

SPECIAL MEETING

AGENDA

October 5, 2015

Executive Session pursuant to Title 1, M.R.S. §405(6)(f), Title 22, M.R.S. §4306, Title 26, U.S.C. §13119A(2), which require the City to preserve the confidentiality of applicants' financial statements and tax returns, the Rockland City Council will convene in executive session to hear an application for financial assistance from the City's Katherine B. Haines Fund.

Set Agenda for October 14, 2015 Regular Meeting

Presentation: Tilson Technology Management – High Speed Broadband Network Report (10/06/15 at 6:00 p.m. at the Rockport Opera House, 6 Central Street, Rockport, Maine).

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Valli Geiger, City Manager Chaousis, and City Attorney Beal. Councilor Larry Pritchett arrived at 5:32 p.m.

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

At this time, Mayor Isganitis asked for a moment of silence for the safe return of the missing crew of the SS *El Faro*, which is believed to have sunk off of Crooked Island in the Bahamas on October 1, 2015 in Hurricane Joaquin, two of whom are from Rockland. All present joined in the moment of silence.

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

- Kathryn Fogg-Hill, 84 Grace Street, spoke concerning the proposed Transient Residential Accommodations Ordinance, saying that the public has not yet had a chance to see the latest draft, and hoped that the Council would allow for more public input into this proposal before taking action.

Ms. Fogg-Hill also commented on the Rockland Energy Center proposal, saying that she has been told that there has been no information coming to the City from REC. She said the City should be cautious that REC doesn't all of a sudden come to the City with reams of information demanding quick action on this proposal.

Ms. Fogg-Hill then commented on the proposed ordinance that would allow domesticated chickens to be kept in residential areas, saying that she was not in favor of the proposal. She said that keeping chickens can cause odor and vermin problems. She suggested that anyone wanting fresh egg should support local farmers who produce fresh eggs.

- Carole Black, 88 Summer Street, spoke in support of the proposed Transient Residential Accommodations Ordinance, saying that she hoped this proposal would move forward and put some regulations in place. She also said that the Council should make sure it allows for more public input into this proposal.

Hearing no other speakers, the public forum was closed.

Executive Session: Councilor Clayton moved to enter an Executive Session pursuant to Title 1, M.R.S. §405(6)(f), Title 22, M.R.S. §4306, Title 26, U.S.C. §13119A(2), which require the City to preserve the confidentiality of applicants' financial statements and tax returns to hear an application for financial assistance from the City's Katherine B. Haines Fund.

Vote: 5 for.

The Council entered Executive Session at 5:40 p.m.

The Council came out of Executive Session at 6:15 and began the public portion of this meeting.

Set Agenda for 10/14/15 Regular Meeting: The Council then set the agenda for the October 14, 2015 Regular Meeting. The following communication was addressed:

a. Letter from Stephen Carroll – Resignation from the Knox County Budget Committee. The Council accepted the resignation and directed that a letter of thanks be sent to Mr. Carroll for his service.

Councilor Pritchett moved to recess this meeting until Tuesday, October 6, 2015 at 6:00 p.m. at the Rockport Opera House, 6 Central Street, Rockport, Maine for a presentation by Tilson Technology Management on the proposed High Speed Broadband Network. Without objection from the Council, the meeting was recessed at 7:14 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

RECONVENE SPECIAL MEETING

October 6, 2015

Presentation by Tilson Technology Management – High Speed Broadband Network

The Meeting recessed from October 5, 2015 was reconvened October 6, 2015 at 6:00 p.m. at the Rockport Opera House, 6 Central Street, Rockport, Maine, with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Councilor William Clayton and City Attorney Beal were excused from attending.

Also in attendance were representatives from the Town of Rockport and the Town of Owls Head.

Presentation – High Speed Broadband Network. Tilson Technology Management gave a presentation on the proposal to establish a regional High Speed Broadband Network. The following is the executive summary submitted by Tilson Technology Management:

Executive Summary

The City of Rockland, the Town of Rockport and the Town of Owl's Head jointly engaged Tilson to assess options for increasing broadband availability and accessibility in the region. The scope of the work included taking an inventory of current services, conducting a stakeholder survey, designing a fiber-to-the-premises (FTTP) network, developing cost estimates, reviewing business model options and analyzing the economic benefits of a FTTP broadband investment.

The key findings of the report are as follows:

1. Rockland and Rockport are relatively well served by internet service providers. There are five facilities-based service providers in the area, excluding mobile wireless carriers. Time Warner Cable (TWC) covers almost all of premises in the area – their largest coverage gap is in Owl's Head in the Ballyhac Road area. Downtown Rockland has the most service competition; all five retail providers -- TWC, FairPoint, GWI, Redzone and Lincolnville Communications Inc. -- provide services there. All the public schools and libraries in the municipalities have fiber-fed access via the Maine School and Library Network (MSLN).

2. Random survey results show property owners are supportive of a municipal role in improving broadband and the majority are willing to switch providers for a faster speed. They are also price sensitive, with a self-reported 14% willing to pay more than \$75/month for service 10 – 100 times faster than their current service. This self-reported take rate correlates closely with the observed rate on the GWI Rockport network.

3. Time Warner dominates the retail internet service market with an estimated 70% market share. In the survey, Time Warner customers reported that their favorite service attribute was the ability to get internet, phone or TV on one bill. This attribute was more important than reliability, speed, price, and customer service. This consumer preference will be important in designing a compelling future service offering.

4. Assuming a 100% buildout to all locations, the projected average capital cost per premise is lowest in Rockland (\$2497), which is a function of their relatively highest density of buildings and the fact that there are no underground utilities. The average cost per premise is followed by Owl's Head (\$3364), then Rockport (\$3976). Rockport's average capital cost per premise is the highest due its relatively low density and the presence of underground utilities.

5. Tilson ran financial analyses on several network and operating models that would give all locations in each municipality equal access to an FTTP network. All of Tilson's scenarios required minimum take rates of 65%-75% in order to be cash-flow positive in five years. These minimum take rates do not factor into the potential upside of municipal savings on existing telecommunications services, or additional revenue from add-on services like voice, IPTV and wholesale fiber leases. They also exclude potential downside from seasonal pricing that may be needed to compete with incumbent offerings and the loss of any cable TV revenue sharing the municipalities may be getting from TWC.

6. A price points of \$70/month for symmetric 1 Gbps service can be supported without a municipal subsidy for the "Town Wide Utility" network and operating model. The Town Wide Utility model that assumes universal coverage and 100% subscription.

7. A wholesale model operating model will require either high take rates, or a municipal capital or operating subsidy to maintain a wholesale rate compatible with a \$70/month retail price point. Tilson estimates that to achieve positive cash flow in five years and service debt with network revenues, a wholesale fiber solution will require take rates of 65% to 75%. Take rates of this nature are not common in cable overbuild situations such as planned here. Tilson believes that the network

must break even at a much lower rate in order to remain feasible. This can only happen if network revenues are not necessary for servicing debt. Therefore, Tilson believes that any solution will require either private or public subsidy capital cost subsidy.

8. Tilson analyzed the potential economic benefits of a broadband investment using “benefits transfer method.” The results suggest that the three Town region could see a total ten year increase in GDP output of between \$42M and \$169M. This represents a 1% to 4% improvement over the baseline scenario. Tilson expects this GDP increase to correlate with a \$39M to \$157M increase in wages in the region as well as a \$3.9M to \$15.7M increase in state and local tax revenue.

9. The next steps are for each municipality to clarify its most important goals; solicit information from potential service providers, funders and network operators; pick a target operating model; and solicit private partners.

There is unmet customer demand for broadband service in all three municipalities. Mostly this service gap reflects dissatisfaction with service quality and not lack of access to broadband. All three communities have the broadband offerings that are most commonly found in communities throughout the United State. If one or more communities wishes to pursue a fiber to the home solution, it will create regionally unique and nationally distinct model. However, the three towns are considered served by national standards and are therefore ineligible for most subsidy. Local public or private capital will be required to realize a network solution.

Furthermore, there is limited potential for the municipalities to enjoy any net revenue from these networks. For example, Rockport’s revenue sharing model with GWI is almost certainly not scalable. There is very little cash flow potential in a low cost, fiber to the premise business model. If the municipalities elect to pursue fiber-based solutions, they will need to provide the capital and should expect little in the way of cash returns from network operations.

If the municipalities decide that the benefits of building out a fiber network are great enough to proceed, we recommend accepting the strong likelihood that they will need to explicitly create a sustainable revenue source, not rely on individual user choices to create one. If they proceed with developing a underlying network like the one that Rockport currently employs, this means funding a large portion of the municipal costs out of general revenue, not the fees generated by the network. Under this model municipalities may even wish to consider providing ISPs access to the network at nominal costs to stimulate usage and encourage lower retail prices. In the alternative, under a model that seeks to provide internet to everyone as a service of the municipality, this means understanding that this also needs to be funded out of general revenue or from non-optional user charges; the finances of the system likely cannot depend on voluntary sign-ups.

Regional Technology Goals

The objective of this study is to provide telecommunications solutions that match the community’s visions for themselves. The first stage of the engagement was to ascertain the project sponsor’s understanding of those community visions. The project sponsors from each municipality shared several goals that they hoped to achieve with broadband improvements. All expressed a desire for a faster broadband offerings and greater choice in providers. Areas where the stakeholders differed included the threshold for speed improvement, the importance of open access, and the need for universal service. The goals below represent Tilson’s understanding of each municipality’s goals.

Rockport

Rockport has invested in a pilot fiber optic network that passes 70 premises throughout the central portion of the Town. This study was largely undertaken to explore the feasibility of expanding this network throughout the Town. Rockport is home to many sophisticated technology users as well as a vibrant and growing visual media industry. Many of the industry’s users have represented to Town officials that they struggle to access either sufficient bandwidth for their applications or bandwidth at a desirable price. In addition to speed and universal access, the selectmen expressed a desire for reliability and maintenance responsiveness. In this context, reliability refers to the consistency of the connection. As with many internet users, the residents of Rockport experience reduction in real speed during periods of high bandwidth usage, such as the evening. They expressed a solution that mitigated this effect.

Beyond improving service, the Town of Rockport expressed two major goals to Tilson. First, providing seasonal and year round residents access to sufficient bandwidth to encourage telework. Year round residents wish to access sufficient bandwidth for many purposes. Second, providing low cost bandwidth to encourage small business growth, particularly in the creative sector. Rockport is home to Maine Media Workshop, which is a nationally recognized visual arts institution. The Town believes that a low cost, high bandwidth, low latency solution has the potential to catalyze growth in this sector. However, the Town’s overarching goal is to obtain the telecommunications infrastructure necessary to promote economic growth for several decades.

Rockland

Rockland shares many of the community goals as Rockport and Owls Head. The City representatives see broadband as critical to fostering economic growth and creating a vibrant community for residents. However, the City has prioritized economic development as a goal above quality of place or universal access. The City views a broadband improvement as a tool to attract a greater density of technology companies to both its downtown and industrial parks. Some companies have already relocated to the City due to its proximity to the Three Ring Binder network. This network is discussed in greater detail in the asset inventory section. The network’s fundamental value proposition is giving companies access to the low cost transport fiber and bandwidth. Rockland has already seen some small businesses take advantage of this infrastructure and wishes to incentivize more businesses to do so.

As with both Rockland and Owls Head, the City of Rockland expressed an interest in having greater control over its broadband infrastructure. This includes greater transparency into network operations and bandwidth usage. The City also expressed a desire for more responsive maintenance. High network uptime will be critical for attracting the type of business that the City envisions. One area where Rockland differed from Rockport is that the City does not see universal fiber access as a priority. While the City sees the merit of a universal solution, they are most focused on a targeted solution that boosts economic output.

Owls Head

Owls Head is a predominantly residential community with a substantial seasonal population. Most year round residents commute to the region’s population centers. The Owls Head representatives expressed a desire in maintaining their Town’s status as a great place to live. Universal access to quality broadband is a part of that status. The Town is currently served with Time Warner and FairPoint. These provide residents with the DOCSIS 3.0 and DSL services seen in most communities in the nation. The goal of this study for Owls Head is to assess the costs and operational potential of a significantly faster and more reliable solution The Town believes that such a solution may encourage in-migration and may allow seasonal residents to extend their stays to the region. As with Rockport, Owls Head believes that if seasonal residents stay in their Town for a longer period of time it will increase economic output.

A question and answer session followed the presentation.

With the presentation and discussion complete, the meeting was adjourned without objection from the Council at 7:30 p.m.

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ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

October 14, 2015

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (3 min limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
7. Licenses and Permits:
 - a. Liquor & Entertainment Licenses – Waterworks Restaurant
 - b. Liquor & Entertainment Licenses – Fog Bar & Café
 - c. Lodging House License – Trade Winds Motor Inn
 - d. License to Operate a Taxi Company – Schooner Bay Taxi
 - e. Conditional Entertainment License – Rock Harbor Pub & Brewery

8. Resolves:

- #40 Commendation – David Kalloch City Council
- #41 Commendation – David Larrabee City Council
- #42 Accepting Donations – Library City Council
- #43 Appointment – COMPS Commission (M. Gifford) Mayor Isganitis

9. Ordinances in Final Reading and Public Hearing:

- #24 Chapter 17, Sections 17-403 & 17-420 Shuffling (Postponed 09/14/15) Councilor Pritchett
 - #32 Zoning Map Amendment – “B” to “I” Thomaston Street Mayor Isganitis
 - #33 Authorizing Quit Claim Deed – Sale of 35 Broadway Councilor Pritchett
 - #34 Chapter 2, Section 2-212 Regular Meeting Starting Time Councilor Clayton
 - #35 Authorizing Quit Claim Deed – Sale of 60 Merrill Drive Councilor Clayton
 - #36 Authorizing Quit Claim Deed – Sale of 99 West Meadow Road Councilor Pritchett
 - #37 Chapter 3, Article III Keeping of Domesticated Chickens Councilor Geiger
 - #38 Chapter 19, Section 19-304 Res. A Zone Regs; Chickens Councilor Geiger
- Public Hearing: Microenterprise Assistance Program Grant

10. Ordinances in First Reading:

- #39 Authorizing Quit Claim Deed – Sale of 19 Franklin Street City Council
- #40 Authorizing Quit Claim Deed – Sale of 15 Garden Avenue City Council
- #41 Chapter 11, Section 11-210 Transient Residential Accommodations Mayor Isganitis
- #42 Chapter 19, Sections 19-302 & 19-309 Transient Residential Accommodations Mayor Isganitis

11. Orders:

- #81 Amending Harbor & Waterfront Fee Schedule City Manager

Executive Session pursuant to 1 M.R.S. §405(6)(A) which permits the discussion of consideration of evaluation of personnel, to hold a performance review of the City Manager.

12. Adjournment.

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

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

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

- Kathryn Fogg-Hill, 84 Grace Street, spoke concerning the proposed regulations for Transient Residential Accommodations (also known as “TRAs” or “short term rentals”), said that the latest version of these regulations were only available a short time ago and it is unreasonable to expect people to be able to review and digest this information on such short notice. She suggested that action on this issue be postponed.

Ms. Fogg-Hill also spoke in opposition to allowing chickens to be kept in residential neighborhoods.

- Ellen Barnes, 17 Clayton Lane, spoke in support of establishing regulations to oversee TRAs, saying that there are currently no regulations on this sort of activity. She said that inns and bread & breakfast establishments are treated as businesses, so should these TRAs.

- Debby Atwell, 81 Pleasant Street, said that operators of TRAs have to do a good job because they are reviewed on line. She said if an operator gets a bad review, it will be difficult to rent the property again. She also said that websites such as VROB or Airbnb do a good job vetting possible operators and are very strict about who they allow to advertise on their sites. She also said that the operators really do care about their neighbors and would not want to do anything that would adversely affect them.

- Steve Carroll, 326 Old County Road, said that it seems the City Council simply will not let go of this issue, adding that it seems more like a solution looking for a problem. He said TRAs regulate themselves through the on line review process. If an operator gets poor review, they will not be able to get future renters. He also said that this activity has been going on all over

Europe for many years without extreme regulations, and they have experiences no problems. He said that many overburdened taxpayers are using this activity as a way to earn extra money to make ends meet.

- Zander Shaw, 39 Pleasant Street, announced that "Renew Rockland" will be holding a forum on Rockland's energy future and the proposed natural gas power plant on October 29, 2015 at 6:00 p.m. at the First Universalist Church, 345 Broadway, Rockland, Maine, and invited the Council and all members of the public to attend. He said the panel will be comprised of impartial energy and environmental experts.

- Laura Borchert, 84 Talbot Avenue, spoke in support of the establishment of regulations for TRAs, saying that most of the people that she has spoken with are not aware that the house next to them could become a single-night rental property, and this is a great concern to many people. She said that there is urgent need to establish regulations for this industry. She added that while most people will operate these TRAs professionally, it is the non-resident absentee property owners who will rent their properties to anyone for any purpose are of great concern. She said current there are not recourses for these kinds of operations.

- Joan Smith, 42 Maverick Street, said that she rents her house on a weekly basis during the summer through VRBO, and said that she feels this proposal makes sense. She said the regulations seem reasonable, allowing the property owners to continue renting their properties while protecting the neighbors.

- Ed Hanz, 546 Main Street, owner of the Old Granite Inn, said that there should be equal treatment under the law for anyone offering transient accommodation, whether it be a single room or a large hotel.

- Cheryl Michaelsen, 81 Talbot Avenue and owner of the Berry Manor Inn, spoke concerning the short term rental issue, saying that the current proposed ordinance amendment should be postponed and redrafted to offer more protections for neighbors of these short term rentals. She said the City needs to find the balance between the commercial and residential aspects of this issue.

At this time, noting that the 30 minutes allotted for the Public Forum has expired, Councilor Clayton moved to suspend the Rules and allow the Public Forum to be extended for an additional 3 minutes. The motion was seconded by Councilor MacLellan-Ruf.

Vote: 5 for.

The Public Forum was extended for an additional 3 minutes.

- Melva Gunnerson from Maine Vacation Rentals spoke concerning the short term rental issue, saying that overall the City has done a good job in drafting this proposal, however, there are still concerns about the length of stay issue. She said having more strict regulations for shorter stays does not seem to make sense.

Hearing no other speakers, the public forum was closed.

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

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

At this time, and without objection from the Council, Resolve #'s 40 and 41 were taken out of order.

Resolve #40 Commendation – David Kalloch

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT David A. Kalloch is hereby commended and congratulated for 26 years of service to the City of Rockland with the Code Enforcement Office and Transfer Station.

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

Sponsor: City Council
Originator: City Council

Councilor MacLellan-Ruf moved passage.

Councilor Pritchett said that the first two City employees that he met when he came to Rockland were then Code Enforcement Officer Val Blastow and Dave Kalloch. He said that the City could not ask for more than what Mr. Kalloch has given to the community over the years.

The City Manager said that he invited Mr. Kalloch to attend this meeting, but he has begun a well-deserved vacation. He added that when Mr. Kalloch revealed his diagnosis of ALS, staff began a collection to stimulate his vacation fund, but when Mr. Kalloch found out he asked that the collection be stopped. Staff wanted to do something so they donated more than \$1,700 to the ALS Foundation in Mr. Kalloch's name. He said that Mr. Kalloch will be sorely missed.

Councilor MacLellan-Ruf thanked Mr. Kalloch for everything he has done for the community over his years of service. She said that he and Code Enforcement Officer John Root have made an excellent pair, and that Mr. Kalloch's kindness and willingness to do everything he could to help will be missed.

Councilor Geiger said that she first met Mr. Kalloch when she joined the COMPS Commission, and seconded everything that has been said about him. She wished him luck and said that he would be sorely missed.

Vote: 5 for.

In Mr. Kalloch's absences, the City Manager accepted a Plaque and a Certificate of Commendation from the Mayor on his behalf as a token of City appreciation for his service to the community.

Resolve #41 Commendation & Recognition – David Larrabee

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT David A. Larrabee is hereby commended and congratulated for 28 years of dedicated service to the City of Rockland as a member of the Rockland Public Works/Services Department; and

THAT David A. Larrabee is hereby recognized for his outstanding performance of the duties of Interim Public Work/Services Foreman;

AND, be it further Resolved that a Plaque, a Certificate of Commendation and a Certificate of Recognition be presented to Mr. Larrabee as a token of the City's appreciation for his service to the Community.

Sponsor: City Council
Originator: City Council

Councilor Pritchett moved passage.

Councilor MacLellan-Ruf said that Mr. Larrabee did an excellent job under very trying circumstances, and thanked him for his service to the community.

The City Manager outlined the accomplishment of Mr. Larrabee and commended him for the job that he did in filling the role of Public Works/Public Service Foreman during one of the worst winters on record. Vote: 5 for.

Mayor Isganitis then present a Plaque and Certificate of Commendation as a token of the City's appreciation for his service, and a Certificate of Recognition for his outstanding performance as Interim Public Works/Services Foreman.

The order of the agenda was then resumed.

Reports:

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

- The City has received the Broadband Study, and now will need to decide what it wishes to do with it. A meeting will be scheduled to discuss the proposal, but the City Manager wanted to stress that no decisions has been made concerning this proposal as yet.

- The City will need to begin the conversation on how best to address the issues of solid waste disposal and recycling. He said that there are many options available to the City to address these issues, and he will be looking for guidance from the Council on how best to proceed.

- The City Manager announced that Virginia Lindsey of South Thomaston, Maine, has been appointed as the City's new Finance Director. He said that out of the 13 applicants, Mrs. Lindsey displayed the qualities that make her an excellent choice for this position. He added that Mrs. Lindsey has done exceptional work as the Finance Director for the Town of Rockport.

- The City Manager also announced that he has established the new position of Assistant City Manager in the Executive Department, and has appointed Community Development Director Audra Caler-Bell to that position. He said Ms. Caler-Bell will continue to perform the duties of Community & Economic Development Director in addition to her new duties as Assistant City Manager.

Councilor Pritchett said, with respect to the Broadband Study and the MSW/Recycling issues, that there seems to be a perception in the public that these are done deals and that the City Council and staff have already made up their minds on the issues. He said that was not the case and that no one has any pre-conceived notions on either issue and that the conversations on these issues will encourage plenty of public input before any decisions are made.

b. City Attorney's Report: The City Attorney reported that the City has closed on the 11 Dunton Avenue property and reconveyed that property to the previous owner. He also reported that the Board of Assessment Review heard the abatement appeal from Ocean State Job Lots on September 29, 2015, and has upheld the decision of the City Assessor with respect to the assessment of the Ocean State Job Lots property on Camden Street.

c. Other Official's Report: Councilor Clayton said that there will be a meeting on Friday, October 16, 2015 at 12:00 noon with RSU #13 for a discussion of the financial impacts of the proposed consolidation plan and the possible withdrawal of the City from RSU #13.

Councilor MacLellan-Ruf reported that the annual Coastal Clean-up was very successful, and that there was a ribbon cutting ceremony for the Mechanic Street portion of the Harbor Trail.

Councilor Pritchett thanked Councilor MacLellan-Ruf and the Harbor Trail Committee for their efforts on both of these matters.

d. Mayor's Report: Mayor Isganitis reported that the Cruise Industry Endowment Association awarded three \$1500 donations to three area service organizations.

Licenses and Permits:

- a. Liquor & Entertainment Licenses – Waterworks Restaurant
- b. Liquor & Entertainment Licenses – Fog Bar & Café
- c. Lodging House License – Trade Winds Motor Inn
- d. License to Operate a Taxi Company – Schooner Bay Taxi
- e. Conditional Entertainment License – Rock Harbor Pub & Brewery

A public hearing was opened. Hearing no speakers for or against any of these license applications, the public hearing was closed.

Councilor Pritchett moved to postpone the license application for the Trade Winds Motor Inn until the November 9, 2015 Regular Meeting. Vote: 5 for.

The Lodging House License application for the Trade Winds Motor Inn was postponed until the November 9, 2015 Regular Meeting.

Councilor Pritchett then moved to grant the licenses for the Waterworks Restaurant, the Fog Bar & Café, and Schooner Bay Taxi. Vote: 5 for.

Councilor Pritchett then moved to grant the Entertainment License for Rock Harbor Pub & Brewery with the following conditions:

A. Minimum Security Staffing And Reporting Requirements

A.1. After 9 PM on Friday and Saturday evenings, and after 9 PM on any evening Rock Harbor has live entertainment or digital audio entertainment such as a DJ but excluding programming delivered via TV, Juke Box, Radio, or internet music service, Rock Harbor shall have at least one staff person whose sole responsibility is maintaining security and code compliance at the doors and within Rock Harbor as well as monitoring activities around the perimeter of Rock Harbor.

A.2. Rock Harbor's security staff and managers shall maintain a log of all incidents at Rock Harbor including but not limited to: (1) people asked to leave Rock Harbor; (2) complaints received from patrons, abutters, or people in the area around Rock Harbor; (3) police calls; and (4) problems identified by Rock Harbor staff with people around the perimeter of Rock Harbor. This log shall include the date, time, nature of the incident, and number of people involved as well as what actions were taken

by Rock Harbor staff. This log shall be provided to the City in the digital form specified by the City's Code Office on a monthly basis and made available when requested by a City Police Officer or a City Code Enforcement Officer.

B. Steps To Minimize Disruptive Sound Levels Extending Outside Of The Building Perimeter

- B.1. Rock Harbor shall operate all aspects of its business in a manner that insures compliance with the City's noise limits.
- B.2. Except when patrons are entering or leaving Rock Harbor the exterior doors shall be kept closed at all times when Rock Harbor has live entertainment or digital audio entertainment such as a DJ but excluding programing delivered via TV, Juke Box, Radio, or internet music service.
- B.3. By 12/29/2015 Rock Harbor shall provide to the Code Office for review options for installing sound deadening materials or a sound barrier along the South Wall of the building on the first floor, as well as other floors, as well as providing analysis of the reduction in decibel levels this change would provide. Whether this option should be required would be considered as a part of the fall 2015 license renewal.
- B.4. In addition to the requirement in B.3, Rock Harbor, at the company's discretion, may submit a list of management strategies such as limiting bands to the north side of building, acoustic only music or similar management strategies that Rock Harbor can demonstrate will, based on sound data collected at times when live entertainment was occurring in 2015, allow full compliance with the City's sound limits.

C. Sound Level Monitoring Requirements

- C.1. Beginning at 9 PM on Friday and Saturday evenings as well as on any evening Rock Harbor has live entertainment or digital audio entertainment such as a DJ but excluding programing delivered via TV, Juke Box, Radio, or internet music service, Rock Harbor shall record and log in the incident log hourly sound data at locations and using procedures and equipment approved by the City's Code Office.
- C.2. Rock Harbor shall also log sound data from all designated locations immediately after receiving a noise complaint if the activity potentially causing or contributing to the complaint is ongoing.

D. Required Notification To Patrons Regarding Smoking Regulations

- D.1. Rock Harbor shall maintain clearly visible and readable signs inside and outside its two entrance doors and the service entrance stating the ban on smoking within 20 feet of the entrance to a building or an open window or the air intake to a building's ventilation system.
- D.2. Security staff at Rock Harbor shall inform any people smoking around the perimeter of Rock Harbor, or known Rock Harbor patrons smoking around adjacent buildings, of the state law requirements.

E. Maintain Perimeter Around Rock Harbor

Rock Harbor shall daily inspect and clean the sidewalks around the facility and keep these areas clear of any trash or waste that might have originated with the Rock Harbor, its staff, or its patrons.

F. Failure To Comply With License Conditions

- F.1. If Rock Harbor is found to not be in compliance with any provision of this license twice in one day or three times in any ten day period or four times in any thirty day period by either a law enforcement officer or the City's Code Enforcement staff, Rock Harbor's entertainment license shall automatically be suspended. The suspension shall be effective upon written notification to Rock Harbor by Rockland's City Manager.
- F.2. Rock Harbor may appeal the suspension to City Council. City Council may sustain the appeal by revoking the license, re-instate the license with conditions to address the cause(s) of the suspension or overturn the license suspension. This suspension provision is in addition to, and not a replacement for, grounds for suspension or revocation in City Code or State Law.

G. Duration of License

The entertainment license shall expire on February 8, 2016. Rock Harbor shall file a renewal application that addresses any questions or complaints identified while this license is in effect and includes the materials specified in paragraphs B3 and B4, no later than December 29, 2015 or the date determined by the City Clerk that is necessary for the renewal to be complete for Council consideration at Council's January 11, 2016 meeting.

Councilor Pritchett said that the Council usually considers Entertainment Licenses along with the Liquor License for the establishment, but this license was separated from the Liquor License because of issues raised about the entertainment at the establishment when it's licenses came up for renewal in June. At that time, the Council issued a short-term conditional entertainment license for Rock Harbor which is now up for review by the Council. He said that he was proposing that the existing conditions on the establishment be continued for an additional three months. He said that he did not feel that Rock

Harbor met the conditions set by not providing to the Code Office for review options for installing sound deadening materials or a sound barrier along the South Wall of the building on the first floor, as well as other floors, as well as providing analysis of the reduction in decibel levels this change would provide, as required by paragraph B3.

The City Manager, citing a memo from the Code Enforcement Officer, said that staff felt if the provisions of paragraph B4 were working, there would be no need for the actions contemplated in paragraph B3.

Councilor Clayton said that the Code Office has determined that if the provisions of paragraph B4 are working, there is really no need for B3 to be invoked; the Police Department reported only one called that was determined not be a violation; and Rock Harbor has provided a log of their responses to any issues that arose. He said he did not understand why the conditions were being extended.

Councilor Clayton then moved to suspend the Rules to allow Rock Harbor owner Dan Pease to speak on this issue. Councilor MacLellan-Ruf seconded the motion.

Vote: 5 for.

Mr. Pease said that they have kept a log of any calls, purchased a noise level meter, and have addressed any calls that they have received. He said that they have met the conditions of the license to the satisfaction of the Code Office, and felt that they were being held to a higher standard than any other bar or restaurant in the City. He said that they are not bad neighbors and are doing everything that they are supposed to. He asked that the license be granted without conditions.

The Council went back into Regular Session with Councilor Pritchett saying that paragraphs B3 and B4 are clear that one or the other or both need to be met. He said that there is no evidence that either have been met. He said that this establishment cannot meet the noise requirements under certain conditions, and that such mixed uses in the downtown area must co-exist.

Councilor Geiger said that the City wants to welcome all to the downtown. She said that the abutters are pleased with the efforts of Rock Harbor to address the noise issues, but she would like to see a plan moving forward to address noise issues. She said that she would support extending the conditions for an additional three months.

Councilor MacLellan-Ruf said that she was not clear on what was expected from Rock Harbor, and moved to suspend the Rules to hear from Code Enforcement Officer John Root on the issues. Councilor Clayton seconded the motion.

Vote: 5 for.

Mr. Root said that he met with Mr. Pease and his manager to discuss the management plan for addressing noise issue. He said that the plan was not a written plan by they all understood what steps would be taken, and he was satisfied that Rock Harbor has taken those steps and satisfactorily addressed the noise issues. He said that he feels that Rock Harbor has met the conditions placed on the license. He added that it was his interpretation of paragraphs B3 and B4 that if the management strategies were working there was no need for the options in B3. He said in his opinion, Rock Harbor has met the requirements of the conditions placed on its entertainment license.

Councilor Pritchett said that he did not see B3 and B4 as either/or. He said B4 contemplates compliance with B3 regardless. He said he did not believe that Rock Harbor has met the requirements of B3.

Mr. Root said that he discussed B3 and B4 with the City Manager, and they agreed that if the management strategies established by Rock Harbor are addressing the noise issues, there is no need for compliance with B3.

Councilor MacLellan-Ruf asked if Rock Harbor was being held to a higher standard other bars in the City.

Mr. Root said that they were being held to a higher standard than any other establishment, and were being asked to do more than any other establishment.

The City Manager said that he discussed the conditions with the Code Officer and Police Department, and wanted to be sure that the goal of the conditions were being met. He said often in the administration of rules and regulations, there needs to be some interpretation. He said they were looking for the least restrictive path to accomplishing the goals of the conditions. He said that the steps taken thus far have addressed the issues and it was the finding of staff that Rock Harbor has complied with the conditions of the license.

Vote on granting the license with conditions: 2 for, 3 opposed.

(Clayton, MacLellan-Ruf, Isganitis)

Motion Defeated.

Councilor Clayton moved to grant the Entertainment License for Rock Harbor Pub & Brewery without conditions until June 8, 2016.

Councilor MacLellan-Ruf said that this has been an interesting situation, and that the City has set a precedent for Main Street activities. She said if the City is going to encourage mixed uses in the downtown area, neighbors will need to get along regardless of what the business might be. She said that she understood the concerns of Councilors Geiger and Pritchett, but feels that their concern have been addressed. She said that the Council can revisit this matter in the future if it becomes necessary.

Vote: 4 for, 1 opposed.

(Pritchett)

At this time, Councilor Clayton moved to take Ordinance Amendment #35, the public hearing on the Microenterprise Grant, Ordinance Amendment #41, and Ordinance Amendment #42 out of order. Without objection from the Council, it was so ordered.

Ordinance Amendment #35 Authorizing Sale of City Property – 60 Merrill Drive

(See page 201 for text)

A public hearing was opened with Will Gartley from Gartley & Dorsky, gave a brief presentation on the development issues with the parcel because of the amount of wetlands. Of the 30+ acre parcel, only approximately 6.5 acres is developable. He also said that the cost will be considerable for necessary wetland mitigation for that portion of the parcel that can be developed.

Community Development Director Audra Caler-Bell spoke concerning the economic development benefits from the development of this parcel, saying that through selling 60 Merrill Drive the City of Rockland has the opportunity to turn a liability into an asset overnight. Since the City developed the industrial park vacant land has effectively resulted in a loss of revenue from these parcels being off the tax role. The sale of this land will not only result in real estate tax revenue but revenue from personal property taxes as well as and the creation of much needed manufacturing jobs for Rockland and the region. In addition the business purchasing this land will take on the risk of making this parcel development ready. This equates to a great deal of value aside from merely the purchase price of the land.

Hearing no other speakers, the public hearing was closed.

Councilor Clayton moved passage.

The City Manager said that staff is trying to be deliberate in getting information out to the public on this issue. He also said the focus should not be on the sale price alone, but on the use of the property and the economic benefit to the community.

Councilor Pritchett said that this is the same information received by the Council in Executive Session and that the public interest is served by getting this information out to the public.

The City Attorney said that, unlike tax-acquired property sales, this sale should be executed by special warrantee deed rather than quit claim deed, and asked the Council to amend Ordinance Amendment #35 to reflect that.

Councilor Clayton moved to amend Ordinance Amendment #35 to replace “quit claim deed” with “special warrantee deed”.

Vote on amendment: 5 for.

Vote as amended: 5 for.

The Ordinance will become effective November 13, 2015.

Public Hearing – CDBG Microenterprise Assistance Grant

A public hearing was opened with Community Development Director explaining the purpose of this hearing: The City was approved for a \$100,000 grant that will be used to assist Bixby & Co. and Midcoast Music Academy (MCMA) with expansions. As part of the project development phase of the CDBG MEA grant municipalities are required by Maine’s Office of Community Development to hold a public hearing to solicit feedback from the community on the projects that are to receive funding. Once the public hearing is complete the Council must formally accept the funding in order for the project(s) to commence.

A public hearing was opened with Kate McLeer, from Bixby & Company, thanking the City for its support and saying that this grant will help them expand into the national market.

Tom Ulichny, Mid-Coast Music Academy, said that they were honored to get this grant and that it will assist them in expanding their academy to add 2 full-time employees and 3 part-time instructors.

Ann Bardaflio, Mid-Coast Music Academy, added that this grant will allow them to increase the number of students they are able to accommodate, and thanked the City for its continuing support.

Hearing no other speakers, the public hearing was closed.

At this time, Councilor MacLellan-Ruf moved to add Order #82, Accepting MEA Grant, to the agenda.

Vote: 5 for.

Order #82 Accepting CDBG Microenterprise Assistance Grant

THAT, WHEREAS, the City of Rockland has been awarded a \$100,000 Community Development Block Grant with the Microenterprise Assistance Program to support MCMA and Bixby & Co. to expand.

WHEREAS, it is required by the Maine Department of Economic and Community Development to appoint a Community Development Advisory Committee for Microenterprise Assistance Grant Projects.

NOW THEREFORE, it is hereby Ordered by the City Council of the City of Rockland, Maine, that the City Manager;

(1) is authorized to accept on behalf of the City a grant from the Maine Department of Economic and Community Development to be used for Microentreprise Assistance to Midcoast Music Academy and Bixby and Co.;

(2) is authorized and directed, upon the acceptance of said funds, to carry out the duties and responsibilities for

implementing said program consistent with the City Charter and the laws and regulations governing the planning and implementation of community development programs in the State of Maine; and

(3) is authorized to engage REDAC as the Community Development Advisory Committee for Microenterprise Assistance projects.

Sponsor: City Manager
Originator: Community Development Director

Councilor MacLellan-Ruf moved passage.

The City Manager apologized for bringing this order in at the last minute, but explained when you are dealing with federal dollars, things must be done in a certain order. He said that the City could not officially accept the funds until the second public hearing was held.

Councilor Pritchett congratulated both Bixby & Company and the Mid-Coast Music Academy, and said that it was exciting to see such growth in the City.
Vote: 5 for.

Ordinance Amendment #41 Chapter 11, Section 11-210 Transient Residential Accommodations

WHEREAS, Title 30-A, Maine Revised Statutes, Section 3811, provides that no person may serve as a common innkeeper or tavernkeeper without a license; and

WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of transient accommodations,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE II, Licenses, When Required, SECTION 11-210, Lodging Houses, BE AMENDED AS FOLLOWS:

Sec. 11-210 Lodging Houses And Transient Residential Accommodations

1. Lodging House License.

A. License Required. No person shall operate a Lodging House for five (5) lodgers or more, without first obtaining annually a one-year license therefor from the City Council.

B. Definitions. For the purposes of this subsection¹

“Lodging house” means a house or other residential structure where lodgings for four or more but fewer than 16 persons not within the 2nd degree of kindred to the person operating the lodging house are offered for rent. “Lodging house” does not include dormitories of charitable, educational or philanthropic institutions, or the emergency use of private dwellings at the time of conventions or similar public gatherings.

B. Certifications; Public Hearing. Such license shall not be granted except upon the certification of the Police Chief, Fire Chief, Code Enforcement Officer (Building Inspector), and Plumbing Inspector pursuant to this Section and as per Section 11-106 of this Ordinance.

Prior to granting such licenses, the City Council shall hold a public hearing, notice of which shall be posted in atwo public locations and advertised at least seven days before the hearingmeeting.

There shall be a non-refundable application and/or annual license fee for the Lodging House License which shall be set by Order of the City Council.

C. Standards. Following the public hearing, the City Council may condition or deny any Lodging House license upon the basis of a recommended condition or denial of certification by either the Police Chief, Fire Chief, Code Enforcement Officer, or Plumbing Inspector pursuant to Section 11-106. The City Council may condition, suspend or revoke a Lodging House License, following a public hearing, on the basis of the licensee’s non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

State Law Reference: 30-A M.R.S. § 3801 & § 3811.

2. Transient Residential Accommodations Permit.

A. Purpose. The purpose of the Transient Residential Accommodations Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of transient guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Transient Residential Accommodations Permits and the revenue they make available to homeowners and others helps makes Rockland affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for transient residential accommodations may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

B. Permit Required. No person shall operate a Transient Residential Accommodation without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

C. Definitions. For the purposes of this Subsection¹:

Transient Residential Accommodation (“TRA”) means the use of all or part of a legally-existing dwelling unit for short-term rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

(1) Transient Residential Accommodation – 1 (“TRA-1”) means either:

- (a) an owner- or lessee-occupied² single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (b) a dwelling unit in a two-family structure in which one unit is occupied² by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(2) Transient Residential Accommodation – 2 (“TRA-2”) means either:

- (a) a single-family structure that is not occupied by its owner or lessee that is rented or offered for rent to one person or one family for periods of less than one month,³ or
- (b) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(3) Transient Residential Accommodation – 3 (“TRA-3”) means one dwelling unit in a multi-family structure, where such structure has an approved, functional sprinkler system that is not necessarily occupied by its owner or lessee and that is rented or offered for rent to one person or one family for periods of less than one month. A multi-family structure located in a zone other than the Residential A, AA or B Zones that permits lodging houses shall be permitted to rent any or all units under this section provided that the structure is in full compliance with Chapter 26 of NFPA 101 Life Safety Code/2012.

D. Application; Fee. The City Council may establish a non-refundable application fee for Transient Residential Accommodations Permits, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria.

¹ See Ch. 19, Art. III, Sec. 19-302 for definitions of words and phrases not defined herein.

² The owner or lessee must occupy the dwelling or unit while it is being rented.

³ Provided that there are code-compliant fire separations between dwelling units in an existing condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Transient Residential Accommodations Permit provisions. New condominium units established after October 1, 2015, may not be used for Transient Residential Accommodations.

E. Notice. Upon receipt of a complete application for a Transient Residential Accommodation Permit, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Notice is effective upon mailing.

F. Permitting Authority; Review Criteria. Within thirty (30) days of the City Clerk’s receipt of a Transient Residential Accommodations Permit application, the authorized permitting authority shall grant, grant with conditions, or deny such application applying the level of review criteria (“Review Level”) as defined below, consistent with Table 11-210(2). All Transient Residential Accommodations are also subject to the Additional Requirements set forth in Subsection G.

Review Level I: Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises.

Applicant shall provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

Review Level II: Applicant shall demonstrate compliance with applicable⁴ building, fire

prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises.

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure; and one on-site parking space for each room in a TRA-4 that is offered for rent in addition to two on-site parking spaces required if owner-occupied.

Table 11-210(2)

<u>Type of Accommodation</u>	<u>Type of Structure</u>	<u>Duration of Stay for Which Rental Is Offered</u>	<u>Permitting Authority in Residential AA, A, and B Zones</u>	<u>Permitting Authority in Other Zones</u>	<u>Review Level</u>
<u>TRA-1</u>	<u>Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)</u>	<u>1 day up to less than 1 month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
<u>TRA-2</u>	<u>Single-Family</u>	<u>7 days up to less than one month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>

⁴ See Chapter 4 – Buildings, Inspections & Enforcement.

	<u>Single-Family</u>	<u>1 day up to less than 1 month</u>	<u>Planning Board</u> ⁵	<u>Code Office</u>	<u>I</u>
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Regular Meeting, Ordinance Amendment #41 continued:

October 14, 2015

	<u>Two-Family</u>	<u>7 days up to less than one month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
	<u>Two-Family</u>	<u>1 day up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
<u>TRA-3</u>	<u>Multi-Family*</u>	<u>1 day up to less than 1 month</u>	<u>Planning Board</u>	<u>Planning Board</u>	<u>II</u>

* Use of structure as a dwelling must be a permitted or conditional use in the zone. All newly-constructed Lodging or Rooming Houses are subject to Planning Board Site Plan Review.

G. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for Transient Residential Accommodations:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a TRA shall be in compliance with that of a "one-family dwelling" as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012.
- (2) Rental must be to a single entity. Maximum occupancy shall be limited to two people per bedroom plus no more than two additional children under the age of twelve.
- (3) The use of a dwelling unit as a TRA does not violate any applicable lease, rental agreement, condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (4) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a TRA is not permitted, either on- or off-site;
- (5) The Permittee must maintain accurate, up-to-date records of all rental transactions in the TRA, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (6) The Permittee must post in plain sight to visitors near the entrance and in each rented bedroom a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the TRA, and, when the TRA is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

The Operator of these accommodations, _____ [print permittee's name] has been granted a City of Rockland Transient Residential Accommodations Permit, Permit No. _____, pursuant to Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A FINDING BY THE CITY OF ROCKLAND OR OTHER CODE ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a Transient Accommodations Permit or to conduct that business at these premises so long as the Operator's use of the premises is in conformance with and does not exceed the scope of the Transient Residential Accommodations Permit;

⁵ When the Planning Board is the Permitting Authority, it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

and

(7) The Permittee must assure that each advertisement of the TRA includes Permittee's City of Rockland

Regular Meeting, Ordinance Amendment #41 continued:

October 14, 2015

Transient Accommodations Permit number.

(G) Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any Transient Residential Accommodation Permit upon failure of the applicant to meet all regulations set forth in this section. The City Council may condition, suspend, or revoke a Transient Residential Accommodation Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

Sponsor: Mayor Isganitis

Originator: Code Enforcement Officer

Councilor MacLellan-Ruf moved passage.

At this time, and without objection from the Council, Mayor Isganitis recused himself from debate and vote on this measure to avoid any appearance of a conflict of interest, and turned the Chair over to Councilor MacLellan-Ruf.

Councilor Geiger said that this proposal is still in first reading, and that no decisions on it have been made as of yet. She said she has spent considerable time with the City Attorney and Code Officer trying to figure out the appropriate level of regulations for these kinds of uses. She said she does not believe this proposal provides adequate protections for neighbors and said she would like to see additional work in it.

Councilor Pritchett said different facets of this proposal are being raised, and staff needs to know what parts they should be working on.

Councilor Clayton agreed that more work needs to be done on this proposal and suggested that it be postponed to hold one final workshop on the matter. He added that staff needs to be given direction on how to proceed. Councilor Clayton then moved to postpone Ordinance Amendment #41 until the November 9, 2015 Regular Meeting, and that the Council hold a workshop on the issue prior to that meeting.

Vote: 4 for, 1 abstention (Isganitis)

Ordinance Amendment #41 was postponed until the November 9, 2015 Regular Meeting. It was also determined that a workshop on this issue will be held on October 28, 2015 at 5:30 p.m.

Councilor MacLellan-Ruf returned the Chair to Mayor Isganitis.

Ordinance Amendment #42 Chapter 19, Article III Transient Residential Accommodation

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

Sec. 19-302 Words And Phrases Defined

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

* * *

Bed and Breakfast Establishments. Except as permitted pursuant to Ch. 11, Art. II, Sec. 11-210(2), the following definition shall apply:

- a. The following definition shall apply: Bed and Breakfast. Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to ~~the public~~ one or more persons or families by the owner for compensation for less than one week. Except as otherwise provided, this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room. The maximum guest occupancy shall be 16 / night
- b. No food or drink of any kind shall be sold to the general public.
- c. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002.

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

Regular Meeting, Ordinance Amendment #42 continued:

October 14, 2015

Dwelling Unit: A room or suite of rooms that are arranged, designed, used, or intended for use as a self-contained housekeeping unit, separated from other such rooms or suites of rooms, and contains living, kitchen, and sleeping facilities for one person, or one family, including single-family homes and the separated units in a duplex, apartment house, multi-family dwelling, and residential condominium.

~~A room or suite of rooms that is used as a habitation, which is separate from other such rooms or suites of rooms, and which contains living, cooking, and sleeping facilities, includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.~~

Dwelling, One-Family or Dwelling, Single-Family: The use, for zoning purposes, of a single-family structure by its owner or the owner's tenant as a residence for a person or a family for a term of at least one month, except as otherwise provided under Title 30-A, Maine Revised Statutes, Section 4357-A – Community Living Arrangements, as amended.

~~A building containing not more than one (1) dwelling unit in which the dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms, with exceptions as mandated in Title 30-A Section 4357-A: Community living arrangements, as amended.~~

Structure, Single-Family: A building containing not more than one (1) dwelling unit.

Dwelling, Two-Family: The use, for zoning purposes, of each dwelling unit in a two-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month.

A building containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated ~~in rented rooms.~~

Structure, Two-Family: A building containing two (2) dwelling units.

Dwelling, Multi-Family: The use, for zoning purposes, of each dwelling unit in a multi-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month, including apartment houses and apartment hotels, but excluding boarding houses, inns, lodging houses, hotels, motels, and other transient residential accommodations.

~~**Dwelling; Multiple.** A "multiple dwelling" means a building or portion thereof used or intended to be used or occupied as a permanent residence, more or less, by three (3) or more families living independently of each other, including apartment houses and apartment hotels, but excluding boarding houses, lodging houses, hotels and motels. The latter terms shall mean a building or buildings divided into individual rooms or suites of rooms which are rented or used or designed to be used primarily for sleeping purposes where the building(s) has only general kitchen and dining facilities or where the rooms which are rented contain no extensive cooking facilities.~~

Structure, Multi-Family: A building containing three (3) or more dwelling units.

Family. Two or more persons related by blood, marriage, civil union, or adoption who reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A "family" for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional persons who are not so related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.

~~"Family" means one (1) or more persons living, sleeping, cooking and eating on the same premises as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.~~

Hotel: A commercial establishment offering sleeping accommodations for seventeen (17) or more travelers and others on a transient or semi-permanent basis, sometimes including varying levels of accessory services for occupants and/or

the general public such as restaurants, shops, and meeting rooms.

A building or groups of buildings under the same management in which there are sleeping accommodations for more than sixteen (16) persons and primarily used by transients for lodging with or ~~without meals.~~
Regular Meeting, Ordinance Amendment #42 continued: October 14, 2015

* * *

~~Kitchen Facility(ies). “Kitchen Facility,” both in its singular or plural form, shall mean an area that contains any, some, or all of the following facilities for food preparation, storage, and/or sanitation: a stove, oven, convection oven, microwave, hotplate or other cooking or food warming equipment; any size refrigerator or freezer; and/or any type of sink, including a bar sink or wet-bar but not including a bathroom sink.~~

~~Lodging Facilities. A facility that offers accommodations for a fee.~~

~~Lodging, or Rooming, or Boarding House: A building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use.~~

~~Lodging or Rooming House: Buildings that provide sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.~~

* * *

~~Transient Residential Accommodation (“TRA”). The use of all or part of a legally-existing dwelling unit for short-term rental to a person or family unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month.~~

Sec. 19-309 Special Use Classes Exceptions and Exemptions

* * *

3. Transient Residential Accommodations.

A. Permitted Transient Residential Accommodations. In any zone, existing single-, two-, and multi-family structures may be used as Transient Residential Accommodations upon the issuance of a Transient Residential Accommodations Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of Transient Residential Accommodations as a Special Use Class shall not be required when the Code Office is the designated Permitting Authority pursuant to Chapter 11, Article II, Section 11-210(2).

B. Prohibited Transient Residential Accommodations. No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for Transient Residential Accommodations if:

(1) Such person has not secured or maintained a valid Transient Residential Accommodations Permit for the premises; or

(2) The accommodations are an accessory apartment, a detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home.

Sponsor: Mayor Isganitis
Originator: Code Enforcement Officer

Councilor MacLellan-Ruf moved passage.

At this time, and without objection from the Council, Mayor Isganitis recused himself from debate and vote on this measure to avoid any appearance of a conflict of interest, and turned the Chair over to Councilor MacLellan-Ruf.

Councilor Clayton moved passage and then moved to postpone Ordinance Amendment #42 until the November 9, 2015

Regular Meeting.

Councilor Geiger said that she would support postponing this ordinance amendment, and said she pushed the Code Officer to see less regulation on owner-occupied short term rentals, but went too far on non-owner occupied rentals.

Vote: 4 for, 1 abstention (Isganitis)

Regular Meeting, Ordinance Amendment #42 continued:

October 14, 2015

Ordinance Amendment #42 was postponed until the November 9, 2015 Regular Meeting.

Councilor MacLellan-Ruf returned the Chair to Mayor Isganitis who then called a five minute recess at 9:12 p.m.

The meeting was reconvened at 9:17 p.m. with Councilor Pritchett making a motion to take Order #81 out of order. Without objection from the Council, it was so ordered.

Order #81 Amending Harbor and Waterfront Fee Schedule

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Harbor & Waterfront Fee Schedule, adopted 06/30/14 and amended 08/11/14, is hereby further amended as follows:

**HARBOR & WATERFRONT FEES
(Adopted 06/30/2014; Effective 07/01/2014; As Amended 08/11/14)**

VESSEL MOORING PERMITS:

- Residents: ~~\$60.00~~ \$70.00 per year for a mooring site designed for a 30' vessel or less PLUS ~~\$1.75~~ \$2.00 per foot of designed mooring site exceeding 30'.
- Non-Residents: ~~\$80.00~~ \$140.00 per year for a mooring site designed for a 30' vessel or less PLUS ~~\$1.75~~ \$2.00 per foot of designed mooring site exceeding 30'.
- Rental and Service Moorings: \$120.00 per year for a mooring site designed for 30' vessel or less PLUS ~~\$1.75~~ \$2.00 per foot of designed mooring site exceeding 30'.
- Late Fees: \$30.00 late fee per mooring permit.

PRIVATE USE DOCKING:

- Public Landing:
 - Floating docks: All vessels shall pay \$5.00 per hour beyond the initial two (2) hours. Overnight docking ~~\$2.00~~ \$2.50 per foot for vessels under 50 feet (including all appendages) and \$2.50 per foot for vessels over 50 feet. Visiting school (non-profits, educational institutions) ships shall pay \$1.00 per foot per night.
 - Visiting cruise ships: Shall pay ~~\$2.50~~ \$3.00 per foot, per day and a service fee of \$175.00 per visit.
 - Dinghy floats: \$50.00 per season for Rockland Residents
\$175.00 per season for Non-Residents
\$5.00 per day; up to two hours without charge.
- Snow Marine Park:
 - Dinghy Storage: \$20.00 per season for Rockland Residents
\$100.00 per season for Non-Residents
\$5.00 per day.

Middle Pier Winter Dockage:

\$300.00 per month for vessels less than thirty feet, \$400.00 per month for vessels 30 feet or greater in length.

Municipal Mooring Rentals:

	May 15 – Oct 15	Oct 16 - May 14
Daily	\$30.00	Not Available
Weekly	\$155.00	Not Available

Regular Meeting, Order #81 continued:

October 14, 2015

PUBLIC AMENITIES:

Electricity	\$2.00 \$5.00/per hr.	
Showers	\$2.00	
Water	\$3.00 per day	\$30.00/season

SNOW MARINE PARK BOAT LAUNCHING FACILITIES:

Private Users:	Daily use:	\$5.00
	Annual pass:	\$20.00 Rockland Resident \$40.00 Non-resident
Commercial User:	Daily use:	\$25.00
	Annual pass:	\$250.00

COMMERCIAL VESSEL USE OF MUNICIPAL PIERS:

Dockage Fees:

~~\$50.00~~ \$55.00 per foot per season, \$200.00 deposited with application
 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

Launch Service Vessels:

\$50.00 per summer.

Utilities:

May 15th to October 15th - \$450.00 per month.
 October 16th to May 14th - Electricity as metered, minus \$35.00/month for overhead lighting.

Boat Charter Companies:

\$50.00 per boat per visit.

UTILIZATION OF MUNICIPAL WATERFRONT PROPERTIES:

Harbor Park only:	\$1,400.00 per day
Harbor Park and Buoy Park:	\$2,250.00 per day
Buoy Park only:	\$850.00 per day
Mildred Merrill Park only:	\$250.00 per day
All Three:	\$2,500.00 per day
Snow Marine Park:	\$500.00 per day
Extra set-up days	\$250.00 \$400.00 per day
Vendor relocation reimbursement:	\$400.00 per event
Recurrent Park Use	\$300.00 per season.

If use of the docks at the Public Landing is also desired for an event, the rate shall be \$0.50 per foot of dock space utilized per day.

UTILIZATION OF MUNICIPAL WATERFRONT PROPERTIES BY FOOD VENDOR:

Buoy Park:	\$3,000.00 per season
Snow Park/Johnson Park:	\$1,500.00 per season

BICYCLE, SCOOTER AND KAYAK RENTAL VENDOR/TRIP ORGANIZER:

The seasonal fee for such use is \$500.00.
Regular Meeting, Order #81 continued:

October 14, 2015

DEPARTMENT PERSONNEL SERVICES:

Marine Events:
\$200.00/day.

Sponsor: City Manager
Originator: HMC

Councilor MacLellan-Ruf moved passage.

Councilor Geiger said that the Council increased revenue projections for this department by \$30,000 in the FY 2016 budget, and noted that the proposed changes here would increase revenues by \$32,550. She asked if any of these increases would create a burden on residents, and if any burden on residents could be eliminated and still meet the \$30,000 projection.

The City Manager said that these changes were proposed by the Harbor Management Commission, and he would defer to the Harbor Master.

Councilor Pritchett said that the \$30,000 increase in revenues was for FY 2016, where these increases would affect FY 2017. He said the two are not related.

Councilor MacLellan-Ruf said that she spoke with the Chair of the Harbor Management Commission about the resident vs non-resident fees. She said that the increase include fees for parking as well.

The City Manager said that the Council could ask the Harbor Management Commission to look into the matter further and come back with another recommendation if necessary at a later date.

Councilor Pritchett said that he looked at what other communities charge non-residents and these fees were reasonable. He suggested that the Council pass this order as presented and look at the resident fees. He said the Council can always revisit this matter if necessary.

Vote: 5 for.

The order of the agenda was then resumed.

Resolves:

#42 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$2,200.48 to the Rockland Public Library for 193 children’s titles to be added to the Library’s Children’s collection, a Season Vehicle Pass through the end of 2016 for Maine State Parks valued at \$70.00, 4 passes to the Farnsworth Art Museum valued at \$300.00, and \$2,160.00 for the annual fee for delivery services for interlibrary loans, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated \$1,757.43 to the Rockland Public Library for landscaping services and for an education supplement ad in the Free Press, and \$224.91 for online program from Cypress Information Services, 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, Kyrill Schabert and Anthony Oppersdorff, dba Best Nature Sites Vol. 2, of Jefferson Maine, donated \$68.00 to the Rockland Public Library, which represents 40% of the proceeds from the sale of books at a recent Library program, 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, Katherine Snow, of Jefferson, Maine, donated \$200.00 to the Rockland Public Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

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

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

Sponsor: City Council
Originator: City Council

Councilor Clayton moved passage.
Regular Meeting, Resolves continued:

Vote: 5 for.

October 14, 2015

#43 Appointment to the COMPS Commission (M. Gifford)

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Mayor's appointment of Alternate Member Michelle Gifford to a Full Member of the Comprehensive Planning Commission to fill a vacancy on the Commission is hereby confirmed. Ms. Gifford shall serve until that term expires in 2015.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

Councilor Geiger moved passage.

Vote: 5 for.

Ordinances in Final Reading and Public Hearing:

#24 Chapter 17, Sections 17-404 & 17-420 Shuffling

(See pages 179 for text)

It was noted that this Ordinance Amendment was postponed until this meeting after receiving a public hearing and a motion for passage in final reading on September 14, 2015.

The City Manager mentioned a memo from the Police Department providing the Council with additional parking data that was requested at the September 14th meeting.

Councilor Pritchett said that there is a lot of parking in the downtown area, but the majority of the violations seem to come from two specific areas. He said that business owners should take steps to discourage their employees from shuffling. He said he wished the City had a better solution to the parking issues downtown, but this will have to do for now. He said there is non-time limited parking available in the area.

Councilor MacLellan-Ruf said that it was ridiculous that the City needs to waste time on an issue such as this. She said that no one's job on Main Street is any more important than any other. She said that the violators choose not to cooperate, and the rules should be punitive enough to compel compliance.

Councilor Clayton said that he was surprised that only .6% of violations were for shuffling, which could mean that those who are doing it are good at it.

Councilor Geiger said that she does not like this ordinance, but the Parking Committee and Police Department have asked that the Council address this issue so she will support it. She said that the City should continue looking at this issue to try and find other deterrents for repeat offenders.

Vote: 5 for.

The amendment will become effective November 13, 2015.

#32 Zoning Map Amendment – Res. B to Ind. I Zone – Thomaston Street

(See page 200 for text)

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

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

The Ordinance will become effective November 13, 2015.

#33 Authorizing Quit Claim Deed – Sale of 35 Broadway

(See pages 200 & 201 for text)

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

Councilor Pritchett moved passage.

Vote: 5 for.

The Ordinance will become effective November 13, 2015.

#34 Chapter 2, Section 2-212 Regular Council Meeting Starting Time

(See page 201 for text)

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

Councilor Clayton moved passage.

Vote: 5 for.

The amendment will become effective November 13, 2015.

#36 Authorizing Quit Claim Deed – 99 West Meadow Road

(See page 198 for text)

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

Councilor Pritchett moved passage.

Vote: 5 for.

The Ordinance will become effective November 13, 2015.

Regular Meeting, Ordinances in Final Reading continued:

October 14, 2015

#37 Chapter 3, Article III Domesticated Chickens

(See pages 201-203 for text)

Councilor Geiger moved to postpone Ordinance Amendment #37, prior to the holding of the public hearing, until the November 9, 2015 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #37 was postponed, prior to the public hearing, until the November 9, 2015 Regular Meeting.

#38 Chapter 19, Section 19-304 Res. A Regulations – Domesticated Chickent

(See page 203 for text)

Councilor Geiger moved to postpone Ordinance Amendment #38, prior to the holding of the public hearing, until the November 9, 2015 Regular Meeting.

Vote: 5 for.

Ordinance Amendment #38 was postponed, prior to the public hearing, until the November 9, 2015 Regular Meeting.

Ordinances in First Reading:

#39 Authorizing Quit Claim Deed – Sale of 19 Franklin Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quitclaim deed to William Heal for property located at 19 Franklin Street, as shown on Rockland Tax Map #19-E-9, for \$35,000, said sale being subject to the execution and substantial compliance with the terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council

Originator: City Manager

Councilor Pritchett moved passage.

Councilor Geiger said that she would like to see higher amounts for these properties, and added that the process still needs work.

Vote: 5 for.

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

#40 Authorizing Quit Claim Deed – Sale of 15 Garden Avenue

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized to issue a municipal quitclaim deed to Shane Chontos for property located at 15 Garden Avenue, as shown on Rockland Tax Map #60-A-3, for \$1,000, said sale being subject to the execution and substantial compliance with the terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council

Originator: City Manager

Councilor Clayton moved passage.

Councilor Geiger said if there are no immediate plans for this property, it may make more sense for the City to keep it. She said if a house were put on this lot there would be a better chance to sell it. She added that \$1,000 for a buildable lot seems quite low. Councilor Pritchett asked if the City is determining if the City has any use for these properties.

The City Manager said that has become part of the City's process prior to placing such properties out to bid.

Councilor Pritchett said he did not know if this particular property has any use to the City for storm water mitigation in an area that has had flooding issues in the past. He asked that such an evaluation be made prior to final reading.

Vote: 5 for.

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

With the lateness of the hour, the Executive Session schedule for this time was cancelled and re-scheduled to take place on October 28, 2015 at 7:00 p.m. following the Transient Residential Accommodations workshop.

With no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:59 p.m.

Regular Meeting continued:

October 14, 2015

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

October 22, 2015

City Council Goal and Visioning Workshop

The meeting was called to order by the Mayor at 5:30 pm. in Board Room at the Rockland Public Library, 80 Union Street, Rockland, Maine, with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Valli Geiger, and City Manager Chaousis.

Councilor Larry Pritchett arrived at 6:05 p.m. and City Attorney Beal was excused from attending the meeting.

Public Forum: There were no speakers for the public forum.

City Council Goals and Visioning Workshop: The Council went into informal session for a goal-setting and visioning workshop, facilitated by Laurie Bouchard of Bouchard and Associates. The following draft Vision Statement resulted from this workshop:

**CITY OF ROCKLAND, MAINE
VISION STATEMENT
(DRAFT)**

By June 30, 2018, the City of Rockland will be known as a place where public officials, private citizens and the press work together, with optimism, trust and collaboration, to create and promote the region's unique assets and quality of life. Collectively, we have a strong legislative voice and are succeeding in our advocacy at the State level.

In a three year period, we have increased tourism and commercial, residential and public values, as well as associated revenue, by realizing the potential of our natural waterfront resource in many, diverse ways. We have created and enhanced civic amenities and improved their utilization, safety and enjoyment. There is an in-town housing renaissance for all socioeconomic levels, and young families are choosing to live in the City of Rockland due to the availability of middle class housing and the quality of our education. We are also attracting new businesses and younger residents through public/private partnerships that offer a state-of-the- art technology infrastructure. With a focus on renewable energy, we have implemented some components of our sustainable energy and conservation plan.

At the same time, positive changes have taken place with workplace culture among City employees. Through a focus on continuous improvement and creativity, we have improved our efficiency and reduced our need to outsource work, by investing in staff development and fostering an entrepreneurial/ownership spirit among all department managers. Employee satisfaction is at an all-time high.

With no further business to come before the City Council, the meeting was adjourned without objection from the Council at 7:56 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

October 27, 2015

Discussion with RSU #13 and Member Municipalities: Withdrawal and Consolidation

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

Special Meeting continued:

October 27, 2015

Public Forum: There were no speakers for the public forum.

Discussion with RSU #13 and Member Municipalities: Withdrawal and Consolidation: The Council went into informal session to hold a discussion with representatives from RSU #13, and the towns of Thomaston, Owls Head, South Thomaston and Cushing, on the possibility of the withdrawal of the City of Rockland from RSU #13 and the recently released plan of the Superintendent to consolidate and improve the RSU. The issues discussed were outlined in a memo from the City Manager as follows:

The push for withdrawal stems from the Rockland citizens frustration with unfulfilled promises of consolidation efficiencies and plans that were never implemented. As the largest municipal entity of RSU #13 comes the largest price tag. The City also suffers through the national economic situation with far more effect than our rural neighbors. Service-center communities are very susceptible to struggles when growth isn't apparent. The City Council responded to similar concerns over rising costs to taxpayers with unprecedented budget decisions that were painful, yet necessary for us as a community. There is little surprise from the City Council that reluctance on behalf of RSU #13 to do likewise has led to a citizen's initiative to withdraw.

The Superintendent of Schools from RSU #13 has delivered a plan that is achievable but resembles plans of the past. The optimism of a united and consolidated school district seems to be at our fingertips. The plan appears affordable, reasonable, and thoughtful but lacking the details needed for comfort. Regardless of these concerns, residents are starting to believe in the administration of the RSU, and the school board, and their ability to control costs while providing a quality education.

Rockland voters are at a crossroads. Rockland City Councilors have remained silent about which path to take but very vocal about the unsustainability of our current path. As a city official, there is a complicated and unappealing choice of supporting a citizen led withdrawal initiative or supporting a plan that lacks the level of detail required to instill confidence in our residents that changes are being made. The City Council feels the need to take a leadership role in addressing the frustration of citizens while working collaboratively with the existing district.

With the above discussion complete, and with no further business to come before the City Council, the meeting was adjourned without objection from the Council at 8:10 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

SPECIAL MEETING

AGENDA

October 28, 2015

5:30 p.m. – 7:00 p.m. Workshop: Transient Residential Accommodations

7:00 p.m. Executive Session pursuant to 1 M.R.S. §405(6)(A) which permits the discussion of evaluation of personnel, to hold a performance review of the City Manager

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

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

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

- Kathryn Fogg-Hill, 84 Grace Street, spoke concerning the Transient Residential Accommodations (TRAs) Ordinance, saying that the current edition of the Life Safety Code is incorporated in this proposal by reference. She added that the City has the ability to pick and choose which provisions of the Life Safety Code it wishes to incorporate into this ordinance. She also commented on a flyer being distributed in opposition to TRAs and noted that some of the information on it is less than accurate. She said if someone is going to distribute such a flyer, they should be ready to back up the claims made on it.

- Laura Borchert, 84 Talbot Avenue, responding to the comments made by Ms, Fogg-Hill with regards to the flyer, said that she has the background information supporting the information listed on the flyer and would be happy to share it with anyone who wanted it.

Special Meeting, Public Forum continued:

October 28, 2015

- Debby Atwell, 81 Pleasant Street, said that VRBO is very important to her. She said it is a way for her to supplement her income and pay her taxes and fix up her property. She said many others are in the same boat that she is and needs this income to make ends meet. She said that the non-owner occupied whole-house rentals is where the City should be concentrating the regulations.

- David Myslabodski, 54 Broad Street, spoke concerning the performance of the City Manager, criticizing several of the actions taken by the City Manager since his hiring in January, 2015, such as pushing for the gas-fired power plant, the long-time employees that seem to have been forced out, the creation of an assistance City Manager position without the authority to do so, and apparently sitting on a composting permit when the public is in favor of moving forward with this project.

At this point, the Mayor asked Mr. Myslabodski to refrain for a personal attack on the City Manager, saying that the Code does not allow for such personal attacks on municipal employees.

Mr. Myslabodski said that he was not making a personal attack on the City Manager, rather he was criticizing the actions of the City Manager.

The Mayor ruled that Mr. Myslabodski's comments were in violations to the City's Code and would not allow him to continue with his comments.

Hearing no other speakers, the public forum was closed.

Councilor Pritchett said that the Code section referred to by the Mayor was Chapter 2, Section 2-212(7)(d), which states:

"d. Persons speaking during such public forums, public comment periods or public hearings shall strive to be accurate in their statements, avoid personal attacks and innuendoes, and conduct themselves in a respectful manner expected of all meeting participants under this section."

At this time, Councilor Pritchett moved to add Resolve #44, City Council Supports Position on Local Referendum Questions, on the agenda.

Vote: 5 for.

Resolve #44 City Council Supports Position on Local Referendum Questions

WHEREAS, pursuant to Order #70, after notice and hearing on a citizen's petition, held on September 14, 2015, the City Clerk is authorized and directed to submit the following question to the voters of the City of Rockland at the Regular Municipal Election schedule for November 3, 2015:

QUESTION #1 WITHDRAWAL FROM RSU#13

"Do you favor filing a petition for withdrawal with the Board of Directors of Regional School Unit #13 and with the Commissioner of Education, authorizing the withdrawal committee to expend \$20,000 and authorizing the Municipal Officers of the City of Rockland to issue notes in the name of the City of Rockland or otherwise pledge the credit of the City of Rockland in an amount not to exceed \$20,000 for this purpose?"

(A YES vote would allow the withdrawal process to proceed.)

(A NO vote would stop the withdrawal process.); and

WHEREAS, pursuant to Order #77, the City Clerk is authorized and directed to submit the following advisory question to the voters of the City of Rockland at the Regular Municipal Election schedule for November 3, 2015:

QUESTION #2 EDUCATION OPTIONS

"Given the withdrawal of the town of St. George from RSU 13 and the steady rise in costs to Rockland since the merger of SAD 5 and SAD 50 into RSU 13, should the City explore other education options that could potentially improve local education while minimizing costs including, but not limited to, a municipal kindergarten through eighth grade system with students attending a multi-town regional high school, a municipal kindergarten through twelve grade system, as well as possible changes to the funding and governance structure of RSU 13?";

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

THAT through careful and deliberate consideration of all of the factors regarding these two local issues, the City Council believes that withdrawal from RSU #13 at this time would not be in the best interest of the City of Rockland, but exploration of other education options is the prudent course of action to address community concerns regarding the education of our youth.

Special Meeting Resolve #44 continued:

October 28, 2015

Sponsor: City Council

Originator: City Council

Councilor Pritchett moved passage and said that the Council has struggled with the education question. He said the Council realizes the challenges faced by RSU #13, but also questions the tax burden placed on the City by the RSU. He said if the citizen petition withdrawal question is approved, it would start an automatic withdrawal process. He said that the Council has not taken a position on the withdrawal question to this point. He said the Council held a discussion last night with officials from RSU #13 and the other member municipalities to try and figure out the best way to proceed. He said that the Schools for our Future plan unveiled by the Superintendent captures many of the original goals of consolidation into RSU #13 and addresses facilities needs while minimizing costs to the member municipalities. He said this resolve reflects what the Council took out of that meeting. He added that withdrawal from an RSU usually follows extensive deliberate study of the issues involved, rather than precede such studies. He said withdrawal at this time was premature, and this may be the last opportunity to capture the original goals from when the RSU was created.

Councilor Clayton said that the meeting last night was very successful and that everyone seemed to be on board with moving forward in the most appropriate way. He said there was thoughtful deliberations at the meeting from all parties involved, and that he will support this Resolve. However, he said many questions still remain regarding the financial impact of the Superintendent's plan and he will be interested to see more details of the plan in the near future. He said that he signed the withdrawal petition before he was aware of the Superintendent's plan, but after reading it believes that it should be explored. He said that he has always been a proponent of consolidation within RSU #13, and the onus is now on RSU #13 to follow through with this plan. He urged Rockland voters to vote no on Question #1 and yes on Question #2 at the Municipal Election to be held on Tuesday, November 3, 2015.

Councilor Geiger said that she did not want to focus exclusive on budgetary components, although they are a very important pieces of the pie. She said she also signed the petition for withdrawal, but is now fully on board with RSU #13 continuing. She said RSU #13 has an "A-Team" in place with Superintendent MacDonald and the administrative staff, and that the Schools of our Future plan is a framework for moving forward. She said they need to give this "A-Team" a chance to see what they can do. She also agreed that withdrawal from RSU #13 at this time was premature.

Councilor Pritchett said that the Council has heard the reservations that the community has concerning RSU #13 and whether it can solve its problems in its current form, and where will education quality and costs meet. He said the end result if Question #1 fails and Question #2 passes, will be the City working with the RSU to address the issues and concerns expressed by the residents. He said changes have to be made, and the City is committed to working with RSU #13 and the other member municipalities to make those changes.

Vote: 5 for.

Prior to beginning the Transient Residential Accommodations workshop, Councilor Geiger said that prior to being elected to the City Council, she was appalled at how the public forum at the beginning of Council meetings was used to insult and degrade public employees without due process or the opportunity to respond. She said that she decided if she was elected to the Council, that she would not stand for such attacks on City employees, adding that the Code section referenced above by Councilor Pritchett prohibits such attacks. She said that the members of Council are elected and the public can say whatever they wish about them, but the City employees do not deserve such abuse. She said that the employees have department managers who review their performance and report to the City Manager, and the City Manager reports to the Council. She said that she was uncomfortable with the public making unfair criticism of the City employees.

Mayor Isganitis added that the Code gives the Mayor the discretion to determine where that line is, and he apologized to anyone who disagreed with his determination. He said that the Council is open to communication with members of the public at almost any time, and not just from the podium, which he said is probably the least-effective way to communicate with the Council.

Workshop – Transient Residential Accommodations: The Council then went into informal session for a workshop on the proposed regulations regarding Transient Residential Accommodations.

Mayor Isganitis recused himself from the discussion to avoid any appearance of a conflict of interest.

Executive Session: Councilor Clayton moved to enter an Executive Session pursuant to 1 M.R.S. §405(6)(A) which permits the discussion of evaluation of personnel, to hold a performance review of the City Manager.

Vote: 5 for.

The Council entered Executive Session at 7:38 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection at ____p.m.

A TRUE COPY.
SPECIAL MEETING

ATTESTED: _____ City Clerk
AGENDA **November 2, 2015**

Resolve #45 Nomination to Knox County Budget Committee – T. Pinto
Set Agenda for 11/09/15 Regular Meeting

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

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

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

- Ron Huber, 148 Broadway, spoke concerning the City’s policy regarding use of cell phones for both public and private business. He said that apparently it would take a City official 10 hours to separate public business from private business to respond to the Freedom of Information Act request he made for cell phone records.

- Nicole Fuller, 24 Holmes Street, spoke concerning the proposed Transient Residential Accommodations (TRA) ordinances, saying that she has been confused about the process over the past few months. She said many issues were discussed at the various workshops on these proposals, but a lot of what was discussed does not appear in the latest drafts of these ordinances. She asked for some clarification on this point.

- Code Enforcement Officer John Root responded to Ms. Fuller’s questions saying that the latest drafts of these ordinances are the results from the latest workshop on the matter.

- Cheryl Michaelsen, 81 Talbot Avenue and owner of the Barry Manor Inn, said that the City needed to enact laws that benefit the residents of the City rather than non-resident property owners. She said that non-resident property owners operating TRA’s should be restricted to commercial zones only, and non-owner occupied TRAs in residential zones should not be allowed. She also said that provisions should be made for owner-occupied TRA operator to rent out their entire home on a limited basis.

- Laura Borchert, 84 Talbot Avenue, said that if the City is looking to work on the TRA ordinances in stages, she would like to know how that would work.

- Minda McVetty, 49 Talbot Avenue, spoke concerning the draft Vision Statement for the City, asking what exactly was the intent of the statement, saying that it was like no other vision statement for any organization that she has ever seen.

- Steve Carroll, 326 Old County Road, said that he has lived in Rockland most of his life and has seen many changes over the years, not all of them good. He said there has been a trend of “folks from away” coming to the City and trying to change the way things have been done. He also commented on the retirement of Harbor Master Ed Glaser, saying that he did not believe Mr. Glaser was ready to retire, but rather was forced out because he was unwilling to go along with the new regime. He commended all public employees for everything they do on a daily basis.

- Susan Barbour, 645 Old County Road, spoke concerning the order to authorize bids for the sale of Engine Quarry (224 Old County Road). She said that this issue has come up time and time again, and that there are still many issues surrounding the ownership of the property. She said that this proposal should be postponed until those questions are answered. She also said that she has the mineral rights to the quarry that she purchased from the Rockland Rockport Lime Company and Railroad.

Hearing no other speakers, the public forum was closed.

Resolve #45 Nomination to Knox County Budget Committee – T. Pinto

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT Terry Pinto, 195 Broadway, is hereby nominated to serve as a representative of the City of Rockland on the Knox County Budget Committee.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

Special Meeting, Resolve #45 continued:

November 2, 2015

Councilor Pritchett moved passage.

Vote: 5 for.

Set Agenda for 11/09/15 Regular Meeting: The Council went into informal session to set the agenda for the November 9, 2015 Regular Meeting. The following communications were addressed:

a. Letter from Carol Harris – Resignation from Personnel Board. The resignation was accepted and the City Manager was directed to send a letter of thanks to Ms. Harris for her service to the City.

b. Letter from Rockport Fire Department – Thanks to Rockland Fire Department. The Rockport Fire Department thanked the Rockland Fire Department for its assistance with a fundraiser activity. The letter was accepted and placed on file.

The Council then proceeded to set the agenda for the November 9, 2015 Regular Meeting.

With the agenda set, and with no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:10 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

ELECTION RESULTS REFERENDUM/MUNICIPAL ELECTIONS November 3, 2015

STATE REFERENDUM ELECTION November 3, 2015

<u>Question #</u>	<u>YES</u>	<u>NO</u>	<u>BLANKS</u>
#1 Citizen Initiative – Campaign Financing	811	476	18
#2 Bond - \$15 Million – Energy-efficient Senior Housing	948	337	20
#3 Bond - \$85 Million – Transportation	996	291	18

ANNUAL MUNICIPAL ELECTION November 3, 2015

<u>City Council (1 seat)</u>	<u>Votes</u>
Jillson, William J.	528
Atwell, Deborah O.	WD
Isganitis, Frank C.	476
Blanks	300
 <u>RSU #13 Board (2 seats)</u>	
Butler, Jesse L.	787
Kilgour, Esther M.	WD
Mathieson-Jeffers, Nancy L.	751
Blanks	1070
 <u>Rockland Port District (1 seat)</u>	
Kalloch, James M.	993
Blanks	311
 <u>Election Warden (1 seat)</u>	
Avirett, Chelsea M.	949
Blanks	355

Ward Clerk (1 seat)

Woodman, Hannah D. 1009
Blanks 295

Election Results continued:

November 3, 2015

Municipal Referendum Questions

<u>Question #</u>	<u>YES</u>	<u>NO</u>	<u>BLANKS</u>
#1 Withdrawal from RSU #13	310	919	95
#2 Education Options	786	410	108

Total Voters: 1,305 (including 204 Absentee) out of 4,745 Registered Voters (27.5%)

A TRUE COPY.

ATTESTED: _____ City Clerk

REGULAR MEETING

AGENDA

November 9, 2015

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than thirty minutes (3 min limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager’s Report
 - b. City Attorney’s Report
 - c. Other Official’s Report
 - d. Mayor’s Report
7. Licenses and Permits:
 - a. Lodging House License – Trade Winds Motor Inn (Postponed from 10//14/15)
8. Resolves:

#46 Appointment – Personnel Board (C. Avirett)	Mayor Isganitis
#47 Appointment – Board of Assessment Review (E. Kilgour)	Mayor Isganitis
#48 Accepting Donations – Library	City Council
#49 Adopting City Vision Statement	City Council
9. Ordinances in Final Reading and Public Hearing:

#37 Chapter 3, Article III Domesticated Chickens (Postponed from 10/14/15) (Postponed prior to holding the Public Hearing)	Councilor Geiger
#38 Chapter 19, Section 19-304 Res. A – Chickens (Postponed from 10/14/15) (Postponed prior to holding the Public Hearing)	Councilor Geiger
#39 Authorizing Quit Claim Deed – Sale of 19 Franklin Street	City Council
#40 Authorizing Quit Claim Deed – Sale of 15 Garden Avenue	City Council
10. Ordinances in First Reading:

#41 Chapter 11, Section 11-210 TRAs (Postponed 10/14/15)	Mayor Isganitis
#42 Chapter 19, Article III TRAs (Postponed 10/14/15)	Mayor Isganitis
#43 Chapter 19, Section 19-304 DT & TAAOZ – Front Setback	Mayor Isganitis
#44 Authorizing Quit Claim Deed – Reconveyance 105 First St.	City Council
#45 Chapter 17, Section 17-802 Thorndike Parking Lot – 15 Min . Limit	Mayor Isganitis
11. Orders:

#82A Authorizing Use of City Property & Fee Waiver – 2015 Holiday Celebration	City Council
#83 Authorizing Bids – Sale of City Property (224 Old County Rd)	City Manager
#84 Authorizing License Agreement – Mid-Coast Surveyors Association	Councilor Clayton

#85 Approving Union Contract – Police
#86 Approving Union Contract – Public Service/Wastewater
#87 Approving Union Contract – Clerical

City Council
City Council
City Council

Regular Meeting, Agenda continued:

November 9, 2015

12. Adjournment.

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

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

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

- Adele Faber, 73 Willow Street, spoke concerning transparency and accountability, and said that it was not negative for people to ask for that from their elected officials. She also said that the Code allows people to speak at the public forum for up to 5 minutes, and that the Mayor does not have the authority to limit it to less than that. She also criticized the Council for repeatedly adding items to the agenda and passing them without prior notices to the public. She said that this should not be done except in the case of public emergencies. She said that the City Council should resolve to follow the laws and rules established for its conduct.

- David Myslabodski, 54 Broad Street, said that it was time for the Council to start listening to the people. He said twice the public has overturned pay per bag and called for enforcement of existing recycling regulations, but are still being ignored. He added that the City Council allowed the creation of an assistant city manager position contrary to the City Charter, and that the Council should reverse all of the actions of the City Manager since he was hired. He said that the Council needs to work with and for the people and respect the traditions of the City.

- Joe Steinberger, 7 Gay Street Place, said that the last election was not about the former mayor, but rather was an indictment of the Council as a whole. He said that he was been watching with horror what has been going on, with the Council displaying an incredible amount of arrogance. He added that the vision of everyone speaking with one voice amounts to nothing less than tyranny. He said people need to be free to say what they think, and that opposition is the cornerstone of what democracy means.

- Edward Burzon, a resident of New Hampshire and frequent visitor to the Mid-Coast area, spoke in opposition to the proposed regulation of TRAs. He said that TRAs should be allowed to operate with as little regulation as possible, stating that they are an economical alternative to more traditional kinds of lodging, such as hotels and B&Bs, which are often too expensive. He also said that TRAs provide an economic boost to a community as well, with those staying often spending a considerable amount of money in the local economy.

- Annie Higbee, a non-resident property owner, said that she was confused by the TRA ordinances, saying that they are hard to understand. She also said that the word “transient” seems to have a negative connotation and asked if the Council would consider changing it to a more “friendly” term. She added that limiting the number of nights that a property can be rented will create problems for the owners of those properties.

- Barbara Hurd, from Camden Accommodations, said they have been in the vacation rental business since 1994 and have management properties in several mid-coast communities, and rent the majority of those properties for between 4 and 7 nights. She said there have been practically no complaints from neighbors of these properties, and added that they are on call 24 hours a day to address any issues that may arise. She said that vacation rentals in Maine generate a large amount of money for local economies, and that the City should use caution when creating regulations. She said that too many or too restrictive regulations could cause the demise of the vacation rental industry. She said that TRAs are not inns or b&bs, and therefore should not be regulated as such.

- Laura Borchert, 84 Talbot Avenue, asked that the Council be cautious as well when establishing these regulations to ensure the preservation of neighborhoods. She said that the City needs to balance what it best for the residents with the desire of others to conduct these kinds of businesses. She said that these kinds of businesses should be allowed to continue, but should be regulated to ensure that the neighborhoods in which these businesses exist are protected.

- Melva Gunnerson, Vacation Rentals of Maine, said that there were still issues with the TRA proposals, such as no provisions for the rental of a property for events such as reunions and such, since the regulations practically prohibit the rental of properties to persons or groups that are not related. She said that she did not want to see the economic benefits of TRAs jeopardized because of these regulations.

Regular Meeting, Public Forum continued:

November 9, 2015

Hearing no other speakers, the public forum was closed.

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

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

Reports:

a. City Manager's Report: The City Manager responded to some of the comments made during the public forum:

- With regard to Mr. Steinberger's statement about speaking with one voice, the City Manager explain that reference was to the City administration and staff speaking with one voice, not the City Council.

- With regard to the SWOT analysis and workshop, the City Manager read the following statement: "There was significant press coverage of the October 22nd City Council goals and objectives workshop, but I would like to elaborate on one perspective that was not covered in the articles. It is always interesting when someone else asserts your thoughts and perspective but rarely accurately. Here's mine: All of the employees of the City of Rockland are extremely valuable, extraordinarily rare, and likely exerting more effort than their counterparts in other municipalities.

Imagine why this perspective was not covered. First, it didn't develop without development and recognition of the challengers of the city employees. Second, it wasn't an easy story. A new correspondent would have to have attended the entire meeting. Imagine reading a book jacket and then doing a book report on the content. Finally, it's not a positive image, and therefore, less likely to make major headlines in the news.

Don't let me discredit the press because comments regarding professionalism, other public staff issues were written in individually submitted, opened-ended questionnaires submitted to City Councilors. The honest truth. These issues get raised daily in customer interactions with city public workers, but often are just pure perception. Our city employees do jobs that are either not offered privately or they enforce laws. Customer satisfaction is often not based on the transaction but the true customer, the residents and taxpayers of the city. City Councilors are not immune from these singular perceptions. So, in a strategic planning session it makes sense to throw it all against the wall and see what sticks. Nothing regarding poor performing city employees made it beyond suggestion because it is not a real issue. It is a common challenge that is apparent in any government, much like minority voices, bad press, and policy challenges.

I feel guilty that I didn't immediately jump to the protection of the City of Rockland employees, and that's on me. It's because I didn't the source. I find myself trying to restore confidence in public employees lately, but I tell them don't immediately trust everything you hear. When I received a complaint about an employee, it's usually an authority issue or a service issue that is outside the employee's control. Sometimes it's lack of resources and that is a management problem.

There is no one that has better perspective of the value of City of Rockland employees than me. I supervise managers of these employees and understand the policy directives and resources. We have the hardest working municipal employees that I have ever worked with, Not only that, but we have recognized a half dozen twenty-plus year employees in the last six months. That says they have longevity and in Rockland that means perseverance. Most Rockland employees work harder than their counterparts in other municipalities. They are more resourceful and do more with less.

In conclusion, to all City of Rockland employee. Unless you have heard from me or your immediate supervisor that you have a performance issue, which we would counsel you discreetly on, assume that you are doing an amazing job and we are negligent in telling you so. Don't let anyone tell you differently."

b. City Attorney's Report: The City Attorney reported that the closing for the sale of 319 Broadway has been completed. The City Attorney also commented on the sale of 99 West Meadow Road. He said that the property has now been transferred to its new owner from Mr. Leach (to whom the City sold the property).

c. Other Official's Report: Councilor Pritchett presented plaques to Mayor Isganitis for his service as Mayor for the previous year and for his service on the Council for the previous three years, and thanked him for his service to the City.

Regular Meeting, Other Official's Report continued:

November 9, 2015

Councilor Geiger also thanked Mayor Isganitis for his service and leadership. She said the Mayor wears his heart on his sleeve and was quick to rise, but also willing to listen. She said he created a civil atmosphere on the Council that allowed them to accomplish some significant things.

Councilor Clayton echoed Councilor Geiger's comments and added that they were privileged to have two former City Council members in the audience, as they know what it takes to sit in these seats. He said it takes a lot of work, and that Mayor Isganitis has done a lot for this community both on and off the Council. He said that the Mayor has touted the City far and wide whenever traveling. He also said that the Mayor created an atmosphere on the Council where they could disagree without being disagreeable. He thanked the Mayor for his service.

Councilor MacLellan-Ruf also thanked the Mayor for all that he has done, noting that this has been a particularly trying and difficult year. She also said that the City Council does not speak with one voice, rather they each have their own very strong opinions, but operated as a team with civility, kindness and respect.

Councilor Pritchett added that being mayor was tough, and that you learn a lot of lessons. He said these have been difficult times, but it was ok to disagree.

Mayor Isganitis thanked the Council for their kind words and support. He said that it was interesting what has gotten said about him from the time he initially got elected until now, not all of it being entirely factual. He also said that the Council always listens to what the public says, but some seem to confuse not getting their way with not being heard. He also said this was not a hostile environment, and sees his time on the Council as all good. He said being elected mayor gave him the opportunity to "lead the band", but perhaps they went too far too quickly in some areas. He said the Council has accomplished many things during his tenure, but can see where mistakes may have been made. He agreed that each Councilor speaks with their own voice, and he thanked his colleagues, City staff and the community for all of their efforts and support.

d. Mayor's Report: Mayor Isganitis said that the citizens are tired of the uncivil discourse that has been taking place and want to put a civic organization together to help promote the positive aspects of the City. He said an organization that existed some time ago, Rockland Share the Pride, is the perfect framework for a new organization. He said he hoped that organization could move forward to promote the betterment of the community as a whole.

- The results of the November 3rd election showed overwhelming support for RSU #13 to continue, but also supported the exploration of options to improve the educational system. He suggested that an ad hoc committee be established to work through the next budget cycle to work on educational issues and work with RSU #13 in creating its next budget. He said that the taxpayers are topped out and something must be done to alleviate that tax burden.

Licenses and Permits:

a. Lodging House License – Trade Winds Motor Inn (Postponed from 10/14/15)

It was noted that this license application had been postponed until this meeting after the public hearing was held. It was further noted that the fire and code issues for which the application was postponed have been addressed to the satisfaction of the Fire Chief and Code Enforcement Officer.

Councilor Clayton moved to grant the license.

Vote: 5 for.

Resolves:

#46 Appointment to Personnel Board – C. Avirett

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Mayor's appointment of Chelsea Avirett, 10 Fulton Street, to the Personnel Board to fill a vacancy on the Board is hereby confirmed. Ms. Avirett shall serve until that term expires in 2017.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

#47 Appointment to Board of Assessment Review – E. Kilgour

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Regular Meeting, Resolve #47 continued:

November 9, 2015

THAT the Mayor’s appointment of Esther “Tess” Kilgour, 19 Beech Street, to the Board of Assessment Review to fill a vacancy on the Board is hereby confirmed. Ms. Kilgour shall serve until that term expires in 2017.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

#48 Accepting Donations – Library

WHEREAS, the Friends of the Rockland Public Library donated \$1,384.23 to the Rockland Public Library for 118 children’s titles to be added to the Library’s Children’s collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated \$36.75 to the Rockland Public Library for an ad in the Free Press, 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 gift subscriptions to the following magazines:

- Mary Ellen Macklin, Reading MA, \$283.68 to re-establish a subscription to the Portland Press Herald;
- Joanna Hynd, Thomaston, ME, for American Girl Magazine (valued at \$39.95);
- Jane Ryan, Thomaston, ME, for Atlantic Monthly Magazine (valued at \$44.85);
- Lee Heffner, Rockland, ME, for the New Yorker Magazine (valued at \$69.99);
- Kathleen Fleury, Editor in Chief, Downeast Magazine, complimentary subscription;
- Will Ikard, Newcastle, ME, for Field & Stream Magazine (valued at \$10.00);

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, Anne Sykes, Leominster, MA, donated \$500.00 to the Rockland Public Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Lea Carver, Rockland, ME, donated the book *Career of Evil*, valued at \$28.00, to the Rockland Public Library to be added to the Library’s collection; and

WHEREAS, artist Laura Waller, Tampa, FL, donated six of her framed oil paintings to the Rockland Public Library, valued at \$2,400 each, with the understanding that the painting may be hung in rotation, and that they will not be sold;

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

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

Sponsor: City Council
Originator: City Council

Councilor Geiger moved passage.

Vote: 5 for.

#49 Adopting City of Rockland Vision Statement

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Vision Statement for the City of Rockland established by the City Council at a goal setting meeting held on October 22, 2015, is hereby adopted substantially as re-printed below.

Sponsor: City Council
Originator: City Council

Regular Meeting, Resolve #49 continued:

November 9, 2015

CITY OF ROCKLAND, MAINE VISION STATEMENT

By June 30, 2018, the City of Rockland will be known as a place where public officials, private citizens and the press work together, with optimism, trust and collaboration, to create and promote the region's unique assets and quality of life. Collectively, we have a strong legislative voice and are succeeding in our advocacy at the State level.

In a three year period, we have increased tourism and commercial, residential and public values, as well as associated revenue, by realizing the potential of our natural waterfront resource in many, diverse ways. We have created and enhanced civic amenities and improved their utilization, safety and enjoyment. There is an in-town housing renaissance for all socioeconomic levels, and young families are choosing to live in the City of Rockland due to the availability of middle class housing and the quality of our education. We are also attracting new businesses and younger residents through public/private partnerships that offer a state-of-the-art technology infrastructure. With a focus on renewable energy, we have implemented some components of our sustainable energy and conservation plan.

At the same time, positive changes have taken place with workplace culture among City employees. Through a focus on continuous improvement and creativity, we have improved our efficiency and reduced our need to outsource work, by investing in staff development and fostering an entrepreneurial/ownership spirit among all department managers. Employee satisfaction is at an all-time high.

Councilor Pritchett moved passage.

The City Manager recommended that the Council postpone action on this measure or defeat this draft of the Vision Statement to give the Council and the community time to elaborate on the statement.

Councilor Pritchett moved to postpone Resolve #49 until the January 11, 2016 Regular Meeting. He said that the discussion held at the visioning meeting was extremely constructive, but a long-term vision for the community needs input from the community. He said a number of listening sessions should be scheduled throughout the community to gather as much input from the community as possible.

Councilor Geiger said that this vision statement was always intended to be just a draft, and was somewhat put off that it was being proposed for adoption. She said the SWOT meeting was the first step to create a starting point for a series of workshops to garner public input. She added that this was an exercise for the City Manager to get direction from the Council and was not intended as the end product. She said additional analysis will follow, and apologized for any confusion that the process has created.

The City Manager reiterated the rationale for the meeting. He said that there has been ambiguous direction over the past few years, and this was an attempt to clarify the direction in which the Council wanted staff to focus.

Councilor Clayton said he favored postponement of this Resolve, and agreed with the comments of the other Council members. He said ever since the first negative article on this matter appeared in the media, he has been on a mission to seek out residents and explain to them what the process was all about. He said that additional meetings and workshops to get input from the public were always contemplated as part of this process. He said that he wanted the media to work with the Council to get accurate information out to the public. He said that it is frustrating when people speaking at the podium criticize the Council and then leave before receiving a response. He said he hoped everyone understands that this measure was not going to move forward at this time. He added that if anyone has questions about anything the Council is doing, each member of Council is more than willing to talk with them at practically any time.

Councilor MacLellan-Ruf said that this was an "outside the box" exercise, and it was great that the press was there to cover it. However, she said it was unfortunate that the press decided to only cover one small piece of the discussion resulting in some things being taken out of context. She added that the vision statement is not something that is set in stone, and will be constantly in motion. She said that everyone needs to communicate together to move forward.

Councilor Pritchett said this process has demonstrated that the Council's procedures are a bit stilted, with not many opportunities for the public to interact with the Council during the public forum. He said the Council has tried in recent year to move to a more free exchange between the Council and the public. He added that the comments about the structure of that communication have been mostly positive.

Vote: 5 for.

Resolve #49 was postponed until the January 11, 2016 Regular Meeting.

Ordinances in Final Reading and Public Hearing:

#37 Chapter 3, Article III Domesticated Chickens (Postponed 10/14/15)
(See pages 201-203 for text)

It was noted that this amendment was postponed prior to the holding of a public hearing.
Regular Meeting, Ordinance Amendment #37 continued:

November 9, 2015

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.
Councilor Pritchett moved passage and moved to amend Ordinance Amendment #37 by replacing the existing text with the following:

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 3, Animals & Fowl, ARTICLE III, Keeping of Domesticated Chickens, BE AMENDED AS FOLLOWS:

ADD:

ARTICLE III KEEPING OF DOMESTICATED CHICKENS

Sec. 3-301. Purpose; Administration.

This ordinance establishes standards for (1) the keeping of domesticated chickens in residential areas in a manner that enables residents to keep chickens for non-commercial purposes without adversely affecting the surrounding neighborhood, and (2) the safe and inoffensive keeping of domesticated chickens where agriculture is permitted. Chickens kept in accordance with this Article shall not constitute a use that is annoying, detrimental, obnoxious, unsightly, injurious or dangerous to the health, comfort, or property of individuals, or of the public.

This Article shall be administered pursuant to Chapter 19, Art. III, Sec. 19-312, or by the Animal Control Officer.

Sec. 3-302. Definitions.

“Domesticated Chicken” means a bird that is a member of the genus *Gallus gallus domesticus*. Domesticated Chickens does not include guinea fowl.

Sec. 3-303. Permit required.

- A. Except on parcels where agriculture as defined in Section 19-302 is permitted, and subject to applicable use prohibitions in the zoning regulations under Section 19-304, no person may keep chickens in the City of Rockland without first obtaining, from the Code Enforcement Office, a Domesticated Chickens Permit. Such permit, once granted, is personal to the permit holder and may not be assigned.
- B. The City Council may, by Order, establish an application and/or permit fee for Domesticated Chicken Permits.
- C. A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Article, or other applicable ordinance or law.

Sec. 3-304. Regulations Applicable to Domesticated Chickens Permit Holders.

Each Domesticated Chickens Permit holder must comply with the standards set forth in this Section and in Section 3-305. This Section shall not apply on parcels where agriculture as defined in Section 19-302 is permitted or approved as a Conditional Use.

A. Non-Commercial Use Only. Chickens shall be kept for personal use only, and chicken breeding, fertilizer production for commercial purposes, and on-site slaughtering of chickens is prohibited.

B. Quantities Limited. No person may keep a rooster, nor maintain more than ~~six~~ nine hens on a single parcel.

C. Enclosures.

(1) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and reasonably odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must

provide adequate sun and shade and must be inaccessible by rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of non-galvanized chicken wire is not permitted. ~~Alternatively, chickens may be enclosed in portable, predator-proof coops or other suitable enclosure approved by the Code Enforcement Officer.~~

Regular Meeting, Ordinance Amendment #37 continued:

November 9, 2015

(2) Chickens shall be secured within a chicken coop or house during non-daylight hours.

(a) Each chicken coop or house shall be detached from residential structures. In the case of traditional New England barn structures attached to the main house by an ell, the chickens can be permitted in the barn, as long as they are enclosed in a separate coop area and not roaming throughout the barn. The chicken coop or house shall be enclosed on all sides, shall have a roof, and shall have doors capable of being closed and locked. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings. Chicken coops and houses shall be cleaned regularly, and maintained so as to protect the health and comfort of the chickens housed therein.

(b) Chicken coops and chicken houses shall be located only in the yard to the rear of the principal dwelling, or in the case of a barn attached to the side of the house by an ell, the chicken coop may be located in said barn but the chicken yard shall be located to the rear of the barn. Chicken coops and houses shall be at least ~~ten (10)~~fifteen (15) feet from the property line(s) and at least fifteen (15) feet from residences on abutting lots. Chicken coops and houses may not be located in any front yard, nor in the interior of any home or other dwelling unit.

(c) Lights used to illuminate exterior areas around chicken coops or chicken houses must be turned off when no persons are present; motion-sensor lighting may be used for this purpose.

D. Waste Storage and Removal.

All chicken manure shall either be promptly composted or tilled into cultivated earth in such manner as to prevent run-off and minimize odor, be properly stored, or be removed and properly disposed of. All stored manure shall be placed in a fully enclosed container. No more than one, thirty-gallon container of manure shall be stored on any one parcel where chickens are kept. In addition, the chicken coop or house, pen, and surrounding area must be kept free from trash and accumulated droppings.

E. Predators, rodents, insects, and parasites.

Each Domesticated Chickens Permit holder shall take all reasonable precautions to reduce the attraction of predators and rodents and the potential infestation by insects and parasites. Where such conditions are found to exist by a code enforcement official or animal control officer, the City may order the removal of the chickens, enclosure(s), and coop(s) or house(s), or may arrange for such removal the cost of which shall be borne entirely by the permit holder or property owner.

Sec. 3-3054. Regulations Applicable To All Persons Raising or Keeping Domesticated Chickens

Each person keeping domesticated chickens in Rockland must comply with the standards set forth in this Section.

A. Feed and Water.

Chickens must be provided with access to feed and clean water at all times, arranged in such manner as to be inaccessible by rodents, wild birds, and predators. Uneaten feed shall be removed in a timely manner.

B. Odor.

Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

C. Predators, rodents, insects, and parasites.

Each person keeping domesticated chickens shall take all reasonable precautions to reduce the attraction of predators and rodents and the potential infestation by insects and parasites.

D. Deceased Chickens.

Deceased chickens shall be promptly removed and properly disposed of.

Cross Reference: Sec. 3-103, Sick, Injured, or Dead Animals.

Sec. 3-3065. Violations; Penalties.

Any violation of any provision of this Article shall be a civil violation subject to a minimum fine of one-hundred dollars (\$100.00) per violation. Each day that a violation continues shall constitute a separate violation. In addition, and in

the sole discretion of the City, any violation of this Article shall be subject to a civil action brought pursuant Title 30-A, Maine Revised Statutes, Section 4452, and subject to the penalties and remedies set forth therein.

Councilor Pritchett said that this draft incorporates the recommendations from the Comprehensive Planning Commission.

Regular Meeting, Ordinance Amendment #37 continued:

November 9, 2015

Councilor Geiger said that she was approached by a resident in the Residential A Zone and asked to sponsor this amendment to allow them to have chickens. She said this is a phenomenon that has been spreading throughout the country, and has worked well in other areas with the proper regulations. She said that this amendment seems to address concerns raised about this issue, and urged support of the amendment. She said if problems arise, the Council can revisit the issue.

Councilor Clayton said that his only concern was limiting the number of chickens to 6. He asked what would happen to a person that currently legally possesses more than 6 chickens. He asked if there was a grandfathering provision in this ordinance.

The City Attorney said that it is unclear whether the number of chickens would be grandfathered. He said it is likely that the limit to the number of chickens to be kept would apply.

Councilor Geiger said that the number 6 was chosen because chicks are sold in "6-packs". She asked if it would be possible to amend this ordinance further to grandfather the situation mentioned by Councilor Clayton.

The Council was informed that there was a motion to amend Ordinance Amendment #37 before the Council, and that motion would have to be dispensed with before any other motions to amend would be in order.

Councilor MacLellan-Ruf asked what the rationale was of changing the setback requirements.

Councilor Geiger explained that a number of narrower lots in the Residential B Zone would not be able to meet the previously proposed setback requirement.

Councilor Pritchett reminded the Council that there are currently no regulations regarding the keeping of domesticated chickens in the zones in which they are currently allowed.

Vote on amendment: 5 for.

Councilor Clayton then raised the question of how to grandfather those who currently have more than 6 chickens, and how to determine who those people are.

The City Attorney said that it would have to be done on a good faith basis from those who possess more than 6 chickens. He suggested that the following language would address Councilor Clayton's concerns: Sec. 3-304(B), add "Those persons lawfully in possession of more than 6 hens as of November 9, 2015, may retain those birds but not replace them."

Councilor Clayton moved to amend Ordinance Amendment #37 as suggested by the City Attorney.

Vote on amendment: 5 for.

Vote as amended: 5 for.

The amendment will become effective December 9, 2015.

#38 Chapter 19, Section 19-304 Res. A Zone Regulations – Domesticated Chickens (Postponed 10/14/15)

(See page 203 for text)

It was noted that this amendment was postponed prior to the Public Hearing being held.

A public hearing was opened with Kathryn Fogg-Hill, 84 Grace Street, speaking in opposition to the keeping of chickens in residential neighborhoods.

Hearing no other speakers, the public hearing was closed.

Councilor Geiger moved passage.

Councilor Clayton noted that this ordinance provision would still prohibit the keeping of "fowl" in the Residential A Zone. He asked if chickens were considered "fowl" and if this amendment contradicted itself.

Councilor Geiger said that there are other types of "fowl" that would still be prohibited. She said this amendment specifically exempts "domesticated chickens" from that prohibition.

Vote: 5 for.

The amendment will become effective December 9, 2015.

At this time, Councilor Pritchett moved to take Ordinance Amendment #'s 41 & 42, Transient Residential Accommodations, out of order.

Vote: 5 for.

Ordinance Amendment #41 Chapter 11, Section 11-210 Transient Residential Accommodations (Postponed)

(See pages 227-230 for text)

It was noted that this amendment was postponed in First Reading until this meeting, and received a motion for passage at the October 14, 2015 Regular Meeting.

At this time, and without objection from the Council, Mayor Isganitis recused himself from consideration of this matter to avoid any appearance of a conflict of interest, and turned the Chair over to Councilor MacLellan-Ruf.

Councilor Pritchett moved to amend Ordinance Amendment #41 by substituting the existing text with the version labeled "11/06/15 Highlighted", and to change all references to "Transient Residential Accommodations" (as all associated anachronisms, ie "TRA") to "Short Term Rentals and STRs" as follows:

ORDINANCE AMENDMENT: **Licensing of Lodging Houses and
Permitting of ~~Transient Residential Accommodations~~
Short Term Rentals**

Regular Meeting, Ordinance Amendment #41 continued:

November 9, 2015

WHEREAS, Title 30-A, Maine Revised Statutes, Section 3811, provides that no person may serve as a common innkeeper or tavernkeeper without a license; and

WHEREAS, the Rockland Code of Ordinances does not currently provide for the licensure of innkeepers of ~~transient accommodations~~ short term rentals,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE II, Licenses, When Required, SECTION 11-210, Lodging Houses, BE AMENDED AS FOLLOWS:

Sec. 11-210 Lodging Houses And ~~Transient Residential Accommodations~~ Short Term Rentals

1. Lodging House License.

A. License Required. No person shall operate a Lodging Hhouse_ for five (5) lodgers or more, without first obtaining annually a one-year license therefor from the City Council.

B. Definitions. For the purposes of this subsection¹

"Lodging house" means a house or other residential structure where lodgings for four or more but fewer than 16 persons not within the 2nd degree of kindred to the person operating the lodging house are offered for rent. "Lodging house" does not include dormitories of charitable, educational or philanthropic institutions, or the emergency use of private dwellings at the time of conventions or similar public gatherings.

B. Certifications; Public Hearing. Such license shall not be granted except upon the certification of the Police Chief, Fire Chief, Code Enforcement Officer (Building Inspector), and Plumbing Inspector pursuant to this Section and as per Section 11-106 of this Ordinance.

Prior to granting such licenses, the City Council shall hold a public hearing, notice of which shall be posted in atwo public locations and advertised at least seven days before the hearingmeeting.

There shall be a non-refundable application and/or annual license fee for ~~the~~ Lodging House License which shall be set by Order of the City Council.

C. Standards. Following the public hearing, the City Council may condition or deny any Lodging House license upon the basis of a recommended condition or denial of certification by either the Police Chief, Fire Chief, Code Enforcement Officer, or Plumbing Inspector pursuant to Section 11-106. The City Council may condition, suspend or revoke a Lodging House License, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

State Law Reference: 30-A M.R.S. § 3801 & § 3811.

2. ~~Transient Residential Accommodations~~ Short Term Rentals Permit.

A. Purpose. The purpose of the ~~Transient Residential Accommodations~~ Short Term Rentals Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of ~~transient~~ short term guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. ~~Transient Residential Accommodations~~ Short Term Rentals Permits and the revenue they make available to homeowners and others helps makes Rockland affordable for persons on fixed or limited incomes; enhances

and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for ~~transient residential accommodations~~ short term rentals may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

Regular Meeting, Ordinance Amendment #41 continued:

November 9, 2015

B. Permit Required. No person shall operate a ~~Transient Residential Accommodation~~ Short Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

C. Definitions. For the purposes of this Subsection⁶:

(1) ~~“Minimum Stay Period” means the minimum number of nights for which a ~~Transient Residential Accommodation~~ Short Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a ~~transient residential accommodations~~ short term rental.)~~

(2) ~~“Owner- or Lessee-Occupied” describes a dwelling unit that is such owner’s or lessee’s primary residence and is occupied, including over-night, by such owner or lessee when any part of the structure is rented as a ~~transient residential accommodation~~ short term rental.~~

(3) ~~“Transient Residential Accommodation Short Term Rental” (“TRA STR”) means the use of all or part of a legally-existing dwelling unit for short-term rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:~~

(a) ~~Transient Residential Accommodation Short Term Rental – 1 (“TRA STR-1”) means either:~~

(i) ~~an owner- or lessee-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or~~

(ii) ~~a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.~~

(b) ~~Transient Residential Accommodation Short Term Rental – 2 (“TRA STR-2”) means either:~~

(i) ~~a single-family structure that is not occupied by its owner or lessee that is rented or offered for rent to one person or one family for periods of less than one month, or~~

(ii) ~~one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.~~

(c) ~~Transient Residential Accommodation Short Term Rental – 3 (“TRA STR-3”) means one dwelling unit in a multi-family or mixed-use structure where such structure has an approved, functional sprinkler system that is not necessarily occupied by its owner or lessee and that is rented or offered for rent to one person or one family for periods of less than one month. A multi family structure located in a zone other than the Residential A, AA or B Zones that permits lodging houses shall be permitted to rent any or all units under this section provided that the structure is in full compliance with Chapter 26 of NFPA 101 Live Safety Code/2012.~~

D. Application; Fee. The City Council may establish a non-refundable application fee for ~~Transient Residential Accommodations~~ Short Term Rental Permits, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria such as residency.

⁶ See Ch. 19, Art. III, Sec. 19-302 for definitions of words and phrases not defined herein.

E. Notice. Within seven (7) days of receipt of a complete application for a ~~Transient Residential Accommodation Short Term Rental Permit~~, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Such notice shall include the name, address, and telephone number of the person(s) responsible for management of the ~~TRA STR~~. Notice is effective upon mailing.

Regular Meeting, Ordinance Amendment #41 continued:

November 9, 2015

F. Permitting Authority; Review Criteria. The authorized Permitting Authority shall grant, grant with conditions, or deny applications for ~~Transient Residential Accommodations Short Term Rental Permits~~, applying the level of review criteria ("Review Level") as defined below, consistent with Table 11-210(2), no sooner than fourteen (14) days after the Clerk mails notice of such application to abutters pursuant to Subsection E and no later than thirty (30) days when the Code Enforcement Officer is the Permitting Authority, or sixty (60) days when the Planning Board is the Permitting Authority. When the application is for the renewal of a current ~~Transient Residential Accommodations Short Term Rental Permit~~ and the permittee is in compliance with this and other applicable Ordinances, the City Clerk may grant an administrative extension of such current permit for up to thirty (30) days when reasonably necessary to allow the continuance of the accommodations during the permit review and renewal process. All ~~Transient Residential Accommodations Short Term Rentals~~ are also subject to the Additional Requirements set forth in Subsection G.

Review Level I: Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner or lessee, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a ~~TRA STR~~.

Applicant shall provide the name, address, and telephone number of thea person(s) who will be responsible for management of the ~~TRA STR~~.

Applicant shall provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a ~~transient residential accommodation short term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility~~.

Review Level II: Applicant shall demonstrate compliance with applicable⁷ building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire Chief or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for bodily injury and property damage sustained or caused by the owner, lessee, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a ~~TRA STR~~.

Applicant shall provide the name, address and telephone number of thea person(s) who will be responsible for management of the ~~TRA STR~~.

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a ~~transient residential accommodation short term rental, lodging house, bed and breakfast establishment, hotel or motel, or other~~

⁷ See Chapter 4 – Buildings, Inspections & Enforcement.

commercial residential facility

When the Planning Board is the Permitting Authority, it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Regular Meeting, Ordinance Amendment #41 continued:

November 9, 2015

Table 11-210(2)

<u>Type of Accommodation</u>	<u>Type of Structure</u>	<u>Minimum Stay Period</u>	<u>Permitting Authority in Residential AA, A, and B Zones</u>	<u>Permitting Authority in Other Zones</u>	<u>Review Level</u>
<u>TRA STR-1</u>	<u>Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)</u>	<u>1 night up to less than 1 month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
<u>TRA STR-2</u>	<u>Single-Family (whole house)</u>	<u>4 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
	<u>Two-Family (one unit rented monthly and one unit rented less than one month)</u>	<u>4 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
<u>TRA STR-3</u>	<u>Multi-Family or Mixed Use</u>	<u>4 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Planning Board</u>	<u>II</u>

G. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for ~~Transient Residential Accommodations~~ Short Term Rentals:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a TRA STR shall be in compliance with that of a "one-family dwelling" as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) TRA STR rentals shall be to a single person or family;
- (3) The maximum occupancy shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of ~~Transient Residential Accommodations~~ Short Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for ~~Transient Residential Accommodations~~ Short Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a TRA STR-3;
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a TRA STR-3;
- (7) A multi-family structure located in zones other than Residential "A", "AA" or "B" zones, and where the zone in

which the multi-family dwelling is located permits Lodging, Rooming or Boarding Houses and/or Hotels, shall be permitted to rent any or all dwelling units for any period less than a month. Such multi-family dwelling must have approved functional sprinkler and fire alarm systems. The total number of guests occupying such TRA STR-3 shall not exceed sixteen (16);

(8) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a transient residential accommodation;

Regular Meeting, Ordinance Amendment #41 continued:

November 9, 2015

- (9) The use of a dwelling unit as a TRA STR does not violate any applicable lease, rental agreement, condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (10) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a TRA STR is not permitted, either on- or off-site;
- (11) The Permittee must maintain accurate, up-to-date records of all rental transactions in the TRA STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (12) The Permittee must post in plain sight to visitors near the entrance ~~and in each rented bedroom~~ a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the TRA STR, and, when the TRA STR is not subject inspection by the City's Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

The Operator of these accommodations, _____ [print permittee's name] has been granted a City of Rockland ~~Transient Residential Accommodations~~ Short Term Rentals Permit, Permit No. _____, pursuant to Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A FINDING BY THE CITY OF ROCKLAND OR OTHER CODE ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a ~~Transient Accommodations~~ Short Term Rental Permit or to conduct that business at these premises so long as the Operator's use of the premises is in conformance with and does not exceed the scope of the ~~Transient Residential Accommodations~~ Short Term Rentals Permit;

(13) The Permittee must assure that each advertisement of the TRA STR includes Permittee's City of Rockland ~~Transient Accommodations~~ Short Term Rentals Permit number; and.

(14) Renters of ~~transient residential accommodations~~ short term rentals may not sublease any portion of the ~~transient residential accommodation~~ short term rental to another person, family, or entity.

H. Complaints. Complaints regarding TRAs STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall establish and maintain a log of all complaints for each TRA STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

I. Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any ~~Transient Residential Accommodation~~ Short Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the TRA STR, he shall provide a report of the same to the City Council for its consideration. The City Council may condition, suspend, or revoke a ~~Transient Residential Accommodation~~ Short Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or ~~transient residential accommodation~~ short term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other transient accommodation shall constitute a separate offense.

Regular Meeting, Ordinance Amendment #41 continued:

November 9, 2015

B. Violation of Law, Ordinance, or Regulation. A lodging house licensee or ~~transient residential accommodation~~ short term rental permittee who violates any applicable law, ordinance, or regulation and who, following notice by the Code Enforcement Officer fails to abate such violation within the period prescribed shall be penalized with a fine of two hundred and fifty dollars for each such violation, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each day such violation is allowed to continue shall constitute a separate violation.

C. In addition to or instead of such penalty(ies), in the sole the discretion of the City, the City may seek an injunction prohibiting the operation of the lodging house or ~~transient residential accommodation~~ short term rental until the offense or violation shall have been abated.

4. Transitional Provisions. Notwithstanding anything to the contrary herein, the provisions in this Ordinance Amendment relating to the permitting of ~~transient residential accommodations~~ short term rentals, and penalties for violations of such provisions, shall be implemented as follows:

A. Permitting Authority. The Code Enforcement Officer shall serve as the Permitting Authority for all applications for ~~Transient Residential Accommodations~~ Short Term Rental Permits received between the effective date of Ordinance Amendment 15-41 and April 30, 2016:

B. Deadline. The Code Enforcement Officer shall have sixty (60) days to grant, grant with conditions, or deny applications for ~~Transient Residential Accommodations~~ Short Term Rental Permits received on or before April 30, 2016; and

C. Reservations.

(1) Persons or entities who operated a ~~transient residential accommodation~~ short term rental in Rockland at any time between January 1, 2015, and December 1, 2015, which ~~TRA STR~~ is not of a type that may be permitted as a ~~TRA STR-1, TRA STR-2, or TRA STR-3~~, and who received reservations for ~~transient residential accommodations~~ short term rentals at the same premises between December 1, 2015, and April 30, 2016, may honor such reservations and provide such ~~transient residential accommodations~~ short term rentals without a permit therefor. No new reservations for ~~transient residential accommodations~~ short term rentals may be accepted after the effective date of this ordinance unless such ~~accommodations~~ rentals were offered for rent in 2015 prior to December 1, and – if permitted – would fall within the definition of a ~~TRA STR-1, TRA STR-2, or TRA STR-3~~.

(2) Persons or entities who operated a ~~transient residential accommodation~~ short term rental in Rockland at any time between January 1, 2015, and December 1, 2015, which ~~TRA STR~~, if permitted, would fall within the definition of a ~~TRA STR-1, TRA STR-2, or TRA STR-3~~, and who prior to April 30, 2016, receive reservations for ~~transient residential accommodations~~ short term rentals at the same premises between December 1, 2015, and October 30, 2016, may honor such reservations and provide such ~~transient residential accommodations~~ short term rentals without a permit therefor. No new reservations for such ~~transient residential accommodations~~ short term rentals may be accepted after April 30, 2016, unless the premises have been permitted therefor.

Councilor Geiger asked why Councilor Pritchett chose “Short Term Rentals” as opposed to something like “Vacation Rentals” or “Holiday Rentals”.

Councilor Pritchett said the rental activities are not always associated with a vacation or holiday. He said sometimes people here on business may use one of these short term rentals as an economical alternative to a hotel or bed & breakfast.

The City Manager added that the regulations should be as inclusive as possible. He said limiting the uses to “Vacation” or “Holiday” rentals may exclude other uses.

Councilor Clayton agreed, saying that they want to make sure the wording does not create conflicts.

Vote on amendment: 4 for, 1 abstention (Isganitis)

Councilor Pritchett then said that there has been some hesitancy on the part of neighbors with regard to whole-house rentals. He said looking at the short term rental industry, 2, 3, or 4 nights seems to be typical. He said he hoped better language could

be created to address this issue before the next meeting to make the distinction between owner-occupied and non-owner occupied.

Councilor Geiger said that there was not disagreement on owner-occupied vs non-owner occupied whole house rentals. She said that she wanted to see the neighborhood preserved, and therefore moved to further amend Ordinance Amendment #41 by changing the minimum stay period for STR-2 from 4 nights to 3 nights (see Table 11-210(2)).

Vote on amendment: 4 for, 1 abstention (Isganitis)

Councilor Clayton then moved to further amend Ordinance Amendment #41 41by changing the minimum stay period for Regular Meeting, Ordinance Amendment #41 continued: November 9, 2015

STR-3 from 4 nights to 3 nights (see Table 11-210(2)).

Vote on amendment: 4 for, 1 abstention (Isganitis)

Table 11-210(2) now reads as follows:

Table 11-210(2)

<u>Type of Accommodation</u>	<u>Type of Structure</u>	<u>Minimum Stay Period</u>	<u>Permitting Authority in Residential AA, A, and B Zones</u>	<u>Permitting Authority in Other Zones</u>	<u>Review Level</u>
<u>TRA STR-1</u>	<u>Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)</u>	<u>1 night up to less than 1 month</u>	<u>Code Office</u>	<u>Code Office</u>	<u>I</u>
<u>TRA STR-2</u>	<u>Single-Family (whole house)</u>	<u>4- 3 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
	<u>Two-Family (one unit rented monthly and one unit rented less than one month)</u>	<u>4- 3 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Code Office</u>	<u>I</u>
<u>TRA STR-3</u>	<u>Multi-Family or Mixed Use</u>	<u>4- 3 nights up to less than 1 month</u>	<u>Planning Board</u>	<u>Planning Board</u>	<u>II</u>

Councilor Clayton said that this Ordinance is not the end all be all on this issue. He said that the Council can revisit this ordinance if issues arise. He also said that this is still First Reading and that there is still time for the public to weigh in on this ordinance.

Councilor Pritchett asked how staff see the sprinkler requirements playing out under this amendment.

The City Manager said that the Code Officer or Fire Chief could address that question better than he.

Without objection from the Council, Acting Fire Chief Adam Miceli was allowed to respond to the question.

Chief Miceli said that sprinklers are required for multi-unit transient accommodations under section G-7 of this ordinance. He said that requirement was derived from the Life Safety Code.

Councilor Geiger said, to be clear, that sprinklers are required for short term rentals in any multi-unit buildings.

Chief Miceli said that was correct, and that it would be a violation of the Life Safety Code if the City did not enforce that provision.

Councilor Pritchett said that there has been a long standing distinction in the Life Safety Code for single-family, two-family and multi-family structures.

The City Manager said that it was difficult for staff to reconcile these complicated issues on the fly. He said staff will research the question and have the answer for the Council for the next meeting.

Vote as amended: 4 for, 1 abstention (Isganitis)

A public hearing was set for December 14, 2015 at 6:00 p.m.

Councilor MacLellan-Ruf returned the Chair to Mayor Isganitis.

#42 Chapter 19, Sections 19-302 & 19-309 Transient Residential Accommodations (Postponed 10/14/15)

(See pages 230-232 for text)

It was noted that this amendment was postponed until this meeting, and that the amendment received a motion for passage in First Reading.

At this time, and without objection from the Council, Mayor Isganitis recused himself from debate and vote on this measure to avoid any appearance of a conflict of interest, and turned the Chair over to Councilor MacLellan-Ruf. Councilor Pritchett moved to amend Ordinance Amendment #42 by substituting the existing language, and changing the term “Transient Residential Accommodations” (and any similar anachronisms, ie, “TRA”) to “Short Term Rentals” (and “STR”), as follows:

ORDINANCE AMENDMENT: Zoning Provisions for ~~Transient~~

Regular Meeting, Ordinance Amendment #42 continued:

November 9, 2015

~~Residential Accommodations~~ Short Term Rentals

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

Sec. 19-302 Words And Phrases Defined

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

* * *

Bed and Breakfast Establishments. Except as permitted pursuant to Ch. 11, Art. II, Sec. 11-210(2), the following definition shall apply:

- d. The following definition shall apply: Bed and Breakfast. Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to ~~the public~~ one or more persons or families by the owner for compensation for less than one week. Except as otherwise provided, this property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room. The maximum guest occupancy shall be 16 / night
- e. No food or drink of any kind shall be sold to the general public.
- f. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002.

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

Dwelling Unit: A room or suite of rooms that are arranged, designed, used, or intended for use as a self-contained housekeeping unit, separated from other such rooms or suites of rooms, and contains living, kitchen, and sleeping facilities for one person, or one family, including single-family homes and the separated units in a duplex, apartment house, multi-family dwelling, and residential condominium.

~~A room or suite of rooms that is used as a habitation, which is separate from other such rooms or suites of rooms, and which contains living, cooking, and sleeping facilities, includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.~~

Dwelling, One-Family or Dwelling, Single-Family: The use, for zoning purposes, of a single-family structure by its owner or the owner’s tenant as a residence for a person or a family for a term of at least one month, except as otherwise provided under Title 30-A, Maine Revised Statutes, Section 4357-A – Community Living Arrangements, as amended.

~~A building containing not more than one (1) dwelling unit in which the dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms, with exceptions as mandated in Title 30-A Section 4357-A: Community living arrangements, as amended.~~

Structure, Single-Family: A building containing not more than one (1) dwelling unit.

Dwelling, Two-Family: The use, for zoning purposes, of each dwelling unit in a two-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month.

A building containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms.

Structure, Two-Family: A building containing two (2) dwelling units.

Regular Meeting, Ordinance Amendment #42 continued:

November 9, 2015

~~**Dwelling, Multi-Family.** The use, for zoning purposes, of each dwelling unit in a multi-family structure by its owner or the owner's tenant as a residence for one person or a family for a term of at least one month, including apartment houses and apartment hotels, but excluding boarding houses, inns, lodging houses, hotels, motels, and other transient residential accommodations short term rentals.~~

~~**Dwelling; Multiple.** A "multiple dwelling" means a building or portion thereof used or intended to be used or occupied as a permanent residence, more or less, by three (3) or more families living independently of each other, including apartment houses and apartment hotels, but excluding boarding houses, lodging houses, hotels and motels. The latter terms shall mean a building or buildings divided into individual rooms or suites of rooms which are rented or used or designed to be used primarily for sleeping purposes where the building(s) has only general kitchen and dining facilities or where the rooms which are rented contain no extensive cooking facilities.~~

~~**Structure, Multi-Family:** A building containing three (3) or more dwelling units.~~

~~**Family.** Two or more persons related by blood, marriage, civil union, or adoption who reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A "family" for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional persons who are not so related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.~~

~~"Family" means one (1) or more persons living, sleeping, cooking and eating on the same premises as a single house keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.~~

~~**Hotel:** A commercial establishment offering sleeping accommodations for seventeen (17) or more travelers and others on a transient or semi-permanent basis, sometimes including varying levels of accessory services for occupants and/or the general public such as restaurants, shops, and meeting rooms.~~

A building or groups of buildings under the same management in which there are sleeping accommodations for more than sixteen (16) persons and primarily used by transients for lodging with or without meals.

* * *

~~**Kitchen Facility(ies).** "Kitchen Facility," both in its singular or plural form, shall mean an area that contains any, some, or all of the following facilities for food preparation, storage, and/or sanitation: a stove, oven, convection oven, microwave, hotplate or other cooking or food warming equipment; any size refrigerator or freezer; and/or any type of sink, including a bar sink or wet-bar but not including a bathroom sink.~~

~~**Lodging Facilities.** A facility that offers accommodations for a fee.~~

~~**Lodging, or Rooming, or Boarding House:** A building other than single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided however that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager's personal use.~~

~~**Lodging or Rooming House:** Buildings that provide sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.~~

* * *

~~Transient Residential Accommodation Short Term Rental (“TRA STR”). The use of all or part of a legally-existing dwelling unit for short-term rental to a person or family unrelated to the owner or lessee of the unit, for consideration, for periods of less than one month.~~

Sec. 19-309 ~~Special Use Classes Exceptions and Exemptions~~

Regular Meeting, Ordinance Amendment #42 continued:

November 9, 2015

* * *

3. ~~Transient Residential Accommodations Short Term Rentals.~~

~~A. Permitted Transient Residential Accommodations Short Term Rentals. In any zone, existing single-, two-, and multi-family structures may be used as Transient Residential Accommodations Short Term Rentals upon the issuance of a Transient Residential Accommodations Short Term Rentals Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of Transient Residential Accommodations Short Term Rentals as a Special Use Class shall not be required when the Code Office is the designated Permitting Authority pursuant to Chapter 11, Article II, Section 11-210(2).~~

~~B. Prohibited Transient Residential Accommodations Short Term Rentals. No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for Transient Residential Accommodations Short Term Rentals if:~~

~~(1) Such person has not secured or maintained a valid Transient Residential Accommodations Permit Short Term Rentals Permit for the premises; or~~

~~(2) The accommodations are an accessory apartment, a detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home.~~

Councilor Pritchett asked about the question raised concerning short term rentals by unrelated parties. The City Attorney said that paragraph G.2 of the previous Ordinance allows short term rentals to only a single person or a family. He added that for this purpose, “family” is defined as a couple + 3 or 3 unrelated persons. Councilor Geiger asked that this question be revisited before Final Reading.

Vote on amendment: 4 for, 1 abstention (Isganitis)

Councilor Pritchett said that the Council was attempting to make the regulations regarding owner-occupied short term rentals simple and straightforward. He added that there would be no Planning Board review required through April 30, 2016.

Vote as amended: 4 for, 1 abstention (Isganitis)

A public hearing was set for December 14, 2015 at 6:00 p.m. Councilor MacLellan-Ruf returned the Chair to Mayor Isganitis, who then declared a five minute recess. The meeting was reconvened at 9:20 p.m. and the order of the agenda was resumed.

Ordinances in Final Reading and Public Hearing:

#39 Authorizing Quit Claim Deed – Sale of 19 Franklin Street

(See page 235 for text)

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

Councilor Clayton moved passage.

Vote: 5 for.

The Ordinance will become effective December 9, 2015.

#40 Authorizing Quit Claim Deed – Sale of 15 Garden Avenue

(See page 236 for text)

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

Councilor Pritchett moved passage and asked if the City has any use for this property, noting that this area has experienced drainage problems in the past.

The City Manager said that the property has no value to the City for that purpose.

Councilor Geiger asked what the assessed value was of this parcel, and if the parcel was a buildable lot.

The City Attorney said that the parcel was buildable for a single-family residence, and the current assessed value was \$14,600.

Vote: 3 for, 2 opposed.

The Ordinance will become effective December 9, 2015.

Ordinances in First Reading:

#43 Chapter 19, Section 19-304 Downtown & TAAOZ Setback Requirements

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And Planning, ARTICLE III, Zoning
Regular Meeting, Ordinance Amendment #43 continued: November 9, 2015

Ordinance, SECTION 19-304, Zone Regulations, SUBSECTION 19-304(14), Downtown Zone Regulations and SUBSECTION 19-304(23), Tillson Avenue Area Overlay Zone Regulations, BE AMENDED AS FOLLOWS:

14. Downtown Zone "DT" Regulations.

A. Purpose.

The purpose of the Downtown Zone is to preserve and promote a compact, historic commercial district to serve as the retail, office, institutional, financial, governmental, and cultural center of the community. This Zone should include mixed uses that are compatible with existing uses and architectural scale.

* * *

C. Standards.

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

Table 304-14 "DT" ZONE

* * *

Maximum Front Setback (Principal and Accessory Structures)	<u>Five feet from property line for no less than 40% of the building façade (first floor) as measured linearly. Fifteen feet from property line for the remainder of the building façade (all floors) as measured linearly. Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly-accessible park, plaza or similar area, that is located closest to the principal façade of the proposed structure.</u>
Minimum Front Setback (Principal and Accessory Structures)	None
Minimum Side Setback (Principal and Accessory Structures)	None outside designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted plan, see 'Preservation of Water views' standard for minimum side setbacks.

* * *

23. Tillson Avenue Area Overlay Zone

1. Purpose. To enhance redevelopment opportunities in the Tillson Avenue Area while protecting and enhancing the historic character and mixed-uses in Rockland’s largely 19th Century-constructed commercial center (the “Downtown District”), and waterfront. This Overlay defines uses and standards that are in addition to regulations for the underlying land use zones that apply in this area. Where there is a conflict between uses and standards within the zones of this area and the Tillson Avenue Area Overlay Additional Standards, the Tillson Avenue Area Overlay Additional Standards shall apply.

* * *

5. **Standards.** In addition to the standards for the zones within this area, the following space, bulk and design standards shall apply to all lots and/or parcels of land.

TILLSON AVENUE AREA OVERLAY ADDITIONAL STANDARDS

Regular Meeting, Ordinance Amendment #43 continued:

November 9, 2015

* * *

Maximum Front Setback (Principal Structures and Accessory Structures with building coverages of 150 sq. ft. or more)	5 feet from property line for no less than 40% of the building façade (first floor) as measured linearly. 15 feet from property line for the remainder of the building façade (all floors) as measured linearly. However, functionally water-dependent uses, maritime facilities, and marinas are exempt from a maximum front setback requirement. <u>Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly-accessible park, plaza or similar area, that is located closest to the principal facade of the proposed structure.</u>
Minimum Front Setback (Principal and Accessory Structures)	None
Minimum Side Setback (Principal and Accessory Structures)	None outside of designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted Master Plan for the Tillson Ave area, see 'Preservation of Water views' standard for minimum side setbacks.

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

A public hearing was set for December 14, 2015 at 6:00 p.m.

#44 Authorizing Quit Claim Deed – Reconveyance of 105 First Street

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the City Manager is hereby authorized, on behalf of the City, to issue a municipal quitclaim deed to Carla Grathwol for property located at 105 First Street, as shown on Rockland Tax Map #58-A-7-105, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Grathwol fails to sign the Reconveyance Agreement and comply with its requirements by February 9, 2016, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council

Originator: City Manager

Councilor Clayton moved passage.

Councilor Geiger asked, in general, when someone loses a home due to foreclosure, what is required for that person to get the home back.

The City Attorney said that all past due taxes need to be paid along with payment of estimated taxes for the coming year if after April 1. There is also a requirement to address any code violations that are found at the property, and to reimburse the City for insurance coverage. He added that Ms. Grathwol is making good progress in meeting these requirements in this instance. The City Attorney also said that because this is a mobile home, reconveyance would be done by Bill of Sale and not Quit Claim Deed, and asked that Council to amend this Ordinance accordingly.

Councilor Pritchett moved to amend Ordinance Amendment #44 by changing “quit claim deed” to “bill of sale”.

Vote on amendment: 5 for.

Vote as amended: 5 for.

A public hearing was set for December 14, 2015 at 6:00 p.m.

#45 Chapter 17, Section 17-802 Time Limits on Parking – 15 Minute Limit, Thorndike Parking Lot (2 spaces)

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic & Vehicles, SECTION 17-802, 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:

Regular Meeting, Ordinance Amendment #45 continued:

November 9, 2015

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.
(2) <u>Thorndike Parking Lot</u>	(a) <u>The first two angles parking space in the northwest corner of the parking lot.</u>

Sponsor: Mayor Isganitis
Originator: Parking Committee

Councilor Clayton moved passage.

Councilor MacLellan-Ruf asked how these two spaces were chosen. She said she wanted to make sure it was fair to everyone and did not create a burden on anyone.

The City Manager explained that the 15 Minute parking signs were erected prematurely, and when it was discovered that the ordinance has not been addressed, the signs were covered up. It was suggested that the Parking Committee take a look at this matter before presenting it to the Council. Originally three spaces were designed for the 15 minute limit. The Committee felt that three spaces were too many, but that one space would not be enough. They settled on two spaces and determined that these two spaces would be appropriate.

Councilor Pritchett said that this appeared to be a solution looking for a problem. He said that he was not comfortable creating different parking regulations for every business that asks. He said that was hesitant to support unless someone could explain the need for this.

Councilor Geiger said that she was puzzled by the statement that parking cannot be enforced unless there is an ordinance provision to back it up, but if someone parks on the grass they can be ticketed.

The City Manager explained that the areas designated for parking are controlled by Ordinance, but the management of other City properties is done by rules. He said if someone is parking on a public grassed area, they would be asked to move their vehicle.

Vote: 3 for, 2 opposed.
(Pritchett, Geiger)

A public hearing was set for December 14, 2015 at 6:00 p.m.

Orders:

#82A Authorizing Use of City Properties – 2015 Holiday Celebrations

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT Rockland Main Street, Inc. is hereby authorized to utilize City properties and rights of way to mark the beginning of the 2015 Holiday Season, in substantial compliance with the schedule outlined in the letter from Rockland Main Street, Inc., attached hereto, as follows:

- Hanging of decorations on Park and Main Streets on November 17, 2015, and hang a banner across Main Street promoting the Festival of Lights;
- Construction of “Lobster Trap Tree”, November 18, 2015;
- Installation of “Santa’s Workshop” in Winslow Holbrook Memorial Park on November 23, 2015;
- Main, Union and Park Streets at or after 12:00 noon on Friday, November 27, 2015, for a brief ceremony and procession marking the arrival of “Santa” and the opening of the Holiday Season on Main Street, which shall

not require the closing of Main Street, and Mildred Merrill Park for the lighting of the “Lobster Trap Tree” at 6:00 p.m.;

- Main Street, between the entrance to the Maine State Ferry Terminal and the entrance to Harbor Park, on Saturday, November 28, 2015, from 5:00 p.m. to 9:00 p.m. for the annual Festival of Lights Parade (Main Street to be closed to vehicular traffic and parking on Main Street prohibited beginning at 4:00 p.m.).

Regular Meeting, Order #82A continued:

November 9, 2015

The organizer of these events shall be responsible for setting up for and cleaning up after the events, shall provide proof of liability insurance to the City prior to holding the events, and shall coordinate with the Rockland Police and Fire & EMS Departments for any necessary traffic control and/or public safety measures. Any fees associated with these activities are hereby waived.

Sponsor: City Council
Originator: Rockland Main Street, Inc.

Councilor Pritchett moved passage and thanked all of the volunteers who work on these activities. He said that there are still openings if anyone is interested in participating. He also noted that the location of Santa’s Workshop listed in the third bullet point is incorrect. Therefore, Councilor Pritchett moved to amend Order #82 by changing “Winslow Holbrook Memorial Park” to “Mildred Merrill Park”.

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

#83 Authorizing Bids – Sale of City Property (224 Old County Road – aka “Engine Quarry”)

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to solicit bids for the sale of a City-owned parcel of land located at 224 Old County Road (Tax Map #80-A-3) and known as Engine Quarry. The City reserves the right to accept or reject any and/or all bids.

Sponsor: City Manager
Originator: City Manager

Councilor Clayton moved passage and said this order simply authorizes the solicitation of bids. He said that he was not sure if he supported the proposed use of this property.

Councilor Pritchett echoed Councilor Clayton, saying he too had reservation about this proposal, but he would support the bid process.

The City Manager said that he received a request from an individual who was interested in purchasing this parcel of land from the City with the intent of preserving the property in a natural state. He said he was simply putting the request before Council.

Mayor Isganitis asked that the Council be provided background materials on issues regarding this property.

Councilor Geiger said that she appreciated the letter from Mr. Dodd, and agreed with the statement on the degradation of the property. She urged the Council to support this proposal.

Vote: 5 for.

#84 Authorizing License Agreement – Mid-Coast Chapter of the Maine Society of Land Surveyors

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a license agreement with the Mid-Coast Chapter of the Maine Society of Land Surveyors to allow the installation of a survey “base line” needed for annual testing, at Snow Marine Park, substantially in conformance with the license agreement incorporated herein by reference.

Sponsor: Councilor Clayton
Originator: City Manager

g.

LICENSE AGREEMENT

THIS License Agreement (the “Agreement”) by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and the Midcoast Chapter of the Maine Society

of Land Surveyors, a Maine non-profit corporation with its principal place of business in Augusta, Maine (collectively, the "Licensee"), is effective November 10, 2015.

WHEREAS, surveyors at least annually calibrate their surveying equipment, utilizing known, fixed local monuments placed so as to form a surveyor's "baseline;" and

WHEREAS, Licensee's Midcoast Chapter (the "Midcoast Surveyors") currently houses its baseline along Route 17, a high-volume and high-speed arterial in Rockland, which increasingly represents a potentially unsafe location for the Regular Meeting, Order #84 continued: November 9, 2015

surveyors periodically to calibrate their surveying equipment; and

WHEREAS, as a result of said safety concerns, the Midcoast Chapter seeks to relocate its baseline, and has identified the City's Snow Marine Park at 51 Mechanic Street (Tax Map 9-A-11) as a potentially safe and convenient location for the baseline; and

WHEREAS, the City Council has agreed to grant a license to Licensee for the relocation of the Midcoast Surveyors' baseline, subject to the terms and conditions of this License Agreement,

NOW, THEREFORE, the City and Licensee agree as follows:

1. Grant of License. The City grants to Licensee a license to install and maintain approximately six flush or below-grade monuments to form a surveyor's baseline in Snow Marine Park (the "Equipment"), approximately as shown in Plan of LaBranche Land Surveys, dated November 2, 2015, and attached and incorporated herein as Exhibit A.

2. Term. The permissions granted to Licensee under this License Agreement shall be for a term of ten years, commencing as of the effective date of this License Agreement and terminating at midnight on November 10, 2025 (the "Termination Date"); provided, however, that the City Manager and Licensee may, prior to the Termination Date, extend said license in a written agreement for up to one additional ten year term.

3. Fee. The purpose of this Agreement is to provide Rockland and vicinity land surveyors with a safe and convenient location for a surveyor's baseline with which area surveyors may calibrate and assure the accuracy of their instruments. So long as the use of the Property by Licensee is limited to and consistent with this purpose and within the terms and conditions of this Agreement, no fee shall be owed to the City for the permissions granted herein.

4. Construction; Maintenance; Default. Licensee shall be fully and solely responsible for the construction, maintenance, repair, relocation, replacement, and/or removal of the Equipment, and any other costs incurred by Licensee or the City with respect to the placement and maintenance of the Equipment in Snow Marine Park as authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensee shall maintain the baseline monuments authorized herein in a safe and functional condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof.

5. Termination.

The City may terminate this Agreement without cause by giving 60 days' written notice to the Licensee. The City may terminate this agreement by giving 14 days' written notice in the event Licensee's use of the premises exceeds the scope of this Agreement, Licensee fails to maintain the Equipment in a safe and functional condition, or Licensee or one of its members, agents, invitees, or guests engages in illegal conduct on the Property, unless Licensee shall have abated and cured such act or omission to the satisfaction of the City Manager. Upon termination, Licensee at its own expense shall cause the removal of the Equipment and the restoration of the Property to its original condition to the extent disturbed or altered by the placement, construction, use, maintenance, repair, relocation, or removal of the Equipment. Termination does not release the Licensee from the terms and conditions of this Agreement during the notice period.

6. Indemnification; Hold Harmless. Licensee hereby agrees to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature whatsoever arising or alleged to have occurred as a result of any event, act, or omission within the term(s) of this Agreement in connection with any claim, loss, or damage arising from or connected with the construction, operation, maintenance, repair, relocation, removal, and/or any other act or thing relating to the Equipment. 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;

9. Insurance. The Licensee shall purchase and maintain such insurance as will protect the City from claims which may arise out of or result from the Licensee's and its members, agents, guests, or other invitees' presence on and use of the Property. For that purpose, during the term of this Agreement, Licensee shall maintain the following coverages, in at least the stated, minimum coverage amounts:

<i>Type of Insurance</i>	Each Occurrence	Aggregate
--------------------------	------------------------	------------------

Licensee shall	General Liability – Bodily Injury & Property Damage Combined	\$1,000,000	\$2,000,000
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cause the City to be named as an additional insured on each policy of insurance required herein, and the Certificates or other evidence of such policies shall contain a statement of the insurer’s obligation to notify the City at least fifteen (15) days prior to the cancellation of such policy. In the event the OWNER is required to defend itself against any claim for which insurance coverage is required by this Contract, CONTRACTOR shall pay the OWNER’S costs of defense. In any claim which may arise as a result of intentional or negligent acts or omissions of the CONTRACTOR, the comprehensive general liability Regular Meeting, Order #84 continued: November 9, 2015

insurance policy provided by CONTRACTOR shall be deemed the primary protection against such claims, and the OWNER shall not be called upon to contribute to a loss otherwise payable by the CONTRACTOR’S insurer(s) due to CONTRACTOR’S acts, errors, or omissions.

8. Miscellaneous.

A. This Agreement is contractual, and is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

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

C. This Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine. The Licensee agrees that any claim, action, or proceeding arising out of this Agreement shall be instituted in, and that venue properly lies in, the Maine District Court in Rockland, or Knox County Superior Court, as such court’s jurisdiction may dictate or allow.

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

Councilor Clayton moved passage.

Vote: 5 for.

#85 Authorizing Collective Bargaining Agreement with Teamster Local #340 – Law Enforcement Employees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a collective bargaining agreement, in substantial conformance with the proposed agreement incorporated herein by reference, with Teamsters Local 340, with respect to wages, benefits, and other conditions of employment for Law Enforcement Employees, for Fiscal Years 2016, 2017, and 2018.

Sponsor: City Council

Originator: City Manager

Councilor MacLellan-Ruf moved passage.

The City Manager said that the agreement is still going through the approval process with the union, but if ratified, the three contracts would result in approximately \$400,000 in reduced costs over the three years of the contracts. He thanked the union representatives for their willingness to work with the City for the betterment of everyone involved.

Vote: 5 for.

#86 Authorizing Collective Bargaining Agreement with Teamster Local #340 – Water Pollution Control/Public Services Employees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a collective bargaining agreement, in substantial conformance with the proposed agreement incorporated herein by reference, with Teamsters Local 340, with respect to wages, benefits, and other conditions of employment for Public Services and Water Pollution Control Employees, for Fiscal Years 2016, 2017, and 2018.

Sponsor: City Council

Originator: City Manager

Councilor Clayton moved passage.

Vote: 5 for.

#87 Authorizing Collective Bargaining Agreement with Teamster Local #340 – Clerical Employees

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

Regular Meeting, Order #86 continued:

November 9, 2015

THAT the City Manager is hereby authorized to enter into a collective bargaining agreement, in substantial conformance with the proposed agreement incorporated herein by reference, with Teamsters Local 340, with respect to wages, benefits, and other conditions of employment for Clerical Employees, for Fiscal Years 2016, 2017, and 2018.

Sponsor: City Council
Originator: City Manager

Councilor MacLellan-Ruf moved passage.

Councilor Pritchett that the City Manager and everyone that worked on these contracts.

Vote: 5 for.

Mayor Isganitis said that it has been an honor serving on the City Council and as Mayor. He said innovation and collaboration is what he set out to do and felt that he accomplished that goal to a certain extent. He said he hoped that the City would continue to move forward and come together without factionalization; one City united with a common message and a common voice with sustainability and prosperity for everyone.

With no further business to come before the City Council, Councilor Pritchett moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:45 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk

ANNUAL ORGANIZATIONAL MEETING

November 16, 2015

Swearing In of Newly Elected Council Member
Election of Mayor by the City Council

The meeting was called to order by the City Clerk with the following members answering the roll call: Councilors William Clayton, Valli Geiger, Louise MacLellan-Ruf, Larry Pritchett, Councilor-Election William Jillson, City Manager Chaousis, and City Attorney Beal.

At this time, a moment of silence was observed in memory of the killed in the terrorist attacks in Paris, France.

Swearing In of Newly Elected Council Member: Councilor-Elect William Jillson took the Oath of Office, administered by the City Clerk, and took his seat on the Council.

Election of Mayor by the City Council: On the first ballot, Councilor Louise MacLellan-Ruf was unanimously elected Mayor of the City of Rockland for the ensuing year.

Mayor MacLellan-Ruf thanked the other members of Council for their support, and said she looked forward to moving forward with kindness, inclusion and openness, and that she was looking forward to working with this team.

With no further business to come before the City Council, the meeting was adjourned, without objection from the Council, at 7:35 p.m.

A TRUE COPY.

ATTESTED: _____ City Clerk