Public Hearings**

**a. To consider a Victualer's License for DMCP Group LLC, d/b/a Dunkin Donuts, 3 Stillwater Avenue.**

Public hearing a. opened at 7:04 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, the State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing a. closed at 7:05 p.m.

**b. To consider a Victualer's License for Nest Coffee, LLC, 24 Main Street.**

Public hearing b. opened at 7:06 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, the State licenses are current and staff recommends approval of the license. No public comments were made. Tom Perry asked if the business had opened with a temporary license. Ms. Wilson confirmed that the business was given a temporary waiver to open until the Council meeting. Public hearing b. closed at 7:07 p.m.

**c. To consider a Class IV – Malt Liquor License and Victualer's License for Woodman's Brewing Company, LLC, d/b/a Orono Brewing Company, 20 Main Street. (Continued to December 12, 2016 Council Meeting)**

Public hearing c. opened at 7:08 p.m. Ms. Mehnert continued the public hearing to the December 12, 2016 Council Meeting.

**d. To consider a Class I – Malt, Spirituous & Vinous Liquor License and Victualer’s License for Farnsworth Enterprises Inc., d/b/a Pat’s Pizza, 11 Mill Street.**

Public hearing d. opened at 7:08 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, the State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing d. closed at 7:09 p.m.

**e. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-31 Definitions, Section 18-61 Administration and Enforcement, and Section 18-131 Home Occupations, to include standards for “home office”, “home workshop” and “home business” and an amendment to Section 18-106(e) Schedule of Uses to include these three categories.**

Public hearing e. opened at 7:10 p.m. Town Planner Evan Richert stated that the amendments were reviewed by the Planning Board (which also held a public hearing) and by the Council Committee. He explained that Home Occupations are currently all handled the same. The Comprehensive Plan Committee recommended streamlining home occupations by creating three categories: home offices, home workshops and home businesses. He noted that the first two categories do not involve clients visiting the homes and will simply require registering with the Town. Home businesses will require Planning Board review and site plan review.

Susan Whitmore asked if the fees would be the same for all three categories. Ms. Wilson stated that the fees would not be considered until the Fee Schedule is taken up. Mr. Richert noted that the first two categories would not have a fee and require only registering the business. Public hearing e. closed at 7:12 p.m.

**f. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 13, Environment, Article II, Noise Control Ordinance, Sections 13-52 Definitions and 13-53 Sound level limits, concerning noise sensitive areas.**

Public hearing f. opened at 7:13 p.m. Mr. Richert stated that this amendment is a clarification of noise sensitive areas. He described noise sensitive areas (i.e. hospitals, churches and schools). He noted that the intent of the ordinance was to limit the sound level at the property line of the noise sensitive areas while the business is in operation. He noted that it is also how DEP interprets the language. The amendment limits the sound level at the property line of the noise sensitive area.

Mr. Gordon asked about the effect on existing businesses when a new noise sensitive establishment comes into an area. Mr. Richert stated that existing businesses would be grandfathered, but new businesses would be affected. Ms. Wilson stated that existing businesses could not be more non-conforming. No public comments were made. Public hearing f. closed at 7:19 p.m.

**g. To consider a 6-Month Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs.**

Public hearing g. opened at 7:20 p.m. Ms. Wilson noted that the proposed language was borrowed from the City of Brewer. She stated that the purpose of the Moratorium Ordinance is to give Council an opportunity to enact local ordinances to regulate (or not) the retail sale of marijuana and retail marijuana social clubs. The ordinance has been brought forward as a safeguard to take a pause and look at this issue in detail.

Economic Development Director Dave Milan stated that he has already been approached by one company. He commented that the moratorium was appropriate.

Mr. Gordon asked about the moratorium's effective date. Ms. Wilson stated that it reaches back to the first public discussion, October 17, 2016. She noted that the moratorium can be renewed for an additional six months if needed.

Mr. Relyea asked what other communities are doing. Ms. Wilson was unsure beyond the City of Brewer. No public comments were made. Public hearing g. closed at 7:27 p.m.

**5. Acknowledgments by Council Members**

Geoff Gordon acknowledged the excellent work of the staff during the Presidential Election. He commented that it was extremely well executed and extended appreciation to the staff.

Tom Spitz echoed similar comments to staff on a job well done for the Election. Mr. Spitz congratulated the Orono High School teams on their championships. He also acknowledged that the Civil War Monument looks fantastic at the Riverside Cemetery.

Tom Perry commented that he was skeptical of using the University of Maine Field House for the Presidential Election at first, but expressed that everything went very smoothly. He thanked Tom Spitz and the University of Maine for their assistance with parking.

Mr. Perry thanked the Orono Historical Society, Public Works and Sargent Corporation for their work in relocating the Civil War Monument to Riverside Cemetery. Mr. Perry congratulated the Orono High School's Girl Soccer Team on winning the State Championship for the second year. He also congratulated the Boy's and Girl's Cross Country Teams for their success.

Sam Kunz acknowledged the Orono High School Drama Club for their recent production of Rent.

Clint Relyea thanked the Public Works Department and Town Council for paving Forest Avenue.

Cindy Mehnert acknowledged the amazing work of staff, volunteers and the University of Maine with the recent Presidential Election. Mr. Perry also commented positive feedback on the election.

Sophie Wilson also commented on the recent election process being a huge success at the new location (University of Maine Field House). She thanked Town Clerk Shelly Crosby, Belle Ryder and staff, Lauri Sidelko and the University of Maine, volunteers and residents.

## **6. Unfinished Business - None**

## **7. Consent Agenda**

**Order 16-187 Order, approving a Victualer's License for DMCP Group LLC, d/b/a Dunkin Donuts, 3 Stillwater Avenue.**

**Order 16-188 Order, approving a Victualer's License for Nest Coffee, LLC, 24 Main Street.**

**Order 16-189 Order, approving a Class IV – Malt Liquor License and Victualer's License for Woodman's Brewing Company, LLC, d/b/a Orono Brewing Company, 20 Main Street. (tabled due to public hearing continued to December 12, 2016)**

**Order 16-190 Order, approving a Class I – Malt, Spirituous & Vinous Liquor License and Victualer's License for Farnsworth Enterprises Inc., d/b/a Pat's Pizza, 11 Mill Street.**

**Order 16-191 Order, authorizing the Town Manager to consolidate Town cash accounts as appropriate, including closing accounts at Camden National Bank and People's Bank and opening accounts at University Credit Union.**

**Order 16-192 Order, authorizing the Town to act as fiscal agent for the Bangor Area Storm Water Group, of which the Town of Orono is a member; and further, to authorize the Town Manager to accept up to \$4,000 from BASWG to purchase equipment and hire/supervise an intern to complete a specified time limited scope of work for the benefit of BASWG.**

Moved by Sam Kunz and seconded by Tom Perry to approve the consent agenda. All voted in favor, 6-0.

Mr. Perry asked for clarification of Order 16-191. Ms. Wilson described the request of the Town Auditor to consolidate cash accounts to one local institution.

## **8. New Business**

**Order 16-193 Order, adopting Ordinance Amendments to the Town of Orono Ordinances, Chapter 18-31 and 18-106(e) to provide for Self-Storage**

**Facilities, as distinct from Warehousing and Wholesale Business and to clarify definitions and locations of these Uses.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 6-0.

Mr. Richert commented that this ordinance amendment has been through Planning Board and Council public hearings and was modified through several reviews. He noted that the ordinance is consistent with the Comp Plan. He explained that the ordinance defines and specifies self-storage facilities and uses. Mr. Richert also described the residential appearance requirements for certain zones.

**Order 16-194 Order, adopting Ordinance Amendments to the Town of Orono Ordinances, Chapter 18-31, 18-106(e) and 18-135 amending definitions and Districts for types of Travelers' Lodging.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 6-0.

Mr. Richert stated that this ordinance amendment has been through Planning Board and Council public hearings and has been through several levels of review. He noted that it is consistent with the Comp Plan. Mr. Richert explained that the amendments provide opportunities for different types of lodging: Homestays, B&Bs and hotels/motels. He described each type of lodging and how they create opportunities while respecting neighborhoods.

**Order 16-195 Order, adopting Ordinance Amendments to the Town of Orono Ordinances, Chapter 18-31, 18-105, 18-106(e), 18-136 concerning certain Land Uses and Dimensional Standards in the Commercial-1, Commercial-2, Economic Development Zone, and Village Commercial Districts.**

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 6-0.

Mr. Richert stated that this ordinance amendment fine tunes dimensional use standards and offers opportunities for development. He noted that it is consistent with the Comp Plan. He explained that it reduces minimum lot size requirements and increases building heights. It also allows multi-family activity in the EDZ zone. Mr. Richert noted that it limits the intensity of multi-family use by reducing the number of bedrooms per acre.

Ms. Mehnert commented that the amendments have been reviewed by Council in committee several times.

**Order 16-196 Order, adopting a 6-Month Moratorium Ordinance on future development of Park Street in the C-2 District and a portion of the University District.**

Moved by Clint Relyea and seconded by Sam Kunz. All voted in favor, 6-0.

Mr. Richert stated that this is consistent with the Comp Plan in creating a traffic management program for the Park Street corridor. He described the need to place a hold on building activities in the area for six months while conducting a transportation analysis with short and long-term recommendations to help with the traffic burden.

Mr. Richert stated that the effective date of the Moratorium Ordinance dates back to September 22, 2016 to when it was first discussed by Council.

**Order 16-197 Order, authorizing the Town Manager to execute an agreement with the University of Maine System to install fiber optic cable from the Town of Orono Public Works Facility (135 Kelley Road) along Kelley Road and Old Kelley Road to Main Street and then to the Main Street Bridge over the Stillwater River for a total project cost not to exceed \$31,000 with \$15,000 paid from the Public Works Facility Reserve Account, \$5,000 from Fund Balance, and the remaining \$11,000 representing the value of the fiber optic cable which will be donated by the University of Maine System; and further, to authorize the Town Manager to transfer ownership of the infrastructure to Old Town-Orono Fiber Corporation.**

Moved by Sam Kunz and seconded by Tom Spitz.

Motion to amend by Sam Kunz and seconded by Tom Spitz to strike out language regarding the Main Street section. All voted in favor of the amendment, 6-0.

All voted in favor of the order as amended, 6-0.

Assistant Town Manager Belle Ryder requested amending the order to reflect the project running down Kelley Road and Old Kelley Road, not Main Street. She noted the OTO Fiber Corporation will take on the Main Street section as part of its grant project. She described the need to install fiber optic cable from the Public Works facility on Kelley Road to Main Street and the project details. She noted that the intent is to transfer ownership of the infrastructure to the OTO Fiber Corporation. Ms. Ryder confirmed that this would be the first asset of the OTO Fiber Corporation.

Mr. Perry asked about the funding. Ms. Wilson described the funding sources. Mr. Perry expressed concerns about using funds from the Fund Balance that were not designated for such. Ms. Wilson noted that Contingency Funds could also be used.

Ms. Ryder stated that these funds can be used as a match for future grant funds or the Town's contribution to OTO Fiber Corporation.

Ms. Wilson clarified that she would look for other ways to fund the project other than Fund balance, if possible, and come back to Council to confirm it.

**Order 16-198 Order, authorizing the Town Manager to execute a Municipal Quit Claim Deed to transfer the Town's ownership interest in Tax Acquired Property currently described as Map 027-003 Lot 031, 31 Gilbert Street, back to the prior owner of record, Estate of Regina Kocur, as fees have been paid in accordance with the Town's Redemption Policy.**

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 6-0.

Ms. Wilson explained that the State redeemed the tax acquired property and paid all of the fees. A quit claim deed will be issued back to the owner of record.

**Order 16-199 Order, authorizing the Town Manager to carry forward \$750 from the FY2016 Municipal Budget for the purpose of making improvements to the Keith Anderson Community House to support Community Theater and other activities.**

Moved by Clint Relyea and seconded by Sam Kunz. All voted in favor, 6-0.

Ms. Wilson stated that this carry forward was omitted from the earlier list in error. She explained that the funds from the FY16 budget were intended to made improvements to the KACH facility. Ms. Wilson described the use of the KACH theater by the Orono Middle School and Some Theater Company.

## **9. Future Agenda Items/Items of Concern**

Cindy Mehnert announced the Senior Citizens Thanksgiving Dinner will take place on Thursday, November 17, 2016 at 4:30 p.m. at the Birch Street School.

Ms. Wilson announced the Light Up the Night event will take place on Monday, December 5, 2016 starting at 4:30 p.m. at the University Credit Union, with the "Float Around Mill Street" (stationery parade of lights) beginning at 5:30 p.m.

Ms. Wilson stated that the downtown traffic study will be reviewed at an upcoming Council Committee Meeting and the public is invited to attend.

Ms. Wilson also noted that the Orono Fire Department will be promoting a door-to-door public safety campaign regarding smoke detectors.

## **10. Public Petitions - None**

## **11. Public Comments**

Susan Whitmore congratulated President-Elect Donald Trump and wished everyone a Happy Thanksgiving.

Stuart Dexter commented on three items: He thanked the Town for paving Forest Avenue; he commented that the Park Street Moratorium Ordinance should be longer than six-months to study the corridor; and, he asked about the number of taxpayers that have not paid their taxes.

Ms. Wilson commented that the Moratorium can be extended up to 18-months. She also commented that she would get back to him on the number of outstanding taxpayers.

## **12. Discussion: Review of the FY2017 Year to Date Financial Reports**

Ms. Wilson reviewed the FY2017 year-to-date expense and revenue financial reports in detail with the Council. Mr. Gordon requested getting the balance percentage on future financial reports.

## **13. Adjournment**

At 8:50 p.m., Sam Kunz moved and Tom Spitz seconded to adjourn. All voted in favor, 6-0.

Respectfully submitted,

Nancy W. Ward  
Administrative Assistant