REGULAR MEETING **AGENDA** **August 11, 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. Licenses and Permits:
   a. Lodging House License – Old Granite Inn
   b. Lodging House License – Brunswick Rooms
   c. Liquor, Entertainment & Amusement Device Licenses – Time Out Pub
   d. Liquor & Entertainment Licenses – American Legion
   e. License to Operate a Taxi Company – Joe's Taxi

8. Resolves:

#32 Commendation – Edward "Dan" Flanagan	City Council
#33 Accepting Donations	City Manager

9. Ordinances in Final Reading and Public Hearing:

# 6 Chapter 15, Section 15-143 Snow Disposal	Councilor MacLellan-Ruf
#19 Chapter 8, Section 8-708 GA Max Levels of Assistance	Councilor Isganitis
#20 Authorizing Moratorium – On Site Plan Applications For New or Expanded Buildings Over 50 Feet In Portions Of The Downtown	Mayor Pritchett

10. Ordinances in First Reading:

#21 Bond Ordinance – Repeal & Replacement – Old County Rd	Mayor Pritchett
#22 Chapter 17, Section 17-802 Tillson Avenue Parking	Councilor Isganitis
#23 Chapter 14, Art. I – Repeal of Pay Per Bag Disposal	Mayor Pritchett

11. Orders:

#49 Amendment to TIF Policy (Postponed 6/9/14)	City Manager
#55 Authorizing COLA – Clerk & Attorney (Postponed 6/30/14)	City Council
#66 Amending Downtown TIF – Banning CEAs	Mayor Pritchett
#67 Authorizing Right-Of-Way License Agreement – D. Bennett	Mayor Pritchett
#68 Declaration of Official Intent – Old County Road Bond Ord.	City Manager
#69 Adopting Post-Issuance Compliance Policy – Bonds	City Manager
#70 Authorizing Use of Surplus Funds – Police Detective Vehicle	City Manager
#71 Amending Harbor & Waterfront Fees – Cruise Ship Fee	Councilor Isganitis

12. Adjournment.

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

Name of Applicant EDWIN HANTZ Phone _____

Address of Applicant 546 MAIN ST

ROCKLAND 04841

Name of Business OLD GRANITE INN LLC Phone 594-9036

Address of Business SAME

Name of Property Owner (if different) _____

Type of License(s): _____Liquor _____Victualer _____Entertainment

__X__Lodging House _____Commercial Hauler _____Landscape Contractor

_____Billiard Room _____Second Hand Dealer _____Other (Specify) _____

Type of Business BED & BREAKFAST

Expiration of Current License AUGUST 14

Fee(s) Paid $100 Date 7/18/14

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 Edwin Hantz Date 7/18/14

Approved By: License # _____

NAA Code Officer 8/6/14 Date

X Approved X Inspected; See Report

Fire Inspector 8/7/14 Date

✓ Approved _____ Inspected; See Report

Police Chief 8/7/14 Date

City Clerk 8/7/14 Date

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

Name of Applicant Colin Wentworth Phone 207-691-7722

Address of Applicant 6 Lake Ave.
Rockland ME 04841

Name of Business Brunswick House Phone 207-594-9761

Address of Business 204 S. Main St.
Rockland, ME 04841

Name of Property Owner (if different) Colinda, Inc

Type of License(s): _____Liquor _____Victualer _____Entertainment

__X__Lodging House _____Commercial Hauler _____Landscape Contractor

_____Billiard Room _____Second Hand Dealer _____Other (Specify)_____

Type of Business Lodging House

Expiration of Current License _____

Fee(s) Paid $100.00 Date 7/28/14

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 Colin Wentworth Date 7-28-14

Approved By: License # _____

_____ Code Officer 8/6/14 Date
__X__Approved __X__Inspected; See Report

_____ Fire Inspector 8/7/14 Date
__X__Approved _____Inspected; See Report

_____ Police Chief 8/7/14 Date

_____ City Clerk 8/7/14 Date

From December 9, 2013, the following conditions were placed on the approval of the Lodging House License for the Brunswick Rooms:

* Both Colin Wentworth and Colinda, Inc. shall constitute a licensee pursuant to application for lodging house license signed by Colin Wentworth and dated 07/19/13;
* Licensee shall not tolerate disorderly conduct at the licensed premises;
* Licensee shall terminate the tenancy of any occupant who engages in, or has a guest who engages in, disorderly conduct on the premises;
* Licensee shall not tolerate any illegal conduct at the license premises;
* Licensee shall terminate the tenancy of any occupant who engages in, or has a guest who engages in, illegal conduct on the premises;
* Licensee shall take all available steps to terminate and prevent the recurrence of littering on the premises or adjacent premises by any tenant, tenant's guest, or other person on the premises;
* Licensee shall at all times maintain the premises in compliance with the City's property maintenance code;
* The violation of any condition imposed by the Rockland City Council shall constitute grounds for the revocation of Colinda, Inc.'s lodging house license by the City Council, after notice and hearing; and
* That the license expire on September 8, 2014.

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

Name of Applicant JAMES BEAULIEU Phone 596-6125

Address of Applicant 34 HIGH STREET

ROCKLAND, MAINE 04841

Name of Business TIME OUT PUB Phone 593-9336

Address of Business 275 MAIN ST (PO BOX 355)

ROCKLAND, MAINE 04841

Name of Property Owner (if different) SAME

Type of License(s): X Liquor X Victualer X Entertainment

____ Lodging House ____ Commercial Hauler ____ Landscape Contractor

____ Billiard Room ____ Second Hand Dealer X Other (Specify) AMUSEMENT DEVICE (1)

Type of Business RESTAURANT/LOUNGE

Expiration of Current License 08/18/2014

Fee(s) Paid $425.00 Date 8/4/14

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 _____ Date 07/28/14

Approved By: License # _____

_____ Code Officer 8/6/14 Date

X Approved ____ Inspected; See Report

_____ Fire Inspector 8/6/14 Date

X Approved ____ Inspected; See Report

_____ Police Chief 8/7/14 Date

_____ City Clerk 8/7/14 Date

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

Name of Applicant American Legion Post #1 Phone 207-594-4844

Address of Applicant 335 Limerock St P.O. Box 582

Rockland, ME 04841

Name of Business Same Phone SAME

Address of Business Same

Name of Property Owner (if different) _____

Type of License(s): X Liquor X Victualer X Entertainment

_____ Lodging House _____ Commercial Hauler _____ Landscape Contractor

_____ Billiard Room _____ Second Hand Dealer _____ Other (Specify) _____

Type of Business Veterans Services (Canteen)

Expiration of Current License 8/29/14

Fee(s) Paid $300.00 Date 7/28/14

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 Chandler C Finley, Jr. F.O. Date 7/21/14

Approved By: License # _____

_____ Code Officer 8/7/14 Date
X Approved _____ Inspected; See Report

_____ Fire Inspector 8/7/14 Date
X Approved _____ Inspected; See Report

_____ Police Chief 8/7/14 Date

_____ City Clerk 8/7/14 Date

APPLICATION FOR TAXICAB LICENSE

City of Rockland, Maine
270 Pleasant Street
Rockland, Maine 04841

Office Use Only
Date: 5/7/14
Approved:
Police Chief
City Clerk
License # _____

Name of Applicant Joseph Schiavone Phone 975-5639

Address of Applicant P.O. Box 32
S. Thomaston, ME 04858

Name of Taxi Company Joe's Taxi Phone 975-3560

Address of Taxi Company P.O. Box 32, (14 Sawblade Rd.)
S. Thomaston, ME 04858

Other persons or entities having an interest in the company:

Name	Address
N/A	

(Use Separate Sheet, if necessary)

Has Applicant, or any interested party, been convicted of any of the following offenses in the last 5 years:
Criminal homicide; rape; aggravated assault; child molestation; sale or distribution of narcotic drugs, barbituric acid derivatives, and/or central nervous system stimulants; criminal solicitation or criminal attempt to commit any of the above; or any felony in the commission of which a motor vehicle was used. _____YES X NO

If Yes, specify: _____
(Use Separate Sheet, if necessary)

Experience in Transportation of Passengers: Has the Applicant operated a mode of public conveyance previously?
X YES _____NO If YES, specify: Joe's Taxi (10 years)
(Use Separate Sheet, if necessary)

Number of Taxicabs Owned By Applicant: 8 Number of Taxicabs to be Operated in City: 8

Fee: ($50 per taxicab) $_____ Description:

Make	Model	Year	VIN Number	Seating
(Attached)				

(Use Separate Sheet, if necessary)

Certificate of Insurance: A certificate of insurance covering the business and all vehicles registered to the business must be submitted with this application. Certificate Submitted _____

The applicant hereby swears that the information contained in this application is true and correct to the best of his or her knowledge, and agrees to conform with the provisions of the Ordinance regulating the operation of taxicabs within the City of Rockland 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 _____ Date 7/17/14

JOE'S TAXI CURRENT LIST OF CARS 09/01/13

MAKE/YEAR	MODEL	SERIAL#	PLATE#	TAXI CAPACITY
FORD/2007	CROWN VIC	2FAHP71W17X130011	10-263	5
FORD/2008	CROWN VIC	2FAHP71V48X156272	10-258	5
FORD/2008	CROWN VIC	2FAHP71V48X174500	10-261	5
FORD/2008	CROWN VIC	2FAHP71V58X174490	10-266	5
FORD/2008	CROWN VIC	2FAHP71V28X175175	JOES-3	5
FORD/2009	CROWN VIC	2FAHP71V49X141577	10-270	5
FORD/2009	CROWN VIC	2FAHP71V59X141555	JOES-1	5
FORD/2010	CROWN VIC	2FABP7BVAX144031	JOES-2	5

SCHEDULE OF COVERED AUTOS
EXTENSION OF DECLARATIONS

POLICY NUMBER: BAPBZ0227713

ITEM THREE-SCHEDULE OF COVERED AUTOS (Cont'd)

Covered Auto No	DESCRIPTION: Year Model Trade Name, Body Type; Serial Number (S), Vehicle Identification Number (VIN)			PURCHASED: Original Cost New	Actual Cost &	NEW (N) USED (U)	TERRITORY Town & State Where the Covered Auto will be principally garaged
1	2007 FORD	CROWN VIC	2FAHP71W17X130011	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
2	2008 FORD	CROWN VIC	2FAHP71V48X156272	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
3	2008 FORD	CROWN VIC	2FAHP71V48X174500	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
4	2008 FORD	CROWN VIC	2FAHP71V58X174490	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
5	2008 FORD	CROWN VIC	2FAHP71V28X175175	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
6	2009 FORD	CROWN VIC	2FAHP71V49X141577	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
7	2009 FORD	CROWN VIC	2FAHP71V59X141555	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME
8	2010 FORD	CROWN VIC	2FABP7BV7AX144031	N/A	N/A	N/A	126 / SOUTH THOMASTON / ME

Covered Auto No	CLASSIFICATION: Radius of Operation (in Miles)	Business Use s = service r = retail c = commercial	Size GVW GCW Or Vehicle Seating Capacity	Age Group	Primary Rating Factor: Liab	Phy Damage	Secondary Rating Factor	Code	Except for towing all physical damage loss is payable to you and the loss Payee named below as interests may appear at the time of the loss
1	200	C	10,000	6	1.1500	N/A	0.00	4199	N/A
2	200	C	10,000	5	1.1500	N/A	0.00	4199	N/A
3	200	C	10,000	5	1.1500	N/A	0.00	4199	N/A
4	200	C	10,000	5	1.1500	N/A	0.00	4199	N/A
5	200	C	10,000	5	1.1500	N/A	0.00	4199	N/A
6	200	C	10,000	4	1.1500	N/A	0.00	4199	N/A
7	200	C	10,000	4	1.1500	N/A	0.00	4199	N/A
8	200	C	10,000	3	1.1500	N/A	0.00	4199	N/A

COVERAGES-PREMIUMS, LIMITS AND DEDUCTIBLES (Absence of a deductible or limit entry in any column below means that the deductible entry in the corresponding ITEM TWO column applies instead)

Covered Auto No	LIABILITY: Limit (in Thousands)	LIABILITY: Premium	P.I.P: Limit* Minus Deductible as Shown Below	P.I.P: Premium	ADDED P.I.P: Limit* Premium	PPI (NICH ONLY): Limit* minus deductible Shown below	PPI (NICH ONLY): Premium	AUTO. MED PAY: Limit (in Thousands)	AUTO. MED PAY: Premium	COMPREHENSIVE: Limit* Minus Deductible Shown Below	COMPREHENSIVE: Premium	SPEC CAUSES OF LOSS: Limit* Premium	COLLISION: Limit* Minus Deductible as Shown below	COLLISION: Premium	TOWING & LABOR: Limit Per Disablement	TOWING & LABOR: Premium
1	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8	500	Incl	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Premium			XXX			XXX		XXX		XXX			XXX		XXX	

Add'l Coverage(s) – Premium, Limit, Deducible:

Uninsured Motorist Coverage: 300,000 BI

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CITY OF ROCKLAND, MAINE

RESOLVE #32

IN CITY COUNCIL

August 11, 2014

RESOLVE Commendation – Edward "Dan" Flanagan

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Edward "Dan" Flanagan is hereby commended and congratulated for 18 years of service to the City of Rockland as a member of the Recreation Department.

AND, be it further Resolved that a Certificate of Commendation be presented to Mr. Flanagan as a token of the City's appreciation for this years of service on the occasion of his retirement, and the City Council wished him well in his future endeavors.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #33

IN CITY COUNCIL

August 11, 2014

RESOLVE Accepting Donations

WHEREAS, the Friends of the Rockland Public Library donated $559.88 for 62 books, 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 following persons donated the following books to be added to the Library's collection:

- Jane Woodruff, Pittsfield, Maine, donated the book *Rockland Harbor Breakwater,*
- Carol Bachofner, Rockland, Maine, donated the book *Fox in the Morning,*
- Steve Seekins, Spruce Head, Maine, donated the book *Raven Stay by Me*; and

WHEREAS, Rockland Savings Bank, donated $100 to the City to be uses for the purchase of a picnic table, said funds to be deposited into, and expended from, the Recreation Department Parks Maintenance Account (#63-05037); and

WHEREAS, the Congregation of the Adas Yoshuron Synagogue donated $400 to the City to help offset the cost of services provided by the City, said funds to be deposited into the Payment in Lieu of Taxes account (#10008-03102);

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 #6
IN CITY COUNCIL

February 10, 2014

ORDINANCE AMENDMENT Snow Disposal in Harbor Prohibited

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 15, Use of Street, SECTION 15-147, Snow, BE AMENDED AS FOLLOWS:

Sec. 15-147 Snow

No person shall deposit or cause to be deposited any ice or snow, in any street or public place in the City. Disposal of snow in Rockland Harbor by any entity, including the City of Rockland, shall be prohibited.

State Law Reference: 17 M.R.S. § 2802; 17-A M.R.S. § 505; 23 M.R.S. § 3452.

Sponsor: Councilor MacLellan-Ruf
Originator: Councilor MacLellan-Ruf

Postponed 02/10/14 to 04/14/14
Postponed 04/14/14 to 07/14/14

First Reading 7/14/14
First Publication 7/24/14
Public Hearing 8/11/14
Final Passage
Second Publication
Effective Date

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #19
IN CITY COUNCIL

July 14, 2014

ORDINANCE AMENDMENT General Assistance – Maximum Levels of Assistance

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 8, General Assistance, SECTION 8-708, Maximum Levels of Assistance, BE AMENDED AS FOLLOWS:

Section 8-708—Basic Necessities; Maximum Levels of Assistance

Number in Household	Monthly
1	~~$698~~ $709
2	~~$709~~ $719
3	~~$865~~ $877
4	~~$1110~~ $1124
5	~~$1259~~ $1344

*Add ~~$68.00~~ $69.00 a month for each additional person

Sponsor: Councilor Isganitis
Originator: GA Administrator

First Reading 7/14/14
First Publication 7/24/14
Public Hearing 8/11/14
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #20
IN CITY COUNCIL

July 14, 2014

ORDINANCE AMENDMENT: **Establishing Moratorium On Site Plan Applications For New And Expanded Buildings Over 50 Feet In Portions Of The Downtown Zone**

WHEREAS, new and expanded buildings may be constructed as high as 65 feet or 5 stories in the Downtown Zone, pursuant to Rockland Code, Ch. 19, Art. III, § 19-304(14)(C); and

WHEREAS, the Downtown Zone includes the areas south of Park Street and Park Drive, east of Union Street, and north of Pleasant Street that are in proximity to lands zoned Commercial-2, Residential-B, Transitional Business-1, Waterfront-2, and Waterfront-3, where the maximum building height is lower than 65 feet or 5 stories; and

WHEREAS, commercial land located in the portion of the Downtown Zone that lies east of Main Street and South of Park Drive abuts both Harbor Park and Mildred Merrill Park; and

WHEREAS, these two waterfront parks were acquired by the City, and have been maintained by the City, in part to provide a visual connection between Main Street and Rockland Harbor, and

WHEREAS, the height and design of any buildings constructed or expanded that abut these two City Parks has the potential to "wall off" the Harbor from Main Street and restrict or block current view corridors to the harbor as well as potentially impact public uses of these parks; and

WHEREAS, both the City's Comprehensive Planning Commission and residents of Pleasant Street area have requested that the City evaluate the potential impacts of 65 ft. tall buildings on residential uses in and adjacent to the southernmost portion of the Downtown Zone; and

WHEREAS, the extent to which a tall building may shadow an adjacent building or home has long been a consideration in developing zoning height and setback standards, and

WHEREAS, a commercial building in the Downtown Zone may be built, or expanded, to a height that is 30 feet taller than adjacent homes in the City's Residential B zone, and

WHEREAS, the City Council finds these constitute valid reasons to conclude that the application of the City's existing land use and zoning ordinance standards may be inadequate to protect the public investment and current public uses of the City's waterfront parks as well as adjacent residential uses from development over 50 feet tall in the Downtown Zone south of Park Street and Park Drive and, as a result, that serious public harm may result from such development; and

WHEREAS, the City Council finds that, to avoid such public harm, a moratorium is needed while

the City studies, drafts, and adopts one or more zoning ordinance amendments to revise the height standards and setbacks for new and expanded buildings in the Downtown Zone south of Park Street and Park Drive,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT, pursuant to Title 30-A, Maine Revised Statutes, Section 4356, a moratorium is hereby established barring the acceptance of new site plan applications for new buildings or building expansions over 50 feet tall in the portion of the Downtown Zone south of Park Street and Park Drive for 180 days; and

THAT, the Comprehensive Planning Commission is directed, within 90 days and in tandem with the Commissions review of the Design Standards for the Downtown Zone, to draft for City Council consideration, an ordinance revising the maximum height and related setbacks for new and expanded buildings in the Downtown Zone south of Park Street and Park Drive.

Sponsor: Mayor Pritchett
Originator: Comprehensive Planning Commission

First Reading 7/14/14
First Publication 7/24/14
Public Hearing 8/11/14
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: August 5, 2014

Re: DT Zone Height Regulations & Container Restaurants

The Comprehensive Planning Commission met on Thursday, July 17, 2014 at City Hall. Members present included: Valli Geiger, Chair, Ann Morris, Thomas Keedy, Adam Ackor, Eileen Wilkinson, Terry Pinto and Alternate Amy Files and Mayor Larry Pritchett, ex-officio member. Commission was assisted in its work by Kevin Beal, City Attorney, Dave Kalloch, assistant CEO and Kara Cushman, Secretary.

Guests: Charles Jordan, Planning Board Member, Resident Jesse Butler

Commission recommends that City Council pass Ordinance Amendment #20, A Moratorium on Height over 50' in portions of the DT zone south of Park Street and Park Drive. This area includes one city block with many residential lots. , A sizeable number of neighborhood residents have expressed concerns about the possible height of developments so close to a residential area. Commission takes note that the Comprehensive Plan places a value on the protection of residential areas. The moratorium allows both the Commission and the City Council time to examine the downtown and Tillson Overlay district and make recommendations for heights that may exceed 50 or 65 feet in some downtown areas while stepping down height as development edges toward residential neighborhoods.

The Commission reviewed and made the following recommendations (Vote: 6-0-0) on ordinance amendment 16, Chapter 19, Section 19-304, DT Zone Height Regulations:

1) **The Comprehensive Planning Commission recommends that City Council vote to pass Ordinance Amendment #20, A Moratorium On Site Plan Applications for new or expanding buildings over 50 feet tall in portions of the DT Zone south of Park Street and Park Drive.**

2) **The Comprehensive Planning Commission requests of City Council the hiring of a consultant City Planner to provide assistance in writing Form-Based Codes for the Camden Street Project.**

The Commission discussed the need for professional help in drafting what are complex and important pieces of the City's zoning and ordinances, both to ensure that the Camden Street Project is implemented as planned and to protect the city from unforeseen consequences of poorly written and passed zones and ordinances. This experience of working with a professional planner, will give the relatively new members of the Commission the experience of working through complex ordinances. This experience can then be applied to the other areas the City Council have requested the Commission examine, including the Tillson Avenue Area Overlay and the southern entrance to the city, Park Street and Payne Avenue.

Commission plans to discuss the Container Restaurant amendment at the July 31st meeting.

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 #21
IN CITY COUNCIL

August 11, 2014

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED $_____ TO ACT AS MATCHING FUNDS FOR THE MAINE DEPARTMENT OF TRANSPORTATION'S MUNICIPAL PARTNERSHIP INITIATIVE PROGRAM TO FINANCE THE COST OF RECONSTRUCTION, REPAIRS, NECESSARY STORM WATER IMPROVEMENTS AND RESURFACING OF A SECTION OF OLD COUNTY ROAD, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, 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 THAT BOND ORDINANCE #9 ADOPTED BY THE CITY COUNCIL IN FINAL READING ON APRIL 23, 2014, IS HEREBY REPEALED; AND

THE CITY OF ROCKLAND HEREBY FURTHER ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed $_____ is hereby appropriated to act as matching funds for the Maine Department of Transportation's Municipal Partnership Initiative Program to finance the cost of Reconstruction, Repairs, Necessary Storm Water Improvements and Resurfacing of a section of Old County Road, and such other ancillary and related costs with respect thereto (the "Project"), 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: Mayor Pritchett
Originator: Mayor Pritchett

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #22

IN CITY COUNCIL

August 11, 2014

ORDINANCE AMENDMENT Time Limits on Parking – Tillson Ave

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, SECTION 170-802, Schedule II, Time Limits on Parking, BE AMENDED AS FOLLOWS:

Sec. 17-802 Schedule II. Time Limits on Parking

1. General Limitation. Parking time limited between 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays, and between 9:00 AM and 9:00 PM on Fridays and Saturdays, with the exception of Sundays and public holidays:

Street	**Area Affected**
F. Fifteen-Minute Limit	
(1) Main	(a) Between Pleasant Street and Rankin Street between the hours of 2:00 A.M. and 6:00 A.M., Sundays and legal holidays excepted. Eff: 12/13/02
(2) Tillson	(a) The three (3) western-most angled parking spaces on the northerly side of Tillson Avenue.

Sponsor: Councilor Isganitis
Originator: Terry Pinto

Tillson Ave
Tillson Ave
Tillson Ave
Wine Seller
WBOX
Map
Google
Map data ©2014 Google
Lite mode
Terms
Privacy
Report a problem
20 ft

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #23
IN CITY COUNCIL

August 11, 2014

ORDINANCE AMENDMENT Repeal of Pay Per Bag Waste Disposal

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City of Rockland hereby repeals the portions of Ordinance Amendment #17 enacted July 14, 2014 establishing a Pay Per Bag Waste Disposal System for the Rockland Solid Waste Disposal Facility as follows:

Chapter 14 Sewers, Drains and Solid Waste
Article I Municipal Solid Waste Facility, Collection and Recycling

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. 14-104 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.

* * * *

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.~~

Sponsor: Mayor Pritchett
Originator: Mayor Pritchett

Larry Pritchett

To: City Councilors
Cc: City Manager; City Clerk; City Attorney
Subject: 8/11 Council Meeting > Ordinance Amendment > Repeal PAYT

Councilors,

As you are all aware a group of Rockland residents have submitted to the Clerk for verification approximately 700 signatures on petitions seeking to repeal two provisions of the recent amendments to the City's Solid Waste Ordinance.

The primary practical impact of the petitioners request would be to void the new requirement that as of May 2015 all residents bringing household trash directly to the City's Solid Waste Facility "pay per bag" of household trash disposed of there (in effect reinstating the current single price sticker option for residents).

Chapter 6 Section 203 of Rockland's Code states in part: "that in the case of the referendum, the entire repeal by the City Council of the ordinance sought to be referred, and in the case of the initiative, the passage by the City Council of the desired ordinance shall put an end to all proceedings under said petition."

In short this means that Council has the option of either enacting the ordinance amendment sought by the petitioners (1st reading at Council's 8/11 meeting & 2nd reading at Council's 9/8 meeting) or sending the issue forward as a referendum question to voters (at Council's 9/8 meeting). Both are valid options under the City's code.

Wednesday morning, after conferring with the Clerk, the Attorney and the Acting City Manager, I asked that an ordinance amendment which makes the same changes requested by the petitioners be added for Council's consideration at the 8/11 meeting.

I would note that 700 residents appear to have expressed opposition to or at least reservations about the solid waste ordinance changes recently enacted by Council. On many local municipal ballot questions in Rockland, 700 votes would be a clear majority.

I am willing to take 700 signatures on petitions seeking to overturn a new ordinance as a strong enough expression of voter reservations to simply repeal the ordinance provisions in question. Council has discussed a number of changes at solid waste (like single stream recycling) and the petitioners raised additional questions (like curbside pickup).

And, from the comments made, folks on all sides of this questions seem to share some common goals (reduce the amount of trash the city has to pay to have trucked off and either burned or landfilled, lower the overall costs of the solid waste operations to the community, distribute those costs fairly, etc.).

I think Council's (and the Community's) time would be best spent moving forward in a direction at Solid Waste that does not mandate an approach that so many residents continue to find objectionable.

I debated in my own mind up until the evening of Council's July 14th meeting whether to support the "pay per bag" approach given past (and current) questions from residents. I intend to support the ordinance amendment on Council's 8/11 agenda repealing the provisions the petitioners are seeking to have overturned.

Mayor Larry R. Pritchett
Phone: (207) 594-8806
LarryPritchett.Council@GMail.Com

CITY OF ROCKLAKND, 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~~a 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 Disricts~~,~~ 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 Ddistricts 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:

~~1~~. 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.

~~4.~~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
Postponed 6/9/14 to 8/11/14

Possible Amendment
By Substitution
Highlights Reflect
Changes From 6/9 Version

CITY OF ROCKLAKND, MAINE

IN CITY COUNCIL

ORDER #49

~~June 9, 2014~~
August 11, 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~~ a 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 Districts, 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 Ddistricts 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:

1. 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" or CEA). [redacted]. ~~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;~~

[redacted] Applications for ~~TIFs~~ a CEA shall be reviewed, approved, or denied by the City Council, on a case-by-case basis. The grant or denial of a ~~TIF~~ CEA for one property owner or developer shall not serve as binding or compelling precedent for subsequent CEA ~~TIF~~

applications; City [redacted]

~~2. 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. In determining the percentage of the tax increment to make available to a developer through a CEA, Council shall factor in the balance of CEAs vs. public infrastructure funds throughout the District and whether the public infrastructure funds in and future revenue to the TIF district account will be adequate to reasonably meet the development plans for the District.

4. 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. [redacted] 65%

~~3.~~5. 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;

~~4.~~ 6. 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;

~~5.~~ 7. 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;

~~6.~~ 8. ~~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;

~~7.~~ 9. 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;

~~8.~~ 10. 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 and the extent the development has made use of and maximized to the extent possible private investment, owner equity, and other state or federal financing programs.

* 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;

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

~~9.~~ 12. Successful ~~TIF~~ CEA 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: Mayor Pritchett
Originator: Mayor Pritchett

CITY OF ROCKLAND, MAINE

ORDER #55

IN CITY COUNCIL

June 30, 2014

ORDER Authorizing Salary Adjustments – City Attorney & City Clerk

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to make the following cost of living salary adjustments for the City Attorney and the City Clerk, effective July 1, 2014.

City Attorney Full-Time Payroll:	$2,321.86
City Clerk Full-Time Payroll:	$1,589.03

Sponsor: City Council
Originator: City Council

Postponed 6/30/14 to 8/11/14

CITY OF ROCKLAND, MAINE

ORDER #66

IN CITY COUNCIL

August 11, 2014

ORDER Barring Credit Enhancement Agreements for Developers of Property Within The Downtown Municipal Tax Increment Financing District

IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF ROCKLAND, MAINE, that the Restated Downtown Municipal Tax Increment Financing District and Downtown Omnibus Development Program **BE AMENDED AS FOLLOWS:**

City of Rockland, Maine
Restated Downtown Omnibus Tax Increment Financing District and Development Program

Approved by the Rockland City Council on November 13, 2013

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- C. Description of Public Facilities to be Finance from Municipal TIF Revenues
- D. Uses of Private Property
- E. Plans for Relocation of Displaced Persons
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List of Acronyms Used

CAV	Captured Assessed Value
~~CEA~~	~~Credit Enhancement Agreement~~
DECD	Department of Economic and Community Development
OAV	Original Assessed Value
TIF	Tax Increment Financing

INTRODUCTION

The City of Rockland passed an approved City of Tillson Redevelopment Tax Increment Financing District and Development Program on February 27, 2008.

This Amendment to the Tillson Redevelopment TIF District and Development Program is prompted and designed for the following reasons:

A. To update the Development Program to include new allowable uses of municipal TIF revenues as a result of changes in State statute since the first adoption of the Program (e.g., funding of "recreation trails" that support the Downtown).
B. To bring the Development Program up to current standards and format currently required by the Maine Department of Economic and Community Development (DECD).
C. To update fiscal projections for the Development Program and extend the term of the Program and District to its maximum allowable number of years (30).
D. To clarify and rename the name of this Development Program and the underlying District to: The City of Rockland Downtown and Waterfront Tax Increment Financing District and Development Program. Further this Amendment confirms this District and Development Program as a "downtown designated" TIF District and Development Program.

This Amendment is organized around the headings and outline currently required by DECD. The original Development Program is incorporated herein by reference (Attachment A). This Amendment (document) shall be the Restated Downtown Municipal Tax Increment Financing District and Downtown Omnibus Development Program.

Although Restated, this Amendment includes underlined text to clearly state changes to the previous Development Program. This Amendment does not change the designated District nor the Original Assessed Value (OAV) and thusly, this Amendment refers to the original designation and its exhibits (Attachment A).

As a matter of record and stated in the original Development Program, this Amendment continues to support community development objectives by:

- Establishing the Tillson and Main Street areas as places for community to gather, tourism to grow, and traditional waterfront activities to be sustained;
- Unifying Tillson and Main Street while capitalizing on the unique character and qualities of each; and
- Encouraging mixed-use development that blends tourism, recreation, community spaces and activities, and the working waterfront.

For clarity, within this Amendment, we refer to the District and Development Program as the Downtown District and Development Program. However, the District and Development Program (as well as the City's "Downtown" includes much of the City's waterfront and so-called Tillson Avenue area). See Exhibits B and C of Attachment A. The Downtown TIF and Development Program uses as guidance the Downtown Improvement Plan as approved by Council by Resolve #37, May 9, 2011 (Attachment B).

The City will be able to "shelter" the increase in municipal valuation anticipated as the downtown and waterfront are redeveloped, allowing the City to utilize the tax revenues received from investments within the district for use by the City. Without the TIF the increased valuation would reduce the City's share of Essential Programs and Services Aid to Education, Municipal Revenue Sharing, and would increase its county tax assessments.

This amendment and the continued Downtown TIF District serves a number of public purposes, including the diversification of the municipal tax base; maintaining and increasing property tax revenues generated within the district; providing a means to pay for investment in public facilities and construction of public infrastructure needed to provide incentives for development; and creating and maintaining employment opportunities.

The amended District encompasses approximately 89.1 acres.

The Downtown TIF District and this Development Program will support additional community development objectives by:

- Addressing any blight conditions and the continued overall improvement to the look and image of the downtown;
- Improving the marketing of the downtown and exploration of new and appropriate economic potential;
- Creating a downtown that continues to expand its capacity to attract visitors and serves local residents;
- Financing public infrastructure improvements that will continue to help improve the District; and

~~This TIF District and associated Downtown Omnibus Development Program provides a range of municipal investments making use of TIF District revenues, as outlined in~~ Table 1. ~~Further, this Omnibus Development Program allows the City, by vote of its City Council, to enter into Credit Enhancement Agreements ("CEA") with private enterprises to further encourage investment and development in the District (see Section II. Financial Plan, Part D.)~~

I. THE DEVELOPMENT PROGRAM

A. Statement of Means and Objectives

To assist in facilitating the project, the City of Rockland is designating certain contiguous properties as a Municipal Development and Tax Increment Financing (TIF) District, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes. This amendment proposes to revise the approved 25-year term to the maximum allowable term under statute of 30 year. The majority of TIF revenues will be used for implementation of the City's Downtown infrastructure as outlined in the plans that make up the Downtown Improvement Plan (Attachment B). ~~A portion of TIF Revenues may be used for incentive to new investment under Credit Enhancement Agreements under terms outlined in this Program. Whenever possible, TIF revenues will be used to leverage federal and state grant money.~~ The planned improvements will make the area more attractive for private investment. ~~Furthermore, a portion of TIF Revenues may be used for incentive to new investment under Credit Enhancement Agreements (CEA) under terms~~

~~outlined in this Program.~~

TIF revenues will be made available for projects outlined in Table 1. The City is proposing to capture 100% of the "new" assessed value in real estate property within the District over the "original" assessed value for a 30 year period. However, as part of this Development Program, the City, by vote of its City Council, may capture any value less than 100% on any year of the Program. The City's intent is to capture the value of new taxes projected at the outset of the TIF. The projections in Attachment C represent 100% capture every year for 30 years based on the values projected at the outset of the TIF.

Creation of the proposed TIF district will enable a number of properties to be redeveloped, stimulate new businesses and employment opportunities, and encourage new development and infrastructure to be constructed. Redevelopment of Rockland's downtown and waterfront will benefit residents, businesses, consumers and visitors alike. The project will also advance the City's economic goals, as well as the State of Maine's goals of providing new employment opportunities, broadening the tax base, and improving the State and local economy.

The intent of the District and Development Program, when created and as of this Amendment is to provide funds for continued infrastructure improvements that support development in the Downtown TIF District. Infrastructure improvements shall take priority over non-infrastructure projects.

B. Brief Description of Financial Plan

The City is using the original projections and have estimated the additional five years based on those projections. Refer to the original projections as in Attachment A. TIF Revenue projection for years 25-30 are included in Attachment C. Attachment C also includes actual TIF revenues and expenditures from the date of the inception of the District and original Development Program. All projections are estimates. City projects will be financed using TIF revenues, state and federal economic development incentives, and the issuance of general obligation bonds, when and if appropriate.

The Restated Downtown TIF District and Development Program will run from April 2008 through March 2038 (30 years).

C. Description of Public Facilities to be Financed from Municipal TIF Revenues.

The Downtown Improvement Plan (Attachment B) or any revised or amended Downtown Improvement Plan will continue to be a guide for selecting projects for this TIF Program. The City of Rockland anticipates using the TIF revenues for a variety of public infrastructure projects both within and outside of the designated District. Table 1, below, provides a list of municipal projects anticipated to be funded with the TIF revenues generated within the District boundaries. TIF revenues may also be used as match to generate additional sources of funding, and to fund economic development efforts that support downtown revitalization. Should the City issue general obligation bonds or incur other debt for any of these projects, TIF revenues may be used toward the financing or interest costs associated with these projects, subject to rules defined in this amended Development Programs (see page 7). In that event, the City will notify the Maine Department of Economic and Community Development.

As noted above, infrastructure projects within the District shall take priority over those outside the District and non-infrastructure projects. The "Estimated Costs" column in Table 1 is required by the State to demonstrate the need and full use of the estimated total new revenues generated within the District. These are only estimates.

The projects outlined in Table 1 are allowable projects. Funds may be expended only on those projects in

Table 1. However, some projects listed may not necessarily be funded, depending on municipal priorities over the term of the TIF. Any, none, or all projects may be executed each year during the term of the TIF, following all required local review and budgetary approval processes. The funding of any such project in any year is, of course, limited to the funds within the Town's Municipal Development Program sub-account.

Actual expenditure of TIF revenues on any allowable project shall be voted upon by Council. To demonstrate priority of infrastructure projects over non-infrastructure projects, the "Estimated Cost" for non-infrastructure projects is stated as $1.00. Projects or language added as part of the Amendment are underlined.

TABLE 1: Municipal Development Program Projects

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
Tier 1: Costs within the District			
1	Development of parking facilities, including land acquisition, and professional consultants, architects, legal advisors, etc. as needed.	§5225(1)(A)(1),(3),(4)	$2,000,000
2	Improvements and construction or renovation of sidewalks and lighting infrastructure with priority, but not limited to, Winter Street and Tillson Avenues and the associated Tillson Avenue Overlay Zone.	§5225(1)(A)(1)	$1,500,000
3	Directional and other signage to direct vehicular and foot traffic around the Downtown District.	§5225(1)(A)(1)	$50,000
4	Roadway/Intersection Improvements, including but not limited to, traffic routes for Tillson Avenue and Winter and Commercial Streets, streetscape and pedestrian improvements to Park Drive, street tree planting and landscaping	§5225(1)(A)(1)	$250,000
5	Surface Parking Lot Improvements, including but not limited to, parking lot improvements to Winter Street, parking lot improvements to Commercial Street., improvements at Public Pier (new multi-use plaza and parking area), parking and landscaping improvements behind Main Street buildings	§5225(1)(A)(1)	$250,000
6	Harbor Trail improvements, including but not limited to the evaluation and extension of the Harbor Trail over Lindsey Brook (via pedestrian bridge), onto the Ferry Terminal parcel, connecting with Main Street, Treatment Plant park/trail and parking improvements; access to Maritime Traditions schooner berthing, Secure access – easements, acquisition.	§5225(1)(A)(1) §5225(1)(A)(3) §5225(1)(A)(4)	$100,000
7	Harbor Park Improvements, including but not limited to improvements to waterfront boardwalk, central area for festivals, and proposed area for amphitheater.*	§5225(1)(A)(1) §5225(1)(A)(4)	$2,500,000

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
8	Public access ways and improvements to public ways into and through Main Street properties.	§5225(1)(A)(1) See footnote 5	$150,000
9	Streetscaping and general landscaping improvements along public ways including, but not limited to plantings, trash receptacles, benches, etc.	§5225(1)(A)(1)	$300,000
10	Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of this and any associated Omnibus Development Program(s)	§5225(1)(A)(5)	$150,000
11	Costs for continued infrastructure improvements including but not limited to water, sewer, and telecommunications. This may include costs associated with installation and service of WiFi service, as an example.	§5225(1)(A)(1)-(2),(4)-(5)	$500,000
12	Costs of public safety improvements to the City's public safety equipment or facilities made necessary by the establishment and Amendment of the district. Any such improvements require justified pro-ration to be attached to the Development Program.	§5225(1)(A)	$250,000
13	Costs of specialized or other public works equipment or facilities made necessary by the establishment and Amendment of the district. Any such costs, unless used exclusively within the District (i.e., specialized equipment) require justified pro-ration to be attached to the Development Program	§5225(1)(A)(1)(a-d)	$250,000
14	Professional service costs for market study for business expansion and attraction business permitted by zoning codes in the District.	§5225(1)(A)(4)	$1
15	Costs to support the continued improvements, development and use of a public fish pier for the support of the lobster or commercial fish industry as a meaningful part of the City's economic development	§5225(1)(C)	$500,000
Outside District but directly related or made necessary by establishment or operations in the Distract			
16	Costs to fund Signs or other amenities on the Street that have direct impact on the operations in the District, notably but not exclusively, signs to direct vehicular or pedestrian traffic safely into and out of the Downtown.	§5225(1)(B)(1)	$100,000

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
17	Costs of funding public facilities and improvements located in this Downtown designated TIF District in order to mitigate adverse impacts of any future TIF District upon the commercial activity in the Downtown district. In the event any future District has adverse economic impacts on this Downtown District, revenues from said District may be used within the Downtown District. In that case, any funds from said District will require the Town to commit the entire tax increment (100% CAV) from the Downtown District to its Development Program.	§5225(1)(B)(3) (a)(b)	$500,000
18	That portion of the costs reasonably related to the construction, alteration or expansion of wastewater, stormwater discharge facilities not located within the District that are required due to improvements or activities within the district	§5225(1)(B)(1)	$500,000
19	Costs to fund improvements to Harbor facilities, including, but not limited to, moorings or other infrastructure to allow boater access to the Downtown from the Harbor (as a means of "parking" boats, i.e., docks, slips, moorings, etc.). These costs shall be reasonable to the direct impact on operations (as a means to generate and provide for customer traffic) in the District.	§5225(1)(B)(1)	$500,000
20	That portion of the costs reasonably related to the construction, alteration or expansion of public safety facilities not located within the district that are required due to improvements or activities within the district	§5225(1)(B)(1)	$250,000
City wide costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training			
21	As part of the City's economic development program to encourage redevelopment and the District as a place of business, studies (including but not limited to) demand for parking, the evaluation of traffic flow and the redesign of routes, economic development feasibility studies, etc. as needed	§5225(1)(C)(1)	$1
22	TIF funds may be used as match to generate additional sources of funding	§5230	$100,000
23	Establish of a permanent economic development revolving loan fund that may include investments and grants to support Downtown Business. Any grant funds must support commercial business and may only be for costs allowable under §5225(1)(A) including, but not limited to, building Improvements, facades, upper floor redevelopment, creating connections through structures, installation of common elevator(s).	§5225(1)(C)(3)	$250,000

Ref #	Project	Eligibility under Title 30-A	Estimated Cost
24	As part of the City's economic development program, establishment and support of a Downtown Manager. This may include but is not limited to financial support of Rockland Main Street Inc. to fund staff, operations or projects, events, festivals and other promotion and marketing of Downtown as a place for business and arts.	§5225(1)(C)(1) §5225(1)(C)(3)	$900,000
25	Costs relating to planning, design, construction, maintenance, grooming, acquisition of rights of way, and improvements to the Harbor Trail or other new or existing recreational trails with significant potential to promote economic development, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses	§5225(1)(C)(6)	$100,000
26	Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the City.	§5225(1)(C)(4)	$100,000
27	Costs to fund economic development efforts that support downtown/waterfront revitalization, including, but not limited to, the planning and implementation of TIF projects herein as well as events or marketing projects developed by the City or community organizations to market the City as a business or arts location	§5225(1)(C)(1)	$1
28	As part of the City's economic development program, costs that may include fees or membership dues to regional or other economic development organizations.	§5225(1)(C)(1)	$1
Costs of facilities used by City or State Government specifically within the Downtown Designated District			
29	Costs of constructing or improving facilities or buildings leased by the City government that are located in the Downtown TIF District.	§5225(1)(D)	$500,000
		Total Estimated Project Costs	**$12,550,004**

*Note that Harbor Park is the City's harbor side parking area, named "Harbor Park."

D. Uses of Private Property

Creation of a TIF District is a proven method for encouraging investment in the community. In order to redevelop the downtown and waterfront area, it is imperative to leverage investments that occur within the TIF District to provide for other downtown / waterfront development. The purpose of this TIF is to provide funds for the City to implement the municipal investment priorities identified in the Downtown Improvement Plan TIF funds will be used (together with federal and state grant money) to finance public infrastructure improvements that will make the area more attractive for private investment.

E. Plans for Relocation of Displaced Persons

No displacements are anticipated as a result of this Program.

F. Proposed Regulations and Facilities to Improve Transportation

Improvements being considered in the TIF District, such as roadway improvements, turning lanes, realignment of intersections or other necessary improvements found to be critical to the enhancement of the downtown and waterfront will be made in accordance with the standards for vehicular traffic of the Maine Department of Transportation. Improvements are intended to accommodate all necessary vehicular traffic related to the project and provide capacity for development and growth in the future.

G. Environmental Controls

The Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements. Projects that are undertaken by private developers will need to be in compliance with applicable local and state rules and regulations. Each individual developer will be solely responsible for seeing that all applicable compliance measures are adhered to.

H. Plan of Operation Upon Completion

Improvements in the TIF District within the public way will at all times be owned by the City of Rockland, or its successors and assigns, which will be responsible for payments of all maintenance expenses on said improvements. Improvements made to private properties will be owned and maintained by each individual owner of record. During the life of the TIF District, the City Manager or his/her designee will be responsible for all administrative matters concerning the implementation and operation of the TIF District.

I. Calculations of Tax Shifts

County Tax Shift. In order to produce this result, information must be obtained from the Maine Revenue Services and the County government of which the District will reside in. First, the most recent County State Valuation should be obtained. The averaged Captured Assessed Value for the District for the life of the project will then be determined. The averaged Captured Assessed Value is then divided by the Current County State Valuation. To find the estimated average county tax over the life of the District, you must obtain the County Tax for the City for the last five years. The average change is then determined and projected to the middle of the districts life. This projected tax was multiplied by the factor developed above to arrive at the County Tax Shift.

$$\frac{\textit{(Captured Assessed Value)}}{\textit{(Captured Assessed Value + Current County State Valuation)}} \times \textit{Estimated Average Annual County Tax}$$

Revenue Sharing Shift. The total Municipal Revenue Sharing amount was obtained for the State Treasurer in order to complete the following formula:

Step 1: $\textit{Municipal Population} \times \frac{\textit{Local Property Tax Levied}}{\textit{State Local Valuation}} = \textit{Current Factor}$

Step 2: $\textit{Municipal Population} \times \frac{\textit{Local Property Tax Levied}}{\textit{State Local Valuation + Captured Assessed Value}} = \textit{Adjusted Factor}$

Step 3: *Current Factor = 1.X*
Adjusted Factor
Step 4: *1.X – 1.0 = .X*
Step 5: *.X (Total Municipal Revenue Sharing Amount) = Revenue Sharing Shift*

Education Tax Shift. State law requires that an estimate be made of how much of a loss in State aid to education a community would experience had the TIF District not been created. The premise for this requirement is that if the TIF did not exist and the development still occurred, other taxing jurisdictions would benefit by the (TIF) City paying more *and receiving less.*

We are using the most recently accepted approach to generate these shifts. The shits are shown as part of the projections in Attachment C.

J. Duration of the Program

The Downtown Tax Increment Financing District shall be for extended to a term of thirty (30) years commencing in tax year 2008 concluding in tax year 2038.

K. Physical Description of the District

The TIF district will encompass approximately 89.1± acres of the core downtown area of Rockland, Maine, encompassing both public and private buildings and open public spaces, and is integral to the vitality of the City's overall economic development. This amendment does not change the designation of the District and reference to the original TIF District are incorporated herein (Attachment A) and maps therein.

The original assessed value of taxable real and personal property within the district boundaries is $62,998,000 as of March 31, 2007 and not amended. The original assessed value of taxable real and personal property within the district boundaries is $62,998,000 as of March 31, 2007 and not amended. Refer to Attachment A Exhibit B, C, and D for original maps and the assessor's certificate.

II. FINANCIAL PLAN

The Development Program Fund is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S.A. §5227(3)(A)(1) (Supp.2004).

A. Estimates of Development Costs

The City is using the original projections for TIF revenues and conservative estimates of development costs. The projections are outlined in Attachment C. The projections estimate total municipal TIF revenues of $10,956,291 generated within the District over the 30 years.

B. Description of the Financing Structure and Amount of Indebtedness to be Incurred

The City reserves the right to incur debt to facilitate, in part or in whole, any of the aforementioned projects within the Development Program.

The Development Program requires establishment of a Development Program Fund pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5227 (3)(A)

(Supp. 2005). Over the thirty (30) year TIF term, the Development Program provides for up to one hundred percent (100%) of the incremental tax revenues retained from the increase in assessed real property value within the TIF District to be captured by the City within this Development Program Fund, to the extent that the then current assessed value exceeds the Original Assessed Value (OAV).

The TIF District Development Fund is established consisting of (1) a project cost account ("Project Cost Account") pledged to and charged with payment of project costs outlined in the financial plan; and (2) in the event of municipal indebtedness, a development sinking fund account(s) (the "Sinking Fund Account") pledged to and charged with the payment of debt service on any municipal debt issued to finance the City improvements.

~~The Project Cost Account shall consist of one or more City cost sub accounts (the "City Cost Sub Account") pledged to and charged with the payment of costs of the City's project costs, and one or more Developer cost sub accounts (the "Developer Cost Sub Account") pledged to and charged with payment of the costs of reimbursement consistent with each approved Credit Enhancement Agreement, if any.~~

TIF revenues allocated to the City will be deposited into one or more Sinking Fund Accounts to finance the costs for the infrastructure improvements undertaken by the City, in the event the City issues any municipal debt, and otherwise to the City Cost Sub Account to finance such costs directly.

~~Should the City Council choose to enter into Credit Enhancement Agreements with a Developer, payments to the Developer will be made from the Developer's Cost Sub Account. The proceeds of the Council approved Credit Enhancement Agreement will be utilized by the Developer to defray the costs of the Developer's project as described in the Agreement. In any fiscal year, payments made under any Credit Enhancement Agreement will be made periodically following the payment of the associated property taxes on the Developer's project to the City. The portion of any such CEA with a Developer is further defined in Part D, below.~~

The City reserves the right to make transfers between development program fund accounts as required, provided that the transfers do not result in a balance in the development program sinking fund account that is insufficient to cover the annual obligations of that account, consistent with 30-A M.R.S. § 5227(3)(C) (Supp. 2005).

C. Estimates of Captured Assessed Value of the District

Estimates of the captured assessed values for the TIF district during the life of the Development Program are list in Attachment C.

D. Captured Assessed Values to be Applied to the Development Program

Up to 100% of increased assessed real property values will be applied to the Development Program. Any funds not applied to the development program will be put into the general fund. If any funds that are anticipated to be applied to the development program, are instead returned to the general fund, the corresponding amount of local valuation may not be included as part of the captured (sheltered) assessed value as specified by the City.

~~As part of this Omnibus Downtown Development Program and on a case-by-case basis the City, through its City Council, may allocate a portion of TIF revenues generated on a parcel of land within the District under a CEA with the Developer or land owner of that project. To the extent the Council does subsequently negotiate and execute an agreement with a Developer, the City expects that such future CEAs approved by the City will allocate a percentage of the tax increment generated by the project~~

~~allowable under the City's TIF Policy to the Developer for a term not to exceed the life of this Development Program and District. The actual percentage shall be negotiated on each case at the sole discretion of Council and subject to any then current City TIF Policy (Attachment E) or other requirements.~~

E. Impact of TIF on all Taxing Jurisdictions

The tax shifts which may result from the project during the term of the District, using information provided by the City of Rockland, the State of Maine Department of Education, and the Maine Revenue Service is also included in Attachment C and is for illustration purposes only.

F. Statistical Data

A Statutory Requirements and Thresholds Worksheet is attached as Attachment E to verify that (1) at least 25% of the real property within the proposed District is either a blighted area; in need of rehabilitation, redevelopment or conservation work, or is suitable for commercial or arts district uses; (2) the total area of a single development district does not exceed 2% of the total acreage of the municipality and the total area of all development districts does not exceed 5% of the total acreage of the municipality; and (3) the original assessed value of the proposed District plus the original assessed value of all existing TIF districts within the municipality does not exceed 5% of the total value of taxable property within the municipality as of April 1, 2012.

G. Financial Data

The Development Program requires establishment of a Development Program Fund pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5227 (3)(A) (Supp. 2005). Over the extended 30 year TIF term, the Development Program provides for up to 100% of the incremental tax revenues retained from the increase in assessed real property value within the TIF District to be captured by the City within this Development Program Fund, to the extent that the then current assessed value exceeds the OAV.

The TIF District Development Fund is established consisting of (1) a project cost account ("Project Cost Account") pledged to and charged with payment of project costs outlined in the financial plan; and (2) in the event of municipal indebtedness, a development sinking fund account(s) (the "Sinking Fund Account") pledged to and charged with the payment of debt service on any municipal debt issued to finance the City improvements.

The Project Cost Account shall consist of one or more City cost sub accounts (the "City Cost Sub Account") pledged to and charged with the payment of costs of the City's project costs.

TIF revenues allocated to the City will be deposited into one or more Sub Accounts of the Project Cost Account to finance the costs for the infrastructure improvements or other projects outlined in Table 1 undertaken by the City. In the event the City issues any municipal debt, TIF revenues shall be deposited into the Sinking Fund Account.

~~Should the City choose to enter into a Credit Enhancement Agreement with a Company or Developer, payments to the Company or Developer will be made from the Developer's Cost Sub Account. The proceeds of the Board approved Credit Enhancement Agreement will be utilized by the Company or Developer to defray the costs of the Company or Developer's project as described in the Agreement. In any fiscal year, payments made under any Credit Enhancement Agreement will be made periodically following the payment of the associated property taxes on the Company or Developer's project to~~

~~the City.~~

The City reserves the right to make transfers between development program fund accounts as required, provided that the transfers do not result in a balance in the development program sinking fund account that is insufficient to cover the annual obligations of that account, consistent with 30-A M.R.S. § 5227(3)(C) (Supp. 2005).

III. Record of Municipal Approvals

Pursuant to Maine Statute, the City of Rockland is required to hold a public hearing before submitting an application to the State of Maine Department of Economic and Community Development for the designation of the Municipal Development and Tax Increment Financing District and for approval of the Omnibus Development Program for said District. The City Council of the City of Rockland held a public hearing for these purposes on September 23, 2013 at 6:30 PM at Rockland City Hall, 270 Pleasant Street, Rockland, Maine.

Maine law also requires that notice of the public hearing be published at least 10 days prior to the hearing in a newspaper of general circulation. Attachment F is a copy of the Notice of Public Hearing which appeared in *Currier Gazette* on September 12, 2013.

A Special City Meeting was held for the City to accept the amended Rockland Downtown Tax Increment Financing District and Omnibus Development Program on September 23, 2013 A record of that meeting and vote on this District and Program are included in Attachment G.

Sponsor: Mayor Pritchett
Originator: Mayor Pritchett

Mayor Pritchett

To: City Councilors

Subject: Order #66 > Downtown TIFF > Credit Enhancement Agreements

Councilors,

As you may recall, this spring Council postponed action on a revised TIF policy for the "Downtown/Tillson" TIF. The question on the table at the time was whether (and at what level) the City would consider authorizing "Credit Enhancement Agreements" for businesses in the Downtown/Tillson Area.

Since being authorized in 2008, the "Downtown/Tillson" TIF has functioned like a traditional "public infrastructure" TIF. None of the TIF revenue has been returned to Downtown property owners in any form of a "Credit Enhancement Agreement" (CEA).

Council has on at least three occasions in the last year struggled with whether to authorize CEAs in the Downtown TIF. The proposal brought to Council by staff in June would allow CEAs for up to the full amount of additional property taxes generated by the new building (or building renovation) for the life of the TIF.

A majority of Councilor's had reservations about the idea of returning all of the property tax revenue from the value of the new construction/renovations to the developer/property owner. Rather than attempting to craft an alternative "mid-meeting," Council delayed action until August to provide more time to ponder the question.

One of the core functions of local government is to provide the essential public infrastructure that supports appropriate, sustainable economic development (and healthy, livable neighborhoods). In that context, a solid public policy case can be made for traditional "Public Infrastructure" TIFs.

Sidewalk extensions, sewer and/or stormwater upgrades, street lightening improvements are all classic TIF projects that benefit multiple businesses (not just one). Both TIF funded Harbor Trail extensions and TIF funded sidewalk improvements connecting residential neighborhoods to downtown benefit businesses, residents, and visitors alike.

However, when the added tax revenue from new building construction or building renovation is returned to the property owner through a CEA, the benefit to the community as a whole (or even to other businesses) can be much less clear. And, returning property tax dollars to individual property owners erodes public support for TIFs in general.

And, using Downtown TIF dollars for projects like improving sidewalks in the neighborhood immediately west of Downtown reduces the burden on the property tax (this type of work would otherwise be a bond question or funded through Public Work's budget).

I struggled with what limitations should be included (limit to 50% of the increased valuation? require a minimum 5% reduction per year in the CEA each year, after the third year? Or??). But, I after much thought, I concluded Council should step back and clearly decide whether to authorize CEA's in the Downtown TIF.

Hence, I have sponsored Order #66 which would remove Credit Enhancement Agreements as an authorized use. To me, there is a lot of value to the Downtown TIF as a "public infrastructure TIF." I think Council needs to debate whether CEA's undercut the public support for and the potential value to the community of the TIF.

If the Council, after considering and debate, clearly decides to authorize CEA's, then Council can move to the second question of what standard conditions should be imposed to insure that the CEA serves the interest of the Community and protects key sources of municipal revenue.

CITY OF ROCKLAND, MAINE

ORDER #67

IN CITY COUNCIL

August 11, 2014

ORDER Authorizing License Agreement – D. Bennett

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a right-of-way license agreement with Daniel Bennett, 237 West Meadow Road, in substantial compliance with the agreement attached hereto, for the use by Mr. Bennett of a portion of the West Meadow Road Right-of-Way to store his schooner *S/V Buffelhead.*

Sponsor: Mayor Pritchett
Originator: Mayor Pritchett

RIGHT-OF-WAY LICENSE AGREEMENT

THIS 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 "Grantor") and Daniel J. Bennett ("Grantee"), of 237 West Meadow Road in Rockland, Maine (Tax Map 86-A-13-1) ("Grantee's Property"), but not his heirs, devisees, successors, or assigns, is effective August ___, 2014, in consideration of the mutual covenants and conditions of the parties hereto as follows:

1. Grant of License. Pursuant to City of Rockland Code of Ordinances, Ch. 15, Sec. 15-137, the City grants to Grantee a temporary, non-exclusive license to use a portion of the West Meadow Road right-of-way, namely the former location (now discontinued) of West Meadow Road located approximately north of and between West Meadow Road and Grantee's Property, and west of the driveway to the Property that crosses the City's Alms House Cemetery at 243 West Meadow Road (Tax Map 86-A-15), pursuant to City of Rockland easement dated August 10, 2004, and filed on the Knox County Registry of Deeds in Book 3350, Page 312, , approximately as shown on plan attached and incorporated herein as Exhibit A, for the sole purpose of temporarily storing Grantee's *S/V Bufflehead*, a sloop otherwise berthed at the Rockland Port District's Lermond Cove Landing. Grantee's license thus to utilize a portion of the right-of-way is limited to and may not exceed the area reasonably required for said sloop, shelter accommodating the sloop and its repair and maintenance, and equipment reasonably required to access and maintain said sloop;

2. Term. This License Agreement shall expire, without notice, upon the earlier of: (1) midnight on May 31, 2019, or (2) in the event of Grantee's sale or lease of the *Bufflehead*, within fourteen days thereof, or (3) the termination of this Agreement pursuant to the provisions for termination set forth herein. Grantee is required to remove the sloop and related equipment and to discontinue his occupancy of the West Meadow Road right-of-way upon or before the expiration of the Term of this Agreement, or its termination;

3. Termination. This Agreement and the permissions granted herein shall terminate (A) in the event the City determines that Grantee's use of the West Meadow Road right of way exceeds the permitted scope of this License Agreement, and Grantee fails to correct such exceedence within ten days of notice by the City; (B) the City, at its sole discretion, terminates this Agreement by providing thirty (30) days' prior written notice; or (C) upon the expiration of the Term of this Agreement;

4. Enforcement. Grantees' failure to comply with this agreement or to remove the Grantees' encroachment(s) upon the right of way prior to the expiration of this License Agreement, whether or not such encroachments are temporarily authorized by this Agreement, shall constitute a land use violation, and be subject to penalties in the amount of $100 to $2,500 for each day the violation continues, together with the City's attorney's fees and costs incurred in collecting the same, pursuant to 30-A M.R.S. § 4452;

5. Indemnification; Hold Harmless. Grantee hereby agrees and contracts to indemnify, 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 or in connection with (a) any injury to, or the death of, any person, or loss or damage to property, arising from Grantee's activities in and/or encroachment upon the West Meadow Road right of way at or adjacent to the 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;

6. Miscellaneous.

A. Grantee acknowledges for himself, his tenants, members, agents, successors, and assigns, that they shall have no right (other than public access), title, or interest in or to City property not granted herein;

B. The limitations and obligations imposed upon Grantee in this License Agreement shall alike extend to and be binding upon Grantees 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.

[This Area Intentionally Left Blank]

IN WITNESS WHEREOF, this License Agreement has been duly executed by the parties hereto as of the date first above written.

WITNESS:

By: _____

CITY OF ROCKLAND, MAINE:

By: Thomas J. Luttrell
Its: Acting City Manager

WITNESS:

By: _____

DANIEL J. BENNETT:

86A13-1
237 WEST MEADOW ROAD
24.80
86A13-4
227 WEST MEADOW ROAD
3.86
86A15
243 WEST MEADOW ROAD
1.12
Bufflehead
W RD
EXHIBIT
A

CITY OF ROCKLAND, MAINE

ORDER #68

IN CITY COUNCIL

August 11, 2014

ORDER Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance – Old County Road

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 acting as matching funds for the Maine Department of Transportation's Municipal Partnership Initiative Program to finance the cost of reconstruction, repairs, necessary storm water improvements and resurfacing of a portion of Old County Road, 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 Bond Ordinance #22, incorporated herein by reference, be scheduled for a public hearing to be held on September 8, 2014; 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 Manager
Originator: City Manager

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"): Old County Road Reconstruction, Repairs, Necessary Storm Water Improvements and Resurfacing, 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 #69

IN CITY COUNCIL

August 11, 2014

ORDER Adopting Post-Issuance Compliance Policy for Tax-Exempt Obligations

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland hereby adopts the Post-Issuance Compliance Policy for Tax-Exempt Obligations in substantial compliance with the attached policy.

Sponsor: City Manager
Originator: Finance Director

POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT OBLIGATIONS

1. Compliance Officer; Consultation and Training: The Director of Finance (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance with respect to the City's Tax-exempt Obligations (as defined below).

a. Unless a shorter time-frame is specified below, the Compliance Officer shall annually review each of the City of Rockland's Tax-exempt Obligations to monitor for compliance with this Policy.

b. The Compliance Officer shall consult with the City's bond counsel and/or its financial advisor and a rebate consultant as necessary to meet the requirements of this Policy.

c. The Compliance Officer will be trained to implement this Policy.

2. Closing Transcripts; Form 8038-G. The Compliance Officer shall maintain a copy of the transcript of proceedings for each tax-exempt obligation issued by the City, including but not limited to all tax-exempt bonds, notes and lease-purchase contracts (referred to as "Tax-exempt Obligations").

If not included in the closing transcript, the Compliance Officer shall also maintain records required to be maintained to qualify for the safe harbor for investment contracts or defeasance escrows and to identify any qualified hedge contract on the City's books and records.

The Compliance Officer shall confirm the proper filing of an 8038-G return for each Tax-exempt Obligation issued by the City.

3. Deposit and Use of Proceeds; Arbitrage Compliance. The Compliance Officer shall:

a. create appropriate funds and accounts to track the deposit and use of the sale proceeds and investment proceeds of each Tax-exempt Obligation issued by the City;

b. maintain records of all investments and expenditures from such funds and accounts;

c. make a final allocation of the proceeds of any Tax-exempt Obligation to expenditures by no later than (i) 18 months after the later of the date the expenditure was made or (ii) the date the project being finance was placed in service. Notwithstanding the forgoing, the final allocation shall be made not later than the earlier of five years after the particular Tax-Exempt Obligations were issued or 60 days after the issue is retired.

d. determine whether each Tax-exempt Obligation meets the requirements of either the "small issuer" exception to arbitrage rebate or the semi-annual target dates for the 6-month, 18-month, or 24-month spending exception to arbitrage rebate, as applicable;

e. consult with bond counsel to identify and monitor any proceeds of a Tax-exempt Obligation that must be invested in yield restricted investments following the expiration of any applicable temporary period;

f. in the event the City fails to meet the requirements of the applicable temporary period or exception to rebate:

    i. arrange for the timely calculation and payment of any rebate liability or yield reduction payment, if available and as applicable;

ii. ensure that if rebate is due, the first rebate installment is paid by the fifth anniversary of the issue date of the particular Tax-Exempt Obligation plus 60 days and each fifth anniversary thereafter until the final maturity date plus 60 days.

4. Proper Use of Bond Financed Property. The Compliance Officer shall:

a. maintain a record of all bond financed property and the proceeds of any Tax-exempt Obligation spent on each such bond financed property;

b. monitor all non-public use of any property financed with the proceeds of any Tax-exempt Obligation and confer with bond counsel as appropriate. Such non-public use may arise out of some of the following arrangements: non-qualified management or research contracts (refer to Rev. Procs. 97-13 and 97-14), leases (including leases to the Federal Government), naming rights, or the sale, disposition or other change in use of such property;

c. maintain copies of any non-public use arrangement; and

d. in the event the City takes an action which causes the private activity bond tests to be met, contact bond counsel and take all actions necessary to ensure timely remedial action under the applicable IRS Regulation.

5. Continuing Disclosure. The Compliance Officer shall file the annual financial statements and other financial information and operating data and shall provide notice of any material events as required by any continuing disclosure certificate delivered by the City with respect to any Tax-exempt Obligation.

6. Significant modification. The Compliance Officer shall evaluate all modifications to any of the City's Tax-Exempt Obligations to determine that such modifications do not result in a reissuance or, if such modifications do result in a reissuance, to take all actions necessary to maintain the tax-exempt status of the Tax-Exempt Obligations.

7. Retention of Records. The closing transcript for each Tax-Exempt Obligation and other records to be retained pursuant to this Policy shall be maintained until three (3) years after said Tax-exempt Obligation (or obligations issued to refund such Tax-exempt Obligation) has been retired.

If records and materials to be maintained under this Policy are kept in electronic format, the record system shall comply with the requirements of Rev. Proc. 97-22, as such may be amended, modified, superseded or replaced.

CITY OF ROCKLAND, MAINE

ORDER #70

IN CITY COUNCIL

August 11, 2014

ORDER Authorizing Use of Surplus Funds – Police Detective Vehicle

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend $5,259.00 from the Police Asset Forfeiture Account (#70000-01701), and add that amount to the $12,014.00 surplus funds from the purchase of two police cruisers authorized in the FY 2015 Capital Improvement Plan, for the purchase of a Police Detective Vehicle.

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER #71

IN CITY COUNCIL

August 11, 2014

ORDER Amending Harbor & Waterfront Fees – Cruise Ships

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the fee schedule for the Harbor & Waterfront Department shall be amended as follows:

HARBOR & WATERFRONT FEES

* * * *

COMMERCIAL VESSEL USE OF MUNICIPAL PIERS:

Dockage Fees:

$50.00 per foot per season, $200.00 deposited with application

~~Wharfage for vessels that book their use of a City facility on or before October 31, 2013, for visits to such facility on or before October 31, 2014:~~

Vessels owned by residents of Rockland: $1.00 per passenger
Vessels owned by non-residents shall pay $2.00 per passenger
Vessels requiring a USCG approved secure facility: $3.00 per passenger; with a Port Development Fee of $4.00 per passenger

Wharfage for vessels that book their use of a City facility on or after August 12, 2014, for visits to such facility on or after May 15, 2016:

Vessels owned by residents of Rockland: $1.00 per passenger
Vessels owned by non-residents shall pay $2.00 per passenger
Vessels requiring a USCG approved secure facility: $4.00 per passenger; with a Port Development Fee of $4.00 per passenger

Sponsor: Councilor Isganitis
Originator: Harbor Management Commission