

**SPECIAL MEETING**

**AGENDA**

**October 15, 2014**

Executive Session pursuant to Title 36, Maine Revised Statutes, Section 841, Subsection 2(E)  
as well as pursuant to Title 1 Section 405 Paragraph 6(F)  
to hear a Poverty Abatement request.

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert and City Manager Luttrell.  
Councilor Frank Isganitis was excused from attending this meeting, and Councilor Elizabeth Dickerson arrived at 6:35 p.m.  
City Attorney Kevin Beal was also excused from attending this meeting.

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

**Executive Session:** Councilor Hebert moved to enter into an Executive Session pursuant to Title 36, Maine Revised Statutes, Section 841, Subsection 2(E) as well as pursuant to Title 1 Section 405 Paragraph 6(F) to hear a Poverty Abatement request.  
Vote: 3 for.

The Council entered Executive Session at 6:30 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection at 6:50 p.m.

A TRUE COPY.

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

**REGULAR MEETING**

**AGENDA**

**October 15, 2014**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager’s Report
  - b. City Attorney’s Report
  - c. Other Official’s Report
  - d. Mayor’s Report
7. Licenses and Permits:
  - a. Liquor & Entertainment Licenses – Fog Bar and Café
8. Resolves:
 

#38 Accepting Donations	City Manager
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9. Ordinances in Final Reading and Public Hearing:
 

#24 Chapter 14/Chapter 20 Sanitary and Storm Water Sewers	Mayor Pritchett
#25 Authorizing Quit Claim Deed – Sale of 106 Thomaston Street	City Council
#27 Chapter 19, Section 19-304 Agricultural Markets (OC Rd)	Councilor MacLellan-Ruf
#28 Chapter 19, Section 19-304 DT Zone;1 <sup>st</sup> Floor Residential Uses	Councilor Isganitis
#30 Chapter 13, Article IV Pesticide/Herbicide Usage	Councilor Dickerson
10. Ordinances in First Reading:
 

#31 Chapter 11, Section 11-215 Second Hand Merchants	Mayor Pritchett
#32 Chapter 4, Sections 4-201 & 4-202 NFPA Revisions (2012)	Councilor Isganitis
#33 Chapter 8, Section 8-708 GA, Maximum Levels of Assistance	City Council
11. Orders:
 

#82 Authorizing Police Mutual Aid Agreement w/Rockport	City Manager
#83 Authorizing Use of Reserve Funds – Sandy Beach Parking	Councilor MacLellan-Ruf
#84 Authorizing Fee Waiver – Use of Recreation Center	Councilor Hebert
#85 Authorizing Bids – Sale of City Property (31 Lisle St.)	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 Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, and City Manager Luttrell. Councilor Frank Isganitis and City Attorney Kevin Beal were excused from attending this meeting.

**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:

- Steve Carroll, 326 Old County Road, spoke concerning the lack of civility being displayed at City Council meetings, saying that this is not the forum for name-calling and the like, and added that the Council is always open to listening to the public. He also said that he appreciates the work that the City Council and City staff do for the community.

- Amy Files, 39 Pleasant Street, spoke in opposition to Ordinance Amendment #24, Sewer Lateral Inspection and Repair, objecting to the provisions that make the cost of the inspections and repairs the responsibility of the homeowner even of the portion of the lateral that lies under the City streets.

- Michael Lane, 54 Waldo Avenue, spoke concerning solid waste issues, saying that the City's landfill is an asset that should be reserved and preserved for the use of the residents, and that the regulations that are already on the books need to be enforced. He also expressed concerns about the proposed Pay Per Bag Ordinance and the apparent subsidy of the Commercial Haulers that the residents are paying in unequal disposal fees. He urged the voters to repeal the proposal at the November 4<sup>th</sup> Election.

- Joe Patten, 150 Cedar Street, spoke concerning the unsafe condition of the sidewalks on Warren Street with the positioning of the utility poles in the middle of the sidewalks. He suggested that the City consider spending the money proposed to be spent on Winter Street and Sandy Beach on areas other than the downtown. He said this is a safety issue that needs to be addressed.

- David Myslabodski, 53 Broad Street, spoke concerning solid waste issues and criticizing the Mayor for not allowing people to show pictures at a previous meeting of what supposedly showed illegal dumping at the landfill, and noted that the workers at the landfill have begun a new policy of covering the material as soon as it is dumped, wondering if this were a coincidence. He also spoke concerning the Pay Per Bag proposal, saying that it was not fair to the residents and would not encourage recycling. He said that it would only lead to single stream recycling with Casella, Inc., which would be a bad deal for the City. He said that the City needs to come up with better ways to handle waste.

- Adele Faber, 73 Willow Street, spoke concerning what she termed as censorship at a previous meeting when the Mayor did not allow members of the public to show photos purported to show illegal dumping in the landfill. She said that censorship is illegal and unconstitutional, and that you cannot fix a problem if you refuse to admit that it exists. She also said that the City is not enforcing its mandatory recycling law and that the pay per bag proposal is not fair to the residents since 70% of the waste disposed of at the transfer station comes from Commercial Hauler who do not recycle.

- Susan Kraft, Project Coordinator of the "Do You See Me" Project, spoke in support of the proposed fee waiver for use of the Recreation Center (Order #84, this agenda), saying that she would be happy to answer any questions that the Council may have.

- Eric Hebert, 283 Limerock Street, speaking as a private citizen and not as a member of the City Council, spoke concerning solid waste issues and what he said has been misconceptions and misrepresentations of the Pay Per Bag proposal and wanted to address some of those issues. He said at the heart of the matter was that the disposal of trash has been operating as a fee-based service for the past several years, meaning that the users of the facility pay for the operation of the facility, and one of the few ways to get those who do not pay taxes to pay their share of the disposal costs. However, over the past several years, the cost of operation of the transfer station has been subsidized by revenues produced by the landfill operation keeping the cost to the transfer station users artificially low. Now that those additional revenues from the landfill are no longer available to subsidize the transfer station, the actual cost of disposal must now be paid by the transfer station users, thus the significant increase in the fees. He also said that the shortfall in the landfill budget resulted from the anticipated volume of material not coming in. He said that the City estimated disposal of 30,000 tons but only 20,000 were received. He said that the operations of the landfill and the transfer station are separate operations that are supposed to be funded by those who use those operations. He said with declining revenues on the landfill side, the actual cost of msw disposal now needs to be borne by those who use the facility. He said that the pay per bag proposal was not a scheme to

increase revenues to cover the shortfall in the landfill budget. He said it is an equitable distribution of the actual costs for disposal of msw, and that people need to be responsible for what they throw away.

- Barry Faber, 73 Willow Street, spoke concerning solid waste issues, saying that Councilor Hebert was spreading misinformation of his own. He said that a significant portion of those who do not pay taxes (such as non-profits and renters) use commercial haulers to disposal of their trash, so they will not be buying bag. He said that 70% of the msw disposed of at the transfer station comes from commercial haulers, so the bulk of the cost is being left to only 30% of the users, noting that the commercial haulers only pay \$115 per ton while the residents are expected to pay \$143 per ton. He also said that the landfill had a shortfall of \$422,000 last year because of faulty contracts that did not include volume guarantees that would have offered some protection to the City.

Hearing no other speakers, the public forum was closed.

Councilor Hebert said that he shared Mr. Patten's frustration with utility poles being placed in the center of sidewalks, and noted that the City now has an ordinance regulating the future placement of utility poles, but asked if there was anything the City could do about existing poles.

The City Manager said that staff is aware of the problem and is looking into options.

**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 meetings submitted to the Council for review deemed approved, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk's Office at City Hall during regular business hours.

**Reports:**

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

- Recent water tests at Snow Marine Park showed continued high levels of e-coli bacteria, therefore the park remains closed.

- One bid was received for the Camden Street PPI Grant. Staff is reviewing the bid and will make a determination soon.

- The pavement on upper Camden Street is in poor condition and staff is exploring options for doing an overlay.

- The City has been experimenting with creating a "false island" in the Oak Street parking lot by placing picnic tables by the trees and re-stripping the lot. He said he is still waiting for feedback to determine how well it was received.

- There has been quite a bit of discussion about the two City referendum questions on the November 4<sup>th</sup> ballot, so he wanted to give a brief explanation of what a yes or no vote would mean on those questions. For the Bond Question for repairs to Old County Road, he said that a yes vote would allow the City to borrow up to \$1.6 million to repair a section of Old County Road between Maverick Street and Thompson Meadow Road. A no vote would not allow the borrowing and the project would not be done. As for the Pay Per Bag Ordinance Repeal referendum question, a yes vote would repeal the proposed adopted by the Council to institute mandatory pay per bag disposal of municipal solid waste and would keep the current sticker or bag option in place. A no vote would allow the Council's proposal to go into effect and the sticker option would be eliminated on May 1, 2015.

Councilor MacLellan-Ruf asked if species testing was done on the water samples from Snow Marine Park.

The City Manager said that species testing was not done.

Councilor MacLellan-Ruf asked if species testing was going to be conducted.

The City Manager said there are no plans to conduct such tests.

Councilor Hebert asked if there were plans for the Old County Road project that could be made available to the public prior to the Election.

The City Manager said that the project is to include widening the travel lanes and extensive shoulder and drainage work. He added that he has preliminary information on the project but no engineering plans at this time.

b. City Attorney's Report: None.

c. Other Official's Report: None.

d. Mayor's Report: Mayor Pritchett reported that meetings have been scheduled for October 20<sup>th</sup> to discuss with the Comprehensive Planning Commission, Economic Development Advisory Committee and Planning Board the standards for the Downtown Zone and Camden Street; and for October 29<sup>th</sup> to discuss the Council's FY 2015-16 Work Plan and the City's Snow Removal Plan.

**Licenses and Permits:**

a. Liquor and Entertainment Licenses – Fog Bar and Café

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed. It was noted that the Police Chief had not yet given approval for the issuance of the license. Councilor Hebert moved to grant the licenses conditioned upon approval from the Police Chief.

Vote: 4 for.

At this time, and without objection from the Council, Mayor Pritchett took Order #84, authorizing fee waiver for use of the Recreation Center, out of order.

**Order #84 Authorizing Fee Waiver – Use of Recreation Center**

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

**THAT** the fees associated with use of the Recreation Center for the “Do You See Me” Project, for an event to be held on October 18, 2014 to raise awareness of homelessness and food insecurities in the Mid-Coast area, are hereby waived.

Sponsor: Councilor Hebert  
Originator: Project Coordinator

Councilor Hebert moved passage.

Councilor Dickerson said this is always a hard decision because a lot of good projects come to the City and request waivers and all are worthy projects. She asked how much the fees would be in this instance.

The City Manager said it was hard to calculate an exact figure because of the nature of the project, but estimated it would be approximately \$600.

Councilor Hebert said that the concept of waiving fees is a difficult one. He said there are very good groups doing very good work for very good projects. He added that a previous Council passed a resolution saying that the Council should not waive fees, however, that resolution is not binding on any other Council. He said that he would support this request, saying that homelessness and food insecurities are issues that people don't want to face but ones that need to have awareness raised. He urged the rest of the Council to support the request as well.

Councilor Dickerson said that she could not support this request. She said that it is an issue of fairness. She said that the City has a high tax rate and it is not fair to the taxpayers who foot the bill every time the Council waives a fee. She said that this group should work with the City to see if there is some other way to accommodate their needs.

Councilor MacLellan-Ruf said this was a practicality issues. She said the Council has refused to waive fees in the past for other events, and even though this is certainly a worthwhile project she cannot support the request.

Vote: 1 for, 3 opposed.  
(Hebert)

Motion Defeated.

The order of the agenda was then resumed.

**Resolves:**

#38 Accepting Donations

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

**WHEREAS**, the Friends of the Rockland Public Library donated \$955.94 for 95 items to be added to the children's collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Bicknell family donated \$100 to the Library in memory of Hazel Spear, 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**, Sue Ellen Gerrish donated \$20 to the Library in memory of Hazel Spear, 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**, Casella Waste Systems, Inc., of Rutland, Vermont, donated \$1,100 to the City, to be deposited into the Public Shade Tree account (#10000-01682), to be expended from the same for the purchase of public shade trees; and

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

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

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

Sponsor: City Manager  
Originator: City Manager

Councilor MacLellan-Ruf moved passage and moved to amend Resolve #38 by deleting the follows paragraph: ~~“**WHEREAS**, Casella Waste Systems, Inc., of Rutland, Vermont, donated \$1,100 to the City, to be deposited into the Public Shade Tree account (#10000-01682), to be expended from the same for the purchase of public shade trees; and”~~

Councilor MacLellan-Ruf said that Casella Waste Systems has raised as a concern by some members in the public. She said if there is some kind of conflict with this company, the City should not be accepting gifts from it.

Councilor Hebert asked if the City has received the actual funds from Casella.

The City Manager said that the donation came in the form of a check. He said that the Parks Commission decided to purchase the trees with the expectation that the donation from Casella would reimburse the Parks Commission for the purchase of those trees. He also said that the trees have already been planted. He said if the funds are not accepted, the expenditure for the trees will have to come from the Parks Commission account.

Councilor MacLellan-Ruf asked if it was customary to spend donation before they are accepted by the Council.

The City Manager said that it was not customary.

Vote on amendment: 4 for.

Vote as amended: 4 for.

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

#24 Chapter 14/Chapter 20 Sanitary and Storm Water Sewers and Facilities

(See pages 247 – 251 for text)

A public hearing was opened with Valli Geiger, 186 Broadway, speaking in opposition to the proposed amendment, saying that she did no believe it was fair or appropriate for citizens to be responsible to pay for sewer lines that are under City street. She said that she would rather see the City take out a bond and repair whatever sewer issues need to be repaired.

- Amy Files, 39 Pleasant Street, also spoke in opposition to this ordinance amendment, saying that it should be the City’s responsibility to take care of the entire sewer system in a comprehensive manner rather than this piecemeal approach. She added that it was not fair to place the burden on the homeowners for the City’s failure to properly maintain the system over the years. She also said that this ordinance will not help attract new residents to the City.

- John Root, Code Enforcement Officer, said that sewer issues are not generally part of Code Enforcement duties, and when he reviewed this proposal some time ago he did not realize the extent to which his office would be involved with the administration of this amendment. He said that \$50,000 worth of improvements to a property as the trigger for the inspection and repairs is a fairly low threshold. He also said not allowing the issuance of an occupancy permit until the sewer lateral passes inspection could also be problematic.

- Steve Carroll, 326 Old County Road, said that sewer repairs throughout the City are going to be a huge expenses in the very near future, and added that this issues found at Snow Marine Park are just the tip of the iceberg. He said that most residents don’t really understand what this amendment means and the potential costs that homeowners could incur. He suggested that the City slow down and look at this issue more closely before adopting anything. He said this amendment could have huge repercussions.

Hearing no other speakers, the public hearing was closed.

Councilor Hebert moved passage and said that he does not disagree with any of the comments from the public. He said this ordinance does seem pretty heavy handed, and passes a lot on to the homeowners. He said the Sewer Department is charged with making repairs to a system that, in places, is in horrible condition, and this proposal could be a very expensive proposition to homeowners. He said that it makes sense that the homeowner would be responsible for the line that runs from their home, but was not so certain where that responsibility should end. He said he did not have the answers and suggested that the Council may want to postpone this amendment to have a workshop to explore realistic alternatives that may not be so scary to the homeowners.

Mayor Pritchett suggested that the Council could hold a workshop on this issue before the December regular meeting.

The City Manager said that postponing the amendment would not be an issue as long as the City has something in place before the next construction season.

Mayor Pritchett said that it seems one of the major issues is the provision that homeowners be responsible for the lateral from their house all the way to the sewer main in the public way.

The City Manager said that is not a new proposal, and has been that way in Rockland for a long time.

Councilor Hebert moved to postpone Ordinance Amendment #24 until the December 8, 2014 Regular Meeting, and added that a workshop on this issue be held prior to that meeting to clarify the issues and costs.

Vote: 4 for.

Ordinance Amendment #24 was postponed until the December 8, 2014 Regular Meeting.

#25 Authorizing Quit Claim Deed – Sale of 106 Thomaston Street

(See page 252 for text)

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

Councilor Hebert moved passage.

Vote: 4 for.

The Ordinance will become effective November 14, 2014.

#27 Chapter 19, Section 19-304 Residential Zone B Regulations; Agricultural Markets

(See pages 244-245 for text)

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

Councilor MacLellan-Ruf moved passage.

Vote: 4 for.

The Amendment will become effective November 14, 2014.

#28 Chapter 19, Section 19-304 DT Zone Regulations; First Floor Residential Uses

(See pages 245-246 for text)

Prior to the public hearing being open, Councilor Hebert moved to postpone Ordinance Amendment #28 until the November 10, 2014 Regular Meeting, adding that there were many differing opinions on this proposal, and Councilor Isganitis would like to be present for the discussions. He also said that he wanted to preserve the public hearing for next month.

Vote: 4 for.

Ordinance Amendment #28 was postponed until the November 10, 2014 Regular Meeting.

#30 Chapter 13, Article IV Pesticide/Herbicide Use on City Property

(See pages 253-254 for text)

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

Councilor Dickerson moved passage.

Vote: 4 for.

The Amendment will become effective November 14, 2014.

**Ordinances in First Reading:**

#31 Chapter 11, Section 11-215 Second Hand Merchants; Pawn Brokers

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits and Franchises, ARTICLE II, Licenses, BE AMENDED AS FOLLOWS:**

**Sec. 11-215 Second-Hand Merchants; Pawnbrokers**

**1. License Required.** No person shall engage ~~principally~~ in the business or occupation of dealing in second-hand or used personal property, or in the business of a pawnbroker ~~(collectively, a “second-hand dealer” as hereinafter defined),~~ without first obtaining a license therefor. ~~No such licenses shall be granted except upon certification of the Police Chief and~~

~~the Fire Chief. No licensee shall purchase or receive any article (a) from any person under the age of seventeen (17) years, without the written consent of parent or guardian, or (b) from any person known or suspected to be a thief or a receiver of stolen property. Every licensee shall keep a record of all persons with whom he does business and of all property coming into his possession together with a record of the disposition of each article, which record shall be kept available for examination by any City official.~~

2. Definitions. The following words and phrases shall have the assigned meaning(s) for the purposes of this section; words and phrases not herein or in applicable state law shall have their common and ordinary meanings.

A. Pawnbroker. "Pawnbroker" means a person who engages in pawn transactions.

B. Pawn transaction. "Pawn Transaction" means the lending of money on the security of pledged tangible personal property that is delivered to and/or held by a pawnbroker, including the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

C. Second-Hand Dealer. "Second-Hand Dealer" means and includes any person, partnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, but does not mean or include a coin dealer, participants at gun shows or events as defined in of Title 27, Code of Federal Regulations, Section 478.100, as amended who are not gun show traders, any person who performs the services of an auctioneer for a fee or salary.

D. Tangible personal property. "Tangible personal property" means personal property that may be seen, weighed, measured, felt, touched or in any other manner perceived by the senses, including computer software that is not a custom computer software program, and motor vehicles. "Tangible personal property" does not include checks, draughts, or similar financial instruments; rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership; or real estate.

3. Application. Application for such license shall be made upon a form provided by the City Clerk which, among other information, shall elicit the applicant's name, business and home address, phone numbers, e-mail address, and date of birth. Where the applicant is a business entity, the same information shall be required for each principal of said entity. The fee for such application shall be established by Order of the City Council, is due at the time of application, and may not be refunded if denied. If granted, such license shall expire one (1) year from the date of issuance.

4. Review. No license shall be granted by the City Clerk under this Section until and unless the Police Chief and Fire Chief shall have investigated the applicant in accordance with the requirements of State law. The Police Chief shall determine whether or not the applicant or principals of the applicant have any criminal record, and may condition or disapprove the grant of a license to such applicant on the basis of such investigation and the extent to which such prior criminal conduct included any theft, robbery, or receipt of stolen goods; endangered public safety; and/or involved dishonesty or other disregard for the truth.

5. Records of Sales. Pursuant to 30-A M.R.S. § 3971, every second-hand dealer, upon acquisition of any second-hand or used article either by purchase or exchange, shall complete a record of the transaction, on a form furnished or approved by the Police Chief, stating the full name and address of the seller, the month, date and year on which the transaction took place, and a full and detailed description of each article(s) purchased or exchanged, and the price(s) paid therefor, and shall cause such record to be signed by the seller in person. Before recording this information, the secondhand dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification, adult liquor identification or similar item. The relevant information in the record shall be electronically or otherwise reported to the Police Chief or his/her designee within forty-eight (48) hours thereafter, unless earlier electronically reported to a duly authorized police officer upon request. The second-hand dealer shall retain the record in his or her possession for a period of not less than two (2) years, during which time the record may be inspected at any and all reasonable times by any police officer.

6. Hold Period. No second-hand or used article acquired by a second-hand dealer may be re-sold or otherwise disposed of, or changed or altered in its appearance or otherwise, within fifteen (15) days after its purchase, except with the prior, written consent of the Police Chief or his/her designee; provided, however, that this fifteen (15) day hold period shall not apply to bullion oriented gold, silver, platinum or palladium coins or bars. The Police Chief may impose reasonable conditions upon granting such consent.

7. Minors. No second-hand dealer may directly or indirectly purchase or receive by way of barter or exchange any goods or articles from any person such dealer knows or has reason to believe to be under the age of 18, unless the minor is accompanied by his or her parent or guardian.



**8. Compliance With State Law.** In addition to the requirements set forth in this Section, second-hand dealers and pawnbrokers shall fully comply with the requirements set forth in Title 30-A, Maine Revised Statutes, Section 3971, as may be amended.

Sponsor: Mayor Pritchett  
Originator: Police Chief

Councilor Hebert moved passage and said this proposal would incorporate current standards into the City's existing licensing ordinance.

Councilor Dickerson added that it would assist the police department in tracking stolen items as well.

Vote: 4 for.

A public hearing was set for November 10, 2014 at 7:00 p.m.

#32 Chapter 4, Sections 4-201 & 4-202 Adopting Updated NFPA Codes

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections and Enforcement, ARTICLE II, Fire Prevention and Life Safety, SECTION 4-201, Adopting of Fire Prevention Code; Amendments, AND SECTION 4-202, Adoption of Life Safety Code; Amendments, BE AMENDED AS FOLLOWS:**

### **ARTICLE II Fire Prevention & Life Safety**

#### **Sec. 4-201 Adoption of Fire Prevention Code; Amendments**

1. **Adoption.** Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-302(B) below, the National Fire Protection Association ("NFPA") 1, ~~2009~~ 2012 Edition, is hereby referred to and adopted as the Fire Prevention Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings that affect fire prevention and suppression measures; and each and all of the regulations of the NFPA 1 Fire Prevention Code, ~~2006~~ 2012 Edition, and other regulations NFPA 1 incorporates, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Fire Prevention Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland.

**State Law References:** 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, et seq.

2. **Amendments.** The Rockland Fire Prevention Code is amended as set forth in the regulations of the Department of Public Safety, Title 16, Code of Maine Regulations, Part 219 – Office of the State Fire Marshal, Chapter 3 – Fire Prevention Code.

#### **Sec. 4-202 Adoption of Life Safety Code; Amendments**

**A. Adoption.** Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-402(B) below, the National Fire Protection Association ("NFPA") 101, ~~2009~~ 2012 Edition, is hereby referred to and adopted as the Life Safety Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings, except one- and two-family dwellings, that protect the safety of inhabitants and firefighters in the event of a fire; and each and all of the regulations of the NFPA 101 Life Safety Code, ~~2009~~ 2012 Edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Life Safety Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland.

**State Law References:** 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, et seq.

Sponsor: Councilor Isganitis  
Originator: Acting Fire Chief Miceli

Councilor MacLellan-Ruf moved passage.

Councilor Dickerson asked that the Rules be suspended so that Code Enforcement Officer John Root could summarize the effect, if any, that this amendment would have on the residential sprinkler provision the Code. Without objection from the Council, the Rules were suspended.

Mr. Root said that this amendment would have no effect on the residential sprinkler requirements nor on the exemptions enacted by the Council. He added that the exemptions enacted by the Council have worked out very well for a number of people. He also said that this amendment simply replaces the 2009 NFPA codes with the 2012 editions, and added that there were no significant changes in the new editions.

The Council went back into Regular Session for a vote on Councilor MacLellan-Ruf's motion for passage.

Vote: 4 for.

A public hearing was set for November 10, 2014 at 7:00 p.m.

#33 Chapter 8, Section 8-708 General Assistance; Maximum Levels of Assistance

**ORDINANCE AMENDMENT:** General Assistance – Maximum Levels of Assistance

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

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

**Housing Maximums.** The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. If and when the maximum levels of housing contained in this ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the Department of Human Services, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

The maximum amounts allowed for housing are:

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	\$128	\$552	<del>\$150</del> <u>\$151</u>	<del>\$647</del> <u>\$649</u>
1	\$128	\$552	<del>\$150</del> <u>\$151</u>	<del>\$643</del> <u>\$649</u>
2	\$150	\$645	\$186	<del>\$798</del> <u>\$799</u>
3	\$197	\$846	<del>\$240</del> <u>\$204</u>	\$1032
4	\$209	\$899	<del>\$252</del> <u>\$272</u>	<del>\$1083</del> <u>1168</u>

\* \* \* \* \*

**Electricity Maximums for Households Without Electric Hot Water.** The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	<del>\$82.50</del> <u>\$86.00</u>
5	<del>\$21.00</del> <u>\$23.10</u>	<del>\$90.00</del> <u>\$99.00</u>
6	<del>\$22.70</del> <u>\$25.00</u>	<del>\$97.50</del> <u>\$107.00</u>

\*Add \$7.50 a month for each additional family member.

**Electricity Maximums for Households that Use Electrically Heated Hot Water.** The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

<u>Number in Household</u>	<u>Weekly</u>		<u>Monthly</u>	
1	<del>\$16.30</del>	\$19.10	<del>\$70.00</del>	\$82.00
2	<del>\$18.60</del>	\$23.75	<del>\$80.00</del>	\$102.00
3	<del>\$21.00</del>	\$27.70	<del>\$90.00</del>	\$119.00
4	<del>\$23.30</del>	\$32.25	<del>\$100.00</del>	\$139.00
5	<del>\$25.60</del>	\$37.30	<del>\$110.00</del>	\$160.00
6	<del>\$27.90</del>	\$41.00	<del>\$120.00</del>	\$176.00

\*Add \$10.00 for each additional family member.

*Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided below.*

Sponsor: City Council  
Originator: General Assistance Director

Councilor Dickerson moved passage.  
A public hearing was set for November 10, 2014 at 7:00 p.m.

Vote: 4 for.

**Orders:**

#82 Authorizing Police Mutual Aid Agreement – Town of Rockport

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

**THAT** the City Manager is hereby authorized to enter into the Police Mutual Assistance Agreement with the Town of Rockport, substantially in conformance with said agreement attached hereto, for Police mutual aid in the Town of Rockport.

Sponsor: City Manager  
Originator: Police Chief

**TOWN OF ROCKPORT – CITY OF ROCKLAND  
POLICE MUTUAL ASSISTANCE AGREEMENT**

**AGREEMENT** made this \_\_\_\_ day of October 2014, by and between the undersigned municipalities.

**WITNESSETH**

**WHEREAS**, 30-A M.R.S. § 2674 authorizes the assignment of police officers from one municipality to another to assist with police activities; and

**WHEREAS**, the undersigned municipalities wish to provide mutual assistance to one another, on a short-term, emergency basis; and

**WHEREAS**, said municipalities agree that Rockland police officers should have authority to exercise police powers when present at the Pen Bay Medical Center in their official capacities, and that Rockport and Rockland should have explicit mutual aid authority for the purpose of enhancing the protection of the public in both communities, in the limited circumstances set forth herein,

**NOW, THEREFORE**, the parties do hereby agree as follows:

1. DEFINITIONS

REQUESTING MUNICIPALITY: The municipality which is asking another municipality to provide police assistance.

RESPONDING MUNICIPALITY: The municipality which is asked to provide another municipality with police assistance.

2. ASSIGNMENTS

2.1. Mutual Aid Response. Rockport and Rockland each agree to serve as a RESPONDING MUNICIPALITY and to assign one or more officers to provide police services on a temporary, short-term basis within the REQUESTING MUNICIPALITY when requested to do so by the REQUESTING MUNICIPALITY. The specific individual(s) to be assigned are to be determined by the RESPONDING MUNICIPALITY. Such temporary assignments shall not exceed 24 hours except by the specific written agreement of the Chiefs of Police or highest ranking on-duty officers of each municipality.

2.2 Mutual Aid Response assignments shall be made only if the Chief of Police or highest ranking on-duty officer of the RESPONDING MUNICIPALITY determines in his or her sole discretion that the RESPONDING MUNICIPALITY has adequate personnel available.

2.3 Requests for a Mutual Aid Response shall be made only when the REQUESTING MUNICIPALITY has exhausted or fully committed its available resources and personnel and/or when additional resources and/or personnel are required on an urgent basis to protect life or property, to maintain public order, to prevent the imminent commission of a criminal act or to prevent escape.

2.4 In no case will personnel or resources be transferred to the REQUESTING MUNICIPALITY without notification of the communication center of the agency giving the assistance. Such notification will be documented by the communications center.

2.5 Only law enforcement officers who satisfy the certification and qualification requirements of 25 M.R.S. § 2804-B or § 2804-C shall have the authority to cross the town line to provide mutual assistance.

3. EMPLOYER-EMPLOYEE RELATIONSHIP RETAINED

The RESPONDING MUNICIPALITY shall be the sole and exclusive employer of persons assigned hereunder; persons assigned hereunder are not intended, nor shall they be deemed, to be employees of the REQUESTING MUNICIPALITY as a result of said assignment. In addition, nothing herein shall be construed to create a joint employer relationship between the REQUESTING MUNICIPALITY and the RESPONDING MUNICIPALITY. The RESPONDING MUNICIPALITY retains all of the legal responsibilities of the employer-employee relationship while its officer(s) are on assignment in the REQUESTING MUNICIPALITY, including, without limitation, authority for all personnel issues, disciplinary actions and grievance procedures regarding its employees.

Police officers assigned hereunder shall be paid by their employer their wages and fringe benefits and shall accrue benefits in the customary manner. No overtime work shall be permitted by officers while on assignment, unless approved the RESPONDING MUNICIPALITY.

4. LIABILITY TO THIRD PARTIES

The RESPONDING MUNICIPALITY and the REQUESTING MUNICIPALITY shall each assume its own liability to a third party, except for liability arising out of the command or operational decisions made by the REQUESTING MUNICIPALITY, which must be assumed by the REQUESTING MUNICIPALITY.

In any case or claim in which RESPONDING MUNICIPALITY, or its officers or employees, is a party, an admission of liability on the part of the RESPONDING MUNICIPALITY, its officers or employees, shall be included in a settlement agreement only with the consent of the RESPONDING MUNICIPALITY, which consent shall not be unreasonably withheld.

The RESPONDING MUNICIPALITY shall be fully responsible for all workers compensation coverage for its officers or employees hereunder and the RESPONDING MUNICIPALITY hereby waives any right of subrogation or lien pursuant to 39-A M.R.S. § 107 against the REQUESTING MUNICIPALITY, its officers or employees, arising out of or resulting from said workers compensation claims.

Each municipality shall maintain adequate insurance coverage for personal injury and death of personnel acting pursuant to this Agreement and shall maintain liability coverage in an amount of not less than four hundred thousand dollars Regular

(\$400,000).

5. VEHICLES AND EQUIPMENT

All equipment, including vehicles, utilized in a mutual assistance situation shall be operated with reasonable care and within the limitation of state law.

The REQUESTING MUNICIPALITY shall assume financial and insurance liability for equipment that is left in the exclusive care of or being operated exclusively by an officer of the REQUESTING MUNICIPALITY. Such liability shall cover repair or replacement of equipment as determined by the RESPONDING MUNICIPALITY.

6. COMMAND AND AUTHORITY

All persons assigned hereunder shall be subject to the direction and control of the command officers in the REQUESTING MUNICIPALITY for the duration of said assignments.

The Police Chief or highest ranking on duty officer of the RESPONDING MUNICIPALITY shall continue to maintain the authority to partially or completely withdraw such assistance.

While providing mutual assistance, the officers of a RESPONDING MUNICIPALITY shall have the same powers, duties and authority as the law enforcement officers of the requesting agency. When participating in mutual assistance, the officers of the RESPONDING MUNICIPALITY shall defer to all direction of the supervisory officer of the REQUESTING MUNICIPALITY.

7. PEN BAY MEDICAL CENTER, ROCKPORT

Rockport hereby requests on a continuing basis, and Rockland agrees on a continuing basis, that Rockland shall have temporary RESPONDING MUNICIPALITY status when any Rockland police officer is present in an official capacity at the Pen Bay Medical Center in Rockport for the purpose of securing medical care for any detainee, witness or other injured person. In such circumstances, however, the powers of the Rockland police officer shall be limited to (i) detaining or protecting said person and (ii) maintaining the peace while such Rockland police officer remains on the premises of, or en route to or from, the Pen Bay Medical Center or any facility on the Pen Bay Medical Center campus. While acting pursuant to the provisions of this paragraph 7, the Rockland police officer shall remain under the command of the Rockland Police Department notwithstanding the provisions of paragraph 6; shall in all respects remain an employee of that Department; shall notify the Rockport Police Department dispatch of his/her presence at Pen Bay Medical Center; and shall exercise the authority granted under this paragraph 7 as circumstances dictate. The City of Rockland shall be liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the Rockland police officer acting pursuant to his paragraph 7. The sources of the authority conferred and limited by this paragraph 7 are 30-A M.R.S. § 2674 and 30-A M.R.S. § 2671(2-A).

8. TERMINATION, REVIEW AND AMENDMENT

This Agreement shall remain in effect for a period of three (3) years, until July 1, 2017, or until earlier terminated by either municipality upon thirty (30) days written notice to the other municipality.

This Agreement shall be reviewed and evaluated annually by each municipality. Statistical data relative to the nature and frequency of assistance requested and/or provided under this agreement shall be part of the review.

This Agreement may be amended only with the approval of the municipal officers of each municipality.

Councilor Hebert moved passage and said that this agreement is mostly to provide police assistance at Pen Bay Medical Center when necessary. He also said this is a renewal of the existing agreement and there are no changes in the agreement.

Vote: 4 for.

#83 Authorizing Use of Reserve Funds – Sandy Beach Parking Area

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

**THAT** the City Manager is hereby authorized to expend up to \$11,000 from the City Land Sales Reserve Account (#10000-01724) to pay the cost of installing the salvaged cobblestones in the parking area at Sandy Beach Park.

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

Councilor MacLellan-Ruf moved passage and said that she intends to ask the Council to postpone this order so that she could have more extensive discussion with the City Manager on this issue. She said that concerns have been expressed about this issue, and she was making this proposal to address a safety issue. She said in its current condition, the parking area at Sandy Beach is dangerous and requires constant attention by the Public Works Department to try and keep the area smooth. She said that she wanted to make sure that this was done right the first time and that the repair was permanent. She said that using cobblestones to pave this area would be cost-prohibitive if the City didn't already have the cobblestones. She said that she has been in contact with community members with experience in laying cobblestone who have indicated that they would be willing to help place the cobblestone at Sandy Beach Park and the City could look for other creative ways to get this project done at reasonable cost by involving other members of the community and making it a community event. Therefore, Councilor MacLellan-Ruf moved to postpone Order #83 until the January 12, 2015 Regular Meeting.

Vote: 4 for.

Order #83 was postponed until the January 12, 2015 Regular Meeting.

#85 Authorizing Bids – Sale of 31 Lisle Street

**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 31 Lisle Street and identified as Tax Map #46-D-1, with a minimum bid requirement of \$50,000. The successful bidder shall be required to relocate sewer line(s) that run through this property prior to any construction on the property, at the successful bidder's own expense, to the standards and specifications satisfactory to the City. The City also reserves the right to accept and/or reject any or all bids. Should no acceptable bids be received, the City Manager is further authorized to dispose of the property by other appropriate means.

Sponsor: City Manager  
Originator: City Manager

Councilor MacLellan-Ruf moved passage.

The City Manager said that he has received an update on the sewer lines that run through this parcel. He said that sanitary sewer line could be easily replaced with the estimated cost begin around \$25,000. However, he said that the storm water line  
Regular Meeting, Order #85 continued: October 15, 2014

may not be as easy a fix and will probably be more costly to relocate but he doesn't have the figures at this time. Councilor Hebert said that as long as any bidders are aware of those facts and that they are responsible for relocating the lines prior to any construction on the parcel, have at it.

Vote: 3 for, 1 opposed.  
(Pritchett)

With no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:51 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**October 20, 2014**

Council Work Session (with representatives of Planning Board, Economic Development Advisory Committee and Comprehensive Planning Commission):

1. Review of and Possible Amendments to the Design Standards for the Downtown Zone and the Tillson Avenue Area Overlay Zone
2. Possible Next Step to Update Camden Street Zoning in a Manner That Implements Recommendations of the Camden Street Visioning Project

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson was absent.

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

**Work Sessions:** The Council went into informal session for work sessions with representatives of the Planning Board, Economic Development Advisory Committee and Comprehensive Planning Commission on the following:

- Design Standards for the Downtown Zone and the Tillson Avenue Area Overlay Zone
- Possible Next Step to Update Camden Street Zoning in a Manner That Implements Recommendations of the Camden Street Visioning Project.

With the above work session completed, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council the meeting was adjourned at 8:40 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**October 29, 2014**

Resolve #39 Recognizing & Commending Participants in Community Mural Project

Council Work Sessions:

- Discussion: Possible Regulation of Certain Novelty Shops
- Review: Draft FY 15 Priority Road & Sidewalk Snow Removal Policy
- Review: Priorities & Schedule in FY15/FY16 Council Work Plan

Executive Session pursuant to 1 M.R.S. §405(6)(A) which permits consideration of employment matters in executive session, to discuss aspects of the City Manager search with Darci Associates.

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson arrived at 6:35 p.m.

**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:

- Jerry Sharp, 5 Fog Street, spoke in support of the repeal of the Pay Per Bag waste disposal Ordinance at the November 4<sup>th</sup> Municipal Election, saying that families cannot afford this program and the City needs to find another way to address its fiscal problems rather than dumping them on the taxpayers.

Mr. Sharp then spoke concerning the proposal to place an adult amusement store adjacent to the residential neighborhoods in the Union Street/Willow Street area. He said this kind of business is not appropriate for a residential area and that the City needed to take whatever steps were necessary to prohibit such a business from being established.

- Judy Robinson, 377 Old County Road, spoke concerning solid waste disposal issues, saying that the tipping fees at the transfer station are not fair, and that the commercial haulers have been receiving a considerable amount of blame for issues at the transfer station. She said that commercial haulers pay for every pound of trash they deposit at the transfer

station while people with stickers continually abuse the privilege by bringing trash from their relatives, businesses etc. She said that people need to be responsible for what they throw away.

- Joanne Kelly, 32 Willow Street, spoke in opposition to a proposed adult amusement store being established in the Union Street/Willow Street area, saying that there are usually a great number of children playing in this area and it would not be an appropriate location for this kind of business. She said such a business would attract an "undesirable element" to the neighborhood and that the City should do whatever it takes to prevent this business from locating in this area.

- Leroy Bresak, 37 Willow Street, also spoke in opposition to an adult amusement store being established in his neighborhood, saying that it was not an appropriate place for this sort of business and that the City should institute a moratorium on such businesses.

- John Root, Code Enforcement Officer, spoke concerning the proposed adult amusement store, and said that his office has been working within existing laws to address the concerns expressed about this business. He added that he has received a communication from the owners of the building in which this business was proposed who indicate that they will not rent their building to the individual proposing this business not to anyone else proposing such a business. Mr. Root also said that the City has no regulations in the Code currently that would regulate this kind of business from being established in any zone where retail establishments are allowed.

- Sandra Schramm, 16 Broad Street spoke concerning solid waste issue, giving a brief history of the pay per bag proposal and how it got to the point of being on the November 4<sup>th</sup> ballot for repeal. She spoke in favor of the repeal and added that there needs to be public input to create a sustainable operation at the landfill/transfer station where all have a say in how things are run. She also said that the City needs to look at ways to reduce the amount of waste and get the operation under control.

- David Myslabodski, 53 Broad Street, spoke concerning solid waste issues, saying that pay per bag is an expensive fairy tale that will not do what the Council believes that it will. He said that it will not encourage recycling and will only lead to single-stream recycling, which is in the process of being banned in Europe. He said that the Council does not seem to understand that once recyclable materials are mixed they cannot be unmixed and the materials become worthless. He added that the City is not enforcing the mandatory recycling law that is currently on the books, and does not require the commercial haulers to recycle at all. He also said that the City Council seems to focus all of its attention and resources on the downtown and penalizes the rest of the residents with higher taxes and fees to pay for it. He said that the people of Rockland deserve a plan that is fair to all residents.

- James Collins, 49 Willow Street, spoke in opposition to an adult amusement store being allowed to locate in his residential neighborhood, saying that this was not an appropriate location for this kind of business.

- Gail Fairfield, 111 Pleasant Street, also spoke in opposition to an adult amusement store, saying that she didn't want to have to explain to her children what this store was and what the people how frequent such an establishment are doing there. She said that the City needs to do whatever it can to prevent such a store from coming to the city.

- Barbara McRae, 45 Willow Street, also spoke in opposition to an adult amusement store, saying that the City needs to develop a plan on how to address these kinds of businesses.

- Adele Faber, 73 Willow Street, spoke concerning an adult amusement store, saying that such a business should not be allowed on any streets in the City, and that the City should institute a moratorium to stop such a business from coming to the City.

She then spoke concerning solid waste issues, and what she claimed was censorship and a lack of transparency on the part of the Council in dealing with the solid waste issues. She said that a recent "workshop" held by the Mayor was nothing more than an attempt to "brain wash" the public on the pay per bag issue, and that the opponents of the issue were not allowed to be heard. She said that under the pay per bag issue, the residents who dispose of their own trash will be subsidizing the commercial hauler. She added that the City is not enforcing the mandatory recycling ordinance, and that it would be better to institute a program of education, enforcement and monitoring at the transfer station rather than forcing pay per bag on the residents. She suggested teaching recycling in the schools by making it a game that the kids could play at home. She again urged the Council to contact Pittsfield and St. George to see how they operate their transfer stations as a guide on how the City should operate ours.

Hearing no other speakers, the public forum was closed.

**Resolve #39 Recognizing the People Who Developed the Recreation Center Community Mural**

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

**THAT** the Rockland City Council wishes to recognize and commend the participants in the Community Mural Project for their efforts in creating the mural that now adorns the wall at the Recreation Center.

Sponsor: City Council  
Originator: City Council

Councilor Hebert moved passage and moved to amend Resolve #39 by replacing the existing language with the following:

**WHEREAS**, renovations at the Rockland Recreation Center left a large blank wall at the north end of the gymnasium; and

**WHEREAS**, Alexis Iammarino and Sarah Rogers from RASA/Arts in Action attended multiple community events like the farmers market and the Library book sale to solicit ideas for a mural that would capture many aspects of Rockland's history and culture; and

**WHEREAS**, 27 people contributed over 1,100 hours of time to prep for and then paint the new Community Mural in the Recreation Center; and

**WHEREAS**, Arts in Rockland, the Rockland Historical Society, the RSU 13 Adult and Community Education Program, and the City of Rockland Recreation Department contributed to this effort; and

**WHEREAS**, the City's Recreation Director, Rene Dorr, played a key role in facilitating and supporting this project in the Rec Center; and

**WHEREAS**, the new mural highlights several pieces of Rockland's history and also highlights many aspects of Rockland's current vibrant community; and

**WHEREAS**, the participating middle school students found the Community Mural project an engaging way to learn about Rockland and also learn about community art;

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

**THAT**, the Council commends Alexis Immarino and Sarah Rogers for all the creative energy and hard work that went into the Community Mural Project; and

**THAT**, the Council wishes to thank Sarah and Alexis, as well as Recreation Director Rene Dorr, and all of the other individuals and organizations that contributed to this great project.

Vote on amendment: 5 for.

Councilor MacLellan-Ruf said that it was great to identify the key players in this project and to recognize them for their efforts.

Councilor Hebert said that it is a spectacular mural, and that it was an interesting community project. He added that the mural does add color to an otherwise bland wall. He thanked all involved for their efforts.

Councilor Dickerson said that she loved to see creative input from the community, and also thanked all involved for their efforts.

Vote as amended: 5 for.

At this time, Councilor Isganitis said that there has been much talk about the Pay Per Bag Ordinance proposal and that he would like to address the issue to try and clear up some of the confusion that has been expressed over this proposal. Therefore, Councilor Isganitis read the following statement:

In July, Council passed revisions to the City of Rockland Solid Waste Ordinance and Fee Schedule. The revisions provide for a one-year implementation period for changes to non-tax revenue for use of the Solid Waste Facility. The City continues

to honor the current system including all Resident Permits issued for FY 2015, but, the Resident Permit (Sticker Fee) was increased to \$135 as of July 1, 2014.

Beginning May 1, 2015, all residents using the Solid Waste Facility will be issued a Resident Permit free of charge. As in the past, use of the recycling center would continue to be free. However, continued disposal of household trash at the transfer station will require the purchase of pre-approved plastic bags for disposal in the transfer station hopper. The fee schedule for bags and the revised commercial hauler rates were developed based on the City's actual costs incurred to dispose of a ton of trash.

These changes were initiated by Councilors Dickerson and Isganitis during the FY2015 Budget Meetings with the support of all of the Councilors. These changes came about from the budget presentation by the Solid Waste Facility Director. At that meeting, the Director confirmed that, yet again, the current fee structure did not cover the actual expenses associated with operating the transfer station. And for the first time since 2009, the landfill portion of the Solid Waste Facility did not generate sufficient revenue to offset the transfer station operation and fully fund the remainder of the Solid Waste Facility Budget in FY2014.

At issue for the Council in this debate was the long standing tradition to generate revenue for the transfer station budget predominantly through taxation. And even with the shift to implementing a sticker fee, the current rate at the time of \$65 was still priced way too low. Thus the Council was faced with the following decision. Do we continue to generate revenue for the transfer station in the traditional methods of taxation and sticker fee, or do we find an alternate funding mechanism?

At the forefront in the decision to change the revenue source to pay-per-bag were the following issues brought to Council by citizens.

1. Citizens were concerned about rising property taxes.
2. Citizens were concerned about abuse of the sticker system.
3. Citizens were concerned about the lack of incentive/participation in recycling.

In conclusion, Council found the pay-per-bag alternative to be the most equitable solution to generating revenue to fund transfer station operations because it addresses and mitigates all three of these citizen concerns. The Council found that charging citizens based on their usage to be a better alternative to charging based on taxation or fixed fee as these options unfairly burden citizens based arbitrary means (ie home value or fixed increment) without consideration to a citizen's ability to pay or without consideration of how much a citizen uses the service. In the alternative, the pay-per-bag method simply holds every citizen equally accountable by only charging them what it actually costs for their amount of usage. It should be noted that while the final vote was 3-2 in this regard, both Councilors Dickerson and MacLellan-Ruf stated that they supported pay-per-bag although they did not vote in the affirmative of the ordinance.

1. What will it mean to vote "Yes"?

A "Yes" vote will repeal the change to a pay-per-bag system which is to be implemented on May 1, 2015.

2. What will it mean to vote "No"?

A "No" vote will affirm the Council's decision.

#### **Work Sessions:**

**Discussion: Possible Regulation of Certain Novelty Shops:** The City Attorney gave a brief presentation to the Council on possible regulations that the Council could adopt to regular certain types of novelty shops that sold adult amusement products.

**Review: Draft FY 15 Priority Road & Sidewalk Snow Removal Policy:** The Council then reviewed the FY 2015 Road and Sidewalk Removal Policy with Public Works Director Greg Blackwell.

**Review: Priorities & Schedule in FY15/FY16 Council Work Plan:** The Council then continued its review of the proposed FY2015/2016 City Council Work Plan.

**Executive Session:** Councilor Hebert moved to enter into an Executive Session pursuant to 1 M.R.S. §405(6)(A) which

Special Meeting continued:

October 29, 2014

permits consideration of employment matters in executive session, to discuss aspects of the City Manager search with Darci Associates.

Vote: 5 for.

The Council entered Executive Session at 8:55 p.m.

The Council came out of Executive Session and, with no action being taken, adjourned without objection from the Council at 9:10 p.m.

A TRUE COPY.

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

## SPECIAL MEETING

## AGENDA

November 3, 2014

Update: FEMA Flood Mapping Appeal  
Work Session: Ordinance Amendment #24 Sewer Lateral Maintenance & Repair  
Set Agenda for November 10, 2014 Regular Meeting

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

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

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

- Bethany Berry, 59 Crescent Street, asked that the Council make sure that the word gets out that the polling place for the November 4<sup>th</sup> election has been moved from the Recreation Center to City Hall because of the power outage at the Recreation Center caused by the storm. She also said that the City needs to be diligent about putting up barricades in areas where there are downed power lines to keep people from getting injured.

- Amy Files, 39 Pleasant Street, said that there are a lot of people who walk to the Recreation Center to vote and would not be able to get to City Hall, so she asked if it would be possible for the City to set up some sort of transportation between the Recreation Center and City Hall to help these people. She then commented on the Sewer Lateral ordinance, saying that the City needs to know how many homeowners this would effect and what the costs would be before adopting this ordinance. She added that she was concerned that the ordinance provisions would only kick in when a homeowner pulled a building permit. She said this was not an efficient way for the City to address its sewer issues, and said that it does not make sense to have individual homeowners digging up the public streets to repair sewer laterals. She said that should be the responsibility of the City. She also suggested that the City consider setting up some sort of loan program for homeowners to help fund these kinds of repairs.

- Paul Karlsson, 79 Union Street, spoke concerning the methods used to distribute information to the public, saying that it did not seem as though information was being disseminated in an efficient manner. He said that some information is available on the City's website, but there must be a better way to get the information out to the public. He said if the public is not aware of what the Council will be considering, the public cannot decide how they would like to respond.

Hearing no other speakers, the Public Forum was closed.

Councilor Dickerson asked what measures were being taken to ensure people know that the polling place has changed and what, if any, arrangements are being made for those who usually walk to the polls at the Recreation Center. The City Manager said that notification of the polling place change was sent to all local media outlets, posted on the City's website, posted numerous times on social media, signage has been posted at the Recreation Center and the mobile police sign will be set up at the Recreation Center informing anyone who goes there of the polling location change. He added that he will be in touch with RSU #13 to see if he can arrange for use of a vehicle to be used to shuttle people between the Recreation Center and City Hall.

Without objection from the Council, Mayor Pritchett took Setting the Agenda for the November 10, 2014 Regular Meeting

Special Meeting continued:

November 3, 2014

out of order.

**Set Agenda for November 10, 2014 Regular Meeting:** The Council set the agenda for the November 10, 2014 Regular Meeting. The following communications were considered:

a. Letter from George Terrien – Resignation from EDAC. The resignation was accepted and the City Manager was directed to send a letter of thanks to Mr. Terrien for his service.

**Update: FEMA Flood Map Appeal:** The Council then received an update on the FEMA Flood Map appeal from Code Enforcement Officer John Root.

**Work Session: Ordinance Amendment #24 Sewer Lateral Repair and Maintenance:** The Council then held a work session on proposed Ordinance Amendment #24 establishing provisions for the inspection, repair and maintenance of sewer laterals, with Water Pollution Control Director Terry Pinto.

With the above work sessions complete, and with no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:23 p.m.

A TRUE COPY.

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

**ELECTION RESULTS STATE GENERAL & MUNICIPAL ELECTIONS November 4, 2014**

**State General/Referendum Election**

**United State Senator**

Bellows, Shenna	1152
Collins, Susan M.	1486
Lyons, Christopher A. (Declared Write-in)	-0-
Stubenrod, Deril V. (Declared Write-in)	-0-

**Governor**

Cutler, Eliot R.	230
LePage, Paul R.	1019
Michaud, Michael H.	1427
Vachon, J. Martin (Declared Write-in)	-0-

**Representative to Congress (Dist. 1)**

Misiuk, Isaac J.	621
Murphy, Richard P.	168
Pingree, Chellie	1827
Stephens, Barry D. (Declared Write-in)	-0-

**State Senator (Dist. 12)**

Miramant, David R.	1451
Sutton, Paula G.	1134

**Representative to the Legislature (Dist. 93)**

Dickerson, Elizabeth E.	1415
Kalloch, James M.	1136

**Judge of Probate**

Emery, Carol R.	2000
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**Sheriff**

Dennison, Donna	1755
Phillips, Michael L.	767

**District Attorney (Dist. 6)**

Rushlau, Geoffrey A. 1101  
Sinclair, David A. 1362

**County Commissioner (Dist. 1)**

Maines, Carol L. 2085

**Referendum Questions**

	<b><u>YES</u></b>	<b><u>NO</u></b>
#1 Citizen Initiative – Bear Hunting	1607	1034
#2 Bond - \$8,000,000 Animal & Plan Disease Lab	1608	958
#3 Bond - \$8,000,000 Small Business Loans	1601	935
#4 Bond - \$10,000,000 Genetic Research Center	1586	959
#5 Bond - \$3,000,000 Biological Lab Expansion	1315	1203
#6 Bond - \$10,000,000 Clean Water	1779	790
#7 Bond - \$7,000,000 Marine & Commercial Businesses	1631	924

Total Voter Turnout for State Election: 2,712 out of 4,917 Registered Voters (55%)

**MUNICIPAL ELECTION**

**City Council (2 seats)**

Berry, Theodore A. 1173  
Clayton, William S. 1503  
Geiger, Valli D. 1208

**RSU #13 Board of Directors (1 seat)**

Reniche, Kyle A. 754  
Bachofner, Carol W. 1244

**Rockland Port District (1 seat)**

Spear, Richard G. 2025

**Election Warden (1 seat)**

No Candidates

**Election Ward Clerk (1 seat)**

Avirett, Chelsea M. 1890

**Referendum Questions**

	<b><u>YES</u></b>	<b><u>NO</u></b>
#1 Bond - \$1.6 Million Old County Road Repairs	2047	551
#2 Citizen Initiative – Pay Per Bag Ordinance Repeal	1834	748

Total Voter Turnout for Municipal Election: 2,710 out of 4,917 Registered Voters (55%).

A TRUE COPY.

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

**REGULAR MEETING**

**AGENDA**

**November 10, 2014**

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum
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: None

8. Resolves:

- #40 Accepting Donation – Coastal Opportunities
- #41 Appointment – EDAC
- #42 Appointment of City Manager Search Committee

City Council  
Mayor Pritchett  
Mayor Pritchett

9. Ordinances in Final Reading and Public Hearing:

- #28 Chapter 19, Section 19-304 DT Zone Res. Uses (Postponed)
- #31 Chapter 11, Section 11-215 2<sup>nd</sup> Hand Merchants; Pawn Brokers
- #32 Chapter 4, Sections 4-201 & 4-202 Adopting NFPA Codes
- #33 Chapter 8, Section 8-708 GA – Max Levels of Assistances

Councilor Isganitis  
Mayor Pritchett  
Councilor Isganitis  
City Council

10. Ordinances in First Reading:

- #34 Reconveyance of 20 Acadia Drive
- #35 Reconveyance of 63 Warren Street
- #36 Chapter 19, Section 19-304 Com. Corridor Overlay Zone
- #37 Zoning Map Amendment – Com. Corridor Overlay Zone
- #38 Ch. 19, Secs. 19-302 & 19-304 Adult Ent. Establishments
- #39 Ch. 11, Art. XII Licensing of Adult Ent. Establishments

City Council  
City Council  
Councilor Isganitis  
Councilor Isganitis  
Councilor MacLellan-Ruf  
Councilor MacLellan-Ruf

11. Orders:

- #86 Accepting 2014 CDBG Home Repair Network Grant
- #87 Accepting Forfeited Assets
- #88 Use of City Property/Fee Waiver – 2014 Holiday Celebrations
- #89 Authorizing RFP – Place Making Codes for Com. Corridors
- #90 Authorizing Expenditure from Reserve – Pump Station Repairs
- #91 Adopting FY 2015/2016 City Council Work Plan

City Manager  
City Manager  
City Council  
City Council  
City Manager  
City Council

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 Larry Pritchett, Louise MacLellan-Ruf, Eric Hebert, Frank Isganitis, City Manager Luttrell, and City Attorney Beal. Councilor Elizabeth Dickerson was excused from attending this meeting.

**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:

- Michael Lane, 54 Waldo Avenue, spoke concerning solid waste issues, saying that the overwhelming support for the repeal of the Pay Per Bag ordinance shows the level of dissatisfaction that the public has with the way that the Solid Waste Facility is being operated, and would lead to more public participation in the decision-making procedures on its operation. He said that three things need to be addressed; 1) enforcement of existing ordinances and rules at the facility; 2) establishment of a citizen advisory committee to oversee the operation of the facility; and 3) curtailment of the acceptance of outside waste in the Landfill to save the space for residents.

- Adele Faber, 73 Willow Street, spoke concerning solid waste issues, saying that now is the time to review the entire operation of the Solid Waste Facility. She said that the City needs to improve management of the facility, enforcement of the mandatory recycling ordinance, immediately stop accepting waste from outside contractors and save the space in the landfill for Rockland residents, cut expenses to avoid another shortfall in the landfill budget, and review the fee structure to ensure

everyone is paying a fair share. She also said that she would be willing to serve on a committee to help accomplish these goals.

- Bethany Berry, 59 Crescent Street, spoke concerning the proposed sewer lateral inspection, maintenance and repair ordinance, expressing concern over the potential costs to homeowners should this ordinance be adopted. She said the ordinance appears to be a “strong-arm” tactic by the City to get homeowners to repair sewer lines that have been neglected by the City for many years. She also commented that she received a mailing about purchasing insurance for her water line and wondered if there was some connection between this mailing and the ordinance proposed by the City.

- David Myslabodski, 53 Broad Street, spoke concerning the proposal sewer lateral inspection, maintenance and repair ordinance, saying that it was another instance of the City trying to put one over on the residents, making it the homeowner’s responsibility to make costly repairs to sewer lines neglected by the City for decades. He added that the City has been focusing its resources on the downtown area to the detriment of the rest of the City, and Ordinance Amendment #24 is a bad idea. He urged the public to let the Council know how they feel about it.

- Gordon Page, Executive Director of Rockland Main Street, Inc., thanked Councilor Hebert for his years of service to the City, not only on the City Council but as a member of various community organizations. He also spoke in support of Rockland Main Street’s request for use of City property and fee waiver for the annual Festival of Lights and holiday celebrations, saying that these have become extremely popular community events that benefit the community as a whole.

Hearing no other speakers, the public forum was closed.

Councilor Isganitis clarified that the insurance mailing that Ms Berry mentioned was sent by the Water Company and was insurance that homeowners could purchase for their water line. He said it has nothing to do with the City or the sewer system.

**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 meetings submitted to the Council for review deemed approved, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk’s Office at City Hall during regular business hours.

At this time, City Manager Luttrell, City Attorney Beal and the members of Council joined in commending Councilor Eric Hebert for his years of service to the City and the sacrifices he has made over the years of time with family missed for that service. Mayor Pritchett presented a Plaque to Councilor Hebert as a token of the City’s appreciation for his 9 years of service on the City Council.

Councilor Hebert thanked his family, the Council and the residents of the City for allowing him to serve the City.

Councilor Heber then presented a Plaque to Mayor Pritchett as a token of the City’s appreciation for his service as Mayor for the past year.

Councilor MacLellan-Ruf also commended Councilor Elizabeth Dickerson for her years of service on the Council.

Mayor Pritchett said that Councilor Dickerson was unable to attend this meeting due to an illness in her family, but will be recognized at a future meeting.

**Reports:**

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

- The City Manager thanked the voters for approving the bond for repairs to Old County Road at the November 4<sup>th</sup> election. He said the City will be looking to begin work on this project in the spring/summer of 2015. He also said MDOT matching funds should be available to complete this project.

- Only one bid for the PPI Grant for Camden Street engineering work was received. Gorrill Palmer engineers will be contracted to do the preliminary study and provide construction cost estimates for the recommended Camden Street improvement that came out of the Camden Street Visioning Project.

- The e-coli bacteria levels in Snow Marine Park have dropped to acceptable levels and the park has been reopened.

- The fall leaf clean-up is ongoing, but was delayed because of the storm last week. The Manager asked the public to be patient, and that Public Works will be around to pick up leaves and lawn debris.

- On Veterans Day (November 11, 2014), medals will be presented to the families of Lt. Albert D. Holbrook and Pvt. Arthur E. Winslow at Winslow-Holbrook Memorial Park in recognition of their service in World War I and the ultimate sacrifice each made in that service to our Country.

Councilor Isganitis noted that the Old County Road project is planned to be in two phases to maximize the funds available from the State to assist in this project.

The City Manager added that the City is eligible for up to \$500,000 from MDOT towards this project in FY 2015 and may be eligible for up to another \$500,000 in FY 2016.

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

c. Other Official's Report: None.

d. Mayor's Report: Mayor Pritchett thanked the election staff for their efforts in providing an exceptionally smooth election given the challenges present by the storm and the last minute shift of the polling place from the Recreation Center to City Hall.

**Licenses and Permits: None.**

**Resolves:**

#40 Accepting Donation – Coastal Opportunities

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

**THAT** the City of Rockland gratefully accepts the donation from Coastal Opportunities of \$300.00 to help offset the cost of municipal services provided by the City.

**AND** that a letter of thanks be sent to Coastal Opportunities for its generous donation.

Sponsor: City Council  
Originator: City Council

Councilor Isganitis moved passage.

Vote: 4 for.

#41 Appointment – Economic Development Advisory Committee

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

**THAT** the appointment by the Mayor of John Jeffers, 15 Tea Street, to the Economic Development Advisory Committee, to fill a vacancy on that Committee is hereby confirmed. Mr. Jeffers shall serve until that term expires in 2015.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor Hebert moved passage and moved to amend Resolve #41, at the Mayor's request, to read as follows:

“**THAT** the appointments by the Mayor of John Jeffers, 15 Tea Street, and Leah Ondra, 65 Pleasant Street, to the Economic Development Advisory Committee, to fill vacancies on that Committee, are hereby confirmed. Mr. Jeffers shall serve until the term to which he is appointed expires in 2015, and Ms Ondra shall serve until the term to which she is appointed expires in 2014.”

Vote on amendment: 4 for.  
Vote as amended: 4 for.

#42 Appointing City Manager Search Committee

WHEREAS, the Rockland City Council formally began the search and recruitment process for a new City Manager on September 26th by developing a candidate profile that identified leadership and management skills a new manager should possess to meet the challenges and opportunities facing Rockland; and

WHEREAS, Dacri Associates has been reaching out to potential candidates for the City Manager position on behalf of the City and the City Manager position has been advertised locally, regionally and nationally since October 6th; and

WHEREAS, interviews for the position of City Manager are likely to begin on either November 17th or December 1st;

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

THAT, a City Manager Search Committee comprised of William Clayton, Eric Hebert, Valli Geiger, Frank Isganitis, Louise MacLellan-Ruf, and Larry Pritchett is appointed, and

THAT, Larry Pritchett is appointed acting Search Committee chair for the purposes of scheduling meetings until the committee can meet and elect a chair from among its members.

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

Councilor MacLellan-Ruf moved passage.

Vote: 4 for.

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

#28 Chapter 19, Section 19-304 Downtown Zone Regulations – First Floor Residential Uses

(See pages 245-246 for text)

It was noted that this amendment had been postponed until this meeting prior to the public hearing being held and prior to the amendment being given a motion for final passage.

The City Attorney gave a brief summary of the amendment.

A public hearing was opened with Paul Karlsson, 79 Union Street said that he was opposed to this proposal as written, but supported the amendment proposed by Councilor Isganitis and the Comprehensive Planning Commission, saying that it offered the maximum flexibility to property owners to redevelop their properties.

Hearing no other speakers, the public hearing was closed.

Councilor Isganitis moved passage and moved to amend Ordinance Amendment #28 as follows: amend (a) as follows:

“(a) Congregate housing and other residential uses, except that dwellings shall not be located in first floor units with Main Street frontage; ~~first floor units of except provided, however, that on parcels abutting Main, Union, Limerock, Park, Pleasant, Winter, and Commercial Streets, Tillson Avenue, and Park Drive, new dwelling units are only allowed where at least seventy five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (1)(b) et seq., and single family dwellings may only be repaired or rebuilt as provided at Section 19-308;~~”

Councilor Isganitis said that the purpose of the original ordinance was to prevent residential units from taking over the first floor retail space in the downtown area thereby stifling commercial development. He said such a restriction made sense for a time, but now is no longer necessary. He said his proposed amendment follows COMPS proposal by keeping the restriction on the first floor along Main Street, but allows the property owners in other areas the maximum flexibility for redevelopment of their properties. He said that market forces will determine the type of development to occur.

Councilor Hebert said that the problem with the ordinance is that it does not adequately capture current condition, and broadens possible residential development into areas where it really doesn't make sense. He said that the downtown area has limited available commercial space as it is, and that he did not want to see possible commercial development on the side streets limited. However, there are some areas in the Downtown Zone where such residential development would make sense. He said that he appreciated the efforts put forth on this issue, but felt this proposal was too sweeping of a change.

Councilor Isganitis said that the purpose of his proposal is not to limit commercial development opportunities outside of Main Street, rather to give those property owners the greatest flexibility in developing their properties, whether residential or commercial. He said that the market will determine what type of development takes place.

Vote on amendment: 1 for, 3 opposed.  
(MacLellan-Ruf, Pritchett, Hebert)  
Motion Defeated.

Councilor Hebert moved to amend Ordinance Amendment #28 as follows: amend (a) as follows:



“(a) Congregate housing and other residential uses; ~~except provided, however,~~ that on parcels abutting Main, Union (except (1) between Oak and Elm Streets and (2) between Lindsey Street and the parcel identified as Tax Map #4-D-14), Limerock, School, Museum, Orient, Oak, Park, Pleasant, Winter, and Commercial Streets, Tillson Avenue, Kimball Lane, and Park Drive, new dwelling units are only allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (1)(b) et seq., and ~~s~~Single-family dwellings may only be repaired or rebuilt as provided at Section 19-308;

Councilor Hebert said his proposal would preserve most of the area in the Downtown Zone for commercial development while allowing residential development in areas that are residential in nature. Vote on amendment: 4 for.

Councilor Hebert then asked the Chair to rule whether this amendment was substantive in nature requiring the amendment to be sent back to first reading.

The Chair ruled that the amendment was not substantive in nature. Vote as amended: 4 for.

The amendment will become effective December 10, 2014.

#31 Chapter 11, Section 11-215 Second Hand Merchants; Pawn Brokers

(See pages 266-267 for text)

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

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

Councilor Hebert moved passage. Vote: 4 for.

The amendment will become effective December 10, 2014.

#32 Chapter 4, Sections 4-201 & 4-202 Adopting Updated NFPA Codes

(See page 267-268 for text)

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

Councilor Isganitis moved passage. Vote: 4 for.

The amendment will become effective December 10, 2014.

#33 Chapter 8, Section 8-708 General Assistance; Maximum Levels of Assistance

(See pages 268-269 for text)

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

Councilor MacLellan-Ruf moved passage. Vote: 4 for.

The amendment will become effective December 10, 2014.

**Ordinances in First Reading:**

#34 Authorizing Reconveyance – 20 Acadia Drive

**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 JPMorgan Chase Bank, National Association for property located at 20 Katahdin Avenue, as shown on Rockland Tax Map #71-C-9, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If JPMorgan Chase Bank, National Association fails to sign the Reconveyance Agreement and comply with its requirements by March 6, 2015, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council  
Originator: City Manager

**RECONVEYANCE AGREEMENT**  
*20 Katahdin Avenue (Tax Map 71-C-9)*

The City of Rockland (the “City”) and **JPMorgan Chase Bank, National Association** (the “Grantee”) hereby agree to the City’s reconveyance of real property and fixtures located at **20 Katahdin Avenue** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 71, Block C, Lot 9 (the “Premises”), pursuant to the City of Rockland Code of Ordinances (“Rockland Code”), Chapter 2, Article V, Section 2-509(15) as follows:

WHEREAS, on February 15, 2013, the City filed a Certificate of Sewer Lien on the Knox County Registry of Deeds

in Book 4630, Page 173, to secure the payment of overdue sewer charges, pursuant to 30-A M.R.S. § 5405(2) and 38 M.R.S. § 1208;

WHEREAS, on August 15, 2014, any equitable right the Grantee or its predecessor(s) in title may have had to redeem title to the Premises by paying the overdue sewer charges expired, and title to the Premises passed to the City of Rockland pursuant to 38 M.R.S. § 1208;

WHEREAS, Maine law and Section 2-509(15) of the Rockland Code authorizes the City Council to convey property acquired by statutory lien foreclosure; and

WHEREAS, on December 8, 2014, the City Council authorized the City Manager to enter into this Reconveyance Agreement and, upon the effective date of Ordinance Amendment #2014-34, to issue a quitclaim deed to the Grantee or its assign for the Premises;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein, the parties hereto agree as follows:

**1. Payment of Delinquent And New Sewer Charges.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, by no later than **March 6, 2015** (the "Closing Date") pay or cause to be paid to the City of Rockland all delinquent water and sewer charges for the Premises, and associated lien and service costs, and all water and sewer charges incurred by the City for the Premises, in the amount of **\$799.29 (as of September 15, 2014)**, together with interest accrued on unpaid charges thereafter, at the rate of 7% *per annum*, and together with any and all additional charges incurred or billed on or after September 15, 2014, through the Closing Date;

**2. Payment of Delinquent Real Estate Taxes.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, no later than the Closing Date pay to the City of Rockland all delinquent real estate taxes on the Premises, as follows:                      FY 2014:                      \$1,608.77

**3. Insurance.** The Grantee shall pay or cause to be paid to the City the actual cost to insure the Premises during the period of its ownership, in the amount of \$\_\_\_\_\_, on or before the Closing Date;

**4. Document Preparation Fee.** The Grantee shall pay or cause to be paid to the City the **\$150** document preparation fee imposed by Rockland Code, Ch. 2, Art. V, Sec. 2-509(17) on or before the Closing Date;

**5. Registry Filing Fee.** Grantee shall pay to the City the actual cost to the City for all filing fees imposed by the Knox County Registry of Deeds, if any, for the filing of the Quit Claim Deed issued by the City upon full compliance by the Grantee with the requirements of this Reconveyance Agreement, and of any other document or discharge triggered thereby;

**6. Repairs.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), the Former Owner shall effect the following repairs of Property Maintenance or other Code violations at the Premises, on or before the Closing Date unless otherwise stated below:

- A. Replace roof shingles and any deteriorated sheathing;
- B. Retain a qualified professional to inspect the premises for mold, and remediate as recommended;
- C. Repair and render the heating system functional; and

D. Submit a compliance agreement acceptable to the City for the repair and/or correction of all remaining code deficiencies at the premises, whether identified by the Code Enforcement Officer in the Inspection Report attached and incorporated herein as Exhibit A, or otherwise.

Grantee may make said repairs after the Closing Date, provided, however, that prior to the Closing Date, Grantee shall submit evidence acceptable to the City that Grantee has sufficient capacity to perform the repairs required under this paragraph, and a performance guarantee in an amount and in a form acceptable to the City Manager to guarantee performance of the repairs identified in paragraphs 6(A), (B), and (C) prior to Grantee's sale or other disposition of the premises.

All repairs undertaken in compliance with this paragraph and applicable codes shall be performed by qualified personnel, who have sufficient liability insurance and/or other security to protect the value of the Property, and to compensate the owner in the event of, damage during the course of description. All such repairs are subject to inspection and approval by the Code Enforcement Officer. Neither this Agreement, nor compliance with this paragraph, shall relieve the Grantee and/or any subsequent owner of the obligation to repair all code issues identified by the Code Enforcement Officer upon inspection, including subsequent inspections, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Premises;

**7. Reconveyance.** The City shall release to the Grantee or its assign the City's right, title, and interest in the Premises, without warranty or covenant, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

**8. Extension.** The City Manager may extend the Closing Date, for cause, but for no longer than sixty (60) days and/or later than March 31, 2015, whichever first occurs;

**9. Representations; Indemnification.** The undersigned represents that it is a mortgage lien holder encumbering the Premises, and that it is authorized to perform the undertakings set forth in this Agreement and to accept the City's release deed to the Premises. The Grantee shall defend, indemnify, and hold the City of Rockland harmless from any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from or in connection with the occupancy, maintenance, and repair of the Premises by the Grantee's guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Premises;

**10. Remedies.**

A. City of Rockland's Remedies. In the event that the Grantee shall fail to perform any term, condition, or obligation set forth in this Agreement within the deadline imposed therefor, the City shall not be obligated to reconvey the Premises to the Grantee, may sell and convey the Premises to another party, and shall not be obligated to repay any payment or partial payment made by or on behalf of the Grantee to the City; provided, however, that if the City shall sell the Premises within one year of the effective date of this Agreement, the City shall repay to Grantee any payment by or on behalf of the Grantee to the City for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Premises, less any real estate broker or agent fee or charge, transaction costs, and additional carrying costs incurred by the City, permit.

B. Grantee's Remedies. In the event that the Grantee shall sign this Agreement and fully perform all obligations imposed herein, and the City of Rockland shall have authorized the reconveyance but fail to release its interest in the Premises for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Premises, the City shall either reconvey the Premises to the Grantee, or pay to the Grantee any sums realized from the sale of the Premises, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Premises. Notwithstanding anything to the contrary in this Agreement or in the ordinance amendment authorizing the reconveyance, the City shall not be obligated to reconvey the Premises to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Premises during the period of the City's ownership.

Councilor Hebert moved passage.

Councilor Isganitis noted that the reconveyance agreement includes provisions for repairs and improvements to the property that should enhance its resale value.

Vote: 4 for.

A public hearing was set for December 8, 2014 at 7:00 p.m.

#35 Authorizing Reconveyance – 63 Warren 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 the Heirs of Robert Richardson for property located at 63 Warren Street, as shown on Rockland Tax Map #25-A-15, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If the Heirs of Robert Richardson fail to sign the Reconveyance Agreement and comply with its requirements by March 6, 2015, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council  
Originator: City Manager

**RECONVEYANCE AGREEMENT**  
*63 Warren Street (Tax Map 25-A-15)*

The City of Rockland (the “City”) and \_\_\_\_\_, in his/her capacity as **Personal Representative of the Estate of Robert W. Richardson** (the “Grantee”) hereby agree to the City’s reconveyance of real property and fixtures located at **63 Warren Street** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 25, Block A, Lot 15 (the “Premises”), pursuant to the City of Rockland Code of Ordinances (“Rockland Code”), Chapter 2, Article V, Section 2-509(15) as follows:

WHEREAS, on February 15, 2013, the City filed a Certificate of Sewer Lien on the Knox County Registry of Deeds in Book 4630, Page 201, to secure the payment of overdue sewer charges, pursuant to 30-A M.R.S. § 5405(2) and 38 M.R.S. § 1208;

WHEREAS, on August 15, 2014, any equitable right the Grantee may have had to redeem title to the Premises by paying the overdue sewer charges expired, and title to the Premises passed to the City of Rockland pursuant to 38 M.R.S. § 1208;

WHEREAS, Maine law and Section 2-509(15) of the Rockland Code authorizes the City Council to convey property acquired by statutory lien foreclosure; and

WHEREAS, on December 8, 2014, the City Council authorized the City Manager to enter into this Reconveyance Agreement and, upon the effective date of Ordinance Amendment #2014-35, to issue a quitclaim deed to the Grantee or its assign for the Premises;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein, the parties hereto agree as follows:

**11. Payment of Delinquent And New Sewer Charges.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, by no later than **March 6, 2015** (the “Closing Date”) pay or cause to be paid to the City of Rockland all delinquent water and sewer charges for the Premises, and associated lien and service costs, and all water and sewer charges incurred by the City for the Premises, in the amount of **\$1,705.94 (as of September 15, 2014)**, together with interest accrued on unpaid charges thereafter, at the rate of 7% *per annum*, and together with any and all additional charges incurred or billed on or after September 15, 2014, through the Closing Date;

**12. Payment of Delinquent Real Estate Taxes.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, no later than the Closing Date pay to the City of Rockland all delinquent real estate taxes on the Premises, as follows:                   FY 2014:                   \$1,289.23

**13. Insurance.** The Grantee shall pay or cause to be paid to the City the actual cost to insure the Premises during the period of its ownership, in the amount of **\$100**, on or before the Closing Date;

**14. Document Preparation Fee.** The Grantee shall pay or cause to be paid to the City the **\$150** document preparation fee imposed by Rockland Code, Ch. 2, Art. V, Sec. 2-509(17) on or before the Closing Date;

**15. Registry Filing Fee.** Grantee shall pay to the City the actual cost to the City for all filing fees imposed by the Knox County Registry of Deeds, if any, for the filing of the Quit Claim Deed issued by the City upon full compliance by the Grantee with the requirements of this Reconveyance Agreement, and of any other document or discharge triggered thereby;

**16. Repairs.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), the Former Owner shall effect the following repairs of Property Maintenance or other Code violations at the Premises, on or before the Closing Date unless otherwise stated below:

- A. remove and properly dispose of accumulated junk / personal belongings throughout the two-unit home and

garage

B. Submit a compliance agreement acceptable to the City for the repair and/or correction of all remaining code deficiencies at the premises, whether identified by the Code Enforcement Officer in the Inspection Report attached and incorporated herein as Exhibit A, or otherwise.

All repairs undertaken in compliance with this paragraph and applicable codes shall be performed by qualified personnel, who have sufficient liability insurance and/or other security to protect the value of the Premises, and to compensate the owner in the event of, damage during the course of description. All such repairs are subject to inspection and approval by the Code Enforcement Officer. Neither this Agreement, nor compliance with this paragraph, shall relieve the Grantee and/or any subsequent owner of the obligation to repair all code issues identified by the Code Enforcement Officer upon inspection, including subsequent inspections, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Premises;

**17. Reconveyance.** The City shall release to the Grantee or its assign the City's right, title, and interest in the Premises, without warranty or covenant, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

**18. Extension.** The City Manager may extend the Closing Date, for cause, but for no longer than sixty (60) days and/or later than March 31, 2015, whichever first occurs;

**19. Representations; Indemnification.** The undersigned represents that it is a mortgage lien holder encumbering the Premises, and that it is authorized to perform the undertakings set forth in this Agreement and to accept the City's release deed to the Premises. The Grantee shall defend, indemnify, and hold the City of Rockland harmless from any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from or in connection with the occupancy, maintenance, and repair of the Premises by the Grantee's guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City's ownership of the Premises;

**20. Remedies.**

A. City of Rockland's Remedies. In the event that the Grantee shall fail to perform any term, condition, or obligation set forth in this Agreement within the deadline imposed therefor, the City shall not be obligated to reconvey the Premises to the Grantee, may sell and convey the Premises to another party, and shall not be obligated to repay any payment or partial payment made by or on behalf of the Grantee to the City; provided, however, that if the City shall sell the Premises within one year of the effective date of this Agreement, the City shall repay to Grantee any payment by or on behalf of the Grantee to the City for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Premises, less any real estate broker or agent fee or charge, transaction costs, and additional carrying costs incurred by the City, permit.

B. Grantee's Remedies. In the event that the Grantee shall sign this Agreement and fully perform all obligations imposed herein, and the City of Rockland shall have authorized the reconveyance but fail to release its interest in the Premises for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Premises, the City shall either reconvey the Premises to the Grantee, or pay to the Grantee any sums realized from the sale of the Premises, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Premises. Notwithstanding anything to the contrary in this Agreement or in the ordinance amendment authorizing the reconveyance, the City shall not be obligated to reconvey the Premises to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Premises during the period of the City's ownership.

Councilor Hebert moved passage.

Vote: 4 for.

A public hearing was set for December 8, 2014 at 7:00 p.m.

#36 Chapter 19, Article III, Sections 19-301 & 19-304 Commercial Corridor Overlay Zone

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

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

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

2. Zone Divisions.

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

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

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

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

A. Purpose.

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

B. Compatibility With Underlying Zones.

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

C. Standards.

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

<b><u>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</u></b>	
<u>Maximum Building Coverage</u>	<u>85%</u>
<u>Maximum Lot Coverage</u>	<u>85%</u>
<u>Minimum Floor Area Ratio</u>	<u>None</u>
<u>Minimum Front Setback</u>	<u>None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or – if the City Council has adopted a master plan for alterations to the right-of-way – the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.</u>
<u>Maximum Front Setback</u>	<u>Ten feet; provided, however, that in the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.</u>

Form

<u>Minimum Landscaped Front Setback for Surface Parking Areas</u>	<u>Forty feet</u>
<u>Minimum Side Setback</u>	<u>Ten feet</u>
<u>Minimum Principal Building Height</u>	<u>Two functional stories</u>
<u>Surface Parking Lots</u>	<u>Areas for surface parking may not be located between a building and a street, except to provide handicap parking.</u>
<u>Parking</u>	<u>Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.</u>
<u>View Corridors</u>	<u>Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.</u>

Form widow

Sponsor: Councilor Isganitis  
 Originator: Comprehensive Planning Commission

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

Councilor Isganitis moved passage and said that this proposal was the culmination of more than three years of work by the Economic Development Advisory Committee, Friends of Mid-Coast Maine and COMPS, and he thanked them all for their efforts. He said that he only had one concern and that was the setback, frontage and curb-cut requirements. He asked that they be looked at between first and second reading.

Councilor Hebert asked where the limit of the right of way for Camden Street lies.

The City Attorney said that was a subject of some debate, and that the consultant hired to review the Camden Street area will determine exactly where the right of way lies. He added that the Camden Street right of way is 66 feet wide.

Councilor Hebert said that this is a broad overlay zone that covers a multitude of zones along Camden Street, and commended all involved for their efforts. However, he said that he had some concerns that he would like to see addressed before this overlay zone is adopted. He said that the 10 foot maximum front setback was concerning in that for some parcels it seemed to crowd the street while others (such as convenience stores) seemed to push the development too far back on the parcel. He said that the setbacks should be more in keeping with surrounding development. He also said he was concerned that the side setbacks may not allow proper circulation around buildings. He added that the reducing the setbacks in the TB3 and Plaza Commercial zones could encroach on residential areas. He said at this point he was not comfortable moving forward with this proposal as it appears to need more work.

Vote: 3 for, 1 opposed.  
 (Hebert)

A public hearing was set for December 8, 2014 at 7:00 p.m.

#37 Zoning Map Amendment – Commercial Corridor Overlay Zone (Camden Street)

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT THE OFFICIAL ZONING MAP OF THE CITY OF ROCKLAND BE AMENDED AS FOLLOWS:**

**THAT** the Commercial Corridor Overlay Zone, adopted by the City Council pursuant to Ordinance Amendment #36 which became effective on \_\_\_\_\_, shall encompass the area defined by the listed parcels (see attached list of parcels and map).

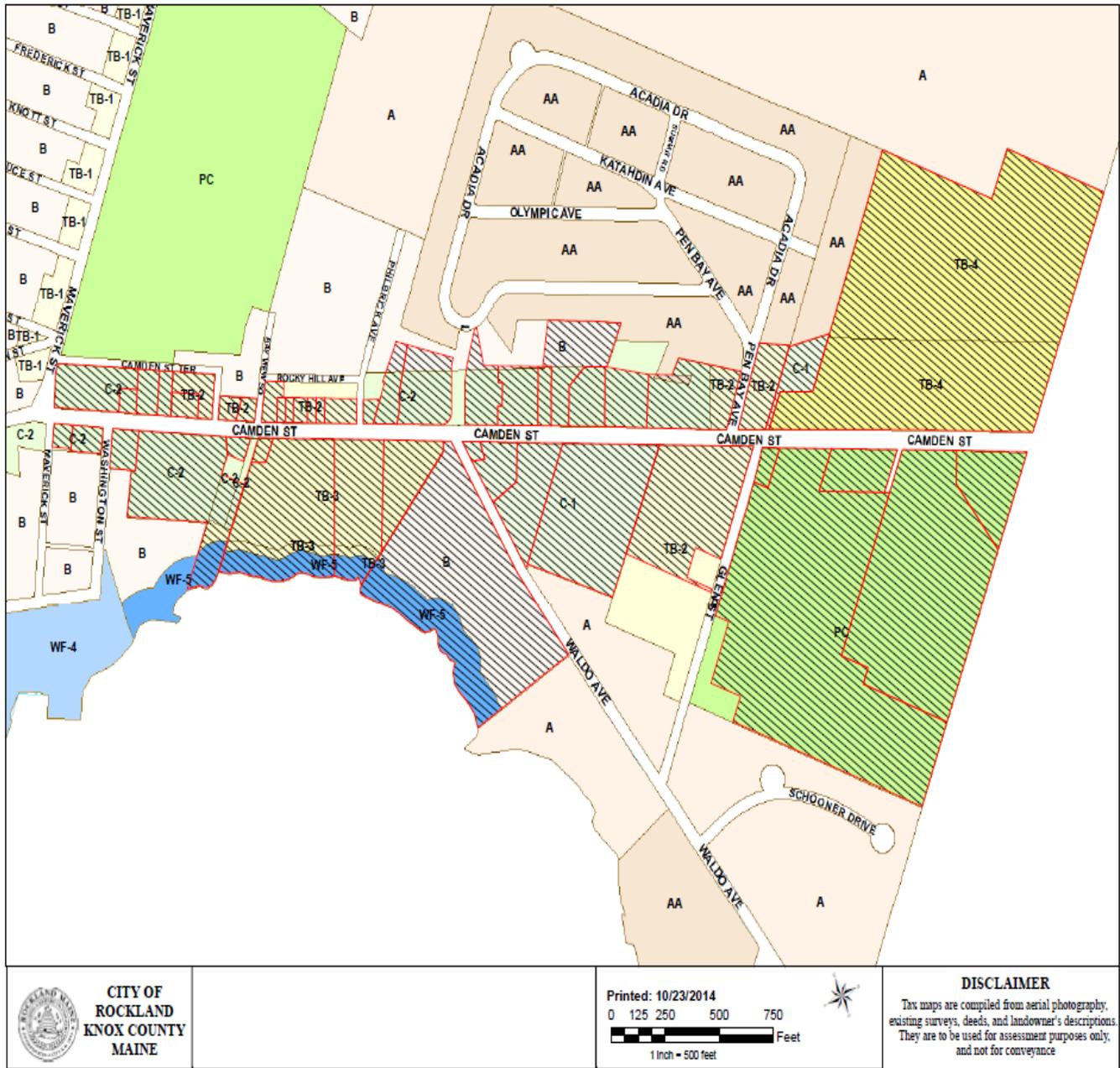
Sponsor: Councilor Isganitis

Originator: Comprehensive Planning Commission

Tax Map #	Street Address
29C3	131 CAMDEN STREET
35A8	270 CAMDEN STREET
36A5	200 CAMDEN STREET
36A2	9 BELYEA AVENUE
28C10	104 CAMDEN STREET
28C9	106 CAMDEN STREET
28C8	108 CAMDEN STREET
15B1	65 CAMDEN STREET
15B15	59 CAMDEN STREET
15A4	73 CAMDEN STREET
15A1	91 CAMDEN STREET
28D9	99 CAMDEN STREET
28D2	107 CAMDEN STREET
28D3	103 CAMDEN STREET
29C3-1	137 CAMDEN STREET
29C1	1 WALDO AVENUE
34A3	245 CAMDEN STREET
34A1	265 CAMDEN STREET
34A1-2	273 CAMDEN STREET
34A7	3 GLEN STREET
36B1	201 CAMDEN STREET
36B3	179 CAMDEN STREET
29B2	145 CAMDEN STREET
29B3	143 CAMDEN STREET
29B1	169 CAMDEN STREET
36A8	190 CAMDEN STREET
36A3	220 CAMDEN STREET
29A2	172 CAMDEN STREET
28C7	110 CAMDEN STREET
28C4	116 CAMDEN STREET
28C3	118 CAMDEN STREET
28C2	124 CAMDEN STREET
28A6	130 CAMDEN STREET
29A1	182 CAMDEN STREET
29A3	170 CAMDEN STREET
29A10	136 CAMDEN STREET
29A11	132 CAMDEN STREET
27A7	96 CAMDEN STREET
27A6	98A CAMDEN STREET
27B6	60 CAMDEN STREET
27B5	74 CAMDEN STREET
27B4	80 CAMDEN STREET
27B3	82 CAMDEN STREET
27B2	88 CAMDEN STREET
27B1	92 CAMDEN STREET

34A2  
29A4-2  
29A4

235 CAMDEN STREET  
168 CAMDEN STREET  
166 CAMDEN STREET



Councilor Isganitis moved passage.

Vote: 3 for, 1 opposed.  
(Hebert)

A public hearing was set for December 8, 2014 at 7:00 p.m.  
Regular Meeting, Ordinances in Final Reading continued:

November 10, 2014

#38 Chapter 19, Sections 19-302 & 19-304 Adult Amusement Stores

**Purpose:**

The purpose for this Ordinance Amendment #38 is to establish reasonable and uniform regulations to prevent the deleterious

secondary impacts of adult entertainment establishments within the City of Rockland. It is not the purpose of this ordinance amendment to ban adult amusement stores, or to limit the content of, or access to, protected speech or expression.

**Findings:**

The City Council hereby finds that adult amusement stores in communities in Maine and elsewhere are associated with a wide variety of deleterious secondary effects including, without limitation, personal and property crimes, prostitution, potential spread of disease, public lewdness and indecency, obscenity, illicit drug use and trafficking, negative impacts on the condition and value of closely-situated surrounding properties, urban blight, litter, and sexual assault and exploitation. The location of adult amusement stores in proximity to residences, schools, daycares, places of worship, recreational and other public parks, liquor licensees, and other incompatible land uses are of particular concern. These findings are supported by research and studies by municipalities and others across the Nation, reflected in a substantial published literature on the subject, including materials provided by City staff for the Council’s review and consideration, which materials are incorporated herein by reference as part of the record of the adoption of the following regulations for adult amusement stores.

The City Council further finds that preventing the deleterious secondary effects associated with adult amusement stores through the adoption of content-neutral regulations of the times, places, and manner in which such establishments may be operated falls within the City of Rockland’s inherent police power as a municipal corporation and subdivision of the State of Maine, and its home rule authority granted by the Legislature pursuant to Title 30-A, Maine Revised Statutes, Section 3001, and serves the substantial governmental interest in preventing such deleterious effects. Finally, the regulations adopted herein are intended to be no greater than is necessary to achieve the purpose of preventing the deleterious secondary effects associated with adult amusement stores, and to allow for reasonable locations in the City for such establishments.

**Retroactivity:**

Notwithstanding the provisions of Title 1, Maine Revised Statutes, Section 302 and Rockland Code of Ordinances, Ch. 2, Art. II, Sec. 2-212, Subsec. (31), this ordinance amendment shall be retroactive, and effective as of October 1, 2014.

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

**ARTICLE III Zoning Ordinance**

\* \* \*

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

**ADD:**

**Adult Amusement Store.** Any establishment having as a portion of its stock in trade, whether for sale, rental, or other use, or that derives any revenue from the sale, rental, or other use of, any “sexual device,” or any live or filmed, animated, printed, or digitized depiction or description of “specified sexual activity” or “specified anatomical area;” provided however that an establishment that sells any “sexual device” or sells or rents any filmed, animated, printed, or digitized depiction or description of any “specified sexual activity” or “specified anatomical area” and whose inventory for such purposes does not exceed 10% of total inventory wholesale value or generate in excess of 10% of the revenue of the establishment shall not constitute an “adult amusement store.” For the purposes of this definition, a “sexual device” shall mean a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus, but shall not include a device primarily intended for preventing pregnancy or for protection against sexually transmitted diseases; “specified sexual activity” shall mean any sexual act including intercourse or other sexual contact as defined under Maine law, masturbation, sodomy, fondling or touching of human genitals, pubic region, breast, buttocks, or anus, or any depiction of human genitals in a state of sexual stimulation or arousal; and “specified anatomical area” shall mean less than completely and opaquely covered human genitals, pubic region, female breast below a point immediately above the top of the areola, buttocks, or anus not depicted for a legitimate medical, educational, or scientific purpose.

\* \* \*

**Sec. 19-304 Zone Regulations**

\* \* \*

**10. Commercial 1 Zone (“C-1”) Regulations**

A. Purpose. The purpose of the Commercial 1 Zone is to accommodate general highway-oriented business uses on large parcels.

\* \* \*

B. Use Regulations. In a Commercial 1 Zone “C-1” no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

\* \* \*

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. The Planning Board shall review and grant, grant with conditions or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; ~~compatibility with existing uses~~; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board’s review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

- (a) Commercial outdoor recreational uses;
- (b) Manufacturing, at parcels fronting on New County Road;
- (c) Warehousing;
- (d) Interior boat storage and repair, at parcels fronting on New County Road;
- ~~(e) Light industrial uses, at parcels fronting on New County Road;~~
- (f) Adult amusement stores.

\* \* \*

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 304-10

**"C1" ZONE**

	COMMERCIAL AND MIXED USE
MINIMUM LOT SIZE	30,000 sq. ft.
MINIMUM LOT AREA PER DWELLING	1,200 sq. ft.
MINIMUM STREET FRONTAGE	200 ft. along a public street

<b>MINIMUM SETBACKS</b>	
Front	50 ft., provided that the 30 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalk and access drives, and not to be used for off-street parking or outdoor storage in each yard abutting a street or if such plan is approved by the Planning Board, the minimum front yard shall be 30 ft.
Side	20 ft.
Back	30 ft.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	30 ft.
<b>MAXIMUM BUILDING COVERAGE</b>	40%
<b>MAXIMUM LOT COVERAGE</b>	80%
<b>MAXIMUM BUILDING HEIGHT</b>	45 ft.
<b>MINIMUM DISTANCE BETWEEN CURB CUTS</b>	175 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.
<u><b>MINIMUM DISTANCE BETWEEN CERTAIN USES</b></u>	<u>No adult amusement store may be located closer than 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).</u>

Form

\* \* \*

**12. Commercial 3 Zone (“C-3”) Regulations**

A. Purpose. The purpose of the Commercial 3 Zone is to accommodate general highway-oriented business uses on large parcels.

B. Use Regulations. In a Commercial 3 Zone “C-3” no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

\* \* \*

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), whether or not the institution of the use requires the construction, renovation, or addition to a structure. The Planning Board shall review and grant, grant with conditions, or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board’s review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

(a) Adult Amusement Stores.

(32) Prohibited Uses.

\* \* \*

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 304-12

"C3" ZONE

	COMMERCIAL AND MIXED USE
MINIMUM LOT SIZE	43,560 sq. ft.
MINIMUM LOT AREA PER DWELLING	
MINIMUM FIRST FLOOR AREA PER BUILDING	600 sq. ft.
MINIMUM STREET FRONTAGE	200 ft. along a public street
MINIMUM SETBACKS	
Front	50 ft.
Side	25 ft.
Back	30 ft.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	40 ft.
MAXIMUM BUILDING COVERAGE	20%
MAXIMUM LOT COVERAGE	60%
MAXIMUM BUILDING HEIGHT	Either 2½ stories or 35 feet
MINIMUM DISTANCE BETWEEN CURB CUTS	200 ft. along a public street or 100 ft. along an internal private road, but at least one allowed per lot. Property access shall be from side street when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.
FLAG LOTS	Subject to Planning Board Review.
<u>MINIMUM DISTANCE BETWEEN CERTAIN USES</u>	<u>No adult amusement store may be located closer than 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).</u>

13. Plaza Commercial Zone "PC" Regulations.

A. Purpose.

The purpose of the Plaza Commercial Zone is to accommodate commercial centers for highway-oriented businesses.

B. Use Regulations.

In a Plaza Commercial Zone "PC" no building or land shall be used, and no building shall hereafter be erected or structurally altered, except as provided herein, unless otherwise provided for in this Article.

\* \* \*

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), whether or not the institution of the use requires the construction, renovation, or addition to a structure. The Planning Board shall review and grant, grant with conditions, or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant.

(a) Adult Amusement Stores.

~~(3)~~ Prohibited Uses

\* \* \*

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 304-13 "PC" ZONE

	NONRESIDENTIAL USE
MINIMUM LOT SIZE	87,120 sq. ft.
MINIMUM STREET FRONTAGE	300 ft. along a public street
MINIMUM SETBACKS	
Front	50 ft.
However, if the area between the principal structure and the front lot line (extending the full width of the lot) is landscaped and remains unpaved except for sidewalks and access drives and not used for off-street parking or outdoor storage	30 ft.
Side	50 ft.
Back	50 ft.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	75 ft.
Side and back setback abutting non-residential use which is also within the "PC" zone	6 ft.
MAXIMUM LOT COVERAGE	85%
MAXIMUM BUILDING HEIGHT	Either 2½ stories or 35 feet
MINIMUM DISTANCE BETWEEN CURB CUTS WITHIN LOT OR ANY OTHER CURB CUT	300 ft. along a public street, but at least one allowed per lot. This provision may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

<u>MINIMUM DISTANCE BETWEEN CERTAIN USES</u>	<u>No adult amusement store may be located closer than 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).</u>
--	--

**Sec. 19-315 Signs**

\* \* \*

3. Sign Standards.

A. Permitted Signs. Only signs which refer to the legal use of the property, provided such signs conform to the provisions of this Ordinance, are permitted:

\* \* \*

**ADD:**

(10) Adult Business Store Signs. Notwithstanding anything to the contrary herein, an adult amusement store shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise free-standing or attached wall sign only. No such sign shall:

- (a) Be placed in any window, except that one sign no larger than one (1) sq. ft. may be placed on the door to state only the store's hours of operation and that admittance is for adults only;
- (b) Be neon or internally-illuminated or contain any flashing lights, moving elements, or mechanically changing messages;
- (c) Contain any depiction of the human form or any part thereof, whether by photograph, painting, drawing, silhouette, or pictorial representation;
- (d) Contain any sexually explicit or suggestive language such as "nude dancing" or "Girls, Girls, Girls," etc.; or
- (e) Be located off-site;
- (f) Have more than two display surfaces; or;
- (g) Exceed twenty (20) sq. ft.

Any sign located on the premises of a multi-unit commercial center such as a shopping center or plaza and identifying one or more of the businesses that comprise the center shall also comply with this subsection if such sign identifies an Adult Amusement Store on the premises.

Sponsor: Councilor MacLellan-Ruf  
Originator: Code Enforcement Officer

Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

Councilor MacLellan-Ruf moved passage.

Councilor Hebert asked if the minimum distance between such a business and another business was measured from the respective entrances of the businesses or from the property lines containing the businesses.

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The City Attorney said that the intent of the ordinance is that such a measurement be made from the entrance to the adult amusement store to the property line of the incompatible use.

Councilor Hebert said that this provision needs to be clarified as it was not clear how this provision would be enforced in a plaza with adjacent stores.

Councilor Isganitis agreed, saying that how the 300 feet is to be measure in a plaza needs to be clarified.

Vote: 4 for.

A public hearing was set for December 8, 2014 at 7:00 p.m.

#39 Chapter 11, Article XII Licensing of Adult Amusement Stores

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 11, Licenses, Permits And Franchises, BE AMENDED AS FOLLOWS:**

**Findings:**

The City Council hereby finds that adult amusement stores in communities in Maine and elsewhere are associated with a wide variety of deleterious secondary effects including, without limitation, personal and property crimes, prostitution, potential spread of disease, public lewdness and indecency, obscenity, illicit drug use and trafficking, negative impacts on the condition and value of closely-situated surrounding properties, urban blight, litter, and sexual assault and exploitation. The proper operation and management of such establishments, by responsible and reputable business persons, and their proper geographic separation from residences, schools, daycares, places of worship, recreational facilities, parks, playing fields, playgrounds, liquor licensees, and other incompatible land uses, are important tools for minimizing the risk that such deleterious effects may ensue. These findings are supported by research and studies by municipalities and others across the Nation, reflected in a substantial published literature on the subject, including materials provided by City staff for the Council’s review and consideration, which materials are incorporated herein by reference as part of the record of the adoption of the following regulations for adult amusement stores.

The City Council further finds that preventing the deleterious secondary effects associated with adult amusement stores through the adoption of content-neutral licensure requirements for such establishments falls within the City of Rockland’s inherent police power as a municipal corporation and subdivision of the State of Maine, and its home rule authority granted by the Legislature pursuant to Title 30-A, Maine Revised Statutes, Section 3001, and serves the substantial governmental interest in preventing such deleterious effects. Finally, the regulations adopted herein are intended to be no greater than is necessary to achieve the purpose of preventing the deleterious secondary effects associated with adult amusement stores.

**Retroactivity:**

Notwithstanding the provisions of Title 1, Maine Revised Statutes, Section 302 and Rockland Code of Ordinances, Ch. 2, Art. II, Sec. 2-212, Subsec. (31), this ordinance amendment shall be retroactive, and effective as of October 1, 2014.

**ADD:**

**ARTICLE XII Licensing of Adult Amusement Stores**

**Sec. 11-1201 Purpose**

The purpose for licensing Adult Amusement Stores, as defined herein, is to establish reasonable and uniform regulations to prevent the deleterious secondary impacts of such establishments within the City of Rockland. It is not the purpose of this ordinance amendment to ban adult amusement stores, or to limit the content of, or access to, protected speech or expression.

**Sec. 11-1202 License Required**

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, whether for members or the general public, any premises, building, apartment, or place for use as an Adult Amusement Store without first having obtained an Adult Amusement Store license and paying the application and/or license fee(s) established therefor by Order of the City Council.

**Sec. 11-1203 Licensing Authority**

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The City Clerk may issue an Adult Amusement Store license only upon its approval by the Municipal Officers, after notice and public hearing. Notice shall be given by the Clerk, pursuant to the provisions of Section 11-1210 of this Article. The Municipal Officers shall approve an Adult Amusement Store license when they find that the applicant is in strict compliance with the requirements of this Article and the other applicable codes and ordinances of the City of Rockland. In the event the City Council fails to hear and rule upon an Adult Business Store application within sixty (60) days of the date of the application, it shall be deemed to have been denied.

**Sec. 11-1204 Definitions**

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

1. **Adult Amusement Store.** Any establishment having as a portion of its stock in trade, whether for sale, rental, or other use, or that derives any revenue from the sale, rental, or other use of, any "sexual device," or any live or filmed, animated, printed, or digitized depiction or description of "specified sexual activity" or "specified anatomical area;" provided however that an establishment that sells any "sexual device" or sells or rents any filmed, animated, printed, or digitized depiction or description of any "specified sexual activity" or "specified anatomical area" and whose inventory for such purposes does not exceed 10% of total inventory wholesale value or generate in excess of 10% of the revenue of the establishment shall not constitute an "adult amusement store." For the purposes of this definition, a "sexual device" shall mean a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus, but shall not include a device primarily intended for preventing pregnancy or for protection against sexually transmitted diseases; "specified sexual activity" shall mean any sexual act including intercourse or other sexual contact as defined under Maine law, masturbation, sodomy, fondling or touching of human genitals, pubic region, breast, buttocks, or anus, or any depiction of human genitals in a state of sexual stimulation or arousal; and "specified anatomical area" shall mean less than completely and opaquely covered human genitals, pubic region, female breast below a point immediately above the top of the areola, buttocks, or anus not depicted for a legitimate medical, educational, or scientific purpose.

2. **Officer.** Any officer, director, stockholder, owner, manager or person who either has a financial interest of any nature in an Adult Amusement Store or directs any policy of an Adult Amusement Store.

3. **Person.** Any individual, person, firm, corporation, association, partnership, or organization.

**Sec. 11-1205 Fees**

The City Council may establish a reasonable, non-refundable application fee for processing and giving notice of applications for Adult Amusement Store licenses and performing investigations and inspections therefor. The City Council may establish a reasonable, non-refundable license fee for inspecting and monitoring licensees' compliance of Adult Amusement Store licensees.

**Sec. 11-1206 Application and Information**

Every applicant for an Adult Amusement Store license shall:

1. Complete and file an application on a form prescribed by the City Clerk;

2. Pay in advance the non-refundable application fee and/or license fee;

3. Provide to the City Clerk all information and materials requested in the application or by a responsible municipal official, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, or articles of association and bylaws if the applicant is an association;

4. Submit, under oath, an affidavit in which the applicant identifies all officers, operators, and/or managers of the applicant, and of applicant's employees to be employed at the licensed premises, and states their dates of birth, social security numbers, current addresses, and prior addresses during the immediately preceding three (3) years.

The submission of false information in an application for a license shall be a violation of this Article and of 17-A M.R.S. § 452, and such act shall be ground for the denial of the application.



**Sec. 11-1207 Qualification of Officers**

To be eligible for an Adult Amusement Store license, no officer, operator, or manager of the applicant shall have been convicted, at any time, of a Class A, B, or C crime or, irrespective of the classification of the crime, of any offense relating to prostitution, unlawful sexual conduct, or trafficking a controlled substance. Each such officer, operator, or manager of the applicant shall file the release authorized by 16 M.R.S. § 620 (Criminal History Record Information Act) with the application. Failure to provide such a release shall be a ground for denial of the application.

**Sec. 11-1208 Administrative Denial of Application**

The City Clerk shall deny an application for an Adult Amusement Store license upon the occurrence of one or more of the following:

1. Applicant, upon notice, fails to submit information required under Sec. 12-1206;
2. Applicant fails to pay the non-refundable application fee established by the Council pursuant to Sec. 11-1205;
3. Applicant or an officer, manager, or operator of the applicant has been convicted of a crime that makes the applicant ineligible for a license pursuant to Sec. 11-1207.

**Sec. 11-1209 Investigation of Applicant**

Upon receipt of each application for an Adult Amusement Store license or notice of a change of operator(s) or manager(s):

1. Compliance with Ordinances. The Code Officer shall inspect and verify that the premises of the proposed Adult Amusement Store, comply with the applicable ordinances of the City of Rockland, including but not by way of limitation, the Building Code, Electrical Code, Plumbing Code, and Zoning Ordinance and shall report his findings in writing to the Municipal Officers.
2. City Clerk. The City Clerk shall review the application and other documents and determine whether such documents indicate that the requirements of the Article have been met and shall report his findings in writing to the Municipal Officers.
3. Inspection by Fire Chief. The Fire Chief shall cause an inspection to be made of the proposed location of the Adult Amusement Store for the purpose of determining if City ordinances concerning fire and safety have been complied with. He shall submit a report of his findings in writing to the Municipal Officers.
4. Investigation by Police Chief. The Police Chief shall cause an investigation to be made of the officer(s), operator(s), and manager(s) of the proposed Adult Amusement Store and shall report his findings in writing to the Municipal Officers.

**Sec. 11-1210 Notice of Hearing**

After receipt of the written reports required by Section 11-1210, the City Clerk shall give notice of the public hearings on applications for Adult Amusement Stores in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, the nature of the matter to be heard, the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven (7) days in advance of the hearing date by regular United States mail.

Notices shall be given to each of the following, as specified:

1. Residents. To all residents of the City by publication in a newspaper of general circulation in the City at least once, not more than thirty (30) nor less than five (5) days before the date of the hearing.
2. Abutters. To the owners of all the property within five hundred (500) feet of such parcel or tract by mail.



3. Property Owners Defined. For the purpose of this Section, the owners of property, shall be considered to be the parties listed by the Assessor's Department of the City of Rockland as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the Municipal Officers.

**Sec. 11-1211 City Council Review Criteria**

The Council shall approve and the Clerk shall subsequently issue an Adult Amusement Store license unless the Council finds, after notice and hearing, that:

1. The applicant is a person who is a minor;
2. The applicant provided false information in its application;
3. The applicant previously held a license or other permission to operate an adult amusement store or similar establishment that, within two years prior to the date of his application in Rockland was either (A) revoked by a municipality, or (B) found to constitute a public nuisance;
4. The applicant has, within two years prior to the date of his application, failed timely to pay any tax, fee, fine, or penalty;
5. The applicant failed to obtain a sales tax certificate from the State of Maine; or
6. The proposed store is likely to endanger public safety, for specified reasons.

**Sec. 11-1212 Operations**

In addition to and notwithstanding any other applicable provisions in this Code of Ordinances, Adult Amusement Store licensees shall be subject to the following restrictions and requirements:

1. No merchandise or pictures of the products or entertainment offered on the premises may be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building, or from another parcel;
2. Licensee shall remain in compliance with the provisions for Adult Amusement Store signage set forth in Sec. 19-315;
3. Licensee may not employ any minor at or in connection with the Adult Amusement Store;
4. Licensee may not employ any person who has ever been convicted of a Class A, B, or C crime or, irrespective of the classification of the crime, of any offense relating to prostitution, unlawful sexual conduct, or trafficking a controlled substance;
5. The Adult Amusement Store shall be closed and vacated by the public each day from 12:00 **Midnight** to 6:00 A.M. During the hours that an Adult Amusement Store must remain closed, no members of the public or other persons, other than regular employees, may be on or remain therein;
6. No person may possess opened containers of or consume any alcoholic beverage on the licensed premises, at any time;
7. No licensee shall knowingly permit any illegal activities to take place on the licensed premises;
8. Every Adult Amusement Store shall include at least one interior Manager's Station, not to exceed thirty-two (32) sq. ft. in floor area. Licensee shall assure that at least one employee is on duty at all times and stationed at such Manager's Station. The interior of the premises shall be so configured as to ensure that the entire interior of the premises to which any patron is admitted for any purpose is within the unobstructed view of employees at one or more Manager's Stations;

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civil violation and subject to a fine not exceeding five hundred dollars (\$500) per day. Each day that a violation continues is a separate offense.

Sponsor: Councilor MacLellan-Ruf  
Originator: Police Chief



Reading of the amendment was waived, without objection from the Council, and the amendment was paraphrased by the City Attorney.

Councilor MacLellan-Ruf moved passage.

Vote: 4 for.

A public hearing was set for December 8, 2014 at 7:00 p.m.

**Orders:**

#86 Accepting 2014 CDBG Home Repair Network Grant

**THAT, WHEREAS,** the City of Rockland has served as the lead community for the 2003 through 2013 Home Repair Network Programs; and

**WHEREAS,** 2014 Home Repair Network Program funds in the amount of \$1,700,000 will be distributed through a set aside of CDBG funds provided to the City of Rockland as the lead community; and

**WHEREAS,** the City of Rockland as the lead community has establish a legally binding contract with each of the participating Maine Community Action Agencies or other approved entity identified for the Home Repair Network delivery system as approved by the Maine Department of Economic and Community Development’s Office of Community Development; and

**WHEREAS,** the City of Rockland will receive \$5,000 in administrative funding as lead community for this program.

**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 the purpose and in the manner stated in the State of Maine’s 2014 CDBG Program Statement as pertains to the Home Repair Network; and

(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.

Sponsor: City Manager  
Originator: Community Development Director

Councilor Hebert moved passage.

Vote: 4 for.

#87 Accepting Forfeited Assets – MacDonald/Williams

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

**THAT,** pursuant to 15 M.R.S. §§ 5824(3) and 5826(6), the City of Rockland hereby grants approval of the transfer of the Defendants *in Rem* listed below, or any portion thereof, on the ground that the Rockland Police Department did make a substantial contribution to the investigation of the cases:

- \$5,838.00 U. S. Currency, State of Maine v. Daeshawn MacDonald, Superior Court Docket #CR-14-232;
- \$4,592.00 U. S. Currency, State of Maine v. Daniel Williams, Superior Court Docket #CR-14-235.

Sponsor: City Manager  
Originator: Police Department

Regular Meeting, Order #87 continued:

November 10, 2014

Councilor Hebert moved passage.

Vote: 4 for.

#88 Authorizing Use of City Property & Fee Waiver – Holiday Season

**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 2014 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 Tuesday, November 18, 2014, and hang a banner across Main Street promoting the Festival of Lights;
- Installation of “Santa’s Workshop” in Winslow Holbrook Memorial Park on November 24, 2014;
- Main, Union and Park Streets at or after 12:00 noon on Friday, November 28, 2014, 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. (construction of the “tree” may begin on November 19, 2014);
- Main Street, between the entrance to the Maine State Ferry Terminal and the entrance to Harbor Park, on Saturday, November 29, 2014, from 5:00 p.m. to 8:00 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.).

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 Isganitis moved passage.

Councilor Hebert said that these are a great series of events that many people looks forward to every year.

Vote: 4 for.

#89 Authorizing Request for Proposals – Place-Making Code Development

**WHEREAS**, the City of Rockland Economic Development Advisory Committee (“EDAC”) worked for eighteen months with Friends of Midcoast Maine to establish a community vision and development recommendations to enhance economic activity along the Camden Street Route 1 Corridor in a manner reflective of Rockland’s community values and strengths; and

**WHEREAS**, EDAC and its consultants documented their work and resulting recommendations in a November 26, 2013, “Rockland Rockport Commercial Corridor Design Study” (prepared by Terrence J. DeWan & Associates and HNTB Traffic & Transportation Planning) and December 2013 “Design Principles Summary” (prepared by Friends of Midcoast Maine) (collectively, the “Camden Street Study;” and

**WHEREAS**, on January 13, 2014, in Order #4, the City Council formally accepted the Camden Street Study, and directed EDAC and the Comprehensive Planning Commission (COMPS) jointly to develop for Council review a list of recommended land use ordinance changes to foster the development of Camden Street in a manner consistent with the Camden Street Study; and

**WHEREAS**, on August 28, 2014, COMPS and EDAC jointly recommended to the City Council that the City Council approve funding to provide professional planning assistance to develop form-based codes (a/k/a “place- making codes) for the Camden Street Corridor,

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

**THAT**, the City Council authorizes the City Manager to solicit proposals for professional planning services to assist

COMPS (1) in the development of place-making type zoning for both the Camden Street and Park/Payne Route 1 Corridors; (2) engage the community in developing place-making code options for the commercial corridor segments identified in the recommendations from COMPS and REDAC; and (3) develop zoning amendments for Council consideration; and

**THAT**, said consultant services be funded from the \_\_\_\_\_ account(s).

Sponsor: City Council  
Originator: Economic Development Advisory Committee  
and Comprehensive Planning Commission

Councilor MacLellan-Ruf moved passage.

Councilor Isganitis moved to amend Order #89 as follows: amend the last paragraph to read as follows: **“THAT**, said consultant services be funded from the \_\_\_\_\_ account(s) Tillson Avenue TIF (Acct. #10000-01899) and the Fisher TIF (Acct. #10000-01898) not to exceed \$30,000.”

Councilor Hebert asked if this would impact other planned uses for these funds.

The City Manager said that there are sufficient funds in these account to accomplish what has been previously planned and this proposal. If these funds are not allocated, the City may have to reallocate other funds or postpone this proposal until 2016.

Councilor Hebert said that he was not comfortable using TIF funds for this purpose. He said he would be more comfortable using funds from the City Land Sales Reserve Account.

Councilor Isganitis asked the City Manager if it would be easier to use funds from the Land Sales Reserve rather than the TIF accounts.

The City Manager said that it would free up the TIF monies for other purposes.

Councilor Isganitis then withdrew is motion to amend Order #89, and moved to amend Order #89 as follows: amend the last paragraph to read as follows: **“THAT**, said consultant services be funded from the \_\_\_\_\_ account(s) City Land Sales Reserve Account (#70000-01724) not to exceed \$30,000.”

Vote on amendment: 4 for.

Vote as amended: 4 for.

#90 Authorizing Expenditure of Reserve Funds – Pump Station Repairs

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

**THAT** the City Manager is hereby authorized to expend up to \$18,000 from the Sewer Renew and Replacement Reserve Account (#70000-01668) to replace an underground control valve at the Glenwood Avenue pump station.

Sponsor: City Manager  
Originator: City Manager

Councilor Hebert moved passage.

Vote: 4 for.

#91 Adopting City Council FY 2015/16 Work Plan

**WHEREAS**, the Council seeks to identify those areas within City government where changes may be needed for the City to meet the challenges and capitalize on opportunities in a changing community; and

**WHEREAS**, the Council seeks to work with the Manager to develop and support a culture within City government that is focused on efficiency and quality and safety in the delivery of City services; and

**WHEREAS**, the Council and Manager desire to identify those areas within the City Budget for which potentially significant changes might be warranted well ahead of the budgeting process; and

**WHEREAS**, the Council held three work sessions to develop a Work Plan for FY15 and FY 16 and the Manager solicited questions and ideas from all department heads and met individually with each department head to review and refine possible priority projects;

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

**THAT**, the City Council adopts the FY15/FY16 Work Plan dated November 10, 2014 and included herein by reference as roadmap for Council work sessions and action items for the next six to eighteen months and as priority projects for the City Manager to develop and bring back before Council, or implement, as appropriate; and

**THAT**, the City Council directs the City Manager to report back to the Council on the status of Work Plan items at least quarterly and to include in the City Manager’s Report routine status updates on projects and questions identified in the FY14/FY15 Work Plan

Sponsor: City Council  
Originator: City Council

Councilor MacLellan-Ruf moved passage.

Vote: 4 for.

With no further business to come before the City Council, Councilor Hebert moved to adjourn. Without objection from the Council the meeting was adjourned at 9:13 p.m.

A TRUE COPY.

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

**ANNUAL ORGANIZATIONAL MEETING**

**November 17, 2014**

Swearing In of Newly-Elected City Council Members  
Election of Mayor by the City Council

The meeting was called to order by the City Clerk at 7:30 p.m. with the following members answering the roll call: Councilors Frank Isganitis, Louise MacLellan-Ruf and Larry Pritchett, Councilors-Elect Valli Geiger and William Clayton, City Manager Luttrell, and City Attorney Beal.

**Swearing In of Newly Elected City Council Members:** The City Clerk administered the Oath of Office to Councilors-Elect Valli Geiger and William Clayton, and each member took their seats on the City Council.

**Election of Mayor by the City Council:** On the first ballot, Councilor Frank Isganitis was elected Mayor of the City of Rockland for the ensuing year by a 3-2 vote. Voting for Councilor Isganitis were Councilors Isganitis, Clayton and MacLellan-Ruf. Casting votes for Councilor Larry Pritchett were Councilors Pritchett and Geiger.

Mayor Isganitis thanked the Council for its support in electing him Mayor and thanked the voters of the City for the good turnout at the November 4<sup>th</sup> election. He noted that Council members want to hear from the public and that they are available by phone or email practically 24/7. He said that the public is not limited to the 5 minutes at the podium during the public forums if they want to discuss an issue with a member of Council. He said that he looks forward to working with the members of Council, city staff and the public to move the City forward.

With no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 7:36 p.m.

A TRUE COPY.

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

**SPECIAL MEETING**

**AGENDA**

**December 1, 2014**

Work Session with Rick Rockwell – Main Street Properties  
Set Agenda for December 8, 2014 Regular Meeting

The meeting was called to order by the Mayor at 6:30 p.m. with the following members answering the roll call: Mayor Frank

Special Meeting continued:

December 1, 2014

Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Luttrell, and City Attorney Beal.

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

**Public Forum:** Prior to the beginning of the public forum, Mayor Isganitis announced that he intended to closely follow the rules of procedures regarding public forums; ie that public forums will be limited to the allotted time (15 minutes for Special Meetings and 30 minutes for Regular Meeting) and that speakers will be limited to no more than 3 minutes each. He said that the purpose of City Council meetings is for the Council to conduct the business of the City, and added that Councilors are available to the public practically 24/7 via phone or email so there is ample opportunity for the public to engage with Council members on any issue with which they are interested.

The public forum was opened with the following persons speaking on the following issues:

- Amy Files, 39 Pleasant Street, spoke concerning the proposed Sewer Lateral Inspection, Maintenance and Repair Ordinance (Ordinance Amendment #24), saying that she was not suggesting that the City do nothing about the aging and decaying infrastructure and agreeing that something certainly needs to be done to address the issue, but she did not feel it was appropriate for the City to place the burden of paying for those repairs on the individual homeowners.

- Bethany Berry, 59 Crescent Street, also spoke in opposition to Ordinance Amendment #24, saying that it would unduly burden the property owners.

- David Myslabodski, 53 Broad Street, said that the City is in a financial crisis and that there are items on this agenda that will end up costing the taxpayers millions of dollars. He said that the City Council needs to start considering the financial impact of every single piece of legislation it enacts and add a fiscal impact statement to each ordinance, order and resolution that it adopts.

Hearing no other speakers, the public forum was closed.

**Work Session with Rick Rockwell – Main Street Properties:** The Council then held a work session with Rick Rockwell, owner of several properties on Main Street, about his plans for redevelopment of these properties. Mr. Rockwell asked for the Council's consideration of a credit enhance agreement for these properties to allow the extensive renovations and redevelopment of the properties that he has planned. The Council directed staff to work with Mr. Rockwell and bring a proposal back to the Council for its consideration.

**Set Agenda for December 8, 2014 Regular Meeting:** The Council then set the agenda for the December 8, 2014 Regular Meeting.

With no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 9:25 p.m.

A TRUE COPY.

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