

**REGULAR MEETING**

**AGENDA**

**June 9, 2014**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 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. License and Permits:
  - a. Liquor & Entertainment Licenses – In Good Company
  - b. Lodging House License – Berry Manor Inn
  - c. Liquor License – Blackboard Deli
  - d. Liquor License – Claw’s Inc.
  - e. Liquor & Entertainment Licenses – Hill’s Seafood
  - f. Municipal Approval for Alcohol on Vessel – “Stella D. Mare”
  
8. Resolves:
  - #26 Accepting Donations City Manager
  
9. Ordinances in Final Reading & Public Hearing:
  - #12 Chapter 19, Section 19-304 Res. B Zone Regs – Parking Lots Councilor Hebert
  - #13 Chapter 17, Section 17-801 Main Street Parking Space Mayor Pritchett
  - #14 Chapter 19, Section 19-302 Accessory Apartment Parking Mayor Pritchett
  - #15 Zoning Map Amendment – 6 High Street Councilor Hebert
  
10. Ordinances in First Reading:
  - #23(‘13) Bond Ordinance – Public Works Garage (Post. 03/10/14) City Council
  - #16 Chapter 19, Section 19-304 DT Zone Height Regs. Councilor Dickerson
  - #17 Chapter 14, Article I Pay Per Bag Waste Disposal System Councilor Isganitis
  
11. Orders:
  - #28(‘13) Declaration of Official Intent – Bond Ord (Post. 03/10/14) City Council
  - #41 Setting Due Dates & Interest Rate – FY 2015 Taxes City Council
  - #42 Authorizing License Agreement – Use of Sea Scout Bldg. City Manager
  - #43 Authorizing Expenditure of TIF Funds – Rockland Main Street City Council
  - #44 Authorizing Grant Application & Expend. – Lerner Foundation Mayor Pritchett
  - #45 Authorizing Grant Application & Expend. – Coastal Com Grant Councilor Hebert
  - #46 Authorizing Grant Application & Expend. – N. Border Regional Councilor Hebert
  - #47 Authorizing Grant Application & Expend. – Planning Grant Councilor MacLellan-Ruf
  - #48 Authorizing Sewer Collection System Study Mayor Pritchett
  - #49 Amendment to TIF Policy City Manager
  
12. Adjournment.

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant ANGUS ENTERPRISES LLC Phone 593-9110

Address of Applicant 415 MAIN ST (PO BOX 233)  
ROCKLAND, MAINE 04841

Name of Business IN GOOD COMPANY Phone 593-9110

Address of Business 415 MAIN ST (PO BOX 233)  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) PETER SANDEFER

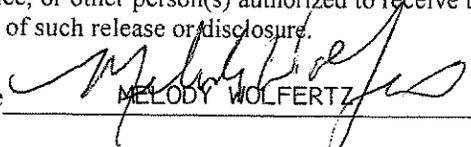
Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 07/07/14

Fee(s) Paid \$300.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

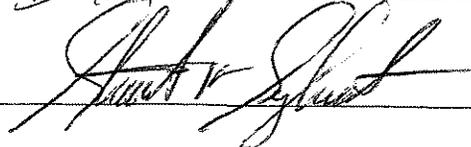
Applicant's Signature  MELODY WOLFERTZ Date 05/30/14

Approved By:  License # \_\_\_\_\_

Approved  Inspected; See Report Code Officer 6/4/14 Date

 Fire Inspector 6/4/14 Date  
 Approved  Inspected; See Report

 Police Chief 6/4/14 Date

 City Clerk 6/5/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant CHERYL MICHAELSEN / MICHAEL FLADUSTA Phone 207-596-7696

Address of Applicant PO BOX 1117  
81 TALBOT AVE, ROCKLAND ME 04841

Name of Business BERRY MANOR INN Phone 207-596-7696

Address of Business 81 TALBOT AVE  
ROCKLAND ME 04841

Name of Property Owner (if different) \_\_\_\_\_

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor

Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business B+G

Expiration of Current License 6/30/14

Fee(s) Paid \$100.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 5/26/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 6/2/14 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 28 MAY 14 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 6/4/14 Date

[Signature] City Clerk 6/5/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant C & B Holdings, INC Phone 207-594-5001

Address of Applicant d/b/a Blackboard Deli  
Physical: 77 Park Street, Rockland, ME.  
Mail: 58 Park Street, Rockland, ME.

Name of Business Blackboard Deli Phone 207.593-0465

Address of Business Physical: 77 Park Street, Rockland, ME.  
Mail: 58 Park Street, Rockland, ME.

Name of Property Owner (if different) \_\_\_\_\_

Type of License(s):  <sup>(Beer + Wine)</sup> Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Restaurant/Deli

Expiration of Current License N/A

Fee(s) Paid N/A Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature Clad Cloutier, Esq Date 5/13/14  
President C & B Holdings, INC.

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 6/2/14 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 6/2/14 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 6/4/14 Date

[Signature] City Clerk 6/5/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Luanne Clifford Phone 975-9954

Address of Applicant 111 Old Rockland St, Rockport Me 04856

Name of Business Claws Inc. Phone 975-1230

Address of Business 743 Main Street  
Rockland, Maine 04841

Name of Property Owner (if different) Same

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business Lobster Eatery

Expiration of Current License New

Fee(s) Paid \$150.00 Date 5/8/14

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 5/8/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 6/2/14 Date

Approved \_\_\_\_\_ Inspected; See Report Hold Victualer's License until final inspection / copy.  
[Signature] Fire Inspector 6/2/14 Date

[Signature] Inspected; See Report \_\_\_\_\_

[Signature] Police Chief 6/4/14 Date

[Signature] City Clerk 6/5/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant JEFFREY HILL Phone 207-701-1974

Address of Applicant 16 Knowlton St.  
Camden, ME 04843

Name of Business Hill's SEAFOOD LLC Phone 207-701-1974

Address of Business 266 Main St. Rockland, ME 04841

Name of Property Owner (if different) KATE MILLER

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business FAMILY style SEAFOOD RESTAURANT

Expiration of Current License New

Fee(s) Paid \$ 300 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [Signature] Date 5/20/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Code Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Approved \_\_\_\_\_ Inspected; See Report \_\_\_\_\_ Fire Inspector \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Police Chief [Signature] Date \_\_\_\_\_

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_



Bureau of Alcoholic Beverages  
 Division of Liquor Licensing & Enforcement  
 164 State House Station  
 Augusta, ME 04330-0164  
 Tel: (207) 624-7220 Fax: (207) 387-3424

**MUNICIPAL APPROVAL – VESSELS**

The undersigned hereby applies for permission to sell and dispense alcoholic beverages aboard the vessel:

Stella d. Mare

Name of Vessel

In port or docked in the port of: Rockland Maine

City/Town

State

pursuant to 28A MRSA, Section 1077.

Dated at: Rockland on June 3, 20 14

City/Town

Date

License Number: \_\_\_\_\_

Clark Island Enterprises, LTD

Name of Company

By: Susan A Lewis

Signature

Susan A Lewis

Printed Name

Vice President

Title of Signing Officer

**STATE OF MAINE**

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ ss

City/Town

On: \_\_\_\_\_

Date

The undersigned being:  Municipal Officers  County Commissioners of the

City  Town  Plantation  Unincorporated Place of: \_\_\_\_\_  
 Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, MRSA

**NOTE:** A separate approval must be obtained for **each** municipality in which you desire to sell and dispense alcoholic beverages. All applications approved by municipal officers must be submitted to the Liquor Licensing & Inspection Division before alcoholic beverages may be dispensed in any port.

**CITY OF ROCKLAND, MAINE**

**RESOLVE #26**

**IN CITY COUNCIL**

June 9, 2014

**RESOLVE** Accepting Donations

**WHEREAS**, Rockland Savings Bank donated \$3,119.27 to the Rockland Recreation Department for the purchase and installation of a new Scoreboard, to be receipted into the Recreation Department Miscellaneous Revenue Account (#10063-03250) and the same expended from the Recreation Department Building Repair and Maintenance Account (#10063-05035); and

**WHEREAS**, Lowe's Home Improvement Center in Thomaston, Maine, EBS Hardware in Rockland, and Dunkin Donuts in Rockland each donated a picnic table to the Parks Commission, with a total value of \$363.00;

**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

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #12  
IN CITY COUNCIL**

May 12, 2014

**ORDINANCE AMENDMENT: Terminating Off-Site Parking Lots As A Conditional Use  
In The Residential B Zone**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and  
Planning, ARTICLE III, Zoning Ordinance, SECTION 19-304, Zone Regulations,  
SUBSECTION (3), Residential Zone "B" BE AMENDED AS FOLLOWS:**

**Sec. 19-316(3) RESIDENTIAL ZONE "B"**

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.

**A. Permitted Uses**

<b>RESIDENTIAL ZONE "B" PERMITTED USES</b>	
(1)	One-family dwellings, two-family dwellings, multi-unit dwellings
(2)	Accessory Apartments
(3)	Home Occupation, Level 1 and Level 2, or a home occupation similar in scale and impact to a Level 1 or Level 2 Home Occupation
(4)	Churches, convents
(5)	Flag Lots
(6)	Golf courses, parks, playgrounds, municipal recreation use
(7)	Trailer parks
(8)	Accessory uses customarily incident to other permitted uses

**B. Conditional Uses**

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant's expense, at least 7 days prior to consideration of the conditional use by the Planning Board. Eff: 09/09/09

<b>RESIDENTIAL ZONE "B" CONDITIONAL USES</b>	
(1)	Bed and Breakfast Establishments

(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming
(7)	<del>Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions:</del> <del>(a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception.</del> <del>(b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation.</del> <del>(c) No parking spaces shall be rented for profit.</del> <del>(d)(a) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business. Eff: 10/12/94</del>
(78)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(89)	Schools and Day Care Facilities
(910)	Quasi-Public Uses
(1044)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(1142)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility.

C. Prohibited Uses

<b>RESIDENTIAL ZONE "B" PROHIBITED USES</b>	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited

\* \* \*

First Reading 5/12/14  
 First Publication 5/22/14  
 Public Hearing 6/9/14  
 Final Passage \_\_\_\_\_  
 Second Publication \_\_\_\_\_  
 Effective Date \_\_\_\_\_

Sponsor: Councilor Hebert  
 Originator: Councilor Hebert

## MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council

From: Valli Geiger, Chair, Comprehensive Planning Commission

Date: May 19, 2014

Re: Ordinance Amendment #12, Ch. 19, Secs. 19-302 & 19-309, parking lots in Residential Zone "B", Ordinance Amendment #14, Ch. 19, Sec 19-302, Accessory Apartment Parking & Ordinance Amendment #15, Zoning Map Amendment - 6 High Street

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The Comprehensive Planning Commission met on Thursday, May 15, 2014 at the Town Hall. Members present included: Valli Geiger, Chair, Eileen Wilkinson, Ann Morris and Thomas Keedy. Commission was assisted in its work by Kevin Beal, City Attorney, John Root, CEO and Kara Cushman, Secretary

The Commission reviewed and made the following recommendations on three ordinance amendments:

- **Ordinance amendment #12, Chapter 19, Section 19-302 & 19-309, Parking Lots in Residential Zone "B"**  
Ordinance #12 terminates Off-site parking lots as a conditional use in the Residential "B" Zone. This ordinance would allow current off-site parking lots to continue but such currently existing lots would not be grandfathered to successors or assigns of the business.  
Action: The Commission voted 4-0 to recommend this Ordinance amendment #12 be amended to remove in its entirety section #7, eliminating all reference in conditional uses to parking lots.
- **Ordinance Amendment #14, Ch. 19, Section 19-302, Accessory Apartment Parking**  
Ordinance #14 revises parking standards for accessory apartments, removing the requirement that one driveway service both dwelling units. The commission voted 4-0 to recommend Ordinance Amendment #14 as written.
- **Ordinance Amendment #15, Zoning Map Amendment - 6 High Street**  
This ordinance amends the zoning classification of 6 High Street (Tax Map 20-A-14) to Residential Zone A in its entirety. The Commission voted 4-0 to recommend Ordinance Amendment #15 as written.

The Commission discussed next steps for Camden Street Project recommendations. John Root recommended the Commission review the Neighborhood Business Zone as a starting place for Camden Street segment rezoning and ordinance changes. CEO Root sent each Commission member the Neighborhood Business Zone description. Commission members agreed to review the NBZ prior to the May 29<sup>th</sup> meeting. Commission members also agreed to walk the Camden Street Nodes from McDonalds to the Rockport line prior to the next meeting with special attention to height of current buildings, view corridors, traffic, parking, cross walks and blight.

Thank you for the opportunity to serve the city of Rockland.  
Please let me know if any additional clarification is needed.

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #13  
IN CITY COUNCIL**

May 12, 2014

**ORDINANCE AMENDMENT** Parking on Main Street

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, SECTION 17-801 Schedule I, Parking Prohibitions, BE AMENDED AS FOLLOWS:**

**Sec. 17-801 Schedule I. Parking Prohibitions**

Parking is prohibited at all times upon the following streets or parts thereof:

<b>Street</b>	<b>Area Affected</b>
20. Main	M. East side beginning approximately <del>forty (40)</del> <u>twenty-nine (29)</u> feet south of the intersection with Tillson Avenue and extending to the intersection of Tillson Avenue.

Sponsor: Mayor Pritchett  
Originator: City Manager

First Reading 5/12/14  
First Publication 5/22/14  
Public Hearing 6/9/14  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #14**  
**IN CITY COUNCIL**

May 12, 2014

**ORDINANCE AMENDMENT** Revising Parking Standards For Accessory Apartments

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

**Accessory Apartment:** A second dwelling unit within or attached to a single-family residence. The accessory apartment shall not be considered an additional dwelling unit for purposes of the minimum lot size zoning standards. The accessory apartment will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

- a. The principal unit and the accessory apartment shall remain under common ownership and one of the units shall be owner-occupied at all times.
- b. The accessory apartment shall not alter the basic character of the building as a single-family dwelling.
- c. ~~One (1) driveway shall service both dwelling units.~~ Off-street parking for both units must be provided with two (2) on-site spaces for the principal dwelling unit and one (1) on-site space for the accessory apartment. Impervious surface area of the driveways shall be minimized to the greatest extent practical and still meet the parking requirements.
- d. The accessory apartment shall include its own kitchen, three (3) fixture bath, and no more than one (1) bedroom. The floor area of the apartment must be at least four hundred and twenty-five (425) square feet and cannot exceed eight hundred (800) square feet and thirty-three (33) percent of the floor area of the existing home.
- e. The accessory apartment shall comply with all applicable codes and ordinances.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

First Reading 5/12/14  
First Publication 5/22/14  
Public Hearing 6/9/14  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

## MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council

From: Valli Geiger, Chair, Comprehensive Planning Commission

Date: May 19, 2014

Re: Ordinance Amendment #12, Ch. 19, Secs. 19-302 & 19-309, parking lots in Residential Zone "B", Ordinance Amendment #14, Ch. 19, Sec 19-302, Accessory Apartment Parking & Ordinance Amendment #15, Zoning Map Amendment - 6 High Street

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The Commission reviewed and made the following recommendations on three ordinance amendments:

- **Ordinance amendment #12, Chapter 19, Section 19-302 & 19-309, Parking Lots in Residential Zone "B"**  
Ordinance #12 terminates Off-site parking lots as a conditional use in the Residential "B" Zone. This ordinance would allow current off-site parking lots to continue but such currently existing lots would not be grandfathered to successors or assigns of the business.  
Action: The Commission voted 4-0 to recommend this Ordinance amendment #12 be amended to remove in its entirety section #7, eliminating all reference in conditional uses to parking lots.
- **Ordinance Amendment #14, Ch. 19, Section 19-302, Accessory Apartment Parking**  
Ordinance #14 revises parking standards for accessory apartments, removing the requirement that one driveway service both dwelling units. The commission voted 4-0 to recommend Ordinance Amendment #14 as written.
- **Ordinance Amendment #15, Zoning Map Amendment - 6 High Street**  
This ordinance amends the zoning classification of 6 High Street (Tax Map 20-A-14) to Residential Zone A in its entirety. The Commission voted 4-0 to recommend Ordinance Amendment #15 as written.

The Commission discussed next steps for Camden Street Project recommendations. John Root recommended the Commission review the Neighborhood Business Zone as a starting place for Camden Street segment rezoning and ordinance changes. CEO Root sent each Commission member the Neighborhood Business Zone description. Commission members agreed to review the NBZ prior to the May 29<sup>th</sup> meeting. Commission members also agreed to walk the Camden Street Nodes from McDonalds to the Rockport line prior to the next meeting with special attention to height of current buildings, view corridors, traffic, parking, cross walks and blight.

Thank you for the opportunity to serve the city of Rockland.  
Please let me know if any additional clarification is needed.

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #15  
IN CITY COUNCIL**

May 12, 2014

**ORDINANCE AMENDMENT** Zoning Map Amendment – 6 High Street

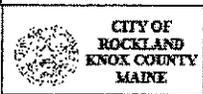
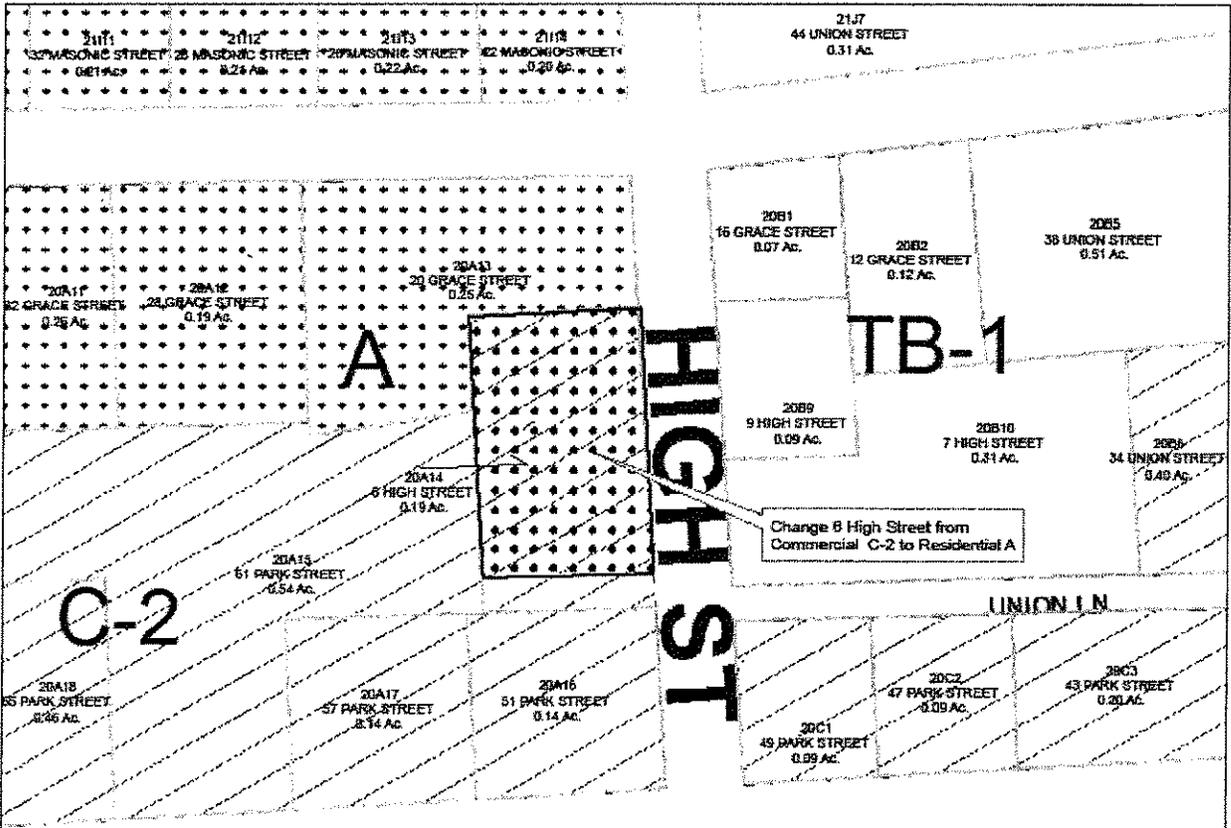
**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

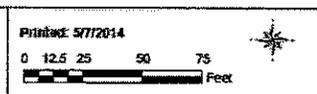
- ❖ At 6 High Street (Tax Map 20-A-14), change the zone on the entire parcel from Commercial 2 Zone to Residential Zone A. The zone line is intended to follow the parcel lines.

Sponsor: Councilor Hebert  
Originator: Code Enforcement Officer

First Reading \_\_\_\_\_ 5/12/14 \_\_\_\_\_  
First Publication \_\_\_\_\_ 5/22/14 \_\_\_\_\_  
Public Hearing \_\_\_\_\_ 6/9/14 \_\_\_\_\_  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_



**Ordinance Amendment #15  
Change 6 Hih Street, Tax Map #20-A-14  
from Commercial C-2 to Residential A**



**DISCLAIMER**  
This map was compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.

## MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council

From: Valli Geiger, Chair, Comprehensive Planning Commission

Date: May 19, 2014

Re: Ordinance Amendment #12, Ch. 19, Secs. 19-302 & 19-309, parking lots in Residential Zone "B", Ordinance Amendment #14, Ch. 19, Sec 19-302, Accessory Apartment Parking & Ordinance Amendment #15, Zoning Map Amendment - 6 High Street

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- **Ordinance Amendment #15, Zoning Map Amendment - 6 High Street**  
This ordinance amends the zoning classification of 6 High Street (Tax Map 20-A-14) to Residential Zone A in its entirety. The Commission voted 4-0 to recommend Ordinance Amendment #15 as written.

The Commission discussed next steps for Camden Street Project recommendations. John Root recommended the Commission review the Neighborhood Business Zone as a starting place for Camden Street segment rezoning and ordinance changes. CEO Root sent each Commission member the Neighborhood Business Zone description. Commission members agreed to review the NBZ prior to the May 29<sup>th</sup> meeting. Commission members also agreed to walk the Camden Street Nodes from McDonalds to the Rockport line prior to the next meeting with special attention to height of current buildings, view corridors, traffic, parking, cross walks and blight.

Thank you for the opportunity to serve the city of Rockland.  
Please let me know if any additional clarification is needed.

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #23

IN CITY COUNCIL

August 26, 2013

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$ \_\_\_\_\_ TO FINANCE THE CONSTRUCTION OF A PUBLIC WORKS GARAGE, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$ \_\_\_\_\_ is hereby appropriated to finance the construction of a public works garage (the "Project"), and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$ \_\_\_\_\_.

**Section 3.** Subject to this ordinance, the City Charter, and all other applicable laws and such orders, or resolutions as may hereafter be adopted by the City Council fixing the terms and details of the bonds or notes to be issued to finance such appropriation, the Director of Finance of the City, with the approval of the Mayor, is authorized to take all steps necessary and expedient in respect to the aforesaid borrowing.

Sponsor: City Council

Originator: City Manager

Postponed 8/26/13 to 1/13/14

Postponed 1/13/14 to 3/10/14

Postponed 3/10/14 to 6/9/14



Thomas J. Luttrell  
Finance Director

MEMO

TO: Mayor Pritchett  
City Councilors

May 29, 2014

RE: Ordinance #23 & Order #28

*The Public Works garage is coming back to council on the June agenda. I would like to recommend that council defeat both ordinance #23 and Order #28 as staff is not ready for council action. As you know, we are researching a better location for the Public Works Garage on Transfer Station Property. We need time to develop a master plan at the Transfer Station to encompass the Sand/Salt Shed, Public Works Garage, Snow Dumping Area and a new lay down area for C&D waste. Once the master plan is done, we will present to council and then restart the discussion on the Public Works Garage Bond Ordinance. By defeating the Ordinance and Order, we will not have to keep postponing.*

**CITY OF ROCKLAND, MAINE**

**ORDINANCE AMENDMENT #16**

**IN CITY COUNCIL**

June 9, 2014

**ORDINANCE AMENDMENT:** Amending the Maximum Height in the Downtown Zone

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, BE AMENDED AS FOLLOWS:**

**Sec. 19-304 Zone Regulations**

**14. Downtown Zone "DT" Regulations.**

\* \* \*

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-14

**"DT" ZONE**

	COMMERCIAL AND MIXED USE
MINIMUM FLOOR AREA PER DWELLING	200 sq. ft. per dwelling
MAXIMUM BUILDING HEIGHT	Either 65 feet or 5 stories <u>north of the center line of Park Street and Park Drive</u> ; either 50 feet or 4 stories <u>south of the center line of Park Street and Park Drive to Central Park.</u>

Sponsor: Councilor Dickerson  
Originator: Councilor Dickerson

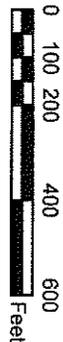


CITY OF  
ROCKLAND  
KNOX COUNTY  
MAINE

DT Zone Height Proposal

- 4 stories 50'
- 5 stories 65'

Printed: 6/3/2014



**DISCLAIMER**  
Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.



**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #17  
IN CITY COUNCIL**

June 9, 2014

**ORDINANCE AMENDMENT    Establishing Pay-Per-Bag System for Disposal of  
Municipal Solid Waste**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewers, Drains and Solid Waste, ARTICLE I, Municipal Solid Waste Facility, Collection, and Recycling, BE AMENDED AS FOLLOWS:**

**Sec. 14-103 Definitions**

1. Acceptable Wastes. Wastes that the City of Rockland is authorized by applicable law, regulation, and/or permit to accept for disposal or transfer at the Rockland Solid Waste Facility.
2. Attendant. "Attendant" means an individual, generally an employee of the City of Rockland, who is authorized to supervise and direct the day-to-day disposal of wastes and recyclable material at the Rockland Solid Waste Facility.
3. Commercial Hauler. A commercial hauler is a person or entity engaged in transporting municipal solid waste, construction and demolition debris, recyclable material, and/or other acceptable wastes from any source to the Rockland Solid Waste Facility for a fee or other consideration.
4. Commercial Waste. "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial, or special wastes.
5. Commercial or Residential Refuse/Recyclables Collector. "Commercial or Residential Refuse / Recyclables Collector" means a person or entity engaged in collecting for processing or disposal municipal solid waste, construction and demolition debris, recyclable material, and/or other acceptable wastes in the City of Rockland for a fee or other consideration.
6. Compost. "Compost" is "Compost" means a residual that has undergone a composting process.
7. Composting. "Composting" means the biological decomposition and stabilization of organic matter under controlled aerobic conditions of high temperature.
8. Construction and Demolition Debris. "Construction and Demolition Debris" is defined in 38 M.R.S. § 1303-C, and means debris resulting from the construction, remodeling, repair, and demolition of structures. It includes, but is not limited to, building materials, asphalt, wall board, pipe, metal conduits, mattresses, household furniture, fish nets, rope, hose, wire and cable, fencing, carpeting and underlay; it excludes asbestos and other special wastes.
9. Demolition Debris. *See* Construction and Demolition Debris.
10. DEP. The Maine Department of Environmental Protection, or other federal or state

governmental department or agency having applicable regulatory authority.

11. Director. "Director" means the Director of the Rockland Solid Waste Facility, or his designee.

12. Disposal. "Disposal" is defined in 38 M.R.S. § 1303-C, and means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land or water so that the hazardous or solid waste, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any water, including ground waters.

13. Handle. "Handle" is defined in 38 M.R.S. § 1303-C, and means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

14. Hazardous Waste. "Hazardous Waste" is defined in 38 M.R.S. § 1303-C, and means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S. § 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent thereof may have value or other use or may be sold or exchanged does not exclude it from this definition.

15. Inert Fill. "Inert Fill" means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other solid or liquid waste, and which are not derived from an ore mining activity.

16. Maine Solid Waste Laws. "Maine Solid Waste Laws" means all the laws of the State of Maine relating to the management of solid waste. It includes the "Maine Hazardous Waste, Septage and Solid Waste Management Act," Subchapters I and IA (38 M.R.S. §§ 1301, *et seq.*); 38 M.R.S. §§ 417 and 420; the Three Hundred Foot Law (38 M.R.S. § 421); the Waste Discharge Law (38 M.R.S. §§ 413, *et seq.*); and 38 M.R.S. § 591.

17. M.R.S. "M.R.S." means the Maine Revised Statutes.

18. Municipal Solid Waste. "Municipal Solid Waste" means solid waste emanating from domestic and normal commercial sources. Municipal solid waste does not include wastes removed from, or not introduced to, these waste streams and which are regulated as a "residual" under Chapter 567 of the Department of Environmental Protection's Regulations.

19. Non-Hazardous Waste. "Non-Hazardous Waste" means any solid waste, sludge or septage that is not a hazardous waste.

20. Person. Any individual, association, partnership, firm, corporation or other organization.

21. Processing Facility. "Processing Facility" means any structure, machine, device, system, or combination thereof, other than collection or transfer vehicles and incinerators, intended or operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing includes shredding, baling, mechanical or magnetic separation, composting or other techniques to reduce or otherwise change the nature of solid waste. Processing may also include recovering reusable or recyclable materials.

22. Recyclable Material. "Recyclable Material" means any raw or processed material that can be recovered from a waste stream for reuse.

23. Recycling. "Recycling" means the separating, collecting, and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product.

24. Rockland Solid Waste Facility. "Rockland Solid Waste Facility" means the City of Rockland solid waste facility located at 400 Limerock Street (Tax Map 82-B-1), including any structure, container, or combination of land area, structures, or containers owned, leased, or used by the City, or operated by the City, and used for storing, salvaging, processing, reducing, composting, incinerating, and disposing of wastes.

25. Sludge. "Sludge" is defined in 38 M.R.S. § 1303-C, and means any non-hazardous solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply filtration or treatment plant, or wet process air pollution control facility, or any other waste having similar characteristics and effect, but does not include industrial discharges that are point sources subject to permitting under Section 402 of the Federal Water Pollution Control Act (the "Clean Water Act"), as amended (33 U.S.C. §§ 1251, *et seq.*).

26. Solid Waste. "Solid Waste" is defined in 38 M.R.S. § 1303-C, and means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

27. Solid Waste Facility. "Solid Waste Facility" means a waste facility used for the handling of solid waste. It includes any land area, structure, container, or combination of land area, structures, or containers used for storing, salvaging, processing, reducing, composting, incinerating, and disposing of wastes at or for such facility.

28. Solid Waste Disposal Facility. "Solid Waste Disposal Facility" is defined in 38 M.R.S. § 1303-C, and means any solid waste facility used for the incineration, landfilling, or other final placement of solid waste.

29. Special Waste. "Special Waste" as defined in 38 M.R.S. § 1303-C, and means any non-hazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination, thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling:

- A. Oil, coal, wood and multifuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from non-hazardous chemical spills and clean-up of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media residue;
- J. Shredder residue; and

K. Other waste designated a special waste by the Board of Environmental Protection.

30. Storage. "Storage" means the placement or containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such waste.

31. Transfer Station. "Transfer Station" means any waste facility constructed and managed for storage and/or processing and placement of municipal solid waste in large containers or vehicles for movement to another waste facility.

32. Unacceptable Wastes. Unacceptable Wastes include the following, unless and except as allowed by DEP permit:

- A. Liquid waste, sludge, or septage;
- B. Motor vehicles and other motorized equipment;
- C. Hazardous waste, including any waste with inherent properties that make it dangerous to manage by ordinary means including, but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes, and other wastes defined as hazardous by the State of Maine, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§ 6901, *et seq.*), as amended, or other federal, state, or local laws, regulations, orders, or other action promulgated or taken with respect thereto;
- D. Dead bodies or animals or portions thereof, or pathological wastes;
- E. Asbestos;
- F. Offensive substances, such as sewage, sludge and special wastes; and
- G. Special wastes.

33. Universal Wastes. "Universal Wastes" means any Cathode Ray Tubes ("CRTs") such as televisions, computer monitors, and other display devices; rechargeable batteries; fluorescent and HID (high intensity discharge) lamps or lamps containing hazardous materials; mercury-containing thermostats, mercury-containing thermometers, and mercury-containing devices such as manometers and switches; and totally enclosed, non-leaking lamp ballasts not bearing the label "NO PCBs."

34. Waste Facility. "Waste Facility" as defined in 38 M.R.S. § 1303-C, and means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical, or solid waste, sludge, or septage. A land area or structure shall not become a waste facility solely because:

- A. It is used by its owners for disposing of septage from his residence;
- B. It is used to store (for 90 days or less) hazardous waste generated on the same premises;
- C. It is used by individual homeowners or lessees to openly burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under 12 M.R.S. § 9321.
- D. It is used by its residential owner to burn highly combustible domestic household trash such as paper, cardboard cartons, or wood boxes, when such burning is permitted by statute or ordinance.

35. White Goods. "White Goods" means large appliances, including, but not limited to, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners.

36. Wood Wastes. "Wood Wastes" means brush, stumps, lumber, bark, woodchips, shavings, slabs, endings, slash, and sawdust, which are not mixed with other solid or liquid waste.

37. Yard Waste. "Yard Waste" is "Yard waste" means grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.

#### **Sec. 14-104 Waste Disposal; Flow Control**

No person may dispose of Municipal Solid Waste, Construction and Demolition Debris, or other Acceptable Wastes in Rockland except at a licensed solid waste facility in conformance with applicable law. All municipal solid waste generated in Rockland must be disposed of at either (A) the Rockland Solid Waste Facility, or (B) the Penobscot Energy Recovery Company in Orrington, Maine ("PERC"), designated as a component of and credited to the City of Rockland's disposals of municipal solid waste at that facility. On and after May 2, 2015, any person disposing municipal solid waste other than recyclable material, yard waste, construction and demolition debris, special wastes, white goods, wood wastes, universal wastes, and hazardous wastes shall do so only (1) in disposal bags designated by the Director for use for the disposal of municipal solid waste at the Facility and purchased at an authorized retailer or other facility, or (2) at the per-ton disposal fee as determined by scale or visual inspection by authorized personnel. The fees for purchasing disposal bags, disposing acceptable wastes by the ton, and for other authorized disposals at the Rockland Solid Waste Facility shall be established by Order of the City Council. No person may dispose of Unacceptable Wastes in Rockland except as may be permitted by the Maine Department of Environmental Protection.

\* \* \*

#### **Sec. 14-111 Permits; Administration**

1. Permits. Admittance to and use of the Rockland Solid Waste Facility shall be limited to residents of and owners of property in Rockland; Rockland businesses; licensed commercial or residential refuse/recyclables collectors; authorized transporters of construction and demolition debris; and other users that qualify for a permit as set forth herein. The Director or his designee shall issue permits to authorized users, and shall be responsible for assuring users' compliance with the scope of such permits. Permit fees ~~may~~ shall be established by Order of the City Council. As a means of user control, the Director may distribute vehicle stickers to authorized users, which shall be affixed to the user's vehicle, as specified by the Director. Permits shall be valid only for the vehicle the registration numbers of which are listed on the permittees' vehicle stickers, where applicable. The Director may deny access to and use of the Rockland Solid Waste Facility to any person who fails to display a valid permit, sticker, or other pass to the Facility.

A. Resident Permits. Resident Permits shall be available to residents of Rockland and contracting communities. No person may use a Resident Permit to dispose of wastes or other materials not generated at the residential property associated with such Resident Permit.

B. Commercial Permits. Commercial Permits shall be available to the owners or managers of multi-family residential properties in Rockland, and to businesses and institutions located in Rockland, whether for-profit or non-profit.

C. Recycling Permits. Recycling Permits issued prior to May 2, 2015, shall authorize

such permittees be available to Rockland residents and businesses who do not purchase a Resident or Commercial Permit but who wish to dispose of recyclable material, municipal solid waste on a pay-per-bag basis, and/or other acceptable wastes at the rates or fees for the same in the Rockland Solid Waste Facility Fee Order, through May 1, 2015. Recycling Permits shall not be issued after May 1, 2015, and their use shall be entirely discontinued effective July 1, 2015.

D. Seasonal Permits. Owners of seasonal, rental residential property in Rockland may obtain one Seasonal Permit per year for each dwelling, camp, cottage, or other rental dwelling unit situated on the property. Seasonal Permits are not available to inns, bed and breakfast establishments, motels, hotels, or other short term accommodations.

E. Commercial Hauler Permits. Commercial Hauler Permits shall be available to persons engaged in the collection of municipal solid waste and recyclables for a fee or other consideration, and who are licensed pursuant to Section 14-112. Only municipal solid waste collected from within Rockland, and/or from within communities that have entered into an Inter-Local Agreement with Rockland, shall be deposited at the Rockland Solid Waste Facility. Holders of Commercial Hauler Permits shall be allowed to enter the Facility during the hours that the Facility is open to the general public, and at such other times as the Director may allow, provided that they shall reimburse the City for any additional costs the City may incur for admitting the Commercial Hauler to the Facility outside normal operating hours.

F. Non-Resident Contractor Waste Disposal Permit. Non-Resident Contractor Waste Disposal Permits shall be available, upon application to the Director, to any person engaged in the business of general contractor, or any other type of building contractor, whose business is located outside the City of Rockland for the disposal of construction and demolition debris generated in the City of Rockland at the Rockland Solid Waste Facility.

G. Non-Resident Landscape Contractor Waste Disposal Permit. Non-Resident Landscape Contractor Waste Disposal Permits shall be available, upon application to the Director, to any person engaged in the business of Landscape Contractor whose business is located outside the City of Rockland for the disposal of lawn and landscaping debris (such as grass cuttings, brush, branches, limbs, and similar types of debris) generated in Rockland at the Rockland Solid Waste Facility. No person shall use a Non-Resident Landscape Contractor Waste Disposal Permit to dispose of any other type of waste, or landscaping debris from outside Rockland, at the Facility. Landscape Contractors who do not wish to purchase the annual permit may obtain a Temporary General Permit as provided herein to dispose of landscaping debris generated in Rockland as part of such permittee's landscaping business.

H. Temporary General Permit. The Director may issue, from time to time and upon application and payment of the appropriate fee and a deposit, a Temporary General Permit for admittance to the Rockland Waste Disposal Facility to any person or business for the disposal of waste generated in Rockland. Such permits shall be of limited duration, not to exceed seven days, which limitation shall be stated upon the permit. Temporary General Permits must be returned to the Director at the Rockland Solid Waste Facility within seven (7) days of their expiration, or the permittee's deposit therefor shall be forfeited. Arrangements for an extension of a Temporary General Permit must be made with the Director or his designee prior to the permit's expiration;

however, in no case shall a Temporary General Permit be extended for a time period exceeding a total of twenty-one (21) days.

2. Administration.

A. Validity. Permits shall be valid only during the period indicated thereon, or for such other period as the City Manager shall determine.

B. Suspension; Revocation. The City Manager shall give notice temporarily suspending or revoking a permit upon the occurrence of one or more of the following:

(1) The permittee violates any federal or state law or regulation, or any Rockland ordinance, order, rule, or regulation governing the collection, transportation, or disposal of waste; or

(2) The permittee violates any Rockland ordinance, order, rule, or regulation governing the Rockland Solid Waste Facility; or

(3) The permittee is issued a permit on the basis of his residency or conduct of business in Rockland and ceases to be a resident of Rockland or to own or operate the business in Rockland, as may be applicable; or

(4) Other good or sufficient cause.

Such notice of suspension or revocation shall state the bases for the suspension or revocation and, with respect to suspensions, the duration of the suspension.

C. Appeal. Any person may appeal the suspension or revocation of his permit to the City Council, in a writing filed with the City Clerk within thirty (30) days of the date of the notice suspending or revoking such person's permit. Upon public hearing, the City Council may affirm, reverse, or modify the suspension or revocation.

Sponsor: Councilor Isganitis  
Originator: City Council

**CITY OF ROCKLAND, MAINE**

**ORDER #28**

**IN CITY COUNCIL**

August 26, 2013

**ORDER** Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance

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

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$\_\_\_\_\_ for purposes of financing construction of a public works garage, and such other ancillary and related costs with respect thereto; and

**WHEREAS,** the provisions of Treasury Regulation § 1.150-2 require that the Declaration of Official Intent be adopted by the City in order for the City to reimburse itself for costs of the project with proceeds from the issuance of tax-exempt bonds;

**NOW, THEREFORE,** it is hereby

**ORDERED:** That the Declaration of Official Intent attached hereto be and hereby is adopted; and

**ORDERED:** That the Bond Ordinance attached hereto and incorporated herein by reference be scheduled for a public hearing to be held on September 9, 2013; and

**ORDERED:** That the City Clerk be and hereby is authorized and directed to publish notice of the public hearing at least seven (7) days prior to the date of the public hearing.

Sponsor: City Council  
Originator: City Council

*Postponed 8/26/13 to 1/13/14*  
*Postponed 1/13/14 to 3/10/14*  
*Postponed 3/10/14 to 6/9/14*

**DECLARATION OF OFFICIAL INTENT**

TREASURY REGULATION § 1.150-2

**WHEREAS**, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Construction of a public works garage, and such other ancillary and related costs with respect thereto;

**WHEREAS**, the Issuer intends to finance the costs of the Project through the issuance of bonds or notes in anticipation thereof; and

**WHEREAS**, certain of the costs of the Project may be paid by the Issuer prior to the issuance of notes or bonds and be reimbursed from the proceeds thereof; and

**WHEREAS**, Treasury Regulation § 1.150-2 requires that an Issuer declare its official intent to reimburse expenditures with proceeds of borrowings prior to the date of expenditure;

**NOW, THEREFORE**, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$ \_\_\_\_\_, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

2. **General Description of Property to which Reimbursement Relates.** The description of the Project in the first recital hereto is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursement will be made.

3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer and shall be maintained and otherwise supervised by its Clerk on behalf of the Issuer.

4. **Treasury Regulation.** This is a declaration of official intent pursuant to the requirements of Treasury Regulation § 1.150-2.

5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Order adopted by its City Council.

**CITY OF ROCKLAND, MAINE**

**ORDER #41**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Setting Due Dates and Interest Rate – FY 2015 Taxes

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

**THAT** the taxes for the fiscal year ending June 30, 2015 shall be paid in two installments of one half (½) each; and

**THAT** the due dates for the taxes for the fiscal year ending June 30, 2015 shall be September 26, 2014 for the first installment of such taxes, and March 6, 2015 for the second installment of such taxes; and

**THAT** the Director of Finance and the Tax Collector are hereby authorized and directed to charge interest at a rate of 7.00% per annum from September 26, 2014 on the first installment of such taxes remaining unpaid after that date, and from March 6, 2015 on the second installment of such taxes remaining unpaid after that date.

Active Tax Club members enrolled prior to October 1, 2013 will have until December 31, 2014 to pay their first installment of taxes before interest would be charged on any unpaid balance, and until June 30, 2015 to pay their second installment of taxes before interest would be charged on any unpaid balance. Tax Club members who have an outstanding balance after those dates shall be charged interest on that balance at the rate of 7.00% per annum retroactive to the applicable due date.

Sponsor: City Council  
Originator: Tax Collector

**CITY OF ROCKLAND, MAINE**

**ORDER #42**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing License Agreement – Use of Sea Scout Building

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

**THAT** the City Manager is hereby authorized to enter into a license agreement with Breakwater Kayak, LLC and the Sail Power & Steam Museum for use of the Sea Scout Building (so-called) at Snow Marine Park in substantial compliance with the terms and conditions of a license agreement attached hereto.

Sponsor: City Manager  
Originator: City Manager

## **LICENSE AGREEMENT**

**THIS LICENSE 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 The Sail, Power, And Steam Museum, a non-profit corporation with its principal place of business at 73 Mechanic Street in Rockland, Maine (the "Museum") and Breakwater Kayak Company, LLC, a limited liability company with a place of business at 5 Park Drive in Rockland, Maine ("Breakwater Kayak"), is effective June 10, 2014, if duly executed by each party.

**WHEREAS**, the City owns an approximately 880 square foot unoccupied wood-framed structure, formerly occupied by the Sea Scouts, together with accessible entrance ramp, deck, stairs, and patio, at Snow Marine Park, 51 Mechanic Street, Rockland, Maine (the "Sea Scout Building"); and

**WHEREAS**, the Museum owns and operates the Sail, Power & Steam Museum at 73 Mechanic Street, in Rockland, and seeks to rent additional, nearby premises to house Museum-related activities; and

**WHEREAS**, Breakwater Kayak operates a sea kayak tour business on Rockland Harbor, and seeks waterfront premises as a base of operations; and

**WHEREAS**, the Museum and Breakwater Kayak have collaborated and propose to rent and share the Sea Scout Building for the 2014 summer season,

**NOW, THEREFORE**, in consideration of the promises and undertakings set forth herein, the parties hereto do agree as follows:

**1. Grant of License.** The City of Rockland grants a license to the Museum and Breakwater Kayak (collectively, the "Licensees") to occupy and use the Sea Scout Building and patio, between June 10, 2014, and September 30, 2014, subject to the terms and conditions set forth herein;

**2. License Premises.** The License Premises shall consist of the Sea Scout Building, the ramp, deck, and stairs serving the building, and a rectangle of contiguous land, within the following limits as measured from the Sea Scout Building foundation:

To the North:	8 feet;
To the East:	to the Sharp's Point South, LLC property line;
To the South:	45 feet, including patio; and
To the West:	8 feet.

**3. Fee.** The Museum and Breakwater Kayak shall pay to the City a

monthly fee of \$400.00 (the "Fee") for their use of the License Premises. The Licensees shall pay the first month's rent, pro-rated to June 10, 2014 (\$264.00) prior to entering into possession of the License Premises. Licensees shall pay the subsequent, monthly fee, in cash or as an immediately-negotiable instrument, on or before the first day of the month for which it is due, at Rockland City Hall, 270 Pleasant Street, Rockland, Maine. The Museum and Breakwater Kayak shall be jointly and severally liable for the full amount of the Fees owed to the City.

**4. Deposit.** The Museum and Breakwater Kayak shall pay to the City a deposit of \$400.00, prior to entering into possession of the License Premises. The City shall return the deposit to Licensees, in the respective amounts it was paid by each Licensee to the City, no later than October 30, 2014, unless Licensees, or one of them, shall have caused damage to the structure beyond reasonable wear and tear, or if Licensees shall have failed to quit the License Premises broom clean, in which instance(s) the City shall return to Licensees the balance remaining after deducting from the Deposit the City's actual cost(s) to repair or clean the premises. Licensees may be held liable for any damage to the License Premises in an amount in excess of the Deposit, in an action that may be filed by the City in Maine District Court in Rockland or the Knox County Superior Court;

**5. Utilities.** Licensees shall be solely responsible for any all utility charges incurred during or in connection with their use of the License Premises, including without limitation water and sewer charges, and electricity. Licensees shall obtain the City Manager's prior written approval prior to installing any additional utilities at the License Premises;

**6. Use.** The Museum may use the License Premises for storage and classes. Breakwater Kayak may use the License Premises for kayak and stand up paddle board tours, rentals, and storage;

**7. Term.** Except upon the occurrence of an Event of Default, the Term of this License Agreement shall be from June 10, 2014, to September 30, 2014;

**8. Conditions.** Such license and use of the License Premises shall be subject to and limited by the following conditions:

- A. Licensees may not sublet or otherwise permit the use or occupancy of the License Premises, or any portion thereof, by any third party;
- B. Licensees may not play, show, or operate any audio or visual device, and may not store any items, outside the Sea Scout Building on City property;

- C. Licensees may not serve and shall prohibit the consumption of alcoholic beverages in or around the License Premises;
- D. Licensees may not place or maintain any container (other than closed containers for solid waste storage), shed, outbuilding, storage rack (except one kayak storage rack), or tables and chairs (except within the patio) on the exterior of the License Premises;
- E. Licensees shall be responsible for the repair of any damage that occurs within the License Premises during the term of this License Agreement;
- F. Licensees shall secure and maintain liability insurance covering occurrences within the License Premises in amounts not less than \$1,000,000/occurrence and \$2,000,000/ aggregate, and shall cause the City to be named therein as an additional insured. Licensee shall cause an original certificate of such insurance to be submitted to the City prior to Licensee's use of the License Premises. Licensee shall keep current such liability insurance coverage throughout the term of this License Agreement. The City shall secure and maintain property insurance for the License Premises;
- G. Licensees shall not make or permit any construction, reconstruction, demolition, or other activity affecting or altering the condition of the License Premises without the prior written consent of the City. Any improvements to or in the License Premises by, on behalf of, or with the permission of a Licensee shall become the property of the City, without cost and free and clear of any lien or other encumbrance or claim;
- H. Licensees shall not cause or permit any Hazardous Material to be brought upon, kept at or in, or used in or about the License Premises by either Licensee or their agents, employees, contractors, or invitees. Licensees shall not discharge, leak, or emit, or permit to be discharged, leaked, or emitted, any material into the atmosphere, ground, sewer system, or any body of water, if that material (as is reasonably determined by the City, or any other governmental authority) does or may pollute or contaminate the same, or may adversely affect the health, welfare, or safety of persons, whether located on the License Premises, or elsewhere, or the condition, use, or enjoyment of the License Premises or any other real or personal property. Hazardous materials are those identified as hazardous pursuant to 38 M.R.S. § 1303(C)(15) and 06-096 C.M.R. ch. 850, § 3(A)(3); and

- I. Nothing herein is intended nor shall be deemed to grant to a Licensee or any other party any property or other right, title, or interest in the real and personal property subsumed within the License Premises. Nor does the grant of the permissions set forth in the License Agreement establish any precedent for or subsequent right to the renewal of such license and/or permissions in the future;

**9. Signage.** Subject to the City's pre-approval as to size, materials, content, and other matters regulated under the Rockland Code of Ordinances, Licensees shall have the right to place up to two signs at the Premises: one sign on up to two sides of the Sea Scout Building.

The City shall have the right to review and pre-approve each sign with respect to its size, placement, materials, and content, and applicable zoning ordinances and private restrictions. The City may refuse consent to any proposed signage that is in the City Manager's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate for the License Premises. Licensees shall repair all damage to the License Premises resulting from the removal of signs installed by a Licensee.

**10. Costs; Maintenance.** Licensees shall maintain the License Premises, and Licensees' property therein, in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof;

**11. Indemnification; Hold Harmless.** Licensees shall indemnify the City, and shall protect and hold the City 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 License in connection with any claim, loss, or damage arising from or connected with the permissions granted to Licensee herein, and/or from Licensees' acts or omissions in or relating to her use of the License Premises. 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;

**12. Default.** Licensees shall be in Default if one of Licensees breaches any term or condition of this License Agreement, or fails to make a payment when or in the amount due. Each such breach or failure to make payment shall constitute a separate Event of Default;

**13. Termination.** The City may terminate this License Agreement prior to the expiration of the Term, without notice, if, in the sole discretion of the City Manager, the City determines that any Licensee is in Default, or shall have violated any applicable law, regulation, or rule ("cause"). Cause shall

include, but not be limited to, Licensee's service of alcohol or allowance of the consumption of alcohol within the License Premises. In the event of the termination of this License Agreement by the City Manager for cause, no part of the Fee shall be refunded to Licensees, notwithstanding anything to the contrary herein.

In the event of such termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensee 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 all of Licensees' property from the License Premises, and Licensee shall immediately cease any use of such License Premises;

#### **14. Miscellaneous.**

A. This License Agreement 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 Licensees acknowledge for themselves, their, members, directors, officers, agents, successors, and assigns, that 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 the Licensees, jointly and severally, and their 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.

**CITY OF ROCKLAND, MAINE**

**ORDER #43**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing Expenditure of Funds – Tillson Area TIF Funds

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

**THAT** the City Manager is hereby authorized expend \$30,000 from the FY 2015 Downtown TIF District funds to support Rockland Main Street Inc. in its efforts to protect and enhance the economic vitality of Downtown Rockland.

Sponsor: City Council

Originator: Rockland Main Street, Inc.

**CITY OF ROCKLAND, MAINE**

**ORDER #44**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing acceptance and expenditure of funds from Emanuel & Pauline A. Lerner Foundation.

**WHEREAS**, The City Community Development together with interested citizens and arts organizations has initiated a program to identify the cultural and artistic assets in the Community; and

**WHEREAS**, The Emanuel & Pauline A. Lerner Foundation wishes to support the initiation of that program in the amount of \$15,000 to support leadership and arts forum and a series of community meetings to gather community input on the cultural assets of the community;

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

**THAT** the City Manager is hereby authorized to accept funds from the Emanuel & Pauline A. Lerner Foundation.

Sponsor: Mayor Pritchett

Originator: Community Development Director

**CITY OF ROCKLAND, MAINE**

**ORDER #45**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing application and expenditure of funds for Coastal Communities Grant Program 2015.

**WHEREAS**, The Public Landing (Pier) serves as a critical public access point to Rockland Harbor and is an integral part of Harbor Park; and

**WHEREAS**, The City has plans for the redesign and improvement of Harbor Park; and

**WHEREAS**, The Public Landing (Pier) is a component and integral to the plans for improvements at Harbor Park; and

**WHEREAS**, Public Landing is in need of improvements itself; and

**WHEREAS**, Plans for improvements to Harbor Park will require attention to future design, engineering and a portion of the improvements necessary at the Public Landing; and

**WHEREAS**, the Maine Coastal Communities Grant Program may fund up to \$50,000 with a 25% match for planning, engineering and improvements to public piers in order to ensure sustainable vibrant coastal communities and improving public access; and

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

**THAT** the City Manager or designee is hereby authorized to submit and if successful execute a grant proposal to the Coastal Communities Program in an amount up \$35,000 and use up to \$7,000 from the Downtown Tax Increment Financing District Municipal Revenue Account in FY 2016 account as match.

Sponsor: Councilor Hebert

Originator: Community Development Director

**CITY OF ROCKLAND, MAINE**

**ORDER #46**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing application and expenditure of funds for Northern Border Regional Commission 2015.

**WHEREAS**, the City has accepted the Harbor Trail Plan by Resolve #80 dated October 12, 2011; and

**WHEREAS**, said Plan calls for Harbor Trail along the Harbor Park,; and

**WHEREAS**, The Harbor Trail Plan is consistent with preliminary designs approved by the Harbor Park Redesign Committee that include improvements and creation of a Boardwalk across Harbor Park; and

**WHEREAS**, the improvements to Harbor Trail and Harbor Park Boardwalk support the economic development in the Downtown by providing direct path to the Downtown District to and from the downtown to Snow Marine Park; and

**WHEREAS**, the Harbor Park Redesign Committee has met and previously endorsed an application to the Land and Water Conservation Fund (November 13, Order 46) for funding of an initial design and construction of the first segment of a Boardwalk, and

**WHEREAS**, the Northern Border Regional Commission may fund up to \$250,000 towards a project with a 20% matching requirement projects that support transportation infrastructure, basic public infrastructure, and those that promote tourism, recreation, and preservation of open space in a manner consistent with economic development goals;; and

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

**THAT** the City Manager or designee is hereby authorized to submit and if successful execute a grant proposal to the Northern Border Regional Commission in an amount up \$250,000 and use dedicate up to \$105,350 from the Downtown Tax Increment Financing District Municipal Revenue Account in FY 2016 account as match.

Sponsor: Councilor Hebert

Originator: Community Development Director

**CITY OF ROCKLAND, MAINE**

**ORDER #47**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing application and expenditure of funds for Shore and Harbor Planning Grant Program 2015.

**WHEREAS**, The City operates and manages the Rockland Fish Pier in support of the local and regional fishing community and economy; and

**WHEREAS**, Improvements will be necessary to the Fish Pier including dredging along its sides; and

**WHEREAS**, A written estimate to survey the Pier and the necessary dredging location has been secured for \$4,500; and

**WHEREAS**, Other may be considered form improvements and making use of new technologies to reduce odor, fish nuisance, or other newer equipment such as but not exclusively new hoists, may require additional engineering budgeted at \$5,500 and

**WHEREAS**, the Fish Pier Reserve Account (10000-01776) account has a balance of \$70,000; and

**WHEREAS**, the Maine Coastal Program, Shore and Harbor Planning Grants provide up to \$20,000 with 25% local match; and

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

**THAT** the City Manager or designee is hereby authorized to submit and if successful execute a grant proposal to the Shore and Harbor Planning Grant Program in an amount up to \$10,000 and use up to \$5,000 from the Fish Pier Reserve account as match.

Sponsor: Councilor MacLellan-Ruf  
Originator: Community Development Director

**CITY OF ROCKLAND, MAINE**

**ORDER #48**

**IN CITY COUNCIL**

June 9, 2014

**ORDER** Authorizing Wastewater & Storm Water Collection System Study

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

**THAT** the City Manager is hereby authorized to enter into an agreement with Wright-Pierce Engineers of Topsham, Maine, to conduct a comprehensive study of the City's sanitary sewer and storm water collection system. Funding for Phase I of this study shall come from the City's FY 2015 General Fund and Wastewater operational budgets.

Sponsor: Mayor Pritchett

Originator: Mayor Pritchett

CITY OF ROCKLAND, MAINE

ORDER #49

IN CITY COUNCIL

June 9, 2014

**ORDER** Authorizing Amendment to the City's TIF Policy

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

**THAT** the City's Tax Increment Financing Policy, adopted by the City Council pursuant to Order #26-99 dated April 12, 1999, and amended by Order #1-08 dated January 8, 2008, is further amended as follows:

**CITY OF ROCKLAND  
TAX INCREMENT FINANCING POLICY**

Overview

The Legislature has authorized municipalities to implement Tax Increment Financing ("TIF") to capture and utilize rising real property tax receipts as an economic development tool. A tax increment is an increase in tax receipts that is forecast to result from development, or from the gradual rise in assessed value within a designated development district. Municipalities may utilize tax increments from designated development districts to grant credit enhancements to property owners (through a Credit Enhancement Agreement); to reimburse developers for certain, specified development project costs; or to fund municipal economic development activities, including qualified public infrastructure.

Purpose

The purpose of this Tax Increment Financing Policy is to establish guidelines for applicants (developers or property owners) seeking a Credit Enhancement Agreement (CEA) for as part of a TIF District, and to set parameters for TIF Districts initiated by the City of Rockland for economic development purposes. Notwithstanding anything to the contrary in this policy, the Rockland City Council may entertain and ~~grant~~ establish any TIF District and Development Program application that complies with state law and that is found to be consistent with the growth and land use policies set forth in the City of Rockland Comprehensive Plan and any applicable district plan. By statute, the adoption and amendment of any TIF is subject to review and approval by the State of Maine Department of Economic Development.

TIF Districts

The City of Rockland may from time to time create one or more TIF development Development Districts for the purpose of capturing anticipated growth in the tax base within the district to fund authorized public infrastructure improvements, as follows:

1. The City Council may establish a TIF District following a public hearing and upon making a finding that the TIF District will contribute to the economic growth or well-being of the City of Rockland or to the betterment of the health, safety, or welfare of the inhabitants of Rockland;
2. The City Council shall delineate the geographic bounds of the TIF District, upon the recommendation of the Economic Development Advisory Committee; set the maximum amount by which tax increments shall be captured; and determine whether to issue one or more bonds to fund approved expenditures of the captured tax increments;
3. The City Council shall adopt a ~~development~~-Development program-~~Program~~ that includes a financial plan and identifies the types of improvements to be financed in whole or in part by tax increment financing generated from within the TIF District; and
4. The City Council shall establish the duration of the TIF District, which may not exceed the statutory limit.

The City Council may, following a public hearing, amend the ~~development~~-Development program-~~Program~~; adjust the geographic delineation of the TIF District; amend or supplement the improvements or programs to be financed by tax increment financing generated from within the TIF District; and/or adjust the percentage and/or dollar amount by which tax increments are to be captured to fund such improvements or programs.

#### Private-TIF Credit Enhancement Application Guidelines

To the full extent authorized by law, the City of Rockland may utilize tax increment financing to facilitate private development. The following shall guide the City's review of applications for economic development assistance in the form of tax increment financing:

38. TIFs for individual developments shall be accomplished by a binding, written agreement with the owner of the property to be developed or rehabilitated (usually referred to as "Credit Enhancement Agreement"), and may be funded by credit enhancements granted to the owner, or by the proceeds of a municipal bond issued for that purpose and collateralized by the property owner's grant of a security interest to the City of Rockland;
2. Applications for TIFs shall be reviewed, approved, or denied by the City Council, on a case-by-case basis. The grant or denial of a TIF for one property owner or developer shall not serve as binding or compelling precedent for subsequent TIF applications;
- ~~39. TIFs for individual developments shall be accomplished by a binding, written agreement with the owner of the property to be developed or rehabilitated (usually referred to as "Credit Enhancement Agreement"), and may be funded by credit~~

~~enhancements granted to the owner, or by the proceeds of a municipal bond issued for that purpose and collateralized by the property owner's grant of a security interest to the City of Rockland;~~

3. City Council shall establish, after review of the request for a Credit Enhancement Agreement (CEA) and any necessary due diligence or negotiations warranted, the annual terms of any CEA. City Council has sole discretion on the agreed upon terms of any CEA. City Council may consider any range of terms it deems appropriate and in the best interest of the City including up to 100 percent of the new taxes generated as a result of the project to be returned to the owner or developer annually.

40.4. The City Council shall determine the length of the Credit Enhancement Agreement, which in no event shall exceed ~~fifteen years~~the maximum term allowable by law;

41.5. Credit Enhancement Agreements shall ordinarily require the property owner to reimburse the City of Rockland for all tax credits or reimbursements or bond payments advanced by the City in the event the property owner discontinues the use of the property for which the TIF was granted prior to the expiration of the Credit Enhancement Agreement, unless the property owner conveys the property to another party that also contracts to continue the subsidized use of the property or to compensate the City in the event of its discontinuance;

42.6. Every property owner or developer that is granted a ~~TIF~~CEA by the City Council shall be encouraged to seek any state funding or reimbursements made available by the state for real and/or personal property tax reimbursements, job creation and training credits, or other purposes;

43.7. ~~TIF~~CEA applicants shall reimburse the City for its legal and/or other technical review or other expenses incurred by the City in reviewing the application, whether or not the application is granted;

44.8. The City may require ~~TIF~~CEA recipients, annually so long as the TIF continues, ~~shall to~~ pay the City a TIF administration fee that shall be the greater of \$1,000 or 1% of the TIF grant to compensate the City for its work and expenses associated with administering and assuring compliance with the Credit Enhancement Agreement;

45.9. The City Council shall consider the following approval criteria when reviewing a ~~TIF~~CEA application, without limiting the use of additional or substitute criteria or requirements.

\* Whether the development proposal is consistent with, and shall advance the growth and land use policies of, the City of Rockland Comprehensive Plan and any applicable district plan;

- \* Whether the property is located within a City of Rockland or State of Maine development district;
- \* Whether the development will create permanent, full time jobs at living wages and with health insurance and other benefits, or will enable the retention of such jobs that will be lost but for the proposed development;
- \* Whether the development will result in the redevelopment or rehabilitation of a blighted property;
- \* Whether the development will result in optimal land use patterns, including multi-story, mixed use, and/or Leadership in Energy and Environmental Design (“LEED”) certified structures; on-site power generation; and/or the minimization of single-tiered surface parking;
- \* Whether the development includes the construction or improvement of public infrastructure or other amenities (in addition to sidewalks and street trees) which have utility beyond the property to be benefited by the TIF, including but not limited to streets, parking structures, water and sewer mains, vehicular and/or pedestrian traffic signalization or other improvements, etc.;
- \* Whether the development is not financially feasible without tax increment financing, and the grant of tax relief is justified by development costs unique to the siting of the development in Rockland that would not be experienced if the development were to be undertaken in another community in the vicinity;
- \* Whether any business to be sited at the developed or rehabilitated property shall cause financial or job loss at a competing business in Rockland or in the immediate vicinity of Rockland; and
- \* Whether the proposed development will broaden the tax base of the City and improve the general economy of the City and region;

A TIF applicant’s compliance with one or more of the approval criteria shall not obligate the City Council to grant the application.

46-10. Successful TIF applicants shall be responsible for complying fully with all applicable zoning restrictions, subdivision and/or site plan conditions of approval, and building, property maintenance, and other state and local code requirements.

**State Law Reference:** 30-A M.R.S. §§ 5221, *et seq.*

Sponsor: City Manager  
 Originator: Community Development Director

To: Tom Luttrell, Acting City Manager  
City Council

CC: Kevin Beal, City Attorney; Stuart Smith, City Clerk

From: John Holden, Community Development Director

Date: June 6, 2014

Re: TIF Policy Changes, Recommendations

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As directed at the June 2 Agenda Setting Meeting, I offer the attached recommended revisions to the City TIF Policy. There are two policy changes and a number of clarifying (editorial) changes offered. These have been reviewed by City Attorney Beal.

The two policy changes include, first, that the Policy state the range of future Credit Enhancement Agreements the City would consider. As discussed on June 2, the State requires that our Policy state that "up to 100 percent" be stated in the Policy. I have recommended language to this effect on Page 2 item numbered 3.

The second policy change I am recommending is to not limit the years that Council may consider for a future Credit Enhancement Agreement. The current Policy limits CEAs to 15 years and I suggest that the Policy give Council the most flexibility it can have. I have recommended a change on Page 2 new item number 4 (bottom of page).

I have made a number of changes to clarify the terms intended in the Policy. The most significant of these is the current Policy reference to TIF when, in fact, the intent is to refer to the Credit Enhancement Agreement (CEA). This is clarified in the Overview and Purpose Statement. I have further changed reference to TIF to CEA where appropriate. I have also clarified the term "district" versus "development program" and capitalized Development Program as it refers to a document.

The existing "Private TIF Application Guidelines" header is renamed to more accurately clarify that private developers or property owners request or "apply" for a Credit Enhancement Agreement (CEA), whereas the City establishes the TIF District and Development Program that support any CEA.

The current item number 2 under Credit Enhancement Application Guidelines has been moved to number 1 as it introduces the first step for an application. It also defines the abbreviate "CEA" for the remainder of the points.

The current item number 7 (new number 8, if amended) makes the assignment of an annual administration fee optional. This makes the City in compliance with its own Policy as currently the only property owner (company) with CEA in place with the City has not once been billed for such a fee. I do not recommend assessing that fee now or in the future with that company as it has not been done to date. This change makes the assessment of an annual fee an option for City Council.