

## SPECIAL MEETING

## AGENDA

January 5, 2015

Presentation by Gorrill Palmer – Camden Street Planning Initiative Grant  
Resolve #1 Appointments to Energy Advisory Committee  
Set Agenda for January 12, 2015 Regular Meeting

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Luttrell, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issue:

- Bethany Berry, 59 Crescent Street, asked if there would be a public hearing on Ordinance Amendment #37 (Zoning Map Amendment – Camden Street) at this meeting. It was explained that this was the agenda-setting meeting and that no public hearing or action would be taken the ordinance amendment. Mayor Isganitis further explained that the public hearing on Ordinance Amendment #37 would be held at the January 12, 2015 Meeting.

- Eric Hebert, 283 Limerock Street, spoke concerning the proposed Commercial Corridor Overlay Zone regulations (Ordinance Amendment #36) saying that he had expressed concerns about the maximum 10 foot setback requirement and the side yard setback requirement, and was hoping that those concerns were addressed in the Comprehensive Planning Commission's review of this proposal.

- David Myslabodski, 53 Broad Street, spoke concerning the responsibility of repair and maintenance of sewer infrastructure, saying that the responsibility lies with the City and that the City should not be trying to shift that responsibility to the property owner. He said that nowhere in the City Code does it specify that the responsibility for repair and maintenance of the sewer system is on the property owners, and added that state law says that the responsibility for repair and maintenance of a public sewer system lies with the municipality.

Hearing no other speakers, the public forum was closed.

At this time, and without objection from the Council, Mayor Isganitis took Resolve #1, Appointments to the Energy Advisory Committee, out of order.

### **Resolve #1 Appointments to the Energy Advisory Committee**

#### **BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointments by the Mayor of the following persons to the Energy Advisory Committee for the terms listed are hereby confirmed:

Councilor Larry Pritchett, of 39 Brewster Street, is hereby appointed to fill a vacancy on that Committee, and shall serve until that term expires in 2017;

Deborah Donnelly, of 188 Bog Road, is hereby appointed to fill a vacancy on that Committee, and shall serve until that term expires in 2017.

Brooks Winner, of 7 Granite Street, is hereby appointed to fill a vacancy on that Committee, and shall serve until that term expires in 2016.

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

Councilor Clayton moved passage.

Vote: 5 for.

**Presentation by Gorrill Palmer – Camden Street Planning Initiative Grant:** The Council then went into informal session for a presentation by Gorrill Palmer Consulting Engineers, Inc., of concept plans for improvements to the Camden Street corridor from Maverick Street to the Rockport Town Line as contemplated in the Camden Street Re-Visioning Project. It was estimated that the improvements so contemplated would cost approximately \$4.3 million dollars to accomplish.

Special Meeting continued:

January 5, 2015

**Set Agenda for January 12, 2015 Regular Meeting:** With the above presentation complete, the Council then set the agenda for the January 12, 2015 Regular Meeting.

With the agenda set, and with no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:56 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**REGULAR MEETING**

**AGENDA**

**January 12, 2015**

- 1. Roll Call
- 2. Pledge of Allegiance to the Flag
- 3. Public Forum of not more than 30 minutes (3 min. limit each speaker)
- 4. Meeting Notice
- 5. Reading of the Record
- 6. Reports:
  - a. City Manager’s Report
  - b. City Attorney’s Report
  - c. Other Official’s Report
  - d. Mayor’s Report

- 7. Licenses and Permits:
  - a. Liquor and Entertainment Licenses – Park Street Grille
  - b. Liquor and Amusement Device Licenses – Pizza Hut
  - c. Liquor and Entertainment Licenses – Suzuki’s Sushi

- 8. Resolves:
  - # 2 Appointments to Boards, Commissions & Committees
  - # 3 Accepting Donations
  - # 4 Appointment – Registrar of Voters
  - # 5 Authorizing Meeting – St. George Withdrawal

Mayor Isganitis  
 City Manager  
 Mayor Isganitis  
 Mayor Isganitis

- 9. Ordinances in Final Reading and Public Hearing:
  - #10 Chapter 19, Article III Container Restaurants (Post. 9/8/14)
  - #22 Chapter 17, Section 17-802 Tillson Ave Parking (Post. 9/8/14)
  - #36 Chapter 19, Article III CCOZ (Post. 12/8/14)
  - #37 Zoning Map Amendment – CCOZ (Post. 12/8/14)
  - #40 Chapters 14 & 19 ZBA Scope of Review

Councilor MacLellan-Ruf  
 Mayor Isganitis  
 Mayor Isganitis  
 Councilor MacLellan-Ruf

- 10. Ordinances in First Reading:
  - #29 Chapter 3, Section 3-209 Dogs Prohibited (Post. 9/8/14)
  - # 1 Chapter 19, Article III B&B Establishment Regulations

Fmr. Councilor Hebert  
 Councilor Clayton

- 11. Orders:
  - #83 Use of Reserve Funds – Sandy Beach Pkng (Post. 10/15/14)
  - # 1 Amending Fee Schedule – Adult Amusement Store License
  - # 2 Authorizing Transfer of Funds – FY14 Landfill Budget Shortfall
  - # 3 Authorizing Transfer of Funds – Solid Waste Equip. Repairs
  - # 4 Authorizing License Agreement for Fence at 39 Pleasant Street
  - # 5 Authorizing Development of Dept. of Public Services

Councilor MacLellan-Ruf  
 City Manager  
 City Manager  
 City Manager  
 Councilor Clayton  
 Councilor MacLellan-Ruf

- 12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Luttrell, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the Public Forum, the following persons spoke on the following issues:

- Eric Hebert, 283 Limerock Street, spoke concerning the hiring of a new City Manager, saying that it is expected the Council will add a Resolve to this agenda for that purpose, and added that a rigorous selection process was followed. He thanked Dacri and Associates for finding such an outstanding candidate, and said that he was excited about the candidate. He also thanked the Council for allowing him to serve on the City Manager Search Committee.

- Cheryl Michaelson, 81 Talbot Avenue and owner of the Barry Manor Inn, spoke concerning Ordinance Amendment #1 that would allow them to operate a second bed and breakfast establishment on an adjacent parcel. She asked that the provision concerning off-street parking be removed from the proposal, noting that they would not be able to meet the proposed new parking requirement if it was adopted.

Hearing no other speakers, the public forum was closed.

**Meeting Notice:** It was noted that this meeting had been given proper notice.

**Reading of the Record:** Reading of the Record was waived, and the record of previous City Council meeting deemed accepted, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk's Office at Rockland City Hall during regular business hours.

**Reports:**

a. City Manager's Report: The City Manager reported on the following issues:

- A group is working with the Harbor Management Commission and Parks Commission on the creation of a Fisherman's Memorial, and a proposal will be coming to the Council in the future.

- The audit for FY 2014 is nearly complete, with the auditors scheduled to finish their field work this week. He said that the audit report should be ready for presentation to Council by the end of February or beginning of March.

- Central Maine Power Company will be conducting its tree trimming program in the City beginning in the near future.

- With regards to the hiring of a new City Manager, he said that he was excited and looked forward to working with the new Manager.

b. City Attorney's Report: The City Attorney said that other than matters already communicated to the Council, he had nothing further to report.

c. Other Official's Report: Councilor Clayton said that he wished to clarify statements made at the last meeting of Council concerning recommendations coming to the Council from staff. He said it was unfortunate that is sounded as though Council did not want to hear from staff, but that certainly was not the case. He said staff input is important to the Council, he just wanted to have that input with as much advanced notice as possible so that the Council can have more time to review the materials and decide in which direction it would like to move.

He also commented on criticism levied on the Council for the manner in which meetings are being conducted. He said that this Council is not attempting to shut down public comment, but decorum at Council meetings must be maintained. He said that this Council is the most communicative group he has seen, and hoped that this would start a new chapter in communications between the Council and the public.

Councilor Pritchett said, with respect to staff recommendations to the Council, that he would like to see a multi-stepped approach, with the Council determining if an issue is something that the Council wishes to address; have staff conduct the initial legwork and then come back to Council for direction in drafting the final legislation.

As for public comment, Councilor Pritchett said that he spent seven hours last week talking to people about City business. He said that Councilors are available practically 24/7 via phone, email or in person for the public to engage in discussions of any issues before the City. He said public communication with the Council is not limited to the time at the podium.

d. Mayor's Report: Mayor Isganitis announced the following community events:

- January 24, 2015 at the Strand Theatre, the "Trekkapalozza" fundraiser for Trekkers.
- January 24, 2015 at Trackside Station Restaurant, the Pies on Parade Silent Auction.
- January 25, 2015 at the Historic Inns of Rockland, Pies on Parade.
- February 7, 2015 at St. Peter's Episcopal Church, the Share the Love Auction.
- February 14, 2015, a Valentine's Day dance fundraiser for Trekkers.

Mayor Isganitis also reported that there are several issues that the Council needs to hold workshops for, and said that he would be in contact with Council members to see what their preferences were to dates for these workshops:

- Camden Street Project
- Bed & Breakfast/Lodging House regulations
- Quarry Fill proposal from Dragon Cement
- Sewer Lateral and Street Opening Ordinances
- Harbor Park Re-Design Committee status

At this time, Councilor Clayton moved to add Resolve #6, Appointment of City Manager, to this agenda.

Vote: 5 for.

Councilor Clayton then moved to take Resolve #6 out of order. Without objection from the Council, it was so ordered.

#### **Resolve #6 Appointing City Manager – James D. Chaousis, II**

#### **BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to Section 301 of the Charter, James D. Chaousis II, of Boothbay, Maine, is hereby appointed City Manager of the City of Rockland, Maine, effective no later than March 31, 2015.

**AND**, be it further resolved that the Mayor is authorized to execute any documents on behalf of the City Council to effectuate such appointment.

Sponsor: City Council

Originator: City Council

Councilor Clayton moved passage and said that this was his second City Manager search, and felt that this process was much better than the previous process. He said that each candidate was fully vetted, and thanked Mr. Chaousis for his interest. He said that he was very excited about this choice. He also thanked Interim City Manager Luttrell for serving in the dual capacity of City Manager and Finance Director for the second time, and added that he was the glue that has held the City together over the past year.

The City Manager thanked the Councilor for his praise, but said that he could not have done it without the support of City staff and the support he received from the Council.

Councilor Pritchett said that this was his second City Manager search as well, and gave a brief timeline of how the Council reached this point. He said the Council intentionally delayed beginning the City Manager search until after the FY 2015 budget deliberations were completed. He also said that the Council then decided to establish a work plan to help guide the new City Manager, which took a considerable amount of time. He said that the Council took a different tact with this search than ones in the past, with the consultant actually recruiting candidates for the position. He said that he was pleased with the skill set that Mr. Chaousis possesses and is looking forward to working with him.

Councilor Geiger thanked Mr. Chaousis for his interest in and commitment to the City.

Councilor MacLellan-Ruf thanked Mr. Luttrell for his service as interim City Manager, saying that he was always very responsive to any requests that she made. She then welcomed Mr. Chaousis and his family to Rockland, adding that there is a high standard expected of him and that she was confident that he would meet that standard.

Councilor Pritchett also thanked Mr. Luttrell for his service as interim City Manager, saying that one of Mr. Luttrell's strengths is his ability to de-escalate a situation.

Vote: 5 for.

Mr. Chaousis thanked the Council for its exhaustive search process, saying it was a credit to those whom they represent. He said that he was humbled and excited about the opportunity to join the City.

The order of the agenda was then resumed.

**Licenses and Permits:**

- a. Liquor and Entertainment Licenses – Park Street Grille
- b. Liquor and Amusement Device Licenses – Pizza Hut
- c. Liquor and Entertainment Licenses – Suzuki’s Sushi

A public hearing was opened. Hearing no speakers for or against any of the licenses, the public hearing was closed. Councilor MacLellan-Ruf moved to grant the licenses. Vote: 5 for.

At this time, Councilor Clayton moved to take Ordinance Amendment #1 Bed & Breakfast Establishment Regulations, out of order. Without objection from the Council, it was so ordered.

**Ordinance Amendment #1 Chapter 19, Article III Bed & Breakfast Establishment Regulations**

**NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And Planning, ARTICLE III, Zoning Ordinance, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words And Phrases Defined**

For the purpose of this Article certain words and phrases are defined as follows:

\* \* \*

**Bed and Breakfast Establishments.**

- a. The following definition shall apply: Bed and Breakfast. Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than one week. **Except as otherwise provided,** this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room.
- b. No food or drink of any kind shall be sold to the general public.
- c. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002.

Unless presented together initially, each multiple existing building being opened as a Bed and Breakfast Inn will require its own Site Plan Review and approval from the Planning Commission.

**Sec. 19-304 Zone Regulations**

**1. Residential Zone “A”**

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

\* \* \*

**B. Conditional Uses.**

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site

Plan Review Ordinance (Chapter 16, Article II):

<b>RESIDENTIAL ZONE “A” CONDITIONAL USES</b>	
(1)	<p>Bed and Breakfast Establishments.</p> <p><u>(a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners, staff, and guests in either the side or rear yards of the lot. On-site off-street parking for day patrons of Bed and Breakfast Establishments shall also be provided.</u> Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p> <p><u>(b) Owner Occupancy. Notwithstanding anything to the contrary in Sec. 19-302, the owner of the Bed and Breakfast Establishment may be authorized by the Planning Board to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted and intersects with the boundaries of two streets separated by the subject parcels.</u></p>

Sponsor: Councilor Clayton  
Originator: Councilor Clayton

Councilor Clayton moved passage and moved to amend Ordinance Amendment #1 as follows: amend (1) Bed & Breakfast Establishments, paragraph (a) to read as follows: “(a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners staff and guests in either the side or rear yards of the lot. On-site off-street parking for day patrons of Bed and Breakfast Establishments shall also be provided. Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.”

Councilor Pritchett said that the substantive change here is to remove the requirement to provide off-street parking for the Bed and Breakfast establishment staff. He said the main issue that this amendment is trying to address is the owner occupancy question. He said that parking can be looked at separately at a later date.

Vote on amendment: 5 for.  
Vote as amended: 5 for.

A public hearing was set for February 9, 2015 at 7:00 p.m.

At this time, Councilor Clayton moved to take Order #4, Authorizing License Agreement – Fence in Right-of-Way, out of order. Without objection from the Council, it was so ordered.

**Order #4 Authorizing License Agreement – Fence in Right-Of-Way**

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into a license agreement with Amy D. Files and Alexander D. Shaw to allow a wood fence within the right-of-way at their home located at 39 Pleasant Street (Tax Map #10-I-2), substantially in conformance with the license agreement attached hereto.

Sponsor: Councilor Clayton  
Originator: Councilor Clayton

**LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT** (the “Agreement”) by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the “City” or “Licensor”) and **Amy W. Files and Alexander D. Shaw**, who reside at 39 Pleasant Street in Rockland, Maine (the “Licensees”), is effective January 13, 2015.

**WHEREAS**, the Licensees own and make their home in the single-family dwelling located at 39 Pleasant Street in

Rockland, Maine (Tax Map 20-I-2) (the "Premises"); and

**WHEREAS**, for the purpose of improving and beautifying the Premises, and enhancing the use of the Premises as the Licensees' home, the Licensees recently constructed a fence on the Premises, measuring approximately 4 feet in height and 25 feet in length along the Pleasant Street right-of-way (the "Fence"); and

**WHEREAS**, unbeknownst to the Licensees, the Licensees inadvertently located the Fence within the Pleasant Street right-of-way; and

**WHEREAS**, the City has determined that the location of the Fence, as currently situated, does not pose a danger or impediment to the passage of vehicles or pedestrians within the right-of-way,

**NOW, THEREFORE**, in consideration of the limitations and conditions set forth therein, the City hereby grants to Licensees a license to utilize the Pleasant Street right-of-way for the Fence as follows:

**1. Grant of License.** The City of Rockland grants to Licensees a license and permission to retain the Fence, as currently situated and extend the same along and up to the entire length of Licensees' frontage, as approximately shown on the attached Exhibit A, partly or completely within the Pleasant Street right-of-way, subject to the terms and conditions set forth in this License;

**2. Term.** The Term of this License Agreement shall be five (5) years, commencing on January 13, 2015, and terminating at midnight on January 12, 2020; provided, however, that this License Agreement may be renewed for one additional, five-year term upon the mutual, written agreement of the City Manager and Licensee.

**3. Termination.** The City may terminate this License Agreement prior to the expiration of the Term or any renewal term by giving written, ninety (90) days' notice of termination in the event the City Manager determines, in his sole discretion, that (A) the Fence (1) poses an unreasonable risk to the public or City personnel or equipment or (2) road or sidewalk construction, maintenance, repairs, alterations, or increased or changed use(s) require the Fence's removal, and (B) no alternative remedy is reasonably available. The Licensees may terminate this Agreement by obtaining a permit and relocating the Fence on the premises outside the right-of-way. In the event of such termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensees shall cease upon the effective date of such termination; Licensees shall, with or without order or other notice to that effect, and at Licensees' sole expense, remove or cause to be removed the Fence and its constituent parts and materials, and Licensees shall immediately cease any such use;

**4. Fee.** There shall be no fee owed to the City for the permissions granted herein during the initial term of this License Agreement;

**5. Conditions.** The license and permissions granted herein by the City are subject to the following conditions:

A. **Maintenance.** Licensees shall be fully and solely responsible for the construction, maintenance, repair, removal, and relocation, and the costs thereof, of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensees shall maintain the Fence in a safe and presentable condition throughout the Term or Terms of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof.

B. **Winter Maintenance.** The City shall not be liable for any damage or destruction to the Fence caused by road or sidewalk construction, maintenance, or repair; by snow clearing, removal, or related activities; or by any unintentional act or omission by the City;

C. **Relocation.** In the event that the Fence, or any post or portion thereof, shall become so damaged, deteriorated, or unsightly – in the sole discretion of the Code Enforcement Officer – as to require its repair, Licensees shall, at their own expense, cause the relocation of the Fence to a location on the Premises that is outside the public right-of-way;

**6. Default.** In the event of any default under this Agreement by Licensees, or any failure of Licensees to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensees shall, at Licensees' sole expense, cure such default or failure to comply within thirty (30) days; provided, however, that nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

**7. Indemnification; Hold Harmless.** Licensees hereby agree and undertake to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the construction of the installation(s) authorized herein, or their maintenance as required of Licensees herein. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

**8. Miscellaneous.**

A. This License Agreement is contractual, and is not intended and shall not be construed as creating or conveying

to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

Councilor Clayton moved passage.

Vote: 5 for.

The order of the agenda was then resumed.

**Resolves:**

#2 Appointments to Boards, Commissions and Committees

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointments by the Mayor of the following persons to the following Boards, Commissions and/or Committees for the terms listed are hereby confirmed:

Amy Files, 39 Pleasant Street is hereby appointed as a Full Member of the Comprehensive Planning Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2017;

Gregory Pinto, 195 Broadway, is hereby appointed to the Parking Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2016, and is also appointed to the Library Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2015; and

PJ Walter, 96 Limerock Street, is hereby appointed to the Parking Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2016;

Paul Chartrand, 45 Crescent Street, is hereby appointed as the Democratic Representative to the Board of Registration Appeals to fill a vacancy on that Board, and shall serve until that term expires in 2017; and

Michael Thibodeau, 10 Pheasant Drive, is hereby appointed to the Parks Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2017; and

Carole Martin, 64 Masonic Street, is hereby appointed to the Library Advisory Committee to fill a vacancy on the Committee, and shall serve until that term expires in 2017; and

Ann Beebe-Center, 14 Edwards Street, is hereby appointed to the Library Advisory Committee to fill a vacancy on the Committee, and shall serve until that term expires in 2016; and

Leslie Mulhearn, 107 Bog Road, is hereby appointed to the Board of Assessment Review to fill a vacancy on that Board, and shall serve until that term expires in 2017; and

Councilor Louise MacLellan-Ruf is hereby appointed as the City Council Representative to the Ad Hoc Harbor Park Re-Design Committee for an indefinite term.

Sponsor: Mayor Isganitis

Originator: Mayor Isganitis

Councilor Pritchett moved passage and thanked all who serve on the City's Boards, Commissions and Committees, saying that they all do very important work.

Vote: 5 for.

#3 Accepting Donations

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**WHEREAS**, the Friends of the Rockland Public Library donated \$2003.61 for 154 children's titles to be added to the children's collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Cindy Lang of Tenants Harbor, Maine donated \$65 to the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Charlotte Gordon of Rockland, Maine donated \$10 to the Library in memory of Doris Huber, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Brian and Marilyn Trask of Rockland, Maine donated \$100 to the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Rockland Public Library Endowment Association donated \$93.97 to the Library for the purchase of a giant floor piano play mat, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Susan Umberger of Rockland, Maine donated the book *Warman's Antiques & Collectibles 2015* to the Library in memory of Doris Hubert, to be added to the Library's collection; and

**WHEREAS**, Julia Bicknell, Pfeiffer of Camden, Maine donated \$50 to the Library in memory of Doris Huber, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Elizabeth McRae of Rockland, Maine, donated \$250 to the Rockland Fire & EMS Department, to be receipted into the Fire & EMS Donations account (#10032-03218);

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City gratefully accepts these donations and directs that letters of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

#4 Appointment – Registrar of Voters

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to Title 21-A, M.R.S. § 101.2, Kara Cushman is hereby appointed as Registrar of Voters for the City of Rockland for a term of two years beginning January 1, 2015.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

Councilor Pritchett moved passage.

Vote: 5 for.

#5 Authorizing Meeting with RSU #13 – Impact of St. George Withdrawal

**WHEREAS**, the Town of St. George voted in November to withdraw from RSU #13; and

**WHEREAS**, Rockland representatives to the RSU #13 School Board have requested that the City Council meet with them; and

**WHEREAS**, the City Council wishes to take a pro-active approach in understanding the financial and educational impact of the withdrawal on Rockland students and taxpayers,

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** Mayor Isganitis, Councilor MacLellan-Ruf, and Finance Director Luttrell are authorized to meet with the RSU 13 School Board, elected Rockland representatives on the RSU 13 School Board, the RSU 13 Superintendent, and/or the City’s Legislative Delegation to discuss and better understand the financial impacts of the Town of St. George’s impending withdrawal from RSU #13, and periodically to report back regarding the same to the City Council, in an effort to protect the interests of both Rockland students and taxpayers.

Sponsor: Mayor Isganitis  
Originator: Mayor Isganitis

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

**Ordinances in Final Reading and Public Hearing:**

#10 Chapter 19, Article III Container Restaurants & Food Wagons (Postponed from 9/8/14)  
(See Book 40, pages 130 – 132 for text)

It was noted that this amendment had been postponed until this meeting after a public hearing being held and motion for passage in final reading being made at the 9/8/14 meeting.

Councilor MacLellan-Ruf moved to amend Ordinance Amendment #10 as follows:

**ORDINANCE AMENDMENT:** ~~Exempting Container Restaurants And Food Wagons From Certain Zoning Regulations~~ Regulations for Container Restaurants and Food Wagons

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTIONS 19-302, Definitions, and 19-309, Exceptions and Exemptions, BE AMENDED AS FOLLOWS:**

**Sec. 19-302 Words and Phrases Defined**

**ADD, ALPHABETICALLY:**

**Container Restaurant.** A prefabricated, mobile shipping or storage type container structure that has either been converted for use as, or built for use as, a take-out or eat in restaurant. Container Restaurants do not have wheels or axles attached but are built on skids or a frame and are not affixed to the ground.

**Food Wagon.** A small bus, truck, or other vehicle, or stand, trailer, or other small mobile structure outfitted for selling or for serving light meals and snacks to the public. The term “food wagon” does not include push carts that are removed daily or vehicles selling food from the street in accordance with Chapter 15, Article I, Section 15-109.

**Sec. 19-309 Exceptions and Exemptions**

1. Special Classes. No building may be erected, altered, or used, and no land may be used, for any of the following special use classes in the Residential A and AA zones. In other zones, the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located within 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.

A. Cemetery;

- B. Municipal use (not otherwise provided for);
- C. Public utility use (other than as provided by Section 19-304(3)(B));
- D. Stables, public; saddle horses for hire;
- E. Transformer stations;
- F. Wind power generation equipment;
- G. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.

2. Seasonal Container Restaurants & Food Wagons.

A. Exemption From Certain Standards. In the areas of the City outside the Downtown and Tillson Avenue Area Overlay Zones where applicable zoning standards permit Eating and Drinking establishments, Container Restaurants and Food Wagons having total a floor areas for the principal structure of fewer less than 350 250 sq. ft. and utilized for less than six months / calendar year shall be exempt from the following standards, where applicable, so long as all criteria under subpart B below for Planning Board review are met and the Container Restaurant or Food Wagon is operated accordingly:

- (1) Architectural and/or Design Standards;
- (2) Space and Bulk Standards;
- (3) Maximum front setbacks; and
- (4) Buffering and Screening performance standards.

B. Planning Board Review.

(+) No person, corporation, or other legal entity may place, construct, add to, or use any seasonal Container Restaurant or Food Wagon without first applying for and obtaining approval of the same from the Planning Board, pursuant to Chapter 16, Article II, applying the following standards and requirements in Chapters 16 and/or 19, in addition to applicable building code, life safety, and fire prevention requirements:

(1) The Container Restaurant or Food Wagon shall be a trailer or container, or any similar rectangular structure made out of metal, composite or wood and must have rigid walls and a rigid top;

(2) The length of the enclosed structure of a Container Restaurant shall not exceed 30 feet, and the length of a Food Wagon shall not exceed 20 feet. The width of the enclosed structure of a Container Restaurant or Food Wagon shall not exceed 8 feet, and the height of the side to a flat roof, or the lowest side below a pitched roof, shall not exceed 9 feet 6 inches;

(3) The exterior finish shall be of high quality materials and in good condition. Decorative color schemes and full wall murals on the exterior walls are permitted and may incorporate the logo for the specific Container Restaurant or Food Wagon business at the site so long as the lettering in the logo does not exceed the maximum allowed for signs under 19-315 Signs;

(4) Projections such as decks, roll out or flip up awnings, or fold down seating areas shall not extend a greater horizontal distance from the Container Restaurant or Food Wagon than the vertical wall height of the Container Restaurant or Food Wagon;

(5) Unless located in a fully screened enclosure shared with another building or user at the site, all onsite fuel storage tanks, bulk waste storage containers and similar accessory equipment shall be located in a fully screened area that shall not exceed a greater horizontal distance from the Container Restaurant or Food Wagon than the vertical wall height of the Container Restaurant or Food Wagon;

(6) Except for plantings and/or fencing installed to provide screening from abutters, and except for plantings,

fencing or curbing installed to aid vehicular or pedestrian circulation, and except for movable accessory items like tables, benches and chairs for patron use, all other accessory items shall be located adjacent to the primary structure and shall not extend a greater horizontal distance from the Container Restaurant or Food Wagon than the vertical wall height of the Container Restaurant or Food Wagon;

(7) No accessory buildings may be permitted for container restaurants or food wagons under this section;

(a) (8) Provisions for parking and vehicular and pedestrian circulation, except in the Downtown Parking District shall conform to the standards in 19-307 Off-Street Parking. Where the Container Restaurant or Food Wagon is located in a parking area, or the temporary seating is in a parking area, the Planning Board may impose specific requirements for vehicular and pedestrian circulation to ensure pedestrian patron and employee safety;

(b)(9) Lighting standards;

(e)(10) On site restrooms for customers of restaurants with inside seating, and Restroom availability for all employees;

(d)(11) Water supply and wastewater disposal;

(e)(12) Landscaping in accordance with Section 19-316(H)(3). Other landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use outside its fixed perimeter.

(f)(13) The use of exterior speakers or other audible devices to play music, communicate with customers, or other purposes shall be strictly prohibited.

(14) The operator shall clean the site and surrounding area at least daily to remove any visible waste from the food service and take all reasonable efforts to keep food service related items off of abutting property and out of adjacent public ways. All trash receptacles for patron use shall be emptied and secured at the end of each business day;

(15) Container restaurants and food wagons permitted under this provision may not operate more than 8 months of the year. Hours of operation shall be limited to 6 AM to 9 PM Monday through Thursday and 6 AM to 10 PM on Friday and Saturday and 7 AM to 9 PM on Sunday;

(16) Container restaurants and food wagons permitted under this provision may remain at the permitted location year round so long as all temporary items such as, but not limited to, tables, chairs food service items, and trash cans are removed from the site, stored in the primary structure, or stored in the screened area used for bulk waste and fuel containers when the business is operating;

(17) Except for food trucks or food wagons on locations for less than six days as part of a permitted festival or event, container restaurants and food wagons in any City park or parking area are subject to Planning Board review and the provisions of this section plus any additional standards imposed by the Council or by the Harbor Management Commission as a condition of the use agreement. Container Restaurants and Food Wagons located on a Municipal property that includes parking are exempt from any additional specific parking requirements.

(18) Container Restaurants and Food Wagons having total a floor areas for the principal structure of 350 250 sq. ft. or more, and/or that are operational utilized for six nine months or more and permanent restaurants are subject to full site plan review and approval pursuant to Chapter 16, Article II.

(2) Food wagons in Buoy and Harbor Parks and at the Middle Pier shall be exempt from Planning Board Review;

(3) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) shall be removed from the site to another location where storage of such containers and wagons is authorized when not in use for two or more consecutive weeks;

(4) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) may not begin service to the public prior to 6:00 AM nor continue service after 9:00 PM, except during events for which the nearest

~~street is closed pursuant to Order of the City Council, in which instances the hours of operation may be extended to the close of the event.~~

Councilor Pritchett said that the amendment would remove the exemption for Container Restaurants and Food Wagons from the standards of the Downtown Zone and Tillson Avenue Area Overlay Zone (TAAOZ) as well as institute regulations for Container Restaurants and Food Wagons in other areas of the City where eating and drinking establishments are allowed.

Councilor MacLellan-Ruf added that this amendment addresses most of the recommendations made by the Comprehensive Planning Commission for this amendment.

Councilor Geiger noted that this amendment would remove Container Restaurants and Food Wagons from the Downtown Zone and TAAOZ, but said there are ongoing issues with existing food wagons.

Mayor Isganitis noted that the areas in question with the existing food wagons are in Harbor Park which was removed from the TAAOZ.

Councilor Geiger said that COMPS reviewed the original ordinance amendment, and this proposal addresses most of the concerns express about the original amendment.

The City Attorney, for clarification, said that this ordinance does not prohibit Container Restaurants and Food Wagons from the Downtown Zone and/or TAAOZ, rather it removes the exemption on those establishment from meeting the standards. He said if they meet the standards, they would be allowed.

Vote on amendment: 5 for.

Mayor Isganitis ruled that the amendment was of a substantive nature requiring the amendment to be sent back to first reading.

Councilor Pritchett thanked the Code Officer, Assistant Code Officer and City Attorney for their assistance in getting this amendment before the Council.

Vote as amended: 5 for.

A public hearing was set for February 9, 2015 at 7:00 p.m.

#22 Chapter 17, Section 17-802 Tillson Avenue Parking (Postponed from 9/8/14)

(See Book 40, Page 221 for text)

It was noted that this amendment had been postponed until this meeting after a public hearing being held and motion for passage in final reading being made at the 9/8/14 meeting.

Councilor Pritchett moved to postpone Ordinance Amendment #22 until the February 9, 2015 Regular Meeting to give the Parking Committee a chance to review the amendment and make recommendations to the Council.

Vote: 5 for.

Ordinance Amendment #22 was postponed until the February 9, 2015 Regular Meeting.

#36 Chapter 19, Article III Commercial Corridor Overlay Zone (Postponed from 12/8/14)

(See Book #40, Pages 284-286 for text)

It was noted that this amendment was postponed prior to the public hearing being held and motion for final passage being made.

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Geiger moved passage and moved to amend Ordinance Amendment #36 as follows:

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-301, Zones Authorized, Bounded, and Defined, and SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:**

**Sec. 19-301 Zones Authorized, Bounded, And Defined; Rules of Construction**

1. Short Title. This Article shall be known and may be cited as the "Zoning Ordinance"; it shall be, and be cited as, Chapter 19, Article III of the Revised Ordinances of the City of Rockland (1983), and be included as such in the "General Code".

2. Zone Divisions.

In accordance with the laws of the State of Maine and for the purpose of promoting the health, comfort, safety, and general welfare of the community, the City of Rockland is hereby divided into the following classes of zones:

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone

- (5) Rural Residential Zone 1 RR1 Zone
- (5A) Rural Residential Zone 2 RR2 Zone
- (6) Transitional Business 1 TB1 Zone
- (7) Transitional Business 2 TB2 Zone
- (8) Transitional Business 3 TB3 Zone
- (8A) Transitional Business 4 TB4 Zone
- (9) Resort RT Zone
- (10) Commercial C1 Zone
- (11) Commercial C2 Zone
- (12) Commercial C3 Zone
- (13) Plaza Commercial PC Zone
- (14) Downtown DT Zone
- (15) Neighborhood Commercial NC Zone
- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone
- (24) Commercial Corridor Overlay Zone

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

**24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)**

A. Purpose.

The purpose of the Commercial Corridor Overlay Zone is to implement – on parcels abutting the City’s major commercial corridors like Route 1 outside the Downtown – land use principles intended to stem sprawl and encourage aesthetically pleasing, mixed-use development along said corridors. The City Council, in adopting the Commercial Corridor Overlay Zone, finds that enhanced streetscapes, achieved through investments in the public right-of-way and in-fill development on private property, will enhance the economic well-being of the community and the public health, welfare, and safety. Creating safe and accessible streetscapes will draw customers for businesses and occupants for multi-dwelling housing complexes, utilizing varied modes of transportation, and bringing renewed vitality and economic activity to under-utilized areas on the City’s arterials outside the Downtown.

B. Compatibility With Underlying Zones.

The requirements and standards set forth in this Commercial Corridor Overlay Zone shall prevail to the extent they conflict with the regulations for zones in which parcels subject to this Overlay Zone are located. Except as provided in this Commercial Corridor Overlay Zone, the regulations for the underlying zone applicable to particular parcels apply to said parcels.

C. Standards.

The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

**COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS**

<b><u>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</u></b>	

<u>Maximum Building Coverage</u>	<u>85%</u>
<u>Maximum Lot Coverage</u>	<u>85%</u>
<u>Minimum Floor Area Ratio</u>	<u>None</u>
<u>Minimum Front Setback</u>	<u>None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or – if the City Council has adopted a master plan for alterations to the right-of-way – the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.</u>
<u>Maximum Front Setback for Primary Structures</u>	<p><u>Single Primary Structure Developments:</u></p> <p><u>Ten feet</u></p> <p><u>Multiple Primary Structure Developments:</u></p> <p><u>Ten feet for at least one primary structure; other primary structures may be located between the setback-compliant structure and the rear property line.; provided, however, that</u></p> <p><u>In the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.</u></p>
<u>Minimum Landscaped Front Setback for Surface Parking Areas</u>	<u>Forty feet</u>
<u>Minimum Side Setback</u>	<u>Ten feet, except where the parcel abuts a residential zone or a parcel on which the use is solely residential, in which instance the side setback of the underlying zone shall apply.</u>
<u>Minimum Principal Building Height</u>	<u>Two functional stories</u>
<u>Surface Parking Lots</u>	<u>Areas for surface parking may not be located between a building and a street, except to provide handicap parking.</u>

<p><u>Parking</u></p>	<p><u>Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.</u></p>
<p><u>View Corridors</u></p>	<p><u>Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.</u></p>
<p><u>Building Design</u></p>	<p><u>Primary and accessory structures shall employ varying setbacks, heights, roof treatments, doorways, window openings, and/or other structural or decorative elements to reduce apparent size and scale of the structures.</u></p> <p><u>A minimum of twenty (20) percent of the structures’ facades that are visible from a public street shall employ actual projections or recesses with a depth of a least six feet. No uninterrupted façade shall extend more than fifty (50) feet.</u></p> <p><u>Rear and side building facades shall be designed to complement the architectural treatment of the primary façade.</u></p>

Vote on amendment: 5 for.

Councilor Geiger then moved to further amend Ordinance Amendment #36 as follows:

At “Maximum Front Setback for Primary Structure: Ten Feet, except when additional footage is needed/used for outdoor seating, green space, public park or similar public amenity approved by the Planning Board.”

Vote on amendment: 5 for.

Mayor Isganitis ruled that the amendments to Ordinance Amendment #36 were substantive in nature requiring the Ordinance Amendment to be sent back to first reading.

Vote as amended: 5 for.

A public hearing was set for February 9, 2015 at 7:00 p.m.

#37 Zoning Map Amendment – CCOZ Camden Street (Postponed from 12/8/14)

(See Book 40, Pages 286-287 for text)

It was noted that this amendment was postponed prior to the public hearing being held and motion for final passage being made.

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Pritchett moved passage and moved to amend Ordinance Amendment #37 by removing the area along the water currently zoned “Waterfront WF-5” from the CCOZ as follows:

Tax Map #

Street Address

29C3

131 CAMDEN STREET except for that portion of the property zoned Waterfront “WF-5”

35A8	270 CAMDEN STREET	
36A5	200 CAMDEN STREET	
36A2	9 BELYEA AVENUE	
28C10	104 CAMDEN STREET	
28C9	106 CAMDEN STREET	
28C8	108 CAMDEN STREET	
15B1	65 CAMDEN STREET	
15B15	59 CAMDEN STREET	
15A4	73 CAMDEN STREET	
15A1	91 CAMDEN STREET	
28D9	99 CAMDEN STREET	
28D2	107 CAMDEN STREET	<u>except for that portion of the property zoned Waterfront "WF-5"</u>
28D3	103 CAMDEN STREET	
29C3-1	137 CAMDEN STREET	
29C1	1 WALDO AVENUE	
34A3	245 CAMDEN STREET	
34A1	265 CAMDEN STREET	
34A1-2	273 CAMDEN STREET	
34A7	3 GLEN STREET	
36B1	201 CAMDEN STREET	
36B3	179 CAMDEN STREET	
29B2	145 CAMDEN STREET	
29B3	143 CAMDEN STREET	
29B1	169 CAMDEN STREET	
36A8	190 CAMDEN STREET	
36A3	220 CAMDEN STREET	
29A2	172 CAMDEN STREET	
28C7	110 CAMDEN STREET	
28C4	116 CAMDEN STREET	
28C3	118 CAMDEN STREET	
28C2	124 CAMDEN STREET	
28A6	130 CAMDEN STREET	
29A1	182 CAMDEN STREET	
29A3	170 CAMDEN STREET	
29A10	136 CAMDEN STREET	
29A11	132 CAMDEN STREET	
27A7	96 CAMDEN STREET	
27A6	98A CAMDEN STREET	
27B6	60 CAMDEN STREET	
27B5	74 CAMDEN STREET	
27B4	80 CAMDEN STREET	
27B3	82 CAMDEN STREET	
27B2	88 CAMDEN STREET	
27B1	92 CAMDEN STREET	
34A2	235 CAMDEN STREET	
29A4-2	168 CAMDEN STREET	
29A4	166 CAMDEN STREET	

[SEE MAP BELOW]



Vote on amendment: 5 for.

Councilor Pritchett then moved to postpone Ordinance Amendment #37 until the February 9, 2015 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #37, as amended, was postponed until the February 9, 2015 Regular Meeting.

#40 Chapters 14 & 19, Zoning Board of Appeals Scope of Review

(See pages 12-15 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Pritchett moved passage.

Vote: 5 for.

The amendment will become effective 02/11/15.

**Ordinances in First Reading:**

#29 Chapter 3, Section 3-209 Dogs Prohibited in Certain Parks (Postponed from 9/8/14)

(See Book 40, Page 246 for text)

It was noted that this amendment had been postponed until this meeting and was given a motion for passage.

Councilor MacLellan-Ruf urged the Council to vote this proposal down as it is not necessary. She said that the proposal came at a time when emotions surrounding dogs were elevated. She said that responsible dog owners should not be penalized for the actions of a few.

Vote: 0 for, 5 opposed.

Motion Defeated

**Orders:**

#83 Authorizing Use of Reserve Funds – Sandy Beach Parking Area (Postponed from 10/15/14)

(See Book 40, Page 271 for text)

It was noted that this Order had been postponed until this meeting, and that it had been given a motion for passage at the 10/15/14 meeting.

Councilor MacLellan-Ruf said that she felt this could be a community project using volunteers to clean up the cobblestones and help lay them. She said she did not expect that it would cost the entire \$11,000, but would like the funds to be placed in a reserve fund dedicated to the Sandy Beach Parking Area. She said that the current situation with the parking area is creating a trip hazard and the Public Works Department is continually returning to the area to try and smooth it out. She also said that the Council has heard many times that the City continually focuses on downtown, but here is a project outside of the downtown that people can get behind. She added that the cobblestones were removed from Main Street, and reusing them will preserve a part of the City’s history. She also said that the research that she has done indicates that it is not difficult to lay cobblestones.

Councilor Clayton said that he initially had reservations about the amount proposed for this project, but would support it becoming a community project. He noted that the amount in this Order includes funds to hire an outside contractor to lay the cobblestones, but if it is done with volunteers the cost would be greatly reduced. He also agreed that it would be a way to preserve some of the City’s history.

Councilor Geiger said that she was delighted with the opportunity to reuse this historic material. She also noted that the cobblestones would create a permeable surface as well, and that this is a great solution to the issues that the City has had with that parking area.

Councilor Pritchett said that cobblestones have been used historically in Maine as the primary paving material. He also urged the City Manager to complete the project with minimal outside expense.

Vote: 5 for.

#1 Amending Licenses & Permits Fee Schedule – Adult Amusement Stores

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the Licenses and Permits Fee Schedule, adopted by the City Council on July 12, 2010, and as amended May 14, 2012, is hereby further amended as follows:

**LICENSES AND PERMITS FEE SCHEDULE  
Adopted 07/12/10, Amended 05/09/11; 05/14/12**

<b>LICENSE</b>	<b>FEE</b>
<u>Adult Amusement Store License</u>	<u>\$150</u>

[remainder of schedule is unchanged]

Sponsor: City Manager  
Originator: City Manager

Councilor Clayton moved passage.

Vote: 5 for.

#2 Authorizing Transfer of Funds – FY 2014 Solid Waste Budget Shortfall

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to transfer up to \$199,000 from the Landfill Closure Account (#70000-01649) to the FY 2014 Solid Waste Facility Operational Budget to cover a shortfall in that budget.

Sponsor: City Manager  
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 5 for.

#3 Authorizing Transfer of Funds – Solid Waste Facility Equipment Repair

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to transfer up to \$18,119 from the Transfer Station Equipment Reserve, Account #70000-01765, to the FY 2015 Solid Waste Facility Operational Budget to cover the cost of transmission repairs to the 1999 Western Star road tractor.

Sponsor: City Manager  
Originator: City Manager

Councilor Geiger moved passage.

Vote: 5 for.

#5 Authorizing Development of a New Department of Public Services

**WHEREAS**, the City Council seeks to maximize opportunities for efficiencies and coordination among city staff in delivering quality services to the residents of the City; and

**WHEREAS**, the City's Solid Waste Director has recently been appointed the Assistant Treatment Plant Director and the Environmental Compliance Officer for the City; and

**WHEREAS**, the FY15/FY16 Work Plan adopted by the City Council on November 10, 2014 identified improved sharing of personnel between Solid Waste and Public Works as a goal; and

**WHEREAS**, in many towns the public services of waste disposal, snow removal, road and sidewalk maintenance, and other services are provided by one department; and

**WHEREAS**, the City Council sees substantial merit in bringing the services provided by the current Solid Waste and Public Works departments under the leadership of one department head; and

**WHEREAS**, enacting this change will require ordinance revisions, the development of a new position to head up the re-organized department, and possibly other organizational changes; and

**WHEREAS**, the City Council intends to maintain solid waste disposal as a fee based service within the new department; and

**WHEREAS**, the City Council seeks to have these changes fully in place by the beginning of the FY16 fiscal year on July 1, 2015;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the City Manager is directed to bring before the City Council the ordinance changes needed to create a Department of Public Services that encompasses the responsibilities of the current Solid Waste and Public Works Departments for consideration at its February 9, 2015 Regular Meeting; and

Regular Meeting, Order #5 continued:

January 12, 2015

**THAT**, the City Manager is directed to develop a job description and ideal candidate profile for a director to lead the new Department of Public services as well as any other internal changes needed to optimize the potential of this reorganized department; and

**THAT**, the City Manager is direct to develop a plan for recruiting a Director for the Department of Public Services and having this reorganization substantially in place by July 1, 2015.

Sponsor: Councilor MacLellan-Ruf  
Originator: Councilor Pritchett

Councilor MacLellan-Ruf moved passage and said this proposal has been talked about for years. She said with the current Solid Waste Director moving into the Assistant Wastewater Treatment Plant Director position, now is the time to make this change.  
Vote: 5 for.

With no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:42 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## **SPECIAL MEETING**

## **AGENDA**

**January 21, 2015**

Resolve #7 Requesting Special Election to Fill House Dist. 93 Seat

Workshops: Downtown Credit Enhancement Agreement  
Camden Street Vision and Cost Analysis  
Harbor Park Re-Design Purpose Statement Modification

The meeting was called to order by the Mayor at 6:00 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Luttrell, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Eric Hebert, 283 Limerock Street, spoke concerning the discussion of the Harbor Park Re-Design Committee purpose statement, saying that he did not feel the purpose statement of the committee (which he has chaired for the past several years) needs to be modified. He said that the committee has submitted a concept plan that the Council has accepted, but there is much more work that needs to be done to guide this project to fruition. He said that the committee sees Harbor Park as a key economic driver for the downtown and Tillson Avenue areas, and that there is still a significant amount of work that needs to be done.

Hearing no other speakers, the public forum was closed.

### **Resolve #7 Requesting Special Election to Fill House District 93 Seat**

**WHEREAS**, the City of Rockland is one of the member municipalities of Maine House of Representative District 93; and

**WHEREAS**, Representative Elizabeth Dickerson, who currently holds the District 93 seat, has indicated her intention to resign from that seat for personal and professional reasons; and

**WHEREAS**, the Rockland City Council feels that it is necessary to have that seat filled prior to the next regular election to afford the citizens of Rockland their representation in the Maine Legislature;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to M.R.S. 21-A, § 382, the City Council, being the municipal officers of the City of Rockland, hereby respectfully requests that Governor LePage order a Special Election to be held as soon as practicable to fill the House District 93 seat, once that seat officially becomes vacant.

Sponsor: City Council  
Originator: City Council

Councilor Clayton moved passage.

Vote: 5 for.

**Workshops:** The Council then went into informal session for the following workshops:

- Downtown Credit Enhancement Agreement: The Council discussed a possible credit enhance agreement for a downtown property owner. Council directed the Manager to explore a more generic credit enhancement agreement that would apply to all properties in the Downtown TIF District rather than being business specific.

- Camden Street Vision and Cost Analysis: The Council then discussed the Camden Street Vision project as presented by Gorrill Palmer at the January 5, 2015 meeting. Council directed the City Manager to have Gorrill Palmer removed the proposed roundabout from the plan and continue with design and engineering work for the project as a whole.

- Harbor Park Re-Design Purpose Statement Modification: The Council then discussed the purpose statement for the Ad Hoc Harbor Park Re-Design Committee. It was noted that the Committee had presented a preliminary concept plan to the Council in 2011 which the Council adopted. The Council directed the City Manager to explore re-defining the committee's mission statement to include seeing the project through to completion and reconstituting the member of the committee.

With no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:00 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk