

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

MONDAY, JULY 29, 2019 AT 6:45 PM

MINUTES

1. Roll Call

Present: Council Chair Cindy Mehnert, Tom Perry, Meghan Gardner, Terry Greenier and Town Manager Sophie Wilson. Absent: Laurie Osher, Sam Kunz, Cheryl Robertson.

2. Local Regulation of Commercial Marijuana Activity (Discussion of Next Steps)

Ms. Wilson explained that over the last several months, the public has been encouraged to review the marijuana information posted on the Town website and leave feedback for Councilors. The Town Manager's Intern reviewed the comments received and provides the following summary:

Response Tally as of 11:54 AM, July 24, 2019:

No 25, Yes 14, Mixed 4; Total serious and complete responses 43.

Overall, a majority of serious and complete responses did not support allowing Marijuana storefronts. The most-frequently-cited concerns were about Orono's Town character, especially the character of its downtown, the ways in which allowing storefronts would affect young people, including children and students, and health-related issues. Among positive responses, the most frequently cited explanation was the perceived amount of tax revenue that marijuana storefronts would bring into the Town. There are several themes among responses that are worth consideration.

Themes among negative responses:

- 9 mentioned families, schools, and/or children/young people.
- 5 referenced the downtown or town character, and how these sorts of establishments would not be fitting.
- 4 mentioned concerns about health, including secondhand smoke, or the way marijuana affects people's brains in the short term or long term.
- 4 mentioned Marijuana's considerable availability in other places (local towns with these sorts of businesses) or ways (personal cultivation, black market sales) and that therefore there is no need for these sorts of businesses
- 2 mentioned concerns about a seedy atmosphere or that these establishments would draw a bad sort of people to the town.
- 2 negative responses mentioned the federal illegality of marijuana. The first response expressed concern that the substance is federally illegal and bookkeeping practices would not be legitimate, and that a business would have a large amount of cash, attracting potential break-ins. All of this could create legal problems resulting in closure of the store

and a long-term eyesore. The second response mentioned while they believe marijuana should be legal, federal illegality of marijuana creates too many problems and questions to have commercial storefronts in Orono.

Themes among positive responses:

- At least **6** of the yes responses and **1** of the mixed responses mentioned potential increased municipal revenue or taxes.
- **2** mentioned that Maine had already voted, and so it is time to allow these establishments.
- **4** referenced potential private sector economic opportunities
- **1** referenced the notion of not living in the past.
- **2** made comparisons of the relative safety of alcohol and marijuana or referenced the high number of alcohol-serving establishments in Orono.
- **1** referenced the possibility for Orono to be a leader in the industry.
- **1** specifically desired marijuana storefronts in the village commercial district.

Themes among mixed responses:

- Factors cited in support of storefronts included perceived tax revenue and medical uses of marijuana. Factors cited in opposition included the family-oriented nature of the town, the dangers of poorly regulated marijuana products with inadequate labeling or designs that appeal to children, and the overall character of the downtown. One mixed response specifically wanted no marijuana establishments within a mile of the schools; another did not want them downtown or in places children and teens frequent.

In further public discussion, it may be worth considering clarifying the following points:

- Direct impact on municipal revenue from retail and medical marijuana storefronts is expected to be negligible. The Town cannot implement a sales tax on marijuana sales, or tax these properties differently than other uses.
- The Town cannot prohibit possession, personal cultivation, or recreational use of marijuana.
- The Town is considering opting in, not opting out. The default state law is that these establishments are prohibited unless the Town decides otherwise.

Members of the public spoke on this topic.

3. FY20 Council Work Plan (Initial Council Discussion)

The Council reviewed the FY2019-2020 Work Plan. *See attached.*

4. Adjournment

At 8:10pm, Tom Perry moved, and Terry Greenier seconded to adjourn. All voted in favor, 7-0.

Minutes are not verbatim. A video-recorded version is available on the Town's website at www.orono.org.

Respectfully submitted, Nancy W. Ward, Executive Assistant

ORONO TOWN COUNCIL WORK PLAN FY 19 UPDATE & STAFF FEEDBACK

Annually, Town Councilors discuss and agree upon Council's priorities for the coming year and formalize these priorities in a written workplan. This workplan is intended to keep Council and staff focused, as well as communicate Council's overarching goals to the public and how Council intends to address them, lending greater transparency to the process of local governance. With the understanding that operational projects often span calendar and fiscal years, the annual workplan allows the Town to continually maximize the impact of Council's efforts by directing valuable staff time and other finite resources.

Council's overarching goals for FY19 were:

1. To complete the projects currently underway from the FY18 workplan.
2. To respond to those items that are not identified on the workplan, but are necessary to maintain efficient and effective operations, through efficient and cost-effective means.
3. To continue to review and adapt the Town's methods for communicating with its residents, both to increase transparency and better inform and engage the public
4. To actively develop a clear understanding of the long-term needs, should the Town continue its current scope of operations over the next 25 years, in order to prioritize services, capital facilities, and infrastructure stewardship; and to prepare for the larger infrastructure projects contemplated in the Comprehensive Plan.
5. To begin addressing the following goals of the recently adopted Comprehensive Plan:
 - a) Improve Orono's connectivity and safety of the traveling public.
 - b) Attract families to Orono by encouraging the availability of affordable housing.
 - c) Address safety and social concerns related to rental properties.
 - d) Utilize Orono's outdoor recreation features to attract people to live, work, and play in Orono.

1. Progress on projects from the FY18 workplan.

- Adopting a Park Street development plan with related ordinance amendments.
 - **Completed in FY19**

- Regulating recreational and medical marijuana commercial activity.
 - ***Topic in multiple workshops - including several informational presentations about law and options for regulation; land use mapping; and public outreach. Currently awaiting feedback from Council on next steps.***
- Evaluating Town-owned properties in terms of current use, municipal purpose for ownership, priority for future public access, and appropriateness of returning to the tax rolls.
 - ***Work continues at the staff level with brief Council discussions about Town owned property in the Sailor Development and Essex Street. Island Avenue tax acquired property has gone out to bid. Need further discussion about small town owned lots at Pushaw Lake. Use discussions continue with codification of rental/use agreements for the Orono Land Trust, Orono Health Association, Orono Historical Society, and Boy Scouts.***
- Reviewing the Downtown Parklet Pilot Project (a project that seeks to utilize Orono's outdoor recreation features).
 - ***No longer applicable - boundary issues at 19 Mill Street were identified and addressed (with the executed agreement recorded at the Penobscot Registry of Deeds).***

2. Items necessary to maintain efficient and effective operations

- Amending the Town Charter to reflect current election law, decrease threshold for referendum petition signatures, and update language.
 - ***Complete -- approved by voters, and codified.***

3. Continue to review and adapt the Town's methods for communicating with its residents.

- Improve the current Town website to be more user friendly to the public and allow for more web-based services.
 - ***Improved; however work continues at the staff level to improve the website and increase web based services.***

- Increase use of social media to improve citizen connection to Town operations, and adopt related policies to govern social media use.
 - ***Increased social media use to communicate with the public; however, policies are currently in process and will need to be adopted by Council.***

4. Organize and prioritize Town resources needed to continue its current scope of operations over the next 25 years.

- Solid waste and recycling ordinance amendments to reflect new disposal requirements and reinforce the solid waste hierarchy
 - ***Solid Waste ordinance amended regarding flow control and administration; however, amendments are still needed related to recycling.***
- Evaluate Orono Fire Department staffing (shift structure, recruitment, and retention) and operations.
 - ***While this work will be on-going the focus intended in this item has been addressed and will be reflected in the collective bargaining agreement slated for consideration later in FY20.***

5. To begin addressing the following goals of the recently adopted Comprehensive Plan:

a. Improve Orono's connectivity and safety of the traveling public.

- Continue the Heads Up (Pedestrian/Vehicle Safety) Program aimed at identifying and addressing safety concerns
 - ***In progress - staff continues to work with MDOT and the local ACE Team to address these concerns. Council saw this effort represented in capital project design of North Main Avenue and will see in future design of Main Street sidewalk project. There is no planned specific Council action planned for FY20.***
- Develop an official map that shows potential future connections including pedestrian only connections
 - ***Not yet started.***

b. Attract families to Orono by encouraging the availability of affordable housing.

- Consider adoption of Village Overlay District that allows for smaller lots for new construction close to the center of Town (with owner occupancy deed restrictions).
 - *Work began on this project in FY19; however, it was set to the side to allow Planning Staff to work on more pressing items. Is slated to be brought back in FY20 for Council discussion and consideration.*

c. Address safety and social concerns related to rental properties.

- Continue to revise the Rental Registration Ordinance.
 - *In progress - proposed language discussed with Council and sent back to staff for revision.*
- Adopt National Fire Protection Association (NFPA) Codes, and revise Town ordinances, in order to provide for a more robust and risk centered life safety inspection program.
 - *In progress - discussed conceptual items with Council and currently staff is working to develop proposed language with policy options.*
- Adopt ordinance revisions that address concerns in the "Disorderly Property" and "Fee for Police Services" sections to more effectively resolve unruly gatherings.
 - *In progress - staff has presented language to Council and is now working on a new ordinance that seeks to address smaller residential disorderly properties, unruly gatherings that occur with large (mass) gatherings, and fees for police services.*

d. Utilize Orono's outdoor recreation features to attract people to live, work, and play in Orono.

- "Recreation Facilities" and "Open Space Ordinance" amendments codifying rules and policies aimed at increasing the public's safety and use.
 - *Complete.*

- Participate in a regional effort to improve trail connectivity in order to create a destination for outdoor recreation (hiking, biking, and paddling) enthusiasts.
 - *In progress - properties have been identified, funds have been allocated for this project, and staff is now working to develop easements and licenses to gain legal rights to construct, use, and maintain.*
- Develop plans to improve or construct recreation open space and amenities (including playgrounds).
 - *In Progress - Marden Park Renovation, Sailor Development use, Gould Landing, and trails.*

Proposed Council Forums/Gatherings for FY 19

- Council Training (October) - *Held*
- Kids Night at Council (November) - *Held (March)*
- Dinner with UMaine President (December) - *Not held*
- Facilitated Community Civil Rights Discussion (January/February) - *Not held*
- Joint Workshop with RSU #26 Board of Directors (February/March) - *Held (April)*
- 1st Annual Landlord/Council Forum (June) - *Not held*

STAFF FEEDBACK FOR FY20:

In Progress:

- Regulating recreational and medical marijuana commercial activity;
- Evaluating Town owned properties in terms of current use, municipal purpose, priority for future public access, and appropriateness of returning to the tax rolls;
- Improving website and social media as platforms for public information and engagement;
- Adopting ordinance amendments related to recycling and use of Orono's CDD Landfill;
- Creating an official map that shows potential future connections including pedestrian only connections;
- Considering adoption of Village Overlay District that allows for smaller lots for new construction close to the center of Town (with owner occupancy deed restrictions);
- Adopting policy/plan for town owned property within the Sailor Development;
- Revising Rental Registration Ordinance;

- Considering more clear adoption of NFPA codes and revising ordinances to implement a more robust and risk centered life safety inspection program;
- Revising Disorderly Property and Fee for Police Services ordinance language as well as to include language to more effectively deal with large unruly gatherings;
- Continuing work on trail development and codification to create regional connectivity; and
- Developing plans to improve or construct recreation open spaces and amenities.

New Items for Consideration:

- Long term maintenance and stewardship of existing Town assets;
- Codifying Orono Police Department culture and policy;
- Understanding the Town's assets and developing strategies and priorities for long-term maintenance and stewardship of these assets; and
- Updating personnel ordinance and policies to reflect modern expectations.